VICTORIAN ROYAL COMMISSION INTO FAMILY VIOLENCE

MELBOURNE

MONDAY, 13 JULY 2015

(1st day of hearing)

BEFORE:

THE HONOURABLE M. NEAVE AO - Commissioner

MS P. FAULKNER AO - Deputy Commissioner

MR T. NICHOLSON - Deputy Commissioner
COMMISSIONER NEAVE: My name is Marcia Neave and I'm the Chairperson of the Royal Commission into Family Violence. I'm joined by my fellow Commissioners Patricia Faulkner and Tony Nicholson.

On behalf of the Commission I want to begin by acknowledging the traditional owners of the land on which we meet, the Wurundjeri people of the Kulin Nations. We pay our respects to their elders past and present.

Before our public hearing commences I want to ask all those present to stand for one minute's silence to acknowledge all those in the Victorian community who have been subjected to the terrible harm of family violence. This includes the women and men and boys and girls who have died as the result of family violence or have been, or are still, suffering as a result of physical violence or emotional or financial abuse from a member of their family.

It covers people from all classes and racial and ethnic backgrounds, both those who are permanent residents of Australia and those who are here on a more temporary basis, including refugees. It includes Aboriginal and Torres Strait Islanders. It includes people of all abilities and all age groups, including children who are the direct targets of violence and children who suffer lasting emotional or other harm because of the violence which occurs in their families. It includes people who are affected by violence from an intimate partner, the vast majority of whom are women. It includes people who are in gay, lesbian or other diverse relationships and people of all genders. Please join me in recognising the deaths and sufferings of victims/survivors of family violence.
violence and of the members of their families, who have to bear the knowledge of their loved ones' experiences.

The Royal Commission was established by Letters Patent issued by the Governor of Victoria, on advice from the Premier, on 22 February 2015. It is the first Royal Commission to be established and conducted under the Victorian Inquiries Act 2014. We are required to report our findings and recommendations by 29 February 2016.

Today is the first day of our public hearings. The hearings will run from today until 14 August 2015, with no sittings in the week commencing 27 July 2015. We will normally have a mid-morning break during the hearings. The hearings are open to the public and, with some exceptions, are being live web-streamed on the Royal Commission's website. This means that all members of the public who want to observe these proceedings can do so, whether by coming to the Commission or via the internet. Of course, security arrangements are in place to protect victim/survivors of family violence who give evidence. Where appropriate, the Commission will also make orders restricting the publication of details so as to protect the identity of lay witnesses.

Royal Commissions are frequently set up to investigate whether particular events have occurred. We are a different kind of Royal Commission. Our task is not to undertake a forensic investigation about the cause or occurrence of a particular event, but instead to make recommendations about strategies and policies which affect the social and legal responses to a dreadful social problem: the problem of family violence. Family violence covers many kinds of family relationships. Improving
government and community responses to it will not be easy. In his opening address, senior counsel assisting the Commission, Mr Mark Moshinsky, will say more about the dimensions of the problem and the very difficult legal and social policy issues which it raises.

Over the past 20 years in Victoria many dedicated individuals, non-government organisations and agencies have done an enormous amount of work to raise awareness of family violence, to support victims, to bring those who use violence to account, and to drive cultural and behavioural change. Much has also been done in other states and overseas. We acknowledge the importance of that work and are fortunate to be able to draw on broad experience and expertise to inform our inquiry. Our task is now to learn from and build on what has been done by others and to make recommendations which set strategic directions for the future.

The Terms of Reference direct that the Commissioners conduct our inquiry having regard to adopting informal and flexible procedures where desirable and without unnecessary cost and delay.

For these reasons and because our task is to make recommendations about future policy rather than about past events, our public hearings are only one of the ways in which the Royal Commission will gather evidence and ideas. We have already done so in a number of other ways.

Community consultations have formed a significant part of the Royal Commission’s activities. We have had 43 community consultation sessions with over 800 people in all regions of Victoria. Areas we have visited have included Geelong, Colac, Warrnambool, Horsham,
Maryborough, Bendigo, Mildura and Echuca, Benalla, Shepparton, Morwell, Traralgon, Sale and Bairnsdale. We have also had a number of consultations in metropolitan Melbourne.

