



NOT NOW, NOT EVER



COVER

The single stem of the flower signifies the isolation felt by victims of domestic and family violence. Its watercolour treatment evokes compassion and sensitivity. The bouquet on the back cover represents hope, and the belief that domestic and family violence is our community's responsibility. To victims and survivors it says, 'you are not alone.'

ARTWORK

Kathleen Casford

NOT NOW, NOT EVER

Putting an End to
Domestic and Family Violence in Queensland

PROTEA

The protea symbolises diversity and courage. It stands for change and transformation, and signifies daring and resourcefulness.

Domestic violence can affect anyone, regardless of age, gender or wealth, where they live or their cultural background. Those who are affected by this insidious form of violence show enormous courage in telling their stories in their own words.

Moving on from domestic and family violence takes great daring and resourcefulness. People who have told their story have demonstrated that they will not be defined by their experiences of violence and that change is possible.

The protea was chosen as the emblem of the Taskforce on Domestic and Family Violence. Step by step, everyone can make a difference to change society's attitudes and work towards making domestic and family violence a thing of the past.

Courage
noun

strength in the face of pain or grief.

Transformation
noun

a marked change in form, nature, or appearance.

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THE TASKFORCE



Mr Ian Kaye MP, former Member for Greenslopes; Ms Anne Cross, Chief Executive Officer, UnitingCare Queensland; The Honourable Quentin Bryce AD CVO; Ms Ada Panawya Woolla, Aurukun Local Commissioner, Family Responsibilities Commission; Ms Heather Nancarrow, Chief Executive Officer, Australia's National Research Organisation for Women's Safety; Mrs Desley Scott MP, former Member for Woodridge; Mrs Liz Cunningham MP, former Independent Member for Gladstone; Ms Kerry Millard MP, former Member for Sandgate.

FOREWORD

In the 1970s we started to face up to the hidden shame and tragedy of domestic abuse. The first shelter for battered wives and children, ‘Elsie’, was established in Sydney by feminist Dr Anne Summers AO.

Today there are more than 300 women’s refuges around Australia and there have been many advances in the past 40 years in how we deal with domestic abuse, but the deeply disturbing fact is that this terrible scourge on our community is increasing in incidence and severity.

In Queensland the number of reported incidents increased from 58,000 in 2011-12 to 66,000 in 2013-14. What this means is that there are about 180 reports to police of domestic violence incidents every day.

During the past five months, my fellow Taskforce members and I have travelled the length and breadth of Queensland to hear stories of desperate abuse and violence so abhorrent that it hardly bears thinking about.

But think about it we must. It is beholden upon all of us—every single citizen of this diverse, vibrant state—to take a stand against domestic and family violence; to commit to protecting the vulnerable; and to make it clear to those who would hurt another, within a relationship of intimacy and trust, that we will not tolerate, excuse, condone or accept their behaviour.

This Report delves into the nature of domestic and family violence and documents some of the work of the deeply committed people who provide services to victims and perpetrators of abuse. The Report tells the stories of those who have suffered, and those who work to stop the violence.

Most importantly it provides recommendations and insights gathered and developed by the Taskforce to provide to the Premier to set the vision and direction for a Queensland strategy to stop domestic and family violence.

I am proud of the work the Taskforce has done. We have met with hundreds of people across our state. I have been encouraged to observe heightened community discourse on domestic and family violence in Queensland and nationally, particularly during recent months. The increased awareness and concern that this demonstrates can only be a good thing. It is important to acknowledge the significant and constructive role the media has played in helping to get the message out.

The stories victims and those who give support have shared have been moving and powerful. They have guided the Taskforce’s deliberations and motivated our efforts and our determination to lead real change.

The Taskforce recognises that, even as our final Report and recommendations are delivered, inquiries into domestic and family violence are underway in Victoria and at a national level. This country-wide focus is an opportunity to maintain the momentum toward reform and energise the community conversation we must have.

These inquiries provide a safe forum for victims, their families, perpetrators and service providers to tell their stories.

It is through listening, sharing and understanding the experiences of those subjected to abuse and violence that we can start to understand how we can put an end to violence, and the action that must be taken.

As we learnt more about domestic and family violence in Queensland, it became clear that three broad areas of reform are necessary; changes in our culture and attitudes, reform to the responses to incidents of abuse and its victims, and reform to the response from our justice system.

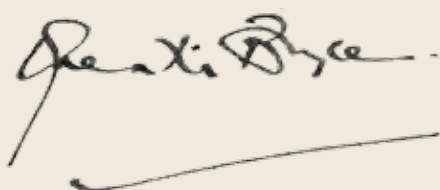
These areas—culture and attitude, integrated responses, and justice and the law—form the foundation of this Report.

The Taskforce has endeavoured to provide practical solutions to many of the problems that victims' services face. In addition we have set aspirational goals which will be realised through a Queensland domestic and family violence strategy.

I want to acknowledge the members of this Taskforce for their dedication to the important and challenging role we were given. Their time, resources and commitment have been unstinting, I thank them for this and for their friendship.

I commend the Report to the Premier and to the people of Queensland.

Let us together send a message to Queenslanders. Not now, not ever. We must eliminate domestic and family violence.

A handwritten signature in black ink, appearing to read "Quentin Bryce". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Quentin Bryce

“LET US TOGETHER SEND A
MESSAGE TO QUEENSLANDERS
– **NOT NOW, NOT EVER** –
WE MUST ELIMINATE DOMESTIC
AND FAMILY VIOLENCE
IN OUR COMMUNITY.”



‘VICTIM’ OR ‘SURVIVOR’

During the Taskforce review, careful consideration was given to the appropriate use of terms to refer to those who commit acts of domestic and family violence and individuals who are experiencing or have suffered domestic and family violence. The term ‘victim’ is most commonly used in public discourse, despite there being a contrary view that use of the term can be disempowering for the subject individual, and a preference is sometimes expressed for use of the term ‘survivor’.

The Oxford Dictionary defines ‘victim’ as “*a person harmed, injured or killed as a result of a crime, accident or other event or action*”. ‘Survivor’ is defined as “*a person who survives, especially a person remaining alive after an event in which others have died*”. In drafting the Report, it was decided to make use of the terms ‘victim’ and ‘survivor’ interchangeably to convey the understanding that domestic and family violence is a process of victimisation. What happens to a person may be beyond their power, but people can survive domestic and family violence and move on with their lives.

ACKNOWLEDGEMENTS

The Taskforce would like to acknowledge and thank all of the hundreds of individuals who have given their time to the Taskforce. We travelled to many communities throughout Queensland to speak personally with those who have been affected by domestic violence and those who provide the essential services to support them in their time of need. We heard and read many deeply personal stories and recognise how difficult it is to re-tell these stories but it is these very stories that have been fundamental to the Taskforce in gaining insight into the reality of domestic and family violence.

Our journey and engagement on the issue has been diverse, from listening tours that visited government agencies, service providers (response and prevention), advocates, community leaders, special interest groups and those affected by domestic and family violence, to summits that elevated the issue; while focus groups, roundtables and individual/group meetings raised and discussed important questions with the community. We also received many personal stories sharing individual and family experiences and perspectives and formal submissions from experts from different fields interested and/or involved in the domestic and family violence space.

Your openness, honesty and participation has been invaluable to the Taskforce in understanding the impact of domestic and family violence. Your willingness to speak out and share your stories is an important step in raising awareness in our community that each and every one of us has a role to play in preventing and putting a stop to domestic and family violence.

The Taskforce would also like to acknowledge the support and efforts of the Secretariat.

EXECUTIVE SUMMARY

Overview

The Special Taskforce on Domestic and Family Violence in Queensland (the Taskforce), chaired by The Honourable Quentin Bryce AD CVO, was established on 10 September 2014. The Taskforce was requested to deliver a report to the Premier of Queensland by 28 February 2015.

The Taskforce's role has been to define the domestic and family violence landscape in Queensland, and make recommendations to inform the development of a long term vision and strategy for Government and the community, to rid our state of this insidious form of violence.

In doing so, the Taskforce has been guided by its Terms of Reference, as well as the stories, submissions, ideas and research provided to the Taskforce by many Queenslanders. The support from individuals, service providers and government agencies during the course of the review was inspiring and profoundly affected Taskforce members.

Over the five months the Taskforce took to review the domestic and family violence landscape in Queensland, it: received 185 submissions from courageous men and women who had experienced domestic and family violence; met with 367 different groups of victims, service providers and community leaders; hosted awareness raising events in which 457 Queenslanders participated; commissioned focus groups that spoke with 164 people and considered the 961 completed surveys undertaken at the commencement of the review.

In 2013-14, there were 66,016 occurrences of domestic and family violence reported to Queensland police. This equates to over 180 incidents of domestic and family violence being reported every day across the state. 17 homicides relating to domestic and family violence occurred in Queensland in 2012-13. On average, across Australia, one woman is killed by her partner every week. The annual cost of domestic and family violence to the Queensland economy is estimated to be between \$2.7 billion to \$3.2 billion.

These are stark and disturbing figures.

The picture in Aboriginal and Torres Strait Islander communities is even bleaker. The Taskforce was deeply distressed by what it heard about violence in these vulnerable communities. Violence and abuse is reported as being so prevalent in some communities as to have become normalised – the people who live there consider violence to be a part of 'every day' life. The lack of support services and poor access to the justice system compound the violence and make it virtually impossible for victims, who are predominantly women and children, to escape.

But there is cause for hope. Domestic and family violence awareness and prevention messages have been a prominent theme in our national discourse. Initiatives such as White Ribbon (a male-led campaign) and Australia's CEO Challenge (a workplace domestic violence prevention program) are driving campaigns to break the silence surrounding domestic and family violence. The naming of Rosie Batty as 2015 Australian of the Year, for her campaign against family violence recognised the voice of an inspiring survivor and campaigner for family violence. There is clear momentum for change, and it is the Taskforce's hope that the recommendations in this Report will build on that momentum and create a turning point in our efforts to stop domestic and family violence.

The tremendous input from the community ensured that the Taskforce was able to gain in-depth insights into the culture that allows domestic and family violence to flourish, and into the systems and support services that help victims. These insights allowed us to develop a comprehensive suite of recommendations for a framework for a Queensland Domestic and Family Violence Prevention Strategy.

Domestic and family violence, in all forms, is a violation of basic human rights. Everyone, regardless of their sex, religion, nationality, race, language, relationship, or living arrangements, has the right to feel safe and be safe in public and at home. Domestic and family violence, which is perpetrated in the home or among family members, is as much a matter of public concern as crime in the streets. It must not be accepted or excused.

The majority of people who experience domestic and family violence in Queensland are women. This is not to say that women cannot be the perpetrators of fear and violence upon male victims. Men can be and are victims of violence and coercive control, and are victims of domestic and family violence homicides. Any domestic and family violence, regardless of who the victim and perpetrator are, is unacceptable. The statistics (detailed at some length in this Report) tells us, however, that the most common pattern of domestic and family violence is that it is committed by men against women.

Understanding the gendered nature of domestic and family violence is vital in designing the response model and identifying reforms to provide better support to victims and measures to change the culture.

The Taskforce also recognises that there are particular groups more vulnerable and at risk of being abused in a domestic or family situation, than others in the community. These vulnerable groups face challenges unique to them. Aboriginal and Torres Strait Island Australians, people from culturally and linguistically diverse backgrounds, the elderly, people with a disability, people in rural and remote communities, people who identify as lesbian, gay, bisexual, transgender and intersex, and children are all at significantly higher risk from the incidences and impacts of domestic and family violence.

Understanding the needs of these vulnerable groups is critical if we are to be successful in making cultural changes that will lead to safer homes for them. Effective support services and justice services cannot be delivered in isolation from a comprehensive understanding of their needs.

The Taskforce recommends that Government commission specific reviews into the impacts of domestic and family violence for two targeted vulnerable groups - people with a disability and the elderly. There is a distinct lack of sound and helpful evidence on the impact of domestic and family violence for these two groups, and the Taskforce strongly believes that more is needed to understand the needs and dynamics of elderly and disabled victims.

There is already a significant body of research defining family violence and the gaps in services in Aboriginal and Torres Strait Islander communities. There have already been numerous prior reviews and inquiries on the needs of these communities. Rather than recommending yet another review, the Taskforce instead makes substantive recommendations throughout the Report to bring about urgently needed change.

Three fundamental themes emerged during the review, which shaped the Taskforce's Report: the cultural attitudes of our community; the role of services and the importance of an integrated response; and the functions of our legal and justice systems.

As the review progressed, the Taskforce was left in no doubt that there is a direct nexus between culture and community attitudes, and the continued prevalence and perpetration of domestic and family violence. The attitudes, knowledge and beliefs of individuals and communities can and do create a culture that justifies, excuses, perhaps trivialises or even condones or encourages domestic violence.

Culture and attitudes affect the ability of victims to report violence and seek help, and influence the willingness of the community to hold perpetrators to account. It affects the behaviour of the professionals within our police, justice, welfare and service-provider systems when called on to deal with and respond to domestic and family violence. Importantly, culture and attitudes inform and influence the decisions of bystanders to either intervene or ignore incidents of domestic and family violence. Education, media coverage, public and private discourse in homes and in workplaces all play a role in shaping individual and collective attitudes to understanding and responding to the issue.

Changing culture is a challenging and long term goal. Until the vision of a Queensland free from domestic and family violence can be realised, the support services and justice systems must grow and evolve to provide better protection, more comprehensive support and strong accountability to victims and perpetrators. The recommendations in this Report focus on bringing about cultural change, but just as importantly, delve into pragmatic reforms to institutional structures and practice.

To ensure the long term aim of eliminating domestic and family violence can be realised, the Taskforce believes Queensland needs a comprehensive and coordinated Domestic and Family Violence Prevention Strategy – to set the vision and provide the means to get there.

Our vision

The Taskforce has a vision of a Queensland free from domestic and family violence, a Queensland where people feel safe in their own homes and where children can grow and develop in safe, secure environments.

To realise this vision, the Taskforce has a strong message for the community - domestic and family violence is everyone's concern. As a community, we all have a responsibility to stop the behaviour and attitudes that perpetuate the cycle of domestic violence.

The Taskforce calls on Queensland to take up the challenge of ending domestic and family violence. It is time to confront domestic and family violence and declare that it has no place in Queensland society.

In addition to the comprehensive suite of recommendations made in this Report to the Queensland Government, businesses and others with direct responsibilities for service delivery, the Taskforce issues challenges directed at families, friends, neighbours, community leaders and community groups. Unless everyone acts to address this insidious form of violence, we will be limited in what can be achieved under a Strategy.

A Domestic and Family Violence Prevention Strategy for Queensland: The Taskforce's framework for change

The Taskforce's unwavering message is that domestic and family violence prevention is everyone's responsibility. We all must embark on the journey together that will see us realise our vision. Essential to this journey is the Government's role in developing the path. Government must lead, and provide the structure for reform. There must be a Domestic and Family Violence Prevention Strategy that underpins all our efforts. Without a Strategy there will be no coordination, no integration and no way to measure our success.

The recommendations contained in this Report are intended to provide the framework to inform the creation of the Strategy.

A comprehensive strategy is of no use to a community unless it is effectively implemented. Strong oversight and advocacy helps to maintain momentum and ensure agencies and services are motivated to continue striving for better systems and services.

The Taskforce recommends that an independent audit and advocacy oversight body, with a significant involvement in the implementation, be established to provide the momentum for implementation of the recommendations in this report and the forthcoming Strategy. Clear and transparent evaluation and reporting will complement the work of the oversight body to give Queenslanders confidence that we are moving to eliminate domestic and family violence.

The Taskforce urges Government to commence with implementation of the recommendations immediately, and allow for the Strategy to build upon this implementation, rather than waiting to act until there is a formalised Strategy.

Culture and attitudes

We are a diverse people. We represent over 220 different countries, cultures and languages and over 100 faiths. We also live in a State that has climate and land that spans across wet tropics and dry tundra. Our stunning diversity brings richness to our culture and opportunities to all of Queensland. Unfortunately, it also brings differing attitudes and behaviours that can undermine a culture of respectful relationships, equality and freedom from violence.

The Taskforce's recommendations to bring about cultural and attitudinal change are based on three key aspects – increasing awareness and reinforcing intolerance of domestic and family violence through education and engagement; preventing domestic and family violence by building respectful relationships; and supporting victims/survivors of domestic and family violence by empowering the community to intervene and hold perpetrators to account.

We need to create a culture that supports respectful relationships, practices positive attitudes and behaviours, and promotes a culture of non-violence. Attitudes in our society about women require fundamental change. Preventing others from becoming victims of domestic and family violence is the key.

The starting point must be a comprehensive communication strategy to educate and engage the community. This needs to be long term and future focused, and emphasise the seriousness of domestic and family violence, the community's intolerance of domestic violence, and the services available to victims and perpetrators. It must have a clear focus on children and their families and strive for generational change. It needs to capture the attention of all Queenslanders and provide a catalyst for conversations that have previously been kept behind closed doors.

This is no simple task. In-depth understanding of culture and effective means for influencing change is needed. The Taskforce recommends that the communication strategy be informed by multi-disciplinary experts to ensure it will be effective in its messaging.

A communication strategy only goes part of the way. The messages need to be supported by action, by initiatives that encourage individuals to make tangible changes in their behaviour and to support others to also change. Workplaces need to become places that contribute to the messages and support victims in need; schools must embed a culture of respectful relationships within their student bodies; service professionals who undoubtedly have the best opportunities for identifying victims and supporting them to be safe, need proper training and guidance; and those providing direct, specialist support to victims and perpetrators need to be kept safe and healthy.

Immediate action will be achieved by Government taking a leading role as an employer, by making the public service a place where victims are supported with dedicated leave provisions, flexible working arrangements for victims and comprehensive human resource policies in the public service. Business needs to follow.

Professional registration bodies also have a role in leading change, by ensuring that a sound understanding of how to address domestic and family violence forms part of the fundamental training of professionals.

The media has significant capacity to influence the use of language and strengthen the community's understanding of the impacts of domestic and family violence. Guidance to the media is required to better harness this power.

Cultural change will be difficult and may take time, but the steps in the Taskforce's recommendations are a beginning that need to be built upon in the Government's Strategy.

Service responses

The Taskforce comprehensively delved into the services that are available across Queensland for victims/survivors of domestic and family violence, and to the programs available to perpetrators of that violence. There is already a passionate, dedicated service sector, and the people who provide the services work tirelessly under difficult circumstances to support and protect victims of domestic and family violence.

Unfortunately, as passionate and dedicated as this sector is, survivors and service providers consistently raised concerns about significant gaps in services across the state and a general lack of a unified or coordinated response.

Those affected by domestic and family violence typically have complex needs. Responses to domestic and family violence need to draw on a broad range of services to be effective. Knowledge of the particular needs of those affected by domestic and family violence is key to the appropriate design and resourcing of response and support services.

The Taskforce considers the best practice approach is through integrated service responses to domestic and family violence. Integrated service responses need to build on the strengths of current responses to develop a comprehensive and integrated response tailored to, and flexible enough to meet, the needs of victims of domestic and family violence across all areas of the State.

A guided, flexible approach to design and implementation of integrated responses can provide better outcomes for communities and victims affected by domestic and family violence.

Leaving a violent partner or home situation is a difficult step for a victim. If a victim does not know where to go, or does not feel understood or supported by a service, or worse, if there is no service for the particular need, the victim may return to the violence and not try to leave again. Compassionate, coordinated responses provide much needed support to victims trying to leave and will ensure greater success than disjointed and disengaged services can.

The importance of an effective service system response cannot be overstated. When working at its best an integrated service response will save lives, when it fails tragic consequences can ensue. Recent coronial inquests have found that a lack of coordination between services – particularly generalist services such as health and police – contributed to the deaths of victims of domestic homicide.

A starting point for developing integration is to understand what services are already operating in Queensland and where the gaps may be. An audit of existing services will inform a long term investment model that ensures services exist where they are needed most.

A one-size-fits-all approach to designing and delivering integrated service responses across Queensland will not work. Challenges faced by victims and service providers in rural and remote communities are significantly different from those faced by victims in metropolitan communities, which in turn differ from those in Indigenous communities and culturally and linguistically diverse communities. Integrated, holistic and timely responses to domestic and family violence are needed, tailored to the specific needs of each of these communities.

The pages of this Report provide suggestions on how to develop and deliver a model for integrated service responses. Funding for a minimum of five years is required to support the model and must appear in the forward estimates. Immediate changes will be implemented by establishing three pilots for an integrated response - one in an urban area, one in a regional city that includes outreach services for rural and remote communities, and one in an Indigenous community – and two crisis shelters – one in Brisbane and one in Townsville - to keep women and their children safe in the short term.

The Taskforce also found a significant lack in coordinated approaches to identifying and providing emergency responses to high-risk cases. An inter-agency response to high risk cases which complements the integrated service responses will save lives and needs to be progressively established throughout the state.

A common risk assessment framework will support identification of high risk cases and the appropriate services needed for all victims seeking support. There is currently a plethora of methods and tools used to assess risk across Queensland's service sector, which can lead to inconsistency in the delivery of services. Other Australian jurisdictions have commenced work to develop a common risk assessment tool. The Taskforce considers this to be fundamental to achieving proper integration of services in Queensland.

Much of the focus in this Report and elsewhere is placed on victims, but cultural change needs to happen to stop perpetrators from using violence and coercive control in their relationships. Any integrated service response must include programs to address perpetrator behaviour and hold perpetrators to account.

Integrated services will help to keep Queenslanders safer until we can successfully bring about cultural change to realise our vision of a Queensland free from domestic and family violence.

Functions of the legal and justice systems

Alarmingly, the Taskforce heard many stories where the workings of the law and justice system (police and courts) only served to further victimise or marginalise victims. This Report makes recommendations to Government to reform this system so that it supports survivors, achieves fair and protective outcomes for victims and makes perpetrators of violence accountable.

The justice system and its various constituent parts need to reflect on the way they currently operate and draw upon their capacity for reform. Training and specialised practice materials must be developed and made available to police and judicial officers, as well as frontline service delivery providers.

The vulnerability of victims and survivors of domestic and family violence needs to be placed at the forefront. The law needs to be accessible, so that both victims and perpetrators of domestic and family violence can understand the court process and are fully supported in navigating their way through the justice system. Justice responses must be timely, effective and adapted to the complexities and sensitivities that govern the lives of those affected by domestic and family violence.

Several key themes emerged during the review in relation to the law and justice system's response to domestic and family violence: perpetrators must be better held to account for their conduct; the court response must be improved, particularly when family law issues arise; victims need to be better supported through the complex legal system; and police responses need to be swifter, more empathetic and focus more on victim safety.

The Taskforce carefully considered advice and submissions received on the structure of the courts in Queensland and on how the domestic and family violence judicial system intersects with the family law system. From this, it was plain to the Taskforce that the gravity of domestic and family violence can and does get lost in the processes of courts.

To achieve fairer outcomes for victims, the Taskforce recommends specialist domestic and family violence courts, with specialist magistrates. These courts should deal with both civil and criminal domestic and family violence matters and could possibly include child protection and family law children's matters to create efficiency and connections. Specialist courts would ensure that the complexities and nuances of domestic and family violence are appropriately

taken into consideration. Properly trained and dedicated Magistrates will be able to provide fairer, and safer outcomes for victims.

More generally, the court system needs better trained Magistrates, lawyers and court staff so they can more appropriately understand and address the complex dynamics of domestic and family violence and its impact on victims. So many stories heard by the Taskforce involved inexperienced practitioners who could not provide the advice and support needed. This lack of knowledge and experience lends itself to misuse of the justice system by perpetrators as another tool for abuse. Harmful outcomes for women and their children can often be the result.

Assistance for victims throughout the justice process must be improved. This can be achieved through enhanced support services at court, including a state-wide duty-lawyer program, court support workers and interpreters. Victims also need to be heard, and the Taskforce recommends the use of Victim Impact Statements for mandatory consideration by court.

The Queensland Police Service plays an important role as first responders to domestic and family violence incidents. Call outs to domestic and family violence consume significant police resources and often place police officers at unacceptable personal risk of harm.

Unfortunately, the Taskforce heard many stories about the shortcomings of police responses. Many of these shortcomings stem from processes and procedures that inhibit police responses, but many also come from a culture in some areas that does not give sufficient weight to what is seen as 'just a domestic'.

The police response must be improved. This can be done through increased criminal prosecutions of perpetrators through enhanced investigative and evidence gathering and support of victims through the court process. Implementing a pro-active investigation and protection policing policy will enhance victim safety and investment in cultural change and strong leadership will remove any last vestiges of a culture that does not value women nor understand the costs to us all of allowing domestic and family violence to continue.

There has been a sustained and vigorous call throughout Queensland from many quarters for a dedicated criminal offence of domestic and family violence. The Taskforce gave careful and detailed consideration to the many representations made to it on this proposal. The arguments for and against a dedicated offence are many and complex, and the Taskforce delved into all of them to fully understand and come to a recommendation that will best hold perpetrators to account.

Queensland has a combined civil and criminal response to domestic and family violence, i.e. if an act of domestic violence is behaviour which constitutes a criminal offence, police can charge the offender under the Criminal Code, where sufficient evidence exists, in addition to applying for a civil Domestic Violence Order.

During the review, it became apparent to the Taskforce that the difficulties with prosecuting domestic and family violence offences relate more to problems with evidence gathering, witness cooperation, police practice and court processes. It is these elements which have undermined

the effective use of existing Criminal Code provisions. The Taskforce was particularly concerned that simply creating a dedicated offence of domestic and family violence would not alleviate these barriers. Enacting a new offence specifically for domestic and family violence that faced the same evidentiary and process issues, would still not achieve the goal of protecting victims or increasing accountability of perpetrators.

The Taskforce also heard from many victims who did not want their partners to be subjected to criminal proceedings or who feared the impacts to the family of monetary penalties. Service providers were concerned that a dedicated offence would place victims who use violence in retaliation or self-defence at great risk of prosecution.

There are gaps in the existing Criminal Code. For example, the Taskforce was given evidence that showed that strangulation was a key predictor of domestic homicide. A dedicated offence for this serious and violent act needs to be added to the Code and an appropriate penalty applied that takes into account that the act of strangulation within a domestic and family violence situation is a predictor of escalation and increased risk to the victim.

While the Taskforce is not recommending a dedicated offence, it maintains that perpetrators must be held to account for their conduct. There is no doubt that, overwhelmingly, acts of domestic and family violence are also criminal acts. To reinforce the message that such actions are not acceptable in our society, the Taskforce recommends two changes to sentencing laws. Firstly, the Taskforce recommends introduction of a circumstance of aggravation for all criminal offences related to domestic and family violence, so that penalties are commensurate to the crimes.

Secondly, the Taskforce recommends recording on a person's criminal record that the offence was in the context of domestic and family violence. This allows courts to consider the perpetrator's history and conduct in subsequent sentencing for similar matters. A history of violence would also exclude any presumption of bail for perpetrators arrested by police for domestic and family violence related offences.

These sentencing measures, along with an offence of strangulation are more appropriate changes to the way in which the criminal justice system deals with perpetrators of violence, than simply adding an offence that may be no easier to prove than existing offences. Additionally, the Taskforce recommends a review of existing penalties for offenders who repeatedly contravene orders, with a view to strengthening and increasing these penalties.

The recommendations in the Report also include a suite of measures to better protect victims from criminal acts: a trial of Global Positioning System (GPS) monitoring for high risk perpetrators; greater use of conditions excluding perpetrators from home, if the victim wishes; and introduction of a pilot on mandatory attendance at perpetrator programs.

Victims want the violence to stop and the community wants perpetrators to be held to account. The Taskforce is confident that the recommendations in this Report will achieve these.

The challenges

There is more that we can all do in our day-to-day lives, as individuals and as a community, to show those who are suffering that they are not alone. Together, we can put a stop to domestic and family violence.

The Taskforce challenges:

- » Everyone to get to know their neighbours, to report incidents of possible domestic and family violence and not consider the abuse 'just a domestic' or 'not my business'
- » Everyone to hold their relatives and friends accountable for violent and unacceptable behaviour, and not condone or ignore behaviour of family and friends who breach the relationship of trust by engaging in domestic and family violence
- » Families and friends to be networks of safety for people who have suffered domestic and family violence, to provide an environment where victims feel able to seek help and take action to remove themselves from danger and threats of coercion
- » Leaders of all faiths and religions to take a leadership role in fostering and encouraging respectful relationships in their community, and to teach their communities and congregations that coercive control and violence are never acceptable
- » Leaders of faith to provide support to victims of domestic and family violence and encourage their community to do so
- » Professional athletes and sporting teams of all types to model respectful relationships, and to highlight to fans, athletes and team mates that domestic and family violence will not be tolerated
- » Community sporting organisations to 'start the conversation' about domestic and family violence
- » Organised sporting clubs to train coaches, referees and others involved with the sport, including volunteers, to identify when domestic and family violence may be occurring and how to safely intervene
- » Community organisations to play a leadership role in creating a community environment where all members of their community feel empowered to take action to stop violence. This includes helping members to develop skills in preventing and safely intervening in domestic and family violence incidents in their community
- » Parents & Citizens (P&C) associations to proactively work with school principals and teachers to build school communities that model healthy relationships and respect for all, and to support principals and teachers in the delivery of domestic and family violence prevention initiatives for their school
- » Producers and creators of all kinds of media, including the entertainment industry and the on-line community, to take the opportunity to depict domestic and family violence in ways that create a better understanding of the nature of the problem, as well as ways to best respond to either prevent or intervene.

RECOMMENDATIONS



A domestic violence strategy for Queensland: The Taskforce's framework for change

The Taskforce's recommendations are intended to inform a Queensland Domestic and Family Violence Prevention Strategy to achieve a long term vision – where all Queenslanders can live free from violence from a partner or family member, and where children do not have to see or experience family violence. The Taskforce has embraced this vision, and the recommendations throughout the report establish the framework for a sustainable and effective strategy.

This Taskforce recommends that:

(1)

The Queensland Government develops a Domestic and Family Violence Prevention Strategy which:

- a. Is developed through a robust community consultative process
- b. Lays the foundations and creates the building blocks for a Queensland that is free from violence and abuse, and where all Queenslanders act, as individuals and as a collective whole, to place social equality and human rights at the centre of our relationships and interactions with each other
- c. Includes a robust implementation plan
- d. Includes a comprehensive evaluation framework.

(2)

The Queensland Government develops an implementation plan for the recommendations in this Report and the forthcoming Strategy, which includes robust, transparent and accountable oversight, effective evaluation, research and evidence gathering principles, and the flexibility to improve on actions and initiatives.

(3)

The Queensland Government establishes and supports an advocacy and audit oversight body, comprising representatives drawn from key sectors from the Queensland community (including Aboriginal and Torres Strait Islander representation) and with an independent chair. The oversight body should:

- a. Be given the role to audit and undertake advocacy for the implementation of the recommendations of this Report and the Domestic and Family Violence Prevention Strategy
- b. Be required to report to the Premier, initially six monthly, on implementation progress and the performance of the sectors taking action to eliminate domestic and family violence. The frequency of reporting should be reviewed after 12 months from finalisation of the Strategy.

(4)

The Premier of Queensland tables the oversight body's reports in the Queensland Parliament.

(5)

The Queensland Government develops a detailed evaluation framework to evaluate implementation of the Taskforce's recommendations and as part of the Domestic and Family Violence Prevention Strategy and which allows for the assessment of:

- a. The impact of the reform overall in terms of driving change
- b. The specific impact of key initiatives to be progressed under the recommendations and the Strategy in terms of improving outcomes.

(6)

The Queensland Government immediately considers an appropriate resourcing model for the Domestic and Family Violence Death Review Unit in the Office of the State Coroner to ensure it can best perform its functions to enable policy makers to better understand and prevent domestic and family violence.

(7)

Protocols be developed with the Domestic and Family Violence Death Review Unit to ensure that government departments with relevant policy development responsibilities have access to the research and resources available from the Unit.

(8)

In consultation with key domestic violence stakeholders, the Queensland Government immediately establishes an independent Domestic and Family Violence Death Review Board, consisting of multi-disciplinary experts, to:

- a. Identify common systemic failures, gaps or issues and make recommendations to improve systems, practices and procedures
- b. Report to the oversight body every six months on these findings and recommendations
- c. Be supported by and draw upon the information and resources of the Domestic and Family Violence Death Review Unit.

Laying the foundations: Building a framework to protecting at-risk Queenslanders

The Taskforce recommends that:

(9)

The Queensland Government, in collaboration with local communities, develops a place-based, culturally appropriate integrated response to domestic and family violence in discrete Indigenous communities which includes:

- a. A trial of integrated service provision in one discrete Indigenous community (also discussed in Chapter 7) utilising a locally-based shelter as a hub for the provision of wrap-around support services for women and children affected by domestic and family violence
- b. Considering an expanded role of Community Justice Groups in design and implementation of the co-located service response, ensuring that they are properly resourced and supported to undertake this role
- c. Increasing the funding for, and availability of community-driven and holistic responses to Indigenous male perpetrators.

(10)

The Queensland Government commissions a review to address the impact of domestic and family violence on people with disabilities.

(11)

The Queensland Government commissions a specific review into the prevalence and characteristics of elder abuse in Queensland to inform development of integrated responses (see Chapter 7) and a communications strategy for elderly victims of domestic and family violence (see Chapter 6).

(12)

The Queensland Government includes specific elements in the communication strategy (see Recommendation 18) that target elder abuse, and where to go for support.

(13)

The Queensland Government makes representations to the Commonwealth Government to consider reforms to the funding of carers that continue to support the invaluable care that most carers provide but remove capacity for the payments to be used as a tool for financial control and domestic and family violence of elderly people.

(14)

The Queensland Government includes LGBTI specific elements in the communication strategy (Recommendation 18) to raise awareness of domestic and family violence in the LGBTI community, remove the stigmas around reporting and seeking help, and providing LGBTI victims with advice on where to go for support.

Taking action together: building a community free from violence

The Taskforce recommends that:

(15)

The Queensland Government recognises the importance of community and government prevention programs for long term reduction of domestic and family violence and gives a clear commitment to resource and support comprehensive and coordinated prevention. In doing so, the Queensland Government must ensure both education and prevention initiatives and response programs receive funding.

(16)

The Queensland Government leads and promotes sustained, inter-generational communication in the community about the seriousness of domestic and family violence, the community's intolerance of domestic and family violence, and the services available to victims and perpetrators.

(17)

The Queensland Government funds the development of evaluation criteria and a robust evaluation program for existing and future initiatives aimed at changing culture and attitudes towards domestic and family violence. Evaluation of existing initiatives should be commenced as soon as possible.

(18)

The Queensland Government develops a consistent, comprehensive communication strategy on domestic and family violence for Queensland.

(19)

The Audit Oversight Body oversees development and implementation of an innovative, multi-pronged communication strategy.

(20)

As a minimum, the communication strategy must comprise a sustained, long term advertising/ media campaign to run for an appropriate minimum period of time, utilising print, television and social media to raise awareness:

- » Of what constitutes domestic and family violence
- » That it is unacceptable
- » Where victims can go for help
- » How bystanders, neighbours, friends and family can safely intervene
- » Where perpetrators can go for help to change their behaviour.

(21)

A group of experts, for example, in behavioural psychology, behavioural economics, marketing and advertising, media and technology, and domestic and family violence, be established to design the communication strategy. The group will report to the Audit Oversight Body and provide advice on innovative ways to communicate with the Queensland community.

(22)

The Queensland Government ensures that the communication strategy is implemented through all front line services including (but not limited to) health and hospital services, education services and schools, Queensland Ambulance Service, Queensland Police Service, Queensland Fire and Emergency Services, housing services, Legal Aid Queensland, Director of Public Prosecutions and other legal services.

(23)

The Queensland Government continues to fund and considers expanding the annual Domestic and Family Violence Awareness Month Community Grants program to enable community driven initiatives to complement the communication strategy.

(24)

The Queensland Government leads and facilitates the introduction of programs in State schools to embed through the school life of all secondary and primary state schools a culture that emphasises:

- » Developing and maintaining respectful relationships
- » Respecting self
- » Gender equality.

(25)

The Queensland Government leads and facilitates the introduction of programs to ensure that all secondary students can:

- » Recognise domestic and family violence and where to go for help
- » Safely intervene and provide support to victims.

(26)

The Queensland Government leads and facilitates the introduction of programs to ensure that all primary students can:

- » Resolve conflict without violence
- » Report fears and concerns safely.

(27)

The Queensland Minister for Education works with Queensland Catholic Education Council and Independent Schools Queensland to support introduction of similar programs in private schools in Queensland.

(28)

Principals of non-government schools consider the Queensland Government program and incorporate as appropriate into the school culture.

(29)

The Queensland Government includes measures for implementing the programs into the performance agreements of Principals and Deputy-Principals of state schools.

(30)

In developing the communication strategy, the Queensland Government identifies high profile role models to raise awareness of domestic and family violence. Male role models should be drawn from the areas of music, television, film, business, science and sport. Role models need to be selected from an accredited list or undertake appropriate training to be able to speak authoritatively on domestic and family violence and contribute positively to the strategy.

(31)

As the largest employer in Queensland, the Queensland Government takes the lead in developing and modelling workplaces that foster equality, and educates employees on unacceptable behaviour in the home and the workplace, with direct emphasis on domestic and family violence.

(32)

The Queensland Government funds the development of a training program for employers and businesses on building workplaces supportive to victims of domestic and family violence, that includes skills on identifying and responding to domestic and family violence.

(33)

The Queensland Government amends the Industrial Relations Act to create a new category of leave for the public sector for victims of domestic and family violence that may be taken for any purpose related to the violence (such as for injury recovery, finding accommodation, court preparation and court appearance).

(34)

The Queensland Government ensures the amendment provide for 10 days a year of leave, non-accumulative, to be taken in conjunction with other leave and incorporating sensitivity as to the proof requirements for approval of the leave.

(35)

The Queensland Government amends the Industrial Relations Act to specify outcomes of domestic and family violence (i.e. injury, application for leave, taking of leave) are not grounds for fair dismissal (similar to parental leave).

(36)

The Queensland Government requests the Commonwealth Government considers similar leave and dismissal amendments to the Fair Work Act to protect Queensland workers engaged under the Federal Act from unfair dismissal and provide appropriate support to workers experiencing domestic and family violence.

(37)

The Queensland Public Service Commission Chief Executive develops Public Service Directives specifically for management of victims of domestic and family violence in the workplace.

(38)

The Queensland Public Service Commission Chief Executive develops training for managers and supervisors on implementing these directives and supporting victims of domestic and family violence.

(39)

Queensland Government departments develop and make available information resources for victims on where to seek assistance (financial, accommodation, personal safety, counselling) and for perpetrators to seek help to change behaviour (voluntary perpetrator programs, counselling etc).

(40)

The Minister for Local Government works with the Local Government Association of Queensland and individual local governments to implement the changes in the Industrial Relations Act and the provision of new leave. This includes providing (free of charge) all directives, human resource policies and training programs established for state public service employees.

(41)

The Queensland Government supports businesses and non-government organisations to develop and maintain workplaces that support victims of domestic and family violence. This includes providing all directives, human resources policies and training programs established for state public service employees.

(42)

The Queensland Government amends the Queensland Procurement Policy and Guidelines to expand upon Principle 4: “We use our procurement to advance the government’s economic, environmental and social objectives and support the long-term wellbeing of our community”, to include consideration of workplace policies concerning domestic and family violence as part of the criteria for determining ‘ethical and socially responsible suppliers’.

(43)

The Queensland Government makes funded services that work with victims of domestic and family violence explain in their service agreements how they will foster a workplace culture that reduces work-induced trauma, outlining specific initiatives.

(44)

Queensland Government departments and Government-funded organisations brief interpreters prior to any client communication to fully inform them of the nature of the likely discussion and the opportunity to decline the engagement.

(45)

Businesses and non-government organisations in Queensland recognise the significant economic and social impact of domestic and family violence on the national and state economies and on workforce productivity.

(46)

Businesses and non-government organisations in Queensland implement human resource policies, leave arrangements and other support programs to support victims of domestic and family violence.

(47)

Businesses and non-government organisations in Queensland incorporate information on domestic and family violence, its unacceptability, availability of support and how to safely intervene in staff training.

(48)

Business and non-government organisations in Queensland sign up to the CEO Challenge to build relationships with domestic and family violence support services, and foster workplaces that do not tolerate violence and support victims.

(49)

The Queensland Government funds the development, promotion and provision of a model training program for frontline professionals in service industries and government, to develop skills in recognising when domestic and family violence is occurring and appropriate intervention.

(50)

The Taskforce supports the recommendation of the Coroner in his report on the inquest into the death of Ms Beutel and recommends that the Royal Australian College of General Practitioners refines the RACGP 'White Book' – *Abuse and Violence – Working with our patients in general practice* to be more prescriptive and provide more definitive advice and decision making pathways for general practitioners.

(51)

Royal Australian College of General Practitioners, CheckUp and Primary Health networks work together to ensure that all General Practitioners across Queensland, have access to, are familiar with and are utilising the 'White Book'.

(52)

The Queensland Government, in partnership with CheckUp and the RACGP, develops a toolkit based on existing examples in Victoria and New South Wales to complement the 'White Book' and assist GPs to recognise and respond to domestic and family violence.

(53)

The Australian and New Zealand College of Obstetricians and Gynaecologists continues to expand the resources available to trainees and practitioners and develop a strategy to actively engage with Fellows to encourage ongoing use of the resources.

(54)

The Queensland Government evaluates the frequency and efficacy of ante-natal screening for domestic and family violence and reports to the Audit Oversight Body.

(55)

The Queensland Government commissions the Australian College of Midwives to develop training for midwives on asking pregnant women about exposure to domestic violence during ante-natal appointments and how to deal with disclosure, and a tool kit to provide practical guidance on implementing the national practice guidelines.

(56)

Hospital and Health Services ensure that all midwives receive appropriate training and that all women attending ante-natal clinics are asked about their exposure to domestic and family violence and appropriate referrals occur if domestic violence is disclosed.

(57)

The Australian College of Midwives develops a continuing professional development program to educate midwives on asking pregnant women about exposure to domestic violence during ante-natal appointments and how to deal with disclosure.

(58)

The Queensland Chief Health Officer and Queensland Chief Nurse work with private hospitals to encourage similar admission procedures in private maternity hospitals, and to make available for use any tools or material produced for public midwives.

(59)

The Queensland Government and DVConnect work in partnership to develop a model to provide immediate access to specialist domestic and family support and referral services within public and private maternity hospitals and emergency departments.

(60)

The Minister for Health recommends to the Australian Health Workforce Ministerial Council that the Health Practitioner Regulation Boards of Australia require specific skill sets pertaining to recognition of and appropriate intervention for domestic and family violence and child harm be included in accreditation standards submitted by Accreditation Agencies under the National Law.

(61)

The Minister for Health recommends to the Australian Health Workforce Ministerial Council that Health Practitioner Regulation Boards of Australia work with appropriate accreditation bodies and colleges to enable professional development on recognising and intervening appropriately in domestic and family violence to be considered suitable for Continuing Professional Development recognition.

(62)

The Minister for Health recommends to the Australian Health Workforce Ministerial Council that consideration also be given to including skill sets and professional development on recognising and responding to child harm into accreditation standards and professional development programs.

(63)

The Minister for Health recommends to the Standing Council on Health that a requirement to be familiar with the indicators of domestic and family violence and child harm and to appropriately intervene be included into the draft National Code of Conduct for Health Care Workers.

(64)

The Queensland Minister for Education recommends to the Education Council that the Australian Institute for Teaching and School Leadership includes in the Australian Professional Standards for Teachers, specific skill sets to recognise and respond to incidents of domestic and family violence and child harm.

(65)

The Queensland Government works with universities to identify suitable ways to incorporate into professional undergraduate courses, education and training on how to identify when domestic and family violence is occurring and how to appropriately intervene.

(66)

The Queensland Government works with the Vocational Education and Training sector to increase the delivery of existing approved units of competency related to domestic and family violence.

(67)

The Queensland Government considers legislative amendment to the Defamation Act 2005 to provide a defence to defamation against media for publishing domestic and family violence support services information in stories or publications where domestic and family violence is alleged or intimated but not yet proven.

(68)

The Attorney-General recommends to the Law, Crime and Community Safety Council that a similar defence be established in all jurisdictions across Australia to provide surety to media when publishing nationally available content.

(69)

The Queensland Government reviews current relevant civil and criminal legislation to identify and amend anything that may impede media from publishing information about domestic and family violence support services when reporting on domestic and family violence incidents.

(70)

The Queensland Government develops a media guide to assist news and current affairs programs when reporting on domestic and family violence incidents in Queensland.

Getting help: Building an integrated service response

The Taskforce recommends that:

(71)

The Queensland Government undertakes an immediate audit of services to ensure adequate resources are available to meet demand for specialist domestic and family violence services, including perpetrator intervention initiatives and specialist shelters.

(72)

The Queensland Government develops a long term funding and investment model, informed by the audit on the best mix of specialist and generalist services, to be implemented, as a minimum, over the five year forward estimates commencing in 2016/2017, to meet needs and address any gaps.

(73)

The Queensland Government explicitly outlines in the funding and investment model how new investment in service delivery for rural and remote communities will:

- » Enhance collaboration and coordination
- » Encourage innovation in service delivery

- » Improve service to Queensland's rural and remote communities into the future
- » Expand technology to support victims of domestic and family violence
- » Attract and retain highly skilled workers to support victims of domestic and family violence in rural and remote communities
- » Link rural and remote services into the broader network of domestic and family violence service providers.

(74)

The Queensland Government immediately, and in collaboration with the domestic and family violence service sector, establishes pilots for an integrated response model, incorporating:

- » One urban integrated response to domestic and family violence
- » One regional city integrated response to domestic and family violence, with outreach programs to rural and remote communities
- » One discrete Indigenous community integrated response (as discussed in section 5.2 of this Report).

(75)

These trial sites need to be reviewed and evaluated, with a view to expanding the number of sites for integrated services over a defined period of time to transition to state-wide integrated service responses.

(76)

The Queensland Government establishes a model for inter-agency response to high risk cases which works within, or complements integrated responses and which is progressively established throughout the state.

(77)

The Queensland Government designs a best practice common risk assessment framework to support service provision in an integrated response, and designed for use by generalist and specialist services (supported by relevant tools).

(78)

The Queensland Government introduces enabling legislation to allow information sharing between agencies (government and non-government) within integrated responses, with appropriate safeguards. This would include legislative protection for the sharing of information without consent if a risk assessment indicates it is for the purpose of protecting the safety of the victim and their immediate family.

(79)

The Queensland Government develops and shares with all relevant service providers, clear guidelines to facilitate information sharing within an integrated response, with a continued focus on obtaining consent unless a high risk threshold has been met.

(80)

The Queensland Government increases access to domestic and family violence perpetrator intervention initiatives, prioritising those areas identified for the immediate rollout of integrated responses (see Recommendation 74) with a view to ensuring statewide coverage within three years.

(81)

The Queensland Government changes eligibility criteria so offenders in custody for less than 12 months for domestic and family violence related offences are able to access a range of therapeutic intervention programs.

(82)

The Queensland Government:

- a. Reviews and updates the *Professional Practice Standards: Working with men who perpetrate domestic and family violence* and the accompanying principles to ensure they reflect the most recent developments and knowledge in the field and include models of practice and standards to ensure safe and appropriate practice for individual (as well as group) intervention sessions
- b. Ensures that practice standards require that initiatives for perpetrators of domestic and family violence are to be delivered in conjunction with an integrated response in order to establish adequate safety and accountability protocols
- c. Establishes a clear and rigorous process for evaluating and approving initiatives and providing ongoing monitoring of compliance with the Practice Standards to ensure that issues of non-compliance and service system development requirements are identified

- d. Considers establishing a formal accreditation process for practitioners, including minimum qualification requirements for practitioners, be implemented gradually so as to not adversely impact on service availability.

(83)

The Queensland Government:

- a. Works with the service sector, using a co-design approach, to develop a suite of state-wide tools to support the integration of responses, including an information sharing protocol (Recommendation 78 and 79), a common risk assessment framework (Recommendation 77) and a process for managing high risk cases (Recommendation 76)
- b. Provides sufficient flexibility in the structure of the integrated response for local service providers to build on existing networks and initiatives to ensure the model is tailored to the specific needs of the local community and service landscape
- c. Ensures that, while primarily involving the central role of specialist domestic and family violence services, the integrated responses incorporate generalist service providers to ensure early identification of people affected by domestic and family violence and support appropriate referral pathways
- d. Ensures that the integrated response includes adequate provision of services for perpetrators of domestic and family violence
- e. Provides appropriate funding to agencies participating in integrated responses to enable ongoing professional development opportunities to staff.

(84)

The Queensland Government immediately funds two 72-hour crisis shelters in Brisbane and Townsville respectively for women and children escaping violence so that immediate safety and support can be met while awaiting a refuge placement.

(85)

The Queensland Government:

- a. Transfers responsibility and funding for domestic and family violence shelters back to a single portfolio, i.e. the portfolio that is responsible for the broader domestic and family violence service response
- b. Commits to maintaining dedicated funding for specialist domestic and family violence accommodation, including refuges (non-competitive with generic crisis accommodation providers such as homelessness service providers).

(86)

The Queensland Government:

- a. Provides flexibility to service providers to offer the necessary crisis accommodation required for the situation, whether that be access to a domestic and family violence refuge or brokerage funding for the perpetrator to stay in short term accommodation
- b. Ensures the Queensland Police Service's current operational procedures strongly support women and children staying in the home, where safe, in line with the principles of the Act
- c. Expands safety upgrades programs to give more victims the option to stay safely in their own homes.

(87)

The Queensland Government pilots a refuge that caters for families with companion animals with a view to rollout more flexible refuges into the future to meet the needs of victims.

(88)

The Queensland Government expands the range of responses to alleviate housing stress and homelessness for women and children escaping domestic and family violence including reducing the eligibility criteria on programs such as Rental Grants and Bond Loans.

(89)

The Queensland Government:

- a. Provides flexible brokerage funding to alleviate immediate financial hardship that is experienced when escaping violence
- b. Provides non-residential support programs to assist victims to live independently and not be compelled to return to violent/controlling relationships
- c. Provides access to subsidised training and skilling incentives for those experiencing domestic and family violence.

Delivering fairness and accountability: An enhanced law and justice framework for domestic and family violence

The Taskforce recommends that:

(90)

The Queensland Government continues its commitment to the development and implementation of a National Domestic Violence Order Scheme to achieve automatic mutual recognition and enforcement of domestic and family violence related orders across jurisdictions.

(91)

The Queensland Government prioritises the eDV project and the Single Person Identifier project for completion as soon as practically possible within a defined time limit.

(92)

The Queensland Government works with discrete Indigenous communities to develop and support an effective local authority model to respond to crime and violence in those communities, with a priority focus on addressing domestic and family violence. As a part of this work, consideration should be given to resourcing and expanding the role of community justice groups, JP Magistrate's courts, and related local justice initiatives as appropriate, as well as examining the specific role that community justice groups could play in conferencing, mediation, and criminal justice system support.

(93)

The Queensland Government amends the Family Responsibilities Commission Act to require a court to notify the Family Responsibilities Commission when a protection order under the Domestic and Family Violence Protection Act is made naming a welfare reform community resident as the respondent.

(94)

The Queensland Government reviews the resourcing impact of the new domestic and family violence trigger and ensures sufficient funding is available to manage the anticipated increase in referrals to the Family Responsibilities Commission.

(95)

The Queensland Government continues the review of the Victims of Crime Assistance Act to ensure appropriate financial compensation for victims of domestic and family violence.

(96)

The Queensland Government establishes specialist domestic violence courts in legislation with jurisdiction to deal with all related domestic and family violence and criminal/breach proceedings.

(97)

Specialist courts should include specialist divisions or programs and utilise specialist Magistrates with specialised expertise in domestic, family and intimate partner sexual violence to improve the efficacy of responses to domestic and family violence. This Recommendation is to be considered in combination with the other recommendations in this Report and in particular Recommendations 116 (interpreters), 124 (court support workers), 126 (duty-lawyers) and 80 (perpetrator interventions).

(98)

The Queensland Government considers providing for related family law children's matters (by consent) and child protection proceedings to be dealt with by the same court.

(99)

The Domestic and Family Violence Protection Act be amended so that the court must consider a family law order when making a Domestic Violence Order. An amendment also be made to the Domestic and Family Violence Protection Act so that the court must consider concurrent cross applications at the same time and a later application and related cross application or order.

(100)

The Queensland Government utilises trained and specialist circuit Magistrates, in areas where a specialist court is not feasible (e.g. rural and remote areas), with a good knowledge of the relevant legislation and knowledge and understanding of domestic and family violence and its impact on victims of the violence, including children who witness the violence.

(101)

The Chief Magistrate completes the domestic and family violence 'Bench Book' in consultation with relevant stakeholders (Women's Legal Service, North Queensland Women's Legal Service, Queensland Domestic Violence Services Network, Queensland Association of Independent Legal Services, Queensland Indigenous Family Violence Legal Service and Legal Aid Queensland).

(102)

The Chief Magistrate completes the *Domestic Violence Best Practice* project and publish the results.

(103)

The Chief Magistrate commissions development of a professional development package, informed by evidence of best practice in judicial education currently being developed by Australia's National Research Organisation for Women's Safety, for induction of newly appointed Magistrates on managing domestic and family violence cases.

(104)

The Chief Magistrate develops modules specifically on domestic and family violence for inclusion in professional development programs for Queensland Magistrates.

(105)

The Chief Magistrate ensures that Magistrates receive intensive and regular professional development on domestic and family violence issues, including its impact on adult victims and children, from domestic and family violence practitioners who have expertise working with adult victims, children and perpetrators.

(106)

The Queensland Government ensures that court and registry staff receive compulsory training in responding to the needs of domestic and family violence clients.

(107)

The Queensland Law Society develops best practice guidelines for lawyers working with people who have experienced domestic and family violence in accordance with Legal Aid Queensland model guidelines, and in consultation with Legal Aid Queensland, Women's Legal Service and Queensland Association of Independent Legal Services and other relevant stakeholders.

(108)

The implementation of the best practice guidelines be led by the Queensland Law Society.

(109)

Queensland Law Society ensures that suitable continuing professional development programs in respecting diversity and ethical conduct for managing the intersection of domestic and family violence and family law are available.

(110)

Queensland Law Society encourages lawyers engaged in domestic and family violence law (whether representing perpetrators or victims) and family law undertake continuing professional development in diversity and ethical conduct for managing intersection of domestic and family violence and family law.

(111)

The Attorney-General:

- a. Recommends to the Law Council of Australia that amendment be made to the Australian Solicitors Conduct Rules 2011 to ensure safeguards currently applied to victims of sexual assault are extended to include victims where allegations of domestic and family violence are part of proceedings.
- b. Recommends the Queensland Legal Practice Committee consider the application of safeguards for victims of domestic and family violence as they apply to Queensland solicitors and barristers, should a national approach not be supported.

(112)

The Queensland Government:

- a. Supports the work of CrimTrac in developing a National Domestic Violence Order Information Sharing System
- b. In the interim (acknowledging that a national scheme may take some time to be negotiated and implemented) progress bilateral agreements with other jurisdictions (in particular bordering jurisdictions such as New South Wales) where possible to facilitate increased information sharing for the protection of victims of domestic and family violence.

(113)

The Queensland Police Service strengthens policy and guideline documents to ensure the use of interpreters for victims of domestic and family violence and their families, where required.

(114)

The Queensland Police Service and the Department of Justice and Attorney-General ensure that applicants, including police and private, for a protection order or a variation of a protection order, have indicated either “yes” or “no” to interpreter requirements on each application filed.

(115)

The Chief Magistrate issues a practice direction to require the court to engage an interpreter, where a party has difficulty communicating in English, at the first mention for all domestic and family violence civil proceedings before the Magistrates Court.

(116)

The Department of Justice and Attorney-General identifies opportunities to streamline systems for engagement of interpreters for civil domestic and family violence court proceedings to ensure best practice.

(117)

The Queensland Government amends the Domestic and Family Violence Protection Act to require a court when making a Domestic Violence Order to consider whether an order excluding the perpetrator from the home should be made, having regard to the wishes of the victim.

(118)

The Queensland Government introduces a circumstance of aggravation of domestic and family violence to be applied to all criminal offences.

(119)

The Queensland Government makes provision in legislation for domestic and family violence related convictions to be recorded, consistent with the approach adopted in New South Wales.

(120)

The Queensland Government considers the creation of a specific offence of strangulation.

(121)

The Queensland Government considers the sufficiency of penalties to hold perpetrators to account for repeat contraventions of Domestic Violence Orders.

(122)

The Queensland Government identifies and implements strategies to increase perpetrators' participation in interventions, including a pilot on mandatory attendance, with the evaluation of the pilot to inform future decisions about broader use of mandatory perpetrator interventions.

(123)

The Queensland Government trials the use of GPS monitoring for high risk perpetrators of domestic and family violence.

(124)

The Queensland Government employs court support workers for all Magistrates Courts for domestic and family violence matters for all applicants and information/liaison officers for all respondents.

(125)

The Queensland Government develops a formal position description and guidelines for court support workers and information/liaison officers to provide uniformity in support to people through domestic and family violence proceedings, and that the Chief Magistrate looks at the consistency across all Magistrates Courts on the role of court support workers.

(126)

The Queensland Government establishes a state-wide duty-lawyer service for domestic and family violence matters in Magistrates Courts for both applicants and respondents.

(127)

The Queensland Government develops a position description and guidelines for the duty-lawyer service to ensure:

- » Provision of legal advice before and after court appearances
- » Limited assistance with drafting court related documents
- » Provision of advice and referral on related issues (such as family law, child support, child protection matters)
- » Legal representation during court appearances.

(128)

The Queensland Government ensures duty-lawyer service lawyers are:

- » Experienced in the dynamics and challenges of domestic and family violence
- » Able to give family law, child support and child protection advice
- » Operate within a wider integrated service response network, working to prioritise the safety of adult victims and children.

(129)

The Queensland Government amends the Domestic and Family Violence Protection Act to provide for victim impact statements to be introduced and for mandatory consideration by the court in applications for protection orders.

(130)

The Queensland Government introduces a sexual assault counselling privilege based on the New South Wales legislative model, i.e. an absolute privilege in preliminary proceedings and a qualified privilege in other proceedings.

(131)

The Queensland Police Service develops and implements a strategy for increasing criminal prosecution of perpetrators of domestic and family violence through enhanced investigative and evidence-gathering methodologies.

(132)

In responding to recommendations related to enhancing integration, responsible agencies in Government should make provision for the inclusion of coordinating appropriate justice supports for victims of domestic and family violence exposed to criminal proceedings.

(133)

The Attorney-General, in consultation with the Chief Magistrate and Chief Judge, implements alternative evidence procedures for victims of domestic and family violence providing evidence in related criminal matters to reduce the trauma of this experience, including legislative amendment and/or procedural changes. Consideration should be given to allowing for admissibility of any video recordings made at the time of initial police intervention.

(134)

The Queensland Police Service adopts a pro-active investigation and protection policy which requires consideration of safety of the victim as paramount when deciding the course of action to be taken against the perpetrator and prioritises arrest where risk assessment indicates this action is appropriate.

(135)

Recognising the valuable contribution of District Domestic and Family Violence Coordinators to the experiences of victims of domestic and family violence, the Queensland Police Service increases staffing numbers based on rigorous assessment of demand and appropriate allocation and resourcing of these positions across the State.

(136)

The Queensland Police Service reinstates the Domestic and Family Violence State Coordinator role at a level of suitable influence to effectively support District Domestic and Family Violence Coordinators, address the disconnect between policy and practice to engender a consistent approach to the policing response, monitor performance and drive the future direction of policing domestic and family violence with a view to improving practice.

(137)

The Queensland Police Service appoints the Deputy Commissioner (Regional Operations) to champion best practice domestic and family violence prevention and first responder practice in the Queensland Police Service. The Deputy Commissioner would be responsible, among other things, for increasing officers' awareness and understanding of domestic and family violence and its impact on involved parties, police and the community, with a view to creating positive cultural change within the Queensland Police Service.

(138)

The Queensland Police Service facilitates an external independent audit and review of training packages currently available to officers, with a view to assessing the appropriateness and frequency of compulsory professional development opportunities relevant to domestic and family violence. Components for enhancement of officers' conceptual understanding of dynamics of domestic and family violence, communication skills, as well as cultural awareness and sensitivities should be assessed.

(139)

The Queensland Government duly notes the advice to be received from the Family Law Council (due December 2015) in relation to the terms of reference issued by the Commonwealth Attorney-General, in October 2014 in relation to the needs of parents resolving parenting disputes. However, the Queensland Government must not wait for the Family Law Council report to proceed with recommendations in this report. Some reforms implemented following this Taskforce may need to be reviewed to reflect/coordinate with any Commonwealth reforms made longer term following the Family Law Council report.

(140)

The Queensland Government undertakes a review of the Domestic and Family Violence Protection Act by 31 December 2015, to ensure a cohesive legislative framework for domestic and family violence in Queensland, that incorporates major reforms recommended in this Report. Resulting legislative amendments to be made as soon as possible, but not later than by 30 June 2016.

CHAPTER 1

Introduction

- 1.1 Background and context
- 1.2 Methodology for the review
- 1.3 Other inputs
- 1.4 Additional matters referred to the Taskforce
- 1.5 Limitations



Queensland has seen a disturbing increase in reports of domestic and family violence in the past few years. Domestic and family violence costs the state's economy an estimated \$2.7 to \$3.2 billion annually. Service providers and first responders frequently commented on the incidences of domestic and family violence increasing and the injuries they are seeing inflicted on victims of violence in the home becoming more severe. In Australia, a woman is killed by her partner almost every week. It is in this context that, on 10 August 2014, the Premier of Queensland announced the Special Taskforce on Domestic and Family Violence in Queensland, chaired by The Honourable Quentin Bryce AD CVO. The role of the Taskforce is to review domestic and family violence and report on ways to address these alarming statistics. This Chapter describes the context of the review and its methodology.

CHAPTER 1

1.1 Background and context

On 10 August 2014, the Premier of Queensland announced a Special Taskforce would investigate domestic and family violence in Queensland.

At the request of the Chair, The Honourable Quentin Bryce AD CVO, draft Terms of Reference were released for public comment for one month prior to finalisation. The final Terms of Reference (Appendix 1) and membership of the Taskforce were publicly announced on 10 September 2014. The Taskforce was requested to report on its recommendations by 28 February 2015.

From its inception, the work of the Taskforce progressed against a backdrop of a number of high profile and tragic domestic and family violence incidents both in Queensland and across Australia. These incidents received significant media coverage, community attention and public commentary and reveal that, despite decades of effort to reduce domestic and family violence, continues to be a prevalent and a horrific blight on our community.

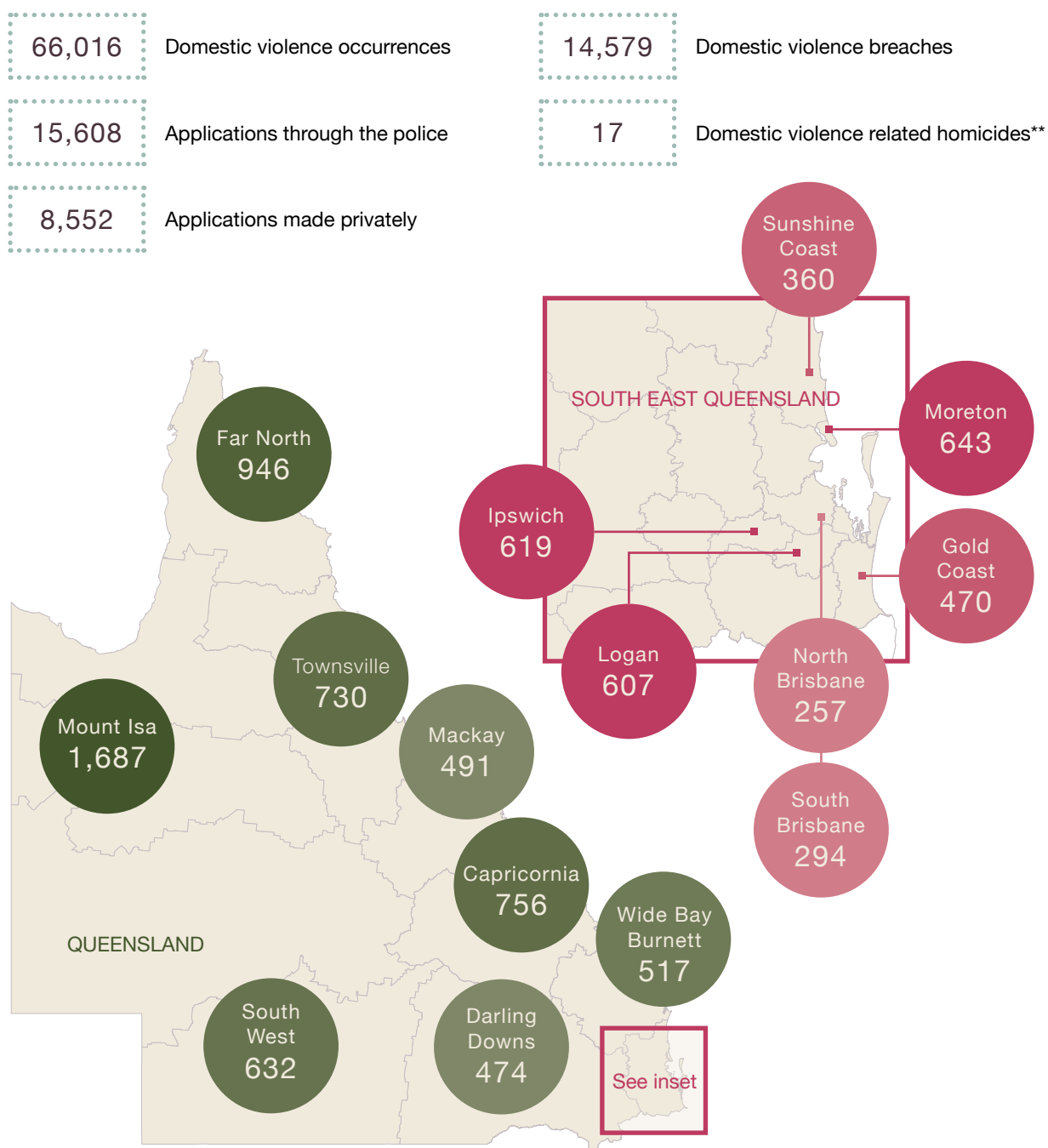
In Queensland, reported occurrences of domestic and family violence have increased:

- » In 2010-2011 there were 52,889 occurrences, a 7.0% increase on the previous year
- » In 2011-2012 there were 57,963 occurrences, a 9.6% increase on the previous year
- » In 2012-2013 there were 64,258 occurrences, a 10.8% increase on the previous year
- » In 2013-2014 there were 66,016 occurrences, a 2.7% increase on the previous year.¹

This means, on average, 181 incidents of domestic and family violence were reported to police every day in Queensland in 2013-2014 (Figure 1).

Tragically, 17 domestic and family violence related homicides occurred in Queensland in 2012–2013, a significant proportion of the total 49 homicides in the state in the same period.²

Figure 1: Rates of domestic violence applications in Queensland, 2013-2014*



* Rates are expressed per 100,000 persons and are calculated based on the preliminary estimated residential population at 30 June 2014. Figures include both Police and Private Domestic Violence Applications (unpublished QPS ZAP data which is preliminary and may be subject to change).

** This figure is for 2012-13.

These known statistics are, in themselves, overwhelming. Nevertheless, it must be acknowledged that the data does not come close to representing the true extent of the problem. Many incidents of domestic and family violence go unreported, largely because of the private nature of the relationships within which violence occurs.

Nowhere is the tension between public and private rights and responsibilities more evident than in the case of domestic and family violence. This violence literally happens in the privacy of the home and within family and intimate relationships. A traditional, and often idealised, view of the home is that it is a place of privacy, safety and security, and a sanctuary that should be free from intrusion from government and the broader community. Many people hold fast to the notion that what happens in the family home is no-one else's business.