Consultations with people affected by family violence have been a major part of our work. We have spoken to Aboriginal and Torres Strait Islander communities, to women from culturally and linguistically diverse communities, to women with disabilities, to older people who have been abused by family members, to women in prison, many of whom were subjected to violence as children or adults, to people working with children and young people, and to representatives from the lesbian, gay, bisexual, transgender and intersex communities. We have also had consultations with men who have been affected by family violence or who have used it. During our consultations we have provided psychological support to people who have spoken to us, when they have needed it.

We have had consultations with the dedicated people in specialist family violence organisations which help women and others affected by family violence and with peak bodies of those specialist organisations. We have also consulted other services, which are often the first point of contact for those who have summoned up the courage to seek help. As well as providing valuable evidence to the Commission, we hope that our consultation process has encouraged discussion both between those who have suffered from such violence and between those involved in helping and supporting people affected by family violence about the best way forward.

We have also visited many services and agencies
that are part of the network of responses to family violence. These have included police, courts, refuges and crisis accommodation services, multicultural community agencies, Aboriginal and Torres Strait Islander services, and services working with men who have used violence. We have been briefed by organisations working in the fields of support for women, primary prevention, men's behaviour change, support for children, and organisations which provide training in assessment of the risks posed by those who use family violence.

The information provided in these consultations has been analysed and synthesised and has helped us to decide what issues should be explored in our public hearings.

Our Terms of Reference require us to make practical recommendations about how to stop family violence, and to consider ways in which the whole community can take responsibility for and work towards ending the use of violence in all families. We need to overcome attitudes which condone or support family violence. But of course family violence cannot be eradicated overnight. Strategies to bring about this goal will require the efforts of schools, hospitals, health service providers, businesses, employers, community organisations, the media, specialist and generalist service providers and local, State and Federal government.

We have also been asked to examine and evaluate existing strategies, programs and services for preventing and responding to family violence, and to investigate how government and non-government agencies can better integrate and coordinate their efforts.
A Royal Commission is a body which is independent from government and from relevant agencies. The organisations which provide services to or support people affected by family violence, and which lobby government to improve those services, have limited resources and heavy case-loads. The Royal Commission is able to stand back and systemically examine how the whole system operates, consider the evidence about what works and what has not proven so effective, with the benefit of input from all those who have views about the best way to tackle family violence.

The role of the public hearings is to explore the range of ways in which people experience family violence, and the laws, policies, practices and services that have been implemented in Victoria to respond to and prevent family violence. There are some controversies about the most effective responses to family violence. One of the purposes of these hearings and of the other work done by the Commission is to explore debates and competing views about the best way forward. The hearings will also provide an opportunity for the public to hear from family violence and other experts.

The Royal Commission has received almost 1,000 submissions from individuals and organisations, including a submission from the State Government. We have offered an assisted submissions service to people unable to make submissions themselves. Submissions from individuals relate personal accounts of past, recent and ongoing family violence, describe how the system responded to their experience - in positive or negative ways - and include ideas for future improvements. Submissions from
organisations also recount the experiences of their clients, include detailed observations about gaps and limitations in the current system, and identify options for future reform.

The Commissioners have been struck by the generosity of all those who have engaged with the Royal Commission. People who have spoken to us have demonstrated a deep and shared commitment to tackling family violence. In particular, the individuals whose lives have been and continue to be affected by family violence have shown an extraordinary courage in sharing their experiences with us. The Commission gratefully acknowledges these contributions.

The Royal Commission is also examining the extensive existing research that has been undertaken in relation to family violence and gathering data about the family violence system in Victoria. In addition, we are examining approaches adopted in other Australian jurisdictions and internationally in order to identify effective alternative models.

As I have said, our public hearings are not the only way we are gathering evidence which will help us to recommend future strategies. Following the public hearings, the Commission will convene round table discussions with experts from a range of areas to test particular options for reform in relation to some of the more complex and contentious issues under review.

The Royal Commission's Terms of Reference are broad and our task is a challenging one. Preventing and responding to family violence is a complex endeavour. Family violence is pervasive and has a huge human toll.
Its causes are deeply embedded in community attitudes about gender, and about what is and what is not legitimate and appropriate between intimate partners and within families. The impact of such violence is profound and extends well beyond physical harm. Women affected by family violence have difficulties in achieving their full potential as members of the community. If they leave the relationship, they may remain at risk of physical harm or constant harassment. They often end up financially insecure, without adequate housing. They may be forced to pay their violent partner's debts or spend their limited resources on legal advice.

Family violence also warps the lives of children, who may suffer lasting emotional harm. They may not complete their education and may end up poor or homeless as a result of their exposure to violence. We also know that violence is often intergenerational. Some children who are direct targets of violence or whose mothers are abused go on to be violent partners and parents. Family violence also adversely affects those who use it, who may spend their lives moving in and out of the criminal justice system. Even when this does not occur, they will usually miss out on the experience of living in a happy and loving family.

Because family violence is embedded in our culture we cannot make recommendations which will have the immediate effect of preventing all family violence, protecting all victims and holding all abusers accountable. Because family violence is a complex problem, the policy response is also likely to require us to address many different issues and to consider a range
of objectives. Change cannot be achieved overnight. Our goal is to set strategic directions, so that future generations will be able to say this Commission was a turning point in the struggle against family violence. We hope the Commission will mark a moment in time when the whole community committed itself to overcoming this vile social ill. Some of our recommendations will address problems that could be resolved in the shorter term, but others will require ongoing commitment and hard work if they are to bring about change in the medium or longer term.

While the hearing will be examining the systemic responses to family violence, the material to be covered will at times be confronting and distressing. We recommend that people needing support and assistance contact expert services. Contact details for some support services are included on the Royal Commission's website.

As I have already said, our public hearings are not intended to take evidence that will result in us finding that an individual or an entity is legally responsible for past acts or omissions. For this reason, the hearings will not be conducted in an adversarial manner, and competing parties will not appear in the traditional sense. The Royal Commission has granted leave to the State of Victoria to appear at the public hearings because it will be able to provide us with assistance in drawing out relevant evidence about public sector agency roles, responsibilities and practices.

It is important to emphasise that the purpose of these hearings and indeed our other work is to inform the Commissioners' deliberations about the breadth of matters
under review in this inquiry. They are exploratory in
nature, and will by necessity be selective in the evidence
that is able to be led in the time available. The choice
of witnesses who have been called and the questions that
may be asked of them do not reflect any final opinions of
or conclusions reached by the Commissioners. Our ultimate
findings and recommendations will be contained in our
final report.

All three Commissioners approach this very
important task with open minds, an appetite for new ideas,
the willingness to challenge received wisdom and test
assumptions, and a commitment to reaching robust
conclusions, which will result in practical
recommendations for short-term and longer-term change.

Section 13 of the Inquiries Act permits the
functions of the Royal Commission to be performed by one
or more Commissioners separately. During the hearings,
there will be some occasions when only two Commissioner,
myself and one other, will be sitting. This reflects the
fact that the Deputy Commissioners have been appointed on
a part-time basis.

The Commissioners are assisted in these hearings
by three counsel: Mr Mark Moshinsky QC, Ms Rachel Ellyard
and Ms Joanna Davidson. As I have also said, we will be
assisted by the State counsel.

The Commissioners are grateful for the assistance
of and detailed preparation undertaken by Counsel
Assisting in devising the structure of the public
hearings, and in identifying and questioning witnesses.
We are also very grateful for the cooperation of and
assistance provided by Counsel for the State.
I now invite counsel to announce their appearances and Mr Moshinsky to make his opening remarks and to provide an overview of the structure and contents of the public hearings.

MR MOSHINSKY: If the Commissioners please, I appear with Ms Ellyard and Ms Davidson as Counsel Assisting the Royal Commission.

COMMISSIONER NEAVE: Thank you, Mr Moshinsky.

MS ORR: If the Commissioners please, I appear for the State of Victoria. I appear today with Mr Richard Knowles of counsel and throughout the hearings I will also be appearing with Mr Alistair Pound, Mr Darren Bruno, Ms Krystyna Grinberg and Mr Daniel McCredden of counsel.

COMMISSIONER NEAVE: Thank you, Ms Orr. Mr Moshinsky.

MR MOSHINSKY: Eleanor Roosevelt said, "Where do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere."

This Royal Commission is tasked with making practical recommendations about how to stop family violence, be it intimate partner violence, which in the great majority of cases is by men against women, child abuse or other forms of family violence. This is an issue of the highest importance.

Notwithstanding considerable efforts made by government and non-government organisations over many years, and increased awareness and some improvements, family violence remains a very large and difficult problem
affecting the lives of many in our community. Tens of thousands of people live with family violence every day. Thousands of workers encounter it in their working lives. Our police and justice systems devote large percentages of their time and resources to responding to it. Our health system is filled with patients whose medical needs are rooted in the experience of family violence.

With little or no change in the prevalence of family violence in recent years, family violence remains at shockingly high levels. Families are torn apart, lives ruined, children damaged.