Family relationships, similarly, are viewed as a private union of individuals, focused on promoting and safeguarding each other's physical, mental, emotional and social wellbeing. This is true for many homes and families. For many others, it is very different. Home and family, far from giving safe haven, are akin to being a 'cradle of violence'.³

The Taskforce perspective was driven by a fundamental view that domestic and family violence, in all forms, is a violation of basic human rights. International agreements, including the *Universal Declaration of Human Rights*, contain human rights standards and customs agreed to by nations of the world. These agreements promote, at the most basic level, the right of each and every individual to live free from violence of all kinds, including physical, sexual and psychological harm.

Everyone, regardless of their sex, religion, nationality, race, language, relationship or living arrangements, has the right to feel safe and be safe in public and at home. As a community, we have an obligation to take action to prevent violence from occurring, to provide help and support to victims of violence, to hold perpetrators of violence to account for their conduct, and do what we can to change their behaviour. Violence and abuse in public spaces and against strangers is recognised by the community and by the law, as behaviour that will not be tolerated. Domestic and family violence, which is most often perpetrated in the home or among family members, is as much a matter of public concern as crime in the streets. It must not be accepted or excused.

Domestic and family violence can affect anyone, regardless of age, gender or socio-economic status; however, in the course of its deliberations and in forming its recommendations, the Taskforce felt compelled to characterise the issue as primarily a gendered one. This is not to diminish or ignore the experiences of men who are victims. Indeed, it is fundamentally important for a Queensland domestic and family violence strategy to be inclusive, recognising that domestic and family violence is also perpetrated by females against male partners and other family members, and encompasses the full diversity of relationships including gay, lesbian, bisexual and transgender relationships, as well as non-intimate family relationships.

However, the evidence before the Taskforce demonstrated the majority of people who experience domestic and family violence in Queensland are women. Between 17 September 2013 and 16 September 2014, the aggrieved was a woman in 15,656 protection orders, while the aggrieved was a man in 4,486 protection orders.⁴ The Australian Bureau of Statistics' 2012 Personal Safety Survey indicates that one in five women over the age of 15 has experienced sexual violence, compared with one in 22 men. One in six Australian women has experienced physical abuse by a current or former partner compared with one in 19 men. One in four Australian women has experienced emotional abuse in an intimate relationship compared with one in seven men.⁵

Figures are significantly higher for Indigenous women who are 35 times more likely to be hospitalised for spouse/domestic partner assaults than members of the general female population.⁶ The violence is overwhelmingly perpetrated by men, regardless of whether the victim is male or female. Put plainly, the most common pattern of domestic and family violence is that it is committed by men against women.

Acknowledging the disproportionate impact of domestic and family violence on women and recognising the predominance of women as victims allows the nature of the problem to be properly characterised. It provides a better understanding of the motivation of perpetrators and helps to inform the development of effective prevention and intervention strategies. Knowledge of the particular needs of victims of domestic and family violence is the key to the design and resourcing of response and support services.

After considered deliberation, the Taskforce was left in no doubt there is a direct causal nexus between culture and community attitudes, and the continued prevalence and perpetration of domestic and family violence. This demands we look to cultural and systemic reasons as to why domestic and family violence continues to prevail in our community.

The attitudes, knowledge, and beliefs of individuals and communities can, and do, create a culture that justifies, excuses, perhaps trivialises or even condones or encourages domestic violence. Cultural and attitudinal factors impact the ability of victims to report violence and seek help, and influences the willingness of the community to hold perpetrators to account. It affects the behaviour of the professionals within our police, justice, welfare and service provider systems when called on to respond to, and manage, domestic violence. Importantly, culture and attitudes inform and influence the decisions of bystanders to either intervene or ignore incidents of domestic and family violence. Education, media coverage, and public and private discourse in homes and in workplaces all play a role in shaping individual and collective attitudes to understanding the issue.

The Taskforce has chosen to confront this challenge and we urge the community to take a stand and to act. Real and substantive change can be achieved only when we take action together to bring an end to domestic and family violence in our neighbourhoods.

1.2 Methodology for the review

The Taskforce's review drew upon information from a range of sources to provide the most comprehensive picture possible of what is happening within the sphere of domestic and family violence across Queensland (see Figures 2 and 3).

At the core of the Taskforce's consideration of matters in the Terms of Reference is a commitment to consult and listen to the widest range of interested parties. We have been acutely sensitive of the need to:

- » Ensure the voices of as many affected people, families and front line responders as possible are reflected in this Report
- » Respect the deeply personal aspects of the issue and the generosity of the individuals who shared their experiences and stories
- » Engage with people across the state, recognising the uniquely diverse characteristics and needs of Queenslanders, particularly in rural and remote areas.

The Taskforce was keen to recognise the work of first responders and service providers and to support the significant and valuable efforts made every day to combat domestic and family violence. The Taskforce visited domestic violence services, refuges, police stations and courts, to observe first-hand how domestic and family violence matters are being handled.

The Taskforce collected considerable data and information through formal submissions, roundtable meetings, surveys, forums, summits and focus groups. This approach is outlined in detail in Appendix 2.

Figure 2: Taskforce timeline



10 August 2014

- » Chair of Taskforce announced



10 September 2014

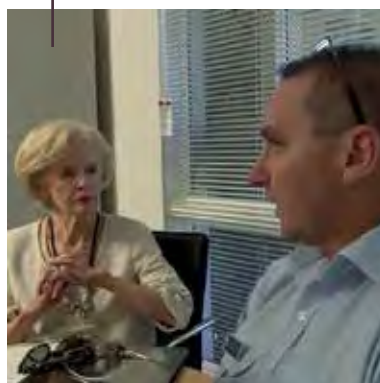
- » Taskforce launched and Terms of Reference released

10 August
- 3 September 2014

- » Survey to seek feedback on the draft Terms of Reference
- » Survey to canvass community awareness, and attitudes to domestic and family violence

30 August 2014

- » Listening to our community



15 September
- 20 October 2014

- » Call for personal stories
- » Call for formal submissions



27 October 2014
» Brisbane Summit



25 November 2014
» White Ribbon Day



28 February 2015
» Final Report to the Premier



4 November 2014
» Townsville Summit



25 November 2014
» Our Journal – A collection of personal thoughts about domestic violence

Figure 3: Consultation map

- 897** Number of Queenslanders who participated in a community attitudes survey

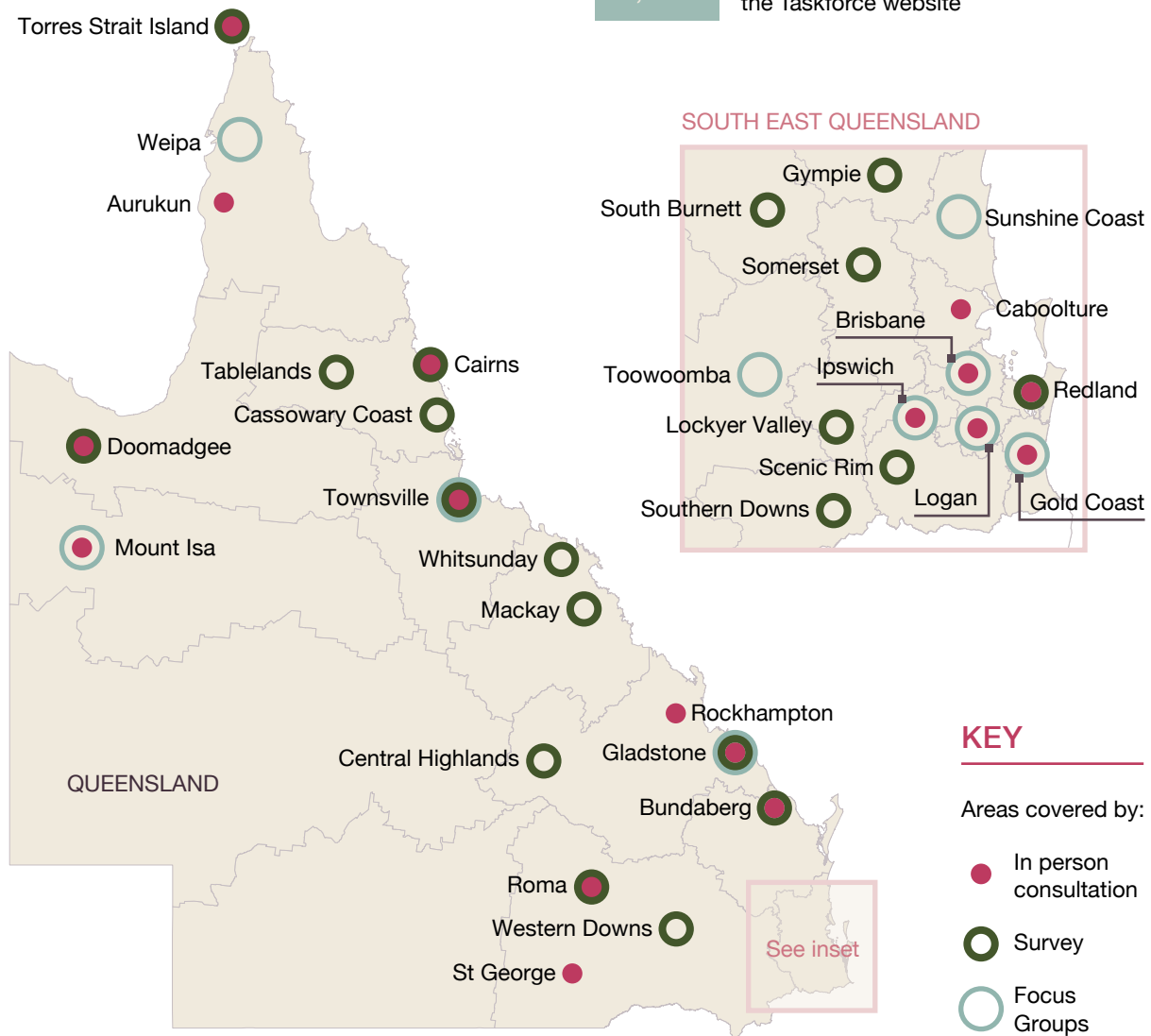
457 Number of people who attended Taskforce events

367 Number of different groups the Taskforce personally spoke with across the State
- 217** Pieces of correspondence provided to the Taskforce

185 Number of personal stories and submissions provided to the Taskforce

7,407,192 Taskforce's reach through media

7,560 Number of unique hits to the Taskforce website



1.3 Other inputs

Advisors to the Taskforce

Crown Law Memorandum of Advice on Domestic and Family Violence in Queensland

To inform its consideration of the legal aspects of the Terms of Reference, the Taskforce commissioned expert legal advice on gaps and overlaps between the domestic violence jurisdiction of state courts and the family law jurisdiction of Commonwealth courts.

Advice was given by Crown Law officers and Kathryn McMillan QC. Ms McMillan, a family law, child protection and administrative law practitioner, who was counsel assisting the Queensland Child Protection Commission of Inquiry.

Enhance Research: Family Violence Market Research Report

The Taskforce wanted to ensure it obtained a diverse range of views from members of the community who might not usually engage in more formal consultation. Enhance Research, a market research agency, was commissioned to conduct 24 focus groups covering specific demographics: gender specific groups; school-aged children; young men and women (18-25); Aboriginal and Torres Strait Islander people; linguistically and culturally diverse communities; people with disabilities; and lesbian, gay, bisexual, transgender and intersex people.

The report has been used to assist the Taskforce on educating and engaging Queenslanders, to create a community which supports respectful relationships, practices positive attitudes and behaviours, and promotes a culture of non-violence.

Enhance Research worked with Dr Shannon Spriggs Murdoch to develop conversation prompts and prepare the final report. Dr Spriggs Murdoch, Research Fellow at Griffith University's Key Centre for Ethics Law, Justice and Governance, has designed and delivered a violence prevention program to teach bystanders how to safely and effectively prevent, confront or interrupt situations of violence.

Inquiries, reforms and domestic and family violence initiatives considered by the Taskforce

2014 Legal Affairs and Community Safety Committee's 'Report No.82 - Inquiry on strategies to prevent and reduce criminal activity in Queensland'

On 22 May 2014, the Queensland Legislative Assembly agreed to a motion that the Legal Affairs and Community Safety Committee conduct an inquiry on strategies to prevent and reduce criminal activity by examining a number of matters including:

- » “the experiences of Queenslanders with regards to the criminal justice system, including the experiences of victims of sexual violence and/or domestic violence including their interactions with the Queensland Police Service (QPS), the courts, prosecuting authorities, legal and support services and compensation processes.”

In its report tabled on 28 November 2014, the committee devoted substantial attention to domestic and family violence including:

- » The prevalence and costs of domestic and family violence in Queensland
- » The wide range of people who suffer domestic and family violence, risk factors and reporting
- » Primary prevention, early intervention, and policing
- » Domestic Violence Orders and responding to breaches of Domestic Violence Orders
- » Perpetrator programs.

The Committee made recommendations on domestic violence in its report, and specifically referred seven matters to the Taskforce for further work. The Committee noted its report was framed in anticipation of the coming report by the Taskforce and stated: “the Taskforce can build on the Committee’s recommendations when it provides its final report to the Government next year”.⁷

The Taskforce has considered relevant Committee recommendations referred to the Taskforce and has dealt with these recommendations in the relevant chapters of this report.

Stronger Families Reform (Carmody Report)

On 1 July 2012, the Queensland Child Protection Commission of Inquiry (the Commission) was established to review the child protection system to find out whether it is failing our children and if so, why. The Commission was asked to chart a road map for the State's child protection system for the next decade.

The impact of domestic violence on children is far-reaching. The Commission found domestic violence is a key parental risk factor associated with child abuse and neglect, and a contributor to the over-representation of Aboriginal and Torres Strait Islander families in the child protection system. Exposure to domestic violence can harm a child's physical, social, emotional and psychological wellbeing. The Commission also found children living with family violence are more likely to be victims or perpetrators of abuse in adult life.

Accordingly, the Commission made recommendations to promote a shared understanding and standards to improve prevention of, and responses to, domestic violence, especially where children are involved. These include:

- » The Queensland Police Service (QPS) revoke its administrative policy that mandates reporting to Child Safety Services all domestic violence incidents where at least one of the parties has a child residing with them to Child Safety Services, replacing it with a policy reflecting the single standard to govern reporting policies across core Queensland Government agencies
- » The QPS and the Department of Communities, Child Safety, and Disability Services develop an approach for exchange of information on domestic and family violence incidents that ensures it is productive and not a risk-shifting strategy
- » The Aboriginal and Torres Strait Islander Child Protection Service Reform Project explicitly address the delivery of services to support differential responses in discrete communities, including services necessary to provide family assessment or family violence responses as alternatives to investigation of notifications.

In its response to the Carmody Report, the Queensland Government committed to implement the bulk of the Commission's 121 recommendations, including those above. Specifically, the government agreed with the Commission's finding that the existing QPS policy to report all domestic violence incidents to Child Safety Services is placing unnecessary pressure on the child protection system. QPS reporting policy and practices have been amended accordingly.

The Government has committed to further reforms, in particular for information sharing across departments and community agencies about domestic and family violence incidents.

The broader Australian context

The Taskforce's deliberations were informed by strategies and initiatives in other states and territories and at Commonwealth level.

The *National Plan to Reduce Violence against Women and their Children 2010-2022* (the National Plan), is supported by all jurisdictions and aims to achieve a significant and sustained reduction in violence against women and their children. Addressing both domestic and family violence and sexual assault against women, the National Plan focuses on stopping violence before it happens, supporting women who have experienced violence, stopping men from committing violence, and building an evidence base so we learn more about what works in reducing domestic and family violence and sexual assault. The National Plan works towards six national outcomes:

1. Communities are safe and free from violence
2. Relationships are respectful
3. Indigenous communities are strengthened
4. Services meet the needs of women and their children experiencing violence
5. Justice responses are effective
6. Perpetrators stop their violence and are held to account.

The Commonwealth Government has allocated more than \$100 million for a second action plan outlining specific actions to support the National Plan from 2013 to 2016.

Each Australian state and territory has its own laws, programs, systems and policies for responding to and reducing domestic and family violence. Common themes and areas of focus are consistent with the approach in the National Plan, comprising: prevention and early intervention, safety for victims and perpetrator accountability.

JURISDICTION	ACTIVITIES AND APPROACHES
Northern Territory	<ul style="list-style-type: none"> » The NT is implementing an \$18 million <i>Domestic and Family Violence Reduction Strategy 2014-2017: Safety is Everyone's Right</i>, co-funded by the Commonwealth. Strategy aims include: <ul style="list-style-type: none"> » Reducing rates of intergenerational trauma » Increasing accountability of perpetrators » Establishing integrated service delivery systems. » Adults are required by law to report domestic and family violence to the police if they think someone has, or is likely to, suffer serious physical harm from family violence.
Australian Capital Territory	<ul style="list-style-type: none"> » The ACT Domestic Violence Prevention Council is the peak body advising the Attorney-General on domestic violence and is currently preparing a whole of government statement on family violence » The ACT has a pro-arrest, pro-charge policy. For domestic and family violence police incidents that proceed to prosecution, the ACT's multi-agency <i>Family Violence Intervention Program</i> integrates police, prosecution, courts and corrections activities and coordinates work with key community agencies.
Western Australia	<ul style="list-style-type: none"> » WA is implementing the <i>Western Australian Family & Domestic Violence Prevention Strategy to 2022</i>, which has a focus on early intervention, victim safety and perpetrator accountability. Outcome areas are consistent with the National Plan » WA's <i>Family and Domestic Violence Response Team</i> is a state-wide collaborative service delivery model involving police, Department of Child Protection and non-government service providers. Members conduct joint risk assessment, response triage and multi-agency case management » Six specialist Family Violence Courts and the Barndimalgu Aboriginal Family Violence Court in Geraldton are presided over by a magistrate to hear criminal matters related to domestic and family violence. Family Violence Courts, each supported by a Family Violence Service, use pre-sentence diversion to a behaviour change program and interagency case management for offenders
Tasmania	<ul style="list-style-type: none"> » Tasmania's <i>Safe at Home</i> program was designed as an integrated whole of government response to family violence, and is supported by the <i>Family Violence Act 2004</i> » Tasmania Police provide the primary entry point into <i>Safe at Home</i>, and operate a Family Violence Response and Referral Line

Tasmania
(Continued)

- » Specialist Victim Safety Response Teams are focused on improving victim safety and supporting victims in crisis situations by delivering risk assessment, safety planning, home safety audits and arranging security upgrades, advising victims of options and referral to support and counselling
- » The program is supported by additional funding for enhanced court operations, police prosecutors, legal aid and court support.

South Australia

- » *A Right to Safety – South Australia’s Women’s Safety Strategy 2011-2022* covers both sexual assault and domestic violence
- » SA’s *Family Safety Framework*, implemented in 2013, aims to improve services to families most at risk of violence through information sharing and support to help people access services
- » Family Safety Meetings are held regularly in 19 police local service areas.

Victoria

- » Victoria’s Premier announced in January 2015 proposed Terms of Reference for the Royal Commission into family violence. The Commission is charged with finding the most effective ways to:
 - » Prevent family violence
 - » Improve early intervention to identify and protect those at risk
 - » Support victims
 - » Make perpetrators accountable
 - » Improve the way government and society work together.

A Right to Safety and Justice: Strategic Framework to Guide Continuing Family Violence Reform in Victoria 2010–2020 involves shared responsibility across the system and the community to end violence, and to provide all women and their children access to safety and justice
- » The strategic framework complements *A Right to Respect, Victoria’s Plan to Prevent Violence against Women*, the state’s long-term plan to prevent violence against women, underpinned by an aspirational goal of respectful and non-discriminatory relationships
- » Victoria has a short term plan for 2012-15, *Victoria’s Action Plan to Address Violence against Women and Children – Everyone has a responsibility to act*. Initiatives fall within three streams:
 - » Educating to change attitudes and behaviours
 - » Intervening earlier
 - » Responding through an integrated system.

JURISDICTION

ACTIVITIES AND APPROACHES

Victoria (Continued)

- » Victoria has a standardised family violence risk assessment and risk management framework
- » A Specialist Family Violence Court Division has been established in the Magistrate's Court in a number of locations. Support and legal services and specifically trained support workers are also located at the Court
- » A Family Violence Liaison Officer is located at every 24 hour police station and a Family Violence Advisor is available in some locations as a liaison point between operational police, Liaison Officers and local agencies
- » There are also a number of Family Violence Teams (27 at July 2013) which provide an immediate specialist response to family violence
- » A men's family violence case management support program works with men who are removed from the family home to address immediate needs and assist them to take responsibility and mitigate risks of re-offending.

New South Wales

- » *It Stops Here - the NSW Government's Domestic and Family Violence Framework for Reform* is premised on five priority elements:
 1. A strategic approach to prevention and early intervention
 2. Streamlined referral pathways to secure victims' safety and recovery
 3. Accessible, flexible, person-centred service responses that make the best use of resources
 4. A strong, skilled and capable workforce
 5. A strengthened criminal justice system response.
- » The strategy commits justice agencies and victims support services to work together to provide an effective and integrated response. It sets out six justice outcomes that agencies will aspire to, to ensure victims and perpetrators experience high standards of service across the justice system
- » NSW mandates use of a standard risk identification tool by police (optional for other agencies)
- » Safety Action Meetings provide multi-agency response to victims identified as being at serious threat of escalating violence
- » Information sharing protocols have been developed, balancing the ideal of victims' informed consent with information sharing to avert serious harm to victims and children.

1.4 Additional matters referred to the Taskforce

Since its inception on 10 September 2014 additional matters have been referred to the Taskforce. These include seven recommendations of the Legal Affairs and Community Safety Committee Inquiry on strategies to prevent and reduce criminal activity in Queensland.

Additionally, on 19 December 2014 the Attorney-General referred the issue of whether Queensland should introduce a statutory sexual assault counselling privilege to the Taskforce. These issues have been incorporated into Chapter 8 of this Report.

1.5 Limitations

The Taskforce received a significant number of formal submissions as well as contact from numerous affected individuals and organisations, who raised a multitude of issues for the Taskforce's consideration. It was not possible to examine every issue and concern raised during consultation. Matters requiring immediate response (including personal accounts where the Taskforce saw reason for concern about the safety of individuals) were referred to relevant agencies for immediate action.

In accordance with its Terms of Reference, the Taskforce was required to review the issue of domestic and family violence, rather than the broader scope of violence against women and children generally. Sexual assault occurring within an intimate or family relationship was treated as being clearly within the scope of the Taskforce's Terms of Reference.

In recent years, there has been extensive work carried out in a number of jurisdictions, on a state and national level, on the issue of domestic and family violence and violence against women and children generally.⁸ This work was considered by the Taskforce to the greatest extent possible during the course of the review. Given the significant volume of work in this space, it is probable some substantive pieces of work may not have been considered as part of the review.

CHAPTER 2

Scoping the issue of domestic and family violence

- 2.1 An evolving social problem
- 2.2 Defining domestic and family violence
- 2.3 Domestic violence is a gendered issue
- 2.4 Prevalence of domestic and family violence
- 2.5 Impacts of domestic and family violence



In its Terms of Reference, the Taskforce was asked to define the scope of violence, assault, and abuse to be addressed in a domestic and family violence strategy, and whether it would be appropriate for such a strategy to focus on particular or defined sections of the community in order to have the most impact.

Understanding the nature of domestic and family violence, its causes and its impact on individuals, the community, and the economy, is no simple task. Domestic and family violence encompasses a range of behaviours and different communities face unique challenges and can offer unique insights into the problem.

The evidence clearly demonstrates that domestic and family violence is overwhelmingly a gendered issue. Women are significantly overrepresented as victims of violence and coercive behaviour, Indigenous women staggeringly so. Men are statistically more likely to be the perpetrators.

This is not to say that men do not suffer as victims, or that women are incapable of being violent toward their partners. The Taskforce has frequently seen the devastating impact domestic violence has upon victims regardless of their gender, or that of perpetrators. However if Queensland is to make serious inroads into eliminating domestic and family violence, the reality painted by the facts and figures must drive the design of interventions and prevention most likely to make an impact.

This Chapter seeks to define what we mean by domestic and family violence and considers the impacts on the community of its increasing incidence.

CHAPTER 2

2.1 An evolving social problem

Domestic violence is not new. It spans history, countries, and cultures, and has profound impacts on individuals and communities. However, its recognition as a matter of public interest is a relatively modern concept.

It is only a few decades ago that issues of child abuse and ‘wife beating’ were acknowledged but not openly or properly addressed as serious social problems. Societal change during the 1960s and 1970s brought these issues to the forefront. This resulted primarily in the establishment of women’s refuges and courts which became increasingly willing to consider expert evidence about how women were affected by sustained domestic abuse in homicide cases.¹

Despite these changes, domestic violence was still considered a social issue and police responses, particularly in the United States of America (USA), remained focused on providing crisis intervention and referral, ignoring the use of criminal law to deal with the problem.² It was not until the 1970s and 1980s that activism by women’s groups placed policing and the use of criminal sanctions, in response to domestic violence on the social and political agenda. Australia also began to explore the problem of domestic violence and whether the available legislation effectively dealt with violence that occurred in the home, and whether it provided appropriate protection for victims of domestic violence.³

Unlike the USA, the absolute criminalisation of domestic violence has not been the centrepiece of Australian responses to domestic violence.⁴ Instead, civil protection order schemes enacted across most jurisdictions since the 1980s feature heavily in Australian legislation.⁵ Such civil protections are, however, expected to operate in conjunction with criminal law⁶ and in this way, the Australian approach was intended to provide better protection to victims than that provided by criminal law alone.⁷

The first Queensland Domestic Violence Taskforce was established in 1988 and recommended the introduction of stand-alone domestic violence legislation in Queensland. When debating legislation introduced to the Queensland Parliament in 1989 to respond to the issue of domestic violence, the then Minister for Family Services noted:⁸

“Whilst attitudes cannot be changed overnight, through this Bill, the government is ensuring that the law contains effective remedies which offer protection to victims of domestic violence, with clear consequences for those who persist in inflicting this misery on their spouses. When police investigate cases of domestic violence and there is sufficient evidence, criminal charges should be laid against the offender. However whilst the criminal law, which is directed to the punishment of past unlawful acts has some deterrent effect, the Bill will afford victims of domestic violence with specific protection from further violence.”

The Hon. Craig Sherrin, Minister for Family Services, Hansard, (15 March 1989)

The *Domestic Violence (Family Protection) Act 1989* provided, for the first time, separate legislation for the protection of spousal victims of domestic violence.⁹ Parliamentary debate at the time focused on a number of key issues including: that domestic violence is a pervasive but underreported crime; the need to challenge traditionally held views that women are the property of their husbands and that provocation is an excuse for violence; the desire to acknowledge the impact of domestic violence on women, children, and communities; and the need for government to act in order to more effectively protect victims from further abuse.

“Violent husbands are not referred to as criminals, as they should be, having committed a criminal assault upon their wives. They are referred to more euphemistically as errant husbands. It is that very perception of the crime that has posed so much of a problem for its incidence to be reduced.”

Ms Anne Warner, Member for South Brisbane¹⁰, Hansard, (11 April 1989)

“It is hard to imagine that that sort of violence and abusive behaviour are a daily occurrence in family homes throughout this state. Our views about the essence of marriage as a loving partnership are affronted when we learn of violence behind closed doors and realise that children are witnessing that violence...As a responsible community, we simply cannot turn a blind eye to this violence.”

Mrs Diane McCauley, Member for Callide¹¹, Hansard, (11 April 1989)

The *Domestic Violence (Family Protection) Act 1989* came into effect on 21 August 1989 with the endorsement of all three major political parties in Queensland at the time (Liberal, Labour and The Nationals). It was one component of a broader strategy to respond to domestic violence as a “serious blight on Queenslanders”¹² including: the provision of intensive training programs for the Queensland Police Service (QPS) and members of the judiciary; the establishment of the Queensland Domestic Violence Council responsible for monitoring implementation and operation of the legislation; and a domestic violence awareness campaign.

Since 1989, numerous amendments have been made to the Act, including:

- » Broadening its scope to include people in both spousal (including same-sex relationships) and non-spousal (people in intimate personal relationships, family relationships or informal care relationships) relationships (1999 amendment Act and 2002 amendment Act)
- » Extending protection to relatives and associates of the aggrieved spouse (1992 amendment Act)
- » Extending the duration of a domestic violence order from a maximum of 12 months to two years or longer where special circumstances apply (1992 amendment Act)
- » Enabling the registration and enforcement of orders made in other parts of Australia or New Zealand (1992 amendment Act)
- » Requiring the court to take into account any history or future risk of family violence affecting a child when determining what is in the best interests of the child (1999 amendment Act).¹³

The most recent major amendments resulted in the *Domestic and Family Violence Protection Act 2012*. These changes are intended to provide a broader and more contemporary definition of what constitutes domestic and family violence, to provide greater protections for victims, and to increase penalties for offenders.

Legislative amendments were often accompanied by a range of social services including shelters for women and children; regional domestic and family violence services; dedicated phone services; an awareness-raising *Domestic and Family Violence Month*; and an advisory council. Unfortunately, the emphasis on providing a holistic response to domestic and family violence, including both legislative and community-based initiatives has diminished in Queensland. We are now the only Australian jurisdiction without a current domestic and family violence strategy.

Recent media coverage has served to re-invigorate community interest in domestic and family violence. Correspondingly, efforts are being ramped up across Australia to review existing responses and strengthen their effectiveness in putting an end to domestic and family violence. The statistics and stories from Queenslanders received as part of this review show that there is clear momentum to redouble our efforts and build on what we have learnt from past experience.

Clearly, as a community, Queenslanders are ready to act.

2.2 Defining domestic and family violence

Domestic violence, also called intimate partner violence, occurs in a variety of forms including physical, emotional, and economic violence within any type of relationship against any person.

Domestic violence presents a unique definition challenge, as it encompasses a broad range of behaviours. Domestic violence can occur within any form of relationship, towards any person, at any time, regardless of personal, cultural, or economic standing.

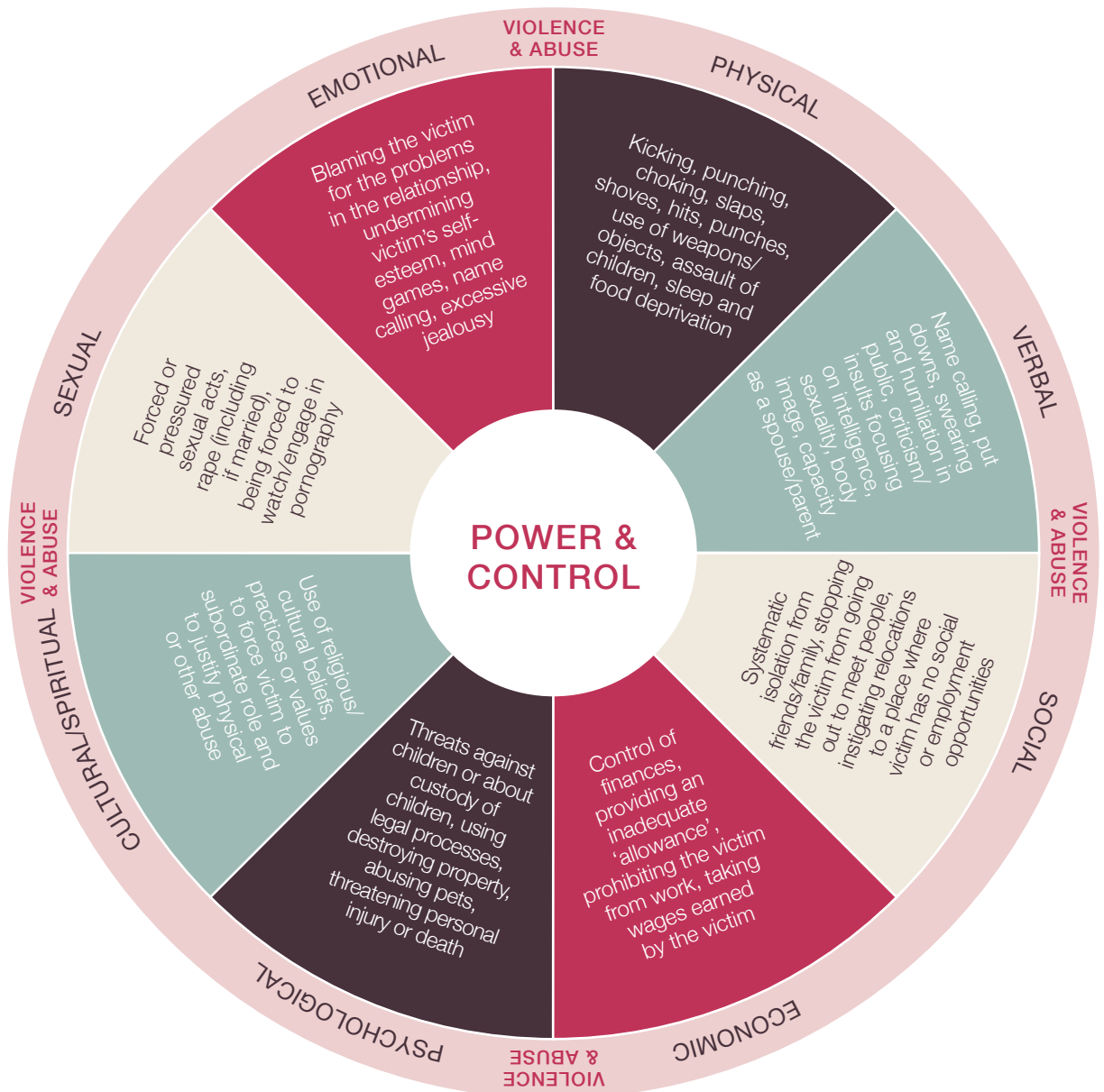
In Queensland, the *Domestic and Family Violence Protection Act 2012* (the Act) provides the legal instrument to respond to domestic and family violence. The Act covers:

- » People who are in a relevant relationship, which includes intimate personal relationships (married and de facto spouses, parents of a child, engaged and couple relationships, including same sex couples)
- » Family relationships (adult relatives by blood or marriage, including extended or kinship relationships where a person is regarded as a relative)
- » Informal care relationships (where the carer is unpaid).

The Act defines the conduct of domestic violence as including physical, sexual, emotional, psychological, and economic abuse or any other threatening, coercive, or controlling behaviour which causes the victim to fear for their safety or wellbeing or that of someone else. Examples of this type of behaviour include:

- » Causing physical injury
- » Threatening physical injury or death whether towards the primary victim or others, including pets
- » Coercing or forcing the victim to engage in sexual activity or attempting to do so
- » Threatening to, or depriving a person of, their liberty
- » Damaging a person's property or threatening to do so
- » The perpetrator threatening to self-harm or suicide for the purpose of tormenting, intimidating or frightening the person to whom the behaviour is directed
- » Conducting unauthorised surveillance of the victim (may include following or tracking the victim, monitoring telephone calls, text messages or email) or unlawfully stalking the victim
- » Controlling or withholding the family assets and income which denies the victim economic or financial autonomy or the ability to pay the reasonable living expenses for the family
- » Tormenting, intimidating or harassing the victim (may include repeatedly following or contacting the victim without consent, derogatory taunts, withholding medication, disclosing the victim's sexual orientation without consent).

Figure 4: Range of power and control tactics



Australian jurisdictions do not share an agreed definition of “domestic violence”, “intimate partner violence”, “family violence” or a similar relevant term. Regardless, all agree that this violence can take forms other than physical abuse. Figure 4 provides one definition of the broad range of activities that constitute domestic and family violence. Similar to the Queensland legislation these are: physical, verbal, social, economic, psychological, cultural/spiritual, sexual and emotional.

Many practitioners, policy-makers and researchers support a contemporary understanding of domestic violence which acknowledges forms of abuse characterised by the following elements:

- » Parties are in, or have been in, an intimate partner relationship
- » There is an ongoing pattern of behaviour rather than a “one-off” or situational event
- » The purpose of the violence is for one person in the relationship to maintain power and control over the other person
- » It creates fear
- » A range of tactics are employed
- » Behaviour can be both criminal and non-criminal.

“Quiz me about where I was going and what I was doing. Send 20-40 text messages to me while he was at work. He even put the “Find my iPhone” App on my phone so he could track my every move... He plays mind games and manipulates me to a point where I think I am going crazy.”

from a contributor to the Taskforce

Intimate partner sexual violence presents a specific form of domestic abuse which occurs between two individuals in an intimate partner relationship. Intimate partner sexual violence is not limited to male and female intimate partner relationships and is evident across the spectrum of intimate relationships. It can be defined as unwanted sexual contact or activity by an intimate partner for the purpose of controlling an individual through fear, threats, or violence. Intimate partner sexual violence includes comparable behaviours to domestic violence and can be a component of physical domestic violence or a stand-alone offence.

The consequences for victims of intimate partner sexual violence require a different understanding than victims of physical domestic violence and/or sexual assault. The trauma experienced by intimate partner sexual violence victims may present a more complex range of issues than traditional sexual assault due to a combination of both sexual and domestic violence elements.¹⁴ Issues unique to intimate partner sexual violence victims include:

- » Longer-lasting trauma: Research reveals that the trauma can be longer lasting. Significant reasons for this are a lack of recognition and an inability to share the pain¹⁵
- » Higher levels of physical injury: If we accept that generally most rapes are not physically violent, those that do involve injury are likely to be partner rapes¹⁶
- » The incidence of multiple rape: Although intimate partner sexual violence can be a one off, survivors of intimate partner sexual violence suffer the highest frequency of multiple rapes¹⁷
- » Difficulty defining the act/s as sexual assault: Society is socialized to see rape as involving non-consensual sex between two strangers. Additionally, there may be reluctance to define a partner as a “rapist.”¹⁸

Family violence is a broader term most often referring to violence between family members as well as violence between intimate partners. It involves the same behaviours as domestic violence. In the Australian context, family violence is the most widely accepted term used to acknowledge the experiences of Aboriginal and Torres Strait Islander people as it encapsulates the violence which occurs within a broad range of kinship relationships.

Defining domestic and family violence has significant implications for how the criminal justice system, including police and courts, the human services sector, and the broader community recognise, understand, and respond to this very serious and complex social issue. While any act of violence is unacceptable, giving the term too broad an application risks diminishing the insidiousness of the conduct.

Commonly held understandings of domestic and family violence often assume acts of physical violence within a relationship and in the home; however domestic and family violence is much more complex. In an abusive relationship, the victim may be subject to one or more forms of violence or corrective control which may be it physical, sexual or non-physical.

Non-physical forms of domestic and family violence include verbal abuse, social isolation, economic abuse, psychological abuse, and even use of spiritual or cultural beliefs to justify violent or abusive behaviour or to force victims into subordinate roles. The central element of the behaviour is that it involves an ongoing pattern aimed at controlling the subject of the violence through fear, and use by the perpetrator of a range of tactics to exercise power and control.

2.3 Domestic violence is a gendered issue

Domestic and family violence can affect any person regardless of gender, age, socio-economic status, or cultural background. While both men and women can be victims and perpetrators of domestic and family violence, it is important to acknowledge that the rate of domestic and family violence perpetrated against women is significantly higher than it is against men.

In terms of perpetration of domestic and family violence generally, the Australian Bureau of Statistics 2012 personal safety survey identifies that:¹⁹



One in six Australian women have experienced physical or sexual violence from a current or former partner, compared to one in 19 Australian men



One in five women have experienced sexual abuse compared to one in 22 Australian men



One in four Australian women have experienced emotional abuse from a current or former partner, compared to one in seven Australian men.

Statistics from the Office of the State Coroner show that where the perpetration of domestic and family violence results in death, a woman is more likely to be killed by an intimate partner than a man. Of the 102 deaths occurring between 2006 and 2013 identified as being related to domestic and family violence within an intimate partner relationship, 81 (79%) involved a female victim.²⁰

Severity of violence is often used as a key measure to understand the gendered nature of domestic and family violence. In 2004 VicHealth reported that, "...intimate partner violence is responsible for more ill-health and premature death in Victorian women under the age of 45 than any other of the well-known risk factors, including high blood pressure, obesity, and smoking".²¹ Indigenous women are 35 times more likely to be hospitalised due to family violence than any other Australian women.²²

"The violence would consist of him punching me, spitting on me, choking me, depriving me of sleep and threatening others would kill or rape me. I was often left bruised with multiple contusions, black eyes, pain, on occasion concussion and living in great fear for my life..."

from a contributor to the Taskforce

Recognising the disproportionate rate of domestic and family violence on women enables the nature of the problem to be correctly characterised. It will allow for the development of targeted prevention and intervention strategies that address the specific needs of the victims of domestic and family violence. Further it will enable more accurate resource allocation and the provision and appropriateness of support services.

Having said this, it is imperative that a Queensland Domestic And Family Violence Prevention Strategy be inclusive, in terms of acknowledging that domestic and family violence is perpetrated by both genders within a range of intimate and non-intimate relationships. Violence within any relationship is deplorable and not to be tolerated under any circumstances. The Queensland strategy to combat violence will reflect the importance of prevailing gender statistics but will be fundamentally underscored by the desire to prevent violence against all people in all forms of relationships.

In terms of perpetration of domestic and family violence generally, current Queensland data identifies:

- » That between September 2013 and September 2014, 15,656 protection orders identified the aggrieved person as female as opposed to 4,486 males²³
- » Adult male offenders committed 12,503 domestic and family violence breach offences in the 2013-14 financial year, representing 87% of total offences reported to QPS.²⁴

In the 2013-14 financial year 22,393 client intakes were recorded for the DVConnect Womensline. Of men assisted by DVConnect Mensline, 45% (3,401) identified as perpetrators of domestic and family violence and 11% (831) identified as victims of domestic and family violence.²⁵

Of respondents to the Taskforce: *Domestic and Family Violence Survey* (Appendix 3), 69% believed that both men and women, but mainly men commit domestic and family violence.²⁶

2.4 Prevalence of domestic and family violence

Domestic and family violence occurs across our nation at disturbing and horrific rates. It is difficult, however, to provide accurate figures about its true extent given the often private nature of violence, the nature of the relationships involved, the range of behaviours that are covered and the fact it is often not reported.²⁷

This is because victims of violence within an intimate relationship are less likely to perceive the behaviour as a crime, or may not report the incident because of shame or embarrassment, fear of the perpetrator, or the consequences of reporting the incident.²⁸

A Queensland-wide study in 2011 found that 13.1% of Queensland women in a current, co-habiting, heterosexual intimate partner relationship had been physically assaulted, and 33% had been subjected to non-physical abuse by their current partner.²⁹

The Australian Bureau of Statistics' 2012 personal safety survey collected detailed information from 17,050 men and women aged 18 years and over about their experience of violence since the age of 15. The survey found that:³⁰

Women were more likely to have experienced violence by a known person, and the most likely type of known perpetrator was a previous partner

Men were more likely to have experienced violence by a stranger, and the most likely type of known perpetrator was an acquaintance or a neighbour

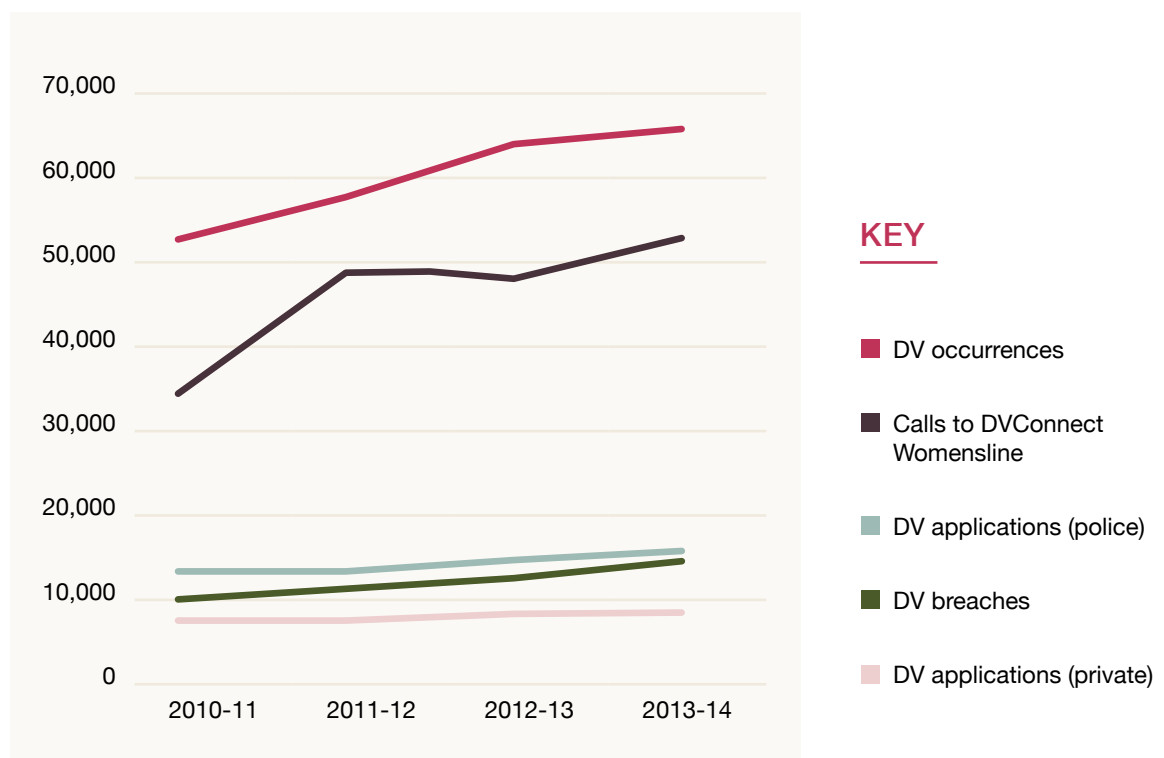


The survey results also highlighted the reluctance of people to report partner violence.³¹ An estimated 80% of women and 95% of men never contact the police about violence by their current partner. Of those who experienced violence from their current partner, 54% of men and 26% of women had never told anyone. People were more likely to tell people about violence from a previous partner. An estimated 52% of men and 76% of women who experienced violence from previous partners had sought advice or support. Of women who had experienced violence from previous partners, 56% had sought advice from a friend or family member.

In Queensland, reported incidents of domestic and family violence have been increasing (Figure 5). QPS recorded 66,016 domestic and family violence occurrences in 2013-14, an increase of 2.7% from the previous year.³² In the same period more than 24,000 private and police initiated applications for a protection order were filed in Queensland courts, with 14,579 contravention (breach) offences recorded by the QPS.³³

DVConnect is the 24/7 state-wide crisis telephone response service for people experiencing domestic and family violence. DVConnect Womensline received 53,313 calls in 2013/14 (an increase from 48,544 in 2012/13) and assisted more than 9,000 women and children to immediate safety throughout the state (an increase from over 8,000 in 2012/13).³⁴

Figure 5: Domestic and family violence in Queensland



2.5 Impacts of domestic and family violence

Homicide

At the extreme end of domestic and family violence is homicide. The National Homicide Monitoring Program reported that, between 2010-11 and 2011-12, 39%, or 187 of the 479 homicides in Australia, were domestic homicides, with 58% of these being intimate partner homicides.³⁵ Nearly two-thirds of domestic homicides were women (n = 121, 62%). Overall, 76% of all female homicide victims killed throughout 2010-11 and 2011-12 were killed by an offender with whom they shared an intimate partner relationship, while a greater number of male homicide victims were killed by a friend or an acquaintance (81%).³⁶

In Queensland, the Domestic and Family Violence Death Review Unit reports that approximately 45% of all homicides between 1 January 2006 and 31 December 2012 occurred within an intimate partner or family relationship.³⁷ Factoring in multiple homicides, a total of 167 offenders were responsible for these deaths. Of these, 82.03% (n=137) were male, 15.57% were female (n=26) and 2.4% (n=4) of the incidents involved both a female and male offender.

During this time period, 56.67% (n=102) of deaths occurred within an intimate partner relationship. This includes people who were married, in a de-facto relationship, people who had a child together, or who resided together as a couple. This category also covers people engaged to be married as well as couples that were separated or divorced.

Of the total number of domestic and family violence related deaths, women were more likely to be killed in an intimate partner relationship, whereas men had a higher propensity to be killed within a family relationship. Of the total number of deceased killed within an intimate partner relationship, 79.41% (n=81) were female and 20.59% (n=21) were male. Three deceased males were killed by their male intimate partner whereas all female deceased were killed by a current or former male partner.

The Domestic and Family Violence Death Review Unit defines family relationships as those between people who are related either biologically or through marriage including parents, children, siblings, cousins, aunts, uncles, or nephews. Between 1 January 2006 and 31 December 2013, 38.89% (n=70) of deaths occurred within a family relationship. Of the total number of people killed within this type of relationship, 42.86% (n=30) were female and 57.14% (n=40) were male.

Health impacts

Domestic and family violence has significant, and often long-term, impacts on health and wellbeing. Internationally, the World Health Organisation's 2013 report on the prevalence and health effects of intimate partner violence and non-partner sexual violence found that violence against women is pervasive globally, describing it as "a global public health problem of epidemic proportions, requiring urgent action".³⁸

In Australia, the Victorian Health Promotion Foundation researched the health burden of intimate partner violence in Victoria. It found this type of violence contributes to 9% of the total disease burden of women aged 15 to 44 years. Of this total disease burden, 60% was due to mental health problems. Intimate partner violence was the leading contributor to illness, disability, and premature death for this group, over and above other known risk factors of obesity, high cholesterol, high blood pressure, and illicit drug use.³⁹

Family violence has a significant impact on the short and long-term health and welfare of Aboriginal and Torres Strait Islander individuals, families and communities. The *Overcoming Indigenous Disadvantage Key Indicators 2014 Report* revealed that in 2012-13, after adjusting for different population age structures, Aboriginal and Torres Strait Islander hospitalisations for non-fatal family violence-related assaults for females were 34.2 times the rate for non-Indigenous females and for Indigenous males were 28.3 times higher the rate for non-Indigenous males.⁴⁰

Children

It is estimated that more than one million Australian children are affected by domestic and family violence.⁴¹ Children are affected by both the direct and indirect experiences of violence in a range of ways: through hearing or otherwise witnessing the violence; being used as a physical weapon; being forced to watch or participate in assaults; being forced to spy on a parent; being informed that they are to blame for the violence because of their behaviour; being used as a hostage; defending a parent against the violence; and/or intervening to stop the violence.⁴²

Children can suffer serious negative impacts on their emotional wellbeing, health, ability to learn and ability to develop positive relationships with others. Psychological and behavioural impacts have been documented:

- » Depression
- » Anxiety
- » Trauma symptoms
- » Increased aggression
- » Antisocial behaviour
- » Lower social competence
- » Temperament problems
- » Low self-esteem
- » The presence of pervasive fear
- » Mood problems
- » Loneliness
- » School difficulties
- » Peer conflict
- » Impaired cognitive functioning
- » Increased likelihood of substance abuse.⁴³

Homelessness

Domestic and family violence is the major cause of homelessness in Australia.⁴⁴ The Australian Institute of Health and Welfare *Specialist Homelessness Services Annual Report 2013-2014* collected data found that an estimated 84,774 adults and children (33% of all clients) sought assistance as a result of family or domestic violence. This was an increase of 9% from 2012-13, including an increase of 14% in the number of children experiencing family or domestic violence. The highest proportion of clients requesting assistance for domestic and family violence were living as a single parent household (with a child or children) (46%) and at risk of homelessness when first presenting for support (60%).⁴⁵

Indigenous people represented 23% of those accessing specialist homelessness services in 2013-14.⁴⁶ Among Indigenous people who sought Specialist Homelessness Services, 22% reported domestic and family violence as their main reason for seeking assistance.⁴⁷

Economic impacts

In 2012, KPMG estimated violence against women and their children cost \$USD 14.7 billion or roughly 1.1% of Australia's GDP, based on the prevalence of reported violence.⁴⁸

The Queensland Government estimates that the annual cost of domestic and family violence to the Queensland economy is between \$2.7 and \$3.2 billion.⁴⁹

In 2009, KPMG prepared a report for the Commonwealth Government that set out the costs, both financial and non-financial, that would be incurred by doing nothing to reduce or prevent violence against women and their children. The report set out seven cost categories including:

1. Pain, suffering, and premature mortality costs associated with the victims/survivors experience of violence
2. Health costs, including public and private health system costs associated with treating the effects of violence against women
3. Production-related costs, including the cost of being absent from work, and employer administrative costs (for example, employee replacement)
4. Consumption-related costs, including replacing damaged property, defaulting on bad debts, and the costs of moving
5. Second generation costs which are the costs of children witnessing and living with violence, including child protection services and increased juvenile and adult crime
6. Administrative and other costs, including police, incarceration, court system costs, counselling, and violence prevention programs
7. Transfer costs, which are the inefficiencies associated with the payment of government benefits.⁵⁰

CHAPTER 3

In their own words: what the Taskforce heard

3.1 Stories and perspectives

3.2 Summits

3.3 Formal submissions

3.4 Focus groups



The Taskforce was overwhelmed by the investment of the community in the review. Over 130 submissions were received and dozens of round table discussions, events, focus groups, and face-to-face meetings were held to hear the firsthand accounts of victims and those working in support services.

The stories told to the Taskforce painted a harsh picture of domestic and family violence and helped to drive the framework of reform developed in this report.

In November 2014 the Taskforce published *Our Journal: A collection of personal thoughts about domestic violence*. This document contained the stories of many brave victims who were willing to share their experiences.

This Chapter provides more of the voices that have helped to shape the Taskforce's deliberations. Reading these stories enables us to better understand the journey of victims of domestic and family violence and sets a powerful context in which to subsequently explore the reform options presented further in the Report.

CHAPTER 3

“Storytelling is in all of us. It is a natural human response to the experience of living and witnessing. It’s how we talk to one another, and how we feel like we belong to something bigger and wiser than ourselves. It is instinctive and powerful, and foolishly underrated. As the women who testified to their own abuse discovered, stories can dramatically shift attitudes and international conventions. They immerse and transport us. The act of telling assuages fear and begins healing. Stories identify us, and make sense of who we are. They show us ideas in human action. They inspire us to change, and to want to change. They connect us, and they hold us accountable to one another. They are our common sense. A few thousand years ago, Plato told us that those who tell the stories, rule society.”

The Honourable Quentin Bryce AD CVO, 2013¹

The Taskforce has travelled extensively, to seek out and listen to people across Queensland, to hear their stories of suffering and pain, and to see the incredible strength and perseverance of those who have experienced domestic and family violence and those providing services to support them.

These stories have challenged our thinking and allowed the Taskforce to gain an insight into the extreme demands placed on police, legal services, accommodation providers and health workers, as they tirelessly work to support victims of abuse. These stories have also reinforced the important role the community plays in addressing domestic and family violence.

Stories bring us together as a community – and it is the Taskforce’s sincere hope that the stories that are told here will move the community forward in the journey to collectively act to put an end to domestic and family violence.

3.1 Stories and perspectives

The Taskforce called on people who had experienced domestic and family violence to share their stories, in their own words. Many recounted astonishing suffering and violence at the hands of their intimate partners, detailing horrific physical injuries.

“The first time he was violent it came out of the blue. It was an intense, terrifying experience. He flew into a rage over something I’ve long since forgotten. What I do remember is his hands closing around my throat. I remember gasping, I remember the fear, and I remember the way he watched my eyes as I slipped towards unconsciousness. He would release the pressure just as I felt myself sinking into blackness, allowing me just enough oxygen so that he could begin the process again. I don’t know how long he did this for, like a cat playing with a mouse, making sure just enough life remained to sustain the game for longer. I don’t remember what happened afterwards. I just remember feeling petrified and trapped. I wanted him to leave then, I asked him to. He refused. What could I do?”

from a contributor to the Taskforce

Others described menacing and controlling behaviours which impacted greatly on their psychological well-being. While most had escaped the relationship they continued to work on mending the emotional scars of their experience.

“The bruises go away and the red marks but the emotional scarring and the mental abuse always stay but you just learn to deal with it?”

from a contributor to the Taskforce

These stories have been essential in informing the Taskforce’s understanding of the variety of experiences of domestic and family violence, and the support that is needed to reduce and prevent such violence in the future.

The Taskforce heard stories of professional women, young women, older women, stay at home mothers, daughters, sisters, Indigenous women, immigrant women and women with a disability. Some men also contributed their stories. These were mostly survivors of childhood violence, but a few wrote of their experiences of domestic violence in an adult relationship.

Although every experience was unique, some common messages emerged. Many felt ashamed of their situation, or believed they were to blame for the abuse they received. Some endured years of domestic and family violence.

Victims often recounted being systematically isolated from their friends or family who may have been able to help. Sadly, several victims who did disclose the violence they were experiencing found their family and friends were dismissive. Some believed violence was a normal and acceptable part of marriage, while others saw it as a private matter and did not want to become involved. This lack of understanding contributed to many women feeling isolated and was a significant barrier to those attempting to leave a violent relationship.

“I was married for 34 years before my marriage dissolved (I left my family home terrified of my husband) due to domestic violence. Not one member of my extended family knew of my “closed door life”...Many times I would lay awake, no other man yelling at his partner/wife in my neighbourhood. Was it me, not being a good wife??? I knew it wasn’t right [but] I didn’t know what to do. Fear, embarrassment, guilt...?”

from a contributor to the Taskforce

Women with children found it particularly hard to leave an abusive relationship. Many did not want to feel responsible for breaking up the family, or were concerned that their children needed their father. Often though children were used to keep women from leaving their abusive partner.

“During my thirteen years of marriage I was subjected to emotional and physical abuse. Initially the physical violence started once I was no longer living near supports of friends and family.”

from a contributor to the Taskforce

“Nobody could help me. Relatives, colleagues and most of our ‘friends’ seemed to turn the blind eye... I guess people told themselves it was none of their business, and anyway, to them he seemed likeable and popular so what I said about him didn’t make sense to them...It was easy for him to isolate me, and in the end there was nowhere for me to go.”

from a contributor to the Taskforce

Many discussed the underlying attitudes of their abusers towards women generally and their inability to take responsibility for their actions. Some had tried for years, with no success, to get their partners to seek help through counselling, drug and alcohol programs, and mental health support.

“He said to me that, if I left him, he would get the kids and I would never see them again.”

from a contributor to the Taskforce

Family members of those experiencing violence also contributed their stories. Parents of women in violent relationships spoke of their pain at knowing their daughter was suffering at the hands of a violent partner. Many tried to intervene, but were afraid of exacerbating the situation or contributing to the violence.

“These perpetrators have severe character disturbance in my view; they have ingrained core beliefs of some form of entitlement and power. Whether this comes from a historical context of entitlement handed down through families and society from generation to generation or it is a mental disorder of some kind it needs to be addressed.”

from a contributor to the Taskforce

Many women made the decision to seek help only after experiencing domestic violence for a long time, often many years. Having made the difficult decision to disclose the violence and ask for help, some women spoke of feeling demoralised when the first phone call was not helpful.

“...my daughter, her anxiety increased, mental health deteriorated and drinking increased. My wife took the brunt of increasingly distressing phone calls. Until my wife received a text from my daughter’s partner “[your daughter] has committed suicide” and he then telephoned me at work telling me [she] was dead...I tried to understand and make sense of it all. When I became aware of her situation I tried to get her to leave her partner and I begged him to let her go/kick her out. Until for her, there became “nothing” left to live for!”

from a contributor to the Taskforce

Many people raised the need to not have to tell their stories repeatedly. Victims of domestic violence often had to navigate between courts, police, refuges, domestic violence services, legal services, perpetrator services, Child Safety, Housing, Centrelink, the family law system and the Child Support Agency. People often became frustrated when they received contradictory information or incorrect referrals, or when different agencies and service providers had conflicting priorities.

“I want people to truly understand domestic violence. I want women everywhere to have access to safe spaces to go to. We need shelters. We need Social Workers who understand the power imbalance that is domestic violence. We need ongoing follow up care to heal from the long-term ramifications of having experienced profound trauma.”

from a contributor to the Taskforce

One message that stood out in the contributions was the difficulty women had escaping from violence due to their reliance on a violent partner’s income. Women often had few options due to a lack of money and an inability to obtain alternative housing.

“You may ask why did I go back and believe me I have asked myself the same question but there are so many emotions involved and other considerations. I was for the most part a stay at home mum, and had no financial support and because I kept the violence hidden from my family and friends I literally felt that I had no choice but to stay.. I always hoped things would change.”

from a contributor to the Taskforce

Some people recounted excellent responses from police and the courts, but others reported extremely unhelpful and traumatising responses. Many expressed the view that domestic violence is not taken seriously by either police or magistrates, and some felt their safety was not prioritised. In particular, some victims came to feel there was no use reporting a breach of a protection order as no action would be taken.

“I later found out that ... he was never served the breach by the police. This information was deeply upsetting as it had been very difficult to actually get the courage to report the breach in the first place and to find that it was never served to him made me think that no one really cared what happened to me and that the police didn't seem to have respect for me or those in my position. Believe me, I did not deserve to be in this situation and to feel isolated when I finally started reaching out to tell people what had been happening to me was very damaging.”

from a contributor to the Taskforce

Navigating the legal system proved particularly difficult for many women. Some spoke of the challenge of finding legal assistance, while others said they found it difficult to understand legal advice and processes. Some victims found court processes and environments especially traumatic if there was no safe room or if they were required to sit near the offender in court.

“In one particular hearing as he left the court he managed to get right behind me and hissed into my ear.”

from a contributor to the Taskforce

Many contributors told stories of ongoing violence after separation and of the interplay between domestic violence and family law. Sometimes these were treated as connected issues by the family law courts; sometimes they were treated as completely separate. In both cases, people reported situations where the approach was not appropriate.

“Custody of our children was awarded to my husband, a perpetrator of domestic violence with a criminal history. He was never made accountable for his actions, or for the effects his violence towards me has had on our children.”

from a contributor to the Taskforce

Inspired by these stories, it is the Taskforce's firm belief that change is essential; change that will make a difference to the lives of all who are affected by domestic and family violence. These stories have also allowed the Taskforce to form a clear view about how to best target this change; in our community's culture and attitudes; in how we provide support so that we achieve an integrated response; and in the police and court systems so that victims are protected and perpetrators held to account.

These three key themes have informed the work of the Taskforce throughout its process of consultation.

3.2 Summits

The Taskforce held two summits, one in Brisbane and another in Townsville. At the summits, community members, academics, and professionals debated key issues pertaining to domestic and family violence. Delegates addressed topics including a lack of community understanding of domestic and family violence, the need for education, the role of the media, language, the importance of an integrated response, and ways to improve the justice response.

These important conversations provided further insights and generated considerable feedback for the Taskforce.

In the discussion on culture and attitudes, speakers described a lack of understanding in the community about domestic and family violence. Media professionals outlined some of the obstacles they face reporting on matters of domestic violence, including privacy protections which contribute to the lack of coverage of domestic and family violence issues.

The language used to discuss domestic violence was also raised. There was general agreement that the term “domestic violence” was not ideal, as it diminished the gravity of the violence as compared to assault that occurs in the public sphere. However, no clear alternatives emerged during the discussion.

“Just in terms of use of words, ... domestic, the word itself implies behind closed doors, it implies privacy, whereas, you know, you should respect degree of privacy, it’s a domestic issue, it’s not necessarily our business, whereas I think if we, as you suggested, broadened it to something along the lines of family violence, it becomes more, or perhaps remove the domestic from it, then it might, you might get more of a sense of community ownership of the issue, community responsibility. Because words can be, just looking at one word has sort of quite powerful undertones.”

from a summit participant

“Finding a universal and authentic language that weights violence rather than domestic in our referencing. Violence is violence. By shifting the scene from a public place to the domestic context doesn’t alter the act or the impact of the violence. By being euphemistic in how we articulate this violence provides a loophole for the person most accountable.”

from a summit participant

The summits also highlighted the need for bystander education so that people know when and how to intervene in matters of domestic violence. Perhaps the clearest message emerging from the discussion of culture and attitudes was the need for a widespread awareness campaign aimed at all sectors of the community.

“We need to be talking about social norms, we need to be talking about a system of attitudes, beliefs and behaviours that provide the context for harmful and abusive situations. And that’s someplace where bystanders can be particularly powerful. And it’s probably maybe seems simplistic but it’s really important to raise awareness and increase people’s knowledge about the issues, because the bottom line is if a person doesn’t see that there’s a problem, they’re never going to do anything.”

from a summit participant

One of the key messages that emerged from the integrated response theme was that it is not possible or desirable for one agency to do everything; each agency should do what it does best. Working with families experiencing domestic violence was described as “highly specialised”, and it was considered vital that victims of domestic violence are offered assistance by organisations with the necessary expertise.

“We hold the woman at the centre of any responses that we are formulating. She gets to choose what’s going to make her safer and what’s going to make her less safe. She is the expert in her own life. We will give her the menu of all the things that we can offer but she chooses what’s going to work best for her.”

from a summit participant

In the absence of an integrated response victims can be given inaccurate information, which may influence their decision to stay or leave and put their safety at risk. Some speakers expressed their frustration with the lack of services available in regional areas, where an integrated response is needed. The speakers acknowledged it would be more difficult to offer an integrated response in regional areas, but did not believe these difficulties were insurmountable.

“They learn different ideas, they learn different ways of looking at the problem, look at the barriers differently, find strategic solutions and they share them, over time that practiced wisdom becomes somewhat more easier to manage and understand. So I guess that’s why we think it’s worked. Complex problems requiring complex solutions and the knowledge that a one size all does not fit in all those circumstances.”

from a summit participant

It was frequently acknowledged during the summits that the legal process can be very difficult for victims to navigate, and can, at times, lead to further trauma. Some options for improving the process were mentioned, but the key message that emerged was the need for more legal services, especially in the early stages of proceedings. The success of duty lawyer services for domestic violence matters was discussed with the conclusion that it was a vital part of ensuring that both victims and perpetrators were able to understand the court process and to have their interests fairly represented.

The possibility of a criminal offence of domestic violence was raised and received varying levels of support, with some speakers believing it was a necessary step and others wary of the unintended consequences that might arise. The suggestion that a specific offence of strangulation should be created was met with a similarly mixed response.

“If it is an offence of assault or attempted strangulation or attempted murder in a non-domestic context, then we need to question how that same crime can be described as a breach of an order, how inadequate for the victim and how lucky for the perpetrator.”

from a summit participant

“I think we need to think about a crime of strangulation, which is such a common feature of domestic and family violence. We don’t have that just as a crime on its own. And that could be a domestic violence crime without being called that.”

from a summit participant

Another key message was the need for education and training for the judiciary and police in how to deal with domestic violence matters. For example, the need for increased understanding among police and legal services as to when it might be appropriate to apply for an ouster condition.

“This has been a vexed issue since it came in. My own personal view is that they’re not applied for enough. It seems to me that if an aggrieved person particularly says to the police I want him gone, then they’ll include it in the application. Some police officers will include it of their own volition after discussing it with the aggrieved, but a lot of times it’s just not in the application.”

from a summit participant

“So that makes it a lot more difficult for a court to make an order and we’re fairly roundly criticised for not making enough ouster orders, but the reality is that they’re not applied for very often.”

from a summit participant

The interaction between domestic violence matters and family law matters was raised, and spoken of as a constant cause of conflict often resulting in further abuse.

“What I normally say is that my concern is to protect individuals in relation to the application that’s before me and not to deal with the children and that’s a matter for the family court. Of course the respondent usually, father or partner or husband, will then effectively not see the kids for quite some time because of the delays in getting on, getting the cases on in those other courts. Some magistrates take the view, and I must say it’s only a minority, that there is a connection between those things and they try to do something about it. My own view is that unless the parties are represented or there’s some other way of having some sort of legal aid intervention, then it’s best left alone at that time. It can be significantly harrowing to an aggrieved who’s there for other reasons to be dealing with those situations at that point.”

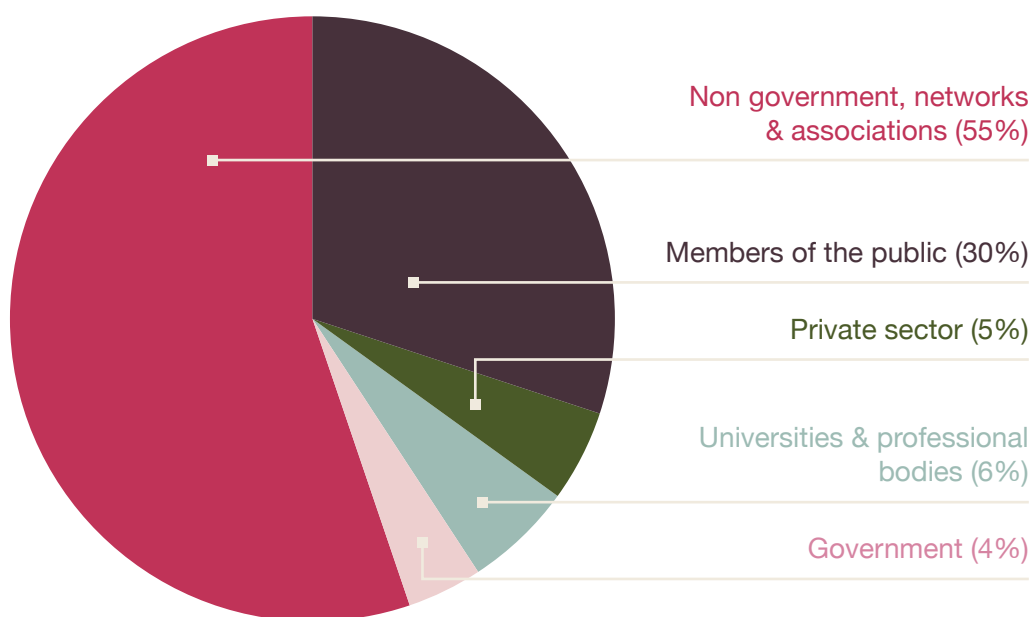
from a summit participant

These summits have again made it clear that it is vital to the challenge of eliminating domestic and family violence that neighbourhoods begin to connect with individuals and, as a collective, take responsibility for setting the values the community needs to live by. Without these connections there can be no ethic of care, only isolation.

3.3 Formal submissions

The Taskforce's call for formal submissions, based on its terms of reference, resulted in more than 130 responses from across Queensland. This activity targeted a different audience to the stories and therefore provided a further set of ideas to complement those described through personal experiences. The responses came from a broad cross section of non-government organisations and experts, and in particular, service providers that support victims of domestic and family violence (Figure 6).

Figure 6: Source of submissions



In summary these submissions:

- » Highlighted that prevention activities should not be at the expense of early intervention or law and order responses. That is, prevention strategies must complement effective responses to existing cases of domestic and family violence. Submissions also highlighted that efforts to address attitudes within our society would need to be long-term in order to affect generational change
- » Emphasised that prevention activities are the responsibility of both government and the community

- » Discussed the need for professional development programs for police, ambulance officers, medical practitioners, and teachers so they can recognise domestic and family violence and provide the appropriate referral and support responses
- » Noted the importance of improving the way in which people seeking support can access different elements of the service system, through better linking, or integration of services, and/or through co-location of services
- » Raised the need to increase the focus on changing the behaviour of perpetrators of domestic and family violence, with some suggesting this was an overlooked area. However, many noted achieving changes in behaviour was a challenge
- » Warned against the delivery of men's behaviour change programs in the absence of an integrated response which enabled the cross-verification of safety assessments with victims (for instance through a victim advocate). This element was considered by many submissions as essential to ensuring the accountability of the perpetrator, and the safety of the victim, during and after the program
- » Pointed to the lack of consistency in the police response, in particular the attitude of officers responding to domestic and family violence, and whether they took the matter seriously and understood its complexity
- » Highlighted the increasing reliance on the civil protective process through domestic violence orders (DVOs) and the need for the criminal law to be applied in conjunction with, and not secondary to, the civil response
- » Requested a greater focus on perpetrator accountability and outlined the continuing abuse of victims by perpetrators misusing the legal system
- » Pointed to the lack of consistency in the legal response and in particular the need for a consistent approach by magistrates
- » Explained the unique issues experienced in regional and remote communities. For example, police are often several hours away when a call for help is placed and the community may not be accessible by road during the wet season; in the time between monthly circuit court sittings, matters are dealt with through the Remote Justices of the Peace (Magistrates Courts) Program and the person determining the matter is local and could well be related to the perpetrator.

As a whole, these submissions stressed the need for a whole-of-government approach with appropriate governance mechanisms, monitoring, and evaluation frameworks.

3.4 Focus groups

The Taskforce engaged market research agency, Enhance Research, to undertake a series of focus groups throughout Queensland in order to gauge community attitudes toward domestic and family violence. The focus groups were conducted with specific segments of the community including:

- » Adults over 25 years
- » Adults 18-25 years
- » School-age children 14-17 years
- » Aboriginal and Torres Strait Islander people
- » People from Culturally and Linguistically Diverse backgrounds
- » People with a disability
- » Lesbian, Gay, Bi-sexual, Transgender and Intersex people.

Twenty-four focus groups, comprising 12 male groups and 12 female groups, were conducted in Brisbane, Logan, the Sunshine Coast, Gladstone, Mount Isa, Ipswich, the Gold Coast, Toowoomba, Townsville and Weipa.

The forums explored issues relating to awareness, attitudes, behaviours, understanding, message comprehension, and the influence of media. Enhance Research's full report can be found at Appendix 4. In summary, the focus groups found:

- » Domestic and family violence is perceived as being fairly widespread and pervasive across the community and is seen as an issue that crosses all social and geographic boundaries. There was a notion that as a topic, domestic and family violence is seen to be 'pushed under the carpet' and not spoken about to the same degree as other social issues. It is seen by many as a personal and highly sensitive topic which influences the degree to which it is discussed. An attitude of minding one's own business and not discussing such a potentially personal issue is also a factor for many
- » Violence in relationships is understood to occur when there is inequity in the relationship. Violence by men against women and children is commonly seen to be the most prevalent type of violence. It was also well understood that the type of violence perpetrated by men on women was generally seen to be physical but it was also recognised by some that violence could include forms of mental abuse
- » The issue of non-physical violence still seems to be secondary to physical violence when discussing the topic. Examination of the definition of domestic violence from the *Domestic and Family Violence Protection Act 2012* showed widespread agreement that the definition under the Act is thorough and comprehensive

- » The notion that wider societal attitudes and behaviours can provide an environment where domestic violence is allowed to occur generated mixed responses. In general, broader societal factors were not generally believed to be a significant contributor to domestic violence
- » Sensationalising stories was also seen as a major issue in how instances of domestic violence could be portrayed. Media standards and the perceived responsibility of media to accurately and intelligently report incidences was noted
- » Many people were unsure about how they would react if confronted with situations of witnessing violence and said they were often conflicted about whether to intervene and, if so, how. They wanted to understand what led to a situation in order to fully understand it, especially where the violence witnessed is not overtly physical in nature
- » Reporting incidents to authorities is generally seen to be the most appropriate reaction when witnessing physical violence or impending physical violence. However, some were concerned about how successful this approach was in stopping and preventing violence
- » There were acknowledged gaps in terms of workplace information about how to intervene in or deal with examples of family and domestic violence that may occur in the workplace
- » Community education should be centred upon the expectation that bystanders should intervene in cases of violence. This should include the most appropriate strategies to employ in different scenarios in order to shift what is currently a patchy and hesitant community response
- » There was a high level of support for government-led communication campaigns to address the issue. The view that such campaigns can influence the level of social discussion around a topic if appropriately engaging and targeted was quite clear. Participants suggested that addressing the issue in a public way would send a clear signal that this was an important community issue that required attention
- » Children should be a target audience for communication campaigns. Ensuring that children are aware of the issue and included in the community conversation is seen as important to driving longer-term behavioural change.

Through listening to and understanding the experiences of those affected by this insidious form of violence, and those who provide support through referral services and the legal system, the Taskforce has gained invaluable insights. The Taskforce recognises the need to provide practical solutions that will significantly improve how we support those affected by domestic and family violence. These solutions must be complemented by a long-term vision to ensure that we live in a state where our community will stand up and say 'stop'; where we will make it known to all those who cause fear and pain that their behaviour is not acceptable; and where we will say that domestic and family violence will not be tolerated.

CHAPTER 4

The Taskforce's vision and framework for change

4.1 A Domestic and Family Violence Prevention Strategy for Queensland

4.2 Challenging the community

4.3 Implementation



The Taskforce’s aim as articulated in the Terms of Reference is to “make recommendations to the Queensland Government, to inform the development of a domestic and family violence prevention strategy to achieve a long term vision, where all Queenslanders can live free from violence from a partner or family member, and where children do not have to see or experience family violence.”

The Taskforce has embraced this vision, of a Queensland free from domestic and family violence. The recommendations throughout this Report establish the framework for change upon which the Government can build a sustainable and effective strategy.

This Chapter describes the key elements of the framework and provides direction for implementing the recommendations. Significantly, the Chapter challenges individuals, the community and leaders to be a part of the cultural change needed to achieve the vision.

CHAPTER 4

Not now, not ever

These four words articulate the Taskforce's vision for Queensland; a vision that sees Queensland free from domestic and family violence, from coercive control, and from intimate partner sexual assault. A community in which people feel safe in their own homes and children are raised in families free from violence and fear.

These four words paint a simple goal, though the journey to get there is anything but easy.

The Taskforce has emphasised an uncompromising message throughout this report that achieving the vision is the responsibility of every member of the community. Government alone cannot eliminate violence from our homes, services in isolation cannot protect victims, and isolated individuals cannot escape. There are no 'ifs' and no 'buts'. We must all make elimination of domestic and family violence in Queensland our goal, and do whatever is in our own power to achieve it.

This call to action may seem daunting, but it is through the simple acts in our own lives that we reinforce the message that violence in our homes and families will not be tolerated. This is about parents teaching their children how to resolve arguments without resorting to hitting, neighbours ringing the police when they hear violence in a home, mates finding jokes to entertain each other that do not denigrate women (and refusing to take part in jokes that sanction abusing women). It is about talking openly about domestic and family violence with friends and family. These are simple acts which will make subtle but important changes to our culture and send a message to those who use violence or control in a relationship that their behaviour is unacceptable.

Our leaders need to do more. Be they in business, religion, sport or the community, our leaders must take a role in condemning violent behaviour, modelling respectful behaviours and supporting victims of abuse. This Report details the extensive impact that domestic and family violence has on the entire community, and the nation's economy. Effective leaders will see the flow on benefits to their community, their business and the economy generally if we create a Queensland that is free from domestic and family violence. They must act to achieve these benefits.

While Government cannot eliminate violence from our homes on its own, it must lead the community on this journey. A community acting as one, with a clear message and coordinated effort can achieve this vision.

The Government's role is to develop the path for this journey: this Report provides the framework for defining the messages, designing the models of service delivery and funding, and delivering the infrastructure needed to provide effective supports and responses.

4.1 A Domestic and Family Violence Prevention Strategy for Queensland

The Taskforce believes that Queensland needs a comprehensive and coordinated domestic and family violence prevention strategy. The Strategy needs to clearly and definitively set out the vision for Queensland and provide the means for getting there.

The Strategy should include the following goals:

- » To build a Queensland community that acknowledges the prevalence of domestic and family violence in our community
- » To create a Queensland that is committed to eliminating domestic and family violence and to taking concrete action to stop the violence, whether that action be taken in personal or professional lives
- » To raise understanding in the community that the majority of people subjected to violence and abuse in personal relationships are women and children
- » To develop a comprehensive response and support system that targets the needs of, and deals with the challenges faced by, women and vulnerable groups
- » To build a community that, individually and collectively, is committed to bringing about inter-generational change in attitudes about violence and respectful relationships.

It is fundamentally important the Strategy recognises that Queensland has extensive diversity in our population, geography, climate and culture. This diversity must be factored into the design of the Strategy. The Strategy also needs to be comprehensive, coordinated and provide guidance, structure, leadership across communication strategies, reform of services, infrastructure and legislative change, and cultural change initiatives. Appropriate resources, including funding, must be provided to ensure these reforms can be implemented effectively.

The Strategy must be inclusive and empowering. It must be owned by the whole community. Only with the support and involvement of the community will we succeed in making real change. Initiatives under the Strategy should be nuanced and enable concrete action that the community can embrace and recognise as being relevant to them.

The Strategy must map the journey and outline how it is to be implemented. To ensure we stay on the right path, the Strategy needs to also include an evaluation framework. These elements are discussed later in this chapter.

In recommending a strategy for Queensland, the Taskforce recognises that Queensland is a party to the *National Plan to Reduce Violence against Women and their Children 2010-2022* (National Plan). The National Plan provides the overarching framework for shared action by the Commonwealth, state and territory governments, and the wider community, to reduce violence against women and children. The National Plan articulates that we will only achieve a real and sustained reduction in violence against women and their children through a long term commitment to action. In order to achieve effective and lasting reforms, the Strategy for Queensland will need to be framed and designed to operate in conjunction with the objectives of the National Plan.

Recommendation 1:

The Taskforce recommends that the Queensland Government develops a Domestic and Family Violence Prevention Strategy which:

- a. Is developed through a robust community consultative process
- b. Lays the foundation and creates the building blocks for a Queensland that is free from violence and abuse, and where all Queenslanders act as individuals and as a collective whole, to place social equality and human rights at the centre of our relationships and interactions with each other
- c. Includes a robust implementation plan
- d. Includes a comprehensive evaluation framework.

This Report provides a framework of comprehensive and practical recommendations on how, as a community, we can start the journey and make the changes needed to realise the goal of a violence-free Queensland. Recommendations are presented for government, police, courts and service providers to improve responses, support systems, processes and systems in dealing with this violence. Challenges and recommendations for the community are also presented to give direction and empower individuals to get involved.

The Taskforce has developed this framework to inform and guide the areas of pressing need for reform for the design and implementation of a strategy for Queensland.

4.2 Challenging the community

The Strategy for Queensland can only be successful if the whole community embraces the vision of ‘not now, not ever’, and if individuals take action to realise this vision.

To reinforce this fundamental message, the Taskforce is setting challenges for all sectors of the Queensland community. These challenges are a call to action and a guide on how particular sectors and leaders within our community can make a difference. These challenges extend to every Queenslanders, though they might not be specifically identified in the challenges below. Each person can make a difference.

While the statistics paint a troubling picture of increasing violence, the number of good people in our community, who do not want to live in a society with violence, still outnumber those who cause harm and fear, or engage in acts of domestic and family violence.

This call to action from the Taskforce is for all of us to stand united and say ‘stop’ to domestic and family violence.

Neighbours

Neighbourhoods can and should be supportive, nurturing places where neighbours look out for one another. During the course of the review, the Taskforce heard of incidents where neighbours were aware of, or suspected that, domestic and family violence was happening in their neighbourhood, but did not feel able to act for fear of interfering in other people’s business.

The Taskforce was also informed of many instances where neighbours were completely unaware that a close neighbour was being subjected to abuse or violence. This is a sad comment on our failure as neighbours to connect, to participate, and to contribute. Being a good neighbour, taking time to connect with, help and support the people next door, is fundamental to strong, healthy communities.

The challenge

The Taskforce challenges everyone to get to know their neighbours, to report incidents of possible domestic and family violence, and not consider the abuse ‘just a domestic’ or ‘not my business’.

Family and friends

Our family and friends form the fundamental basis of the support networks that nurture us through our lives. Family and friends have so much more influence on shaping individuals’ attitudes and behaviours than any other aspect of the community. This power needs to be used to influence, reinforce, and reward acceptable, respectful behaviour, and sanction and correct unacceptable behaviour.

“What we might downplay as old-fashioned neighbouring is in fact a critical part of community building and citizenship. Through the interactions we have in our neighbourhoods, we share and reinforce our values. We learn empathy and understanding. We participate in and contribute to something bigger than ourselves.”

The Honourable Quentin Bryce AD CVO, 2013¹



As a family member or a friend to someone we can influence and care about, we must challenge ourselves to define the type of friend or family member we are. Are we a member of someone's network that supports that person through tough times and shapes and encourages acceptable behaviour? Or are we a member who turns a blind eye to someone in need or to unacceptable behaviour, or someone who does not hold friends and family to account?

The challenge

The Taskforce challenges everyone to hold their relatives and friends accountable for violent and unacceptable behaviour, and not condone or ignore behaviour of family and friends who breach the relationship of trust by engaging in domestic and family violence.

The Taskforce challenges families and friends to be networks of safety for people who have suffered domestic and family violence, to provide an environment where victims can seek help and take action to remove themselves from danger.

Religious leaders

Disturbingly, a number of submissions and individuals reported to the Taskforce that the leaders of faith in their particular community would not engage in helping victims or condemn perpetrators of domestic and family violence. These leaders of faith did not see it as the role of the religious gathering to 'lecture' about what happens in the privacy of a home.

The Taskforce disagrees. No faith sanctions systematic abuse of family members. Faith is a very powerful force for good. It binds many communities and provides guidance and a model (particularly for young people) on how to live their lives. Leaders of religion must act as moral leaders for good behaviour within their community.

The challenge

The Taskforce challenges leaders of all faiths and religions to take a leadership role in fostering and encouraging respectful relationships in their community, and to teach their communities and congregations that coercive control and violence are never acceptable.

The Taskforce urges leaders of faith to provide support to victims of domestic and family violence, and encourage their community to do so too.

Sporting organisations

Sport plays an enormous role in the lives of Queenslanders. Whether it be through watching television, playing weekend sport, competing in recreational races, representing one's school, or following the news of sport celebrities, a sizeable proportion of Queensland's population are engaged in sporting culture. This provides sport with extraordinary potential to influence a large and diverse cross-section of our community.

Unfortunately, not all of our sporting heroes behave in appropriate ways. This can lead to behaviour in those that revere and emulate these heroes that is less than ideal.

Organised sport, particularly for boys and men, offers an excellent opportunity to support respectful behaviour both on and off the field. It is an important opportunity to sanction unacceptable behaviour. For example, suspending a player who has been convicted of an offence involving domestic violence can send a powerful message, not only to that individual, but to the broader community, that this behaviour is not acceptable.

Training and games provide opportunities to engage boys and men in conversations and actions around understanding domestic and family violence, without the involvement of women and in a traditional or stereotyped 'masculine' environment. Just starting the conversations will make significant steps toward changing attitudes and behaviours.

Recreational and organised sport for children presents another avenue to identify when domestic and family violence may be occurring. Coaches, team-mates, and parents are in a strong position to identify children who may be subjected to, or who are witnessing domestic and family violence, and to call for help for that child.

The challenge

The Taskforce challenges professional athletes and sporting teams of all types to model respectful relationships, and to highlight to fans, athletes and team-mates that domestic and family violence will not be tolerated.

The Taskforce challenges community sporting organisations to 'start the conversation' about domestic and family violence.

The Taskforce challenges organised sporting clubs to train coaches, referees and others involved with the sport, including volunteers, to identify when domestic and family violence may be occurring and how to safely intervene.

Community organisations – Legacy, RSL, Rotary, Guides, Scouts, Historical Societies

Community organisations, by their very nature, place a high premium on civil and moral behaviour. Building connected neighbourhoods and supporting their communities are often elements of the visions and mission statements of such organisations. They are often made up of individuals who deeply care for the wellbeing of the community, and who have significant skills in working effectively with people, often in difficult circumstances.

These community organisations offer opportunities to develop broad skills, build the courage among participants to inspire them not to be bystanders, and help them recognise when domestic and family violence is occurring and how to safely and appropriately intervene.

The challenge

The Taskforce challenges community organisations to play a leadership role in creating an environment where all members of their community feel empowered to take action to stop violence. This includes helping members to develop skills in preventing and safely intervening in domestic and family violence incidents in their community.

Parents and Citizens Associations (P&Cs)

P&Cs partner with schools to provide the best possible education and extra-curricular activities for their school communities. P&Cs also play an important role, working with the school principal and teachers, to build a school community that embodies healthy relationships and respect. Their work with schools on policies, including the school's policies guiding responses to family and domestic violence, is an important opportunity to contribute to initiatives that effectively address domestic and family violence.

The challenge

The Taskforce challenges P&Cs to proactively work with school principals and teachers to build school communities that model healthy relationships and respect for all, and to support principals and teachers in the delivery of domestic and family violence prevention initiatives.

Media and the entertainment industry

Those involved in the production of news, movies and television programs, magazines, novels, non-fiction works of writing, and on-line media have always had a role in shaping communities' attitudes and behaviour. How these people and organisations depict domestic and family violence can be a powerful way to create a better understanding of the nature of the violence. Media and the entertainment industry can also provide another way to distribute useful information about how to best respond to either prevent domestic and family violence, or how to safely intervene.

Media reporting of specific incidents can reinforce positive messages about how to get help, or how the community can help generally, without compromising journalistic integrity. Initiatives such as the Eliminating Violence Against Women Media Awards (EVAs) positively reward individual journalists for excellence in reporting violence against women, and celebrate news media contributions to the prevention of violence against women.

Producers of fiction and non-fiction, movies and television programs can also provide nuanced depictions of domestic and family violence that helps the community to better understand the complexities of the relationship, both the responses of the individuals involved, and the communities in which they live.

The challenge

The Taskforce challenges producers and creators of all kinds of media, including the entertainment industry and the on-line community, to take the opportunity to depict domestic and family violence in ways that create a better understanding of the nature of the problem, as well as ways to best respond to either prevent or intervene.

All of us

Effective change cannot be achieved unless each and every one of us takes a personal interest and engages in promoting healthy and non-violent relationships in our homes, schools, and the broader community. In doing this, we also need to address the underlying attitudes and cultural beliefs that perpetuate gender inequality and socialisation that leads to violence against women and children.

Equally, each and every person needs to be aware of their responsibility to act, if they become aware of or witness incidents of domestic and family violence. We can only be a community committed to ending domestic and family violence if we understand and challenge the underlying attitudes, beliefs, practices and systems that condone, justify or excuse domestic and family violence.

4.3 Implementation

Strategies and frameworks, no matter how well intentioned, are simply more tomes for our bookcases if they are not implemented effectively. The journey to realise our shared vision of a Queensland free from domestic and family violence starts with implementing the recommendations of this Report and the resulting Strategy for Queensland.

Effective implementation is critical: adhoc, misinformed, and/or ill-resourced implementation arrangements will not achieve effective reform.

The motivation and momentum for implementation must be sustained over a long period, as only long-term change will bring the lasting elimination of domestic and family violence.

Implementation of most of the recommendations in this Report will be complex, time-consuming and difficult. The Taskforce is well aware that this Report and its recommendations are only the beginning of a long journey. For this reason, the following guidance for implementation is provided to maintain the sustained commitment that will be needed.

The Taskforce therefore recommends that Government establish ongoing governance and monitoring arrangements to hold itself and the Queensland community to account for delivering recommendations in this Report and the forthcoming Strategy.

The Strategy itself will, of course, require the detailed implementation plan recommended by the Taskforce. It is absolutely essential that implementation planning, oversight and evaluation arrangements commence for the recommendations in this Report as soon as possible, rather than being delayed by the development of the Strategy.

Effective governance and monitoring arrangements need to include:

- » Strong leadership, oversight and advocacy for implementation progress
- » An evaluation framework that properly assesses implementation progress and outcomes against clearly stated and measureable objectives
- » Robust research and evidence gathering to ensure the highest level of advice informs implementation decisions
- » Flexibility to improve programs and other recommendations if the evaluation shows them to be inefficient, ineffective or damaging to the realisation of the vision
- » Clear lines of accountability for implementation arrangements
- » A commitment to openness and transparency in reporting on implementation.

These elements apply equally to implementation arrangements for the individual recommendations in this Report as well as for the implementation of the Strategy itself.

Recommendation 2:

The Taskforce recommends that the Queensland Government develops an implementation plan for the recommendations in this Report and the forthcoming Strategy, which includes robust, transparent and accountable oversight, effective evaluation, research and evidence gathering principles, and the flexibility to improve on actions and initiatives.

4.3.1 Accountable implementation

The Taskforce believes that it is essential to establish an independent oversight mechanism to maintain momentum and ensure accountable implementation of the recommendations in this Report and in implementing the Domestic and Family Violence Prevention Strategy.

It is therefore recommended that an advocacy and audit oversight body be established, chaired by an eminent and independent Queenslanders and comprising representatives drawn from key sectors in the Queensland community – non-government organisations, industry, employer and employee groups and the education and other social services sectors. Membership should also include Aboriginal and Torres Strait Islander representatives, given the unique issues facing these communities. The oversight body will need to be fully invested in the effective implementation of the recommendations and the Strategy to ensure that momentum is maintained, given the scale and scope of work required.

The role of the implementation oversight body should include:

- » Monitoring progress of actions to implement recommendations
- » Advising on the development of research plans and evaluation programs
- » Advising on modifications or amendments to implementation arrangements identified from the evaluation of the resulting initiatives and reforms, or through other means
- » Advocating for a continued focus on eliminating domestic and family violence in Queensland
- » Advocating for inclusive reform, ensuring that the needs of high risk and vulnerable members of the community are addressed
- » Assessing the performance of government and other sectors in taking action to prevent domestic and family violence in Queensland
- » Reporting to the Premier, initially six monthly, on the progress of implementing the recommendations and the Strategy, and on the assessment of the performance of those taking action to prevent domestic and family violence in Queensland. After 12 months from the finalisation of the Strategy, the oversight body should recommend ongoing reporting arrangements to promote ongoing action on domestic and family violence in Queensland, in partnership with the Queensland Government and in key sectors.

To be successful, the oversight body will need the full support of the Premier and the Queensland Government. The oversight body will need to have the authority to request and receive up to date and accurate information on implementation from agencies and non-government organisations. Similarly, government agencies and non-government organisations will need to be empowered and encouraged to provide the information in a timely manner.

The Taskforce recommends that the Premier table the oversight body's reports in Parliament to provide clear and transparent accountability, and to ensure public scrutiny of the progress toward eliminating domestic and family violence in Queensland.

A charter of roles and responsibilities for the oversight body needs to be developed by the appointed Chair and members to take account of the Government's response to the recommendations in this Report.

The Taskforce has refrained from explicitly naming this oversight body. The oversight body needs to be placed to fit within a broader context of reform, and there will be community expectations on its role and what it can achieve. The name of the oversight body should be created with consideration of this broader context and the community's expectations, and by the oversight body itself once formed.

Recommendation 3:

The Taskforce recommends that the Queensland Government establishes and supports an advocacy and audit oversight body, comprising representatives drawn from key sectors from the Queensland community (including Aboriginal and Torres Strait Islander representation) and with an independent chair. The oversight body should:

- a. Be given the role to audit and undertake advocacy for the implementation of the recommendations of this Report and the Domestic and Family Violence Prevention Strategy
- b. Be required to report to the Premier, initially six monthly, on implementation progress and the performance of the sectors taking action to eliminate domestic and family violence. The frequency of reporting should be reviewed after 12 months from finalisation of the Strategy.

Recommendation 4:

The Taskforce recommends that the Premier of Queensland tables the oversight body's reports in the Queensland Parliament.

4.3.2 Getting it right

Achieving our vision will take time and dedication. It is vital that we continually monitor our progress toward achieving the vision, and identify and build upon the successful achievement of milestones. Along the way there are likely to be barriers and impediments to success. We need to identify and address these as they arise.

Evaluation will be vital to identify what has worked and why. A comprehensive and well-resourced evaluation framework must be developed to complement the significant reforms required to implement the Taskforce's recommendations and the forthcoming Strategy.

The Taskforce considers that a two-pronged approach to evaluation of reforms implemented in Queensland to eliminate domestic and family violence is needed in order to assess performance, inform decision-making and guide future investment. This will include assessing both the broader reform and specific key initiatives, progress in implementation activity and outcomes.

Evaluating the reform

The Queensland Government already has broad level guidelines on how to develop an evaluation plan, which include ensuring:

- » A clear, considered evaluation plan and, where relevant, a well-drafted terms of reference
- » Clearly defined roles and responsibilities
- » Strong stakeholder engagement
- » Evaluation milestones timed to be able to inform decision making
- » Strategies to compensate for any potential deficiencies in evaluation design, data collection, and analytical methods
- » Checks and balances to ensure validity of evaluation findings
- » Clear, transparent reporting that outlines methods, assumptions, and key findings.

The evaluation framework should also clearly:

- » Focus on key issues that inform decision making
- » Use a systematic and evidence-based approach to assess performance
- » Be reliable, useful and relevant to decision makers and stakeholders
- » Be timely
- » Detail criteria for determining both the success of the program and of the evaluation.

As emphasised previously, it will be important that implementation of the recommendations in this Report not be delayed pending the development of the Domestic and Family Violence Prevention Strategy. An implementation plan, with a comprehensive evaluation framework, is needed for the Taskforce's recommendations. These should then be built upon for the implementation plan and evaluation framework for the Strategy.

Recommendation 5:

The Taskforce recommends that the Queensland Government develops a detailed evaluation framework to evaluate implementation of the Taskforce's recommendations and as part of the Domestic and Family Violence Prevention Strategy and which allows for the assessment of:

- a. The impact of the reform overall in terms of driving change
- b. The specific impact of key initiatives to be progressed under the recommendations and the Strategy in terms of improving outcomes.

4.3.4 Research and evidence

A body of valid and comprehensive research and evidence is the keystone of any sound implementation strategy. The continuing evaluation of the implementation process will rely heavily on the availability of accurate and timely research. It is inevitable that as the body of research and evidence grows, the standards of 'best practice' will evolve, and the implementation process must take this into account.

There is a wide range of evidence which should be drawn on when delivering this Report's recommendations. There are, however, three bodies in particular which can significantly support the realisation of the vision of a Queensland free from domestic and family violence with valid and robust data and research.

Queensland Centre for Domestic and Family Violence Research

The Queensland Centre for Domestic and Family Violence Research, at Central Queensland University, is the main government-funded research body on domestic and family violence in the state. The centre builds the evidence base on domestic and family violence in Queensland by conducting social planning, policy development and research activities. The centre also provides training and seminars to support the service sector.

Australia's National Research Organisation for Women's Safety (ANROWS)

Through the Queensland Centre for Domestic and Family Violence Research, the Queensland Government supports ANROWS. ANROWS aims to produce a body of research and evidence to support developments in policy and practice around domestic, family and sexual violence towards women and their children. The Queensland Centre for Domestic and Family Violence Research provides in-kind support to ANROWS, sharing their knowledge and expertise in order to build the evidence base on successful approaches to reducing domestic and family violence.

The Taskforce believes that it is crucial that Queensland continue to support the research efforts of both these organisations to ensure that Queensland's policies and programs are robust, contemporary, and effective.

Domestic and Family Violence Death Review Unit (Death Review Unit)

The Death Review Unit falls within the Office of the State Coroner. As its name suggests, it reviews deaths that have been identified as related to domestic and family violence. The unit is empowered under the *Coroners Act 2003* to investigate these deaths, and has the capacity to request additional reports, statements or information regarding the death to inform the coroner's findings. The unit may access information from doctors, hospitals, police, community services, the courts, and other witnesses.

In addition to examining the specific circumstances of a particular death, the Death Review Unit also tries to identify risk factors that may increase the risk of a death in a relationship (i.e. a homicide, suicide or murder suicide). For example, threats to kill, strangulation, controlling behaviour, and previous assaults with a weapon may indicate a heightened risk of harm to the victim.

The Death Review Unit is the only entity in Queensland which has access to such a detailed body of evidence concerning domestic and family violence related deaths. The Taskforce is concerned that such a vital organisation does not appear to be adequately resourced to carry out its work, nor have prominence with policy makers in Government, who could benefit from the results of the research conducted. Vital opportunities are being lost to better understand, and therefore prevent, domestic and family violence related deaths due to these shortfalls.

The invaluable information collated by the Death Review Unit should inform research and policy throughout Queensland. A significant amount of the work of the unit is not publicly released, as findings are only published for matters that are the subject of an inquest. While it is imperative that the function of the unit remain within the Office of the State Coroner so as to retain its Coronial powers of investigation and reporting, the operation and function of the unit should be expanded. The Taskforce sees considerable merit in having an evidence-based monitoring and evaluation framework, with reporting requirements, that is able to capture this important information.

Recommendation 6:

The Taskforce recommends that the Queensland Government immediately considers an appropriate resourcing model for the Domestic and Family Violence Death Review Unit in the Office of the State Coroner to ensure it can best perform its functions to enable policy makers to better understand and prevent domestic and family violence.

Recommendation 7:

The Taskforce recommends that protocols be developed with the Domestic and Family Violence Death Review Unit to ensure that government departments with relevant policy development responsibilities have access to the research and resources available from the Unit.

Queensland Domestic Violence Death Review Board

Missing from the available research and evidence base is a comprehensive review structure to look at the system as a whole, and identify any failures or gaps that may contribute to a domestic and family violence related death. Through inquests, the Coroner considers the systemic failures that may have occurred, but does not undertake an inquiry on every death, and is compelled to consider each death in a discrete way.

Unlike the Death Review Unit, the Queensland Child Death Case Review Committee operates on a systemic level. This Committee is tasked with reviewing the deaths of all children known to the child safety service system and identifying broader policy, system and practice failures and gaps in order to contribute to the development of child death prevention strategies. The overarching aim of the Committee is to increase the accountability of the child protection system.

The Taskforce firmly believes a similar body is necessary for domestic and family violence related deaths.

A Queensland Domestic Violence Death Review Board supported by the Death Review Unit could, in a manner similar to the Queensland Child Death Case Review Committee, review the circumstances that contributed to the death of any person that died as a result of domestic and family violence. A systemic review would be able to identify where services — both generic and specialist — worked well or failed. It could also make recommendations for tangible improvements to systems, policies, procedures and strategies to try to prevent further domestic and family violence related deaths.

To be effective, the board would need to comprise multi-disciplinary experts in the fields of forensic medicine, criminal investigation and policing, domestic and family violence victim support services, and the justice system. The board would need support from the Death Review Unit and access to information from government and non-government agencies.

The focus of the board should be on system improvement and accountability rather than on incrimination or blame. Other mechanisms across the civil and criminal justice systems, and within industrial relations arrangements, provide appropriate mechanisms to manage the issue of liability.

A Queensland death review board would greatly complement the reforms to be progressed through the recommendations in this Report and the Strategy. The Taskforce believes that in addition to any other oversight and reporting arrangements the Government considers appropriate, the Queensland Domestic Violence Death Review Board should also report findings of system failures and recommendations for improvement to the oversight body that would oversee implementation of the Taskforce's recommendations and the forthcoming strategy.

Recommendation 8:

The Taskforce recommends that in consultation with key domestic violence stakeholders, the Queensland Government immediately establishes an independent Domestic and Family Violence Death Review Board, consisting of multi-disciplinary experts, to:

- a. Identify common systemic failures, gaps or issues and make recommendations to improve systems, practices and procedures
- b. Report to the oversight body every six months on these findings and recommendations
- c. Be supported by and draw upon the information and resources of the Domestic and Family Violence Death Review Unit.

Sharing data

The Queensland Government possesses an enormous amount of information on individuals and families experiencing domestic and family violence. People experiencing domestic and family violence interact with government services through most aspects of their lives. Information from health, education, housing, and the justice system paints a picture of the many ways in which people experience domestic violence. This data is of enormous value to those conducting research on domestic and family violence. In turn, the results of this research could be of significant value in designing, implementing and assessing reforms.

Obtaining this information is often an extremely arduous and time-consuming process. The Taskforce urges the Queensland Government to work with researchers on making this information more widely available to encourage academic research. Facilitating greater access to a wide range of data would enrich the evidence base that can be drawn upon when implementing the recommendations of this Report, and inform future efforts to address domestic and family violence.

4.3.5 Improving the reform

Reform on the scale being recommended in this Report cannot be achieved overnight, nor in a vacuum, isolated from other changes in the community and government.

The recommendations for change being made by the Taskforce have built upon the evidence provided during the review. The recommendations also challenge Government and the community to approach the goal with innovative thinking.

We understand that over time the Queensland community will change with migration, other government policies and laws, and community sentiment. Further research will be conducted, other inquiries and reviews will be undertaken, and initiatives from this Report and elsewhere will be evaluated for effectiveness.

These factors may challenge the value or future efficacy of reforms that are recommended here or that are included in the Strategy. These factors could also provide insights on improvements and modifications that can be made.

The implementation plan therefore needs to support flexibility in implementation, and allow recommendations and reforms to be modified as needed when these factors challenge their value.

CHAPTER 5

Laying the foundations: building a framework to protect at-risk Queenslanders

5.1 Introduction

5.2 Aboriginal and Torres Strait Islander people

5.3 People from culturally and linguistically diverse backgrounds

5.4 People with disabilities

5.5 Elderly people

5.6 Lesbian, gay, bisexual, transgender and intersex people

5.7 Children

5.8 Conclusions



Domestic and family violence permeates every corner of the community. It is not bounded by economic status, education level, age, cultural background, religion or location. However, in undertaking this review, the Taskforce has identified a number of groups of people who, for various reasons, face either a higher risk of being subjected to this devastating violence or face greater challenges in accessing support services to help them escape the violence.

The Terms of Reference ask the Taskforce to recommend early intervention strategies that identify those at greatest risk of violence, and ensure action is taken to protect those at risk and to change the behaviour of those who use violence.

This Chapter explores the challenges facing the most vulnerable groups in Queensland: Indigenous Australians; people from culturally and linguistically diverse backgrounds; the elderly; people with a disability; people who identify as lesbian, gay, bisexual, transgender, and intersex; and children.

CHAPTER 5

5.1 Introduction

Experiences of domestic and family violence differ across the community. While it is important everyone is protected from violence, the reality is, there are particular groups in our community who are more vulnerable and at risk than others.

Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds, the elderly, people with a disability, people who identify as being lesbian, gay, bisexual, transgender and intersex, and children are particularly vulnerable and face some appalling risks from domestic and family violence. Understanding the challenges these groups face, and identifying the barriers to them seeking safety and support, is essential.

“People for all cultures can no longer be allowed to excuse domestic and family violence by misrepresenting “their Culture and/or past Cultural practices”. We have spent more than enough time and effort defining and explaining Domestic Violence. Wherever it occurs, those responsible must be immediately held accountable and re-educated to understand their behaviour cannot be repeated, and those who suffer the consequences, counselled and supported.

It is the responsibility of Government to provide the framework and resources for this to occur.”

Ms Ada Panawya Woolla, Aurukun Local Commissioner, Family Responsibilities Commission

5.2 Aboriginal and Torres Strait Islander people

“On all levels there is a growing awareness that this is an issue that is changing the way we live as a society, as the manifestations of violence are increasingly being brought into our homes through technology and social media. On all levels there is a general acceptance that the way in which violence is portrayed and discussed in the broader society is based on an understanding of this change. This same reality is not so when the discussion turns to violence as experienced by Indigenous communities. For many Indigenous women the need for more honest discussions around the issue of violence is considered an imperative. Unfortunately there have been so many enquires held over the past 30 years where everything that needs to be said has been said and still, little has been done to address the issue of violence as recommended by Indigenous people themselves.”

Professor Boni Robertson

Prevalence and causes of violence

Aboriginal and Torres Strait Islander people in Queensland experience disproportionately high levels of violence, including domestic and family violence. This is true both for the frequency and severity of the violence, despite high levels of non-disclosure (some studies suggest that around 90% of violence against Aboriginal and Torres Strait Islander women is not disclosed).

Of particular concern are reports that violence and abuse is so prevalent in some communities, it has become normalised to the extent that people who live there regard it as inevitable¹, and a ‘language of minimisation’ — describing instances of violence as ‘everyday’ or innocuous — is used in communities to avoid confrontation or aggravating the situation.²

The impacts in Indigenous communities cannot be underestimated. They contribute to negative effects on psychological and physical health, homelessness, poverty, children’s wellbeing, and education. Physical isolation and lack of access to culturally appropriate services compound these impacts. The negative impact of colonisation, dispossession of land and forced removal of children plays a key part in understanding violence against women and their children in these communities, and the need for complex and culturally sensitive prevention strategies to reduce this violence.³

Aboriginal and Torres Strait Islander Queenslanders have a unique history, very different from that of other sections of the Queensland population and characterised by successive generations of colonisation, dispossession, violence, and discrimination. A legacy of trauma arising from this history pervades the lives of individuals, families and communities and is seen as a causal factor for violence in the lives of Aboriginal and Torres Strait Islander people, and a causal factor for a range of other social, economic, psychological and emotional issues that themselves are situational factors contributing to violence.

The Federal Government's 2001 report *Violence in Indigenous Communities*, divided the causes of Indigenous violence into three categories:

1. Precipitating factors – particular events that trigger a violent episode by the perpetrator
2. Situational factors – circumstances in the social environment of perpetrators and victims
3. Underlying factors – historical circumstances of Aboriginal and Torres Strait Islander people that make them vulnerable to perpetrating or becoming a victim of violence.⁴

Contributing situational factors commonly seen in Aboriginal and Torres Strait Islander lives include low levels of employment, overcrowded housing, drug and alcohol use, gambling, passive welfare dependency, disengagement from education, poor physical and mental health, low levels of human rights awareness, a lack of access to services, financial pressures, boredom, and the normalisation of violence in communities. These interlinked elements of disadvantage create a febrile environment in which a variety of individual circumstances precipitate violent incidents.

Family violence

While non-Indigenous Queenslanders commonly view domestic violence as a phenomenon that occurs within the structures of immediate families and, more often than not, between intimate partners, 'family violence' is frequently used to describe the violence that occurs in Aboriginal and Torres Strait Islander communities, and is qualitatively different from general understanding of domestic violence, as it occurs across much broader familial and kinship relationships.

The Australian Institute of Health and Welfare's report, *Family violence among Aboriginal and Torres Strait Islander Peoples*, explains: "Indigenous people may view family violence as occurring between members of their larger family network including aunts, uncles, grandparents, cousins and others in the wider community." It encompasses a wide range of "physical, emotional, sexual, social, spiritual, cultural, psychological, and economic abuses occurring with families, intimate relationships, extended families, kinship networks and communities"⁵. Family violence for Aboriginal and Torres Strait Islander people also exists in a cultural context in which the distinction between the public and private spheres are blurred to a greater extent than in the rest of the Australian consciousness.

Domestic and family violence in remote Aboriginal and Torres Strait Islander communities

Existing data indicates that the prevalence and severity of domestic and family violence affecting Aboriginal and Torres Strait Islander people increases as geographical remoteness increases. In 2012-13, the hospitalisation rate for non-fatal family violence related assaults among Aboriginal and Torres Strait Islander people was over seven times higher in remote areas (1510.6 per 100,000 population) than it was in major cities (197.1 per 100,000 population). In 2011-12, the Aboriginal and Torres Strait Islander homicide rate in remote areas (10.4 per 100,000 population) was twice as high as in regional areas (5.0 per 100,000 population) and five times the rate in major cities (2.1 per 100,000 population).⁶

Common underlying and situational factors that give rise to violence are frequently present in remote communities, overlapping, interlinking, and compounding to create an environment where violence can become pervasive and normalised. Many remote communities have a foundation of violence and dispossession, with family and tribal groups from around the state being forcibly removed from their traditional lands and relocated to an area — a mission, dormitory or other settlement — which continues to serve as the geographical centre of the community generations later. Violent and discriminatory practices, including the removal of children (stolen generations), have further divided the social fabric of such communities.

Distance from urban or regional centres creates challenges for social and economic development which, when combined with a traumatic historical legacy, become near insurmountable barriers to the proper functioning of communities. Unemployment, substance abuse, overcrowding, financial stress, victimisation and an atmosphere of hopelessness, feed on one another to precipitate the disintegration of the social fabric. In the absence of a healthy social relationship, despair and dysfunction flourish, and violence becomes normalised.

The practical difficulties of delivering services to a geographically remote location contribute to the sense of hopelessness. Many of the assumptions on which services developed in urban settings are predicated do not apply in these remote settings.

The models usually employed to deliver refuges, shelters, safe houses and other accommodation services to victims of domestic and family violence, frequently do not meet the needs of Aboriginal and Torres Strait Islander victims of domestic violence, particularly in remote settings. Critical issues identified in *Women, Domestic and Family Violence and Homelessness*, a 2008 report examining the provision of services in remote communities, include:

- » Concerns regarding the security of safe houses for women and children in rural and remote areas, given that accommodation is likely to be ‘identifiable by community people’ and confidentiality around locality will be difficult to maintain
- » The distance of some communities from formal services
- » Issues around conflict of interest and safety for the employed local community members in circumstances where services are run by local staff
- » Recruiting suitably qualified non Aboriginal staff who have a cultural understanding of Indigenous people.⁷

The responsiveness needed to adequately deal with domestic violence incidents in Aboriginal and Torres Strait Islander communities cannot even begin to be approached in remote locations that are supported by outreach services. The study *Family Violence in the Torres Strait* describes some of the challenges of effective service delivery in that region.

“A DV worker in a Central West Island said once someone is bashed (e.g. at St Pauls or Kubin) she phones the help line. When the charter plane arrives, she escorts the woman (sometimes with up to six children) to the airport and then accompanies them to the shelter at [Thursday Island].⁸”

There are no easy answers to the logistical challenges posed when trying to deliver intensive and urgent domestic and family violence services to small, remotely located communities. In circumstances where the realities of a community are so removed from the paradigm of urban life that the assumptions underpinning the design of traditional responses no longer apply, consideration must be given to new, creative approaches to achieving the desired outcome.

Culturally appropriate services and Indigenous run programs

The effectiveness of services offered to Aboriginal and Torres Strait Islander people is often undermined by a failure to deliver services in a culturally appropriate manner. Cultural appropriateness of services can be achieved by means such as cultural competence training for staff of service providers, and the application of principles on cultural appropriateness during service design. Ensuring culturally appropriate service delivery is available for Aboriginal and Torres Strait Islander people should be a priority for all domestic and family violence services provided or funded by the Queensland Government.

“We need programs run by our people, for our people.”

from a contributor to the Taskforce

Much can be achieved by the use of Indigenous run services. One submission drew attention to studies that gave the following explanation:

1. They are uniquely positioned to promote trusting relationships
2. They demonstrate higher levels of cultural competence and safety in the delivery of their programs
3. They are naturally focused towards understanding the true needs of Indigenous people
4. They possess higher levels of perceived accountability due to the intimacy with the wider communities being serviced
5. They have already established communications pathways which promote service delivery
6. They possess unique skill sets that support program facilitation i.e., language skills, artistic skills, and cultural knowledge
7. They have higher rates of Indigenous family attendance at programs than mainstream services
8. They demonstrate higher levels of continuity of service within rural and remote communities.⁹

“I think myself, I think the services are all too mainstream. They need to have that time where they can sit down and people can talk and tell their story. It’s not clean cut as come in and “This is what happened da-da-da”, you know, people have got to be able to have that time to sit and talk and services need to have like the counselling side to it, so that there is a one-stop-shop and they can help the family.”

from a contributor to the Taskforce

The submission from Helem Yumba, an Aboriginal and Torres Strait Islander managed therapeutic service operating in Central Queensland, cites work undertaken by the Australian Institute for Family Studies.¹⁰ The submission posits that Indigenous people providing services to Indigenous families produces positive outcomes, notably they have higher rates of Indigenous family attendance at programs than other specialist services and they demonstrate higher levels of continuity of service within rural and remote communities.¹¹

“There’s not a lot of help available from people who understand what we’re talking about.”

from a contributor to the Taskforce

Snapshot: Helem Yumba Queensland Healing Centre

Helem Yumba, the Central Queensland Healing Centre, is a community organisation located in Rockhampton which offers support and counselling services for individuals and families at risk of domestic and family violence. Helem Yumba currently works to improve the safety and wellbeing of Aboriginal and Torres Strait Islander individuals, families and communities in the Rockhampton, Woorabinda and Mount Morgan areas.

The organisation provides a range of programs and services, including *Not our way*, which is a male behaviour change program that focuses on the individual and their wider networks and environments; the *Women’s yarning up program*; one-on-one counselling; relationship counselling, and court support services.

Helem Yumba has been highly effective in raising awareness about domestic and family violence and building capacity within individuals and families to address the issue, raising awareness within the community, and working towards a changed culture where violence is not the norm.

Submissions also commended the work of Community Justice Groups in Indigenous communities, and strongly advocated they be included as part of an integrated response.

“Life Without Barriers strongly advocates for Community Justice Groups to be formally and financially recognised in remote communities as part of an integrated service delivery response, with relevant accountability requirements put in place.”

from a contributor to the Taskforce

A further strong theme that emerges from submissions and consultation in relation to family violence in Indigenous communities is the need to provide holistic and culturally appropriate violence prevention programs for men. This consultation highlighted the lack of funding, and therefore the lack of availability of these programs.

Research indicates that interventions with Indigenous men have greater success when programs are developed in consultation with the community, involve high levels of inter-agency collaboration and have a multi-disciplinary and holistic approach. The Gatharr Weyebe Banabe Program, for instance, is a promising example of a culturally appropriate program of healing for Indigenous men.

Aboriginal and Torres Strait Islander culture across Queensland is not homogenous. Service delivery to Aboriginal and Torres Strait Islander people in Queensland must take account of the diversity of Indigenous culture across the state. Measures must ensure services can be adopted to suit different cultures and cultural needs of Aboriginal and Torres Strait Islander communities throughout Queensland.

In regional and urban settings Aboriginal and Torres Strait Islander people also suffer from domestic and family violence at rates significantly higher than non-Indigenous Australians.

Culturally competent service delivery is, therefore, just as important in regional and urban areas as it is in remote Aboriginal and Torres Strait Islander communities.

Implications

The unique circumstances, as well as the practical difficulties of service delivery in remote locations, pose challenges to those responding to domestic and family violence in Aboriginal and Torres Strait Islander communities. Traditional responses predicated around the extraction of a victim from a place of danger, the prosecution of the perpetrator and/or the relocation of the victim in a new community, do not work in circumstances where there may be multiple perpetrators, where services are delivered by outreach, where there is no anonymity, no confidentiality and no new community in which a victim can start afresh.

If the key qualities that establish the effectiveness of mainstream services, responsiveness and confidentiality, cannot be delivered to victims in Aboriginal and Torres Strait Islander communities, new approaches need to be considered. The benefits offered by services with Indigenous staff should be considered when pursuing effective responses. In communities where the social fabric has disintegrated, consideration should be given to grafting domestic violence services, programs and infrastructure into the social fabric of Indigenous communities. Staffed and given by people from the community, such services and infrastructure can be developed into sources of new authority and values around which the community can rebuild a sense of identity.

Responding to family violence in discrete Indigenous communities

The Taskforce concluded that there is an urgent need to develop sustainable and culturally appropriate services for women, children and men affected by domestic and family violence in discrete Indigenous communities. They must include targeted prevention and early intervention, crisis responses and post-crisis responses, and should be culturally appropriate and developed in partnership with these communities.

It is not feasible to develop an integrated response of the same type proposed for urban communities. More creative solutions are required to ensure people in discrete Indigenous communities affected by domestic and family violence have accessible and effective support. An example may be use of “hubs” for integrated service provision which would use domestic and family violence shelters as resource centres for complementary services, by both services that are permanently located in the community, and those that come to the community to provide outreach services.

Currently, there are a number of shelters for women and children escaping domestic and family violence in discrete Indigenous communities. Anecdotal information about use of these shelters indicates that they are used differently to shelters in urban areas. They tend to be used for short term emergency accommodation, are not confidential facilities, and usage fluctuates based on what is going on in the community (i.e. availability of alcohol, pay days). These different types of use provide an opportunity to co-locate crisis-response with more long-term prevention and post-crisis response, such as specialist domestic and family violence counselling and legal advice.

Recommendation 9:

The Taskforce recommends that the Queensland Government, in collaboration with local communities, develops a place-based, culturally appropriate integrated response to domestic and family violence in discrete Indigenous communities which includes:

- a. A trial of integrated service provision in one discrete Indigenous community (also discussed in Chapter 7) utilising a locally-based shelter as a hub for the provision of wrap-around support services for women and children affected by domestic and family violence
- b. Considering an expanded role of Community Justice Groups in design and implementation of the co-located service response, ensuring that they are properly resourced and supported to undertake this role
- c. Increasing the funding for, and availability of community-driven and holistic responses to Indigenous male perpetrators.

5.3 People from culturally and linguistically diverse backgrounds

People whose first language is not English and/or who were born in a country other than Australia are recognised as Culturally and Linguistically Diverse (CALD). They may be migrants, refugees or asylum seekers and may also be identified as people from non-English speaking backgrounds (NESB).

People with these backgrounds, particularly women, are at greater risk of being marginalised and isolated socially, culturally, politically and economically. This often results in a reduced standard of living that impacts on their health and wellbeing.¹²

A major risk factor is the ability to speak English fluently. English language skills are considered one of the biggest barriers to achieving social connectedness, access to health services, and employment on settling in Australia. In the current health system, it can be difficult to seek appropriate health information and services without the added, sometimes near insurmountable, barrier of finding it in a language and mode that is understandable and sensitive to specific cultural needs.

Other challenges facing people from CALD backgrounds are the lack of support networks, socio-economic disadvantage, community pressure, and a lack of knowledge about their rights.¹³

In 2013–14, DVConnect's Womensline responded to 53,313 phone calls in Queensland, of which 7.3% were NESB women. Calls related to information and support, counselling and planning, face-to-face court support, and crisis intervention. Crisis intervention requires Womensline to arrange an immediate place of safety for women and children escaping violence at home. In 2013–14, Womensline arranged emergency accommodation for more than 9,000 women and children state-wide. Of the women calling the service, 10.6% of those that required crisis intervention were NESB women. Of those, 22% also needed an interpreter.¹⁴

Some services consulted during the review advise that the number of CALD women seeking assistance for domestic and family violence in Queensland is increasing.

Many organisations, including DVConnect, recognise the challenges facing people from CALD backgrounds and engage additional interpretation and culturally-sensitive services to support their work.

The Taskforce considers that the ability to communicate with victims and for victims to be able to understand their rights and how to access support, needs to be fundamental to the development of response and justice services. This is explored further in Chapter 8.

5.4 People with disabilities

Prevalence of violence

In Australia, around two million, or 19% of women,¹⁵ have a disability, which can range in severity and include single or multiple impairments across a number of conditions, including: medical, sensory, physical, cognitive and psychiatric. Women with disabilities who experience domestic and family violence can sometimes become invisible behind their disability, with the issue of resources to service the disability becoming paramount, rather than the need to address the violence or abuse the woman is facing.¹⁶

While there is little systematic data available on the extent of domestic violence against women with disabilities, the currently limited Australian research suggests an alarmingly high prevalence.¹⁷

A recent Victorian study about violence against women with disabilities concluded that:

- » Women with disabilities experience high levels of family and sexual violence
- » Women with disabilities experience the same kinds of violence experienced by other women but also ‘disability-based violence’
- » Gender-based and disability-based discrimination intersect and increase the risk of violence for women with disabilities
- » Women with disabilities experience violence from many (usually male) perpetrators
- » Women experience a wide range of violence throughout their lives, in a variety of settings.¹⁸

The study found that stereotypes of ‘disability’ contribute to the reasons why women with disabilities are targeted for violence and form significant barriers that prevent them from accessing help. Unfortunately, the study also found that women often do not identify that their experience is domestic and family violence and are often fearful of seeking help. Social isolation can limit the opportunities for women to seek help. Aboriginal women with a disability experience particular barriers to safety.¹⁹

“And also I go to the women’s centre for domestic violence, but I go for counselling there, there are specialised counsellors there. And they have domestic violence days, all that sort of stuff and a lot of is people don’t even recognise it sometimes. Some of these women until it gets so bad they don’t even recognise.”

from a contributor to the Taskforce

The experience of domestic violence for women with disabilities can be different for several reasons including the nature of violence related to the impairment, living and care arrangements, as well as the accessibility and availability of services.

Nature of domestic violence

People with disabilities face the same forms of domestic violence as those without a disability, including physical, sexual, emotional, social, and financial. Sadly, they are also at risk of additional violence related to their impairment including denigration, restriction, withholding aids and unethical practices by care providers.²⁰

“People don’t even realise that they’re being abusive when they’re just hurling words around. I can remember my mother saying things to me when I was a little child and it took me years to work through that thing that was said I carried it with me for 40 odd years. And people will say things and say you know I didn’t mean it; a bit too late. It’s thrown out there, now it’s too late.”

from a contributor to the Taskforce

For women with disabilities, physical assault can include taking control of a wheelchair against their will; as well as the withholding of physical needs, such as food, medication or bathing. Threats of institutionalisation if they “don’t do what they are told” are a form of emotional or psychological control.²¹

Women with disabilities are much more likely to live in poverty and have less independence over their finances.²² They may have limited education, which restricts their access to employment, making financial independence even more difficult. Financial abuse can manifest where carers have control of the disabled person’s finances.

Living and care arrangements

Living arrangements for women with disabilities may increase their vulnerability as they may not live in a family home. Instead they may live in a residential institution, community-based home, hospital, or nursing home in which there is limited public scrutiny and restricted access to outside services. For those with a disability, the perpetrator of domestic violence may not be a spouse or partner. It could be another family member, a co-resident, carer or support worker.

Under reporting

For most women it is difficult to report or leave a domestic violence situation, but those with a disability face even more barriers. These include a physical inability to escape, a lack of knowledge or education about domestic violence, and a lack of understanding that what they are experiencing is domestic violence which they do not have to endure.

Women with disabilities who try to report the abuse or find a way out are more likely to face the additional difficulty of no-one believing their story. They may also lack the communication skills to tell their story.²³ Further, they may not want to report the domestic violence for fear of having their children removed from their care. There are significantly higher rates of child removal for single parents with disabilities compared to those without disabilities.²⁴

Access, availability and integration of services

Basic awareness of available services is an issue. Even if victims are aware of what they are experiencing, their dependence on carers for daily personal care, housing or financial support makes it difficult to leave. A lack of accessible transport can mean women are simply unable to leave a violent situation.

The inaccessibility of domestic violence services for women with disabilities is a significant issue.²⁵

“I wonder how many locals know; I only know of two, but there are two businesses in Townsville that offer emergency housing for domestic violence. There’s one in the community it’s in a house and then there’s the women’s centre and I’m sure there’s more out there. And I don’t know how many people would even know.”

from a contributor to the Taskforce

Poorly integrated and under-resourced services mean that the focus is often on a woman’s disability rather than the domestic and family violence she may be experiencing. Service gaps also mean that when a woman with a disability does access a refuge, it can be difficult to find health services, access appropriate housing or to transfer disability support funding.

The availability of information is equally important for women with disabilities experiencing domestic and family violence as it is for women without disabilities. For women who do not live independently and have only known life in supported accommodation, information about domestic violence services is unlikely to be easily obtained.

Implications

Little attention has been given to the impact of domestic and family violence on people with disabilities, and, as a result, insufficient information is available about the inadequacies of the service system in relation to this group. While the little that is known outlines the unique challenges faced by people with a disability who are victims of domestic or family violence, the development of an appropriate response to these challenges requires a much deeper investigation. Implementation of the Taskforce’s recommendations relating to the community as a whole will go some way towards addressing the harm done to people with disabilities who experience domestic or family violence, but it will not go far enough.

The Taskforce urges the Queensland Government to commission a specific investigation and report on the challenges faced by people with a disability who suffer domestic and family violence.

Recommendation 10:

The Taskforce recommends that the Queensland Government commissions a review to address the impact of domestic and family violence on people with disabilities.

5.5 Elderly people

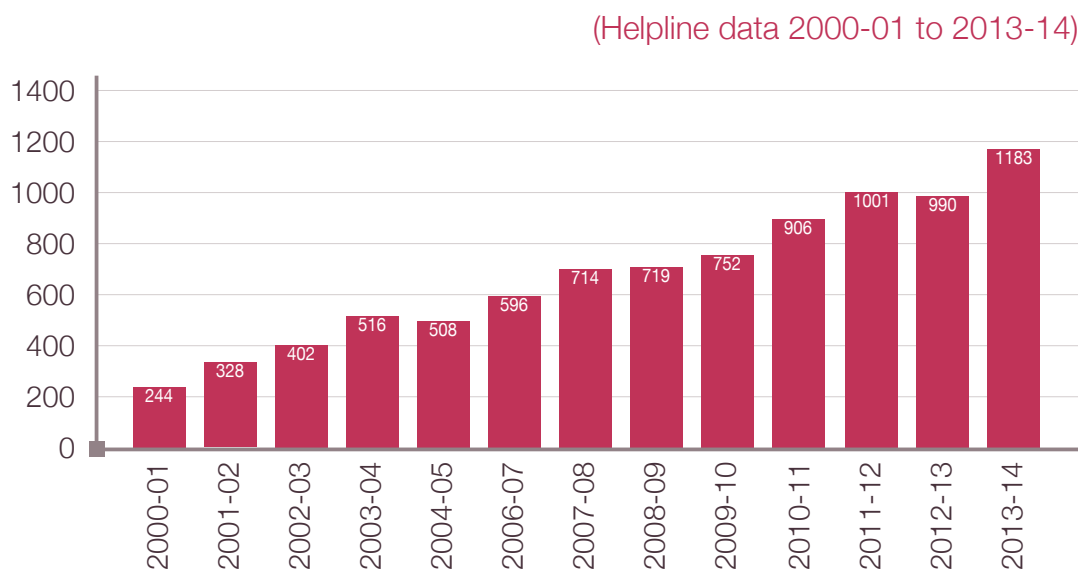
The prevalence of violence

Elder abuse is a growing social issue world-wide, escalating in line with the ageing population and a parallel increase in age-related health issues such as dementia. These trends are reflected in the Australian data where elder abuse appears to be a significant and growing problem.

Women's Health Victoria (2009) suggests that the perpetrators of elder abuse may be different to those who use violence in relationships with younger women, with an increase in reporting of children, grandchildren, other relatives, and carers as the abusers. The type of abuse may also change in nature to emotional and financial abuse.

UnitingCare Community reports similar findings based on notifications to its *Elder Abuse Helpline*. The number of reports of elder abuse have increased from 244 reports in 2000-2001 to 1,183 in 2012-2013 (Figure 7).²⁶

Figure 7: Elder abuse notification by financial year



Note: 1,183 new notifications in 2013-14 relate to 1,226 separate abuse relationships. Each call can identify more than one victim or perpetrator.

The nature of violence

Elderly people may be subject to family violence, although the form of abuse can differ to that of spousal/intimate partner violence. The World Health Organisation defines elder abuse as “a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to an older person”.²⁷ It can fall into a wide range of categories:

- » Physical – the infliction of pain, injury or force
- » Psychological – the infliction of mental anguish, fear, and feelings of shame, and powerlessness
- » Financial – the illegal or improper use of an older person’s finances or assets
- » Social – preventing a person from having social contact or attending activities
- » Sexual – sexually abusive or exploitative behaviour
- » Neglect – the failure of a carer to provide for an older person in their care.

Victims of elder abuse are overwhelmingly women, comprising 68% of reported cases, while the gender of perpetrators is evenly distributed between men and women (Table 1).²⁸

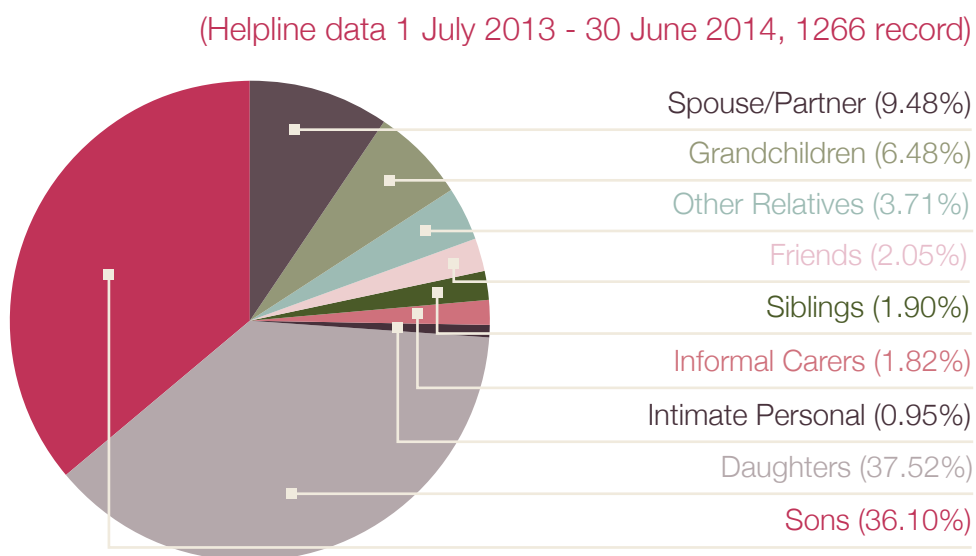
Gender proportions for victim/abuser have remained relatively stable since July 2000.

Table 1: Victims and perpetrators of elder abuse reported to Helpline in 2013-14

GENDER	VICTIM		PERPETRATOR	
	RECORDS	PERCENT	RECORDS	PERCENT
Female	740	67.77%	568	49.39%
Male	352	32.23%	573	49.83%
Unknown	0	0%	8	0.78%
TOTALS	1,092	100.00%	1,150	100.00%

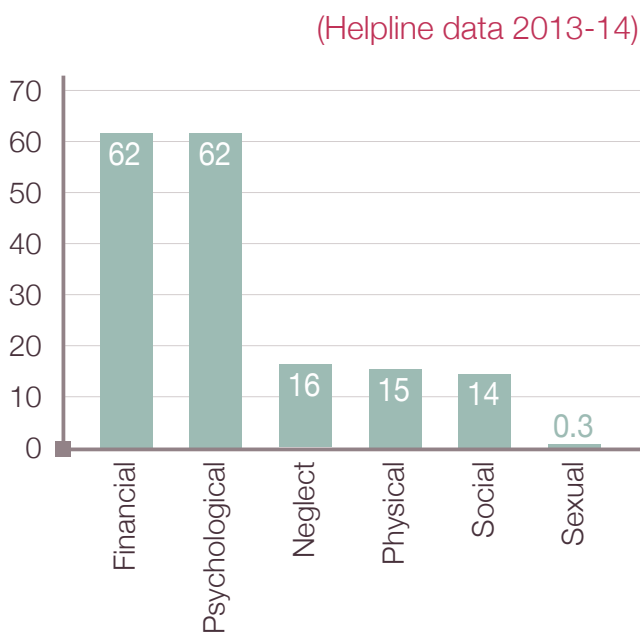
Based on Domestic Violence Orders (DVOs), and Helpline records, most elder abuse is non-spousal violence and instead perpetrated by adult children (73.62%).²⁹

Figure 8: Relationship between perpetrator and victim



In 62% of calls to the Helpline, older victims report psychological abuse, including verbal harassment, intimidation and controlling behaviour, which is used to financially exploit the elderly.³⁰

Figure 9: Abuse types experienced by victims



In 2013-14, UnitingCare Community reported that \$56.7 million was misappropriated from 139 elder abuse victims. Further, there were 650 occurrences of misappropriation reported by elder abuse victims where no dollar value of the misappropriation was stated. The common target for this abuse is the person's home, resulting in an increased risk of homelessness and reduced options for aged care.

Other effects on older people include poor health outcomes with higher rates of depression, emotional trauma, poor physical health, longer illnesses, increased likelihood of physical injury, more frequent hospital admissions, and higher morbidity rates.

In 2009, the Australian Domestic and Family Violence Clearinghouse identified barriers facing older people in reporting abuse and leaving those situations:

- » Diminished cognitive functioning and mental or physical disability
- » Lack of awareness about what amounts to abuse
- » Social alienation
- » Being too old to re-enter the workforce
- » Having too much invested in families or partners to leave
- » Perceived or actual lack of access to services.

Current response to elder abuse in Queensland

Organisations

The two key Queensland Government agencies for responding to elder abuse are the Department of Communities, Child Safety and Disability Services (Office for Seniors) and, when abuse involves guardianship of an adult whose decision making capacity is impaired, the Office of the Public Advocate.

Other agencies who also respond to this issue include: Queensland Health, Queensland Police Service, and guardianship service providers (Public Guardian, Public Trustee, Queensland Civil and Administrative Tribunal, and the Public Advocate).

The Queensland Government funds two specific elder abuse services:

- » UnitingCare Community Elder Abuse Prevention Unit delivers state-wide training and education to community groups and aged care workers and operates the Helpline
- » The Seniors Legal and Support Service (SLASS) provides direct social and legal support in Cairns, Townsville, Hervey Bay, Toowoomba and Brisbane.