What does this violence say about us as a society here in Victoria, Australia, in 2015? Does it not reflect upon us as a society if we allow this to continue?

The social cost of family violence is great. The World Health Organization in a 2010 report on the prevention of intimate partner violence and sexual violence against women said, "Apart from being violations of human rights, they profoundly damage the physical, sexual, reproductive, emotional, mental and social wellbeing of individuals and families."

The social cost can be measured in many ways, but can be best understood by considering that family violence leads to the breakdown of the family unit because what ought to be the place where victims feel safe, instead becomes the place where they are most at risk.

One of the witnesses to give evidence during the public hearings, a woman who experienced family violence, puts it this way: "I have lived in very high risk countries and experienced situations where I was fearful for my safety. Nothing prepared me, however, for the fear
of domestic violence. It's entirely different being frightened of someone you love, yet who is so unpredictable; someone who knows where you live, what your patterns are, what your vulnerabilities are; someone who knows how to manipulate you; and someone who is specifically targeting you."

In particular, the impact of family violence on the welfare and development of children is devastating. Even in the many cases where children are not direct victims but rather bystanders to the abuse of others, they can suffer serious and long-term harm which, unless remedied, places them at an increased risk of using or experiencing family violence themselves in later life.

There is an urgent need to identify and assist children at risk of family violence at the earliest possible time. The Royal Commission will hear evidence about the importance of providing support during pregnancy and the early years of a child's life, such as assisting with the development of parenting skills for both parents.

It is important to emphasise that the impact of family violence isn't limited to those families who are experiencing it. Evidence will be given about the interrelationship between family violence and other forms of violence in our community. A consistent and key predictor of all forms of violence is childhood exposure to violence. Children who learn that violence is a form of communication may not only use it in their intimate relationships in adolescence or adulthood, but are more likely to be generally violent.

These are powerful reasons why the whole community should be concerned about family violence.
But there are also opportunities for the community to mitigate the adverse impacts of family violence. The evidence will show that by mentoring and providing alternative non-violent role models for children and families, we can improve children's ability to be resilient in the face of family violence. This doesn't just fall to teachers and other professionals, but to the whole community.

The economic cost is great too. The economic cost of family violence to the community includes the direct cost of the family violence response, including police, court and support services for victims following police and court intervention; the lost productivity brought about by victims being absent from work, underperforming at work or being unable to work at all, and the associated costs of retraining new staff to replace those who leave. It also includes the increased burden on the health and welfare systems as victims deal with the physical and psychological injuries caused by family violence; and the pain and suffering experienced by victims which affects every aspect of their lives and for which they can only be compensated in part by Victims of Crime Assistance schemes or other remedial schemes.

The economic impact of family violence affects individuals too. As the Royal Commission will hear, being a victim of family violence very often includes economic or financial abuse, especially for the elderly.

Even if it does not, the experience of leaving a violent relationship will usually have negative financial consequences for victims as they attempt to re-establish their lives free from violence. Many women who attended
the community consultations spoke of the difficult choices they made between being safe and being financially secure, with those who left relationships often experiencing poverty and long-term financial disadvantage. People should not need to choose between safety and financial security. It is necessary to ensure that systems which protect the safety of victims do not do so at the price of permanent poverty.

The Royal Commission has been established to inquire into Victoria's response to family violence and to provide practical recommendations. Specifically, the Terms of Reference state, "You are appointed to inquire into and report on how Victoria's response to family violence can be improved by providing practical recommendations to stop family violence."

The Royal Commission is required to examine and evaluate strategies, frameworks, policies, programs and services and establish best practice for four areas: the prevention of family violence; early intervention to identify and protect those at risk of family violence and prevent the escalation of family violence; support for victims of family violence and measures to address the impacts on victims, particularly on women and children; and accountability for perpetrators of family violence.

In doing so, it is asked to consider a range of relevant issues and in particular to consider issues such as: the need to establish a culture of non-violence and gender equity; the needs and experiences of all those people affected by family violence, including children, older people, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse
communities, gay, lesbian, bisexual, transgender and
intersex communities, regional and rural communities and
people with disabilities and complex needs.

The Commission is also to consider the need for
short, medium and long-term solutions and the need for
coordination across jurisdictions.

This Royal Commission is not an inquiry into
particular facts or particular events. It is an inquiry
focused on policies and processes and on how those
policies and processes might be improved.