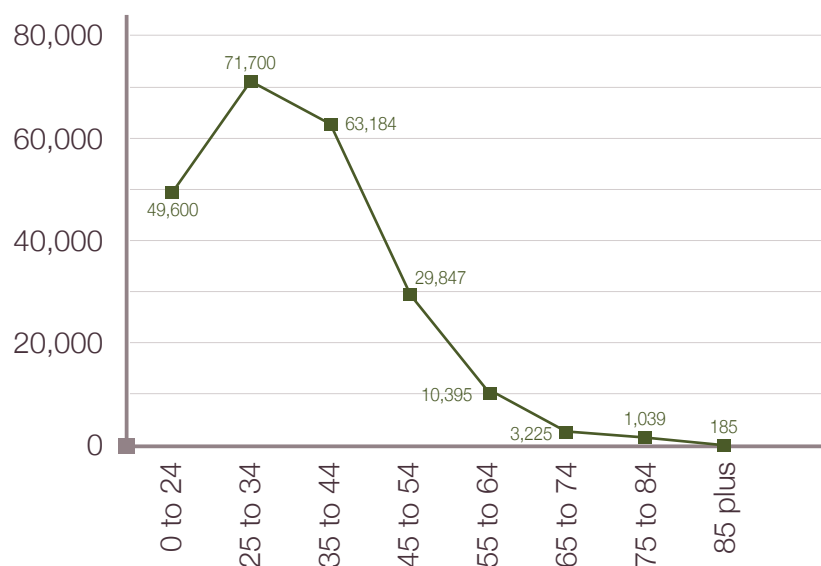
Victims of elder abuse can access the support services available to those suffering domestic and family violence, but there are very few not-profit organisations that provide specific or tailored support to elderly victims of abuse.

One notable organisation is the Caxton Legal Centre, which is one of the largest community legal centres in Queensland. Caxton Legal Centre provides a specific Seniors Legal and Support Service that provides free legal and social work support to people over 60, or over 50 for Aboriginal or Torres Strait Islander people.

Legislation

The *Domestic and Family Violence Protection Act 2012* (the Act) is the primary legislation dealing with elder abuse as a form of domestic and family violence. It provides the same protections, including DVOs, to anyone experiencing circumstances that satisfy criteria under the Act. A DVO aims to prevent domestic and family violence occurring within a domestic relationship by restricting the behaviour of the person committing the abuse.

Figure 10: DVOs made between 1 July 2004 and 30 June 2012



As indicated in Figure 10, substantial differences exist between the number of orders made by Queensland courts for younger victims compared to those for people aged 55 and over. The reason for this is unclear, but anecdotal evidence suggests that older victims are reluctant to request protection orders against perpetrators who are their children. Other factors include older victims not knowing that protection orders can be made for non-physical abuse, or that orders can apply to relationships other than spousal.

The *Guardianship and Administration Act 2000* also protects older victims whose decision making capacity is impaired.

Current responses

Awareness raising

The Queensland Government undertakes activities to raise awareness about elder abuse, such as participating in *World Elder Abuse Awareness Day*, in partnership with the Public Trustee, Queensland Rail, UnitingCare Community and other stakeholders. These types of activities are widely recognised as good prevention strategies that help older people and their families recognise and act on the issue.

Seniors Legal and Support Services (SLASS)

Around 22% of referrals from the Uniting Care Elder Abuse Helpline are made to SLASS. These referrals reflect the high number of seniors affected by financial and psychological abuse, and the complexity of cases.

Emerging trends

Carer payment

The Australian Government makes an income support payment available to people who personally provide constant care in the home of someone with a severe disability, illness, or who is frail and aged. In its submission to the Taskforce, UnitingCare Community noted an increase in the number of neglect notifications relating to a family member who is the nominated 'carer'. In 2013-14, UnitingCare Community identified that in 14.39% of calls reporting elder abuse, the perpetrators were recipients of a carer payment but did not provide any actual care to the victim.³¹ As a result, the health and wellbeing of the older person deteriorated rapidly.

The Coroner's Court of Queensland inquest of May 2013 into the death of Cynthia Thoresen highlights the severity of this issue. Cynthia Thoresen was entirely dependent upon her daughter as her 'carer' for the provision of physical and medical care. The Coroner's report explained that Ms Thoresen suffered significant neglect and her 'carer' failed to access medical assistance for her. One contributing factor was that, after acceptance of the initial application for the carer's benefit, the carer was not required to regularly submit documentation of the medical status of the person being cared for. The Coroner believed the care arrangement was potentially financially motivated, and noted there are no obligations for the carer to ensure medical treatment for the older person. The investigating police officer considered there was insufficient evidence to support a successful prosecution in the context of the existing law.

Aged care reforms

Current reforms to aged care are predicated on the expectation that older people with certain financial means contribute to funding their aged care. This may prompt older people to divest assets early to access improved services, or children may coerce parents into accepting fewer services in aged care for their own financial gain.

Recommendation 11:

The Taskforce recommends that the Queensland Government commissions a specific review into the prevalence and characteristics of elder abuse in Queensland to inform development of integrated responses (see Chapter 7) and a communications strategy for elderly victims of domestic and family violence (see Chapter 6).

Recommendation 12:

The Taskforce recommends that the Queensland Government includes specific elements in the communication strategy (see Recommendation 18) that target elder abuse, and where to go for support.

Recommendation 13:

The Taskforce recommends that the Queensland Government makes representations to the Commonwealth Government to consider reforms to the funding of carers that continue to support the invaluable care that most carers provide but remove capacity for the payments to be used as a tool for financial control and domestic and family violence of elderly people.

5.6 Lesbian, gay, bisexual, transgender and intersex people

“This non-violent, homosexual advance stuff is regularly in the media. People will talk about that, but no one talks about the DV...”

from a contributor to the Taskforce

The true nature and extent of domestic violence suffered by lesbian, gay, bisexual, transgender, and intersex (LGBTI) members of the community remains largely hidden. Comparatively little data and research exists on the prevalence of domestic violence experienced by people that identify as LGBTI. While focus on this issue is growing, both in academia and in policy, there is general acknowledgement that this violence is largely under-reported, under-researched, and under-responded.³²

Prevalence of the violence

The limited research that does exist suggests that LGBTI people suffer domestic violence at the same rates or perhaps even higher than those in the broader community. In a 2006 survey, 33% of LGBTI respondents reported as having been in a relationship with a verbally or physically abusive partner.³³ Similarly, in a 2008 study approximately a third of participants who had been in same-sex relationships reported having been subject to abuse by their partners.³⁴ A 2010 study of male same-sex intimate partner violence found that it occurred at similar rates to that of opposite-sex relationships.³⁵ Other studies by ACON (2006) and Messinger (2010) have also found significant levels of violence within same-sex relationships, including within female same-sex relationships.³⁶

Nature of the violence

Research identifies a uniqueness in the LGBTI experience of domestic violence. While there are similarities in perpetrator behaviour in the broader community as in the LGBTI community (e.g. in the form of the physical, sexual and emotional abuse or in the triggering context for the violence), there are particular stressors and factors that are unique for the LGBTI community.³⁷ An example of a distinctive form of abuse is the threat of ‘outing’ a partner to their family and friends to control an individual.³⁸ This action is designed to exacerbate the fear and isolation that may already exist for the person as a result of lived experiences of societal homophobia.³⁹

Also relevant to the uniqueness of the LGBTI experience is the lack of awareness of what domestic violence looks like in that particular context. Not meeting the traditional gendered model of domestic violence means that some victims may not recognise what they are experiencing.⁴⁰ A woman who is experiencing domestic violence in her first lesbian relationship, for example, may struggle to recognise what acceptable or unacceptable behaviour is in that particular context.⁴¹

For a man in a same-sex relationship, there may be issues and expectations of masculine ideals – strength, authority, control – that impact upon his understanding of what he is experiencing and how he can address it.⁴² This issue was highlighted in a LGBTI focus group, when one participant noted that:

“as a gay man, you’re always hearing don’t be such a faggot. Don’t be such a fag. Whatever that means to whoever’s telling you this – in a relationship, if you’re coming in having heard all that...”

from a contributor to the Taskforce

The lack of modelling of healthy, respectful LGBTI relationships may mean that young people do not have an understanding of what is appropriate, or an ideal from which to build a healthy and resilient relationship.⁴³

Barriers to support

Similar to those in the broader community, there are social, political and legal impediments for LGBTI people in seeking assistance when suffering domestic violence.⁴⁴ However, there are a number of unique barriers in the LGBTI community, which are broadly reflective of wider issues of stigmatisation and marginalisation.⁴⁵ In particular, homophobia and discrimination are identified in the research as key barriers for LGBTI victims seeking the assistance they require.⁴⁶

The isolating effects of discrimination and homophobia may mean that victims are already removed from support networks such as family and friends.⁴⁷ This initial isolation is then compounded by the isolating impacts of the violence.⁴⁸ There is some hope though that these concerns may be easing through the concerted efforts of criminal justice agencies to be more inclusive. As one member of the LGBTI focus group stated:

“...(the) Queensland Police Service have – they’ve got liaison officers and all that sort of stuff now. They’re a lot more open to people coming to them about domestic violence... in the gay community.”

from a contributor to the Taskforce

Unfortunately this barrier in reporting domestic and family violence continues to exist, with research demonstrating that even people who felt supported by law enforcement in reporting domestic violence experienced initial reluctance to contact the police as a result of perceived institutional or interpersonal homophobia.⁴⁹

The ability of service providers to adequately respond to the different experiences, circumstances, and concerns of the LGBTI community also creates additional barriers to accessing support. A 2011 study of 65 domestic violence service providers in New South Wales found there were significant service delivery gaps in working with the LGBTI community.⁵⁰ Only 12 rated themselves as fully competent to work with gay and lesbian clients, with only five able to work with transgender clients, and only three with intersex clients.⁵¹

A lack of awareness, education and training as to the experiences of those in the LGBTI community meant that generally service providers were not able to provide these clients with the support they required.⁵² While the study indicated that LGBTI clients were eventually able to locate appropriate services, this was generally after negative experiences with providers and substantial searching for one that met their needs. Examples of negative experiences included men unable to locate necessary services or alternative accommodation, and in some instances transgender clients being referred for sexual reorientation instead of domestic and family support.⁵³

Implications

The diversity and uniqueness of domestic violence experiences in the LGBTI community, as compared to the broader community, is a clear barrier to these victims receiving the support they require. As this violence doesn't conform to the traditional gender model, there is a nuance and complexity that needs to be acknowledged in research and policy into the issue.⁵⁴ While this violence largely remains hidden in our community, occasionally its existence is brought sharply into mainstream view.

In October 2014, Queensland was shocked by the death of transgender woman Mayang Prasetyo, who was murdered, and her body subsequently mutilated, by her male partner. He later killed himself after being confronted by the police. This murder remains a devastating reminder of the existence and reality of domestic violence for LGBTI people, and the barriers we face as a community in addressing it. It is critical that the wider community continues to seek out, hear and respond to the voices and experiences of those in our LGBTI community who experience domestic violence, to ensure their stories are not lost.

Recommendation 14:

The Taskforce recommends that the Queensland Government includes LGBTI specific elements in the communication strategy (Recommendation 18) to raise awareness of domestic and family violence in the LGBTI community, remove the stigmas around reporting and seeking help, and provide LGBTI victims with advice on where to go for support.

5.7 Children

Prevalence of violence

Research and anecdotal evidence shows that a substantial amount of domestic and family violence is witnessed by children. While under-reporting of violence and data collection issues make it difficult to accurately assess the problem, in recent years a number of estimates have been made about the extent to which children are exposed to such violence.

Several studies, including the 1998 Queensland Domestic Violence Taskforce, found that children were present when a violent incident took place in a domestic situation about 85-90% of the time.⁵⁵ More recently, the Australian component of the *International Violence Against Women Survey* found 36% of women who had experienced partner violence and had children residing with them at the time, reported their children witnessing at least one incidence of domestic and family violence.⁵⁶ The Australian Bureau of Statistics' *Personal Safety Survey* found that 36% of women in similar situations said the violence had been witnessed by children.⁵⁷ Further, in the *National Crime Prevention Survey*, one in four young Australians admitted having witnessed physical domestic violence against their mother and/or step-mother.⁵⁸ The Secretariat of National Aboriginal and Islander Child Care found this statistic to be even higher in Indigenous families, with 42% of Indigenous young people reporting having witnessed violence against their mother or stepmother, compared with 23% of all children.⁵⁹

There is strong likelihood of children being exposed to domestic violence in situations where other forms of violence are also present,⁶⁰ in particular child abuse. Domestic and family violence incidents occurred within the previous 12 months in 35% of households with substantiated child protection concerns.⁶¹

The nature of violence

“What do the children do when they’re in that situation? They’re trapped. They have no authority. What do they do?”

from a contributor to the Taskforce

Children experience domestic and family violence in many ways. Not only do they witness firsthand arguments, violence, and abuse happening around them, they may be forced to watch or participate in assaults; be used as a physical weapon or a hostage; and be injured during a violent incident.⁶² Children also do not need to be physically present when violence occurs to be exposed to it. By living in a household with violence, they can experience it by overhearing arguments and abuse from another room, seeing their parents' injuries after the violence,⁶³ help injured parties' access first aid and emergency assistance,⁶⁴ clean up household damage, or simply sensing the fear and tension that their victim parent is feeling.⁶⁵ Additionally, children living in domestic violence situations can also be forced to spy on a parent and be used by the perpetrator to exert further control over the victim through threats or actual violence towards the child.⁶⁶

“We were a middle class family... I recall being beaten when I told the truth about why my mother had black eyes and couldn’t hear because her eardrums were perforated from beatings. The physical injuries heal, but it is hard to recover from the mental anguish of living in something akin to a war zone. The helplessness and fear you feel from watching a loved one beaten and humiliated is awful.”

from a contributor to the Taskforce

Impacts during pregnancy

Sadly, children can be exposed to domestic violence from birth or before. Statistics show that pregnancy is a time of increased risk of violence for many women. Some studies place the frequency of violence during pregnancy at 42%, with 17-20% of women experiencing domestic violence for the first time while pregnant.⁶⁷

Exposure to domestic and family violence in utero has been associated with poor foetal growth, adverse impacts on brain development, miscarriages, low infant birth weight, and increased risk of stillbirth.⁶⁸ It may also have other more indirect consequences, such as victims failing to receive appropriate nutrition and medical care during their pregnancy.

Impacts of exposure as an infant and toddler

The experiences of a child in the first few years of its life are crucial to laying down the foundations for healthy development and resilience.⁶⁹ Extensive research shows that, because infant development takes place primarily in the context of its care-giving relationships, the interpersonal relationships within their family home directly affect the structure of their brain.⁷⁰ Accordingly, sustained exposure to abusive relationships and traumatic experiences during infancy will have a “profound and damaging impact” on the developing brain of a small child.

Many studies show a link between the development of secure attachments during infancy and positive developmental outcomes later in life. Where they are consistently surrounded by affection, positive attention, and routine, they develop a secure attachment to their caregiver, characterised by a sense of comfort, safety and security.⁷¹ In such circumstances, an infant’s mind has the opportunity to develop rich and intricate interconnections among different aspects of the brain.⁷² However, in situations of domestic violence, a caregiver may not always be able to consistently give an infant the stability and comfort needed for this to occur due to the anxiety, fear, and uncertainty they are experiencing themselves.⁷³

In the absence of a secure attachment, an infant’s stress management system can undergo strong and prolonged activation, leading to persistently elevated stress hormones levels.⁷⁴ This can alter the architecture and functioning of the developing brain.⁷⁵ The resultant physical changes can cause difficulties in learning, memory, stress-tolerance, and emotional-management. It can affect the immune system and other metabolic regulatory systems in the child’s body. Infants who have been exposed to domestic violence can display behaviour

changes including irritability, sleep disturbances, more intense ‘startle’ responses,⁷⁶ and heightened separation anxiety.⁷⁷ They often experience delays in development of speech and toilet training, as well as more frequent minor illnesses.⁷⁸

Early and sustained exposure to domestic violence can have a dramatic impact on a small child’s ability to understand emotional interactions. Evidence suggests that witnessing the terror and hostility of domestic violence in their home may prevent a child developing a sense of trust or security.⁷⁹ Infants and toddlers who have witnessed domestic violence are more likely to be highly sensitive to displays of anger by adults, and exhibit aggressive and/or violent behaviours, such as hitting, biting or being argumentative, towards peers in social situations.

Impacts in childhood

The impact of the physical changes to the developing brain caused by early and sustained exposure to domestic violence continue to manifest throughout childhood. Because of the resulting cognitive difficulties with learning, memory and managing emotions, the development of verbal, motor, and social skills is often delayed in children from families where there is domestic violence and they may be predisposed to temperament problems, anxiety and depression. As a result, these young children often struggle to concentrate and retain information, to fit in and keep up with other children at childcare and school.⁸⁰

Exposure to family conflict can also lead to children becoming socially isolated and withdrawn.⁸¹ Children who witness violence within their immediate family are inclined to feel at least partially responsible for the conflict.⁸² They may be predisposed to being anxious, anti-social, withdrawn, temperamental,⁸³ overly-sensitive and hyper-responsive to hostility and possible danger.⁸⁴ This can lead to difficulties at school, including poor academic performance, struggles with authority, tension with classmates,⁸⁵ and problems making and keeping friends.⁸⁶

Children who grow up in a domestic violence household are also more likely to use aggression to solve their own problems. Exposure to violence in childhood can also have potentially serious consequences on a child’s physical health. Much like with infants, the trauma that children experience when they witness domestic violence in the home often triggers an intense and sustained stress reaction, leading to continually raised stress hormone levels. Studies show that, as a result, children from violent homes had significantly higher heart rates than other children.⁸⁷ They are also prone to poorer functioning of their immune system, as well as stress-related illnesses.

Impacts as an adolescent

The immediate impacts of exposure to domestic violence in adolescence are generally similar to during late childhood, such as low self-esteem, social withdrawal, depression, anxiety, and aggression.⁸⁸ Increased awareness of their surroundings and the outside world also makes teenagers who witness domestic violence likely to experience anger with both their abusive parent and the victim for remaining in the relationship, shame, fear for their own safety, and a desire to protect themselves and those they love. This can lead to a lack of motivation, increased absenteeism from school, exhaustion, and a sense of hopelessness that their lives will never improve.⁸⁹

Research further shows that sustained exposure may also have more serious, longer term, physical, cognitive, psychological, and behavioural consequences for teenagers. Impacts found to be associated with persistent exposure to violence from an early age include impaired cognitive functioning, poor language skills, deficient memory, lack of inhibitions, difficulties adapting to changes, and inattention.⁹⁰ Young people from homes where domestic violence is present commonly struggle to perform academically and in training settings.⁹¹ They are also increasingly likely to experience serious mental health issues including depression, drug and alcohol substance abuse, self-harm, eating disorders, and suicidal thoughts.⁹²

Chronic family conflict profoundly influences how adolescents relate to other people. Unlike in infancy and childhood, by adolescence, young people have generally reached a stage of development which enables them to consider dynamics and experiences outside their immediate family circumstances⁹³ and recognise different ways of thinking and behaving than they witness at home. While this provides teenagers with alternates against which to test the beliefs and actions they have grown up with and to emulate,⁹⁴ parental role models may still be so deeply entrenched in their behavioural and social learning processes that it is extremely difficult for them to respond differently to anger and conflict in their relationships with others.⁹⁵ Consequently, in many cases, long-term exposure to domestic violence can be a strong predictor of both adolescent and future adult behaviour.⁹⁶

There is also a strong link between exposure to violence and juvenile delinquency.⁹⁷ The recent Queensland Child Protection Commission of Inquiry, chaired by the Honourable Tim Carmody QC, found that the majority of young people who come into contact with the youth justice system have grown up in environments characterised by risk factors, including neglect, unsafe and unstable living conditions, and domestic violence.⁹⁸ The stresses associated with living in a domestic violence situation can often exacerbate normal adolescent risk-taking and escape behaviours,⁹⁹ while prolonged exposure to conflict can desensitise teenagers to the use of violence and encourage participation in violence.¹⁰⁰ Such behaviours may, in turn, lead to engagement in criminal activities, such as robbery, assault,¹⁰¹ and property crime.¹⁰²

Moreover, adolescents from homes where domestic violence is present are at increased risk of becoming homeless. The increasing desire during adolescence for independence often makes young people less likely to want to continue living in a violent and unsafe home.¹⁰³ Studies have found that around half of homeless Australian adults first experienced homelessness before the age of 18, often due to inter-parental or family conflict.¹⁰⁴ Physical aggression has also been found to be endemic in around 10% of the households where homeless adults grew up, and evident in a further 15% of households.

Impacts into adulthood

It is well documented that children who are exposed to domestic and family violence carry the physical, psychological, behavioural, and emotional impacts of exposure well into adulthood. Studies similarly demonstrate that adults exposed to family conflict as a child often experience significant socio-economic disadvantage and inter-generational transmission of violence and victimisation.

“A lot of grown-ups forget that the kids grow up and they do remember what’s happened to them from the youngest age and they do remember when they get older.”

from a contributor to the Taskforce

Adults who grew up in violent households have been found to have experienced higher than average levels of stress hormones.¹⁰⁵ Just as it does in infants and young children, this chronic elevation leads to anxiety, aggression, hyper-vigilance, and depression.¹⁰⁶ Moreover, it places them at increased risk of serious mental health issues like substance abuse and Post Traumatic Stress Disorder, along with stress-related physical illnesses such as cardio-vascular disease, diabetes and hyper-tension.¹⁰⁷

Exposure to family conflict in childhood also increases the risk of homelessness in adulthood. Research shows that adults who suffer from long term impacts of exposure to family violence such as reduced coping skills, physical and mental health concerns, substance abuse problems, and difficulties in forming relationships, have a much greater likelihood of being homeless. In fact, nearly 90% of Australian adults who use homeless services report exposure to inter-family conflict while growing up, with 59% indicating that police intervention was required on at least one occasion and 20% on more than six occasions.¹⁰⁸

There is contradictory evidence available on whether exposure to domestic and family violence as a child predicates becoming a perpetrator or victim in adult life. Some studies have identified a link¹⁰⁹ and suggest that children from violent homes may be likely to exhibit attitudes and behaviours that reflect their childhood experiences of witnessing domestic violence,¹¹⁰ making them more susceptible copying parental role models and behaving in similarly destructive ways in their adult relationships. Other research has found that adults who grew up in domestic violence households generally display diverse attitudinal and behavioural responses¹¹¹ and most are no more likely to use, or be a victim of, violence in their adult relationships than adults who did not.¹¹²

Implications

Domestic and family violence clearly has a devastating impact on the children who grow up witnessing or suffering from it. It is clear that steps must be taken to prevent children from being exposed to such violence at any stage of their development. An appreciation of the impacts of domestic and family violence on children adds a further dimension to one's appreciation of the urgency of the Taskforce's work.

Despite the profound impact that domestic and family violence has on children, we can take heart from the knowledge that children who have experienced domestic and family violence can be helped to cope with and recover from the impact of violence. Studies show that many children affected by violence demonstrate positive adaptation and resilience despite what they have witnessed and that, as more time passes since the experience, children demonstrate fewer problems.¹¹³ Providing children with a loving and caring environment and positive behavioural models whenever possible can help children cope with the trauma and lessen the impact of living with domestic violence.¹¹⁴ Positive parenting relationships and support services where they can find comfort, support, encouragement, and security can help them learn healthy interactions and behaviours, and build resilience. Along with access to a conflict-free environment, this can help children develop the skills they need to overcome the damaging effects of family violence on their development.

5.8 Conclusions

An examination of the way that domestic and family violence impacts vulnerable groups in the community demonstrates that domestic and family violence is a much broader phenomenon than is popularly understood.

While the term is frequently associated with intimate partner violence occurring in heterosexual relationships, domestic and family violence takes on a variety of forms and impacts on a range of relationships that do not fit this mould. Domestic and family violence takes on qualitatively different forms in different segments of the community. Aboriginal and Torres Strait Islander peoples, people from CALD backgrounds, people with a disability, the elderly, people in LGBTI relationships, and children are affected by domestic and family violence in ways which popular understandings of domestic and family violence do not contemplate. Additionally, people from these groups often face a range of barriers in terms of accessing services that are not experienced by the members of the broader community. Generic domestic and family violence support services fail to meet all the needs of people from these groups. The result is that such members of community, who are often already vulnerable, are frequently poorly supported when they experience domestic and family violence.

The implications for a statewide strategy to address domestic and family violence are clear. To be effective, and to meet the needs of all Queenslanders, a domestic and family violence strategy must contemplate the unique experiences and meet the unique needs of Aboriginal and Torres Strait Islander peoples, people from CALD backgrounds, people with a disability, the elderly, people in LGBTI relationships, and children impacted by domestic and family violence.

CHAPTER 6

Taking action together: building a community free from violence

6.1 Why culture is important

6.2 Queensland's culture and the current state of play

6.3 Options for reform



Culture is defined by the Oxford Dictionary as “*the ideas, customs, and social behaviours of a particular people or society...*” and it underpins everything we do. Domestic and family violence can only occur in a culture that ignores and accepts it. A culture that blames victims and does not hold perpetrators to account cannot be free of domestic and family violence. This Chapter explains the fundamental changes to Queensland’s culture that are needed “*to create a community that supports respectful relationships, practices positive attitudes and behaviours, and promotes a culture of nonviolence*” — the first task from the review’s Terms of Reference.

The discussions and recommendations in this Chapter are intended to guide the formation of a strategy to create cultural change through a robust communication, education and awareness-raising strategy, workplace initiatives, school programs, and professional development opportunities.

The Chapter explores the important role of bystanders in helping victims and leading cultural change to realise the vision of a Queensland free from domestic and family violence.

CHAPTER 6

6.1 Why culture is important

“We need men of authority and conscience to play their part and we most certainly need women, too long denied a strong enough voice, to be given opportunities to lead — in all endeavours, in all parts of our polity and society. We all need to come to grips with our culture and how much it counts.”

Lieutenant General David Morrison, AO, Chief of the Australian Army

The Taskforce’s hope for a shared vision of a Queensland free from violence and abuse, can only be realised with genuine change to the very basic foundations in our culture. The challenges issued to our community leaders in Chapter 4 must be complemented by systemic cultural change in all sectors of the community, including government, business, schools and most importantly individuals — neighbours and strangers, friends and family.

Changing ideas, customs and social behaviours is the most difficult of the recommendations this Taskforce makes. Government and service providers can lead, invest in education and early intervention programs and support the community to change, but ultimately cultural change needs to come from individuals and the community directly.

Alarming, the most recent national survey about community attitudes towards violence against women revealed that significant numbers of Australians believe there are circumstances in which violence can be excused. More than 1 in 5 agreed that partner violence can be excused if the person is genuinely regretful afterward (21%) or if they temporarily lost control (22%).¹ These statistics are disturbing and indicate attitudes that trivialise violence by suggesting that violence against a partner can be excused. There is no excuse for domestic and family violence.

The national survey results make evident the need to improve the community’s understanding of domestic and family violence, and to change attitudes on acceptable behaviour.

The Taskforce shares this goal with all Australian Governments, and many individuals and organisations. The *National Plan to Reduce Violence against Women and their Children 2010-2022*, which has been endorsed by the Council of Australian Governments, states in its Foreword:

“The National Plan is underpinned by the belief that involving all governments and the wider community is necessary to reducing violence in the short and longer terms. No government or group can tackle this problem alone.

While living free from violence is everyone’s right, reducing violence is everyone’s responsibility.²”

The 2014 Queensland Parliamentary Committee *Inquiry on strategies to prevent and reduce criminal activity in Queensland* reported that "...it is generally recognised that the whole community has a responsibility to work towards the prevention of domestic violence and the promotion of a shared understanding that all forms of violence are unacceptable. The message of condemnation of violence against women must be consistent so that it is reinforced to future generations that violence is not to be tolerated."³

This view was also expressed in the *Tell the Taskforce* online attitudes survey. Most participants believed the community, service providers, families, and government all have a role to play in addressing domestic and family violence.⁴

Recognising that cultural change must occur is straight forward. Actually bringing about change is challenging. Long-term, generational change will not be easy, but we must be successful. We must create a society where fewer people will find excuses for domestic violence, fewer people will blame victims, and more people will know how to take action against domestic violence.

Current work in Australia to address cultural change

Australia already has a substantial catalogue of strategies, frameworks, policies, programs and innovations aimed at creating a culture in which domestic violence is unacceptable.

Our Watch drives nation-wide change in the culture, behaviours and attitudes that lead to violence against women and children. It has a vision and strategy for cultural change, and sums up the difficulties in effecting change in its *Policy Brief 2 – Theory of Change*. Our Watch recognises that "A single organisation cannot achieve the complex social change required...".⁵

Partnership between government, businesses, sporting and cultural organisations, schools, neighbourhood organisations, health and community services and police is essential to bring about "grass roots" shifts in attitude and behaviour. Our Watch and VicHealth are working with Australia's National Research Organisation for Women and their Safety (ANROWS) to develop a national framework to enhance the evidence base to build gender equality between men and women in families, communities, organisations, and society.⁶

White Ribbon Australia works to change community perception that domestic and family violence is a "women's issue" by highlighting that women's safety is a "man's issue" too.⁷ White Ribbon draws upon the commitment and passion of men to lead an ongoing awareness and education campaign focused on primary prevention.

International cultural change

In December 2013, as part of its *16 for 16* campaign, the World Health Organisation released *16 Ways to Stop Domestic Violence in Your Community*, an empowering set of 16 ways that a business or individual can intervene in a domestic violence situation. They focus on taking responsibility rather than considering the situation as private or someone else's concern. A major component is educating and raising awareness in the community.

In the United States of America (USA), the Centre for Disease Control (CDC) considers domestic and family violence to be a public health issue and has created VetoViolence, an online violence prevention portal. This initiative seeks to engage individuals in innovative ways to change the culture in the USA, e.g. the CDC Facebook page invites the community to share their commitment to preventing domestic violence through small campaign style images, photos and compositions (six words maximum). There has been a positive response from the community seeking to influence their culture.⁸

Prevention is the key

Prevention strategies can improve the attitudes and norms that feed into violence against women.⁹

“The primary prevention of violence against women is the prevention of violence before it happens.”

World Health Organisation

The aim of prevention is to shift attitudes and social norms that support violence.¹⁰ People who understand that violence against women is common are more likely to take action when they witness violence and its precursors.¹¹

Australian and international experience in prevention of violence and other complex health and social issues indicates that cultural change is most likely to be successful when a multi-disciplinary approach is adopted, involving reinforcing strategies implemented with individuals and families, organisations and communities and at the broader societal level.¹²

These include activities that:

- » Engage individuals to strengthen their knowledge and attitudes and build their skills to prevent violence against women
- » Work with organisations to build cultures that take a strong stand against violence and disrespect towards women. This includes developing skills among professionals and volunteers to build healthy cultures and respond to violence and disrespect
- » Work with communities to build their capacity to promote respectful and non-violent gender relations
- » Support for groups and coalitions to identify gaps and advocate for change
- » Social marketing and community education to raise awareness and build positive attitudes
- » Reform of policies to ensure appropriate resources for responding to and preventing violence against women, with law reform to enable non-violent social norms to be established and reinforced.

In the last 20 years there has been a greater focus on domestic and family violence prevention activities by both government and community organisations.¹³ The Taskforce has received a clear message from the community that any effort to improve prevention strategies should not be at the expense of effort towards early intervention, services or law and order responses. Prevention strategies must complement but not detract from a focus on, and adequate resourcing of, effective service, police and justice responses. These responses are fundamentally important in providing a strong message to the community and to perpetrators of domestic violence that their behaviour is not acceptable, will not be tolerated and will result in consequences. They are also necessary to protect victims from further violence. The Taskforce shares this view.

Contributing factors

We will only achieve long-term and lasting change if we address the causes of domestic violence. International evidence shows the causes are complex – unequal distribution of power and resources between men and women, rigid or narrow gender roles and stereotypes, and a culture and attitudes that support violence.^{14 15} Alcohol and drug use, while relevant, are not primary factors in predicting future perpetration of violence. Alcohol and drug use only become significant aggravating factors when they exist with the above causes. The Taskforce recognises that alcohol in domestic violence is an issue within Indigenous communities, as the risk of an Indigenous person becoming a victim of domestic or family violence increases with high risk alcohol use.¹⁶

Cultural change is difficult. Changing the way people and communities think and behave will not be an easy task. Cultural change requires sustained, long-term commitment from government, business, schools and the community to effect genuine, generational change in our beliefs, ideals and behaviours. The Taskforce agrees that no single prevention initiative will result in the generational change that is required; rather a long term and complementary suite of prevention activities will be needed that target where people live, work and play. There are no ‘quick fixes’.

Recommendation 15:

The Taskforce recommends that the Queensland Government recognises the importance of community and government prevention programs for long-term reduction of domestic and family violence and gives a clear commitment to resource and support comprehensive and coordinated prevention. In doing so, the Queensland Government must ensure both education and prevention initiatives and response programs receive funding.

Recommendation 16:

The Taskforce recommends that the Queensland Government leads and promotes sustained, inter-generational communication in the community about the seriousness of domestic and family violence, the community’s intolerance of domestic and family violence, and the services available to victims and perpetrators.

6.2 Queensland's culture and the current state of play

Queensland does not have one all defining culture, which can easily be described or understood. Throughout Australia, and around the world, Queensland is perceived as a place to play; bountiful, beautiful and populated by a relaxed, happy, and charming people. This is a cultural image we strive to fulfil and promote, together with the enviable geographical magnificence and cultural richness experienced across this huge state.

Queensland is the third most populous state with over 4.5 million residents, and is the second largest state in size.¹⁷ Our Queensland community is enriched with the second largest population of Indigenous Australians and it is home to people from over 220 different countries speaking over 220 different languages and holding more than 100 religious beliefs and has strong and historical agricultural, mining, industrial, and tourism industries. It boasts an extremely diverse culture.¹⁸

This diversity undoubtedly adds vibrancy and opportunity to Queensland's culture, but it also brings with it a diversity of cultural beliefs about gender roles, families, control, and violence.

Our State reflects the broader Australian culture and shares many of the dynamic characteristics of the nation. Over the decades, there have been momentous shifts in public perception and understanding of the rights of Indigenous people, women, children, refugees and migrants, and people with disabilities. But there is still a long way to go.

The most recent data released from the Australian Bureau of Statistics in August 2014 shows a widening of the wages gap between men and women in Australia with women currently earning 18.2% less than men.¹⁹

People with a disability are even further disadvantaged in the workplace. In the March 2012 quarter report on Australian Social Trends, the Australian Bureau of Statistics reported that the labour force participation rate for people with a disability aged 15-64 in 2009 was only 54%, significantly lower than the 83% participation rate for people without a disability.²⁰

Indigenous Australians have some of the worst health outcomes, employment opportunities, educational outcomes, and life span.²¹

A Federal Government report in 2011 shows 83% of refugee households in Australia rely on welfare payments for income.²²

These statistics show how far we have to go to achieve a society in which all Queenslanders are equal. We also have a long way to go to eliminate violence from our way of life. The *2012 Personal Safety Survey* conducted by the Australian Bureau of Statistics reveals over 1.1 million Australians experienced violence in the prior year.²³ Unsurprisingly, men were more likely to have experienced violence than women — however, the violence experienced by men was more likely to be in a public place and inflicted by a stranger.²⁴ Women, on the contrary, were more likely to experience violence by a person known to them which includes domestic and family violence.²⁵

Current attitudes in Queensland

In order to gain a better understanding of Queenslanders' attitudes towards domestic and family violence, the Taskforce commissioned Enhance Research to run focus groups with particular segments of the community. This research found that while many people think domestic violence is an important social issue in Queensland, there is also a general attitude of “minding one's own business” and not discussing such a personal issue. People who attended the focus groups overwhelmingly expressed a view that domestic violence is not acceptable and cannot be excused.

Similar to findings from the National Attitudes Survey, when asked to define domestic and family violence, the overwhelming majority of people recognised physical violence as the key element. Non-physical violence was considered a secondary element. In combination, these findings suggest there is a clear need to improve the community's understanding about the types of violence that are classed as domestic and family violence.

There appears to be a significant gap between an individual's belief that the violence is wrong, and the willingness to talk about the violence or take action to do something about it. The focus group research provides a useful basis for designing a communication strategy to target bystanders and increase the likelihood of intervention by individuals who are witnesses to domestic and family violence. Bystanders need to be able to recognise domestic violence and understand they have a moral and ethical obligation to act and how to take action.

Current work in Queensland to address these attitudes

In 1999, the Queensland Government launched the whole-of-government Queensland Crime Prevention Strategy — *Building Safer Communities*. In 2010, mandatory minimums and non-parole periods for particular violent crimes were introduced in Queensland as well as initiatives to reduce alcohol fuelled injuries. Strong anti-bullying programs in state schools focus on teaching children about respectful relationships and conflict resolution; and more recently the Government implemented the Safe Night Out Strategy focusing on making alcohol fuelled violence unacceptable. Campaigning to eliminate violence in the home fits well with the general attitudinal changes being led by Government.

Activities underway to raise awareness, change attitudes to domestic and family violence and help people affected find the support they need include:

- » *Domestic and Family Violence Prevention Month* in May — Queensland Government provides funding to a range of community organisations to conduct community-based awareness raising activities
- » *Make the Call* campaign — Queensland Government's three year community awareness campaign that aims to prevent domestic and family violence and elder abuse by prompting friends, family members, neighbours, and colleagues who suspect someone is being abused to *Make the Call* to the state-wide helplines
- » Efforts by individual community groups, such as distribution of resources by Soroptimist International Beenleigh
- » National efforts through campaigns run by organisations such as White Ribbon Australia and Our Watch
- » The *SUPA Kids* school based program on the Gold Coast which aims to break the intergenerational cycle of domestic violence
- » *Love Bites*, a Respectful Relationships Program that provides a safe space to discuss relationship violence and sexual assault for year 9 and 10 students
- » *Mentors in Violence Prevention* program for high schools and sports clubs, teaches young people about the basis of violence, including gender-based violence, and how to effectively respond as a bystander
- » The *Second Action Plan* for the *National Plan to Reduce Violence against Women and their Children* includes an action to incorporate respectful relationships education into the national curriculum. This action is in its early stages of development
- » *Workplace Domestic Violence Prevention Program* implemented by Australia's CEO Challenge to integrate management, human resources, workplace health and safety, staff and community engagement to ensure businesses are responsive to staff, customers and the community in which they operate
- » The *White Ribbon Workplace Accreditation Program* recognises workplaces taking active steps to prevent and respond to violence against women.

There is currently no overarching framework or policy to guide the direction of domestic and family violence prevention activities in Queensland. There is also no data or evaluation framework to assess whether these initiatives are working to change culture and attitudes in Queensland. Initiatives that are successfully changing attitudes, or more significantly, behaviour, need to be recognised and supported. The Taskforce considers appropriate evaluation essential to ensuring that the limited funding available is wisely spent.

Recommendation 17:

The Taskforce recommends that the Queensland Government funds the development of evaluation criteria and a robust evaluation program for existing and future initiatives aimed at changing culture and attitudes towards domestic and family violence. Evaluation of existing initiatives should be commenced as soon as possible.

6.3 Options for reform

Queensland’s Domestic and Family Violence Prevention Strategy needs to address cultural change comprehensively. Cultural change must underpin every other part of the Strategy and all other aspects must support the change. Contradiction between cultural change initiatives and integrated response or justice response initiatives will simply undermine the change in culture needed and the strategies for improving responses to victims and perpetrators.

The areas of reform outlined in this Chapter are a starting point. Cultural change will need to be long-term and we must not lose sight of the ultimate vision of a Queensland free from violence and abuse.

6.3.1 Importance of language and the media

In our culture, as in many developed countries, there is an apathy or lack of empathy for what is seen as *‘just a domestic’*. Indeed the media has reported witnesses to criminal offences who excuse their lack of intervention (even just calling police) by claiming they believed the incident to be *‘just a domestic’*. Police themselves have been heavily criticised for many years for disregarding the severity of domestic abuse because it is *‘domestic’*.

Suggestions have been made to the Taskforce about changing the language used to describe domestic and family violence. Other reviews have also considered this matter. Language and terminology are important, because the way in which the community discusses and describes domestic abuse could assist over time in changing the way the community views domestic abuse. Submissions received by the Taskforce on this issue focused on “the power that is involved in acts of naming, and the need for any preferred term to be critically analysed, rather than simply accepted as reflecting some particular *‘truth’*”.²⁶

Discussions at the Taskforce summit in Brisbane focused on connotations of the term *‘domestic’*.

“Domestic, the word itself implies behind closed doors, it implies privacy... it’s not necessarily our business... just looking at one word has sort of quite powerful undertones.”

from a summit participant

It is also important to consider whether the term *‘domestic violence’* is adequately understood.

We are surrounded by terms that seek to name definitively the violence that takes place within the private sphere, and there can be confusion about what each term includes and excludes, and what it means. Yet many writers — of everything from research articles and books to service pamphlets — assume that a commonly shared understanding of the term exists.²⁷

The Taskforce understands the sometimes adverse implications of the continuing use of the term 'just a domestic'. However, it is not recommending a change to terminology for a number of practical reasons:

- » 'Domestic violence' is a widely recognised and used term, and momentum gathered in the past few years in recognising its devastating impact on the community may be lost temporarily while the community, government and services adjust to new terminology
- » Finding an appropriate and effective replacement term will be difficult and there may be unintended consequences in both law and justice responses, and cultural attitudes if the wrong term is recommended
- » Cultural change is a slow process, and language change can only effect a very small amount of the change by itself, and may be ineffective altogether unless supported by other strong cultural change measures
- » A change in language may be cynically viewed as further adding to 'political correctness'.

While there may be people who still consider domestic violence to be a family matter rather than a crime, there has undeniably been a significant shift in government, judicial, community and individual perceptions of domestic violence.

The acceptance of domestic violence as often criminal, severe and impacting more broadly on society than simply on people in the home, has been slow in being fully understood generally by the Australian community, but it is growing.

The past year has seen significant increase in the public conversation around domestic violence in Australia. Media has reported more incidences of domestic violence and has also explored the nature of domestic violence in more depth and more often than previous years.

In the past four months alone, media coverage of the Taskforce, and of domestic and family violence, reached nearly 7.5 million people across Australia through regional and metropolitan newspapers, radio and television coverage.²⁸

Successive inquiries into the nature of domestic violence and measures to prevent it or at least improve protection of victims, have fuelled this conversation. Growing acceptance and increased dialogue has seen a shift in the use and understanding of the term 'domestic'.

Instead of changing the terminology used, the Taskforce is of the view that it will be more practical and more effective to build on the momentum that has been growing. We recommend measures to reinforce the change in perception of 'just a domestic'.

Several initiatives are already tackling the issue of language:

- » Our Watch is developing resources for the media and hosts annual awards for excellence in media portrayal of violence against women.²⁹ ANROWS and Our Watch are undertaking national research on media representation of violence against women to inform future work with the media³⁰
- » In 2014 the Women's Centre for Health Matters issued a guide to ACT media on how to report appropriately on domestic violence. The guide aims to ensure that domestic and family violence is reported fairly and respectfully, without appearing to blame the victim, and that media reports include information about support services for people experiencing domestic violence.³¹

Partnering with these organisations and building on their work would be a cost effective start to influencing the meaning of 'domestic violence' in the community.

Ultimately language is very important when crafting messages for communication strategies and professional development discussed further in this chapter. However, the Taskforce's perception is that the term 'domestic and family violence' is becoming more readily understood for the insidious and unacceptable behaviour that it is.

6.3.2 Communication strategy

“It probably seems simplistic but it's really important to raise awareness and increase people's knowledge about the issues, because the bottom line is if a person doesn't see that there's a problem, they're never going to do anything.”

from a summit participant

While everyone in the community cannot be reached or convinced, if enough people actively support women's right to live free from violence, the climate in the community can shift from tolerating, to rejecting violence against women.³² It is for this reason that the Taskforce believes that a communication strategy is an important component of a comprehensive approach to achieve a shared vision of a Queensland free from violence and abuse. The aim should be to change the existing attitudes and behaviours that feed into domestic and family violence. We need to make it clear that Queensland is a community that condemns all forms of domestic and family violence.

“Community attitudes influence how people respond to violence and...there is a significant amount of work to be done in changing community attitudes and potentially dangerous perceptions towards violence against women.”

submission by Ending Violence Against Women

A shared responsibility

There are a number of common obstacles that can prevent people from getting involved in domestic and family violence situations, such as assuming that someone else will help the person in need or that it is none of their business. This is known as conforming to the bystander effect. Bystander intervention is of particular importance in ensuring that victims and their families receive the assistance they need. Bystanders witness up to a third of incidents of intimate partner violence.³³

“It requires you to recognise that the standard you walk past is the standard you accept and that you are judged not just on your actions, but on how you allow others to act.”

Lieutenant General David Morrison, AO, Chief of the Australian Army

“Ultimately what we know is that bystanders have a tremendous amount of power and influence.”

Dr Shannon Spriggs Murdoch

Changing bystander behaviour goes to the very heart of cultural change. Victims, services and government have begun the journey to change behaviours, attitudes and understanding. Those standing on the sideline — neighbours, family members and the general community — need to feel empowered to act when they witness bad behaviour, and to reinforce the attitudes and behaviours that support equality and a community free from violence.

Bystanders intervened 65% of the time when the woman shouted “Get away from me; I don’t know you” but only 19% of the time when she shouted “Get away from me; I don’t know why I ever married you.”³⁴

Many victims/survivors who told their stories to the Taskforce reported being made to feel that the violence was a private matter that should not even be discussed, let alone confronted. It is easy to contrast this reaction with the public outrage at the assault of young men in public places which gave rise to the ‘coward punch’ campaign. Many women told the Taskforce that they were frustrated that the violence they had suffered was taken less seriously than assaults that took place between strangers and in public.

Many focus group participants said that they would intervene if witnessing violence towards a woman, especially if she was a friend or family member.³⁵

“Look, with black fellas you get into your missus, her family’s going to come back and go hard. That’s the reality of it. The brothers are going to step in.”

from a focus group participant

Most people said that if they took action they would either:

- » Confront the violence directly
- » Report the incident to the police
- » Have a discreet conversation with the victim or perpetrator.

“He had his very, very young girlfriend with a new baby in a trolley and it was just disgusting how he was treating and screaming at her in the supermarket. So I just got the security guard and I said, ‘Keep an eye on him he’s about to hit that girl’. If that girl needed help I would step in. I was just watching because he was raising his voice in the middle of the supermarket, he was humiliating her and that little baby and just dragging her around.”

from a focus group participant

Most women, and some men, said that they did not feel that it would be safe for them to physically intervene in a violent situation.

“Being caught up in it not just once, but twice, with the same bloke that came and switched my power off and knocked on my front door and ran up to my back door and I’ve called the police and they came and got him. But to have the fear put into you so much because you’ve actually helped somebody else really puts me off intervening in anybody else’s problems.”

from a focus group participant

It is concerning that an Australia-wide survey reported a decrease since 2009 in the number of people who knew where to go for advice and support on a domestic violence issue.³⁶ Without this support, many people who do not have the ability or confidence to intervene directly in domestic violence will probably take no further action.

There are many options open to a bystander who is aware of domestic violence — the simplest would be to contact an organisation such as DVConnect for advice. A communication strategy must include information on where to go for help if confronted with domestic and family violence.³⁷

For a bystander to act they must be confident that they can help.

“I think that’s really tricky and really like intertwined. I think you don’t want the person to hate you and be like ‘oh my god, why did you tell the cops’. ‘Like stay out of my business, you don’t know anything about it, you don’t know my story.’ I think it gets really, really complicated and my first reaction would be let her talk to them or figure out a way of trying to understand where she’s coming from.”

from a focus group participant

“Having a conversation with your mates about the way they talk about women is good bystander behaviour. Reaching out and expressing concern to a friend who seems increasingly isolated is good bystander behaviour. Talking to your family about gender roles, pointing out that really drunk woman in a bar to staff, or creating a distraction in a heated moment, all of those things are good bystander behaviour.”

Dr Shannon Spriggs Murdoch

Developing a communication strategy

The Taskforce recognises that bringing about change in community attitudes, change in social norms and change in behaviour is an enormous task. It requires a long term commitment. Negative attitudes towards women differ across cultural groups and are influenced by culturally-specific norms and social relationships,³⁸ so that a communication strategy will need to target different cultural groups.

“I went to the police station and made a statement and they took photos of my face. The police suggested DV counselling. I had no idea what DV was.”

from a contributor to the Taskforce

The *Enhance Research* Report found that society’s attitudes need to change so that people are less hesitant to intervene in domestic and family violence. As many people are weighing up whether or not it is appropriate to intervene at all, it seems likely that social pressure and community expectations would increase the rate of bystander intervention (Figure 11).

Figure 11: Likelihood of bystander intervention



“Yeah, it’s just not a socially normal thing to go up to someone and try to stop them from doing something, especially if it’s in a public place. Like individually, I think I would have trouble going up there by myself to do something about it, but if I had more than one person, like a group of friends maybe and we all saw that and we all saw it was wrong.”

from a focus group participant

In discussing communication strategies, many submissions to the Taskforce expressed a view that addressing the issue in a public way would send a clear message that domestic and family violence is an important community issue requiring attention. During consultation, regular reference was made to road safety and anti-smoking campaigns as examples of successful campaigns that changed attitudes and behaviours. These views were also expressed during the focus group sessions commissioned by the Taskforce. Drink driving and anti-smoking campaigns were seen as successful because they addressed difficult social issues with a ‘hard-hitting’, powerful and confronting message such as “If you drink and drive, you’re a bloody idiot”. The scale and length of these campaigns was also discussed, e.g. the drink driving slogan first began in Australia in 1989 and is very well-known throughout the community. The longevity of the campaign is viewed by people as a de facto measure of its importance as a community issue. Ensuring that any activity in this area is given enough time to get noticed, drive conversation and shape behaviour is seen to be critical to its long-term success.³⁹

The following two examples take very different approaches to raising awareness about domestic violence and target very different audiences.

The Queensland Government currently has an awareness raising campaign called *Make the Call*. The *Make the Call* website describes the current awareness campaign and its purpose as:

“The Make the Call campaign was developed to reduce the incidence of death and serious injury resulting from domestic and family violence in Queensland. In 2012, the State Coroner recommended raising public awareness through a prevention campaign for friends, family members and colleagues to recognise the potentially fatal consequences of non-physical forms of domestic violence, and highlighting the warning signs that could indicate someone is at serious risk, such as controlling behaviours and stalking after relationships have ended.

The Make the Call campaign aims to prevent domestic and family violence and elder abuse by prompting friends, family members, neighbours and colleagues who suspect someone they know is being abused to make the call to the state-wide helplines. Make the Call is a Queensland-wide campaign incorporating advertising, social media, posters and help cards distributed through community services and campaign partners.”

A unique angle to a televised commercial can be found in this year's Superbowl in the USA. The National Football League (NFL) ran a 60 second commercial — *No More* — raising awareness of domestic violence. The NFL donated both air-time and funds to produce the commercial and more than 100 million Americans watched the game. The advertisement is based on a real 911 emergency call. The caller, who had been attacked by her partner, picked up the telephone and pretended to order pizza when in fact she dialled 911:

“911, where is your emergency?

123 Main St.

OK, what's going on there?

I'd like to order a pizza for delivery.

Ma'am, you've reached 911

Yeah, I know. Can I have a large with half pepperoni, half mushroom and peppers?

Ummm.... I'm sorry, you know you've called 911 right?

Yeah, do you know how long it will be?

OK, Ma'am, is everything OK over there? Do you have an emergency?

Yes, I do.

..And you can't talk about it because there's someone in the room with you?

Yes, that's correct. Do you know how long it will be?

I have an officer about a mile from your location. Are there any weapons in your house?

Nope.

Can you stay on the phone with me?”

Nope. See you soon, thanks.⁴⁰”

The Taskforce has heard repeatedly about the need for campaigns to encourage bystander intervention. There have been relatively few bystander intervention campaigns aimed specifically at domestic and family violence, but there have been several campaigns aimed at increasing bystander intervention in incidents of violence against women, particularly in the USA. Campaigns that actively engaged men as participants, and discussed violence against women as a problem that the whole community is responsible for tackling, were more likely to be successful.⁴¹ The *Mentors in Violence Prevention* program, developed by Dr Shannon Spriggs-Murdoch, is an excellent example of a violence prevention program that has been implemented in several communities and attracted widespread support.⁴²

The Australian Women's Health Network outlines in their 2014 position paper that awareness raising campaigns for the prevention of violence against women should have a strong basis in human rights and gender analysis, clear and comprehensive definitions of violence, take a victim-centred approach, hold perpetrators accountable, emphasise equality, and recognise the diversity of men and women.⁴³

The Taskforce believes a communication strategy should:

1. Educate the community about the characteristics of domestic and family violence, including non-physical abuse, and its impacts
2. Seek the community's commitment to a shared vision of a Queensland free from violence and abuse
3. Encourage Queenslanders to challenge their level of acceptance of domestic and family violence and to see it as a social issue that requires a whole of community response
4. Encourage people directly affected by this form of violence to seek help
5. Empower family, friends, neighbours and colleagues of victims to take steps they might not otherwise take to respond to domestic and family violence
6. Encourage perpetrators to seek help to change their behaviour.

A comprehensive communication strategy is required in Queensland to increase the community's understanding of '*what is domestic violence*' and to change existing attitudes. It will be essential for the strategy to be innovative, multi-pronged and developed with help from a diverse range of experts from multiple disciplines, i.e. behavioural psychology, behavioural economics, marketing and advertising, media and technology, and domestic and family violence. It will be essential for the strategy to include a robust evaluation component.

Recommendation 18:

The Taskforce recommends that the Queensland Government develops a consistent, comprehensive communication strategy on domestic and family violence for Queensland.

Recommendation 19:

The Taskforce recommends that the Audit Oversight Body oversees development and implementation of an innovative, multi-pronged communication strategy.

Recommendation 20:

The Taskforce recommends that as a minimum, the communication strategy must comprise a sustained, long-term advertising/media campaign to run for an appropriate minimum period of time, utilising print, television and social media to raise awareness:

- » Of what constitutes domestic and family violence
- » That it is unacceptable
- » Where victims can go for help
- » How bystanders, neighbours, friends and family can safely intervene
- » Where perpetrators can go for help to change their behaviour.

Recommendation 21:

The Taskforce recommends that a group of experts, for example, in behavioural psychology, behavioural economics, marketing and advertising, media and technology, and domestic and family violence, be established to design the communication strategy. The group will report to the Audit Oversight Body and provide advice on innovative ways to communicate with the Queensland community.

Recommendation 22:

The Taskforce recommends that the Queensland Government ensures that the communication strategy is implemented through all front line services including (but not limited to) health and hospital services, education services and schools, Queensland Ambulance Service, Queensland Police Service, Queensland Fire and Emergency Services, housing services, Legal Aid Queensland, Director of Public Prosecutions and other legal services.

Community involvement

The existing *Make the Call* campaign in Queensland is complemented by a community grants program. In 2015, a total of \$110,000 is available to community organisations in Queensland to hold awareness raising events during Domestic and Family Violence Prevention Month to support and promote *Make the Call*. Approximately \$30,000 is specifically allocated for activities in Aboriginal and Torres Strait Islander communities. The maximum amount available is \$3,000 per event, project or activity.

Activities or events that have received funding in past years include sports days, music events, community barbeques, information workshops, and art workshops in partnership with local schools to promote respectful and healthy relationships.

The Taskforce believe these activities allow local communities to develop their understanding of domestic and family violence, and actively embrace an ethos and culture that makes it clear that “we are a community that condemns all forms of domestic and family violence.”

Recommendation 23:

The Taskforce recommends that the Queensland Government continues to fund and considers expanding the annual Domestic and Family Violence Awareness Month Community Grants program to enable community driven initiatives to complement the communication strategy.

6.3.3 Building respectful and healthy relationships

It is easy to understand that children who are exposed to domestic and family violence in the home are likely to believe that violent behaviour is normal. Seeing adults demonstrate respectful behaviours is important for children as they learn their attitudes and behaviours from those around them such as in their family, at school, sports clubs and health services, in community and peer groups, and from the media.⁴⁴

“Respectful and gender equitable relationships will drive the end of family violence in our communities.”

submission by Our Watch

Respectful and healthy relationships are based on trust, honesty, fairness, and equality. A domestic violence relationship between a victim and a perpetrator, on the other hand, is based on coercion and control.

“You forget that respect and kindness exists, because you haven’t seen it for such a long time.”

from a contributor to the Taskforce

Respectful relationships help you feel:

- » Safe
- » Encouraged
- » Trusted
- » Comfortable
- » That you matter
- » OK to be honest and open
- » Listened to
- » Equal and treated fairly
- » Valued
- » Understood
- » Accepted.

“The attitude and the apathy people have towards women and men who have suffered from domestic violence is just deplorable. Your family and friends and sometimes workmates either don’t believe or don’t want to get involved. Often you get told well maybe you deserved it.”

from a contributor to the Taskforce

“I have the right to be treated with respect!!! I don’t have to agree with everything he says or does. He can’t use this anger to control me was insightful. Realising there is a cycle of violence was eye opening.”

from a contributor to the Taskforce

The Taskforce has heard many personal stories from people who experienced violence as a child and how they found themselves in violent intimate relationships as adults. These stories highlight the need to educate children about respectful and healthy relationships, and the importance of changing attitudes towards violence. Education will equip our children with better understanding of what an equal relationship is and the social norms, attitudes, beliefs and behaviours that provide the context for harmful and abusive situations.

The Taskforce also heard of the need for men to take action as role models to help reduce and prevent men’s violence against women. It is crucial for men to show leadership in the community in their actions to prevent domestic violence and to address the social and cultural causes of domestic violence. It is also important for them to demonstrate the value of healthy and respectful relationships.

“It starts with children — they need to understand that violence, bullying, and harassment is unacceptable. There is a major problem if children remain in a household where violence of one partner to another is the norm.”

submission by Zonta International District 22

School-based programs

UNICEF estimates that between 75,000 and 640,000 Australian children and young people live with domestic violence.⁴⁵ This is a powerful reason to focus efforts on fostering respectful relationships among children.

Participation in respectful relationships programs can have a lasting effect on children's later relationships, as adult relationships are shaped in important ways by the norms and practices they take on in adolescence. Many children and young people experience violence in their homes (one in four young people have witnessed an act of physical violence against their mother or stepmother)⁴⁶ and it is known that young people are being subjected to, and perpetrating, violence themselves. There is already some degree of tolerance for violence against girls and women amongst children and young people. The need to change these existing norms is evident.

“Because I work in a school, I’ve observed some boys just have no respect for women. They probably learn those behaviours from their fathers. I think they need to be educated permanently. That we’re equal.”

from a contributor to the Taskforce

Prevention activities for children and young people are best provided at the location where they are typically found, at school. Students of all ages can be taught critical skills to identify taken-for-granted social attitudes and beliefs about gender that support relationship and family violence.⁴⁷

“If we start with students when they are young, we can build a strong framework for their understanding, skill development and their help-seeking behaviour. It is foundation work, similar to numeracy and literacy. You provide the scaffolding in the primary years. Children then revisit the subject and build on it.”⁴⁸

Schools have distinct advantages as sites for respectful relationships education because:

- » They are where children and young people spend much of their time
- » They allow the repeated collection of data over time for the purpose of evaluation
- » They provide potential for synergy between violence prevention and respectful relationships education
- » Knowledge and practice resources for the delivery of schools-based prevention programs are well developed
- » They are well placed to be the site for partnerships between young people, parents, teachers and others such as social workers, counsellors and school-based chaplains
- » School-based programs provide the strongest evidence of effectiveness of the wide range of prevention strategies that are available.⁴⁹

In short, there is evidence that school-based programs produce positive and lasting change in attitudes and behaviours that contribute to domestic and family violence.

Snapshot: Breaking the Silence

White Ribbon's Breaking the Silence in Schools program drives attitudinal and behavioural change with young people aged 8 to 18 across primary and secondary schools. It is currently delivered in New South Wales, Victoria and the Australian Capital Territory.

The program assists schools to develop strategies to challenge ideas about gender and power that can contribute to violent behaviours and attitudes.

It is suited to both primary and secondary school aged students and takes the approach of facilitating and enhancing respectful relationships within the school culture, filtering in to classroom activities and engaging students in learning and experiencing respectful relationships. Delivery of the program involves a series of three facilitated workshops delivered to school principals and senior leaders, which aim to establish a commitment within the school, and offer understandings and stimuli to engage students in the prevention of men's violence against women and girls.

The Taskforce received a large number of written submissions suggesting respectful relationships education in schools is required. This was also heard time and again during consultation activities across the state. Views on the specific aspects about how these programs should be implemented varied. There was broad agreement that school-based programs should take a whole-of-school approach, be flexible so that the program can meet the individual needs of a school, complement existing school curricula without adding a new component to the national curriculum and occur over consecutive years across primary and secondary school.

In their report, the Legal Affairs and Community Safety Committee also highlighted the need for education programs targeted at young people, including school-based programs that aim to shape appropriate attitudes to women and violence and develop positive behavioural and relationship skills.⁵⁰

Respectful relationships education is an important focus of the *National Plan to Reduce Violence against Women and their Children*, particularly in the context of including respectful relationships education in the Australian curriculum.

Previous work in Queensland on the feasibility of introducing educational programs in state schools confirmed that school principals believed issues around violence and promoting positive gender relationships were serious educational concerns.⁵¹ A significant amount of work has occurred in Victoria on the best way to approach respectful relationships programs in schools. The Victorian Department of Education and Early Childhood Development has identified five criteria of good practice for school-based programs. The criteria are:

1. A whole-school approach (i.e. avoiding one-off sessions)
2. A program framework and logic
3. Effective curriculum delivery
4. Relevant, inclusive and culturally sensitive practice
5. Impact evaluation.

LOVE BITES and *Breaking the Silence* are two examples of school-based programs that have demonstrated positive results.

Snapshot: LOVE BITES

LOVE BiTES is a school-based domestic and family violence and sexual assault prevention program aimed at young people between the ages of 14-17, designed by the National Association for Prevention of Child Abuse and Neglect (NAPCAN). Since its commencement in 2003, over 100,000 secondary school students across Australia have participated in the program which challenges perceptions of sexual assault and violence.

The LOVE BiTES program has run in approximately 40-50 schools across Queensland. Students who participated have expressed positive comments about the program such as “I liked that it was confronting but taught us a lot of how we can help ourselves” and “I liked that it was very informative and we were able to see the reality of sexual assault and domestic violence”. Students also reported taking positive lessons from the program, including “I learnt that there are many kinds of domestic violence” and “I learnt about the right things to do in relationships”.

The program consists of interactive education workshops, followed by creative workshops and community campaigns, and is delivered by local community agencies who have been trained as facilitators. Facilitators include sexual assault counsellors, school and family counsellors, police officers, women’s refuge workers, school teachers and other professionals. Over 500 workers and teachers have been trained across Queensland to date.

LOVE BiTES is based on best practice standards for education programs and is prevention focussed, with the capacity to get in early to help empower young people and provide support and education about respectful relationships. NAPCAN is exploring ways to incorporate a whole-of-school based approach to violence prevention, and have developed programs for the K-12 student year groups.

Just as there is research to support good practice, evidence is also available about what not to do in school-based programs. This includes concentrating efforts only on those children who are already living with violence or 'at risk' of this occurring, focusing only on the production of information resources, or lecturing students without interaction.⁵² It is also not enough to introduce only a school-based program to change student's attitudes and behaviours around gender and violence. Research has shown the impact of initiatives is 'dampened' when they occur in isolation and when broader community or social practices and norms do not support the messaging.⁵³ The Taskforce believes that school-based programs about respectful and healthy relationships must be accompanied by prevention strategies in other settings, for example, social media campaigns, community initiatives and/or sports based programs.

Recommendation 24:

The Taskforce recommends that the Queensland Government leads and facilitates the introduction of programs in state schools to embed through the school life of all secondary and primary state schools a culture that emphasises:

- » Developing and maintaining respectful relationships
- » Respecting self
- » Gender equality.

Recommendation 25:

The Taskforce recommends that the Queensland Government leads and facilitates the introduction of programs to ensure that all secondary students can:

- » Recognise domestic and family violence and where to go for help
- » Safely intervene and provide support to victims.

Recommendation 26:

The Taskforce recommends that the Queensland Government leads and facilitates the introduction of programs to ensure that all primary students can:

- » Resolve conflict without violence
- » Report fears and concerns safely.

Recommendation 27:

The Taskforce recommends that the Queensland Minister for Education works with Queensland Catholic Education Council and Independent Schools Queensland to support introduction of similar programs in private schools in Queensland.

Recommendation 28:

The Taskforce recommends that Principals of non-government schools consider the Queensland Government program and incorporate as appropriate into the school culture.

Recommendation 29:

The Taskforce recommends that the Queensland Government includes measures for implementing the programs into the performance agreements of Principals and Deputy-Principals of state schools.

The role of men

The prevention of domestic and family violence must be led and supported by men in the community. Women alone cannot stop violence in the home. Men must join with women to put an end to this scourge on society.

“We are talking about the actions of about a quarter to a third of men when addressing domestic violence but are also talking about the silence of the nonviolent majority men on this issue.”

submission by DVConnect Limited

Domestic violence is a men’s issue because their wives, mothers, sisters, daughters and friends are being harmed. We know that most men do not commit violent acts in the home, however their attitudes are pivotal to accountability and responsibility for that violence because the majority of violence against women is perpetrated by men.⁵⁴

The National Community Attitudes Survey has shown that men were more likely than women to reinforce myths and stereotypes of violence as well as minimise, trivialise and deny the impact of violence. While simply being a man does not automatically mean that a person will hold violence supportive attitudes, men with less knowledge about violence against women, less understanding of the dynamics of violence as well as less support for equality between men and women, are also more likely to have violence supporting attitudes.⁵⁵

The Taskforce regularly heard that men must challenge violence committed by other men and that we need to encourage men to actively develop and participate in programs to eliminate sexist attitudes. There are good reasons to engage men in efforts to prevent domestic violence. First, while most men do not use violence against women, it is largely men who perpetrate this violence. Second, constructions of masculinity — of what it means to be a man — play a crucial role in shaping violence against women.^{56 57} While men who use violence have long been the focus in secondary and tertiary based interventions as perpetrators, it is equally as important that men in general be engaged as ‘partners’ in prevention.⁵⁸

There are three key forms of action men can take in helping to reduce and prevent men's violence against women:

1. Avoiding the personal use of violence against women
2. Intervening in the violence of other men
3. Addressing the social and cultural causes of violence.

This last element involves men taking part in challenging the attitudes and norms, behaviours, and inequalities which feed into domestic violence.⁵⁹ Challenging these attitudes will help to create a culture in which domestic violence is unacceptable.

Male community and business leaders are in a powerful position to stand up and speak out about domestic violence. The positive role of men in addressing violence against women has gained some momentum, for example through the *White Ribbon Australia* campaign to stop violence against women. This campaign has brought domestic violence to the forefront as an important issue for the Australian community and provides men with practical tools to make a difference.

Snapshot: White Ribbon Day

The White Ribbon Campaign is the only national violence prevention campaign, and it is unique in that it aims to raise awareness among Australian men and boys about the roles they can play to prevent violence against women. The campaign calls for men across Australia to speak out and take an oath swearing never to commit, excuse or remain silent about violence against women.

The campaign culminates on White Ribbon Day each year, when men and boys across Australia are called to wear a white ribbon or wristband as a visual symbol of their commitment and oath to challenge behaviours and attitudes that have allowed for violence against women to occur.

The White Ribbon Campaign in Australia is led by more than 1000 White Ribbon Ambassadors. Ambassadors are men who are leaders in their careers, sporting community or other communities and who actively support the White Ribbon Campaign, and encourage other men and boys to become aware and engaged in the campaign. Women also support and expand the campaign through their networks, workplaces and community organisations, as White Ribbon Champions.

There are some generally recognised barriers to men becoming involved in preventing domestic and family violence. These include:

- » If an individual man sees domestic violence as rare, trivial, excusable or even justified, he is unlikely to participate in efforts to reduce and prevent the violence
- » Men routinely overestimate the extent to which their peers agree with violence and sexism
- » They are afraid of what might happen if they do intervene
- » They have a lack of knowledge or skills to intervene
- » There is a lack of opportunity to participate.⁶⁰

Some of these barriers stem from attitudes about violence and what is considered acceptable, and stereotypes about 'real men' and how 'real men' act, or more accurately, perceptions of how 'real men' act. Any prevention strategies that involve men need to occur alongside strategies to change attitudes, as well as strategies to empower men to take action (see section 6.3.2 – Communication strategy).

Men's attitudes and behaviours are shaped in powerful ways by their male peers.⁶¹ Having men take the lead to demonstrate positive behaviours will result in powerful change.

Practical ways for men to make a difference

Senior male leaders can be effective 'champions' for violence prevention in their organisations, using their personal influence to encourage take-up of violence prevention initiatives. This also suggests the workplace is a key site for prevention (see section 6.3.4 – Workplaces). Organisations can equip men to unpick gender stereotypes by giving motivation, a model, and a margin of safety to move away from male stereotypes.⁶²

Snapshot: Boyne Smelter Awareness Campaign

Boyne Smelters, an aluminium smelter operating in Queensland's Capricornia region, recently initiated a month-long domestic violence awareness campaign amongst its employees and contractors. Boyne Smelters is the largest aluminium smelter operating in Australia. It is a significant local employer in the Gladstone region, directly employing 1050 people, while providing further employment for over 120 contractors.

The initiative was implemented after Boyne Smelter's General Manager became aware of the scale of the domestic violence problem in the region; the Capricornia region has one of the highest rates of domestic and family violence incidents in the State.

Boyne Smelters' initiative did not just promote awareness of the problem, but also actively encouraged people to reach out for support. The campaign included the use of large white ribbons on its fleet of on-site vehicles.

Research in the USA highlights that certain experiences are critical in driving men to take action. Often a personal, 'sensitising' experience which raises a man's awareness of violence, for example, hearing from women about the violence they have suffered, leads to action being taken. Some men describe themselves as compelled to action — they feel that they no longer have a choice to do nothing, that doing nothing contributes to the problem, that they can make a difference, and that they have strengths and skills which can help.⁶³

"I attended a workshop in Gladstone presented by the Queensland police which highlighted the alarming statistics around domestic violence in Australia, showing 82% of the offenders being male. I was particularly appalled at the statistics shown for Central Queensland where I live and work, which are 97% worse than the rest of the State. I left the workshop deeply impacted by what I heard and as the General Manager of a site of over 1,000 employees and predominately male, I felt compelled to consider how best I could promote awareness through our organisation."

Joe Rea, General Manager, Boyne Smelters

This is an encouraging example of one man making the decision to take action in his daily life to challenge domestic violence. It shows that one individual can make a powerful difference.

This is an ideal time for more men to become involved in preventing domestic and family violence. It is gradually becoming more widely recognised that staying silent is no longer acceptable as it suggests that domestic violence is okay. The Taskforce agrees that without men's involvement, efforts to reduce and prevent domestic violence will fail.⁶⁴

Recommendation 30:

The Taskforce recommends that in developing the communication strategy, the Queensland Government identifies high profile role models to raise awareness of domestic and family violence. Male role models should be drawn from the areas of music, television, film, business, science, and sport. Role models need to be selected from an accredited list or undertake appropriate training to be able to speak authoritatively on domestic and family violence and contribute positively to the strategy.

6.3.4 Workplaces

The health and safety of employees at home affects their health and safety at work.

“Having a job is critical if women are to leave a violent relationship. Domestic violence is not – and should not be – a private matter that is dealt with behind closed doors.”

Ms Ged Kearney, ACTU President

Domestic violence is an important issue for the workplace because a large proportion of women who are employed in the workforce have experienced violence from their partner. Additionally, and most alarmingly, 95% of women with partners who stalk them were harassed in the workplace.⁶⁵

The Taskforce has heard from women who have been abused by their partners at work. Many of these stories told of a distinct lack of response from the workplace. Some stories revealed that the victim had also lost their job as a result of ‘bringing their personal issues to work’ or for using their sick leave to attend court. Domestic violence does, on too many occasions, enter the workplace because an abusive person seeks opportunities to use power and control to undermine their victim. Harassing a partner or ex-partner at work can lead to a victim being fired, and in this way increase their dependence and susceptibility to control by the perpetrator.⁶⁶

“My workplace soon gave up trying to protect me and instead chose to harass me out of the job which I had attended faithfully for three years. They refused to give me a reference.”

from a contributor to the Taskforce

Workplaces have a duty of care to prevent harm to workers but also need to create a productive working environment. It is also critical for anyone experiencing domestic violence to stay employed to help them escape from violence.

Australian workplaces have been slow to address domestic violence.⁶⁷ Any effort to improve workplaces cannot be achieved by Government alone. Private enterprise also needs to ensure all opportunities are realised to make a difference to the lives of those affected by domestic and family violence.

“It’s not that the business leaders don’t think domestic violence is an important issue – it’s that many of them don’t always think of domestic violence as a workplace issue.”

Elizabeth Broderick, Sex Discrimination Commissioner

Why is domestic and family violence a workplace issue?

Domestic violence not only affects the work performance and workplace safety of the victim, but also their co-workers and the whole organisation. Domestic violence in Australia costs employers about \$175 million annually.⁶⁸ Taking a broader view, the cost to the Australian community has been estimated in the order of \$US14.7 billion annually.

Other impacts in the workplace include inability to concentrate leading to lower output and safety concerns, effects on colleagues that contribute to decreased staff morale, and increased need for support in the workplace for victims.⁶⁹ Employment also has a positive impact on domestic violence. Having a job is a key pathway to women leaving a violent relationship.⁷⁰

Of the Australian women who report violence by a current partner, nearly two thirds are in paid employment.⁷¹

95% of women with violent partners who stalked them, experienced harassment at their place of work. Stalking has been identified as one of the risk factors that can lead to the victim being killed.⁷²

Between one quarter and one half of women who have been subjected to domestic violence report having lost a job, at least in part due to the violence.⁷³

Most victims disclose their experience of domestic violence to co-workers (64%), followed by immediate supervisors (29%), non-immediate supervisors (21%) and others within the workplace (21%).⁷⁴

There are victims and perpetrators in every workplace. Victims are often targeted at work, as their location and working hours are usually predictable.⁷⁵ Perpetrators of domestic violence may use workplace time and resources to facilitate their violent behaviour, such as using their workplace telephone or email to harass their victim. Their work performance may be diminished due to the attention given to these abusive activities at work.⁷⁶

“The relationship soured and in one instance he came to my workplace and spat in my face. I reported it to HR but they said it wasn’t assault. Then I broke up with him and he started emailing my workplace incessantly, abusive messages every day for 8 hours per day. I was forced to look at it as I sit behind my computer to do my job. I told HR and they would block his email address but each time they blocked him, he would create a new email address.”

from a contributor to the Taskforce

Domestic violence does not discriminate. These employees exist across all types of industries and all employers, whether it be the in the government sector, or in small, medium or large businesses.

Benefits of supporting employees

It is more cost effective to support an employee who is experiencing domestic violence than it is to replace the employee after they have left the workplace. An Access Economics study calculated that dealing with absenteeism in the workplace cost \$14.2 million in a year, whereas the cost of replacing staff was \$36.6 million.⁷⁷

There are other clear benefits for employers to engage in policies that target domestic and family violence. These include increased productivity, decreased costs in relation to leave and staff replacements,⁷⁸ supporting staff and being identified as an employee who shows social responsibility and provides community leadership.⁷⁹

“Being accredited [by White Ribbon Australia] gives us confidence that as a small organisation with limited resources, we have policies and processes in place to educate and support our employees in relation to men’s violence towards women,” he says. “It’s also a very powerful and meaningful way to show our stakeholders that we are committed not only to supporting our own workforce, but to taking on a very real and serious social issue and driving social change.”

Chief Executive Officer, Maritime Employee Training⁸⁰

Workplaces also provide an opportunity to ‘reach out’ to individuals affected by domestic violence and provide information about support services without the stigma that can be associated with talking about domestic violence. Studies have shown that individuals who did not discuss domestic violence at work reported that they did so for reasons of shame and fear of dismissal.⁸¹

“I have been personally humiliated, monitored, refused leave for court (in regards to DV applications) told to ‘sort my shit out and not bring personal life to work’, AND refused time off when I feared for my children’s safety.”

from a contributor to the Taskforce

Workplaces provide opportunities to reinforce or challenge attitudes and gender norms and can also model equitable and respectful relationships. Work, and by extension the places where work is conducted, is highly gendered.⁸² As discussed earlier, the factors that contribute to domestic violence include gender inequality, gender norms (stereotypes) and community attitudes about violence. If a significant shift in attitudes about domestic and family violence is to occur in the community, each and every workplace must take this insidious issue seriously and take action.

“The role of Australian workplaces in prevention has been largely ignored in recent national and state plans. The current focus on government and non-government organisations leaves a significant gap in the full spectrum of opportunities for prevention and response to domestic violence.”

submission by Australia’s CEO Challenge

The Taskforce was frequently told of the need to implement work-based programs, for example leave provisions and policies, and awareness raising activities. Many submissions focused on the need for all workplaces to develop a policy on domestic and family violence so employees could access leave with pay to attend court appearances, counselling, medical appointments and so forth. Submissions raised flexible working arrangements such as changes to working times and patterns, changes to specific duties to avoid potential contact with an abuser and temporary relocation to another workplace.

Snapshot: CEO challenge

Australia's CEO Challenge is a charity that promotes domestic violence prevention, awareness and partnerships in the workplace and the business sector.

The charity was established in 2002, and since that time has developed a range of domestic violence initiatives. These include creating tailored awareness and education programs for workplaces, partnering businesses with domestic violence services or events to deliver opportunities for staff participation and community engagement, and policy development and education for relevant managerial staff to drive a workplace culture that says no to domestic violence.

The focus on the business sector promotes, within workplaces, awareness and prevention of domestic violence, while also establishing valuable partnerships between the business sector and domestic violence services. Through these valuable partnerships, for example, a business may be able to provide much needed support to a domestic violence service. In turn, through providing opportunities for staff participation, the service may raise awareness in a workplace of the issue and promote prevention. This creates a mutually beneficial relationship where businesses and domestic violence services support each other in preventing domestic violence.

Since 2002, a large number of businesses have worked with Australia's CEO Challenge. This includes over 40 workplaces that have entered into partnerships with domestic violence service providers. Companies including Clayton Utz, Brisbane City Council and Smart Service Queensland all support refuges in Queensland.

Leave entitlements and domestic violence policy

Workplace entitlements are the most effective way to encourage women to disclose, to provide safety to individuals and ensure a safe and productive work environment for all staff.⁸³

In 2010, the first clauses providing paid leave and other entitlements to victims of domestic violence were included in union negotiated enterprise agreements registered with the Australian Fair Work Commission.⁸⁴ Recently, the ACTU made an application to the Fair Work Commission for 10 days paid domestic violence leave for permanent staff and 10 days unpaid leave for casuals to be included in all awards.⁸⁵ Large businesses in Australia such as Telstra and Virgin are leading by example and have provided paid leave to their employees that are experiencing domestic violence. Internationally, large organisations in some states of the USA including Florida, Oregon and New Jersey are required, under law, to provide special leave related to domestic violence.⁸⁶

Snapshot: Domestic violence leave

The impact of domestic violence extends to all aspects of a victim's life, including their employment. A number of large Australian employers, such as Virgin Australia, Telstra and the National Australia Bank, have initiated special leave entitlements to support employees that are victims of domestic violence. These employers are offering extra leave days annually for victims of domestic violence to attend to medical appointments, legal advice or counselling.

The extent of the leave entitlements differs from employer to employer, although each has demonstrated a commitment to ensuring employees suffering domestic violence are supported. One example is Virgin Australia, who announced its leave entitlement scheme in November 2014. The scheme involves five days of extra leave each year for workers to attend medical and legal appointments, while also providing flexibility with their working hours if necessary. Telstra's initiative involves providing full-time staff who are victims of domestic violence an extra 10 days of paid leave a year. Similar to Virgin Australia, Telstra staff are able to use this leave to attend appointments or counselling.

Seven principles have been developed as part of the New South Wales *Safe at Home, Safe at Work* project for use in domestic violence policies. These principles cover a broader range of matters including safety planning and access to flexible work arrangements:

1. Dedicated additional paid leave for employees experiencing family or domestic violence
2. Confidentiality of employee details must be assured and respected
3. Workplace safety planning strategies to ensure protection of employees should be developed and clearly understood by the parties concerned
4. The agreement should provide for referral of employees to appropriate domestic violence support services
5. Provision of appropriate training and paid time off work for agreed roles for nominated contact persons (including union delegates of health and safety representatives if necessary)
6. Employees entitled to family and domestic violence leave should also be able to access flexible work arrangements where appropriate
7. Employees must be protected against adverse action or discrimination on the basis of their disclosure of, experience of, or perceived experience of, family and domestic violence.⁸⁷

“A workplace domestic violence response that integrates with existing programs and targets is simple and cost effective.”

submission by Australia's CEO Challenge

The Queensland Government is the largest employer within Queensland with 234,713 public service employees,⁸⁸ and as of September 2014 this is 10% of the total number of Queenslanders employed.⁸⁹ Consequently, the Queensland Government has a critical role to play in ensuring its employees are protected at work and in demonstrating to the business community that domestic violence is a workplace issue.

A scan of existing leave entitlements for domestic and family violence show that the Queensland Government provides the least amount of paid leave (five days per year) of all Australian jurisdictions and the leave provided is not dedicated leave. In contrast, the Australian Capital Territory Government provides a maximum of 20 days per year as a dedicated leave type, that is, the leave is provided in addition to other leave entitlements.

The Government can demonstrate leadership in the workplace by ensuring employees have access to dedicated paid leave entitlements for domestic and family violence complemented by a workplace program that delivers education and training to employees about domestic and family violence and the support that is available to employees. Local government as a significant employer in Queensland also needs to lead by example.

Awareness and education programs in the workplace

Awareness raising activities help employers and employees start a conversation about domestic violence and send a clear message that firstly, employees will be supported if they are a victim of domestic violence, and secondly, that using workplace resources to perpetrate violence will not be tolerated.

“The most recent experience I’ve had is at work, one of the people that I manage, she came to me and she told me that she’d been the victim of domestic violence. I didn’t quite know what to do.”

from a focus group participant

Using workplaces as a setting to prevent violence against women involves adapting culture, systems, and structures so that they support a working environment that addresses the causes of violence against women.⁹⁰ Key factors in the success of domestic violence prevention through the workplace include a commitment to the program from all levels of management; support from other workplace stakeholders such as union, human resources and employee assistance programs; availability of information about domestic violence with referral details, incorporating domestic violence into other anti-violence; workplace bullying or harassment training programs; partnerships between business; and local services, anti-violence messages promoted through a high-profile campaign.⁹¹

Preventing domestic and family violence in the workplace is also about being an employer of choice and demonstrating to employees that their health and safety at home is as important as their health and safety at work.

Recommendations 31:

The Taskforce recommends that as the largest employer in Queensland, the Queensland Government takes the lead in developing and modelling workplaces that foster equality, and educates employees on unacceptable behaviour in the home and the workplace, with direct emphasis on domestic and family violence.

Recommendation 32:

The Taskforce recommends that the Queensland Government funds the development of a training program for employers and businesses on building workplaces supportive to victims of domestic and family violence, that includes skills on identifying and responding to domestic and family violence.

Recommendation 33:

The Taskforce recommends that the Queensland Government amends the Industrial Relations Act to create a new category of leave for the public sector for victims of domestic and family violence that may be taken for any purpose related to the violence (such as for injury recovery, finding accommodation, court preparation and court appearance).

Recommendation 34:

The Taskforce recommends that the Queensland Government ensures the amendment provide for 10 days a year of leave, non-accumulative, to be taken in conjunction with other leave and incorporating sensitivity as to the proof requirements for approval of the leave.

Recommendation 35:

The Taskforce recommends that the Queensland Government amends the Industrial Relations Act to specify outcomes of domestic and family violence (i.e. injury, application for leave, taking of leave) are not grounds for fair dismissal (similar to parental leave).

Recommendation 36:

The Taskforce recommends that the Queensland Government requests the Commonwealth Government considers similar leave and dismissal amendments to the Fair Work Act to protect Queensland workers engaged under the Federal Act from unfair dismissal and provide appropriate support to workers experiencing domestic and family violence.

Recommendation 37:

The Taskforce recommends that the Queensland Public Service Commission Chief Executive develops Public Service Directives specifically for management of victims of domestic and family violence in the workplace.

Recommendation 38:

The Taskforce recommends that the Queensland Public Service Commission Chief Executive develops training for managers and supervisors on implementing these directives and supporting victims of domestic and family violence.

Recommendation 39:

The Taskforce recommends that Queensland Government departments develop and make available information resources for victims on where to seek assistance (financial, accommodation, personal safety, counselling) and for perpetrators to seek help to change behaviour (voluntary perpetrator programs, counselling etc.).

Recommendation 40:

The Taskforce recommends that the Minister for Local Government works with the Local Government Association of Queensland and individual local governments to implement the changes in the Industrial Relations Act and the provision of new leave. This includes providing (free of charge) all directives, human resource policies and training programs established for state public service employees.

Recommendation 41:

The Taskforce recommends that the Queensland Government supports businesses and non-government organisations to develop and maintain workplaces that support victims of domestic and family violence. This includes providing all directives, human resources policies and training programs established for state public service employees.

Recommendation 42:

The Taskforce recommends that the Queensland Government amends the Queensland Procurement Policy and Guidelines to expand upon Principle 4: “We use our procurement to advance the government’s economic, environmental and social objectives and support the long-term wellbeing of our community”, to include consideration of workplace policies concerning domestic and family violence as part of the criteria for determining ‘ethical and socially responsible suppliers’.

Reducing work-induced trauma for support workers

It is widely acknowledged that professionals working with vulnerable or traumatised clients are at risk of experiencing ongoing stress, burnout, or more seriously, compassion fatigue and work-induced trauma (also known as vicarious trauma).⁹²

Helping others through personal trauma is highly demanding, and the stress of this responsibility can become overwhelming. It takes empathy and compassion to work with these victims and it can take a serious toll, both personally and professionally, on support workers.

The impacts can affect support workers' psychological, physical and spiritual wellbeing, and influence the way they see themselves and their relationships. This is an ongoing impact and the effects can add up over time. Not all are impacted negatively. Some support workers experience personal growth, a greater connection with people, and an increased awareness.

Work-induced trauma can also be experienced by those from the broader domestic and family violence support network including police, child safety officers, court workers, refuge workers, and interpreters. Most of the organisations that represent these groups already have mechanisms in place to minimise and respond to instances of work-induced trauma.

The Taskforce has been made aware of particular support needed for domestic and family violence workers and associated workers, including interpreters.

Research from the Headington Institute acknowledges that there are a number of personal and work setting factors that can increase the risk of work-induced trauma.⁹³ The work setting factors include:

- » Continually being exposed to distressing material
- » Level of responsibility
- » Lack of a supportive workplace
- » Competing demands
- » Lack of breaks between difficult assignments
- » Challenging work conditions.

Supportive workplaces provide workers with the opportunity to access debriefing and peer support. They are flexible to the needs of workers providing opportunities for short breaks, variety of work, personal and professional development, cultivation of professional networks and work life balance.

The Taskforce recommends that the Government encourage a workplace culture that is supportive of these workers so they can continue to do their important work of helping victims of violence.

For interpreters, a number of sources note the importance of briefing interpreters prior to any communication with the client to help them understand the potential content to be discussed and to give them the opportunity to decline the engagement.

Recommendation 43:

The Taskforce recommends that the Queensland Government makes funded services that work with victims of domestic and family violence explain in their service agreements how they will foster a workplace culture that reduces work-induced trauma, outlining specific initiatives.

Recommendation 44:

The Taskforce recommends that Queensland Government departments and Government-funded organisations brief interpreters prior to any client communication to fully inform them of the nature of the likely discussion and the opportunity to decline the engagement.

Recommendations for business and non-government sectors

While it would not be practically possible to require business to embrace the above recommended reforms, the Taskforce strongly urges businesses to consider ways to contribute to the vision of a Queensland that is free from violence and abuse.

Recommendation 45:

The Taskforce recommends that businesses and non-government organisations in Queensland recognise the significant economic and social impact of domestic and family violence on the national and state economies and on workforce productivity.

Recommendation 46:

The Taskforce recommends that businesses and non-government organisations in Queensland implement human resource policies, leave arrangements and other support programs to support victims of domestic and family violence.

Recommendation 47:

The Taskforce recommends that businesses and non-government organisations in Queensland incorporate information on domestic and family violence, its unacceptability, availability of support and how to safely intervene in staff training.

Recommendation 48:

The Taskforce recommends that business and non-government organisations in Queensland sign up to the CEO Challenge to build relationships with domestic and family violence support services, and foster workplaces that do not tolerate violence and support victims.

6.3.5 Professional development

Professionals such as doctors, social workers, priests and nurses have an important role in providing emotional and practical support to women. This has been found to be critical to women's wellbeing, capacity to seek safety and to their recovery in the long term.⁹⁴

“When a member of the community has a range of contact with police, hospitals, general practitioners, and domestic violence agencies, all within six months preceding her death, and all relating specifically to her experience of domestic violence, then all of these system contacts are relevant circumstances to her death.”

Mr John Hutton, Coroner⁹⁵

The Coroner's statement from the inquest into Noeline Beutel's death, highlights the critical need for information sharing between agencies (see Chapter 7).

It also emphasises the critical role played by health practitioners. This system, when working at its best, saves lives and transforms futures. At its worst, consequences are dire.

Work by the Domestic and Family Violence Death Review Unit within the Office of the State Coroner shows that fatalities are rarely without warning and are generally preceded by violent or abusive incidents indicating a heightened risk of future harm. It is because of these indicators that these types of deaths are considered some of the most preventable.

During consultation, the Taskforce heard about the need for continuous professional development and training programs across the many sectors that come into contact with those affected by domestic and family violence. Repeatedly, the Taskforce heard about the need for an informed and skilled workforce to support victims from the first point of contact, when support responses are provided and through the court system.

Many professions with significant capability to intervene in domestic and family violence receive no or limited professional development in recognising and responding appropriately.

“Instead of health dealing with consequences of family violence, resources could be spent on identification, intervention and support pathways.”

Dr Kathleen Baird, submission to the Taskforce

The need for ongoing professional development for those with significant ability or scope to intervene in domestic and family violence cannot be underestimated. It is for this reason the Taskforce considers that the Queensland Government needs to make substantial investment in the development of a training module to meet the needs of the broader group of professionals, able to identify victims of domestic violence and to prevent further violence.

There are already training opportunities in the community for service providers. These may provide a suitable base on which the Queensland Government can build a Queensland specific program, or alternatively the providers of this training may be suitable partners for developing and providing professional development. Some examples are:

- » *DV-alert* a national training program funded by the Commonwealth Department of Social Services as part of the *National Plan to Reduce Violence Against Women and the Children 2010-2022*
- » *DV Training Connect* a training service offered by DVConnect in Queensland
- » *Course in Responding to Domestic and Family Violence*, developed by the Centre for Domestic and Family Violence research.

It is not known how many individual professionals have undertaken these courses. DV-alert is a national course and the extent of its delivery within Queensland is not known. DV Training Connect has only recently commenced, and there is only one registered training organisation delivering the Course in Responding to Domestic and Family Violence. It is reasonable to infer that participation in these courses is not widespread.

A model training program that is widely promoted by and available from the Queensland Government would increase participation and support, whilst sending a clear message to employers and professionals about the imperative to participate.

Recommendation 49:

The Taskforce recommends that the Queensland Government funds the development, promotion and provision of a model training program for frontline professionals in service industries and government, to develop skills in recognising when domestic and family violence is occurring and appropriate intervention.

Health practitioners

Health care professionals can provide assistance to women who may not seek other types of help or may be able to intervene earlier than advocates or agencies.⁹⁶

Registered health practitioners, including medical practitioners, nurses and midwives are required to meet a range of requirements to ensure they are suitable to continue to hold registration. These requirements include participation in continuing professional development. All registered health practitioners are required to participate regularly in continuing professional development that is relevant to their scope of practice.

General Practitioners (GPs)

A full-time GP is likely to be seeing one to two female patients each week who have experienced family violence.⁹⁷ Additionally, GPs are the major professional group to whom women experiencing family violence turn.⁹⁸

“The medical profession has key roles to play in early detection, intervention and provision of specialised treatment of those who suffer the consequences of domestic violence, whether it be physical, sexual or emotional.”

Australian Medical Association

Responding effectively to domestic and family violence in a medical setting requires non-judgmental, supportive attitudes; a knowledge of the physical and emotional sequence of the violence; an understanding of appropriate and inappropriate responses; and having good networks with local family violence services.

Clinical practice guidelines are sets of non-mandatory rules, principles or recommendations for practice and procedures in various health settings and specialties. They assist medical practitioners to assess the appropriate clinical pathways and treatments for patients.

The Royal Australian College of General Practitioners (RACGP) has produced a clinical practice guideline called *Abuse and Violence: Working with our patients in general practice* (the White Book). The White Book provides clinical guidance for ascertaining whether domestic and family violence has occurred and how to manage a patient who is a victim of such violence.

There is evidence that suggests the 'White Book' is not sufficient for assisting GPs and that GPs are not uniformly familiar with nor using the 'White Book'. In his report on the inquest into the death of Ms Beutel, the Coroner recommended:

“The medical profession, along with appropriate Government agencies (including the Special Taskforce on Domestic and Family Violence) should establish guidelines to assist GPs who are treating victims of domestic violence.”

The Coroner noted that the 'White Book' is not prescriptive and that it is a good start but suggested that “further work to clarify and promulgate appropriate advice” is necessary. The 'White Book' was unknown to the GP at the time he was treating Ms Beutel.⁹⁹

Victoria, Western Australia and New South Wales have produced tool kits for general practitioners to help guide them in their response to patients who are showing signs of domestic abuse. The tool kit provides succinct advice about indicators in adults and children for victims of domestic violence, how to start a conversation about domestic violence and how to respond to a disclosure. A similar tool kit is not available in Queensland.

Doctors are well respected members of the community. The Taskforce believes their involvement in efforts to eliminate domestic violence is essential and that appropriate tools must be developed to support them in achieving this.

Recommendation 50:

The Taskforce supports the recommendation of the Coroner in his report on the inquest into the death of Ms Beutel and recommends that the Royal Australian College of General Practitioners refines the RACGP 'White Book', *Abuse and Violence – Working with our patients in general practice*, to be more prescriptive and provide more definitive advice and decision making pathways for general practitioners.

Recommendation 51:

The Taskforce recommends that the Royal Australian College of General Practitioners, CheckUp and Primary Health networks work together to ensure that all General Practitioners across Queensland, have access to, are familiar with and are utilising the 'White Book'.

Recommendation 52:

The Taskforce recommends that the Queensland Government, in partnership with CheckUp and the Royal Australian College of General Practitioners, develops a toolkit based on existing examples in Victoria and New South Wales to complement the 'White Book' and assist GPs to recognise and respond to domestic and family violence.

Midwives and specialist obstetricians

Women are likely to be at increased risk of domestic violence during pregnancy. It is also clear that domestic violence during pregnancy can have grave consequences including recurrent miscarriage, injury to the unborn child, stillbirth and maternal death. Pregnancy is an ideal time for health professionals to start a conversation about domestic violence with their patients. A conversation that could potentially save their life or the life of their child.

Almost 60% of women who had experienced violence by a partner were pregnant at some time during the relationship. Of these, 36% experienced the abuse during their pregnancy and 17% experienced abuse for the first time when they were pregnant.¹⁰⁰ In addition, the frequency and severity of violence increases during pregnancy and physiological abuse also increases.¹⁰¹

The Royal Australian and New Zealand College of Obstetricians and Gynaecologists has a proactive and comprehensive training and development program for medical practitioners in training to become specialists. At present, the program focuses more strongly on sexual assault but does include domestic and family violence in its scope. The College is currently working to expand the scope of the program to provide a greater focus on domestic and family violence and mental health.

The College's curriculum for trainees includes modules on identifying patients at risk; engaging with them about the abuse or violence; undertaking forensic examinations; managing risks to the health of the woman and pregnancy; and how to refer the woman to appropriate support services. The curriculum also discusses the causes and impacts of domestic violence and examines the biases that medical practitioners can have.

In addition, the College also has resources for trainees and practitioners to use in practice which provide practical guidance on identification, how to listen and referral procedures. These resources have been developed to be consistent with, and support the GP 'White Book' which is also made available to trainees and practitioners.

However, once a practitioner becomes a Fellow and commences independent practice, the College does not proactively seek to influence the practice of obstetricians to use the resources and screen their patients. Availability of resources is the first step, but ensuring those resources are used is essential to effect genuine change in clinical practice.

Recommendation 53:

The Taskforce recommends that the Australian and New Zealand College of Obstetricians and Gynaecologists continues to expand the resources available to trainees and practitioners, and develop a strategy to actively engage with Fellows to encourage ongoing use of the resources.

A study that explored the acceptability of ante-natal enquiry for domestic abuse from the perspective of women using maternity services found:

- » 94.4% of those surveyed felt comfortable with a midwife asking about abuse
- » 96.6% of the participants also believed it was appropriate for a midwife to ask and that midwives should be able to respond to positive disclosure.¹⁰²

Midwives develop a relationship with their patient and it is once this relationship has developed that women feel comfortable talking about domestic violence, but only if they are given the opportunity to discuss their abuse. Training midwives to ask direct questions about domestic violence and what to do if it is suspected will help women that are at risk of further violence.

The Commonwealth Department of Health's clinical guidelines for antenatal care recommend midwives ask all women about their exposure to domestic violence at their first ante-natal visit. However, there appears to be some reluctance to ask about domestic violence as many midwives are not trained to ask these questions or in how to respond if the answer is yes.

Research in the United Kingdom and in New South Wales has shown that training of midwives impacted positively in relation to increased levels of knowledge and awareness of domestic violence.¹⁰³

The provision of public health services in Queensland is now the responsibility of statutory authorities called Hospital and Health Services (HHS). Delivery of services, and clinical guidelines are established by each HHS. It is not clear whether screening still occurs in all ante-natal clinics across HHSs, nor even whether HHSs fully support their midwives in implementing the national clinical guidelines. The Taskforce considers that training midwives to ask their patients about domestic violence is essential.

Recommendation 54:

The Taskforce recommends that the Queensland Government evaluates the frequency and efficacy of ante-natal screening for domestic and family violence and reports to the Audit Oversight Body.

Recommendation 55:

The Taskforce recommends that the Queensland Government commissions the Australian College of Midwives to develop training for midwives on asking pregnant women about exposure to domestic violence during ante-natal appointments and how to deal with disclosure, and a tool kit to provide practical guidance on implementing the national practice guidelines.

Recommendation 56:

The Taskforce recommends that Hospital and Health Services ensure that all midwives receive appropriate training and that all women attending ante-natal clinics are asked about their exposure to domestic and family violence and appropriate referrals occur if domestic violence is disclosed.

Recommendation 57:

The Taskforce recommends that the Australian College of Midwives develops a continuing professional development program to educate midwives on asking pregnant women about exposure to domestic violence during ante-natal appointments and how to deal with disclosure.

Recommendation 58:

The Taskforce recommends that the Queensland Chief Health Officer and Queensland Chief Nurse work with private hospitals to encourage similar admission procedures in private maternity hospitals, and to make available for use any tools or material produced for public midwives.

Referral and support services in maternity hospitals and emergency departments

In February 2011, an advocacy agency in the United Kingdom launched a pioneering service from the maternity unit of a London hospital.¹⁰⁴ Advocate workers in the hospital are available to give midwives a person to whom they can immediately send mothers for help within the hospital. This means there is immediate support for victims of domestic violence who are at greatest risk of serious injury.

When individuals have been physically abused by their partners and require immediate medical treatment, a hospital emergency department is where the victim will seek help.

At the Royal Brisbane Women's Hospital, screening for domestic violence occurs in the emergency department. If a woman reveals she is a victim of domestic violence, or staff identify a victim through questioning, the 24 hour social work department is contacted. The social worker provides counselling as well as advice about support and referral services such as DVConnect, community services, and safe accommodation. This approach is likely to identify many more victims of domestic violence than only those who have experienced physical violence resulting in obvious and extreme injuries.

Recommendation 59:

The Taskforce recommends that the Queensland Government and DVConnect work in partnership to develop a model to provide immediate access to specialist domestic and family support and referral services within public and private maternity hospitals and emergency departments.

Other healthcare practitioners

Midwives, obstetricians and GPs are only three of a very broad range of registered and non-registered healthcare professionals and practitioners who provide healthcare services to patients and clients.

Other healthcare professionals and practitioners are likely to encounter victims of domestic and family violence regularly. They also need to be equipped to identify and manage patients and clients who have suffered violence or abuse.

The National Registration and Accreditation Scheme established under the Health Practitioner Regulation National Law governs the registration of 14 health professional groups. Each professional group is registered by a National Board. The National Board for each professional group is responsible for setting registration standards, accreditation standards for qualifications needed for registration, codes of conduct and standards of ethical behaviour.

Consequently the National Boards have significant capacity to influence the knowledge and skills of the 14 health professional groups and increase their awareness and involvement in reducing domestic and family violence.

During the review the Taskforce has also become aware that skills and expertise in identifying and managing child harm are also not included as core skills in accreditation standards, despite there being mandatory reporting of child harm (legislated for medical practitioners and nurses; policy for public health employees).

Recommendation 60:

The Taskforce recommends that the Minister for Health recommends to the Australian Health Workforce Ministerial Council that the Health Practitioner Regulation Boards of Australia require specific skill sets pertaining to recognition of and appropriate intervention for domestic and family violence and child harm be included in accreditation standards submitted by Accreditation Agencies under the National Law.

Recommendation 61:

The Taskforce recommends that the Minister for Health recommends to the Australian Health Workforce Ministerial Council that Health Practitioner Regulation Boards of Australia work with appropriate accreditation bodies and colleges to enable professional development on recognising and intervening appropriately in domestic and family violence to be considered suitable for Continuing Professional Development recognition.

Recommendation 62:

The Taskforce recommends that the Minister for Health recommends to the Australian Health Workforce Ministerial Council that consideration also be given to including skill sets and professional development on recognising and responding to child harm into accreditation standards and professional development programs.

Recommendation 63:

The Taskforce recommends that the Minister for Health recommends to the Standing Council on Health that a requirement to be familiar with the indicators of domestic and family violence and child harm and how to appropriately intervene be included into the draft National Code of Conduct for Health Care Workers.

Teachers

Teachers play an invaluable and incalculable role in shaping the attitudes of children. Their role in influencing cultural change cannot be underestimated.

The Report has already examined the role of schools in changing our culture. Teachers need to be appropriately skilled and resourced to play a part in the reforms needed.

Teachers in Queensland must be registered with the Queensland College of Teachers to be able to teach. Registration is dependent upon being a suitable person and attaining appropriate and prescribed levels of education and training.

The Australian Professional Standards for Teachers, developed by the Australian Institute for Teaching and School Leadership, provides the specific skill sets for Australian teachers used by the Queensland College of Teachers for accrediting educational courses and ultimately assessing suitability for registration.

These skill sets do not currently include skills relevant to identifying and managing domestic and family violence. The Taskforce also notes that, despite there being mandatory reporting requirements of child harm for teachers in Queensland (and many other jurisdictions), the skill sets also lack any skills or expertise on identifying and managing child harm.

Recommendation 64:

The Taskforce recommends that the Queensland Minister for Education recommends to the Education Council that the Australian Institute for Teaching and School Leadership includes in the Australian Professional Standards for Teachers, specific skill sets to recognise and respond to incidents of domestic and family violence and child harm.

Undergraduate training

While there are a number of domestic and family violence courses available across multiple disciplines such as policing and criminology, medicine, social science, law, and multiple universities, it is unclear whether the courses available are core or electives for the degree.

“Medical schools in Australia have, on average, three hours of training in family violence.”

Prof Kelsey Hegarty, Melbourne University

A University of Western Sydney (UWS) program that educates criminal law students about domestic violence has been recognised with a community sector award – the *Exceptional Community Partnership* prize at the ZEST Awards. The Student Connect program aims to give future lawyers an understanding of domestic violence and its impacts, and to better equip them for working with domestic violence victims. As part of the initiative, lawyers with experience working in domestic violence give guest lectures to criminal law classes, and students visit court to see domestic violence matters. Student Connect is funded by the Domestic and Family Violence Grants program in the NSW Department of the Premier and Cabinet, and is an initiative of the UWS and the South West Sydney Legal Centre in partnership with Women’s Legal Service, Macarthur Community Legal Centre, local courts, and the NSW Police.

“Research into the project has shown that following their participation, students are more aware of the dynamics and nature of domestic violence, and how to provide assistance to those affected.”

Associate Professor Armstrong, University of Western Sydney¹⁰⁵

As discussed above, many professions with significant power or scope to intervene in domestic and family violence receive no or limited formal education or training in recognising and responding appropriately to the issue. Undergraduate courses at university are an ideal opportunity to initiate a change in attitudes about domestic violence and equip graduates with an understanding of why domestic violence occurs and how to deal with it.

Recommendation 65:

The Taskforce recommends that the Queensland Government works with universities to identify suitable ways to incorporate into professional undergraduate courses, education and training on how to identify when domestic and family violence is occurring and how to appropriately intervene.

Vocational education

Currently within the vocational education and training (VET) sector there are a number of Queensland registered training providers that are approved to deliver accredited courses and/or competency units relating to domestic and family violence. There currently 17 competency units, and they are focused around promoting awareness, identifying domestic and family violence, providing support and intervention.¹⁰⁶

Many of these competencies are part of human services/welfare qualifications. The Taskforce considers there to be opportunity to expand these competencies to become part of other qualifications outside the human services/welfare field, particularly those related to trainees and apprentices. There are a number of courses that currently allow course participants to complete elective competency units from other accredited courses at the same qualification level.

Packaging domestic and family violence competency units with other training will help to raise awareness of the seriousness of the issue in the workforce. Not only will the inclusion of domestic and family violence in existing trainee and apprenticeship courses raise awareness but it will also educate workers within businesses to enable them to support fellow employees. Educating and engaging with trainees and apprentices has the potential to influence our culture and attitudes and to help 'break the cycle' by highlighting that it is a real issue in our community and one that we all have a responsibility to act on.

It is for these reasons that the Taskforce believes the VET sector should be encouraged to take a greater role in educating trainees and apprentices on recognising and responding to domestic and family violence.

Recommendation 66:

The Taskforce recommends that the Queensland Government works with the Vocational Education and Training sector to increase the delivery of existing approved units of competency related to domestic and family violence.

Media

The media can be an enormously powerful agent of change. It has the ability to quickly reach and influence hundreds of thousands, even millions of people at a time.

Australian media has reported both more widely and more accurately on incidents of domestic violence in recent years. However, there are still many instances of problematic coverage. Assaults and homicides are often reported without the context of domestic violence in which they occurred, and some media reports have been interpreted as blaming or ridiculing the victim. It is clear that better understanding of the dynamics of domestic violence is needed, and especially the role that the media have to play in promoting a culture that does not tolerate it.

“Despite the recent and tragic occurrence of homicides resulting from domestic violence against Indigenous women, there has been little to no media coverage or public outcry in response. In 2013, an hour after a call for help was made, police arrived at a home in Edge Hill Cairns, where a woman was pronounced dead at the scene. Later enquiries revealed the woman was Aboriginal. Her name was never released and her tragic circumstances were not widely published by the media. By contrast, the murder of Allison Baden-Clay, a non-Indigenous woman killed in Brisbane by her husband, was given a significant amount of media attention. Most members of the public throughout Australia would know her name and the circumstances of her death.”

Queensland Indigenous Family Violence Legal Service submission

During the Taskforce consultation process, several journalists spoke of the difficulties they encounter when reporting on domestic and family violence, due to privacy constraints and the lack of freely available information on matters before the courts. While it was acknowledged that these restrictions existed in order to protect vulnerable victims and their families, one journalist pointed out that “the system that’s designed to protect your clients is also one that keeps us from reporting on it.”¹⁰⁷

The Taskforce considers the role of the media in changing language and culture to be vitally important. The Taskforce also considers the media could have a more constructive role in helping to protect and support victims of domestic violence.

Journalists and the media generally need support, guidance and appropriate legal protection to be able to confidently report on incidents of domestic and family violence in a way that promotes cultural change, protects victims and provides support where needed. The Taskforce believes there are a number of measures that can be implemented to provide this support.

Recommendation 67:

The Taskforce recommends that the Queensland Government considers legislative amendment to the Defamation Act 2005 to provide a defence to defamation against media for publishing domestic and family violence support services information in stories or publications where domestic and family violence is alleged or intimated but not yet proven.

Recommendation 68:

The Taskforce recommends that the Attorney-General recommends to the Law, Crime and Community Safety Council that a similar defence be established in all jurisdictions across Australia to provide surety to media when publishing nationally available content.

Recommendation 69:

The Taskforce recommends that the Queensland Government reviews current relevant civil and criminal legislation to identify and amend anything that may impede media from publishing information about domestic and family violence support services when reporting on domestic and family violence incidents.

Recommendation 70:

The Taskforce recommends that the Queensland Government develops a media guide to assist news and current affairs programs when reporting on domestic and family violence incidents in Queensland.

CHAPTER 7

Getting Help: building an integrated service response

- 7.1 The importance of the service system response
 - 7.2 Queensland's service delivery challenges
 - 7.3 Queensland's service response landscape
- 7.4 Transforming Queensland's service system response
- 7.5 A new approach to service delivery in Queensland: state-wide integrated service responses
 - 7.6 Getting the fundamentals right



A key theme throughout the review has been the need to develop comprehensive, integrated responses across Queensland to incidents of domestic and family violence. The Terms of Reference specifically asked the Taskforce to consider “*holistic, coordinated and timely responses to domestic and family violence...*” This Chapter deals with the key planks of an integrated, holistic, coordinated, and timely service response framework and makes recommendations aimed at building a framework that will deliver the best possible service to those who need it.

Queensland is vast and diverse. A one-size-fits-all approach to designing and delivering integrated service responses across Queensland will not work. Challenges faced by victims and service providers in rural and remote communities are significantly different from those faced by victims in urban communities. Those in our most vulnerable communities, like Indigenous and culturally and linguistically diverse communities, face unique problems not experienced by others.

This Chapter outlines how a guided, flexible approach to design and implementation of integrated responses can provide better outcomes for communities and victims. Core elements are discussed including the need for adequate emergency and long term accommodation services, a common risk assessment framework, better information sharing and effective perpetrator intervention programs.

CHAPTER 7

7.1 The importance of the service system response

On 29 June 2011 Noelene Beutel was brutally bashed to death by her partner, who then put her body in the boot of a car and set it on fire. In the six months prior to her death, Ms Beutel had been in contact with her doctor, a hospital, police, and domestic violence support services. All these service providers knew that she was suffering from domestic violence at the hands of her partner, but each one had different information. They were holding different pieces of the puzzle and providing a response based on what they knew. The coronial investigation identified lack of information-sharing, lack of a coordinated response, and lack of a common risk assessment tool as key deficiencies in the service system response.

The importance of an effective service system response to domestic and family violence cannot be overstated. Not all victims of domestic and family violence access specialist domestic violence services, but most will come in contact with generalist services such as doctors, hospitals, schools etc. The system, when working at its best, saves lives and transforms futures. When it fails, however, consequences such as the tragic circumstances of Ms Beutel's case show, can be dire.

The Taskforce heard from many people who felt that contacting a domestic violence service was a turning point for them in escaping violence. Others reported negative experiences of frustration and disappointment. It is important to acknowledge that seeking help — whether as a victim of violence or as a perpetrator — takes courage. Negative initial experiences in seeking help can mean a person is unlikely to reach out again. This may mean returning to a dangerous situation, or causing further danger to others.

The domestic violence service system is complex and multifaceted. To some degree, this is necessary. The system is required to provide a response to very complex and diverse needs — for victims, perpetrators, adults, and children. On the other hand, there is unnecessary complexity and fragmentation within the system that is not conducive to an effective response. Often, the combined impact of this complexity and fragmentation creates barriers for the very people the system is trying to serve therefore causing confusion, requiring the repeated re-telling of traumatic circumstances, and creating unnecessary difficulties in getting the help required.

Evidence and experience in Queensland, other Australian jurisdictions and internationally, show that service systems that work together in a structured, collaborative way, are able to provide responses that appear seamless to victims accessing support, and improve perpetrator accountability for their actions.

In some parts of Queensland, services have or are starting to come together to work towards more collaborative responses to domestic and family violence. These efforts are to be applauded. The Taskforce has taken notice of these local initiatives and the improvements in responding to people affected by violence.

The Taskforce has concluded that establishing integrated responses throughout the State is essential for an effective response to domestic and family violence in Queensland. There is a diversity of models of service coordination and integration that have been established or trialled both in Queensland and in other jurisdictions. These provide a foundation for a Queensland service response framework that is appropriate and represents best practice.

“No one agency or organisation can do it alone. It takes a village. It takes all of us together to work that out.”

from a contributor to the Taskforce

7.2 Queensland's service delivery challenges

Queensland presents some unique service delivery challenges owing to its large size and diverse population. It has Australia's most decentralised population (for mainland states) with an estimated 52% of the residential population outside the Greater Brisbane region.¹

Queensland has the nation's second largest Indigenous population.² Aboriginal and Torres Strait Queenslanders (ATSI) have a unique history, very different from other sections of our population. They require a specialised service response, owing to the particular cultural and geographical needs of their communities, and the differing nature of violence and its prevalence in those communities.

Queensland is home to people who speak more than 220 languages, hold more than 100 religious beliefs and come from more than 220 countries.³ During the 2011 Census 20.5% of Queenslanders recorded that they were born outside Australia.⁴ There is significant socio-economic disparity across the state. Some areas are prosperous, however others, such as remote Aboriginal and Torres Strait Islander communities, suffer from entrenched poverty.

With over half of our population living outside Greater Brisbane, and a growing social and economic diversity, any reform to the service system needs to take these particular characteristics into account. These factors will continue to challenge effective and equitable service delivery in Queensland and mean that the government cannot rely on traditional solutions in the development of policies to address complex issues such as domestic and family violence.

“Significant distances between a woman's residence and support services such as police stations, domestic violence counselling services, legal services and health care professionals can make it more difficult for women to escape and find support.”

submission by Women's Legal Service

As discussed elsewhere in this Report, the differing experience of domestic and family violence for people from culturally and linguistically diverse (CALD) backgrounds and ATSI people requires a tailored service response to ensure their unique challenges are appropriately addressed.

“In the case of CALD women, the reasons for the lack of reporting vary from the social isolation many of them experience, especially those who have limited English language skills, lack access to proper translation/interpretation services, as well as cultural impediments to seeking outside help.”

Women In Prison Advocacy Network (WIPAN) Report 2012, 13

“A need for culturally appropriate responses that actively involve and consult victims once violence is reported”

submission by Queensland Indigenous Family Violence Legal Service

7.3 Queensland's service response landscape

Preventing and responding to domestic and family violence involves a complex array of government and non-government services and community programs.

The Queensland service landscape is made up of many dedicated services employing outstanding individuals who work tirelessly to bring about change in the lives of women, children and men so that they can live free from violence.

The domestic and family violence service sector in Queensland comprises of specialist and general services funded by the Queensland and Australian Governments, as well as services provided by community groups that are not funded by government.

The Queensland Government funds a range of services for people affected by domestic and family violence and their children. Types of services funded:

- » State-wide Helplines through DVConnect — provides confidential telephone information, advice, counselling, support, and referrals (including referrals to refuges), for people directly affected by domestic and family violence as well as their friends, family members and colleagues. There are separate telephone lines for women, men (both victims and perpetrators), and service providers who seek information and advice
- » Women's Refuges — provides specialist homelessness services to help support women and children escaping domestic and family violence that require a place of safety
- » Counselling and Support Services — provides individual specialist counselling and support to help adult victims plan for their safety and to deal with the trauma associated with domestic and family violence
- » Children's Counselling and Support Services — provides age appropriate support to children and young people affected by domestic and family violence, including specialist individual and/or group counselling. Parents are assisted to support their child and enhance the parent-child relationship through the provision of information, advice, referrals, and support
- » Specialist Sexual Assault — provides specialist counselling and support across Queensland with 19 services located in the community and four in hospitals
- » Aboriginal and Torres Strait Islander Family Violence Services — provides culturally appropriate counselling and support to ATSI men, women and children (individual and group based) as well as undertaking community education activities
- » Court Support Services — provides court-based support to people with court proceedings before a Magistrates Court in relation to domestic and family violence matters
- » Legal Support Services — provides various legal support through groups including Legal Aid Queensland and Community Legal Centres

- » Perpetrator Intervention Initiatives — seeks to keep women and children safe by addressing the abusive behaviour of individuals who commit acts of domestic and family violence. Initiatives are provided on a group basis in keeping with good practice in this area
- » Safety Upgrade Services — supports people experiencing domestic and family violence, and their children, to remain safely in their homes by upgrading security at the property e.g. changing locks, installing lighting
- » Queensland Centre for Domestic and Family Violence Research — builds the evidence base around domestic and family violence to inform policy and program development and supports the service sector through training, seminars and other resources including an annual Indigenous family violence prevention conference.

Snapshot: DVConnect

DVConnect is a Queensland telephone crisis hotline offering support to those affected by family and domestic violence. The service is free and runs 24 hours a day, seven days a week. As a state-wide crisis response service, DVConnect sits at the frontline of the response to those living with domestic and family violence. It runs a Womensline, Mensline, and Sexual Assault Helpline.

In 2013-14, DVConnect received over 64,000 telephone calls and provided essential services to those in need. DVConnect Womensline alone received more than 53,000 telephone calls and facilitated immediate safety to over 9,000 women and children. DVConnect also runs a Pets in Crisis program, which arranges emergency shelter for pets when at risk women and children fear to leave them behind. In 2013-14, 238 pets were provided emergency shelter.

Court support services are also provided to both women and men by DVConnect. Womensline Court Support provides face-to-face service at two Magistrates Courts in Queensland — the Holland Park Magistrates Court and the Wynnum Magistrates Court. The Mensline Court Assistance program also provides face-to-face support for men in seven Magistrates Courts in Brisbane.

Mainstream service providers

It is common for organisations that are not specifically funded for domestic and family violence services, including family support services, homelessness services, health services, and childcare workers, to work with clients who are affected by domestic and family violence. While they are not specialists in the area, mainstream agencies play a key role in identifying domestic and family violence, responding appropriately and ensuring people are referred to specialist services where required, e.g. antenatal screening for domestic and family violence is undertaken by some midwives and is an important detection mechanism at a time of high-risk.

Australian Government

In addition to the above, the Australian Government also provides the following support:

- » Specific payments to eligible people who have left, or are planning to leave, a violent relationship including parenting payments, income support payments, crisis payments, and exemptions from seeking employment or collecting child support
- » 1800 RESPECT — a national family violence and sexual assault counselling service
- » The Family Relationship Advice Line — a telephone line that provides information and advice on family relationship issues and parenting arrangements after separation
- » Kids Helpline — a free, private, and confidential telephone and online counselling service specifically for young people aged between five and 25
- » Lifeline — a service that provides crisis support
- » Mensline Australia — a telephone and online support service that provides information and a referral service including counselling support for men and specialist support to those who use or experience family and domestic violence.

Non-Government funded support groups and service providers

Community support groups play a vital role supporting those impacted by domestic and family violence. These include community support groups, neighbourhood groups, women's support, and victim support groups that are spread widely across Queensland. Many of these link in with existing domestic and family violence responses and work well to support Queensland families, e.g. the support that the Queensland Country Women's Association provides (through DVConnect) by making and distributing care packs for women and children in need throughout Queensland.

Snapshot: Assist A Sista

Assist A Sista is a community-based volunteer organisation that was founded in September 2012 to help survivors (women and men) of domestic violence to rebuild and repair by bringing hope and restoring faith. The organisation's vision is to become a household name and be present and active in every city and region across Australia. Assist A Sista is rapidly growing and is now in a position to help support most of South East Queensland.

Assist A Sista fills a gap in government funding by providing emergency care packs to relieve some of the stress felt by families escaping violence, and help with basics when transitioning from shelters into a new home. Assist A Sista facilitates donations of clothing, furniture, non-perishable food items, toys, and other essential and non-essential comfort items. They supply these items to families on a needs basis via their contacts at shelters.

Assist A Sista, if needed, can completely prepare a house for a family by filling it with enough beds, furniture, linen, kitchenware, toiletries, curtains, locks, and appliances, among other things. Assist A Sista say that providing these basic necessities helps families to move in and immediately start focusing upon the healing process.

7.4 Transforming Queensland's service system response

Taking stock

Given that effective service responses to domestic and family violence involve the interplay of a wide range of services, it is important to have a thorough understanding of the services that are provided in different circumstances. This includes both specialist domestic and family violence services and other generalist service providers that are necessary to ensure a comprehensive integrated response.

Many of the people consulted referred to unmet needs and gaps in service provision. Some submissions referred to uneven or disproportionate allocation of funding for services and advocated for better analysis of needs as a basis for funding allocation. Others suggested that current funding arrangements are a barrier to holistic and flexible approaches. Some submissions commented favourably about referrals made using SupportLink. Others commented that in some regions, services are markedly underfunded to manage the increase in referrals generated.

To complement other recommendations in this Report, and to ensure that service provision is based on a robust assessment of demand, it is important that Government undertakes a comprehensive audit of the service system relevant to domestic and family violence and analyses the service response based on need, as evidenced by court, police, and other (for instance DVConnect) data.

The stocktake of investment in family support, undertaken as part of the Government's response to the Queensland Child Protection Commission of Inquiry could be built on in this regard.

Investing in the future

The Taskforce recognises that the need for services is substantial and that government resources are limited. Given this, the Taskforce recommends that the Government develop a medium to long term strategic funding and investment model, to ensure that there is optimal and sustainable allocation of funding to meet the needs identified in the audit mentioned above. The investment model needs to incorporate the full range of responses recommended in this Report, to ensure sufficient investment in primary prevention, early intervention and post-crisis response. It is only through addressing the causes and effects of domestic and family violence that the funding and investment model will be able to make a meaningful difference in reducing levels of domestic and family violence in our communities.

The funding and investment model should have a long-term vision aimed at breaking ongoing cycles of violence. An important aspect of the funding and investment model is ensuring investment in holistic service provision, with funding available for specialist services to provide or have access to a full suite of services. These services range from crisis response (risk

assessment, safety planning, finding safe accommodation), practical support (outreach based), counselling and group work (for the whole family), court support, safety upgrades, education and employment opportunities, opportunities for advocacy and feedback into the system, mentoring and moving forward.⁵

The Taskforce's recommendation for an audit and development of a funding and investment model is intended to ensure that a strategic, sustainable, effective, and properly resourced service reform model is adopted across Queensland. The complexity of this piece of work and the need for proper consultation and engagement with relevant parts of the community should not be under-estimated. It is also envisaged that the funding and investment model would adopt a staged approach over a period of time, in order to transition existing service arrangements to an optimal model in an appropriate manner.

There are a number of critical factors that must inform the funding and investment model:

Meeting demand in rural and remote Queensland

While domestic and family violence is prevalent throughout the state, different areas pose particular service challenges when meeting the needs of Queensland's dispersed population. Rural and remote areas, and Indigenous communities, in particular, require innovative and careful responses to ensure equitable and effective service delivery can be achieved despite the geographic challenges. These factors need to be specifically addressed in an investment model.

Providing sufficient services in Queensland is a challenge due to its sheer geographic scale, covering approximately 1,727,000 square kilometres.⁶ In addition, each rural and remote community differs greatly, with some experiencing rapid growth associated with resource and mining development and others having an ageing and/or diminishing population. Notwithstanding these challenges, it is fundamentally important that the 10% of Queenslanders who live in rural and remote communities (outside regional areas) are given access to the services they require.⁷

“While Domestic and Family Violence is prevalent across Queensland, people in regional and remote areas face particular issues associated with the smaller size of communities and the consequent difficulty in seeking help without escalating the abuse. In these locations there are fewer services and greater distances between services. In addition, there is greater access to firearms in regional and rural locations”

submission by Life Without Barriers

The Women's Legal Service pointed to research undertaken at the national level by Supported Accommodation Assistance Program (SAAP) who found that a significantly higher proportion of overall homicide victims in rural and remote areas are female spouses killed in domestic and family violence incidences.

This is a concerning statistic as these victims are in many ways more vulnerable and face many more challenges in seeking support and escaping violence.

Submissions highlighted characteristics that can lead to victims of domestic and family violence in rural and remote communities being more vulnerable:

- » Physical/geographical isolation
- » Social isolation
- » Under-resourcing of support services
- » Being unable to seek locally-based professional advice due to conflict of interest (e.g. where there is only one local legal practitioner)
- » Lack of privacy, anonymity, heightened visibility
- » Transport costs
- » The prevalence of guns.

All of these factors can compromise the options for people in rural and remote areas to seek help and escape domestic and family violence.

Snapshot: Women's Legal Service Advice Line

The Women's Legal Service's Rural, Regional and Remote Legal Advice line is available exclusively to women in rural, regional and remote locations for four hours a week with a call back facility. Free legal advice is provided on domestic violence, child protection, child support, and family law matters. The Advice line was established recognising that women from these communities face different challenges to those in metropolitan areas and often compete with metropolitan clients to access legal services. The challenges that precipitated the need for a dedicated line include physical, geographical and social isolation; under resourcing of support services in rural, regional and remote areas; lack of available local legal representation resulting in competition or conflict with legal representation for the perpetrator; and lack of anonymity and privacy.

Designated rural, regional and remote specialist lawyers gave advice to 222 women through this line in 2013-14, a 100% increase on the previous year. In addition to accessing the dedicated rural, regional and remote advice number, women from these communities do seek advice and support through the general advice line. Women's Legal Service estimates that women living in rural, regional and remote locations make up approximately one third of the 3,200 clients that the Women's Legal Service were able to assist in 2013-14, and one third of women seeking assistance that the Women's Legal Service are unable to provide.

The Taskforce is aware of the challenges Government faces in providing fair and equitable service provision across a large state. Expanding the use of outreach services may assist, however, the Queensland Council of Social Services (QCOSS) notes that these services are often not accepted by the community, are unreliable, infrequent in visiting and have limited space and facilities.⁸

Innovative service models for rural and remote communities should be explored with a focus on: collaboration, innovation, use of technology, and linking in with the broader service delivery network. The development of a Queensland Strategy to address domestic and family violence should explicitly address how services are provided to those in rural and remote communities.

Specialist domestic and family violence services as well as generalist services

A significant number of submissions raised concerns about funding for specialised domestic and family violence services being redirected to larger, more generic service providers. Of particular concern was that these more generic services may not be equipped with the skills and knowledge to provide women escaping domestic and family violence with the safety and support they require. Many submissions therefore advocated for continued funding for specialist, independent women's services.

The Taskforce is sympathetic to these concerns and supports a service delivery approach that continues to fund specialist domestic and family violence services to ensure that expert responses can be provided. It is anticipated that increased efficiencies and improved outcomes can be achieved through implementation of integrated responses across the state (as discussed below).

There is still room for further specialisation of services in regards to domestic and family violence responses to CALD, ATSI, disability, older persons, refugees, and children's services.

A comprehensive response to perpetrators of violence

There is an urgent need to ensure that, in addition to addressing the safety needs of victims of domestic and family violence, the service system response includes robust and effective responses to perpetrators of violence to prevent further violence. Submissions to the Taskforce advocated strongly for such a shift.

“It is essential as a community that we shift our focus in domestic violence onto offender accountability. This does not mean that we cease providing a range of services for women and children, but instead, that we also provide stopping violence/behaviour change programs to men. It is also essential that these are provided in the context of a functional and well resourced integrated response system, that includes justice, domestic violence and potentially health and education services.”

submission by the Ipswich Women's Centre Against Domestic Violence

“Within the Australian context, responses to Domestic and Family Violence have largely, and appropriately so, been targeted at the victims of violence. Unfortunately though, this largely singular focus has had the unintended consequence of the system taking its eyes off the perpetrator of violence which has resulted in some tragic outcomes. If we are serious about improving the safety of women, children and families then it is a must that we give equal visibility and accountability to the perpetrator of domestic violence. Where this is the practice the safety of women and children is improved.”

submission by DVConnect

A funding and investment model therefore needs to reflect the shift towards preventing violence, without compromising funding for the important services that keep victims of domestic and family violence safe.

Culturally appropriate services: meeting the needs of Queensland’s diverse population

Lack of culturally appropriate services was considered a significant barrier to accessing support by many people consulted by the Taskforce. Specific needs, and particular barriers to appropriate support faced by ATSI people as well as people from CALD backgrounds was a strong theme during consultations. A funding and investment model therefore needs to consider these aspects of the service system response as a priority.

Recommendation 71:

The Taskforce recommends that the Queensland Government undertakes an immediate audit of services to ensure adequate resources are available to meet demand for specialist domestic and family violence services, including perpetrator intervention initiatives and specialist shelters.

Recommendation 72:

The Taskforce recommends that the Queensland Government develops a long term funding and investment model, informed by the audit on the best mix of specialist and generalist services, to be implemented, as a minimum, over the five year forward estimates commencing in 2016/2017, to meet needs and address any gaps.

Recommendation 73:

The Taskforce recommends that the Queensland Government explicitly outlines in the funding and investment model how new investment in service delivery for rural and remote communities will:

- » Enhance collaboration and coordination
- » Encourage innovation in service delivery
- » Improve service to Queensland's rural and remote communities into the future
- » Expand technology to support victims of domestic and family violence
- » Attract and retain highly skilled workers to support victims of domestic and family violence in rural and remote communities
- » Link rural and remote services into the broader network of domestic and family violence service providers.

7.5 A new approach to service delivery in Queensland: state-wide integrated service responses

There is an urgent need for the Queensland Government to take the next step in providing a contemporary and effective service response to domestic and family violence, by establishing adequately resourced and integrated responses supported by legislation.

There are a range of different definitions and understandings of what an ‘integrated response’ means. Generally it refers to “agencies forming shared arrangements at a strategic level, and intensive case management based on shared protocols and data sharing arrangements at the operational level for frontline workers”.⁹ The definition currently used in Western Australia is also useful:

“‘Integrated response’ in this context refers to government and non-government agencies working in a coordinated and collaborative manner to provide holistic, safe and accountable responses to victims and perpetrators of family and domestic violence; streamlined pathways through the service sector and seamless service delivery between agencies.”

Integrated responses help victims of domestic and family violence navigate the system by:

- » Providing access to accurate and timely advice
- » Enhancing victim safety
- » Reducing secondary victimisation (e.g. ‘victim blaming’ which can traumatise victims of violence)
- » Decreasing the incidence of domestic and family violence through monitoring of interagency cooperation and collaboration.

Victims interacting with an integrated response have previously commented on the value of agency information sharing and the practical help, emotional support and advice provided.¹⁰

Other jurisdictions, including New South Wales, have commenced Integrated Domestic and Family Violence Service Programs that focus on multi-agency responses to domestic and family violence, which aim to improve outcomes for those affected by violence. These integrated responses are provided through multi-disciplinary teams or are based on clear referral pathways between relevant agencies.

Taskforce consultation — both with individuals and service providers — consistently drew attention to problems of service delivery fragmentation, uneven access to services, particularly in rural and remote areas of the State and the challenges people face getting the types of services they need, when they need them.

“A more joined-up approach to supporting victims of domestic and family violence and their families would ensure that complex and interdependent issues are not addressed in isolation, enhancing the likelihood of sustainable long-term outcomes for families and communities”

Submission by Life Without Barriers

“Responding to domestic violence is never a one agency response and agencies such as health must learn to work together with the voluntary and women’s support agencies to support women and keep women and children safe from violence in the home”

Submission by Griffith University

There is also support for this approach from the State Coroner’s findings in the Inquest into the death of Ms Beutel, and from the Legal Affairs and Community Safety Committee’s *Inquiry on Strategies to Prevent and Reduce Criminal Activity in Queensland*.

Following the Beutel coronial Inquest the State Coroner recommended that:

“Relevant government departments should establish an appropriate interdepartmental process, with engagement from appropriate community organisations, with a view to establishing a pilot ‘Domestic violence centre’ in an appropriate part of Queensland. This recommendation should align with the implementation of a model similar to a SCAN team for victims of domestic violence”

Similarly, the Legal Affairs and Community Safety Committee included the following recommendation:

- » Recommendation 25 - The Committee recommends the priority development and funding of coordinated community responses to domestic and family violence at a local level within each region, including:
 - » Enhanced pathways and processes for information sharing, referrals, and service coordination
 - » The development and implementation of a shared risk assessment tool and best practice guidelines, in consultation with key domestic and family violence stakeholders
 - » The development of clear standards, requirements and protocols for information sharing subject to confidentiality, duty of care and risk reduction principles
 - » Utilisation of high-risk assessment teams and mechanisms for case management approaches to high risk cases
 - » The prioritisation of networking and professional development, including regular training for specific frontline roles, to support improved understanding and expanded capacity and domestic and family violence service performance across the criminal justice and community safety service sectors.

The Taskforce notes that, as indicated by recent investment in domestic and family violence services under the Stronger Families reforms, the Government has commenced working towards increased coordination of services. Funds have been committed towards increasing the coordination of services (as well as the provision of new services) in Townsville, Brisbane North, South West Brisbane, and the Redlands area.

While this investment is welcome, the Taskforce considers that this is not enough. What is required is a commitment to, and investment in, state-wide integrated services, supported by legislation and government policies which have active commitment from all agencies involved.

The Taskforce's observations as it has travelled across the State have made it clear that the service system response to domestic and family violence around the state is variable in its coverage. Differences can be categorised as follows:

1. Areas which have a good range of services and well-developed processes for coordinating service responses
2. Areas which have a good range of services but where service coordination is less well-developed, or just beginning
3. Areas which have few services, or where there are gaps in service provision (e.g. no perpetrator initiatives or no shelters).

These differences in capability and capacity of services across the state mean that the timeframes, and the resources required to implement integrated responses will vary greatly from region to region. The funding and investment model will therefore need to be tailored to different needs and arrangement in each location in order to achieve a pragmatic plan for a state-wide response.

The Taskforce believes that an immediate expansion of integrated service models is required, pending the roll out of a longer term funding and investment model. This could be achieved by way of additional integrated services being established as pilots, with each pilot designed to address different aspects of the type of need for services across the State (urban and regional), with outreach programs to meet the needs of rural and remote communities, including at least one discrete Indigenous community. It will be fundamentally important to incorporate a robust evaluation and review component to each of the pilots, to inform ongoing implementation and a process of continuous improvement over the life of the funding and investment model.

Recommendation 74:

The Taskforce recommends that the Queensland Government immediately, and in collaboration with the domestic and family violence service sector, establishes pilots for an integrated response model, incorporating:

- » One urban integrated response to domestic and family violence
- » One regional city integrated response to domestic and family violence, with outreach programs to rural and remote communities
- » One discrete Indigenous community integrated response (as discussed in section 5.2 of this Report).

Recommendation 75:

The Taskforce recommends that these trial sites need to be reviewed and evaluated, with a view to expanding the number of sites for integrated services over a defined period of time to transition to state-wide integrated service responses.

7.5.1 Designing an integrated response model for Queensland

One of the advantages of an integrated response is that it makes it possible to develop tools and systems to first identify level of risk (through a common risk assessment framework) and then develop protocols and procedures for ensuring a response that is tailored to the client needs and level of risk. This provides an opportunity to intervene early and to act quickly to respond to cases with high risk of further harm.

Early intervention

“First responders need clear tools and assessment frameworks, protocols, support and integration with the broader system to be more effective. There is currently too much diversity and inconsistency experienced by women in their contact with first responders...”

submission by the Ipswich Women’s Centre Against Domestic Violence

A system geared to identify victims and perpetrators early, can help to shift the balance towards providing a service system response which contributes to preventing harm rather than simply responding to a crisis. Providing systems for early identification is not easy. This is due to the hidden nature of domestic and family violence and the reluctance (or inability) of victims, and indeed perpetrators, to identify and disclose this type of violence. It is essential that generalist service providers are trained in detecting early warning signs, and understand the options available to them for accessing specialist support.