There is a high degree of acceptance within the
community about the need for this inquiry and about the
existence of problems which require new solutions. The
State Government's submission to the Royal Commission
acknowledges that the present system is failing.

Accordingly, the Royal Commission is able to
start from the premise that: family violence exists;
family violence represents an ongoing and serious issue
for the Victorian community and one which requires urgent
attention so as to reduce both the incidence of family
violence and its effects; responsibility for addressing
that issue lies with government, business, media,
communities and community organisations, families and
individuals; and the present response to family violence
is not adequate and requires improvement at a systemic
level.

This does not mean that solutions are clear or
that there is agreement on how those solutions are to be
found and implemented. The Royal Commission brings,
therefore, an open and inquiring mind to the question of
how those four goals of prevention, intervention, response
and accountability can best be achieved.

These public hearings form just one of several ways in which the Royal Commission is informing itself to enable it to make recommendations and write a report. The other methods by which the Royal Commission is gathering information include the community consultations, the written submissions, and round table conferences.

What is the role of these public hearings? In light of the other ways in which the Commission is informing itself, the public hearings will not seek to cover all issues of relevance for the report and potential recommendations. Rather, over the four weeks of hearings we intend to look at a number of key, difficult issues concerning family violence and to examine those in some detail. The aim is to help the Commissioners to develop practical recommendations for change.

As has been indicated, the focus of the public hearings will be on examining and evaluating policies, programs and services and looking at ways to stop family violence, rather than focusing on the details of individual cases. Nevertheless, the experiences of victims are relevant in examining how the system is operating, and the issues raised in the community consultations and the submissions will inform the questioning of witnesses during the public hearings. In a small number of cases, we will be calling as witnesses people who have experienced family violence to shed light on systemic issues. In some cases, we will be reading out case studies which are drawn from the experiences of victims.

The public hearings are intended to fulfil a
public educative role in addition to assisting the
Commissioners to write their report.

What is family violence? It is accepted that
family violence extends beyond physical violence by one
family member to another and can extend to emotional or
psychological abuse and other conduct.

This is reflected in the definition of "family
violence" in the Victorian Family Violence Protection Act
of 2008, and I read that definition: "For the purposes of
this Act, family violence is - (a) behaviour by a person
towards a family member of that person if that behaviour
is physically or sexually abusive; or is emotionally or
psychologically abusive; or is economically abusive; or is
threatening; or is coercive; or in any other way controls
or dominates the family member and causes that family
member to feel fear for the safety or wellbeing of that
family member or another person; or (b) behaviour by a
person that causes a child to hear or witness, or
otherwise be exposed to the effects of, behaviour referred
to in paragraph (a)."

The term "family violence" often conjures up
images of the most severe forms of violence, and many
families listening to this will be thinking, "That doesn't
occur in our family." But family violence occurs in all
sorts of ways. It can include physically disciplining
children and threats to do so. It can include yelling at
each other in a threatening way. The evidence will
outline how children's experiences of extreme forms of
violence are likely to be damaging to development. But it
will also describe how repeated exposure to lower levels
of violence can also cause harm. We do not know what is a
"safe" level of violence. This means that, as parents, we should all be thinking about how we relate to each other and to our children. We should all be thinking about the importance of reducing these behaviours in our families.

Family violence can occur in a variety of different relationships. Family violence by an intimate partner of course includes those in same sex relationships. It includes past as well as current partners. Family violence includes violence by a parent to a child. But a child also experiences family violence when he or she witnesses one parent using violence against the other parent. Family violence includes violence by children to parents; for example, physical violence by an adolescent or young adult to a parent. It includes physical or emotional abuse by an adult to an elderly parent. Family violence can occur in other family relationships; for example, between siblings. It may also extend to violence by a carer to a person under their care; for example, a person with a disability.

Moreover, family violence can occur in a number of different contexts, which need to be considered in the course of this inquiry. In particular, family violence occurs in migrant families - also referred to as "culturally and linguistically diverse" communities - which may raise particular issues. It also occurs in Aboriginal or Torres Strait Islander families. These communities have developed particular programs to tackle family violence.

In these hearings there will be a focus at different points on different groups of victims and different forms of abuse and the way present systems do or
do not respond appropriately to those different groups and circumstances. Some of the issues to be raised will include these: the distressing problem of intergenerational family violence in which children grow up to model the behaviour of their parents and grandparents, and how that long cycle of abuse can best be broken; the particular experiences of older people who may be at risk of abuse from family members and carers, but who often experience less visible forms of abuse like coercive behaviour or financial abuse; the availability of support for men who experience violence; the availability of support for people in same sex relationships who experience violence; the role of geography in determining or limiting the availability of services and supports, with residents of rural and regional areas often experiencing delays or difficulties, and with even some residents of larger cities and metropolitan Melbourne having their access to support defined by their postcode; and the way in which other factors in the lives of those who experience or use violence should be addressed, such as homelessness, mental health problems and drug and alcohol issues.