An integrated response that successfully engages mainstream service providers and provides clear frameworks for assessing risk and taking action, will assist in intervening early. As will training for mainstream service providers in order to increase understanding of the dynamics and risks of domestic and family violence.

High risk cases

It is often remarked that domestic and family violence deaths are the ‘most preventable’. This is because these fatalities are rarely without warning. In most cases there have been repeated incidents of violence and indicators of risk, as well as opportunities for agencies and individuals to intervene before the death.¹¹

Integrated responses are an ideal mechanism to enable action based on the assessed level of risk and the individual circumstances presented. They are particularly suited to responding quickly and appropriately to high risk cases. In fact, many examples of coordinated or integrated responses have been developed in order to respond primarily to high risk cases.

The development of a multi-agency response to identified high risk cases was recommended in many submissions to the Taskforce. A number of submissions drew the Taskforce’s attention to multi-agency models in place in other jurisdictions.

For instance, in Western Australia the recently implemented Family and Domestic Violence Response Teams (FDVRT) involve 17 teams located across the state (usually co-located) comprised of Police, Department for Child Protection and Family Support and Domestic Violence Services. The aims of the FDVRT are to improve the safety of child and adult victims of family and domestic violence through a collaborative approach that focuses on timely and early intervention following a police call out to a domestic violence incident. A key function of the FDVRT is to convene multi-agency case management and work in partnership with agencies in the community/region to manage risk and improve safety in high risk cases.¹²

Similarly, in the United Kingdom, approximately 250 Multi-Agency Risk Assessment Conferences (MARACs) have been established across England and Wales. Again with a focus on high risk cases, these conferences involve statutory and voluntary agency representatives sharing information about high-risk victims of domestic violence to produce a co-ordinated action plan to increase victim safety. The model has received favourable evaluations.

In the United States, the state of Massachusetts developed a model for managing high levels of danger and risk with the implementation of the ‘Domestic Violence High Risk Assessment Teams’ (DVHRAT) in 2005.¹³ The DVHRAT model recognises domestic violence homicides as both predictable and preventable, and focuses on perpetrator accountability so that women can remain safe in the community.¹⁴

In Queensland the Suspected Child Abuse and Neglect (SCAN) model has been developed in relation to high risk child safety cases, however, it only involves representatives of government departments. Work has also been undertaken in some areas to develop multi-agency responses to high risk domestic and family violence cases such as the Gold Coast Domestic Violence Integrated Response (GCDVIR) and the Partnership Response at Domestic Violence Occurrences (PRADO) operating in Caboolture and the North Coast.

Recommendation 76:

The Taskforce recommends that the Queensland Government establishes a model for inter-agency response to high risk cases which works within, or complements integrated responses and which is progressively established throughout the state.

The Taskforce acknowledges that there are existing examples of integrated responses in place, but considers that given the diversity of Queensland communities, there is a need to ensure that integrated responses are collaboratively designed to meet the needs of the particular local community in which they will be located.

A co-design approach will be fundamentally important in achieving the best possible outcome for a particular community. Co-design is an inclusive process that draws on many perspectives, people, experts, disciplines and sectors in the design process from a very early stage, with the idea that this leads to innovation and improvements. Co-design provides a useful tool to ensure community ownership, ensure that proper regard is had to local conditions (needs and constraints, as well as ensuring culturally appropriate arrangements) and allows for the design of governance arrangements that ensure the right degree of leadership and accountability, without imposing unnecessary and burdensome administrative obligations.

“The single most important resource of any service is its staff, and the knowledge and skills that they hold... [S]taff are interacting with some of the most vulnerable members of our community, and are in a position of making critical decisions about safety and wellbeing, often with little information and in a context of crisis and complexity”

submission by the Ipswich Women’s Centre Against Domestic Violence

Design of and implementation planning for the recommended integrated response trials should draw on existing services which have demonstrated a high degree of coordination and inter-agency collaboration (such as the GCDVIR and PRADO). This expertise could help develop, test, and implement additional tools that are required to provide a complete integrated response.

Snapshot: Gold Coast Domestic Violence Integrated Response

Established in 1996, the Gold Coast Domestic Violence Integrated Response (GCDVIR) is a coordinated, multi-agency response to domestic violence in the Gold Coast community. The GCDVIR facilitates better agency responses to domestic violence incidents through enhanced coordination, information sharing and partnerships amongst key local stakeholders. 32,664 mostly female contacts have been logged with the service in the last twelve months.

The GCDVIR is overseen by a Coordinating Committee chaired by the Domestic Violence Prevention Centre Gold Coast Inc. Also on the Committee are key government agencies such as the Queensland Police Service, along with other relevant organisations such as Legal Aid Queensland, local hospitals, and women's refuges.

Through driving inter-agency cooperation and connecting key stakeholders, the GCDVIR aims to deliver better outcomes for victims. The GCDVIR was one of the first domestic violence integrated responses initiated in Australia. It was started following a series of domestic homicides in the area; these events had demonstrated the need for agencies to work together to prevent domestic violence. Since its inception, the GCDVIR has won a number of awards including a Queensland Domestic and Family Violence Award (2010) and a Queensland Police Service Commissioner's Award (2006).

Outlined in the following sections are a number of features that will be integral to the design of an integrated response model for Queensland.

Common risk assessment framework

A critical element of developing a best practice integrated response is the establishment of a common risk assessment framework. A common risk assessment framework assists in:

- » Establishing a shared understanding and language for risk
- » The triaging processes
- » Helping to identify high risk cases
- » Identifying whether thresholds of risk for information sharing have been met and developing the appropriate response in each case.

Currently in Queensland, agencies and service providers have methods and tools for assessing risk developed in accordance with their own particular approach to service provision and service requirements. These processes/tools are effective in serving the needs of a particular agency, however they operate in isolation and do not provide an adequate basis for a shared understanding of risk.

“In many generic services and government agencies, there seems to be limited understanding of what a high risk indicator is, and how these interact with each other, the individual circumstances of the case, and the system/environment in which they sit. This lack of knowledge places women and children at risk, and means that action is often not taken when it should be (and sometimes excessive action is taken when it is not necessary).”

submission by the Ipswich Women’s Centre Against Domestic Violence

A common risk assessment framework to be implemented across the state was considered a priority in a number of submissions. Submissions noted the work that has already been undertaken by service providers and police to develop assessment tools, but recognised that there was a lack of consistency amongst the tools and that the introduction of a common risk assessment framework would improve service delivery.

“[T]he use of a common risk framework across service systems would improve the identification and assessment of need in DFV cases, lay important structural foundations for coordinated/integrated responses and facilitate earlier intervention in high-risk cases. A common risk assessment framework ensures that the same system can be used across general and specialised services from police, to hospitals, housing, health services and government agencies, to identify domestic and family violence and determine whether referral for specialist assessment and support is required.”

submission from Queensland Domestic Violence Services Network

State Coroner Hutton, in his Inquest findings into the death of Ms Beutel, observed that there was a range of different assessment tools in use to assess risk in a relationship characterised by domestic violence in Queensland. While noting that there may be good reasons for these differences in tools, he noted that common risk assessment tools reduced communication challenges when agencies are required to cooperate with each other. The Coroner therefore recommended that a common risk assessment framework be developed (or at least assessed) for Queensland.

In other Australian jurisdictions, work has been undertaken to develop common risk assessment tools to underpin integrated responses. In Victoria, the Common Risk Assessment Framework has been designed to help practitioners working in a wide range of fields to understand and identify risk factors associated with domestic and family violence and respond consistently and appropriately. The framework includes a shared understanding of risk, a standardised approach to recognising and assessing risk, appropriate referral pathways and information sharing, risk management strategies, data collection, and analysis and quality assurance strategies.¹⁵ This framework also covers identification of domestic and family violence, preliminary assessment and comprehensive assessment.

The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework incorporates child protection and sets common practice standards for screening, risk assessment and monitoring for specialist domestic and family violence services in the government and non-government sectors.¹⁶ Similarly in South Australia, the Family Safety Framework incorporates a common risk assessment tool which is used by all agencies.

Utilising risk assessment strategies produce the following benefits:¹⁷

- » To assist women, domestic violence workers and other professionals to develop more realistic safety plans based on risk
- » To assist perpetrator programs and men's intervention services provide responses that account of the safety of women and their children
- » To assist professionals in the justice system provide the appropriate heightened response to high risk cases.

These interstate experiences provide an excellent opportunity for Queensland, in developing and implementing a common risk assessment framework and to review and build on these examples to ensure that the model in Queensland is best practice.

Consistent with other recommendations in this Chapter, the Taskforce considers that the common risk assessment framework should not be restricted to specialist domestic and family violence services, but should specifically incorporate the role of generalist services such as health, mental health, drug and alcohol, housing and income security, and other relevant service providers.

International research suggests that although only a small percentage (5%) of women murdered in domestic relationships had gone to a domestic violence shelter, 74% of the 239 murdered women and 88% of victims of attempted murder had been seen in emergency departments for some ailment during the year prior to the incident. Additionally, 32% of the women had sought help at hospital emergency departments, hospital inpatient units or ambulatory care settings for injuries specifically resulting from the abuse.¹⁸

The framework should identify when routine screening for domestic and family violence should be undertaken, and support adherence to strong referral pathways and linkages with specialist services.

The inclusion of non-specialist services is particularly important in rural and remote areas where there may be few or no specialist services. Ensuring that generalist services are equipped to adequately identify when screening should be conducted and should appropriately assess risk to ensure that people affected by domestic and family violence in these communities will also receive support. It should also promote early intervention so that a response is not only initiated following a crisis.

Recommendation 77:

The Taskforce recommends that the Queensland Government designs a best practice common risk assessment framework to support service provision in an integrated response, and designed for use by generalist and specialist services (supported by relevant tools).

Information sharing

Information sharing between agencies is a critical element of an integrated response. The ability for different agencies to discuss cases and share relevant details on an ongoing basis is at the core of coordinating a tailored response to a person's individual circumstances. Effective and efficient information sharing ensures that victims of domestic and family violence do not have to re-tell their stories repeatedly to different service providers and enables service providers to provide timely responses, particularly in high-risk cases.

Submissions from service providers emphasised the importance of clear information sharing and participation protocols to underpin any multi-agency response. It was suggested that a review be conducted of the ways that information could be requested and shared between agencies, in order to conduct risk assessment, manage risk, and facilitate coordination of responses. The removal of the need to get consent prior to police making a referral was suggested.

“It is much more difficult for women to plan for their and their children’s safety if they are not aware of whether the perpetrator is currently in custody, when they may be due to be released, when their court date is and where they will be released to etc. It is hard for domestic violence services to provide as effective safety planning if they are not privy to this information also.”

submission by Domestic Violence Resource Service, Mackay and Region

“despite exceptions within privacy legislation for information to be shared in some circumstances, there is a lack of understanding and confidence about what the constraints are.”

submission by Queensland Domestic Violence Services Network

While there are clear benefits to sharing information between services about people affected by domestic and family violence, it is important to ensure that sufficient safeguards to protect confidentiality of information are in place. Information relating to domestic and family violence is often of a highly sensitive and personal nature. Unnecessary or inappropriate sharing of information can have negative consequences, including; destroying relationships of trust between a service provider and a client, leading to disengagement of a client, and becoming a barrier to victims' willingness to seek help. Similarly, information can be untested or based on service provider opinion and could be highly prejudicial to one or both of the parties if used inappropriately in legal proceedings.

The legislative framework that guides information sharing between services and government agencies *without* consent is complex. Obligations and restrictions differ between entities depending on which legislation is applicable and the levels of identified risk. For example the *Information Privacy Act 2009* regulates the collection and use of personal information by government departments and agencies and also sets out mechanisms by which a person is able to access their personal information held by a government department or agency. The *Commonwealth Privacy Act 1988* applies to most non-government organisations that provide services in the domestic violence sector and requires these organisations to comply with the National Privacy Principles. There are also confidentiality provisions relating to information sharing in other relevant legislation such as, the *Domestic and Family Violence Protection Act 2012*, the *Child Protection Act 1999* and the *Justice and Other Information Disclosure Act 2008*.

Additional confidentiality requirements are imposed by professional associations for certain categories of workers, including lawyers and social workers. Further, there are considerations about how the sharing of information without consent (even where legal) impacts on the relationship of trust with clients and respect for their ability to make their own choices.

To support recent reforms to the child protection system in line with recommendations from the Child Protection Commission of Inquiry, the *Child Protection Act 1999* was amended to enable professionals from particular prescribed entities (mostly government service providers) to share information with support services without consent (including domestic and family violence prevention and support services) when a certain threshold of risk to a child is met. These changes allow information to be shared to provide support at an earlier stage, however emphasis on information sharing in the child protection system remains focused on first getting the consent of the people involved.

The Taskforce has not had an opportunity to examine in detail the combined effect of these legislative and other constraints on information sharing on the service system in Queensland and whether the limitations are in fact as narrow as it is often assumed. What is clear, however, is that there is confusion and uncertainty about what information can be shared and with whom, as well as the legislative and other constraints that may apply. These limitations (perceived or otherwise) create obstacles that need to be overcome if we are to have effective integrated responses.

In other jurisdictions legislative reform has specifically provided for information sharing. The Tasmanian *Family Violence Act 2004* enables a person to disclose personal information for the purposes of furthering the objects of the legislation. The MARAC model in the UK is also supported by legislation that provides parameters for the sharing of information for purposes which are connected to increasing the safety of the victim and their immediate family.

In Victoria there are guidelines for agencies working together as part of the integrated family violence system. These explain how information can be shared within the constraints of applicable legislative framework. The guidelines explain that the Victorian privacy legislation allows information to be shared or disclosed when the disclosure is for the primary purpose for which it was collected (e.g. risk assessment), regardless of whether explicit consent was obtained.¹⁹

New South Wales has laws (Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*) applying to the exchange of information about children and young people that clearly prioritises the safety, welfare, and wellbeing of a child or young person over an individual's right to privacy. These laws allow government and non-government organisations to exchange information in specified circumstances, without individual consent to the exchange of information.

During the '*Breaking the Cycle*' Trial in Rockhampton, an information sharing protocol was established to enable the sharing of information between participating services within the limitations of existing legislation.

To strike an appropriate balance between information sharing to support the integration of services and protecting privacy by preventing the unnecessary disclosure of sensitive personal information, the Taskforce supports a position where information can be shared based on an assessment of risk. While obtaining informed consent would be the default requirement, sharing of information without consent should be allowed if an assessment of risk indicates it is necessary for the purpose of protecting the safety of the victim and their immediate family. These circumstances should take into account threshold levels of risk, as assessed under the common risk assessment framework. In situations where consent is obtained, it should be made clear that consent is for the sharing of information with agencies participating in an integrated response.

Police who attend a domestic violence incident are currently required to obtain consent before referring a person (either the victim, the perpetrator, or both) to a support service (usually via SupportLink). It is the Taskforce's view that this should continue, however, in situations where police assess the level of risk as high, a referral without consent should be made. This referral process enables a support service to make contact with the person involved. Whether the person chooses to engage further with the support service would depend on that person's ongoing consent. If the person decides not to engage further with the service provider, then the further sharing of information with other services would not occur. This is in line with referrals to the Family and Child Connect Service and other support services under the recent Stronger Families reform.

While this section of the Report relates to the sharing of information between service providers to support an integrated response, information sharing between courts is also an important aspect of improving the justice response (see Chapter 8). There is an overlap between the two aspects of information sharing. Courts may be assisted by information from service providers when determining, for example, whether there is a basis for an ouster condition or when considering making a Voluntary Intervention Order for the respondent to attend a perpetrator program. Equally, sharing information about a court outcome can be necessary to give effect to conditions on an order and to enable the appropriate services to be provided.

Recommendation 78:

The Taskforce recommends that the Queensland Government introduces enabling legislation to allow information sharing between agencies (government and non-government) within integrated responses, with appropriate safeguards. This would include legislative protection for the sharing of information without consent, if a risk assessment indicates it is for the purpose of protecting the safety of the victim and their immediate family.

Recommendation 79:

The Taskforce recommends that the Queensland Government develops and shares with all relevant service providers, clear guidelines to facilitate information sharing within an integrated response, with a continued focus on obtaining consent unless a high risk threshold has been met.

Perpetrator intervention initiatives

The need for accessible and quality programs for perpetrators was a consistent message during consultation. Many people drew attention to the need to ensure resources are directed into preventative programs that will halt the violence, rather than only responding after it has occurred. For instance, the Services and Practitioners for the Elimination of Abuse Queensland (SPEAQ) submission, highlighted the economic benefits of this approach, drawing the Taskforce's attention to an economic assessment of an innovative program in the United Kingdom that targeted perpetrators of domestic violence. The assessment found that significant savings are achieved by bringing about a change in behaviour and reducing incidents of further violence.²⁰

Perpetrator intervention initiatives – an essential part of an integrated response

An effective integrated response to domestic and family violence is incomplete without an appropriate range of services to address and change the violent behaviour of perpetrators. Equally, in order to operate with an appropriate level of accountability, perpetrator initiatives need to have contact (usually through an appropriately skilled worker or via a victim advocate) with the victim. This is a vital element of an effective perpetrator initiative and also an important safety mechanism to ensure that the victim is informed of any incidents that may increase the risk of further violent behaviour against them, and to inform initiative workers about whether the violence has changed or escalated during the initiative.

Submissions to the Taskforce warned against the delivery of men's behaviour change initiatives in the absence of an integrated response due to safety concerns for victims.

Snapshot: Gold Coast Domestic Violence Integrated Response (Men's Program)

Gold Coast Domestic Violence Integrated Response (a multi-agency response) runs a program that targets male perpetrators of domestic and family violence called Men's Domestic Violence Education and Intervention Program. Run in partnership with Queensland Corrective Services, the program is a probation or parole condition for men convicted in court of a domestic violence related offence.

Identified participants are legally required to attend the program for a minimum of 24 weekly sessions of two hours each. Each participant is required to sign a detailed contract that stipulates requirements, safety mechanisms and sanctions for non-compliance. The Program employs the 'Domestic Abuse Intervention Model' (often referred to as The Duluth Model), which prioritises safety of the victims. Regular contact is maintained with the female partners of offenders undertaking the program, as well as feedback to program facilitators being provided regarding their safety. Furthermore, screening, monitoring and safety checks are also incorporated into the program.

The program has been shown to increase perpetrator awareness of the nature of their behaviour, demonstrate that perpetrators have less violent supportive attitudes, and increased confidence that they would not act violently again (Day et al 2010, p. 6).

Availability of perpetrator intervention initiatives

Many calls for perpetrator initiatives came from women who were victims of abuse who expressed frustration about their violent partners not being able to access help. This indicates that some women do not want to leave their partners, but they do want the violence to stop. Other submissions advocated for increasing perpetrator initiatives as an effective use of funds because they address the cause of domestic violence at its source.

Currently, there are 14 services funded by the Queensland Government to provide perpetrator intervention initiatives for the following regions: Townsville; Mount Isa; Gold Coast; Murgon; Toowoomba; Rockhampton; Brisbane; Cairns; Roma; Maroochydore; Ipswich; and Logan. In addition, there are two services funded by the Commonwealth.

According to the SPEAQ submission, this translates to approximately 1,200 places per year – a tiny number in comparison with the number of reported domestic and family violence incidents each year. In some parts of the State there are no initiatives available. Additional funding will be made available over the next five years as part of the \$49 million *Stronger Families* investment, although the nature of initiatives to be funded and the geographical spread is yet to be determined.

Increasing access to these initiatives would also impact on the quality of service provision. Initiatives could be tailored to different levels of readiness, to individual perpetrators based on risk-need-responsivity principles and increase the availability of culturally appropriate initiatives for ATSI people and people from CALD backgrounds.

Recommendation 80:

The Taskforce recommends that the Queensland Government increases access to domestic and family violence perpetrator intervention initiatives, prioritising those areas identified for the immediate rollout of integrated responses (Recommendation 74) with a view to ensuring state-wide coverage within three years.

Snapshot: North Queensland Domestic and Family Violence Resource Service

The 'Men Towards Equal Relationships' program encourages behavioural change for perpetrators. The North Queensland Domestic and Family Violence Resource Service (NQDVRS), which has offices in Townsville and Mount Isa, facilitates this program.

The program runs twice weekly over eight weeks in a group format and challenges participants to address their use of violence in inter-personal relationships. Some men take part in the program voluntarily, although a number of participants enter the program after being ordered by a court, child safety or probation. Approximately 100-120 men are referred to the program each year, with about half that number participating in the course due to its entry requirements. The program seeks to educate participants that violence is a learnt behaviour that can be changed. It challenges participants to better understand their use of violence is about maintaining power and control, and the damage it does to victims.

Availability of programs in prisons

Currently the Department of Justice and Attorney-General (through Corrective Services) provides therapeutic intervention programs to offenders in custody. These programs do not specifically target domestic and family violence. However, the Department advises that a number of the intervention programs include content or components directly relevant to reducing violent behaviour and sexual abuse. They include sessions on power and control, jealousy, trust and parenting. These programs however, are only available for offenders sentenced to 12 or more month's imprisonment.

Data provided by the Department of Justice and Attorney-General indicates that in 2013-14, 81% of all custodial sentences for breaches of a domestic and family violence order were less than 12 months in duration.²¹ This means that despite the severity, or re-occurrence of the crimes which have resulted in a custodial sentence, these offenders do not have access to any therapeutic intervention to address their violent behaviour in prison. The Taskforce considers that this is a lost opportunity to provide targeted intervention to some of the most serious domestic and family violence perpetrators in the community.

Recommendation 81:

The Taskforce recommends that the Queensland Government changes eligibility criteria so offenders in custody for less than 12 months and for domestic and family violence related offences are able to access a range of therapeutic intervention programs.

Quality assurance and sector development

The need for rigorous quality assurance and accredited training for people and services conducting perpetrator intervention initiatives was highlighted. A national or state-based accreditation body could ensure that initiatives are accountable to Practice Standards and Principles. Introducing and supporting a formal qualification for working with men who participate in domestic and family violence initiatives could achieve this.

The existing Queensland Standards, *Professional Practice Standards: Working with men who perpetrate domestic and family violence* and the accompanying principles were published in 2007 and may no longer reflect recent developments in the field. The Taskforce notes that the Commonwealth Government has invested \$3 million in ANROWS for development and implementation of a program of research on perpetrator interventions to support the introduction of the National Perpetrator Intervention Outcomes Standards. It is clear that the outcomes of this program will be of considerable value for future efforts to improve the effectiveness of perpetrator initiatives, however the need to act in the short term is essential.

In its *Inquiry on Strategies to Prevent and Reduce Criminal Activity in Queensland*, the Legal Affairs and Community Safety Committee considered aspects of perpetrator intervention initiatives. Evidence presented to the Committee is consistent with that considered by the Taskforce and the Taskforce concurs with the Committee's summary of issues.

The Committee referred Recommendation 32, regarding options for increased and early referral to perpetrator initiatives including involuntary referrals, to the Taskforce. This recommendation is discussed in the Chapter 8 of this Report.

The Committee also made the following recommendations:

- » Recommendation 30 — The Committee recommends the Government develop and fund a comprehensive sector development strategy for intervention programs (men's behaviour change programs), to support a staged increase in the number and availability of programs and their enhanced delivery within coordinated community response frameworks across the State; including the necessary development of education, training and professional development and other support mechanisms, and accompanying monitoring and evaluation systems for continuous improvement.
- » Recommendation 31 — The Committee recommends the Government review current professional practice standards in light of international best practice experience to ensure that programs are of an appropriate duration and form to best support behaviour change and family safety.

The Taskforce endorses these recommendations and builds on them in the recommendations below.

Recommendation 82:

The Taskforce recommends that the Queensland Government:

- a. Reviews and updates the *Professional Practice Standards: Working with men who perpetrate domestic and family violence* and the accompanying principles to ensure they reflect the most recent developments and knowledge in the field and include models of practice and standards to ensure safe and appropriate practice for individual (as well as group) intervention sessions
- b. Ensures that practice standards require that initiatives for perpetrators of domestic and family violence are to be delivered in conjunction with an integrated response in order to establish adequate safety and accountability protocols
- c. Establishes a clear and rigorous process for evaluating and approving initiatives and providing ongoing monitoring of compliance with the Practice Standards, to ensure that issues of non-compliance and service system development requirements are identified
- d. Considers establishing a formal accreditation process for practitioners, including minimum qualification requirements for practitioners, to be implemented gradually so as to not adversely impact on service availability.

Interface with child protection system

There is a clear need to ensure that the child protection system and the domestic and family violence system complement each other. Apart from the widely acknowledged negative impact of domestic and family violence on children, the co-occurrence of domestic and family violence and child protection concerns have been well established. The Queensland Child Protection Commission of Inquiry, highlighted domestic and family violence as a key risk factor for child abuse and neglect.²² A 2009 Department of Child Safety Report found that 35% of households with substantiated child protection concerns had two or more incidents of domestic and family violence within the previous year.²³

Submissions drew attention to the impact on children, the dangers during separation and the importance of ensuring stronger links with the child protection system through any integrated response, with many noting the work currently underway in this regard as a result of the *Stronger Families* reforms.

“When Child Safety Officers place children in care due to abuse and domestic and family violence concerns, each family member is then referred to different and separate agencies.”

Submission by UnitingCare Community

Submissions to the Taskforce also reflected critiques of some attitudes within the child protection field that can be counter-productive or indeed dangerous, when dealing with clients in a domestic and family violence context. This includes attitudes which blame the victim (usually the mother) or hold her responsible for keeping the children safe with insufficient attention paid to making the partner accountable for their violence. A focus on the safety of children to the exclusion of their primary carer has also been a criticism of the child protection response. The fear of children being taken away is often cited as a major barrier to seeking help, particularly for Indigenous victims of domestic and family violence.

The child protection system reform are creating a major structural shift in the child protection system. While it is still early days for the reform, there are indications that it is responding to the identified co-occurrence of domestic and family violence and risks to child safety. For instance, each of the Family and Child Connect services, which provide advice and referral for families and people concerned about a child’s safety, are required to have a specialist domestic and family violence worker to provide specialist advice and support.

Reforms impacting on the domestic and family violence service system

A particular reform which is likely to have an impact on the domestic and family violence service sector is removing the requirement of police to report every domestic and family violence callout to Child Safety. Instead, police are now required to apply a new threshold of risk before making a report to a child protection specialist within the police.²⁴ If the child does not meet the risk threshold, the police officer is expected to take other action to mitigate any concerns for the child's wellbeing as part of their response to the reported incident. If the police officer continues to have serious concerns after they have taken action to mitigate the risk to the child, they can refer the matter for further investigation by a police child protection specialist.

As well as ensuring adequate links between the child protection system and domestic and family violence service sector, domestic and family violence services need to be equipped to address the needs of children who have experienced domestic and family violence.

For Queensland to move towards state-wide integrated service responses, the Taskforce makes the following recommendations in regards to how the integrated responses and state-wide tools will be collaboratively developed and supported into the future.

Recommendation 83:

The Taskforce recommends that the Queensland Government:

- a. Works with the service sector, using a co-design approach, to develop a suite of state-wide tools to support the integration of responses, including an information sharing protocol (Recommendation 78 and 79), a common risk assessment framework (Recommendation 77) and a process for managing high risk cases (Recommendation 76)
- b. Provides sufficient flexibility in the structure of the integrated response for local service providers to build on existing networks and initiatives to ensure the model is tailored to the specific needs of the local community and service landscape
- c. Ensures that, while primarily involving the central role of specialist domestic and family violence services, the integrated responses incorporate generalist service providers to ensure early identification of people affected by domestic and family violence and support appropriate referral pathways
- d. Ensures that the integrated response includes adequate provision of services for perpetrators of domestic and family violence
- e. Provides appropriate funding to agencies participating in integrated responses to enable ongoing professional development opportunities to staff.

7.6 Getting the fundamentals right

7.6.1 Crisis accommodation (including safety upgrades)

The provision of safe, accessible and appropriate accommodation for women and children escaping domestic and family violence is a vital part of a service response to domestic and family violence. The need for effective crisis and ongoing accommodation has been emphasised consistently throughout the review, and access to crisis accommodation is a key enabler to breaking the cycle of violence. Without establishing pathways out of crisis accommodation into secure, ongoing accommodation, victims escaping violence are at risk of becoming homeless.

“Domestic violence is a leading cause of homelessness for women and children.”

submission by Working Against Violence Support Service

The Taskforce heard repeatedly that there was an inadequate number of refuge placements in Queensland and that there have been no new funded refuges in Queensland in the past 20 years. DVConnect has reported that on any given day, they place 10-20 women in a motel while they await refuge space.²⁵ This is concerning as motels may lack the confidentiality and security of a refuge. In addition DVConnect reports that of those women placed in a motel last year, 37% returned to the perpetrator of violence.²⁶ This is possibly to be due to lack of support networks, counselling and referrals. Investing in safe, affordable, and appropriate accommodation is critical for those experiencing domestic and family violence. Contributors have suggested that additional 72-hour crisis shelters be established to provide upfront support to women and children escaping violence while awaiting a refuge placement and to alleviate some pressure on the existing network of crisis accommodation.

Recommendation 84:

The Taskforce recommends that the Queensland Government immediately funds two 72-hour crisis shelters in Brisbane and Townsville respectively for women and children escaping violence so that immediate safety and support can be met while awaiting a refuge placement.

Submissions raised the following issues:

Funding for specific domestic and family violence refuges

Submissions expressed concerns that the funding arrangements were undesirable as shelters are funded by a different government department to that which provides domestic and family violence services.

Splitting portfolio responsibility between the Department of Communities, Child Safety and Disability Services, and the Department of Housing and Public Works further complicates service delivery with potential for the differing priorities of the two government departments resulting in poorer outcomes for victims. The Government's competitive tendering process threatens the viability of independent refuges and moves service provision from specialised domestic and family violence shelters to larger, more generic service providers. The example often used is that services traditionally provided by women's shelters are now being provided by homeless shelters.

Snapshot: Women's Refuge

ABC journalist Matt Wordsworth told the Brisbane Taskforce summit of his experience staying in a women's shelter while researching a news story in 2014:

A few months ago I lived in a domestic violence shelter for a week.

I thought [visiting the shelter] would be fascinating because we never see it, we don't know what one looks like, there are so many misconceptions... that I had about domestic violence shelters, that they were big old dorms that everyone had to be in together, and you have misconceptions about people who live in domestic violence shelters. And so it was really fascinating to live in one and open a cupboard and see that there are actually Tim Tams in there for when you arrive.

One woman's story stuck with me, she was from Peru, and what struck me was that she was an incredibly successful woman in Peru. She was a marketing manager for a major multinational company, she had her own house. She lived much the same life as what we would probably all live here in Brisbane and in Queensland.

The Taskforce agrees that these more generic services lack the skills and knowledge to provide women escaping domestic and family violence with the safety and support they require. Many submissions advocated for continued funding for specialist, independent women's services which offer practical support and risk interventions.

Recommendation 85:

The Taskforce recommends that the Queensland Government:

- a. Transfers responsibility and funding for domestic and family violence shelters back to a single portfolio, i.e. the portfolio that is responsible for the broader domestic and family violence service response
- b. Commits to maintaining dedicated funding for specialist domestic and family violence accommodation, including refuges (non-competitive with generic crisis accommodation providers such as homelessness service providers).

Flexible and tailored response to individual needs

Submissions identified the need for flexible and tailored domestic and family violence responses to individual needs. This also applies to the crisis accommodation response. There is a need for flexibility so that women and children are not always displaced and forced to leave the family home. Police are often the first point of contact at time of crisis and should strongly support women and children to stay in their home, where safe to do so, through the utilisation of no contact conditions. Brokerage funding should be made available for perpetrators of violence to be accommodated in short term accommodation.

This approach would be less traumatic to the family unit, would ensure families do not lose social support networks and not force children to change schools. Additionally it could reduce the risk of homelessness, stress, depression and poverty in these families.

“we had women coming back and reporting that they'd slept through the night for the first time in years because they knew that the house was secure and the children were able to sleep in their own beds instead with their mother or on her bedroom floor or whatever, depending on how many there were. And so that sort of feedback really proved to us very quickly that that safety upgrade and security upgrade at home was a really big deal for immediate safety”

Magistrate Hennessy, Brisbane Summit

The Taskforce is well aware that this approach would not always be appropriate due to safety concerns regarding the perpetrator knowing where the victim is staying. There have also been traditionally low take up rates of short term accommodation by perpetrators in these circumstances.

If this approach was adopted there would need to be a strong focus on expanding programs that help women stay safely in their homes (e.g. immediate access to funding for safety upgrades). The Queensland Government already provides limited safety upgrade services to help upgrade security at properties including changing locks, installing door and window locks, installing screens and installing sensor lighting. Following an assessment of risk, where it is safe and appropriate to do so, the local service arranges for upgrades to home security to support victims and their children to remain safely in their homes. Safety upgrades are only arranged following an assessment of risk, and as part of a safety plan.

Having these service provision options sends a clear message to perpetrators and the community that victims of domestic and family violence have the right to choose to stay safely in their homes. Where this approach is appropriate, it may help women and their children to maintain safe, stable accommodation and assist women to stay in employment.

This approach complements the discussion in Chapter 8 about the expanded use of ouster orders in the justice response.

Recommendation 86:

The Taskforce recommends that the Queensland Government:

- a. Provides flexibility to service providers to offer the necessary crisis accommodation required for the situation, whether that be access to a domestic and family violence refuge or brokerage funding for the perpetrator to stay in short term accommodation
- b. Ensures the Queensland Police Service's current operational procedures strongly support women and children staying in the home, where safe, in line with the principles of the Act
- c. Expands safety upgrade programs to give more victims the option to stay safely in their own homes.

Companion animals as a barrier to escaping violence

The Taskforce notes that there is a growing body of evidence that shows that women delay leaving domestic violence situations because of animal welfare concerns.²⁷ One submission highlighted research that suggested 25% of women suffering domestic violence hesitate to leave the family home due to concern for the welfare of their pets.²⁸ This is concerning as 63% of Australian households live with companion animals and the Taskforce is not aware of any Queensland shelters that have on-site facilities for women to take their pets.²⁹

There are services available to house animals at risk temporarily such as the Royal Society for the Prevention of Cruelty to Animals (RSPCA) Pets in Crisis Program (available for up to 28 days); however some victims may find this too distressing and return to their previous situation. Submissions noted that New South Wales and other international jurisdictions had already established pilot refuges that cater for families with companion animals and suggested that Queensland move towards developing similar refuge accommodation services.

Recommendation 87:

The Taskforce recommends that the Queensland Government pilots a refuge that caters for families with companion animals with a view to rollout more flexible refuges into the future to meet the needs of victims.

Ongoing accommodation

It is clear to the Taskforce that women and children face numerous barriers in obtaining private rental accommodation. As noted in a submission by Chisholm Incorporated, this is due largely to:

“increased competition for affordable rentals; discrimination based on race, socio-economic status and size of family and their often, poor previous rental history”

submission by Chisholm Incorporated

Submissions advocated for the Government to address the lack of affordable permanent housing causing refuges to become a bottleneck, with people not being able to exit to more permanent arrangements. Other contributors highlighted that housing crisis assistance could be enhanced to better help victims of domestic and family violence. The Queensland Government provides programs to assist those in housing crisis move into private rental accommodation with:

- » Two weeks rent through the Rental Grants program
- » Interest free loans to help pay a rental bond or deposit through the Bond Loans program.

These programs could be improved by reducing the restrictive eligibility criteria. Currently having part ownership in a residential property, caravan, mobile home or live-aboard boat, or having more than \$2,500 in savings excludes victims from seeking this support. These eligibility criteria are particularly restrictive to victims of domestic and family violence as highlighted in submissions to the Taskforce, perpetrators often exert financial control over victims by making them party to property mortgages.

The Taskforce is encouraged by private initiatives at the national level that offer lower rents to those in real need. The Family Violence Private Rental Access Program through HomeGround Services is one such initiative that aims to help 1,000 people find low-cost housing, including up to 300 who would otherwise become homeless, with a \$3 million boost from REA Group.³⁰ The initiative matches people at risk of homelessness with generous landlords to assist women and children escaping family violence. Rosie Batty has lent her support to this program that helps people trying to move on with their lives who were stuck with limited housing options.

Recommendation 88:

The Taskforce recommends that the Queensland Government expands the range of responses to alleviate housing stress and homelessness for women and children escaping domestic and family violence including reducing the eligibility criteria on programs such as Rental Grants and Bond Loans.

7.6.2 Supporting financial independence

A key theme emerging from submissions is the difficulty women have in escaping from violence due to their reliance on their violent partner's income, financial support of children and the paucity of options they have due to a lack of money and inability to obtain secure alternative housing. Braaf and Barret-Meyering (2011) suggest financial concerns play an important role in women's decision making and are both a prompter and preventer in women's consideration of leaving an abusive relationship.³¹ Several interrelated issues have emerged during the Taskforce's review:

- » Lack of timely income support from Centrelink and the use of the matrimonial home causing ineligibility for payments, even when living at that residence might be impossible
- » Lack of understanding by employers or potential employers, and the key role of the workplace in supporting or making a situation better or worse for someone experiencing domestic violence
- » Lack of child support payments from perpetrators of violence
- » Lack of understanding from real estate agents
- » Lack of post separation support.

Ruined credit ratings, legal issues caused by violence and sporadic employment histories all make it extremely difficult for victims to gain independence, safety and long term security.³² Domestic and family violence is a barrier to getting and keeping work due to several factors including, partners interfering and sabotaging employment through stalking, harassment of work colleagues and abusive phone calls. All of these factors can result in job losses, lower productivity, illness and absenteeism.³³

Supporting financial independence is an important issue, as domestic and family violence and poverty are interwoven. Efforts to escape violence can have an immediate devastating economic impact on victims. This may mean that the victim loses their job, housing, child care, health care, transportation and/or access to their partner's income. Financial independence gives victims the ability to live free of violence in the long term. It means having choice, empowerment and mobility. Davis (1999) states that any safety strategy that threatens a victim's income and ability to provide housing and basic requirements for themselves and their children, forces victims to make unreasonable choices, long-term poverty/homelessness or staying with their violent partner.³⁴

“Financial dependence can contribute to women's decisions to stay in violent relationships. Addressing the gap in women's incomes and ensuring immediate financial support is available to women experiencing domestic and family violence is necessary”

submission by Mission Australia

The Taskforce's review has highlighted the importance of brokerage funding being available and flexible to meet the immediate financial needs of victims when they leave violent situations. These brokerage funds would need to meet individual needs, however they could be used to provide basic child care, health care, transportation and some legal expenses for victims and/or their children.

The Taskforce's review has highlighted the importance of programs that provide non-residential support to assist victims to live independently and not return to violent/controlling relationships. Submissions highlighted the need for some victims to have access to appropriately timed support in:

- » Financial literacy/budget management
- » General job skilling
- » Literacy and education
- » Empowerment
- » Healthy relationships
- » Peer support networks.

Tools For Change, a Victorian pilot project, provided victims of domestic and family violence with financial mentors. The mentors gave step-by-step guidance in dealing with credit card debt, explaining bills, help setup direct debits and provided help with declaring bankruptcy where needed. These types of intermediate to long term non-residential support programs are important. The Taskforce recommends that the Government look to extend the resourcing of these types of programs beyond the current inconsistent approach.

Submissions highlighted the need for victims to access training prior to gaining entry to the workplace. Subsidised training programs are in place to meet the needs of industry to minimise skills shortages across the State. The Taskforce recommends the Queensland Government adapt these existing programs to give much needed support to victims of domestic and family violence.

Recommendation 89:

The Taskforce recommends that the Queensland Government:

- a. Provides flexible brokerage funding to alleviate immediate financial hardship that is experienced when escaping violence
- b. Provides non-residential support programs to assist victims to live independently and not be compelled to return to violent/controlling relationships
- c. Provides access to subsidised training and skilling incentives for those experiencing domestic and family violence.

CHAPTER 8

Delivering fairness and accountability: an enhanced law and justice framework

8.1 Current state of play

8.2 Issues emerging during review

8.3 Options for reform



The Queensland law and justice system was a major area of investigation for the Taskforce. Throughout the review victims consistently told their stories of frustration and disappointment in the justice response. Getting police to believe their stories and to take decisive action at the time of crisis, and having to navigate court processes successfully, particularly where family law issues were involved, were recurring experiences. Disturbing tales emerged of perpetrators ‘gaming’ the law and justice systems to further harass and intimidate their victims.

The Taskforce sought independent expert advice on the operation of the legal framework in Queensland (particularly the structure and operation of courts) to inform its deliberations. This Chapter explores that advice and proposes changes to legal arrangements to give better support, protect victims and hold perpetrators to account.

The role of police is examined in terms of enhancing investigation practices, increasing criminal prosecution related to domestic and family violence, changing culture and attitudes of officers supported by strong leadership, improved supervision and engendering greater knowledge and empathy to respond more effectively and sensitively to domestic and family violence.

Notably this Chapter also explores ways to strengthen criminal sanctions to make it absolutely clear to perpetrators of domestic and family violence that they are indeed committing a crime and this will not be tolerated.

CHAPTER 8

8.1 Current state of play

“[The] criminal justice process is a fairly brutal process for victims.”

from a contributor to the Taskforce

A domestic and family violence victim’s first contact with the justice system will generally be through the Queensland Police Service. In describing their contact with police, victims expressed a myriad of feelings and perceptions of the response. This included accounts of victim’s stories not being believed; police siding with the perpetrator; the situation being seen as either too complex or not warranting a police response due to property and child custody arrangements or lack thereof; or that the victim’s story of abuse was too trivial and a waste of police resources.

“I told [the Constable] about the physical harm to my daughter and the threats to my other son. The Constable’s response was, ‘let him have the kids, it’s so close to Christmas’.”

from a contributor to the Taskforce

“This time I rang the police, and it was the first and last time I ever did, the response basically, who cares. It’s his house, he can do what he wants and they didn’t even care that I was left stranded on the road with my children. I had to ring my sister to come get us.”

from a contributor to the Taskforce

Where police failed to respond appropriately, victims are often left to navigate the justice system on their own, which in most instances, involves applying for a protection order.

“For a victim to take out a protection order they have to do the paperwork, front the courts and prove their case. This is all very emotionally traumatic and many will not follow through. You need strength to follow through and often victims have been worn down.”

from a contributor to the Taskforce

“Aggrieved [victims] are not supported to be [in court], they don’t have the transport, childcare, it’s just not practical in many ways for them to be there.”

from a contributor to the Taskforce

There is then the court event itself, where many victims relayed concerns about representation and legal assistance; the conduct of Magistrates; and the intersection of domestic and family violence and family law.

“In instances where the police are unable to assist a victim of domestic violence, that woman is often faced with the daunting prospect of a court appearance without the benefit of legal advice or representation and sometimes with the perpetrator of the violence in attendance. This frequently results in an already fearful and traumatised woman feeling unable to cope with the legal process and the court hearing. Many victims simply give up because the ‘system’ is too overwhelming, their fear is too great and they are therefore left at risk of harm and further violence - without a protection order.”

from a contributor to the Taskforce

“The Family Law Act imposes presumptions that force children into the care of abusive fathers even where this poses an unacceptable risk to their safety.”

from a contributor to the Taskforce

Once an order is made, the system then works on the presumption that the necessary prevention measures have been applied to provide for the ongoing safety of victims; however, the reality for some is that domestic and family violence continues.

A consistent message was the failure of police to take action when contraventions were reported.

“I contacted police on a number of occasions but always received the same comment ‘this is a soft breach and not enough for a judge to do anything, even if it did get to court, he would just get a warning.’ I was told on one occasion that if I wasn’t getting messages that Mr X was going to kill me, I just needed to let things go.”

from a contributor to the Taskforce

The *Domestic and Family Violence Protection Act 2012* contains ten statements of fundamental principles which underpin the legislative scheme which, in combination, provide a clear statement that the legal response is not restricted to the response of courts and the police alone:

1. Australia is a party to the following instruments:
 - » Universal Declaration of Human Rights
 - » United Nations Declaration on the Elimination of Violence Against Women
 - » United Nations Convention on the Rights of the Child
 - » United Nations Principles for Older Persons
2. Living free from violence is a human right and fundamental social value
3. Domestic violence is a violation of human rights that is not acceptable in any community or culture, and traditional or cultural practices can not be relied upon to minimise or excuse domestic violence

4. Domestic violence is often an overt or subtle expression of a power imbalance, resulting in one person living in fear of another, and usually involves an ongoing pattern of abuse over a period of time
5. Domestic violence can have serious impacts on people who experience it, including physical, emotional and psychological harm, and can result in death
6. Perpetrators of domestic violence are solely responsible for their use of violence and its impacts on other people
7. Domestic violence is most often perpetrated by men against women with whom they are in an intimate partner relationship and their children; however, anyone can be a victim or perpetrator of domestic violence
8. Domestic violence is a leading cause of homelessness for women and children
9. Children who are exposed to domestic violence can experience serious physical, psychological and emotional harm
10. Behaviour that constitutes domestic violence can also constitute a criminal offence.²

These powerful statements echo comments and concerns of many voices the Taskforce heard:

- » That domestic and family violence is a violation of a fundamental human right
- » That domestic and family violence is about fear and control
- » That perpetrators must be held accountable
- » That it should not be tolerated in any form, not now and not ever.

The *Domestic and Family Violence Protection Act 2012* also contains underlying objectives, which are to prevent or reduce domestic violence, maximise the safety and protection of victims and minimise the disruption to their lives, and to ensure that perpetrators are held accountable for their actions.³

The *Domestic and Family Violence Protection Act 2012* sets out a core principle for the Act's administration. Paramount is "the safety, protection and wellbeing of people who fear or experience domestic violence, including children, are paramount."⁴

The preamble, objectives and principles of the Act which underpin the specific provisions are inherently appropriate for a democratic, common law jurisdiction and are endorsed by the Taskforce. Given the escalating prevalence and severity of violence, it was incumbent on the Taskforce to examine the operational effectiveness of the Act as a key driver of law and order responses to domestic and family violence in Queensland. This has included an examination of:

- » The background to the current legislative scheme
- » How the legislation is actually implemented and enforced
- » Consideration of any options for reform to improve the effectiveness of the legislative scheme and the justice response.

8.1.1 Police response

Queensland Police Service

As first responders, police play a critical role in ensuring the immediate and ongoing protection of domestic and family violence victims and holding perpetrators accountable. If a police officer reasonably suspects domestic violence has been committed, they are required at law to investigate, or cause to be investigated, the complaint, report or circumstance on which the officer's reasonable suspicion is based.⁵

Upon arrival at a domestic violence incident, if the officer reasonably suspects domestic violence is occurring or has occurred they may demand the name and address of any person involved, including witnesses, and enter and search the premises.

During the course of the investigation, police apply a defined set of risk factors to assist officers to identify the presence of risk for an aggrieved (the Queensland Police Service Domestic Violence Protective Assessment Framework or DV-PAF). The DV-PAF supports the professional judgement of officers and assists in delivering a consistent approach to risk assessment.

If, at the conclusion of the investigation, a police officer reasonably believes that domestic violence has been committed and it is necessary or desirable to protect the victim, they can provide or seek protection for those affected by domestic violence:

- » Issuing an 'on-the-spot' Police Protection Notice (PPN) which provides short term protection until a court can consider the need for ongoing protection - this may include a cool-down condition which places additional restrictions on the respondent for 24 hours such as requiring them to leave the premises (consent of the victim is not required for a PPN or cool-down condition; supervisor approval is required)
- » Making an application to the court for a protection order which generally lasts for a period of two years and may include conditions tailored to the circumstances of the case
- » Applying to a Magistrate for a temporary protection order which remains in force until a court determines the application for a protection order. If made, the protection order becomes enforceable
- » Detaining the perpetrator for up to four hours to enable police to complete an application for a protection order, apply to a Magistrate for a temporary protection order or have the application determined by a court where reasonably practicable
- » Detaining the perpetrator for an extended period (not exceeding eight hours) where the perpetrator is too intoxicated to understand the relevant documents to be served on them; it is necessary to make arrangements for the safety of a victim; or the perpetrator's behaviour is so aggressive or threatening that it presents a continuing danger of personal injury or property damage. Extension of the detention period in the last two examples requires the approval of a Magistrate.

Police are also required to investigate whether a criminal offence has been committed and take appropriate action where sufficient evidence exists.

Where insufficient evidence of domestic and family violence exists to support an application for a Domestic Violence Order, police will advise involved parties of the process for applying for an order privately and the possible availability of a police prosecutor to support this process. They will also offer a referral to a domestic and family violence support service. The investigating officer must obtain approval from a supervising officer to finalise the incident in this way.

Police may also investigate and prefer charges for breaches of existing Domestic Violence Orders. The current maximum penalty for breaching a Domestic Violence Order is 60 penalty units or two years imprisonment. Subsequent breaches (within five years) attract a maximum penalty of 120 penalty units or three years imprisonment.

Irrespective of the outcome of the investigation, police will record details of the domestic and family violence incident in the Queensland Police Service information management system.

The Queensland Police Service has 25 full-time and six part-time District Domestic and Family Violence Coordinator (DFVC) positions to support the operational response of officers. DFVCs deliver education and training to operational police and engage in problem-solving with other government and non-government agencies to address domestic violence issues. These officers provide advice and assistance to members of the community.

Police prosecutors across the State also play a vital role in the legal protection system, assuming responsibility for representing police applications in court and assisting hearing of applications for protection orders made by private applicants, where available.

8.1.2 The court response

Queensland has a combined civil and criminal response to domestic and family violence.

A victim of domestic and family violence, or the police on behalf of an individual, is able to seek protection from future acts of domestic and family violence by a civil application for a protection order in the Magistrates Court.⁶ The court is able to make a temporary protection order before it hears and decides the application for a protection order in certain circumstances.⁷ Protection orders and temporary protection orders are broadly referred to as Domestic Violence Orders.

The court can make a Domestic Violence Order with the consent of the aggrieved applicant and respondent, whether or not the respondent admits to any or all of the particulars of the application.⁸ If the Domestic Violence Order is breached, a criminal offence is committed.⁹

In addition, domestic violence behaviour is criminalised by the application of Queensland's criminal law. This means that if the act of domestic violence is behaviour which constitutes a criminal offence itself, the police can charge the offender under the *Criminal Code of Queensland 1899* (Criminal Code) in addition to applying for a civil Domestic Violence Order.

The relevant offences in the Criminal Code that police can use when investigating a domestic and family violence incident include assault, serious assault, rape, sexual assault, unlawful stalking, threats to murder, unlawful striking causing death, attempted murder, manslaughter, grievous bodily harm, torture, wounding, deprivation of liberty and threats.

The civil and criminal schemes are not mutually exclusive. Principles underpinning the administration of the Queensland domestic and family violence legislation specifically provide that they are to operate concurrently.¹⁰ While the criminal jurisdiction is reactionary (action is taken if a crime is committed), the civil jurisdiction is preventative (action taken is intended to prevent future violence).

The civil order will require the respondent to be of good behaviour and not commit domestic violence against the aggrieved. Other conditions, which are necessary or desirable to protect the aggrieved, could include that the respondent must not come within a certain distance of the aggrieved, must not contact by telephone or text and must not contact any children of the aggrieved. An ouster condition (where the perpetrator is excluded from the home) can also be included in the order.¹¹

At the time of making a Domestic Violence Order, the court can make a Voluntary Intervention Order (VIO) that requires the respondent to attend an approved intervention program and/or counselling provided by an approved provider.¹²

Standard of proof – civil or criminal

The civil standard of proof applies to an application for a civil order – the balance of probabilities. Before making the order, the court must be satisfied that it is more probable than not that the respondent committed the act complained of ‘on the balance of probabilities’.

For a court to find that a crime has been committed, the court must be satisfied ‘beyond a reasonable doubt’. Therefore, in prosecutions for a criminal offence, evidence must be presented to satisfy a higher standard of proof.

The issue of proof is highly complex and has been the subject of extensive judicial interpretation. For criminal offences, it is for the prosecution to show that each element of the offence is proved beyond a reasonable doubt. When conducting an investigation, collecting available evidence and considering likelihood of success of both civil and criminal matters, the relevant standard of proof will be at the forefront of the officer’s mind. In an often highly volatile and emotional domestic and family violence incident, this is a difficult task for the attending officer. The officer also needs to consider the wishes of the aggrieved who may or may not want the alleged perpetrator charged. Clear and robust risk management and assessment tools are therefore critically important for attending officers.

8.1.3 2010 Review of the *Domestic and Family Violence Protection Act 2012*

Domestic and family violence legislation was first introduced in Queensland in 1989. Legislation in Queensland was not subsequently reviewed for 20 years *except to amend the types of relationships covered in 2003*.

On 10 July 2009, the Queensland Government launched, *For our sons and daughters – A Queensland Government Strategy to Reduce Domestic and Family Violence 2009 - 2014*. A key initiative coming out of this strategy was a review of the 1989 Act (the 2010 review).

The goal of the strategy was to give better protection to victims, particularly women and children, by breaking the cycle of violence as early as possible. Reforms were aimed at improving the service system, reducing demand, ensuring a coordinated approach between agencies to improve safety of victims and families, and to hold perpetrators more accountable.

During the 2010 review, 214 submissions were received from organisations, government agencies and individuals in response to five key areas identified as underpinning good practice in domestic and family violence legislation, including prevention; civil and criminal responses; protection of victims; perpetrator accountability; and system planning and coordination. These are issues markedly similar to challenges posed to this Taskforce.

A précis of issues raised as part of the 2010 legislative review is at Appendix 5.

8.1.4 Queensland's current domestic and family violence legislation

The 2010 review resulted in the *Domestic and Family Violence Protection Act 2012*, which commenced on 17 September 2012 and replaced the 1989 Act of the same name. Key changes to the legislation included:¹³

- » Introducing preamble and principles to guide administration of the legislation and reinforce the requirement for the criminal law to be applied in conjunction with civil remedies¹⁴
- » Expanding the definition to ensure consistency with contemporary understanding of domestic and family violence and to include include behaviours such as economic, emotional and psychological abuse, physical or sexual abuse or any other behaviour which controls or dominates another person¹⁵
- » Centring the court's decision on the protective needs of victims and whether an order and conditions are necessary or desirable to meet these needs¹⁶
- » Recognising psychological harm to children who witness or are exposed to domestic and family violence and giving specific considerations to including children on orders and providing the same protection as the aggrieved¹⁷
- » Providing the Children's Court with ability to make or vary an order on its own initiative or on application by a party to child protection proceedings¹⁸
- » Placing a more proactive responsibility on police officers to investigate suspected domestic and family violence and to take action to respond, including investigating possible criminal offences.¹⁹ Requiring officers to make a written record of the reasons for not taking action following investigation²⁰
- » Introducing short-term police issued protection notices which include the option of a 24 hour 'cool down' condition requiring the respondent to leave the premises and not have contact with the aggrieved during the specific period, to provide immediate protection to the victim²¹
- » Extending the period for which a respondent may be detained under certain circumstances to ensure a person who is intoxicated understands the documents being served upon them when released and to ensure that the person no longer presents ongoing danger of injury or property damage²²
- » Increasing the maximum penalty for contravening a Domestic Violence Order, giving courts greater scope to impose sentences which reflect the behaviours and offending histories before the court²³
- » Placing an obligation on the court to consider putting in place special arrangements for protecting vulnerable witnesses including the aggrieved, child or other person who can be protected by a Domestic Violence Order, when giving evidence,²⁴ e.g. giving evidence from another location by a video-link
- » Restricting the ability of self-represented respondents to cross-examine the aggrieved, a child or a named persons to reduce emotional harm, distress or intimidation of the witness.²⁵

8.1.5 Jurisdictional analysis of the legal response to domestic and family violence

The legal response to domestic and family violence in Queensland is generally consistent with other States and Territories of Australia. There are many more similarities than differences. Each State and Territories has:

- » A combined criminal and civil response
- » A police power to issue a short-term notice against perpetrators to stop committing domestic violence (excluding Tasmania where a notice is valid for 12 months)
- » Similar criminal sanctions imposed for breaching a civil order.

No Australian jurisdiction has a stand-alone criminal offence of ‘commit domestic violence’.

Appendix 6 contains a summary of the legal responses to domestic and family violence in Australian States and Territories.

8.1.6 Current justice system initiatives

National Domestic Violence Order Scheme

Currently, State Domestic Violence Orders are not automatically recognised across jurisdictions. State legislation allows for manual registration of orders, but it relies on individuals to apply to the court for registration.²⁶ Commonwealth, State and Territory Governments are committed to improving cross-jurisdiction mechanisms to protect women and children, under the *National Plan to Reduce Violence against Women and their Children 2010-22*.²⁷

The Taskforce received many submissions from survivors of domestic and family violence about the difficulties faced, and lack of protection, when they flee from or to Queensland. The problem particularly affects those living in border areas, such as Tweed Heads and Coolangatta, where people can live and work in different states. Automatic acknowledgement and enforcement of domestic and family violence orders nationally requires mutual recognition legislation and an information sharing platform.

The Law, Crime and Community Safety Council (LCCSC) agreed on 3 October 2014 that Ministers will progress a National Domestic Violence Order Scheme underpinned by model legislation to enable automatic recognition and enforcement of Domestic Violence Orders across jurisdictions. Ministers agreed that model legislation will be considered at the next LCCSC meeting in April 2015. CrimTrac has Commonwealth funding for three years, to scope, develop and test a prototype information sharing platform for Domestic Violence Orders.²⁸

This matter was addressed in the November 2014, Queensland Legal Affairs and Community Safety Parliamentary Committee Report - *Inquiry on strategies to prevent and reduce criminal activity in Queensland*. It recommended that:

“The Government take an active leadership role in encouraging inter-jurisdictional efforts to establish a national registration scheme for domestic and family violence orders.”²⁹”

The announcement of the Prime Minister to prioritise the National Domestic Violence Order Scheme on the agenda of the Council of Australian Governments was welcomed by the Taskforce on 28 January 2015. In support of this essential work, the Taskforce advocates for the Queensland Government’s continued commitment to this scheme.

Recommendation 90:

The Taskforce recommends that the Queensland Government continues its commitment to the development and implementation of a National Domestic Violence Order Scheme to achieve automatic mutual recognition and enforcement of domestic and family violence related orders across jurisdictions.

Justice agency information management improvements

Integrated Criminal Justice agencies in Queensland are working on a 2013 - 2016 project to streamline and automate exchange of domestic violence applications and orders between the Queensland Police Service and Department of Justice and Attorney-General (eDV). The Department of Justice and Attorney-General advises there are two phases to the eDV business case. The first is to reduce duplicate data entry between police and courts and increase the accuracy and timeliness of data transferred between agencies. This will ultimately mean data will only need to be captured once, data accuracy will be improved, and protection will be effected in a more timely way reducing risks to vulnerable Queenslanders. The second phase focuses on analysis of the private application process, with a view to identifying alternatives to make the process of lodging a private protection order application easier for the applicant, while also reducing resources needed to support and process applications.

The Single Person Identifier (SPI) 2013 – 2016 project will enhance service delivery and improve the criminal justice response. The SPI will result in the unique identifier allocated by the QPS QPRIME database to be incorporated into other justice agency databases. The aim is to better manage, evaluate effectiveness of, and improve criminal justice police instruments, interventions and services.

Recommendation 91:

The Taskforce recommends that the Queensland Government prioritises the eDV project and the Single Person Identifier project for completion as soon as practically possible within a defined time limit.

Community based initiatives recognising diversity in Queensland

Aboriginal and Torres Strait Islander communities face unique challenges accessing the justice system. Remoteness, cultural differences, lack of support services and increased incidences of domestic and family violence give rise to significant barriers to Aboriginal and Torres Strait Islander people seeking to access the justice system.

Community Justice Groups

Many communities are working together to create local strategies to reduce domestic and family violence. Community Justice Groups (CJGs) and the Indigenous Sentencing Lists (ISL) initiatives, which operate within the Indigenous Justice Program, were identified to the Taskforce as good practice; however, such initiatives need to be expanded, well-resourced and adequately supported.

In seeking to develop an approach to domestic and family violence services that effectively responds to the unique context presented by remote Indigenous communities, it is recognised that services involving Aboriginal and Torres Strait Islander staff are required to create new sources of authority and values around which the community can rebuild its sense of identity. CJGs, whose members include volunteers and key representatives from local family groups, and who are passionate about responding to justice issues and creating a safer community, have the potential to serve as a firm foundation from which to rebuild this sense of identity. While CJGs are not without their limitations, the current context presents a perfect opportunity to re-visit and improve the CJK model.

Statutory CJGs are established under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984* which prescribes their powers and functions. The *Liquor Act 1992* prescribes their role in relation to alcohol restrictions in communities. There are 19 Statutory CJGs in remote Queensland communities.

Non-Statutory CJGs may be established administratively. Their role is focused on court based activities and the provisions of the *Liquor Act 1992* do not apply to them. All other court related functions of Statutory CJGs apply in the same way to non-Statutory CJGs.

CJGs are responsible for supporting Aboriginal and Torres Strait Islander people involved in the justice system, and developing strategies in their communities to deal with justice-related issues, including Indigenous over-representation. Statutory responsibilities include:

- » Participation in court hearings, and informing bail and sentencing decisions through submissions to the Court³⁰
- » Developing networks with relevant agencies to address crime prevention, justice, community corrections and related issues impacting on Indigenous communities
- » Supporting Indigenous victims and offenders at all stages of the legal process
- » Making recommendations to the Minister administering the *Liquor Act 1992*, including on licensing and declarations under that Act (for Statutory CJGs).

In performing this work, the Act assigns CJGs the ‘power to do all things reasonably necessary to be done for performing its functions’.

In practice, CJGs are often called on to support victims and offenders involved in domestic and family violence matters. For example, CJGs regularly refer clients to domestic and family violence services including counselling, housing and shelter, advocacy, mediation, emergency relief and men’s and women’s groups. CJGs promote contact with Elders and mentoring. CJGs also refer defendants to services that address aspects of behaviour related to domestic violence, including drug and alcohol abuse and violence propensity.

In 2010, KPMG was engaged to evaluate CJGs by the Department of Justice and Attorney-General. Specifically, they were asked to review the roles and functions of CJGs with reference to their contribution to criminal justice and community safety matters; assess the practice, operations, policy, legislation and performance framework related to the CJG program; and, identify strategies to inform the future direction of CJGs.

The evaluation reported four key findings:

1. The quality and effectiveness of the CJG Program is severely constrained by poor program resourcing and governance arrangements
2. The legislation is too broad and not specific enough to clearly guide their activities (including both activities they should include and activities they should exclude from their scope of practice)
3. The skills, capacity and number of available CJG members to implement and monitor crime prevention activities was a major factor that impacts on the effectiveness of future crime prevention and community based initiatives
4. It was not possible to clarify the effectiveness of the CJG Program in reducing the number of Indigenous persons coming into contact with the criminal justice system as there was limited client outcome data available.

In his review of Responses to Domestic and Family Violence in Queensland, Cunneen also noted that there are many issues that could be better resolved through the involvement of CJGs, including:

- » Requiring a respondent to attend the CJG for the purpose of having an order explained. Attendance could be part of a condition of the order. Failure to comply could be considered an aggravating factor when sentencing for any later breach, rather than attracting a specific penalty
- » Involvement at the time of a breach of an order. When there is a breach the court might adjourn the matter while the respondent and possibly the aggrieved (if voluntary and appropriate) meet with the CJG. The role of the CJG would be to ensure the behaviour stops, ensure compliance generally and report back to the court.³¹

In revisiting the CJG model there is the opportunity to create role clarity and improve the efficiency with which CJGs operate in order to achieve the desired outcomes (e.g. supporting Indigenous victims of domestic and family violence in the justice system, and developing strategies within their communities for dealing with domestic and family violence related issues). Drawing from the 2010 evaluation there are two immediately apparent options for enhancing the operation of statutory CJGs in the community.

1. Provide CJGs with the autonomy to identify a specific, limited number of justice issues, including but not limited to domestic and family violence, to which they feel capable to respond, and provides the resources and accountability mechanisms required to enable them to achieve it, or
2. Government task CJGs with responding to specific, limited justice issues (e.g. domestic and family violence) or providing a specific justice service (e.g. mediation, case management, conferencing) to community, as well as providing the resources and accountability mechanisms required to enable them to fulfil their responsibilities.

The benefit attached to the first option is that the domestic and family violence issues identified may be more likely to be within CJGs' power to respond, particularly with regard to their skills and interest. The second option allows government to set the CJG agenda, however, CJG members may also consider that the specific justice issue or service is irrelevant for their particular community.

Both options would work to address current gaps in criminal justice service delivery in discrete communities, as well as increase local ownership of, involvement in and responsibility for justice, crime prevention and domestic and family violence issues. Greater support for CJGs would provide more opportunities for Indigenous people to be integrally involved in developing and progressing the solutions to family violence.

It is important that both options are further explored in consultation with communities and other stakeholders. A fully considered and costed model can then be brought for government consideration at a later date.

Snapshot: Mornington Island

Violent offending is a huge problem on Mornington Island and is much higher on average than in mainstream communities in Queensland. The majority of the violence is domestic violence related. Junkuri Laka and elders on Mornington recognised that in order to reduce violent offending on Mornington, domestic violence needed to be addressed.

To do this, the Mornington community acknowledged that they needed to start looking at different ways to deal with domestic violence as what works in mainstream communities will not necessarily work on Mornington. It was also recognised that locals had to become part of the solution and that instead of leaving things to the police and the court to sort out once there were problems, they needed to intervene much sooner. A way to do this was to help people with their relationships and help them avoid arguments by giving them other ways to sort out problems.

In October 2014, a campaign was developed called 'MI against DV'. The campaign came about entirely from the community, with no government funding. A competition was held for locals to create a poster and text for the campaign. The campaign involves:

- » Talking about domestic and family violence constantly and openly
- » Naming and shaming people that commit domestic and family violence
- » Continuing with as much mediation as possible to sort problems out before they turn violent
- » Commencing a relationship service so people can work on their relationships to reduce conflict, to be conducted by a local counsellor respected in the community and with local knowledge. (Funding has not yet been received for this initiative).

Fridge magnets, stickers, t-shirts and bags have been produced with the campaign logo. Junkuri Laka staff personally stuck fridge magnets on every fridge in every house on Mornington. The fortnightly newsletters of Junkuri Laka have also had a domestic and family violence focus. More recent newsletters have had a more positive theme by promoting healthy relationships.

According to Junkuri Laka, incidents of domestic and family violence have reduced since the introduction of the campaign.

Other Local Justice initiatives

There are other key local justice initiatives that need to be considered in any further expansion of CJG roles, most particularly the Remote Justice of the Peace (JP) Court program and local by-laws.

Remote JP Courts are comprised of JPs who are specially trained community members who can deal with guilty pleas for by-law offences and some criminal offence matters. There is also scope for the Indigenous JP courts to take on a greater role in dealing with domestic and family violence.

Seven communities currently conduct regular or needs based Remote JP Courts - Aurukun, Cherbourg, Kowanyama, Lockhart River, Pormpuraaw, Bamaga and Mornington Island. A small daily sitting fee is provided to JPs when constituting a Magistrates Court in Indigenous communities.

The program was evaluated in 2010 with key findings including widespread support for the continued operation of the program across discrete communities. Key benefits identified included the ability of the courts to address negative interactions between Indigenous communities and the justice system, provide more timely access when dealing with local matters, and build community capacity to respond to and own local solutions to offending within communities.

Similarly, a number of discrete Indigenous communities also have 'law and order' by-laws that may contain offences that mirror the criminal law (e.g. in areas of property offences, offences against the person and good order offences) or which explicitly address social issues such as truancy, child neglect and alcohol offences. Such by-laws can be used to promote local ownership and control of crime and disorder issues – which could potentially include minor domestic and family violence issues.

Recommendation 92:

The Taskforce recommends that the Queensland Government works with discrete Indigenous communities to develop and support an effective local authority model to respond to crime and violence in those communities, with a priority focus on addressing domestic and family violence. As a part of this work, consideration should be given to resourcing and expanding the role of community justice groups, JP Magistrate's courts, and related local justice initiatives as appropriate, as well as examining the specific role that community justice groups could play in conferencing, mediation, and criminal justice system support.