What causes family violence? Any system which is effective in combatting the effects of family violence and preventing it from occurring at all must address the root causes of that violence. However, identifying the cause or causes of family violence is not an easy or simple task. Family violence occurs in such a variety of forms and circumstances that it is impossible to attribute it to any one factor or list of factors.

Some things are clearly known, and they can be a
useful starting point. In the context of intimate partner violence against women, multi-country surveys indicate that in countries where men and women have more equal relationships, the prevalence of intimate partner violence against women is measurably lower. This suggests a strong correlation between gender imbalances and violence against women.

We have put up a slide here which indicates on the left side of the slide countries with low gender equality scores and, moving to the right side of the slide, countries with high gender equality scores. As the arrow going down indicates, in countries with greater gender equality the prevalence of violence against women tends to be lower.

We have now put up another slide which is a global map showing the prevalence rates for intimate partner violence. Regional prevalence rates are presented for each World Health Organization region including lower and middle income countries, with high income countries analysed separately and the box for high income countries indicates a prevalence rate of 23.2 per cent.

In the context of intimate partner violence and sexual violence against women, the World Health Organization in its 2010 report has adopted a framework known as the "ecological model" to identify risk factors for such violence. This recognises that individual, relationship, community and societal factors all influence the levels of prevalence of such violence across populations.

This model allows for the inclusion of a range of risk and protective factors. Thus, if there is evidence
from psychological models on individual risk factors and
from gender models on societal risk factors, this can be
incorporated.

The model organises risk factors according to
four levels of influence. The first is individual, and
this includes biological and personal history factors that
may increase the likelihood that an individual will become
a victim or perpetrator of violence. Relationship, this
includes factors that increase risk as a result of
relationships with peers, intimate partners and family
members. These are a person's closest social circle and
can shape their behaviour and range of experiences.
Community, this refers to the community contexts in which
social relationships are embedded - such as schools,
workplaces and neighbourhoods - and seeks to identify the
characteristics of these settings that are associated with
people becoming victims or perpetrators of intimate
partner and sexual violence. And societal, this includes
the larger macro-level factors that influence sexual and
intimate partner violence such as gender inequality,
religious or cultural belief systems, societal norms and
economic or social policies that create or sustain gaps
and tensions between groups of people.

The World Health Organization's report lists in a
table the risk factors identified for the perpetration by
men and the experiencing by women of both intimate partner
and sexual violence, arranged according to the individual,
relationship, community and societal levels of the model.

This analysis can inform the family violence
system's response to male violence against women, which
represents the great majority of cases of intimate partner
What can be said with increasing certainty is that a significant risk factor for family violence as an adult, whether as a perpetrator or victim, is the experience of family violence as a child. The World Health Organization's report is built around a life-course perspective that recognises how infant and early childhood experiences influence the likelihood of later becoming a perpetrator or victim of intimate partner violence.

It states, "One factor consistently cited across countries as a risk factor for both the experiencing and perpetration of intimate partner violence and sexual violence is child maltreatment. A well-conducted systemic review summarised evidence from 10 studies to show that exposure to violence during childhood increased the likelihood of intimate partner violence perpetration among men by 3 or 4-fold, compared with men without childhood exposure to violence."

To this picture needs to be added the influence of other factors. The extent to which they are causes of family violence is controversial, but there is no doubt that certain other factors are present in so many instances of family violence as to make them factors which this Commission should consider. Those factors include mental health issues, and alcohol and drug abuse which may increase the frequency and severity of violence.

The problem of family violence has received significant attention over the last year. Community awareness of the issue has been increased. As a result, some of the statistics are now more widely known. Nevertheless, the facts and figures which show the extent
of family violence currently being perpetrated in our community may surprise many people, and should be noted at the outset of these proceedings.

Although family violence can take many different forms, the most extreme case and the one that has received high levels of media and public attention because of some recent cases is homicide. The Coroners Court of Victoria has published a systemic review of family violence deaths covering a 10 year period. The report considered homicides in Victoria in the period 2000 to 2010 where criminal or coronial investigation had been finalised by April 2012.

Of the homicides considered in that period, in approximately 45 per cent of the cases there was a familial relationship between the offender and the deceased.

Of the cases involving family violence, an intimate partner relationship between the deceased and the offender existed in approximately 55 per cent of cases. Approximately three-quarters, 76 per cent, of intimate partner homicides resulted in the death of a female. In many cases where the deceased was male, there was a history of family violence where he had been the perpetrator.

The second largest category was cases where there was a parent-child relationship between the offender and the deceased. This accounted for approximately 30 per cent of family violence homicides. This category included where a parent killed a child, as well as where a child, including an adult child, killed a parent. In the 29 incidents where parents killed children under 18 years
of age, offenders included 16 males, 12 females and one incident involving both parents.

The national figures on family violence homicide are comparable and no less alarming. National statistics have been collected and analysed by the Australian Institute of Criminology's National Homicide Monitoring Program. These show that over the 10 year period 2003 to 2012, of the 2,631 homicide incidents documented, 1,088 were domestic homicides involving 1,158 victims.

On average, therefore, there were 115 victims of domestic homicide per year nationally over that period. In Victoria it is estimated that there were 44 family violence related deaths in 2013.

International comparisons in the rate of family violence homicide are difficult, in particular due to differences in the definitions used when collecting data. It appears that the Australian rate of family violence homicide is, at best, comparable to other Western countries and, quite possibly, worse than countries such as Canada and the United Kingdom.

In addition to family violence homicides, a history of family violence is present in many suicide deaths. The Coroners Court submission to this Royal Commission states that there were 550 suicide deaths annually in the period 2009 to 2012 and in many of these cases there was a history of family violence.

What then is the prevalence of other forms of family violence? The most authoritative resource on prevalence of physical and sexual violence is the Australian Bureau of Statistics' Personal Safety Survey, most recently conducted in 2012. The Personal Safety
Survey collected information about a person's experience of violence since the age of 15 by a partner. The term "partner" was used to describe a person the respondent currently lived with or lived with at some point in time in a married or de facto relationship.

The results were that an estimated 17 per cent of women had experienced physical or sexual violence by a current or previous partner since the age of 15. This equates to approximately one in six women. For men, an estimated 5.3 per cent of men had experienced physical or sexual violence by a partner since the age of 15. This equates to approximately one in 20 men. It should also be noted that where violence is used by a man the harm inflicted tends to be more severe.

The figures from the ABS Personal Safety Survey are very close to those contained in its earlier 2005 survey, suggesting that the prevalence of family violence has not changed materially in the period 2005 to 2012.

Prevalence estimates for physical violence against children, which may include any non-accidental physically aggressive act towards a child, vary widely from 5 to 18 per cent with the preponderance between 5 and 10 per cent. But children also experience family violence even when it is not directed at them, for example when they see or hear violence being used by one parent against the other. The Australian Bureau of Statistics 2005 survey reported that of all women who had experienced partner violence and had children in their care during the relationship 59 per cent reported that the violence had been witnessed by the children.

The whole of society is affected by and needs to
respond to the problem of family violence. In the present system there is a strong focus on responding to family violence through the justice system, including police and the courts.

Any consideration of the significance of family violence in the justice system must begin with the sustained growth in family violence incidents reported to police and processed through the courts. The number of incidents reported to police in Victoria has more than doubled in the seven years from 2007 to 2014.

Within the court system a very significant increase can be seen, too, in the number of cases proceeding as intervention order applications. In the years 2000 to 2001 the Children's Court finalised 263 intervention order matters. In comparison in the year 2013 to 2014 the court finalised 1,725 intervention order matters as depicted on the slide.

Moving to the Magistrates' Court, in the year 2000 to 2001 the Magistrates' Court finalised 14,948 intervention order matters. In comparison, in the year 2013 to '14 the court finalised 29,988 intervention order matters.

The growing number of family violence cases in the justice system is mirrored by - indeed, reflects - the increase in the number of cases reported to police. Under crime statistics reported on by the Crime Statistics Agency a family incident is an incident attended by Victoria Police where a risk assessment and risk management report is completed. This form is known as an L17.

The Crime Statistics Agency figures show a very
significant increase in the number of family incidents reported to police in the period 2010 to 2015. As indicated in the slide that is being shown, in the five years from 2011 to 2015 the number of family incidents reported to police increased by 77.3 per cent.