Family Responsibilities Commission

The Family Responsibilities Commission (FRC) is a central pillar of Cape York Welfare Reform (CYWR), a joint initiative of the Queensland and Australian Governments and the Cape York Institute for Policy and Leadership. It currently operates in five Indigenous communities around Queensland – Coen, Hope Vale, Aurukun, Mossman Gorge and Doomadgee.

The CYWR initiative aims to reverse the deterioration of social and economic conditions over recent decades. The overall goal of the trial is to rebuild social norms, restore Indigenous authority and increase engagement in the ‘real economy’. The initiative aims to change and rebuild social norms and behaviours, including those attached to violence, irresponsible parenting and welfare dependency. This is done through a range of activities targeting social responsibility, education, economic development and housing.

The role of the FRC within the broader reform project is to support the restoration of socially responsible standards of behaviour and local authority, and to help people resume primary responsibility for their individual and communal wellbeing. It delivers conferencing and referral services to community members who have either requested its services or have been the subject of a notification to the FRC due to a failure to meet social responsibilities.

Currently, the FRC receives notifications; if a child in the community is not attending school without a reasonable excuse; if a Child Safety and Welfare Notice has been issued; when a person is convicted of an offence at court; or a social housing tenancy agreement has been breached. In these circumstances, the FRC will invite or direct parents of the children in question, the convicted individual or the social housing tenant to attend a conference. At conferences, FRC Commissioners work with the person attending to explore factors that are leading to them not meeting their social responsibilities and to develop a case management plan to help the family address the factors. The case management plan may involve referral to services, further conferencing and income management. Income management involves a portion of the individual’s welfare payment being put onto a Basics Card, which can only be used to buy food and other essentials.

Submissions to the Taskforce suggested a domestic and family violence trigger should be created to facilitate FRC conferencing and referrals in circumstances where Domestic Violence Orders are made by courts. The addition of this trigger is consistent with objectives that underpin the FRC. The conferencing, referral and income management services that comprise the FRC model have the potential to deliver supports to people who are the subjects of these orders and their families to help address some of the broader issues faced by individuals and families in the communities where the FRC operates. The impact of adding a domestic and family violence trigger to the FRC should be monitored, and its outcomes should be used to inform approaches to domestic and family violence in Aboriginal and Torres Strait Islander communities across Queensland.

The Taskforce supports the introduction of a domestic and family violence trigger, related to the making of a ‘protection order’ by a court. By definition, a Domestic Violence Order includes both a temporary and protection order.³² Given the impacts of this trigger, the notification should occur only after a court has fully considered an application and made a determination to make a protection order. The Taskforce does not support notification to the FRC when a temporary order is made.

Recommendation 93:

The Taskforce recommends that the Queensland Government amends the Family Responsibilities Commission Act to require a court to notify the Family Responsibilities Commission when a protection order under the Domestic and Family Violence Protection Act is made naming a welfare reform community resident as the respondent.

Recommendation 94

The Taskforce recommends that the Queensland Government reviews the resourcing impact of the new domestic and family violence trigger and ensure sufficient funding is available to manage the anticipated increase in referrals to the Family Responsibilities Commission.

8.2 Issues emerging during review

8.2.1 Improving the court response

Many victims experience difficulties when attempting to navigate the justice response to domestic and family violence:

- » The legal process is complex and difficult to understand and navigate
- » A lack of understanding by victims of the protections available under the current law, particularly with respect to non-physical domestic and family violence
- » A lack of interpreters or failure to access interpreter services, including services for the deaf
- » Being re-traumatised by the requirement to repeat the story of the abuse
- » Victims having to face perpetrators in and outside the court room (lack of separate waiting areas, particularly in remote areas)
- » Victims lacking legal representation in court with perpetrators often being able to afford legal representation
- » Continuation of abuse by manipulation of the court system by the perpetrator deliberately delaying proceedings, making cross-applications and ongoing applications for variations of Domestic Violence Orders
- » Confusion caused by the intersect between state domestic and family violence jurisdiction and federal family law jurisdiction
- » Lack of court support workers, for women and men
- » Inconsistent practices in different Magistrates courts and by different Magistrates, including examples of some Magistrates not determining a protection order application until the respondent has completed a program (after consenting to a VIO); and a lack of understanding of some Magistrates of the dynamic of domestic and family violence and particular vulnerabilities of victims
- » The court not considering evidence of a history of domestic and family violence when making a decision
- » Difficulties in understanding and completing the application for protection order form
- » Lack of legal services in remote areas
- » Lack of follow-up services post order being obtained
- » Inconsistency/insufficient prosecution of breaches by authorities
- » Confusion about the role and inconsistency of police prosecutor
- » Police prosecutors meeting aggrieved applicant for first time at the bar table
- » Inefficient processes for information sharing between relevant agencies.

These issues have serious implications for access to justice for victims and perpetrators.

Intersection of domestic and family violence with family law

The intersection of family law and domestic and family violence was raised with the Taskforce as a serious concern.

Family law and domestic and family violence are intertwined and cannot be considered in isolation. However, family law issues and domestic and family violence are necessarily separate and distinct, given the powers conferred by the Commonwealth Constitution.

Section 51 of the Constitution confers on the Commonwealth Parliament power to make laws with respect to private law matters (e.g. matrimonial causes, divorce, parental rights). States retain the power to make laws with respect to public law matters (e.g. crime, domestic and family violence).

This inevitably adds complexity to already complex areas of law. Separate jurisdictions and separate court locations increase confusion.

Sometimes domestic and family violence issues were treated as connected issues by family law courts; sometimes they were treated as completely separate. In some cases, victims reported that the family law system was used and manipulated as a means of further abuse by perpetrators seeking custody of children. Some victims observed that family courts required their children to spend time with perpetrators of violence, causing a high degree of anxiety for a victim, exposing children to ongoing abuse, harm and potential danger. The Taskforce also heard stories about how children had experienced distress at spending time with the person who abused them and harmed their mother.

“[The magistrate] seemed to be more concerned about the respondent’s access to his daughter than [my client] and her daughter’s safety ...the magistrate ordered both parties outside to organise some parenting arrangements.”

from a contributor to the Taskforce

Navigating the intersection between family law and domestic and family violence proceedings is incredibly difficult, particularly for non-represented parties. Matters of concern for individuals raised repeatedly with the Taskforce included:

- » Family law orders for contact made in the federal family court jurisdiction, being inconsistent with Domestic Violence Orders, made in the State Magistrates Courts
- » The family law courts placing significant value on the relationship between a parent and child, even in the context of family violence and child abuse, and without consideration of the key principle of the best interests of the child
- » Violence towards the mother being assessed by the family law courts as separate from issues of risk and safety for children or not taken seriously at all
- » Family law orders being ignored by Magistrates in domestic and family violence proceedings
- » Magistrates ordering parties to discuss parenting issues outside the court room before dealing with the domestic and family violence matter
- » Parents afraid of appearing as a 'difficult parent' to the family court if they do not allow contact between the child and the perpetrator
- » Magistrates being reluctant to use their powers under section 78 of the *Domestic and Family Violence Protection Act 2012* to revive, vary, discharge or suspend a family law order allowing contact between a respondent and child that may be restricted under the proposed Domestic Violence Order
- » State police being reluctant to enforce injunctions made in the family court preventing contact between the perpetrator and the child on the basis that it was a federal court order
- » Federal police being reluctant to enforce the family law injunction as the offence took place in the state and not a territory.

The *Family Law Act 1975* provides that the court making an order under the Act must ensure that the order is consistent with any State or Territory family violence order and does not expose a person to an unacceptable risk of family violence. This requirement is subject to consistency with the paramount consideration of the child's best interest.

If the order made requiring or permitting a respondent to a Domestic Violence Order to have contact with an aggrieved or a child is inconsistent with the Domestic Violence Order, then the federal family law order will prevail over the state Domestic Violence Order to the extent of any inconsistency.³³

The 2006 amendment to the *Family Law Act 1975*, introduced a presumption of equal shared parental responsibility in the absence of child abuse or domestic and family violence. This created a tension between the benefit to the child of having a meaningful relationship with both parents and the need to protect the child from physical or psychological harm by being subjected to, or exposed to, abuse, neglect or family violence.

Many submissions and stories referred to this tension:

“Fear for the safety of their children is an abusive weapon often used against women who find the courage to separate...the Family Law Act repeatedly brings the woman, and her children, back to the very person they have tried to escape. Even though the possibility of violence is ever present, and against her best judgment, the woman has to hand her children over for visits to her ex-partner. The common belief is that to do otherwise means she might lose all, or part, of her custody.”

from a contributor to the Taskforce

The *Domestic and Family Violence Protection Act 2012* provides Magistrates with the discretion to revive, vary, discharge or suspend a family order, before deciding whether to make or vary a Domestic Violence Order.³⁴ The Taskforce heard from many stakeholders that Magistrates appeared extremely unwilling to exercise this discretion. Reasons presented for this include a hierarchal reluctance of Magistrates to intervene in a federal family court matter and a possible lack of awareness of the provision by Magistrates, parties and lawyers who fail to seek an order in this regard.

Inconsistency among Magistrates and courts

The Taskforce received many submissions relating to inconsistent practices among different Magistrates and different courts. Inconsistent practices of Magistrates relate to:

- » Granting ouster conditions
- » Naming children on an order
- » Consideration of cross applications
- » Granting VIOs
- » Time of decisions on protection orders pending completion of a program ordered as part of a VIO
- » Ordering the parties to discuss parenting arrangements outside the court room Before they will hear the application for a Domestic Violence Order
- » Court assistance workers entry to the court room
- » Time between filing for, and hearing of application for an urgent protection order (between a day and six weeks).³⁵

Sadly the Taskforce also heard of instances of Magistrates making inappropriate comments, displaying a lack of vital understanding of the complexities and dynamics of domestic and family violence, and failing to reference the impact of the violence in decisions.

“The magistrate hearing the matter was extremely inappropriate during this case and described both parents as an absolute disgrace and made statements such as ‘Oh not you two again’. The client had provided the court with documentation, including supporting documentation from psychologist, doctor and the school (Form 4) detailing the nature and effect of the violence. The magistrate did not consider or reference the impact of the violence in her comments or decisions and instead treated both parents as equally responsible for what she described as ‘ruining the children’. The magistrate’s actions served to further victimise the client and discourage her from continuing.”

from a contributor to the Taskforce

The level of support received by parties attending court and the processes applied should not be a postcode lottery. An outcome of the inconsistent practices applied by Magistrates in this jurisdiction is that legal advisors often struggle to advise their clients properly. The Women’s Legal Service noted in its submission:

“At a practice level at WLS, this means that we are unable to give clients realistic advice about what outcome to expect in their protection order applications. Court is very stressful, and where women have to appear for themselves, the way they have been treated can add to her distress and has the potential to place women and children in danger.³⁶”

Confusing and complex forms

The Application for a Protection Order (DV1) was raised in many submissions as a barrier to the legal process and possibly causing victims to ‘give up before they even start’.

“Women in crisis are frequently traumatised by the violence and struggle to recall the details...Important questions relating to requesting a temporary order, naming children and disclosure of other orders can be lost in the detail of the form and result in the aggrieved not obtaining the protection/responses she needs.³⁷”

Court support workers and duty-lawyers can assist with completion of the form to ameliorate this issue, however, the form is also criticised by lawyers and other court users. The current DV1 form does not ask whether the aggrieved wants to be assisted by a police prosecutor. The equivalent form under the 1989 Domestic and Family Violence Protection Act did ask this question. Many private applicants often do not realise that they can ask for a police prosecutor to assist them in court. In some courts, the police prosecutor will routinely ask private applicants whether they require police assistance, but, there is no standard practice.

The question in the form regarding temporary protection orders is confusing. It has been interpreted by courts in different ways. It is not clear whether the question relates to a temporary order in the interim until the application is determined or whether the applicant only wants a temporary order and not a permanent order at the final hearing.

The Taskforce has been informed of a Queensland Courts Service research project directed at improving the process and experience of private applicants for protection orders. Consultation with domestic and family violence support groups, victim advocates, the legal profession and agency stakeholders took place throughout 2014 to hear about the needs and experiences of people lodging private protection order applications. Research recommendations will be reviewed in early 2015 and, together with other initiatives of the Department of Justice and Attorney-General (including the *Domestic Violence Best Practice* project discussed at section 8.3.1), will be used in designing new services to assist victims in their interaction with Queensland Courts. An outcome from this project will be an overhaul of the process of applying for a protection order including simplification of forms.

Assistance and redesigned forms will only go part of the way. The *Domestic and Family Violence Protection Act 2012* specifies statutory requirements which must be included on the form. The Taskforce considers it essential that approved forms be reviewed as part of the statutory review.

Resource intensive administrative processes

Information provided by the Queensland Police Service, indicates that officers spend on average two hours and 26 minutes, responding to an individual incident of domestic and family violence.³⁸ Time spent completing and lodging paperwork with the court, is additional. Application of criminal law offences from a domestic and family violence occurrence extends the time taken for officers to finalise incidents. The cost of providing a policing response to domestic and family violence incidents in Queensland has been estimated at \$47million per annum.³⁹

In consultation activities involving police, concern about the length of current court documents and the time expended on unnecessary process or administrative tasks were frequently raised. The 2012 legislation introduced reforms such as the PPNs, designed to deliver efficiencies. These efficiencies have not been delivered. Data provided by the Department of Justice and Attorney-General identified only 937 PPNs had been issued in two years of operation.⁴⁰ Police identified key impediments to increasing use of these notices as:

- » Length and detail of the hand-written document
- » The inability to name children and other persons requiring protection
- » The limitation on conditions, which often meant that victims would not be adequately protected until the day of court.

Ideas for improvements to systems and processes raised by officers in the field are discussed further in this Report.

8.2.2 Perpetrators must be held accountable

Perpetrators are primarily held accountable for their conduct through legislative responses, with civil orders and preferment of criminal charges, predominantly where there has been a breach of the civil order. The law should provide a powerful tool for articulating society's values on what is and what is not acceptable behaviour. Inconsistent application of the law compromises this message.

Stakeholders discussed what we, as a community, expect the focus of perpetrator accountability to take. For some, it means that an individual who has used domestic and family violence acknowledges that they have caused harm and takes steps to change their behaviour. For others, it requires the application of strong sanctions for the conduct.

Many victims and service providers are frustrated by what they perceive as a soft approach to domestic and family violence. Consistent themes in suggestions for reform from across the State included:

- » Criminalising domestic and family violence behaviours
- » Increasing penalties and changing sentencing practices
- » Mandating behaviour change or rehabilitative programs.

Most stakeholders supported options for change which increased criminal sanctions based on the message conveyed to the wider community about the perpetration of domestic and family violence; the protection delivered for victims; penalties being commensurate with the conduct of the perpetrator; and deterring future violence.

Concerns were expressed about unintended consequences of increasing criminal sanctions. Victims who use retaliatory defensive violence would be at risk of increased sanctions. Victims would be at risk of escalating violence as retribution for increased sanctions. There is a risk of a reduction in reporting due to fears that the primary financial provider may be incarcerated or required to pay a monetary penalty.

8.2.3 Assistance for victims throughout the justice process must be improved

Lack of assistance for victims of domestic and family violence throughout the justice process was a major theme in submissions to the Taskforce. Suggestions for reform included funding for interpreters, the introduction of a state-wide duty-lawyer service for domestic and family violence matters, increased availability of court support workers, simplified forms, assistance for victims giving evidence and the use of victim impact statements in domestic and family violence proceedings.

The Taskforce also notes the recommendation of the *Legal Affairs and Community Safety Committee Report* that:

“The Committee recommends the Special Taskforce on Domestic and Family Violence in Queensland review the need for amendments to the *Victims of Crime Assistance Act 2009* to ensure all victims of domestic violence are appropriately supported to access necessary assistance and compensation to support their participation in legal processes and ongoing safety needs.⁴¹”

The *Victims of Crime Assistance Act 2009* sets out major components of the financial assistance scheme that assists victims of crime to recover from acts of violence and also fundamental principles of justice which outline how government agencies should treat victims in Queensland.

The Department of Justice and Attorney-General has been undertaking a statutory review of the *Victims of Crime Assistance Act 2009*. The *Victims of Crime Assistance Act 2009* requires that a legislative review take place within five years after its commencement to decide whether the provisions in the Act remain appropriate.

The review is considering the effectiveness of the financial assistance scheme and the State recovering grants of assistance from convicted offenders, whether the fundamental principles of justice for victims of crime have been adequately implemented, and whether the functions of the Victim Services Coordinator are effective. The review will look at any areas to improve partnerships or service delivery and opportunities to reduce red tape.

A consultation paper was released for public comment on 24 October 2014 and submissions were open for a period of six weeks. It is anticipated that the review will be completed in the first half of 2015.

The review is currently on hold pending approval for continuance from the new Government. The Taskforce supports the *Victims of Crime Assistance Act 2009* review being re-commenced and completed as soon as possible.

Recommendation 95:

The Taskforce recommends that the Queensland Government continues the review of the *Victims of Crime Assistance Act* to ensure appropriate financial compensation for victims of domestic and family violence.

8.2.4 The police response must be improved

“I will never recommend turning to the police to anyone in danger. I give up. I am alone in this and I accept that now.”

from a contributor to the Taskforce

Police are required to apply the provisions of the *Domestic and Family Violence Protection Act 2012* in accordance with its principles, including that both criminal and civil law remedies should be applied conjointly. The Queensland Police Service has adopted a pro-investigative approach which directs officers investigating domestic and family violence to consult with the aggrieved and named persons (where applicable) about the possibility of pursuing criminal charges where the domestic and family violence conduct provides sufficient evidence of the commission of a criminal offence.

Investigating criminal conduct in the context of domestic and family violence is far more complex than other crime classes. This is due to the relationship and history between the offender and the victim. The complexity of calls for service are often compounded by the presence of additional complications of mental health issues, family law and child protection concerns, alcohol or drug abuse, and the presence of ongoing physical threat or violence.

However, failing to apply criminal sanctions where criminal conduct has been perpetrated, and the increasing reliance on protection orders as the sole legal response to domestic and family violence, is a failing of the justice system in achieving perpetrator accountability. This was clearly identified by many of the submissions to the Taskforce as an area requiring reform.

The failure of police to identify, investigate and take action when responding to domestic and family violence incidents was addressed by Coroner John Hutton in his findings of the inquest into the death of Ms Noelene Beutel:

“The importance of proactive, dedicated policing in relation to domestic violence simply cannot be overstated. It was absent in this case.”⁴²”

Six months before her death at the hands of her partner, Ms Noelene Beutel was hospitalised as a result of an assault by her partner. Two police officers saw Ms Noelene Beutel in hospital, who was uncooperative and antagonist towards the officers. As a result, the Coroner found that the officers ‘wrote-off’ the job rather than endeavouring to see behind Ms Noelene Beutel’s attitude (fear and distress) and investigate further. This case highlights the need for the Queensland Police Service to engender a culture within its ranks that takes the responsibility of protecting victims of domestic and family violence seriously and to consistently hold perpetrators accountable for their conduct.

8.3 Options for reform

8.3.1 An improved court response to domestic and family violence

** This section draws upon the content of the Crown Law advice attached at Appendix 7. Specific areas of the advice have been summarised in the content below where relevant.*

Section 8.2.1 details the complexity of the division of constitutional powers between the Commonwealth and the State for those with both a domestic and family violence matter and a family law matter. It is extremely confusing and complicated. This confusion is not helped by individual Magistrates interpreting legislation in different ways.

The Taskforce briefed Crown Law and Kathryn McMillan QC to provide a written advice (the Advice) on options to reduce or eliminate any duplication, gaps and inconsistencies between family law issues and domestic and family violence. The Advice considers structural and jurisdictional reforms, as well as practical achievable measures which can be implemented without the need for such structural and jurisdictional reforms.⁴³

The Advice considered two options for reform of the court structures:

1. Federal one-Court model - Queensland refers power to make laws with respect to domestic and family violence to the Commonwealth (and potentially child protection and youth justice matters)
2. State one-court model - with jurisdiction to deal with both family law and domestic and family violence, and also other state matters such as child protection and youth justice.⁴⁴

Western Australia is the only Australian jurisdiction that has established a state family court exercising both state and federal jurisdiction.⁴⁵ The Family Court of Western Australia was established in 1975, upon the commencement of the Commonwealth *Family Law Act 1975*. The Family Court of Western Australia, however, does not exercise all possible family-related jurisdiction and so is an incomplete model. Jurisdiction for domestic and family violence restraining orders is exercisable by any Western Australia court and child protection and youth justice matters are dealt with by the Children's Court.

The Advice notes that both models represent major legislative and/or logistical obstacles for the State. Both are also resource intensive and politically sensitive.

Instead, the Advice recommends a state-based model for specialist courts for domestic and family violence, with specialised Magistrates and practitioners. This approach addresses the complexity of Federal-State legal issues whilst being practical and achievable.

Specialist domestic and family violence courts

The proposal for specialist courts for domestic and family violence matters is not new and is already operating to some extent in Australian jurisdictions.

In Victoria and South Australia, a few courts operate as specialist domestic violence courts. In Victoria, the two Family Violence Court Divisions of the Magistrates' Court (at Ballarat and Heidelberg) have Magistrates with specialist family violence experience, applicant and respondent workers, court mandated men's behaviour change programs, safe-wait areas and specialist staff.

Western Australia operates specialist Family Violence Courts in a number of venues including the Barndimalgu Aboriginal Family Violence Court in Geraldton. As noted in the Advice, a basic difficulty in the Western Australian model of specialist courts is that they do not have sufficient legislative recognition. This raises issues for availability of sentencing options.⁴⁶

Specialist courts also operate in Queensland. These include the Childrens Court, the Coroners Court and, until recently, the Drug Court, the Murri Court and the Special Circumstances Court.

Magistrates determining protection order applications are not necessarily experienced in domestic and family violence matters. Magistrates are invariably 'generalists' who could be called upon to hear a range of matters including crime, child protection, Childrens Court matters, traffic offences and domestic and family violence.

In Queensland, though not part of 'specialist courts', some Magistrates Courts have implemented various local initiatives to respond to domestic and family violence proceedings. Initiatives include:

- » Private waiting rooms
- » Domestic and family violence lists
- » Court support/liaison workers
- » Dedicated prosecutors
- » Outreach workers
- » Video-conferencing facilities
- » Justice stakeholder group meetings
- » Pro-bono legal advice and representation by local law firms
- » Dedicated domestic and family violence Magistrates
- » Provision of interpreters.

Arrangements throughout the state however are ad hoc and inconsistent. Implementation of successful initiatives adapted to a particular local environment are reliant on proactive local registrars.

Two initiatives implemented in Queensland are the *Holland Park Magistrates Court Domestic Violence Assistance and Support Services* project⁴⁷ and the *Breaking the Cycle* pilot which operated in Rockhampton from 2009 to 2012.

The Taskforce visited Holland Park Magistrates Court during the consultation period to observe the operation of the Domestic Violence Assistance and Support Services project. Its purpose is to provide clients with best practice court support and advocacy through an integrated response. Women's Legal Service is one of the stakeholders who attend Holland Park one day every week to operate a duty-lawyer system. Other stakeholders include DVConnect, Mensline and Legal Aid Queensland. Anecdotal feedback is that the coordinated response provided by the project is well regarded by the community and justice sector. The Taskforce observed a group of very dedicated stakeholders who pursue best practice in terms of the safety of victims and the legal response.

“A specialist court would be skilled in exercising cross-jurisdictional powers, particularly with family law and would be expert in the dynamics of domestic and family violence.”⁴⁸

In their submission, Legal Aid Queensland advocated for a specialist court modelled on the former Rockhampton *Breaking the Cycle* pilot or the Family Violence Court Division of the Magistrates' Court of Victoria.⁴⁹ At the Townsville summit and during consultation, considerable disappointment was expressed about the decision to close the Rockhampton pilot. There is general agreement that the Rockhampton pilot was affecting change and making victims safer. It was also noted that the pilot worked with the Aboriginal and Torres Strait Islander community to ensure an appropriate response for Indigenous women.

Snapshot: Breaking the Cycle of Domestic and Family Violence – Rockhampton Pilot

In 2009, Rockhampton commenced a pilot integrated response called *Breaking the Cycle of Domestic and Family Violence*. The aims of this initiative were to:

- » Improve the safety and well-being of people affected by domestic and family violence
- » Reduce the demand on the current service systems (statutory, courts, human services)
- » Increase the efficiency and effectiveness of the human and justice service systems in responding to domestic and family violence
- » Build the skills of service providers to increase their ability to provide the best possible services to clients and break down the barriers to integrated working practices.

Breaking the Cycle was a government led pilot program involving representatives from the departments of communities, justice and Attorney General, police, legal aid and a Rockhampton magistrate.

The significance of this pilot was the development of a client-centred response, with police officers, child safety officers and domestic and family violence specialists all working together, in a case coordinated team. This team, which accepted referrals, worked with victims to assess risk and needs, developed safety plans and referred them to the right services at the right time.

The pilot demonstrated the ability of government and non-government organisations to effectively work together with:

- » Clear roles and responsibilities
- » Local leadership
- » Appropriate structure such as formal overarching protocols/agreements
- » Learning and development opportunities including a process for local collective problem solving
- » Client focus including strategies for engaging and meeting the needs of clients.

Although a formal evaluation wasn't completed, the Taskforce has heard that service providers observed improved client support, better statutory interventions, more engaged clients, increased client access, and timeliness in response to clients.

Research into a sample of participants of the *Breaking the Cycle* pilot found that their overall experience was positive, with practical assistance, increased security and emotional support. Participants found benefits from the improved information sharing processes, noting challenges relating to information sharing in the justice system. Importantly, participants reported that perpetrators of domestic and family violence were held responsible for the violence.

Breaking the Cycle was a limited term pilot and is no longer in operation, however the Taskforce notes that any lessons learnt from this initiatives should inform any future funded integrated responses in Queensland.

The Advice discusses benefits of specialist courts which deal with domestic and family violence and related matters, including child protection matters and crime (breach of orders). The Advice references the Australian Law Reform Commission (ALRC) report:

“Family violence issues are part of the core work of children’s courts. Many children’s courts Magistrates are also likely to have experience in exercising jurisdiction under family violence legislation in their capacity as Magistrates dealing with adults. The benefits of the enhanced jurisdiction are significant. It creates a more seamless system for victims of family violence – including children – to allow them to access as many orders and services as possible in the court in which the family is first involved; removes the need for the child and the family to have to navigate multiple courts; reduces the need for victims of family violence to have to repeat multiple stories; and consequently reduces the likelihood that people will drop out of the system without the protections they need.”⁵⁰”

These words echo many concerns repeatedly made to Taskforce members throughout the consultation: difficulty in navigating the system, causing many to withdraw from the legal process, and being re-traumatised by having to repeatedly retell stories of abuse. A specialist court which addresses these issues and is more ‘user-focused’ would be a positive step forward.

Child protection issues, domestic and family violence and parenting issues are intertwined, yet have been described as operating on three different planets:

“These structural factors, with domestic violence and child protection work on different ‘planets’, have made it especially difficult to integrate practice, and have resulted in child protection work where there is a tendency to see mothers as failing to protect their children rather than as the victims of domestic violence, and where violent male perpetrators are often ignored.”⁵¹”

The use of specialist courts for domestic and family violence and child protection matters, with trained and dedicated specialist Magistrates would shift the focus from criminal matters to awareness and consideration of social work. Further, the current under-utilisation of the powers in the Queensland *Domestic and Family Violence Protection Act 2012* to consider family law orders could be addressed by having trained and dedicated specialist Magistrates operating in specialist courts.

The Queensland Domestic Violence Services Network also recommends consideration be given to introducing a specialist court model to deal with all related domestic and family violence and criminal/breach proceedings. This model would also give consideration for related family law children's matters (by consent) and child protection proceedings to be dealt with by the same court.⁵² This model would provide perpetrators with an opportunity to work towards rehabilitation (through a program), and their attempts to take responsibility for their conduct would be acknowledged. Furthermore, Child Safety involvement may be prevented/minimised and safe child contact (where appropriate) provided. This model may provide better outcomes, be cheaper and quicker for participants (including Legal Aid) and improve safety.

The Taskforce sees merit in considering these models.

It is fully appreciated that there are many domestic and family violence matters which do not involve children, or child protection matters. The Taskforce considers however, there is merit in considering combining jurisdictions.

The Taskforce notes the key elements of a specialist court identified by the ALRC, and highlighted in the Women's Legal Service's submission. These are:

- » Specially trained judicial officers
- » Specialist prosecutors
- » Specialised, free legal advice (for both parties)
- » Ongoing training for all key participants
- » Victim support workers
- » Special arrangements for victim safety, including the provision of interpreters.⁵³

The Taskforce is supportive of a specialist court for domestic and family violence matters with these key elements. This court should provide skilled personnel committed to the protection of victims of domestic and family violence.

An assessment of the particular model to be adopted, including whether or not the child protection jurisdiction is combined with domestic and family violence, should be undertaken. This should involve careful analysis of existing practices and particularly consider the Western Australian experience.

Consideration will also need to be given to whether the specialist court should be supported by statute. There are advantages to both specialist courts with a statutory basis (creates legal certainty, allows certain powers and procedures not available to ordinary courts, consistency of rules) and those without a statutory basis (greater flexibility, relevant for rural and remote areas).

On balance, the Taskforce sees merit in a specialist court backed by statute. This would ensure that it is able to exercise existing jurisdiction with specific statutory basis (for example, varying a family law order that would potentially be inconsistent with the proposed Domestic Violence Order). Clearly, it will be important for any statute to provide sufficient flexibility to enable practical implementation in rural and remote areas.

Recommendation 96:

The Taskforce recommends that the Queensland Government establishes specialist domestic violence courts in legislation with jurisdiction to deal with all related domestic and family violence and criminal/breach proceedings.

Recommendation 97:

The Taskforce recommends that specialist courts should include specialist divisions or programs and utilise specialist Magistrates with specialised expertise in domestic, family and intimate partner sexual violence to improve the efficacy of responses to domestic and family violence. This recommendation is to be considered in combination with the other recommendations in this Report and in particular recommendations 116 (interpreters), 124 (court support workers), 126 (duty-lawyers) and 80 (perpetrator interventions).

Recommendation 98:

The Taskforce recommends that the Queensland Government considers providing for related family law children's matters (by consent) and child protection proceedings to be dealt with by the same court.

Recommendation 99:

The Taskforce recommends that the Domestic and Family Violence Protection Act be amended so that the court must consider a family law order when making a Domestic Violence Order. An amendment also be made to the Domestic and Family Violence Protection Act so that the court must consider concurrent cross applications at the same time and a later application and related cross application or order.

Specialist Circuit Magistrates

In regions where it may not be practical or feasible to establish specialist domestic and family violence courts, consideration could be given to creating specialist Magistrates with a strong and relevant legal background and understanding of domestic and family violence and its impact on victims, including children who witness the violence. These specialist Magistrates could rotate on a circuit to locations outside the areas supported by specialist domestic and family violence courts, and with the attendance of a domestic and family violence duty-lawyer.

The submissions of the Women’s Legal Service, Legal Aid Queensland and the Queensland Domestic Violence Services Network highlight the benefits of specialist Magistrates.

Legal Aid Queensland suggests that the ‘Specialist Magistrate’ could be modelled on the recent introduction of specialist Magistrates in the Children’s Court, following the recommendation of the Carmody inquiry into child protection in Queensland. Legal Aid Queensland notes that:

“To allow for flexibility and for the effective operation of the courts, especially smaller, regional courts, specialist domestic violence Magistrates would hear other types of matters as well as domestic violence matters. Over time, specialist appointments would likely result in the development of high levels of knowledge and expertise in dealing with domestic violence matters within the magistracy, that should improve the system response to domestic violence and outcomes for applicants.”⁵⁴⁹

Specialist Magistrates could operate inclusively with a specialist court model or within the existing court structure. Specialist Magistrates hearing a protection order application, for example, may be better trained to understand the devastating effects of emotional harm on aggrieved persons and children, and may access information in related child protection proceedings, depending on information sharing protocols.

Recommendation 100:

The Taskforce recommends that the Queensland Government utilises trained and specialist circuit Magistrates, in areas where a specialist court is not feasible (e.g. rural and remote areas), with a good knowledge of the relevant legislation and knowledge and understanding of domestic and family violence and its impact on victims of the violence, including children who witness the violence.

Development of a domestic violence 'Bench Book'

The problems of inconsistency in decision making and in practices in the courts could be ameliorated by the development of a domestic and family violence bench book. 'Bench Books' are used in other jurisdictions to provide guidance to judicial officers on practice and procedures, the operation of the law and sentencing.

The Taskforce received submissions from the Women's Legal Service and the Queensland Domestic Violence Services Network recommending the development of a domestic violence 'Bench Book' for Magistrates.

The Taskforce was made aware that the Department of Justice and Attorney-General is currently developing a domestic and family violence Chapter of the Magistrates 'Bench Book'. The 'Bench Book' will be a practical reference to assist judicial officers in the conduct of domestic and family violence matters before the Court. It will contain references to relevant legislation, case law and practice directions and will be publicly available on the Internet.

In addition to the 'Bench Book', the Department of Justice and Attorney-General has developed the Domestic and Family Violence Protection Court Rules (which commence on 28 February 2015). Key features of the rules include the avoidance of unnecessary and burdensome procedural requirements, the use of form and language that is easily understood by parties (particularly non-lawyers), consistency in process and efficiency and timeliness in the resolution of applications brought before the court.

A further initiative led by the Chief Magistrate to improve the legal response to domestic and family violence, is the *Domestic Violence Best Practice* project. This will assist and support judicial officers in achieving objectives of the *Domestic and Family Violence Protection Act 2012*. This purpose will be achieved by:

- » Identifying and documenting elements of best practice
- » Identifying services that are available throughout Queensland at the 'application for a Domestic Violence Order' and 'breach' stages (making that information readily accessible to judicial officers in all court locations)
- » Identifying and promoting the use of legal mechanisms (stages, timeframes, approaches and types of orders) by judicial officers to link persons affected by domestic violence (victims, perpetrators and children) to such services.

Completion date for the *Domestic Violence Best Practice* project is mid-2015.

Recommendation 101:

The Taskforce recommends that the Chief Magistrate completes the domestic and family violence 'Bench Book' in consultation with relevant stakeholders (Women's Legal Service, North Queensland Women's Legal Service, Queensland Domestic Violence Services Network, Queensland Association of Independent Legal Services, Queensland Indigenous Family Violence Legal Service and Legal Aid Queensland).

Recommendation 102:

The Taskforce recommends that the Chief Magistrate completes the *Domestic Violence Best Practice* project and publish the results.

Professional development and guidelines for participants in the domestic and family violence legal process

The Judiciary

The Advice also discusses the importance of continuing professional development for those involved in the legal process, including Magistrates, police prosecutors, court registry staff, lawyers and child safety and other public officers. The need for appropriate and extensive continual training for those involved in the domestic and family violence response is a recurring theme in this Report.

Judicial education to improve awareness and understanding of the impacts of domestic violence on victims and children who witness violence will be an essential part of the specialised court and specialised Magistrate model. The training should also provide information about the indicators of risk in domestic and family violence matters and best practice information about working with perpetrators.

Legal Aid Queensland suggests that a training package for Magistrates could be introduced, as an alternative to specialist courts and specialist Magistrates.

Magistrates in New South Wales and Victoria are provided with significant professional development including induction courses and seminars.

The Queensland community reasonably expects that judicial officers will take appropriate measures to maintain and develop their skills through engagement in professional development. The judiciary, like all other professions and trades, needs to be involved in ongoing professional development to ensure their skills are maintained.

Judicial training support materials were developed by the Commonwealth Attorney-General's Department in 2010. Titled *Judicial Officers Professional Development in Family Violence*, these materials are available from AVERT Family Violence (www.avertfamilyviolence.com.au) - Addressing Violence: Education, Resources, Training, Family Law System Collaborative Responses to Family Violence (AVERT). Free online training is also provided for family law sector workers across Australia.

The Taskforce sees considerable merit in Magistrates receiving intensive and regular training from experts in domestic and family violence who have experience in working with adult victims, children and perpetrators.

Recommendations 103:

The Taskforce recommends that the Chief Magistrate commissions development of a professional development package, informed by evidence of best practice in judicial education currently being developed by Australia's National Research Organisation for Women's Safety, for induction of newly appointed Magistrates on managing domestic and family violence cases.

Recommendation 104:

The Taskforce recommends that the Chief Magistrate develops modules specifically on domestic and family violence for inclusion in professional development programs for Queensland Magistrates.

Recommendation 105

The Taskforce recommends that the Chief Magistrate ensures that Magistrates receive intensive and regular professional development on domestic and family violence issues, including its impact on adult victims and children, from domestic and family violence practitioners who have expertise working with adult victims, children and perpetrators.

Court and registry staff

Training should be extended to court staff to ensure the justice system is responsive to victims of domestic and family violence. The Taskforce has been informed of the recent work of the Queensland Courts Service in this area. The Queensland Courts Service Training and Development Unit has worked with domestic violence agencies and support groups to develop a protocol and specific training for staff in responding to the needs of domestic violence clients. Online courses and webinars provide instant and easy access to the training modules, including:

- » DV Fundamentals - this course presents participants with the basic concepts of DV matters
- » DV for Registry Staff - for staff in the Registry who are interacting with domestic violence clients. The material covers the process up to the hearing of an application
- » DV for Courtroom Staff - for staff working with domestic violence matters and clients in and around the courtroom. The material covers the domestic violence process when matters are heard before the court
- » DV Summary of Changes - for staff who wish to check on any amendments to legislation
- » Customer Service Online - provides tools for improving communication with all court users and specific situations - includes scenario based exercises.

The Taskforce is highly supportive of the above training modules for registry and court staff and sees considerable merit in the training modules being compulsory.

Recommendation 106:

The Taskforce recommends that the Queensland Government ensures that court and registry staff receive compulsory training in responding to the needs of domestic and family violence clients.

Legal practitioners

“It was difficult to obtain [legal] instructions as often several appointments were needed. If you raised an issue that she was not ready to communicate about, it increased her anxiety and made her unwell and she required the appointments to stop.”

from a contributor to the Taskforce

All lawyers, regardless of what law they practice, should receive training in respecting diversity. This training should be considered fundamental for the profession and be included in training for law students, who will become our future advocates, Magistrates, judges and law-makers.

The area of domestic and family violence is complex and emotive, it cuts across many other areas of law and involves serious safety and protection concerns. It is imperative that lawyers are properly equipped to deal with the legal response to domestic and family violence.

Legal Aid Queensland has developed a *Best Practice Guidelines Framework* for working with clients who have been affected by domestic and family violence.⁵⁵ The guidelines include seven best practice principles:

1. Improve your understanding
2. Prioritise safety
3. Facilitate empowerment
4. Foster respect
5. Acknowledge violence is a crime
6. Respect diversity
7. Respond collaboratively.

The best practice principle of respecting diversity is particularly important. A recurring theme heard by the Taskforce is that a 'one-size fits all' approach to domestic and family violence is not appropriate. This also applies to the legal response to domestic and family violence. Recognising and respecting cultural differences and the particular needs of special needs groups is imperative to this process.

It is important when working with diverse clients (Aboriginal and Torres Strait Islander backgrounds, culturally and linguistically diverse backgrounds, clients who identify as lesbian, gay, bi-sexual, transgender or intersex, and clients with a disability) to adapt work processes to best meet their needs. This respect for diversity is important because it:

- a. Acknowledges it can be difficult for clients in special circumstances to access the legal system. For example, women with disabilities may be reliant upon the perpetrator of violence for their day to day needs and may not have an opportunity to seek out assistance (Frohmander 2011)
- b. Acknowledges clients from different cultural environments will have different needs
- c. Acknowledges that discussing domestic and family violence is a taboo in some cultures (MDAA 2010)
- d. Challenges the notion that all clients have the same experience of violence.⁵⁶

During consultation, many stakeholders raised concerns with the Taskforce about Domestic Violence Orders being used to refute the presumption of equal shared parental responsibility (introduced in amendments to the *Family Law Act 1975* in 2006, see section 8.2.1). Douglas and Fitzgerald assert that since the 2006 Family Law Act reforms, there has been a rise in cross-applications for protection orders in Queensland.⁵⁷ This could mean that parties have been abusing the protection order process by making unmeritorious applications for protection orders in an effort to gain an upper hand in family law proceedings concerning their children. However, the research also identified that the largest proportion of cross-applications resulted from applications initiated by police.⁵⁸

Parkinson, Cashmore and Webster surveyed 40 family lawyers in New South Wales about their experience of protection orders relating to domestic and family violence and the intersect with family law matters. Whilst there was agreement that such orders were being used to gain ‘tactical’ advantage in the jurisdiction of family law, none acknowledged adopting such a practice. Interviewees also identified that ‘typically’ domestic and family violence related orders were being obtained without legal advice and assistance.⁵⁹

In a survey conducted with 38 Magistrates in Queensland in 2000 (prior to the *Family Law Act 1975* reform), 74% agreed with the statement that, “Domestic Violence Protection Orders are often used by applicants in Family Court proceedings as a tactic to aid their case and deprive their partner from contact with the children”, with a number asserting that “...many women were advised by their solicitors to apply for orders.”⁶⁰

Whilst definitive evidence does not exist to draw a definitive conclusion that legal practitioners are inappropriately utilising or advising clients to access provisions of the *Domestic and Family Violence Protection Act 2012* to unduly influence family law proceedings, there remains concern of such practice.

Also of concern is ensuring adequate protection for witnesses. The Australian Solicitors Conduct Rules 2011 sets out rules solicitors must comply with when an alleged victim is giving evidence in proceedings involving allegations of sexual assault, indecent assault or an act of indecency. The solicitor must not ask the witness a question or pursue a line of questioning which is intended to mislead or confuse the witness or be unduly annoying, harassing, intimidating, offensive, oppressive, humiliating or repetitive. The solicitor must take into account any particular vulnerability of the witness in the manner or tone of the questions asked.

The Taskforce sees considerable merit in extending the above protection to victims of domestic and family violence. In this way, and coupled with the protected witness provisions in the *Domestic and Family Violence Protection Act 2012* and the recommendations about improving assistance to victims and professional development of the judiciary, lawyers and court staff, the experience of the victim through the justice system will be greatly enhanced.

The Taskforce also considers it prudent to include in any best practice guidelines for legal practitioners, advice concerning the appropriate application of domestic and family violence provisions and the negative impacts of unethical practice on victims and families.

Innovative ways for any best practice guidelines to be rolled out to all lawyers practising in the area of domestic and family violence, and legal training might include:

- » A compulsory continuing professional development module for accredited family law specialists
- » Including the guidelines in the *Australian Solicitors Conduct Rules 2012*
- » Including a compulsory component in under-graduate degrees and/or the post-Graduate practical legal training course for domestic and family violence training.

The Taskforce believes that the Queensland Law Society is best placed to lead the development and implementation of any best practice guidelines and training.

Recommendation 107:

The Taskforce recommends that the Queensland Law Society develops best practice guidelines for lawyers working with people who have experienced domestic and family violence in accordance with Legal Aid Queensland model guidelines, and in consultation with Legal Aid Queensland, Women's Legal Service and Queensland Association of Independent Legal Services and other relevant stakeholders.

Recommendation 108:

The Taskforce recommends that the implementation of the best practice guidelines be led by the Queensland Law Society.

Recommendation 109:

The Taskforce recommends that the Queensland Law Society ensures that suitable continuing professional development programs in respecting diversity and ethical conduct for managing the intersection of domestic and family violence and family law are available.

Recommendation 110:

The Taskforce recommends that the Queensland Law Society encourages lawyers engaged in domestic and family violence law (whether representing perpetrators or victims) and family law undertake continuing professional development in diversity and ethical conduct for managing intersection of domestic and family violence and family law.

Recommendation 111:

The Taskforce recommends that the Attorney-General:

- a. Recommends to the Law Council of Australia that amendment be made to the Australian Solicitors Conduct Rules 2011 to ensure safeguards currently applied to victims of sexual assault are extended to include victims where allegations of domestic and family violence are part of proceedings.
- b. Recommends the Queensland Legal Practice Committee considers the application of safeguards for victims of domestic and family violence as they apply to Queensland solicitors and barristers, should a national approach not be supported.

Improved information sharing between jurisdictions

During consultation, many stakeholders identified the inability of judicial officers to access information held by both family law and state jurisdictions, as a significant impediment to ensuring domestic violence and family law orders are both complimentary and safety centric.

In terms of the National Domestic Violence Order Scheme, it was acknowledged that CrimTrac is designing, developing and testing a prototype information sharing system for orders. The prototype system will include the state jurisdictions of Queensland, New South Wales and Tasmania and is scheduled for delivery by 2017.

The Taskforce met with the project team from CrimTrac and discussed the urgent need for facilitation of timely and accurate information sharing between jurisdictions for the protection of victims of domestic and family violence. While acknowledging the complexity of the process of bringing together information management systems that do not currently share information, the ability to include the family law jurisdiction in this work was strongly supported by the Taskforce.

Recommendation 112:

The Taskforce recommends that the Queensland Government:

- a. Supports the work of CrimTrac in developing a National Domestic Violence Order Information Sharing System
- b. In the interim (acknowledges that a national scheme may take some time to be negotiated and implemented) progresses bilateral agreements with other jurisdictions (in particular bordering jurisdictions such as New South Wales) where possible to facilitate increased information sharing for the protection of victims of domestic and family violence.

Use of interpreters

The Taskforce heard from many individuals who cite lack of suitable interpreters as a barrier to engaging in the law and justice system. This is only one of many challenges women from culturally and linguistically diverse (CALD) and Aboriginal and Torres Strait Islander backgrounds with limited proficiency in English face, when they have been a victim of domestic and family violence. The Queensland Indigenous Family Violence Legal Service identified that English can be the fourth language of some Aboriginal and Torres Strait Islander people. The need for professional and appropriate interpreters is essential at all stages of the domestic and family violence response, including at the initial police call-out, engagement of support services, at the court registry and in the court room.

The Taskforce was informed of the experience of one victim following an initial police call-out:

“X was a non-English speaking woman who required a [Russian] interpreter...[she] also indicated when police attended the event they did not use an interpreter for [her] and took the aggressor’s statement and did not seek a statement from [her].”

from a contributor to the Taskforce

The Queensland Domestic Violence Services Network in their submission wrote:

“Many women from non-English speaking backgrounds (NESB) are experiencing sexual violence but are either choosing not to report their experiences for multiple reasons, or are unaware of their rights and/or unaware of available options in accessing support or protection. It is suggested that personal, cultural, religious and language factors may contribute to lower levels of reporting of this type of abuse.⁶¹ The situation is compounded by the many systemic barriers to accessing information, legal and support services that are often experienced by women from NESB, such as lack of cultural awareness, failure to support the use of professional interpreters and/or inappropriate use of interpreters, access to information in community languages and cultural stereotyping.⁶²”

Having professional interpreters readily available at all stages of the response to domestic and family violence is consistent with a contemporary court and police response. Failure to do so affects an individual’s access to justice and a party’s right to be heard. Problems raised with the Taskforce included:

- » A lack of funding for interpreters for civil law matters in the Magistrates court
- » A lack of interpreters generally
- » The lack of suitable and appropriate interpreters, for example children being asked to interpret (by police)
- » Particular difficulties for victims requiring an interpreter in rural and remote areas
- » Interpreters are often drawn from the community which raises confidentiality issues
- » Proceedings being delayed whilst a suitable interpreter is located resulting in potential gaps in protection for an aggrieved
- » A respondent being asked by a Magistrate to interpret for the aggrieved.

In 2014, the Queensland Police Service was identified as one of the biggest users of interpreter services across Queensland Government.⁶³ In Queensland, a number of policy documents and legislative provisions guide the use of interpreters by police, including the *Police Powers and Responsibilities Act 2000* and the *Police Powers and Responsibilities Regulation 2012*, the Vulnerable Persons Policy, the Language Services Strategy and Operational Procedures Manual. Wakefield, Kebbell, Moston and Westera suggest there is limited research on how police perceive interviews with interpreters. Their research, surveying 413 police officers in Queensland that had utilised interpreters, identified that victims and witnesses to crime may be particularly vulnerable in not being provided interpreters and that factors such as perceived costs of interpreters may be deterring police from interpreter use.⁶⁴

In-line with the *Queensland Language Services Policy (QLSP)*, the Department of Justice and Attorney-General has adopted a policy which stipulates an interpreter is to be engaged, if required. For court proceedings, this occurs when a judicial officer has ordered an interpreter be available. If registry staff become aware of the need for an interpreter, i.e. where an application for a protection order indicates that an interpreter is required, a Magistrate will assess whether or not an arrangement should be made for the first court mention. Where the matter is brought to the attention of the court at the first mention, an adjournment will likely be necessary to obtain the services of an interpreter. This potentially creates a gap in protection for victims of domestic and family violence.

In 2013-14 the Department of Justice and Attorney-General spent \$401,295 on the engagement of 3,554 interpreters, utilised by the department and government funded non-government organisations.⁶⁵ Unfortunately, the courts do not record proportion of this cost attributable to domestic and family violence court proceedings. The Richlands Court Registrar has kept an unofficial record of interpreter services used in domestic and family violence proceedings (mentions and hearings) between 6 August 2014 and 14 January 2015 and reports interpreters were engaged on 13 occasions. Languages were Amharic, Cantonese, Vietnamese, Farsi, Japanese and Serbian.⁶⁶ A review of the QLSP in 2014, reported the overall expenditure by Government on interpreter services was at least \$8.15 million.⁶⁷

Friends, family and community members are not considered appropriate for assisting communication or interpreting support for police or at court. However, a participant to the 2014 QLSP review surveyed 15 community leaders and found that 14 of these leaders knew of occasions where friends and family were used as interpreters when accessing a range of services, including courts.⁶⁸ Finding appropriate interpreters outside a community is particularly challenging in Indigenous communities, isolated by their remoteness and access to services. Further, women from CALD backgrounds can be extremely anxious about using interpreters and maintaining their confidentiality in the community.

During consultation, stakeholders raised concern about the availability and timely engagement of sign language or deaf interpreters, for individuals using Auslan and other forms of sign language. The Taskforce had direct experience of this issue when they attended a Magistrates Court in South-East Queensland and an aggrieved required an Auslan interpreter. Due to the lack of availability of a professional interpreter proceedings were adjourned, creating further delays.

The Queensland Domestic Violence Services Network (QDVSN) recommends that the use of interpreters by courts and police attending domestic and family violence incidents should be mandated.⁶⁹ They note that:

“Although interpreters can be engaged for women from NESB there is a reluctance to do so by the court. In QDVSN’s experience, on numerous occasions the woman victim has had no understanding of what has occurred in court or the requirements of the protection order.”⁷⁰”

There are practice directions relating to engagement of interpreters for criminal proceedings and bail applications in other courts. It is disappointing that there is no such provision or direction for the use of interpreters in civil matters. The presiding Magistrate has discretion in making decisions relating to the requirement of interpreters for each matter. The Taskforce’s strong view is that the use of interpreters should be made available for all matters involving non-English speakers, regardless of whether it is a criminal or civil matter.

Further, implementation of a practice direction to streamline the process for engaging an interpreter would be beneficial.

Recommendation 113:

The Taskforce recommends that the Queensland Police Service strengthens policy and guideline documents to ensure the use of interpreters for victims of domestic and family violence and their families, where required.

Recommendation 114:

The Taskforce recommends that the Queensland Police Service and the Department of Justice and Attorney-General ensure that applicants, including police and private, for a protection order or a variation of a protection order, have indicated either ‘yes’ or ‘no’ to interpreter requirements on each application filed.

Recommendation 115:

The Taskforce recommends that the Chief Magistrate issues a practice direction to require the court to engage an interpreter, where a party has difficulty communicating in English, at the first mention for all domestic and family violence civil proceedings before the Magistrates Court.

Recommendation 116:

The Taskforce recommends that the Department of Justice and Attorney-General identifies opportunities to streamline systems for engagement of interpreters for civil domestic and family violence court proceedings to ensure best practice.

Expanded use of ouster conditions

A response to domestic and family violence is more often than not addressed in terms of a woman escaping violence, assisting a woman to take action to stop the violence and the question, “why doesn’t she just leave?”

Leaving the family home creates many difficulties including:

- » Lack of available refuges and appropriate accommodation
- » Difficulties obtaining short-term accommodation (some rental agencies will not rent to women escaping domestic violence)
- » Schooling being interrupted
- » Victims having to move away from support networks
- » Transport issues
- » Access to finances
- » Leaving all personal possessions behind
- » Effect on employment.

“For the first month I practically lived in my car...It is not the first time I have lived in my car and I have no doubt many other women with children find themselves in the same situation...finding a home for my pets has now become my biggest problem.”

from a contributor to the Taskforce

An aggrieved applicant is able to ask the court to include an ouster condition on the Domestic Violence Order.⁷¹ An ouster condition prohibits the respondent from remaining at stated premises, entering or attempting to enter stated premises or approaching within a stated distance of the premises.⁷²

The message the Taskforce heard repeatedly is that ouster conditions are not made often enough. Magistrate Annette Hennessy stated at the Brisbane summit:

“My own personal view is that they’re not applied for enough... if an aggrieved particularly says to the police I want him gone, then they’ll include it in the application. Some police officers will include it off their own volition after discussing it with the aggrieved, but a lot of times it’s just not in the application. So that makes it a lot more difficult for a court to make an order and we’re fairly roundly criticised for not making enough ouster orders, but the reality is that they’re not applied for very often. I think I’ve only ever refused one, when it’s been applied for. So there is a lot of guidance in the Act about conditions that need to be taken into account when making an ouster condition and so long as you’re familiar with what those guidelines in the Act are, they’re very easy orders to make.”

The data from Queensland Courts is that ouster conditions under section 63 of the *Domestic and Family Violence Protection Act 2012* are made in approximately half the applications for a Domestic Violence Order.

For many aggrieved persons, an ouster condition is not appropriate. This could include situations where the aggrieved does not want the respondent to know his/her location and where the aggrieved may not want the relationship to end, but just for the violence to stop. Risk assessment plays an important part in this determination.

If more aggrieved persons have access to legal advice and assistance, it is expected there will be more applications for ouster conditions on orders. Legal representation will result in more appropriate conditions and orders being made.

In some jurisdictions, for example in Victoria, there is a requirement for the court to consider whether to make an ouster condition. In Queensland, there is no such mandatory requirement to consider an ouster condition. If there was a mandatory requirement, then it is expected that more appropriate conditions and orders would be made.

Recommendation 117:

The Taskforce recommends that the Queensland Government amends the Domestic and Family Violence Protection Act to require a court when making a Domestic Violence Order to consider whether a condition excluding the perpetrator from the home should be made, having regard to the wishes of the victim.

8.3.3 Perpetrator accountability

“When asked why [she didn’t want to press charges she] said that she loved her partner and didn’t want him sent to jail. She just wanted the violence to stop.”⁷³”

The review found that there were divergent opinions amongst practitioners and community about holding perpetrators to account for their conduct.

The Taskforce heard from police, service providers, victims and the community that criminalising domestic and family violence behaviours will empower police to better protect victims and hold perpetrators to account for their actions. Others warned that caution should be exercised in adopting such an approach, citing a number of likely negative consequences, including the potential for victims of domestic and family violence who use defensive or retaliatory violence being subject to prosecution.

Others questioned whether criminalising domestic and family violence would actually deter perpetrators from further acts of abuse. Current evidence suggests that the deterrent effect for perpetrators may be limited by their marital and employment status. Fagan in his report for the National Institute of Justice (United States) reported that, ‘...arrest increases violence for unmarried and also unemployed suspects and deters it for married and employed suspects’.⁷⁴

What was clear, however, was that stakeholders were eager to strengthen the justice response to domestic and family violence in Queensland. The Taskforce explored a number of options for reform including, the introduction of a stand-alone ‘umbrella’ offence of domestic violence, creating offences for behaviours of domestic and family violence not currently covered by the Criminal Code, alternative sentencing options and adequacy of penalties.

It should be noted that the Legal Affairs and Community Safety Committee’s Inquiry on strategies to prevent and reduce criminal activity in Queensland, made the following recommendation:

“The Committee recommends that the Special Taskforce on Domestic and Family Violence in Queensland review consider possible legal amendments to strengthen the operation and application of the *Domestic and Family Violence Protection Act 2012* and associated legislation, including:

- » Stand-alone domestic and family violence offences
- » Aggravated offences of penalties for violence committed in the context of domestic and family relationships
- » Alternative options for standards employed in legal tests for Domestic Violence Orders
- » Statutory conditions for Domestic Violence Orders.⁷⁵”

The Committee, however, did not make any specific recommendations in its report.

Creating a stand-alone offence of ‘commit domestic violence’

There is no specific criminal offence in Queensland for committing an act of domestic and family violence. There are domestic and family violence behaviours which constitute a criminal offence, e.g. when a perpetrator is physically violent towards a victim then it is clear that such an act amounts to an assault. However, where abuse is emotional, psychological or financial it will often not constitute a currently defined crime under the Criminal Code. A specific criminal offence would, by legal definition, capture the broader range of domestic and family violence conduct, including patterns of coercive and controlling behaviour.

The ALRC publication, *Family Violence – A National Legal Response*, explored the notion of recognising family violence in the context of the criminal law in 2010.⁷⁶ The ALRC identified many victims experience domestic and family violence over a protracted period of time. However, when this behaviour was criminally prosecuted it was most often as a small number of individual incidents. Evidentiary issues were often problematic, with documentation of conduct not reliably or adequately recorded or corroborated to establish the requisite standard of proof. This limits the application of the criminal law and fails to sufficiently hold perpetrators of domestic and family violence to account for their course of conduct. The ALRC found a specific offence would provide the statutory ability for courts hearing an offence to take into account the entire situation for victims and to apply a commensurate penalty.

The ALRC observed during their review, that there ‘is no consensus on its precise formulation’ and identified the conceptualisation of an offence as problematic.⁷⁷ The Queensland Police Union of Employees advocated for a summary offence of ‘commit domestic violence’ to be legislated in a similar form to the following, with relevant definitions sourced from the existing *Domestic and Family Violence Protection Act 2012*:

“Any person who commits an act of domestic violence against a relevant associate of the person commits an offence.”⁷⁸

Adopting such a strong position in Queensland may help protect victims from further escalation of violence. Moving the system response firmly out of the civil realm and into the criminal law would deter many perpetrators who fear such sanctions. While the effectiveness of charging and prosecution policies in reducing domestic and family violence remains debatable among many in the specialist services and research sectors, Fagan and Schmidt and Sherman concluded, that ‘...the continuing threat of legal sanctions evidently has a stronger deterrent effect than the actual imposition of a sanction through the arrest process’.⁷⁹

The Queensland Police Union of Employees argued, ‘...police are trained to investigate criminal offences and lay criminal charges’.⁸⁰ Creating such an offence would make domestic and family violence investigations more analogous to the response to other crimes perpetrated in the community. In support of an offence, police participating in consultation, identified the ability to apply protective bail conditions following the arrest of a perpetrator for a criminal offence similar to current release conditions utilised in the civil process. There was also suggestion that bail conditions could provide a more robust response to the protection and safety of the victim by, for example, requiring the perpetrator to reside at a designated address.

The Taskforce, however, remained cautious given the current lack of criminal charges from domestic and family violence incidents preferred by police and the concern that the creation of another criminal offence would not remove the current barriers to prosecution.

The Taskforce also received advice from contributors detailing a number of significant challenges and disadvantages to creating an umbrella criminal offence. Information from the Queensland Police Service identified that, for the most part, incidents of domestic and family violence occurred in intimate partner relationships, creating evidentiary challenges where only the victim and offender have been involved in the incident(s) being investigated. Where the conduct of the perpetrator relates to emotional or psychological abuse, the victim may be the only source of evidence. For a number of reasons, including the desire of the victim to continue the relationship with the offender, fear of retribution, likelihood of sentencing outcomes impacting the family both financially and emotionally, the victim may be reluctant or wholly averse to providing evidence to police. In this setting, there is no likelihood of a successful prosecution.

Where a criminal prosecution is lacking sufficient evidence to prove the charge to the criminal threshold of ‘beyond reasonable doubt’ in the absence of the victim’s testimony, prosecutors may be placed in a position of seeking a witness be declared hostile. Such a determination by the court would invariably cause the victim further trauma.

For participants who did not support the creation of a specific offence, the principal concern was for victims who have used violence, to resist or protect themselves, being charged. The Taskforce heard from many service providers supporting victims of domestic and family violence, that police were often challenged to identify the person in most need of protection where both involved parties have used violence. Douglas and Fitzgerald reported between 2008 and 2010, cross-applications among heterosexual couples accounted for 15% of all protection order applications heard in Brisbane Magistrates Court.⁸¹ While this study was undertaken using files heard under the previous Act, these statistics are supported by the observations of stakeholders to this review who asserted that they continue to see hearings of cross-applications in Queensland courts, in direct contradiction of the principles to be applied in administering the Act. This gives at least some credence to concerns that victims will be arrested and prosecuted for a domestic violence offence where their violence has been used defensively. The particular concern in Queensland is for Indigenous women, given the propensity for physical violence is far more prevalent in these communities (see Chapter 6 of this Report).

Create offences to criminalise behaviours of domestic and family violence not currently covered by the *Queensland Criminal Code 1899* (Criminal Code)

An alternative to creating an umbrella offence would be to review the Criminal Code and determine which domestic and family violence behaviours are not already covered by existing criminal offence provisions and then create appropriate new offences.

Tasmania is the only Australian jurisdiction to establish specific offences relating to the commission of economic and emotional abuse in a relevant relationship. This approach effectively recognises the non-physical domestic and family violence conduct not otherwise covered in the state's existing criminal law (e.g. physical violence is covered by assault, grievous bodily harm, sexual assault etc.). Since introduction, very few offences have been successfully prosecuted in Tasmania.⁸²

In the United Kingdom, the Home Secretary recently announced the inclusion of a new offence of domestic abuse. The amendment will, "...explicitly criminalise patterns of coercive and controlling behaviour where they are perpetrated against an intimate partner or family member"⁸³ The maximum penalty for this offence will be five years imprisonment.

While this approach could provide an additional mechanism for holding perpetrators to account, the difficulties with this are similar to those for a stand-alone offence. Foremost in the consideration of the Taskforce was the likelihood of successful prosecution of such offences, based on Tasmania's experience, the re-traumatisation of victims whose evidence would be essential and the potential for victims to unintentionally become subject to criminal prosecution.

The Taskforce also heard repeated submissions in support of the introduction of a criminal offence which specifically encompasses the act of non-fatal strangulation. Strangulation was also mentioned in many of the personal stories told to the Taskforce, often using language such as 'choking' or 'grabbing the throat'. Using terms such as these instead of 'strangulation' downplays the seriousness of the behaviour. This in turn can affect the response of health professionals, the police and the justice system to the act of domestic and family violence.

Under the Criminal Code, it is currently an offence to "choke, suffocate, or strangle, and with intent to commit or to facilitate the commission of an indictable offence, or to facilitate the flight of an offender after the commission or attempted commission of an indictable offence, renders or attempts to render any person incapable of resistance."⁸⁴ This section is therefore limited to acts of strangulation and choking committed in association with an indictable crime.

Strangulation is a very common feature of domestic and family violence and is also seen as a predictive risk factor for future more severe domestic and family violence and for homicide.⁸⁵ The introduction of a separate offence for strangulation, which is not limited by association with a further crime, would allow for better recording of domestic and family violence incidents leading to better risk assessment and increased protection of victims.⁸⁶

However, there are also strong arguments against introducing a new criminal offence for non-fatal strangulation. The Bar Association of Queensland argues that such an offence would be difficult to define and would therefore create opportunities for defence counsel to argue, beyond a reasonable doubt, that the action did not fall within the definition. The Bar Association makes the point that the Criminal Code's attempted murder, assault, bodily harm and grievous bodily harm provisions adequately comprehend such conduct. An alternative to introducing an offence may be to include non-fatal strangulation as an example of domestic and family violence in the legislation. This would then highlight the behaviour specifically and may lead to a better response from police and the justice system.

Sentencing alternatives

Submissions to the Taskforce also proposed other approaches to reform, based on alternative sentencing options including:

- » Amending current legislation to recognise that certain offences committed against persons with whom the offender is in a relevant relationship as domestic and family violence offences
- » Creating a specific circumstance of aggravation or an aggravating factor for domestic and family violence under the Criminal Code.

New South Wales has adopted the first approach where convictions for certain offences committed against persons with whom the offender is in a defined family relationship, are specifically identified in the perpetrator's criminal record. Such convictions are an aggravating factor in future sentencing. This allows courts to consider the perpetrator's history and conduct in subsequent sentencing for similar matters, and sends a strong message to perpetrators that violence in a domestic setting is unacceptable and will not be tolerated.

In New South Wales, a history of violence also excludes any presumption of bail for perpetrators arrested by police for domestic and family violence related offences. This allows the justice system to take the nature of the violence into account and identify any pattern of behaviour within a domestic setting, which may indicate escalation of violence against a partner or family and facilitate opportunities for intervention.

The Taskforce believes a move to create a similar response to convictions of this kind in Queensland has great merit.

Currently, in Queensland convictions for criminal offences which have been committed in the context of domestic and family violence are recorded like any other crime, not recognising the specific nature of the abuse. The New South Wales approach would enable supporting agencies to also become aware of any escalation or increased frequency of domestic and family violence and implement measures to mitigate such escalation.

When used in the context of future offending, this provision would allow police to hold perpetrators in custody until bail conditions can be considered by a judicial officer. This approach sends a clear message to perpetrators that continuing to commit acts of domestic and family violence which constitute criminal offences will lead to them being held in custody and for their criminal history to be a consideration in future sentencing.

While this approach does not in itself increase the penalty applied to convicted perpetrators, coupling this provision with a circumstance of aggravation would. Establishing domestic and family violence as a specific circumstance of aggravation, increases the maximum penalty available to judicial officers when sentencing perpetrators of domestic and family violence.

This could occur by applying the circumstance of aggravation to any offence in the Criminal Code. While this concept of a 'floating' circumstance of aggravation has not been adopted in Queensland's Criminal Code previously, having a floating circumstance of this nature would reduce the risk that a crime committed in the context of domestic and family violence is 'missed'.

A less intrusive measure considered by the Taskforce was to make domestic and family violence an aggravating factor. In essence, this would mean a court would be required to ensure the sentence imposed is proportionate to the nature and severity of the conduct, without exceeding the maximum penalty.

This approach would not place an additional penalty on a perpetrator but would require a sentencing judicial officer to give heavier weight to the severity of the offence if it were committed within the context of domestic and family violence.

In keeping with the Taskforce's vision to ensure the seriousness of domestic and family violence is acknowledged and that perpetrators of such violence are held to account, the provision of a higher penalty to be applied in domestic and family violence circumstances is preferred.

The details about how a circumstance of aggravation should be constructed has not been determined by the Taskforce. Whether legislation provides that it is the existence of a relevant relationship and/or that the offence was part of a pattern of domestic and family violence conduct and/or acknowledges coercive and controlling behaviour or creates fear, are all factors which will require further consideration in the drafting of the legislation. These will need to be considered in the context of the ability to prove the circumstance of aggravation to the required evidentiary standard.

Increased penalties for contravention (breach) offences for repeat offenders

The new *Domestic and Family Violence Protection Act 2012* increased the maximum penalties for a breach offence from one year imprisonment or 40 penalty units to two years imprisonment or 60 penalty units.⁸⁷ This maximum penalty also applies to a breach of a PPN or release conditions. A maximum of two years imprisonment is consistent with penalties in other Australian jurisdictions for a breach offence, (see Appendix 6).

In Queensland, where a perpetrator is further convicted of another breach offence within five years, the maximum term of imprisonment is increased to three years or 120 penalty units.⁸⁸ However, for the 2013-2014 financial year 80.6% of all custodial sentences, for breaches of a Domestic Violence Order, were less than 12 months.⁸⁹

As previously mentioned there are certain domestic and family violence behaviours that, in isolation, do not amount to a criminal offence and would only constitute a contravention of an order, i.e. contravening a no-contact condition. The Taskforce remains concerned that current legislation may not effectively recognise the pattern of behaviour which underpins domestic and family violence and apply appropriate sanctions. For this reason, the Taskforce recommends a review of penalties for offenders who contravene orders, with a view to strengthening and increasing existing penalties.

Recommendation 118:

The Taskforce recommends that the Queensland Government introduces a circumstance of aggravation of domestic and family violence to be applied to all criminal offences.

Recommendation 119

The Taskforce recommends that the Queensland Government makes provision in legislation for domestic and family violence related convictions to be recorded, consistent with the approach adopted in New South Wales.

Recommendation 120

The Taskforce recommends that the Queensland Government considers the creation of a specific offence of strangulation.

Recommendation 121

The Taskforce recommends that the Queensland Government considers the sufficiency of penalties to hold perpetrators to account for repeat contraventions of Domestic Violence Orders.

Perpetrator intervention programs - voluntary or mandatory?

The Legal Affairs and Community Safety Committee in its report for the *Inquiry on strategies to prevent and reduce criminal activity in Queensland*, referred one particular recommendation in relation to perpetrator intervention programs to the Taskforce:

“The Committee recommends that the Domestic Violence Taskforce review the feasibility of increased use of rehabilitative sentencing options for domestic violence offences to enhance tertiary prevention, including referrals to support services, treatment programs, counselling and intervention programs.”⁹⁰

As identified in Chapter 7, there are currently 14 services funded by the Queensland Government that provide perpetrator intervention programs. While there is additional Commonwealth funding for a further two services, this still only equates to 1,200 places for perpetrators of domestic and family violence per year, according to the *Services and Practitioners for the Elimination of Abuse in Queensland* submission.⁹¹ Many submissions to the Taskforce referred to a need for more perpetrator programs to enhance perpetrator accountability.

Perpetrators of domestic and family violence either choose to attend an intervention program voluntarily, or they do so in compliance with a court order. This may be an order made with their agreement (such as a VIO) or as part of probation and parole conditions. In some circumstances, Child Safety mechanisms result in a violent parent being required to attend a perpetrator intervention program or a court issuing an order requiring a parent to attend a program. Direct repercussions for non-attendance only occur when attendance is required by probation and parole conditions. If a respondent to a VIO fails to attend, the court is notified of the contravention, and will consider this in future dealings with the respondent, but there is no offence of contravening a VIO.

VIOs were introduced with the *Domestic and Family Violence Protection Act 2012* and provided a pathway for increased use of these programs. However, it is evident that, since their inception, the use of VIOs has been sporadic across the state. Some courts routinely make VIOs, however in the vast majority of cases they are rarely made. Data provided by the Department of Justice and Attorney-General shows that only 561 VIOs were made in the year 17 September 2013 to 16 September 2014, the second year of operation of this provision (an increase from 299 in the previous year).⁹²

Reasons for the low number of VIOs being made since their introduction include:

- » Lack of appropriate available perpetrator programs at the particular location resulting in lengthy delays for perpetrators wanting to engage
- » Refusal of respondent to consent to a VIO
- » Lack of awareness by Magistrates of the availability of programs and a coordinated justice approach to encourage greater use of existing programs.

The Taskforce also heard accounts that some Magistrates are using VIOs to ‘bargain’ with perpetrators when considering the making of a protection order. The first example was offering a reduced term of the protection order for agreement to a VIO; and the second, was making a temporary protection order with a VIO and adjourning the hearing of the application to allow for the completion of the intervention program and subsequently dismissing the application where the VIO had been complied with.⁹³ The use of VIOs in this manner caused much concern for victims and service providers who felt that such arrangements left victims without adequate, long term protection. It was also clear that the *Domestic and Family Violence Protection Act 2012* requires amendment to provide clearer direction on the application of VIO provisions for Magistrates. Professional development for judicial officers, discussed later in this Chapter, will also assist in decision-making around the use of VIOs.

The evidence base for mandating interventions is somewhat limited. Edleson cited in the Urbis publication *Literature Review on Domestic and Family Violence Perpetrators*, suggests that mandated programs as part of a coordinated criminal justice response are more likely to be successfully completed and reduce reoffending when:

- » The court mandates intervention shortly following the arrest
- » Compliance with program requirements is continuously monitored
- » The courts respond quickly to non-compliance.⁹⁴

Mandatory attendance at an intervention program may be an appropriate sentencing option for judicial officers at the time the perpetrator is convicted of a domestic and family violence related criminal charge, including a breach of a Domestic Violence Order.

Proper delivery of these programs, in terms of adequate places, appropriate accreditation, practice standards and monitoring, as identified in the previous Chapter, must be overcome before consideration can be given to mandating a perpetrator’s attendance at intervention programs across the board. In the short term, however, utilising existing interventions to pilot mandatory attendance of perpetrators is deemed appropriate by the Taskforce.

Recommendation 122:

The Taskforce recommends that the Queensland Government identifies and implements strategies to increase perpetrators’ participation in interventions, including a pilot on mandatory attendance, with the evaluation of the pilot to inform future decisions about broader use of mandatory perpetrator interventions.

GPS tracking of domestic and family violence offenders

The Taskforce heard from many participants keen to see advances in technology harnessed for the prevention of domestic and family violence. GPS tracking technology has been tested by a number of law enforcement agencies both in Australia and internationally. In 2012, the Australian Domestic and Family Violence Clearinghouse identified several European countries and 18 states of the United States using GPS technology to monitor domestic violence offenders.⁹⁵ In Queensland, GPS monitoring is currently used for dangerous sex offenders whose unsupervised release would pose a serious danger to the community, including, e.g. offenders placed on orders under the *Dangerous Prisoners (Sexual Offenders) Act 2003*.

Monitoring an individual using a GPS tracking device generally occurs either through real time monitoring where the person's location is frequently transmitted to a monitoring centre or location information is stored and periodically sent to the monitoring centre or where both systems are utilised, depending on the availability of the GPS satellite signal. This technology has the ability to create secure zones for victims of domestic and family violence, be it around the person, a particular location or both. Once established, if the offender violates these zones, an alarm is activated and the victim, perpetrator and police are alerted to the contravention. Where a safety zone is centred on the victim, he/she would need to consent to carrying a transmitter.⁹⁶

A key consideration is when such measures should be applied. Options include when a perpetrator is subject to a protection order and high risk factors are present, or where the perpetrator is subject to criminal proceedings related to domestic and family violence and is on bail or as a sentencing option or parole condition. As previously identified, the purpose of protection orders is to prevent future violence. In many cases, such orders are made without a hearing and by consent of both parties. GPS monitoring is likely to be viewed as a punitive measure and result in more matters being contested, causing further trauma to victims engaged in longer court proceedings which are likely to require the victim to give evidence. Where indicators of increasing frequency or severity of violence exist, however, the use of GPS monitoring may be considered appropriate.

Advocates of GPS monitoring believe that victims will feel safer knowing they will be alerted of any potential contact with the perpetrator and police will be in a position to deliver a faster response once alerted to the contravention. The tracking of perpetrators may also act as a deterrent to future perpetration of violence. An offender who participated in a trial in the United Kingdom spoke of the device as "...like having a probation officer on your leg."⁹⁷ Tracking data is likely to assist police in terms of proving offences that centre upon proximity or contact conditions.

On the other hand, there are a number of concerns and limitations with GPS tracking, including:

- » The victim's civil liberties are compromised where they are required to wear a transmitter
- » Monitoring may be utilised as an alternative sentencing option to imprisonment, which may not deliver the justice expected by community and may reduce protection for victims where the perpetrator would otherwise be securely incarcerated
- » Victims may have an unrealistic expectation of what GPS tracking may deliver. Tracking will only provide evidence and security in terms of conduct relating to physical contact, it will not prevent or provide proof of other domestic and family violence behaviours such as stalking or other intimidation, for example by phone
- » Technical issues relating to the devices and systems may impact on safety, for example satellite coverage may be inconsistent, particularly in regional and remote areas of Queensland
- » False activations and alerts may, over time, lead to complacency of the victim and police
- » Resource implications are likely to be high. Queensland Correction Services estimates that the cost of GPS electronic monitoring ranges from \$36 - \$52 per prisoner per day, depending on the number of prisoners subject to monitoring. This figure includes fixed costs associated with permanent staffing of the High Risk Offender Management Unit and variable costs related to physical devices, systems, and fluctuating surveillance and monitoring costs.⁹⁸

The Taskforce's view is that GPS tracking has clear potential as a tool to increase perpetrator accountability and improve protection for victims of domestic and family violence. However, the lack of evidence to inform the effective design of a GPS tracking program has led the Taskforce to the conclusion that such an initiative is best progressed by way of a trial. A trial would allow this option to be measured against actually achieving victim safety by reducing re-offending by perpetrators.

Further, recognising the paramount importance of victim safety, protection and well-being, the Taskforce also considers the use of GPS monitoring for perpetrators should be directly linked to the identification of high risk for the aggrieved and as a tool to mitigate this risk. A consideration for the trial should be the need to construct expert assessments of risk to ensure appropriateness of GPS tracking for each perpetrator and victim.

Recommendation 123:

The Taskforce recommends that the Queensland Government trials the use of GPS monitoring for high risk perpetrators of domestic and family violence.

8.3.4 Improved assistance for victims of domestic and family violence

Court support workers

A very clear theme that emerged in submissions to the Taskforce related to the court process – a feeling of disengagement, anxiety and fear of the legal process. Having adequate court support workers available to assist parties to understand the process is essential to ensure the best possible outcome for all parties.

Taskforce members visited several courts during the review and saw first-hand the valuable and important work being done by both volunteer and paid court support workers. At one court, a Court Liaison Officer had been volunteering at the court for 16 years. Her role includes liaising between the parties and the duty-lawyers, explaining the procedure operating in the court that day, arranging an interpreter, advising parties where to sit in court and how to address the magistrate, and sitting with a party in court if they required this level of support. This work is essential to the smooth running of the court.

Providing information to male respondents in domestic and family violence proceedings is important in increasing engagement and accountability of perpetrators. The Domestic Violence Court Assistance Network suggests:

“...appropriate engagement of perpetrators at all points of opportunity needs to be further developed, one way this can be achieved is to place Men’s Court Information and Referral Services within all Domestic Violence Court settings. This would provide an avenue of engagement with perpetrators at the court, providing them with court information and promoting the benefits of engaging in a VIO thus enhancing the pathways to accessing men’s behaviour change programs. Based on the experiences of Men’s court support in a small number of courts across the provision of Men’s Court Information and Referral Services within Domestic Violence Court settings has achieved the following:

- » Reduction in hearing delays, which according to the Chief Justice of the Supreme Court Tim Carmody, results in “a \$27,000 saving for every domestic violence case prevented from entering the court”⁹⁹
- » Calling on a men’s court support worker to assist agitated perpetrators with information and advice
- » Perpetrators remaining at the court house to collect their Domestic Violence Orders, reducing demand on Police having to serve orders
- » Reduction of potential harm to victims and their children as perpetrators cannot attend the victim’s home and claim that they were not aware of the Domestic Violence Order
- » Desk clerks are not being harassed as often by frustrated angry perpetrators waiting to be called into the court
- » Victims being provided with support to access the women’s onsite service provided by the court assistance workers.”¹⁰⁰

The above is also consistent with the view of the Gold Coast Domestic Violence Prevention Centre who state:

“The role of men’s domestic and family violence information workers in the domestic and family violence Court has been an asset within the Court process; to afford male respondents with information about the court process, to observe and identify high-risk situations within the court confines that may escalate post the court proceedings. This role also provides the capacity to access men at the Court to offer referral to local Mens Perpetrator Programs.¹⁰¹”

In 47 of the 55 Magistrates Courts in Queensland, court support workers are available to assist the parties.¹⁰² It is not clear whether the court support workers in these courts are available for both aggrieved and respondents to protection order applications.

One submission referred to an inconsistent approach in some courts regarding the status of court support workers. Some Magistrates do not allow the court support worker to enter the court room.

“As [my client] had some language difficulties as was feeling very scared in court, I attempted to advocate for [her] in court; the Magistrate informed me that I am not allowed to speak as I am not a lawyer.”

from a contributor to the Taskforce

Recommendation 124:

The Taskforce recommends that the Queensland Government employs court support workers for all Magistrates Courts for domestic and family violence matters for all applicants and information/liaison officers for all respondents.

Recommendation 125:

The Taskforce recommends that the Queensland Government develops a formal position description and guidelines for court support workers and information/liaison officers to provide uniformity in support to people through domestic and family violence proceedings, and that the Chief Magistrate looks at the consistency across all Magistrates Courts on the role of court support workers.

Duty-lawyers and legal assistance

“[She] was extremely distressed by this time and was confused and upset and very afraid. She was at the end of her tether. She had to file material the next day and was ready to give up.”

from a contributor to the Taskforce

Submissions raised the lack of legal representation and assistance as a major concern for victims, particularly where a male respondent can afford legal representation. This often results in the victim withdrawing or not pursuing a legal response and can lead to a failure in protection for an aggrieved.

The introduction of a Duty-Lawyer Service offering information, legal advice, casework assistance and representation for vulnerable women who have matters before a Domestic Violence Court in Queensland has been convincingly argued by many submissions.

Legal Aid Queensland and the Queensland Association of Independent Legal Services both advocate for the creation of a statewide domestic violence duty-lawyer system. There is clear merit in a duty-lawyer scheme being implemented for domestic and family violence matters, as there is for criminal matters in the Magistrates Courts.

The benefits of a duty-lawyer system, for both male and female applicants and respondents, for domestic and family violence matters include:

- » Mitigating the trauma of the court process for victims
- » Parties are better informed of their rights and the legal process and know what they can and cannot ask of the court
- » Victims will receive assistance and advice with completing their application forms. This will ensure all relevant information is before the court. The court process will proceed more smoothly as a consequence of properly prepared documents and legally informed clients appearing before it
- » Queensland Police Prosecutors will also indirectly benefit as a consequence in the same way as the court will
- » More appropriate orders and conditions can be applied for which improves victims safety, and reduces the risk of recidivism, breach and applications for variations of the orders
- » Timely legal advice and information to respondents could lead to a less litigious approach to proceedings and appropriate referrals
- » Victims will be empowered to pursue their matters and not withdraw because of fear or intimidation by the perpetrator or because of lack of knowledge of the complex legal system. The result will be greater safety for older people, women and children experiencing domestic and family violence.¹⁰³

Some courts already operate a duty-lawyer system – Southport, Holland Park, Townsville and Cairns. These tend to be part of a wider scheme or integrated approach for responding to domestic and family violence. The duty-lawyer services run at Townsville and Cairns Magistrates Courts are provided by the North Queensland Women’s Legal Service.

Women’s Legal Service operates a free duty-lawyer service at Holland Park Magistrates Court as part of the Domestic Violence Assistance and Support Service (DVASS). DVASS “provides a network of domestic violence workers (from DVConnect), court staff, police and legal services, aiming to ensure a seamless flow of information between services.”¹⁰⁴

Legal Aid Queensland has recently implemented a pilot duty-lawyer service for domestic and family violence matters in the Southport Magistrates Court. Southport hears the highest number of applications in domestic and family violence matters in Queensland. Legal Aid Queensland also currently provides duty-law services, for aggrieved persons only, one day a week in the Brisbane, Richlands and Beenleigh Magistrates Court.

“We are of the view that having duty-lawyers available to provide advice to people about their domestic violence issues when they come to court complements and extends the benefits of having court assistance workers available to help them. After less than two months of operation of the Southport Domestic Violence Duty-Lawyer Service, our partners in the service have already identified benefits flowing from the project. They report that respondents often arrive at court with a mindset of either challenging the order on principle or accepting the order because they do not have the energy to fight. After legal advice, they are more aware of their options and the legal implications of those options. Many clients assisted by the service have interrelated family law issues and the lawyers have helped the parties to understand that their family law issues are separate legal issues and make appropriate referrals to get assistance with their parenting issues. These interventions help people to be properly informed before going into court, to feel more confident negotiating the legal process and more accepting of outcomes.”¹⁰⁵”

An effective duty-lawyer service is one comprised of qualified and experienced lawyers who recognise the dynamics of domestic and family violence and who are also able to give advice about related issues, for example, family law matters and child protection matters.

Recommendation 126:

The Taskforce recommends that the Queensland Government establishes a statewide duty-lawyer service for domestic and family violence matters in Magistrates Courts for both applicants and respondents.

Recommendation 127:

The Taskforce recommends that the Queensland Government develops position description and guidelines for the duty-lawyer service to ensure:

- » Provision of legal advice before and after court appearances
- » Limited assistance with drafting court related documents
- » Provision of advice and referral on related issues (such as family law, child support, child protection matters)
- » Legal representation during court appearances.

Recommendation 128:

The Taskforce recommends that the Queensland Government ensures the duty-lawyer service lawyers are:

- » Experienced in the dynamics and challenges of domestic and family violence
- » Able to give family law, child support and child protection advice
- » Operate within a wider integrated service response network, working to prioritise the safety of adult victims and children.

Assistance to victims giving evidence

Being re-traumatised by having to repeatedly re-tell the story of domestic and family violence was a common theme. Court processes and environments can cause victims more angst if they are not provided with a safe room, if they are required to sit near the offender in court, or if there are administrative or legal difficulties relating to the matter.

The availability of court support workers and a duty-lawyer service would go some way to addressing these concerns, as would appropriately resourced court facilities. It is noted that not all Magistrates Courts in Queensland have private and separate waiting rooms for parties and that this might not always be physically possible in more remote parts of the state. However, wherever possible, arrangements should be in place to make provision for separate waiting areas.

For civil proceedings for a Domestic Violence Order and for criminal proceedings for a contravention of a Domestic Violence Order, the legislation contains provisions relating to how a protected witness is to give evidence. A protected witness is an aggrieved, a child and a relative or associate of the aggrieved named in the proceeding.

Under the legislation, the court must consider whether to make particular orders regarding how a protected witness is to give evidence. This could include giving evidence via an audio-visual

link, pre-recorded evidence, giving evidence behind a protected screen, being accompanied by a court approved support person or in a way which minimises the protected witness's distress if they have a physical or mental disability.¹⁰⁶ The legislation specifically provides that the court is not bound by the rules of evidence and may inform itself in any way it considers appropriate.¹⁰⁷ This wide discretion has resulted in inconsistent practices amongst courts and Magistrates and was a theme the Taskforce heard repeatedly during consultation.

The new *Domestic and Family Violence Protection Rules 2014* (the Rules), which commence on 28 February 2015, provide guidance as to how the court is to apply the provisions of the legislation relating to parties and witnesses giving their evidence.

The Rules allow the court to issue a direction that a party to the proceeding may appear and make submissions by telephone, video link or another form of communication, including conditions about the appearance and submissions. The Rules also allow the court to issue a direction that evidence may be received by telephone, video link or another form of communication, including conditions about how the evidence may be received. It is anticipated that this will enhance the experience of vulnerable witnesses giving evidence.

In prosecutions for criminal offences under the Criminal Code arising out of domestic violence related behaviour, special witness provisions are available to vulnerable witnesses. However, a party has to apply to the court to be granted special witness status and the opposing party can make submissions against the application. There is no automatic right to protected witness status as there is in the civil process.

The provisions relating to protected witnesses in the Magistrates Courts were designed to provide for flexibility in the court room. This was certainly the intent of Parliament.

Introduction of victim impact statements

A further theme raised by participants in the legal process was that they did not feel that their voice was heard. Aggrieved women often feel removed from the process.

A number of submissions suggested that victim impact statements should be introduced in domestic and family violence matters.

Victim impact statements are used in criminal proceedings and give the victim of a violent crime the opportunity to explain how the violent crime has affected them. It can be read out in court, given to the Judge, or the contents can be read out by the prosecutor when making submissions on sentencing. Victim impact statements are not compulsory and can be made by the victim or family members/friends who have been impacted by the crime.

If victim impact statements were introduced, Magistrates would hear directly from the victim which would help the Magistrate to understand the real impact of the domestic and family violence. Victims would also feel empowered by being given the opportunity to explain the effect of the violence on their lives.

As the Bar Association of Queensland explains:

“Currently, Magistrates who hear Protection Order applications will obviously weigh the evidence before them. Thus, the impact on the aggrieved will often be the subject of remarks in their Reasons. But these remarks are often the product of inference, and not informed by the actual experience of the aggrieved. Consequently, it is common for litigants to feel that the legal process is impersonal, with the aggrieved parties regularly feeling that they have not been heard by the court.

The obvious advantage of including victim impact statements in Protection Order proceedings is that the aggrieved has a direct voice to the Magistrate and can feel heard in the court process. As corollary, the aggrieved and their supporters’ confidence in the legal system is enhanced. Equally, there can be something very powerful when an aggrieved is able to state how the violence and abuse personally impacted upon them, in the presence of the Respondent, when the Respondent cannot interrupt and is being watched (and judged) by the Magistrate. The violent and/or abusive bully has to sit, be quiet and listen.¹⁰⁸”

Recommendation 129:

The Taskforce recommends that the Queensland Government amends the Domestic and Family Violence Protection Act to provide for victim impact statements to be introduced and for mandatory consideration by the court in applications for protection orders.

Introduction of sexual assault counselling privilege

On 31 October 2014, the former Attorney-General and Minister for Justice, the Honourable Jarrod Bleijie MP, on behalf of the Queensland Government, referred the issue of whether Queensland should introduce a statutory sexual assault counselling privilege to the Taskforce for consideration.

In Queensland, communication between a victim of sexual assault and a counsellor can be disclosed in court, without the consent of the victim. As such, a sexual assault victim may be deterred from seeking counselling due to the risk that anything they say to the counsellor may be disclosed to the accused or the court.

Currently, Queensland is the only jurisdiction in Australia that does not have specific legislation to limit the disclosure in certain legal proceedings of confidential communications between the victim, or alleged victim, of a sexual offence and a counsellor.

The existence of a sexual assault counselling privilege may encourage victims of sexual assault to seek counselling by only allowing access to, or disclosure of, protected confidences in certain legal proceedings with court approval. Before granting approval, the court would be required to consider the probative value of the protected confidences, and whether the public interest in preserving the confidentiality is substantially outweighed by the public interest in admitting into evidence information of substantial probative value.

The New South Wales model was introduced in 1997 and was endorsed in 2005 by the ALRC, the New South Wales Law Reform Commission and the Victorian Law Reform Commission in the joint ALRC Report No.102 Uniform Evidence Law.

The New South Wales model provides that the privilege will take the form of an absolute privilege in preliminary proceedings and a qualified privilege in other proceedings. This means that in preliminary proceedings the only way sexual assault counselling communications will be disclosed is if the person holding the privilege waives the privilege. In other proceedings such as trials, an application can be made to the court to consider whether or not the information should be disclosed.

The New South Wales model seeks to strike a balance between the right to a fair trial and the public interest in preserving the confidentiality of counselling communications by allowing access to, or disclosure of, protected communications only if the court is satisfied certain criteria are met and the disclosure is in the public interest.

Recommendation 130:

The Taskforce recommends that the Queensland Government introduces a sexual assault counselling privilege based on the New South Wales legislative model, i.e. an absolute privilege in preliminary proceedings and a qualified privilege in other proceedings.

8.3.5 Reforms to policing

As has already been noted, police play a critically important role in responding to domestic and family violence incidents, given that more often than not, police will be a victim's first contact with the law and justice system. The discussion in this section of the Report addresses, in part, recommendation 29 of the Legal Affairs and Community Safety Committee's *Inquiry on strategies to prevent and reduce criminal activity in Queensland*, which referred matters relating to police reforms to the Taskforce.¹⁰⁹

Enhancing prosecution of domestic and family violence related criminal offences

“Women’s Legal Service sees clients who have been raped, stalked, assaulted, strangled, threatened to be killed (including their children), deprived of their liberty, had petrol poured over them, been held in siege situations and more by the perpetrator of domestic and family violence. Although these clients may have protection orders, it is a rare case where the perpetrator is also charged for their crimes.”¹¹⁰

Difficulty gathering sufficient evidence to successfully prosecute a criminal offence, including contravention offences, is often cited as a significant impediment to police commencing criminal action from a domestic and family violence incident. During consultation, officers identified that investigations occurring in the context of intimate partner or family relationships are often limited by the availability of victim or independent witness testimony and photographic or medical evidence of physical injury.

This barrier to perpetrator accountability is extremely vexing for individuals experiencing domestic and family violence. On a number of occasions, victims expressed to the Taskforce their disappointment that contraventions of their Domestic Violence Orders were not acted upon by police because they were considered ‘minor’ or ‘technical’ in nature or that in the absence of an independent witness the evidence was insufficient to commence a prosecution. In acknowledging the ongoing pattern of behaviour which underpins domestic and family violence, the Taskforce remains concerned that all available criminal sanctions should be applied to perpetrators, irrespective of the considered minor nature of the conduct.

For many officers, the evidence of the victim is pivotal to the likelihood of successful prosecution of domestic and family violence related criminal prosecutions. The Crime and Misconduct Commission 2005 Report: *Policing Domestic Violence in Queensland*, identified that one of the most important factors influencing an officer's decision not to proceed with criminal charges was the victim's desire to not have the perpetrator charged.¹¹¹ Certainly during consultation with officers as part of the work of this Taskforce, justification used for not proceeding with criminal prosecutions frequently referred to the reluctance or hostility of victims as witnesses.

During consultation, officers also acknowledged that this situation was often aggravated by the victim's fears of pursuing criminal conduct based on the realities of their life circumstances, including isolation, lack of information about available support options, fear of the perpetrator and/or perpetrator's family, the foreboding nature of the court process ahead, perception (or knowledge) that such proceedings will end the relationship with the perpetrator or any penalty applied upon conviction will create hardship for the family.

In light of these complexities, the Taskforce proposes two necessary reforms.

1. Develop and implement a strategy for increasing criminal prosecution of perpetrators through enhanced investigative and evidence gathering techniques

With evidentiary issues identified by many stakeholders as the principle challenge to successful prosecution of domestic and family violence related criminal matters, identifying a best practice investigative strategy appropriate to responding to such incidents is a priority. The strategy should be evaluated in terms of its ability to ensure the highest standard of investigation, support and protection of victims and increase the number of criminal offences, including contravention offences, preferred against perpetrators.

While not limiting the scope of the strategy, options for improved investigative practice may include developing a code or guidelines for systematic evidence-gathering and re-visiting the use of 'evidence kits' for evidence collection, as identified by the *Inquiry on strategies to prevent and reduce criminal activity in Queensland*.¹¹² Enhanced use of existing operational evidence gathering tools should also be considered, including body-worn video.

The strategy aimed at increasing criminal prosecution of domestic and family violence perpetrators should be developed and implemented as a matter of urgency.

2. Identifying opportunities to reduce the trauma of court for victims

The *Inquiry on strategies to prevent and reduce criminal activity in Queensland* considered the trauma victims face when giving evidence in court:

"The Committee recommends the Special Taskforce on Domestic and Family Violence in Queensland consider more systematic provision of options to allow victims of domestic and family violence to give evidence via audio-visual link, closed circuit television and other means, and to otherwise minimise unnecessary court appearances."¹¹³

Advice from the Queensland Police Service to the Taskforce identified advantages to the use of ‘special witness’ (s21A ‘Evidence of special witnesses’ *Evidence Act 1977*) provisions to support an aggrieved person required to give evidence in a domestic and family violence related criminal matter. Applying such provisions may allow for the aggrieved witness to give evidence, i.e. outside of the respondent’s view or via audio-visual link or closed circuit television.

The Taskforce was advised that currently provisions for a special witness probably already apply to victims of domestic and family violence who “would be likely to suffer severe trauma; or be so intimidated as to be disadvantaged as a witness.”¹¹⁴ Unfortunately anecdotal evidence received during consultation suggests such provisions are rarely used, raising the question of whether this is a problem created by the law or an implementation issue.

To support victims as witnesses providing evidence in domestic and family violence related criminal matters, options of best practice need to be explored by the relevant Government departments and agencies to make better use of special witness provisions. In doing so, agencies supporting victims through criminal proceedings could, with greater confidence, then assure victims that if their oral testimony is required in court, every effort to adopt alternative arrangements for providing evidence will be made as a matter of course.

Incorporating domestic and family violence in professional development for judicial officers will further assist in decision-making around the relevance of these provisions for victims.

Greater inclusion of domestic and family violence victims as special witnesses may also support the increased use of video-taped records of evidence.

New South Wales has recently identified an opportunity for reducing the likelihood or frequency of the victim’s appearance in court by amending legislation to support the use of video recorded statements, obtained from the victim at the scene, to be automatically admitted as part of their evidence in chief. This amendment is extremely new and its effectiveness yet unknown. The Taskforces urges the relevant government agencies to consider its application to Queensland.

Recommendation 131:

The Taskforce recommends that the Queensland Police Service develops and implements a strategy for increasing criminal prosecution of perpetrators of domestic and family violence through enhanced investigative and evidence-gathering methodologies.

Recommendation 132:

The Taskforce recommends that in responding to recommendations related to enhancing integration, responsible agencies in Government should make provision for the inclusion of coordinating appropriate justice supports for victims of domestic and family violence exposed to criminal proceedings.

Recommendation 133:

The Taskforce recommends that the Attorney-General, in consultation with the Chief Magistrate and Chief Judge, implements alternative evidence procedures for victims of domestic and family violence providing evidence in related criminal matters to reduce the trauma of this experience, including legislative amendment and/or procedural changes. Consideration should be given to allowing for admissibility of any video recordings made at the time of initial police intervention.

Pro-active investigation and protection policing

The Queensland Police Service uses a pro-investigative approach in responding to domestic and family violence incidents. Essentially, this policy directs officers to investigate criminal offences and canvass with victim/s the possibility of commencing criminal proceedings where sufficient evidence exists. During consultation, many participants raised with the Taskforce the need for police to take ‘immediate’ and ‘decisive’ action in response to the perpetration of domestic and family violence.

“The police that night were okay but I really expected the assault that occurred within a breach of protection order would have counted for something. It didn’t. He was still a free man but now angrier at me...”

from a contributor to the Taskforce

A number of policing agencies in other Australian jurisdictions have adopted policies consistent with a pro-arrest model as part of their response to domestic and family violence. This effectively limits an officer’s discretion when commencing criminal proceedings or where the conduct is serious, to arrest action only. Some policies are coupled with a further requirement for officers to pursue charges irrespective of the wishes of the victim. Tasmania has long been considered to have the strongest position, with their policy including a presumption against bail for perpetrators.

A pro-arrest policing approach is underpinned by the presumption that, where sufficient evidence of a criminal offence exists, police will arrest the perpetrator of domestic and family violence. Favourable outcomes from adopting a pro-arrest policy, include:

- » Sending a consistent and strong message that domestic and family violence is not tolerated and perpetrators will be held to account
- » The arrest of the perpetrator effectively provides immediate protection for victims, with perpetrators removed from the scene
- » Following arrest, police have the ability to put in place protective bail conditions for the prevention of further violence, including prohibiting the perpetrator from returning to the family home and/or contacting the victim
- » Reducing the risk of further perpetration of domestic and family violence. Campbell et al study of 220 intimate partner homicides and 343 domestic physical abuse cases in the United States found that arrest was consistently related to reduced subsequent aggression against female victims and reduced risk of femicide (killing of women).¹¹⁵

Unintended and negative impacts on victims, specific to implementing a pro arrest policy of most concern are:

- » Incorrect identification of the perpetrator, leading to the arrest of the victim or dual arrest where the victim has used defensive violence. Tasmania reported dual arrests occurring in over one third of cases.¹¹⁶ Arresting a victim can undermine the victim's confidence in the criminal justice system, limits their access to protection and creates opportunities for further threats by the perpetrator in terms of further arrest or probation/community order violations, leaving them more vulnerable and isolated¹¹⁷
- » Exposure to retaliatory conduct by the perpetrator post arrest
- » Reluctance of victims to contact police for assistance, with the knowledge that their partner may be arrested.¹¹⁸ Vulnerable communities, particularly Indigenous communities, may be at further risk if victims are deterred from seeking assistance from police
- » Increased likelihood of victims being required to provide witness testimony in subsequent court proceedings which may cause further anxiety and/or fear for the victim, (this impact may be reduced by the proposals outlined in the previous section).

In considering the practical application of such a policy, the Taskforce concluded that the well-being, protection and safety of those who are experiencing domestic and family violence must always be at the centre of decision-making and action. For this reason, any development of a policy relating to the police response must allow for discretion linked to the need or desirability to protect the victim. There was also support for a policy which could be applied to all available actions of police responding to domestic and family violence, civil and criminal, and build on the existing pro-investigative policy, which will be further enhanced and supported by the strategy outlined in the previous section.

To this end, the Taskforce concluded that the policy driving the police response should incorporate both a requirement for officers responding to domestic and family violence to be pro-active in their investigation and for them to consider the safety of the victim as paramount, when determining action to be taken against the perpetrator. Arrest should be prioritised where the immediate risk assessment indicates that arrest will ensure the well-being, protection and safety of victims.

Existing principles for the administration of *Domestic and Family Violence Protection Act 2012* provide police with a starting point in exercising this discretion and mitigating many of the previously identified risks. These principles require the person who is most in need of protection to be identified and for the implementation of the operational tool to assess the presence of risk for an aggrieved.

Current guidelines, policy and procedure will need to be amended to provide sufficient guidance to police in exercising discretion appropriately and training will need to be delivered to ensure appropriate and consistent policing responses under this new policy.

The policy should incorporate guidelines requiring police to inform victims of domestic and family violence, including intimate partner sexual violence, of their options under the Criminal Code and the availability of support throughout the legal process. Such information may increase the likelihood of victim engagement and successful prosecutions.

Recommendation 134:

The Taskforce recommends that the Queensland Police Service adopts a pro-active investigation and protection policy which requires consideration of safety of the victim as paramount when deciding the course of action to be taken against the perpetrator and prioritises arrest where risk assessment indicates this action is appropriate.

District Domestic and Family Violence Coordinators (DFVCs)

Both the Legal Affairs and Community Safety Committee undertaking the *Inquiry on strategies to prevent and reduce criminal activity* in Queensland and Coroner, Mr John Hutton, for the Inquest into the death of Ms Noelene Beutel recognised the exceptional work of these DFVCs.¹¹⁹

Mr Hutton recommended additional DFVC positions for areas of Queensland where domestic and family violence is prevalent. The Legal Affairs Committee similarly notes that submissions to their inquiry called for increased resourcing of these positions. Recommendation 26 of the Inquiry states:

“The Committee recommends increased resourcing and engagement of specialist domestic violence coordinators and liaison officers across the state, and throughout all stages of the policing and legal process.¹²⁰”

Many contributions to the Taskforce expressed high regard for the work of DFVCs across Queensland. Officers were complimented on their commitment to supporting victims and working collaboratively with agencies for improved practice.

Snapshot: District Domestic and Family Violence Coordinator

These officers make a real difference in their communities. Sergeant Ash Dubbelman, who in 2013 was recognised Nationally for the creation of the “DV Web Link”, is a shining example of the great work these Coordinators do.

Sergeant Dubbelman is the Domestic and Family Violence Coordinator for the Gold Coast District, Northern Patrol. He has occupied that position for just over three years and in that time has developed and fostered strong partnerships within Government and non-Government organisations. He has improved the Queensland Police Service’s responses and developed policy and procedures to better support and empower victims of domestic and family violence.

The project established a website www.qlddomesticviolencelink.org.au, known as DV Web Link. It is a ‘one stop shop’ to assist people involved with domestic and family violence. The site provides essential information, resources and a directory of support services throughout Queensland, which was previously unavailable as agencies worked in isolation or small local clusters. Agencies are easily located by area and users are provided with contact details, services offered and links.

This project targets the gap between at-risk people (victims, family members and perpetrators) and accessing information and support. Often at-risk people are reluctant to overtly seek out services, are unaware of services or are reluctant to initiate contact due to the barriers they face. A significant aim was to provide at-risk persons involved with domestic and family violence with a safe and discreet method of seeking assistance.

This project has also proved to be an extremely useful resource for service providers and has facilitated a collaborative partnership between all domestic and family violence support agencies statewide.

Coordination and review

The Taskforce received suggestions that a formalised mechanism to review first-responder decisions on domestic and family violence was needed. Reviewing decision-making of first responder police officers would help to achieve consistency, aid in sharing knowledge and experience and ultimately improve police responses to domestic and family violence.

One suggested structure for reviewing was an overarching committee or high level specialised unit responsible to the Commissioner of Police. Alternatively the position of State Domestic and Family Violence Coordinator was often identified to the Taskforce as best placed to lead this work.

It was further recommended to the Taskforce that such a Coordinator could also oversight and coordinate the efforts of DFVCs to achieve consistency of service delivery.

The Coroner, Mr Hutton recognised such a position and recommended that ‘...a statewide coordination role should be re-implemented within police headquarters’.¹²¹

“QDVSN recommends that a specialist domestic and family violence policing oversight committee, chaired by the state Policing domestic and family violence Coordinator, is established to monitor civil and criminal responses, manage complaints related to criminal investigations/responses and report directly to the Commissioner and state-wide domestic and family violence steering committee.”¹²²”

The Taskforce sees considerable merit in a model of policing oversight that would result in consistent and highly effective responses by police to incidents of domestic and family violence. The Domestic and Family Violence State Coordinator was previously a role in the Queensland Police Service. Through the review the Taskforce heard of the effectiveness of this previous role.

In this instance, the Taskforce favours drawing upon and building on this past, successful initiative to provide the mechanisms for review and coordination rather than recommend establishment of a new body. The role of Domestic and Family Violence State Coordinator needs to be of sufficient rank to provide authority to the review and coordination process, and should have as its underlying goal to improve the decision making and practices of first responder police officers.

Recommendation 135:

The Taskforce recommends that recognising the valuable contribution of District Domestic and Family Violence Coordinators to the experiences of victims of domestic and family violence, the Queensland Police Service increases staffing numbers based on rigorous assessment of demand and appropriate allocation and resourcing of these positions across the state.

Recommendation 136:

The Taskforce recommends that the Queensland Police Service reinstates the Domestic and Family Violence State Coordinator role at a level of suitable influence to effectively support District Domestic and Family Violence Coordinators, address the disconnect between policy and practice to engender a consistent approach to the policing response, monitor performance and drive the future direction of policing domestic and family violence with a view to improving practice.

Cultural change and leadership

Comments about the negative attitude or culture of police were frequently raised with the Taskforce in submissions and consultation activities across the state. While positive experiences were also relayed, overwhelmingly the concern was of police treating domestic and family violence calls for service as ‘just a domestic’, which was reflected in their disengaged demeanour and approach.

“...it is our client’s experience that police are reluctant to take action in domestic and family violence matters. There is a culture in police of minimising the importance of domestic violence, labelling it as ‘just a domestic’.”¹²³

‘Police culture’ often has negative connotations, as it can be all-encompassing and dictates an officer’s way of life.¹²⁴ However, there is also much commentary that supports optimism around the capacity of modern day police officers, irrespective of rank, to resist the cultural norms of the organisation and consider and reflect on alternative policing practices.

Wood, Fleming and Marks propose thinking of police officers as individual agents for change. They note officers are in a position “...to reflect on the beliefs that shape their behaviour and adjust those beliefs based on the ideas circulating around them as well as the ones that they themselves generate.”¹²⁵ Such a premise supports the idea that, given the opportunity, individuals will exercise autonomy and test new and innovative strategies against problems and issues. What appears key to officer’s willingness to ‘do things differently’ is the leadership they observe demonstrated and how alternative or innovative practice is recognised.

On the front-line, DFVCs are consistently demonstrating strong leadership in an attempt to influence officers’ individual negativities around policing responses to domestic and family violence incidents. However, many submissions identified the need for more senior officers to show leadership, promote and practice the behaviours that responding officers must deliver.

On 24 November 2014, Queensland Police Commissioner Ian Stewart stood with the Police Commissioners of Australia and New Zealand against violence against women and children at Parliament House in Canberra.

The purpose of this demonstration of collective leadership was to recognise that this “...is an issue of national significance and that strong and sustained leadership is required to promote cultural and attitudinal change.”¹²⁶

On 5 December 2014, Victoria police also announced the creation of a new Assistant Commissioner role to address family violence in light of increasing prevalence of domestic violence offences. While confirmation of the exact model to be adopted by this policing agency remains pending at the time of writing, Victoria police confirmed that the (then) Chief Commissioner Ken Lay had “committed to forming a dedicated focus within the organisation that will provide a single point of accountability and governance.”¹²⁷

The Taskforce considers that there is considerable merit in the Queensland Police Service appointing a dedicated senior Queensland Police Service officer to champion optimal prevention and first responder policing practices within the Queensland Police Service. The Taskforce’s view is that the position of Deputy Commissioner (Regional Operations) is best placed for this.

Recommendation 137:

The Taskforce recommends that the Queensland Police Service appoints the Deputy Commissioner (Regional Operations) to champion best practice domestic and family violence prevention and first responder practice in the Queensland Police Service. The Deputy Commissioner would be responsible, among other things, for increasing officers’ awareness and understanding of domestic and family violence and its impact on involved parties, police and the community, with a view to creating positive cultural change within the Queensland Police Service.

Training and education

The Taskforce was provided with an outline of the Queensland Police Service education and training packages which are delivered to police officers through the course of their policing career. Notwithstanding the compulsory training delivered prior to commencement of the new legislation in 2012, it is apparent that following confirmation as a police constable, unless an officer chooses to specialise in a particular field or role (e.g. prosecutions) their exposure to continued professional development relevant to domestic and family violence is completely voluntary. This means that, many officers do not undertake any domestic and family violence training after their first twelve months as an officer.

This Report has already identified the need to improve the investigative skills and evidence gathering techniques of officers and to bring about significant change to the attitude of police towards the issue of domestic and family violence. These areas for improvement must be coupled with enhancing the interpersonal interactions between police and those experiencing domestic and family violence and understanding the particular vulnerabilities of victims.

The Taskforce heard the personal stories of poor experiences of victims when interacting with first-response officers. For CALD women, they often felt that their story was not believed, that officers did not understand the impact their involvement would have on the victim’s connection with community or comprehend the fear of retribution and isolation created by the intervention of police. While these women acknowledged that police were ‘just doing their job’, they felt the

lack of understanding of their culture and community meant that the police were not taking the necessary steps to ensure the victim's ongoing support, safety and protection.

Women with disabilities also identified the need for police to be receptive to their needs when responding to domestic and family violence. Often the perpetrator of the violence is also the primary carer for these women. The Taskforce heard about one individual's situation, where police attended a domestic and family violence incident and rightfully detained the respondent. Unfortunately in doing so they left the victim without care or a plan for her safety. The needs of the victim, after leaving the scene, must be a consideration of first-response officers.

Where the domestic and family violence conduct included intimate partner sexual violence, victims also identified the need for police to engage with them sensitively to ensure they felt comfortable enough to recount their experiences. For many victims there was a preference for dealing with only a female officer in telling their story. For these reasons the Taskforce believes having responder crews comprising both male and female police officers would be ideal for most occurrences of domestic and family violence responses. It is acknowledged, however, that there are operational practicalities in expecting every responding crew to include an officer of each gender. This further supports the necessity for comprehensive, effective and frequent professional development for all Queensland Police Service officers.

Police need to be equipped with the requisite knowledge to understand the underlying dynamics and complexities of domestic and family violence. They also need the skills to empathetically engage and communicate with victims. Engaging independent external experts in this particular field will bring legitimacy to education, whilst injecting new thinking and fresh perspectives to content and delivery.

“Some police advice was very worthwhile... but other police did not show empathy for example when I was at the courts waiting for the breach to the protection order to be heard police officers were openly talking about and mocking the case.”

from a contributor to the Taskforce

Recommendation 138:

The Taskforce recommends that the Queensland Police Service facilitates an external independent audit and review of training packages currently available to officers, with a view to assessing the appropriateness and frequency of compulsory professional development opportunities relevant to domestic and family violence. Components for enhancement of officers' conceptual understanding of dynamics of domestic and family violence, communication skills, as well as cultural awareness and sensitivities should be assessed.

8.3.5 Consideration of Family Law Council Report (December 2015)

Advice provided by Crown Law and Kathryn McMillan QC raised a number of possible structural reform options to address the current complexity and tensions between the federal family law jurisdiction and state jurisdictions for domestic and family violence and related matters. The Taskforce has already made recommendations for particular reforms that the Queensland Government has the power to address in earlier parts of this Report. The important Constitutional issues, which are not confined to the State of Queensland, are beyond the scope of this Report, given the very limited timeframe of the Taskforce.

In October 2014, the Commonwealth Attorney-General, Senator the Honourable George Brandis QC, referred a range of matters to the Family Law Council, regarding the complex jurisdictional issues between the Family Law and State and Territory courts. The Family Law Council is to report back to the Attorney-General by December 2015. The terms of reference, which are reproduced below, are entirely on point with the issues raised in this Chapter:

“Many families seeking to resolve their parenting disputes have complex needs, including emotional, sexual and physical abuse, family violence, substance abuse, neglect and mental health issues. These disputes may be able to be better addressed with the assistance of relationship support services and/or court processes that can cut across the child care and protection and family law systems.

I request that the Family Law Council consider and advise me by December 2015 on the following matters in relation to the needs of these families:

1. Possibilities for transferring proceedings between the family law and state and territory courts exercising care and protection jurisdiction within current jurisdictional frameworks
2. Possible benefits of enabling the family courts to exercise the powers of the relevant state and territory courts including children’s courts, and vice versa, and any changes that would be required to implement this approach, including jurisdictional and legislative changes
3. Opportunities for enhancing collaboration and information sharing within the family law system, such as between the family courts and family relationship services
4. Opportunities for enhancing collaboration and information sharing between the family law system and other relevant support services such as child protection, mental health, family violence, drug and alcohol, Aboriginal and Torres Strait Islander and migrant settlement services
5. Any limitations in the data currently available to inform these terms of reference.”

Given the comprehensive terms of reference and the reporting timeframe (15 months), the Taskforce is optimistic that the Family Law Council will provide a detailed and thorough report on this complex issue. It would be premature for the Taskforce to make any recommendation for the Commonwealth to consider the constitutional matters raised in the Crown Law advice and discussed in this Report.

Recommendation 139:

The Taskforce recommends that the Queensland Government duly notes the advice to be received from the Family Law Council (due December 2015) in relation to the terms of reference issued by the Commonwealth Attorney-General, in October 2014 in relation to the needs of parents resolving parenting disputes. However, the Queensland Government must not wait for the Family Law Council Report to proceed with recommendations in this Report. Some reforms implemented following this Taskforce may need to be reviewed to reflect/coordinate with any Commonwealth reforms made longer term following the Family Law Council Report.

8.3.6 Interim statutory review of *Domestic and Family Violence Protection Act 2012*

The *Domestic and Family Violence Protection Act 2012* currently provides for a statutory review as soon as practicable after 18 September 2017.¹²⁸

While the Taskforce appreciates the five year term for this review was established to ensure the reforms were fully and robustly tested operationally, the extensive recommendations outlined in this Report and need for immediate action to curb the ever increasing occurrences of domestic and family violence raise the need for a more immediate review of the legislation.

Stakeholders raised legislative issues that warrant appropriate review and amendment and will potentially increase victim safety and perpetrator accountability and create efficiencies for key agencies responsible for responding to domestic and family violence.

Information from the Queensland Police Service suggested that victim safety and perpetrator accountability could be enhanced in conjunction with the realisation of efficiencies for both police and courts by reforming the PPN process. This included increasing the duration of the PPN to twelve months and removing the need for a court to subsequently hear the PPN as an application for a protection order; ensuring that all people requiring protection from domestic and family violence, including children, can be named in the PPN; and broadening the scope of conditions so that all victims are adequately protected from future abuse.

Police propose that this reform would reduce the onus placed on the victim to provide support to a protection order application through subsequent compulsory court events, thereby reducing the stress and ongoing trauma to the victim of such proceedings. Protection provided by the PPN will be timely, comprehensive and driven by police. Current court events would be significantly reduced. The onus for any challenge to the issuance of a PPN would rest with the perpetrator.

Police would also have the capacity to ensure the necessary protection is provided to all victims, including children, and the protection is adequate for all named persons. This would include

issuing an ouster condition and prohibiting the perpetrator from remaining in the family home, if appropriate. This reform clearly places the wellbeing, protection and safety of victims at the forefront of the system response to domestic and family violence, by minimising the disruption to the lives of those who fear such abuse.

Perpetrators who actively seek to obstruct the protection system by evading police and/or service of documents, coercing or intimidating victims to withdraw applications or employing antics to delay proceedings would be thwarted. Comprehensive and long term protection for victims would be provided from the outset. Such reform would need to retain the right for respondents to challenge the making of PPNs or any conditions.

The Taskforce supports the development of new measures that will create greater protection for victims and increase perpetrator accountability, while delivering much needed efficiencies for the justice system. However, this reform has also raised the following concerns which will need to be considered as part of the future statutory review, namely:

1. Need for police to be adequately skilled in making such significant and impactful decisions which would otherwise have been made by a court, including the application of ouster conditions, contact with children and cross-notices
2. Adequacy of the length of time the PPN would provide protection as opposed to the two year period routinely applied by a court issued order
3. Whether engagement in interventions and access to services for perpetrators may be further limited, given that the pathway to such intervention is often through court events, i.e. VIOs
4. Whether police will lean towards over-cautious action and unnecessarily issue a PPN in the absence of the judicial oversight currently applied.

Two key issues, identified by the Queensland Police Service, were the service and proof of service arrangements required of police in relation to domestic and family violence related documents. Currently, evidence of personal service is by sworn affidavit, which requires access to the services of a Justice of the Peace. The introduction of the Rules will reduce this requirement to documents other than orders. There may be opportunities for further efficiencies, which should be considered as part of the legislation review.

A further example of possible process improvements relates to the current use of subpoenas in respect to domestic and family violence related hearings. The issuing of a subpoena requires both police and courts to engage in a lengthy approval process. Alternative approaches, including use of a Notice to Witness currently adopted by the Director of Public Prosecutions, could deliver efficiencies without reducing effectiveness. This reform would remove the requirement for police to make an application to the courts for a subpoena and remove the time spent by the court approving and generating the document. The 'notice' would be endorsed by the relevant police officer.

The review has revealed technical amendments to the *Domestic and Family Violence Protection Act 2012* which would overcome inadvertent issues created during drafting of the current Act, and amendments which could facilitate efficiencies for police and courts. These include clarifying the circumstances in which a protection order may be extended beyond two years, allowing victims and police to appeal a court's decision not to make a temporary protection order and allowing temporary protection orders to be made to protect a person who is seeking to be added to a protection order.

The Taskforce has identified other issues appropriate for the review, including whether court proceedings under the Act should be open to the public, with the discretion to close the court in certain circumstances, in line with other states.

The review then should include, but not be limited to, consideration of:

1. Changes to the court consideration of cross applications
2. Current technical issues requiring amendment
3. Whether court proceedings under the *Domestic and Family Violence Protection Act 2012* should be open, with the discretion to close the court in certain circumstances
4. The approved domestic and family violence forms and related administrative processes, with a view to simplifying the protection order application process
5. The current provisions and operation of PPNs to enhance victim safety and perpetrator accountability whilst delivering efficiencies for police and courts
6. Provisions relating to service requirements and subpoenas with a view to reducing the burden on police without reducing protection
7. Application of provisions relating to VIOs.

Recommendation 140:

The Taskforce recommends that the Queensland Government undertakes a review of the *Domestic and Family Violence Protection Act 2012* by 31 December 2015, to ensure a cohesive legislative framework for domestic and family violence in Queensland, that incorporates major reforms recommended in this Report. Resulting legislative amendments to be made as soon as possible, but not later than by 30 June 2016.

CHAPTER 9

Sharing our hope

9.1 Culture and attitudes

9.2 Service responses

9.3 Justice system responses

9.4 Final words



This Report makes ambitious and challenging recommendations. It needs to. Reform on the scale needed to achieve our vision of a Queensland that is free from domestic and family violence requires bold action, courage, and perseverance.

Obstacles will be thrown in our way. Many will resist the cultural change that is sorely needed. Budgets are tight and funding must be shared to meet the needs of government services across our state. Some services may be sceptical about whether the changes being called for will improve the outcomes. Survivors will need time to grow more confident in the systems and processes to support them.

We must not let these obstacles deter us from moving ahead. The Taskforce is optimistic that they will not.

CHAPTER 9

9.1 Culture and attitudes

Stories of victims, when reduced to words on a page, engage our imaginative capacity for empathy, compassion and understanding.

Unfortunately these stories have all too frequently gone unrecognised, unacknowledged or ignored in the lived reality of victims and those around them.

Too often bystanders, when confronted by domestic and family violence and its causes in the tumult of day to day life, have felt unable to respond in a way that assists victims and prevents perpetuation of violence.

We can understand why this happens. The Taskforce knows this is an area where our society has real potential to grow. There is every reason to believe that we, as a community, can repudiate unhelpful stereotypes about domestic and family violence, clarify its true nature, and collectively identify steps that Queenslanders can take in our everyday lives to stamp out domestic violence wherever it occurs.

There are clear opportunities for government to identify and communicate messages about the inexcusable nature of domestic and family violence, how to recognise it, and ways bystanders can take safe and appropriate action:

- » Schools are uniquely placed to provide young Queenslanders with an understanding of what constitutes healthy relationships and gender equality
- » Our media has immense influence in shaping popular understandings of domestic and family violence, and has the capacity to champion realistic, but sensitive portrayals of domestic and family violence
- » Men have the capacity to lead by example, as role models who challenge and reject domestic and family violence, and the attitudes that lead to domestic and family violence
- » Workplaces are well-placed to support victims, challenge perpetrators, and raise awareness
- » Friends and family must intervene with their loved ones and neighbours should help each other.

The Taskforce believes that all of the constituent parts of our society — families, groups of friends, neighbourhoods, churches, community organisations, workplaces, educational institutions, sporting clubs, professions, businesses, the media, government, and individuals — have an active part to play in opposing domestic and family violence, and promoting healthy family relationships.

Together, we can change our culture for the better.

9.2 Service responses

The ability, commitment and professionalism of specialised domestic violence services has been a consistent and heartening theme throughout the often harrowing discussions the Taskforce has had. Time and time again, victims of domestic violence have reported the way their leap of faith was repaid by support from professional staff at shelters, refuges, specialist legal services, healing centres, and other domestic and family violence support services.

These testimonials reassure us that the building blocks of an effective service response to domestic and family violence are in hand. The challenge that remains for Queensland is to build this further into an integrated response to reach all Queenslanders and better meet their needs.

Integrated service responses to domestic and family violence are key to effectively dealing with domestic and family violence and protecting the vulnerable.

The Taskforce is confident this is achievable. The momentum to build integration has already begun. We will better protect and support the survivors in our community, and we will hold perpetrators to account.

9.3 Justice system responses

Many view the justice system as immovable, a monolith steeped in precedent and tradition. The Taskforce does not consider this an accurate description. The law and the justice system can be difficult to navigate, frustrating for many, incomprehensible for some. At its finest, the justice system is a powerful protector of people's rights and safety. Unfortunately, the recounted experiences heard by the Taskforce paint a less than ideal picture of the role of the justice system in domestic and family violence matters.

The Taskforce believes that those dealing with domestic and family violence cases must fully understand and be responsive to the complex nature of such cases. The vulnerability of victims of domestic violence needs to be accounted for and the law needs to be more accessible. Processes must be comprehensible and support made available to assist individuals to navigate the justice system.

All aspects of the legal system need to think creatively about how they can employ existing powers and functions to meet the needs of domestic and family violence victims and perpetrators. Courts need to be willing to impose sanctions and responses that will give practical protection to victims, hold perpetrators to account, and give both the best opportunity to turn their lives around.

Policy makers need to enable the various parts of the justice system to realise the potential they have to make a difference.

Our justice system goes some way to addressing domestic and family violence but there are opportunities to do better. The Taskforce challenges the justice system and its various parts to reflect on the way they currently operate and draw upon their proven capacity for reform.

9.4 Final words

No one should underestimate the scale of the challenge that we face as we work to end domestic and family violence in Queensland. Equally, we should not doubt our community's capacity to overcome challenges of this kind.

Generations before us have converted education from the privilege of a lucky few to the universal birthright of all children. They have extended voting rights to all adults and built a social safety net for the less fortunate. They have taken us a long way forward in the journey towards gender equality, and placed sexism, sexual harassment, and domestic and family violence squarely on the public agenda.

Time and again, our society has been able to imagine something more than '*what has always been.*' Time and again, we have remade ourselves and our values, establishing new rights, new norms, and new standards of decency.

Outcomes of this magnitude are never achieved easily, but when a society comes together with a unity of purpose, they can be achieved.

With the publication of this report, the Taskforce calls on all Queenslanders to take up the challenge of bringing an end to domestic and family violence.

The moral imperative is clear. We are obliged to vindicate the voices that have illuminated the pages of this Report. To do so will require long and unceasing effort. There will be roadblocks and wrong-turns — but it can be done and there is a role for each and every one of us.

It is time for us to declare that domestic and family violence has no place in our society. Not now, not ever.

GLOSSARY OF TERMS



GLOSSARY OF TERMS

TERM	DEFINITION
Addressing Violence: Education, Resources, Training (AVERT)	A multi-disciplinary training package in family violence to provide workers at all levels within the family law system with a sound and practical understanding of family violence, its impact and appropriate strategies for responding which promote safety for all involved
Aggrieved	Person for whose benefit a domestic violence order, or a police protection notice, is in force or may be made under the Domestic and Family Violence Protection Act 2012
ALRC	Australian Law Reform Commission (ALRC)
Auslan	Australian Sign Language
Australia's CEO Challenge	Works with corporate Australia and the violence prevention sector to create and sustain a world free from domestic and family violence—where homes and workplaces are places of safety and care
Australia's National Research Organisation for Women's Safety Limited (ANROWS)	An independent, not-for-profit company established as an initiative under Australia's National Plan to Reduce Violence against Women and their Children 2010-2022 (the National Plan).
Australian Council of Trade Unions (ACTU)	Represents Australian workers and their families
Australian Domestic and Family Violence Clearinghouse	A national program that reviewed and disseminated evidence-based research on the causes, effects and ongoing impacts of domestic and family violence
Australian Guardianship and Administration Council (AGAC)	Provides a national forum for State and Territory agencies to protect adults with a disability that affects their decision-making through adult guardianship and administration
Bystander/s	For the purpose of this Report, a bystander/s is an individual or group who is informed of or witnesses an act of domestic and family violence
Cape York Welfare Reform (CYWR)	Aims to restore social norms and local authority and change behaviours in response to chronic levels of welfare dependency, social dysfunction and economic exclusion across the four Cape York communities
Community Justice Groups (CJG)	Carry out local strategies to address justice issues and work towards reducing the over-representation of Indigenous people in the criminal justice system. They implement ideas that will improve the quality of life in their community and have the support of the local police, council and other government agencies
Council of Australian Governments (COAG)	The peak intergovernmental forum in Australia. The role of COAG is to promote policy reforms that are of national significance, or which need co-ordinated action by all Australian governments
CrimTrac	A national information-sharing solution that enables Australia's police and law enforcement agencies to share information across state and territory borders

TERM	DEFINITION
Culturally and Linguistically Diverse (CALD)	Those in the community with varying cultural and linguistic (or language) backgrounds
Domestic and Family Violence Coordinator (DFVC)	These police officers deliver training, support and advice to operational police and engage in problem solving with other government and non-government agencies to address domestic and family violence related issues. They are also instrumental in formulating and implementing reactive, proactive and preventative strategies and providing advice and assistance to members of the community
Domestic and Family Violence Death Review Unit (DFVDRU)	A unit embedded within Queensland's State Coroner's Office that investigates deaths associated with domestic and family violence
Domestic Violence High Risk Assessment Team	Implemented within the United States, these teams focus on reducing and preventing domestic violence homicides and holding offenders accountable. This is accomplished through strong relationships among the police, the courts, and community providers. Through the use of danger assessment tools, they are able to identify high-risk cases and implement crisis intervention plans for victims and their families
Domestic Violence Order (DVO)	A civil order made by a court that imposes conditions to protect a person from future domestic violence. Includes a temporary protection order and a protection order (often referred to as a "full order")
DVConnect	A state-wide telephone service offering anyone affected by domestic or family violence a free "crisis hotline" 24 hours a day, 7 days a week. They offer free, professional and non-judgemental telephone support across Queensland
eDV	An Integrated Criminal Justice agencies project to streamline and automate exchange of domestic violence applications and court outcomes between the Queensland Police Service and Department of Justice and Attorney-General. Also includes analysis of the private protection order application process with a view to making lodgement of an application easier
Family Responsibilities Commission (FRC)	Statutory body in partnership with the State and Federal Governments and the Cape York Institute for Policy and Leadership, as part of the Cape York Welfare Reform trial. The FRC has been conceived by Aboriginal Australians and is driven by community members
Generalist Service	For the purpose of this report, generalist services do not provide specific specialist domestic and family violence services however may come in contact with or deal with individuals experiencing or perpetrating domestic and family violence
Hospital and Health Services (HHS)	Hospital and Health Services are statutory bodies and are the principal providers of public sector health services. A Service's main function is to deliver the hospital services, other health services, teaching, research and other services stated in the service agreement for the Service
Indigenous Sentencing Lists (ISL)	A program designed for Indigenous people who have committed an offence and are willing to participate with service providers and support agencies to address the underlying cause of their criminality

TERM	DEFINITION
Intervention program	A program for perpetrators of domestic and family violence which challenges them to change from abusive to safe and respectful behaviours and reduce further incidents of violence
Intimate partner sexual violence (IPSV)	Can be defined as any unwanted sexual contact or activity by an intimate partner with the purpose of controlling an individual through fear, threats or violence
LCCSC	Law, Crime and Community Safety Council
Legal Aid Queensland (LAQ)	A statutory authority that provides legal information, advice and representation to financially disadvantaged Queenslanders
Lesbian, gay, bisexual, transgender and intersex (LGBTI)	Collectively refers to a group of identities that includes lesbian, gay, bisexual, transgender and intersex people and other sexuality, and gender diverse people, regardless of their term of self-identification
Mensline	A service run by DVConnect that offers specialist assistance for men who would like to address their own use of violence and men who have been victims of violence in their own relationships
Multi-Agency Risk Assessment Conferences (MARACs)	Established across England and Wales with a focus on sharing information about high-risk victims of domestic violence
NAATI	National Accreditation Authority for Translators and Interpreters
National Community Attitudes Survey	Attitudes to Violence Against Women - focuses on community attitudes towards interpersonal forms of gender-based violence as they affect women. The survey was developed by VicHealth in partnership with The University of Melbourne, the Social Research Centre and experts across Australia, and supported by the Australian Government Department of Social Services as part of the National Plan to Reduce Violence against Women and their Children 2010–2022
National Disability Insurance Scheme (NDIS)	Provides community linking and individualised support for people with permanent and significant disability, their families and carers
NESB	Non-English Speaking Background (NESB)
Non-Government funded support groups and service providers	Community support groups and service providers that receive government funding to provide a range of services, including counselling, advocacy and support to the Queensland community. For the purposes of this report, a non-government funded support group and service provider is a recognised body with an active operation in the domestic and family violence sector. Non-government groups, providers, agencies or voluntary services may be funded solely or in part by government
Our Watch	Established to drive nation-wide change in the culture, behaviours and attitudes that underpin and create violence against women and children. It provides national leadership to prevent all forms of violence against women and their children and has a mandate to stop violence before it happens

TERM	DEFINITION
Parents and Citizens Associations (P&Cs)	The peak parent body which represents the interests of state school parents and citizens associations
Partnership Response at Domestic Violence Occurrences (PRADO)	Adopts a case management approach to ensure the effective coordination and collaboration of government and non-government agencies in responding to domestic violence. Currently operates in Caboolture and North Coast
Perpetrator	Person who has used domestic and family violence
Police Protection Notice (PPN)	Issued by a police officer at the time of a domestic violence incident. A PPN is also an application for a protection order which provides short term protection until the application can be heard by a court
Protection Order	An order made by a court after the hearing of an application under the Domestic and Family Violence Protection Act 2012
QPRIME	Queensland Police Records and Information Management Exchange (QPRIME) records official police crime reports. These include road crash, crime (reported crime victims, reported crime offenders, prosecutions of offenders and offender criminal histories), missing persons and domestic violence occurrences, including applications and orders
Queensland Council of Social Services (QCOSS)	The state-wide peak body for individuals and organisations working in the social and community service sector. QCOSS has been a leading force for social change to build social and economic wellbeing for all
Queensland Domestic Violence Services Network (QDVSN)	A state-wide network of 15 non-government agencies, comprising the 13 regional domestic violence services and two state-wide services (DVConnect and the Queensland Centre for Domestic and Family Violence Research)
Queensland Language Service Policy (QLSP)	The policy aims to enhance access to interpreters and translated information to improve access to the full range of government and government-funded services for people requiring language support
RACGP	Royal Australian College of General Practitioners
Respondent	Person against whom a domestic violence order, or a police protection notice, is in force or may be made under the Domestic and Family Violence Protection Act 2012.
Services and Practitioners for the Elimination of Abuse in Queensland (SPEAQ)	A network of services working with domestic and family violence perpetrator programs. SPEAQ members meet monthly via teleconference to discuss practice issues, the women's advocacy program and the men's coalition
Single Person Identifier (SPI)	A unique identifier across all criminal justice system databases, to allow for better assessment of the effectiveness of criminal justice system responses to offending
SLASS	Seniors Legal and Support Service
Socio-economic status	An individual's or group's position within a hierarchical social structure

TERM	DEFINITION
Specialist Service	For the purpose of this report, specialist services are those services which provide specific services related to domestic and family violence
Supported Accommodation Assistance Program (SAAP)	A joint Commonwealth/State program, aimed at reducing homelessness in Australia, that provides transitional supported accommodation and a range of related support services to help people who are homeless or at imminent risk of homelessness, including people escaping abuse
SupportLINK	A national referral and diversion gateway for police and other emergency services to participate in early intervention
Suspected Child Abuse and Neglect (SCAN)	The SCAN team system is to enable a coordinated, multi-agency response to children where statutory intervention is required to assess and meet their protection needs
Temporary Protection Order	An order made by a court under the Domestic and Family Violence Protection Act 2012 that only lasts for a short time.
UNICEF	In Australia, UNICEF advocates for the rights of all children to be realised and works to improve public and government support for child rights and international development
VET	Vocational Education Training
Victims of Crime Assistance (VOCA) Act 2009	Sets out the major components of the financial assistance scheme that assists victims of crime to recover from acts of violence and also the fundamental principles of justice which outline how government agencies should treat victims in Queensland
Voluntary Intervention Order (VIO)	An order made under the Domestic and Family Violence Protection Act 2012 with the respondent agreement, requiring the respondent to attend either (or both) an approved intervention program or counselling by an approved provider
White Ribbon Australia	Australia's only national male-led campaign to end men's violence against women
Women In Prison Advocacy Network (WIPAN)	Works to raise awareness of the cultural, social, economic and political inequalities that exist for criminalised women and female youth, and to address the policies and practices that sustain these injustices
Women's Services Network (WESNET)	A national women's peak advocacy body which works on behalf of women and children who are experiencing or have experienced domestic or family violence. WESNET plays an important role in identifying unmet needs, canvassing new and emerging issues, facilitating policy and sector debate and lobbying government to provide improved responses to the problem of domestic and family violence
Womensline	Telephone service run by DVConnect offering women affected by domestic or family violence free crisis counselling and support 24 hours a day, 7 days a week
ZEST Awards	Annual celebration of innovation and creativity of the Community Sector

END NOTES

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Chapter 2

Chapter 3

Chapter 4

Chapter 5

Chapter 6

Chapter 7

Chapter 8



END NOTES

Chapter 1

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Chapter 6

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Chapter 8

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7. Part 3, Division 2, Domestic and Family Violence Protection Act 2012.
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21. Sections 101, 106, 107, Domestic and Family Violence Protection Act 2012.
22. Sections 116, 119, 121, 122, 123, Domestic and Family Violence Protection Act 2012.
23. Under section 177(2), Domestic and Family Violence Protection Act 2012, the maximum penalty for contravening a DVO is 120 penalty units or 3 years imprisonment, if the offence is committed within 5 years of the respondent being previously convicted of contravening a DVO. Otherwise, the maximum penalty is 60 penalty units or 2 years imprisonment.
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32. Section 23(2), Domestic and Family Violence Protection Act 2012
33. Section 109, Commonwealth Constitution.
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