It is important to note that these figures do not necessarily indicate an increase in the prevalence of family violence. They may reflect only an increase in reporting, which could be explained by a number of factors, such as increased awareness and changes in police practices and community attitudes making people more willing to report. For these reasons, if the increase represents an increase in reporting rather than prevalence, it is arguable that this is a positive development.

In any event, the increase in numbers places significant demands on the police and organisations to whom people are referred, as well as the court system. An increased number of reports of family incidents to police results in increased numbers of intervention orders and charges of offences which are dealt with by the courts.

There has been an increase in the number of persons charged with family violence offences. The next graph being shown shows both in the blue line the dramatic increase in the number of incidents reported to police and also in the orange line, in the middle of the page, the increase in the number of charges laid by police which has increased from just over 9,000 in the year 2009 to 2010 to just under 30,000 in the year 2013 to 2014.

These figures do not represent the totality of family violence cases. Indeed, there is clear evidence
that many incidents of family violence are not reported to police or otherwise brought to their attention. This is a function of the hidden nature of family violence. It takes place within the home rather than in public, and victims are often reluctant to disclose that it is taking place.

The Australian Bureau of Statistics' Personal Safety Survey, referred to earlier, included questions about disclosure of family violence. The survey collected information about a person's help-seeking behaviours in relation to their experience of partner violence, being physical or sexual violence from a current or former partner. This included data about who the respondent first told about the violence and who they had ever sought advice or support from about violence by their partner. This included advice or support from formal sources such as health professionals, support services and police, as well as from informal sources such as a friend or a family member. For example, in relation to violence by a current partner, the survey results show that a significant proportion of men, 54 per cent, and women, 26 per cent, had never told anyone about the violence.

Any system which responds to the needs of victims of family violence needs to take account of the need to find new ways for those experiencing violence to receive support. It is unacceptable for our community to accept the high level at which violence is occurring without any acknowledgment or intervention.

The time for the public hearing has been divided into a number of topics with one day allocated to each topic. While the public hearings are by their nature a
formal process, we will be adopting some flexible approaches to the giving of evidence. For example, on several occasions we will be calling concurrent evidence where two or more witnesses give evidence together sitting side by side rather than separately. This technique enables one witness to respond or add to the evidence of the other.

On a few occasions we will be calling four or five witnesses together to ask them to address a hypothetical case study and see how they would respond in practice. We will also be presenting some short videos from time to time where they can shed light on the issues being discussed.

Each day will usually commence with a short opening statement from one of the Counsel Assisting which will outline the issues to be addressed that day and the evidence to be called.

On each day we will call a number of witnesses to give evidence. Many of these will be expert witnesses. Others will be front-line workers and representatives of government or non-government organisations. We will also be calling witnesses from interstate and overseas by videoconference to speak about the policies, programs or services in their State or country.

The structure for the rest of today will be as follows. After a short break, we will be calling two witnesses, Wendy Steendam and Rhonda Cumberland, to give evidence concurrently. Their evidence will survey the work done to date and provide a foundation for the exploration of issues during the balance of the public hearings. Ms Ellyard will be asking the questions of
these witnesses.

Following that, we will outline the topics to be covered during the public hearings and report on some themes that have emerged during the community consultations and the submissions, which will be developed during the balance of the public hearings. Ms Davidson will present this part of the opening.

Then after that we will hear evidence from a woman who experienced family violence whose experience sheds light on a number of systemic issues that will be explored during the balance of the public hearings.

In conclusion, this Royal Commission and these public hearings present an opportunity for the community to focus on the important problem of family violence. These public hearings will engage with three questions. What are we currently doing to prevent and respond to family violence? What can be done differently? What practical recommendations should this Royal Commission make to prevent and better respond to family violence?

COMMISSIONER NEAVE: Thank you, Mr Moshinsky. We will just take a short break.

(Short adjournment.)

COMMISSIONER NEAVE: Yes, Ms Ellyard.

MS ELLYARD: If the Commission pleases, in part B of the opening we turn now to the question of what we might call the journey so far, how the response to family violence in Victoria has developed over the years. As has been heard in the opening so far, the Royal Commission faces a very large task, but you are not starting from scratch. Considerable work, as has been noted by the Commissioner and by my learned leader, has already been done by many
people across a wide variety of government and non-government agencies to develop the system that we now have.

That work includes work done at a community level without formal structures from perhaps the 1970s and then the present formal system development can be dated to 2001 and the development of the first statewide steering committee for the prevention of violence against women. That statewide steering committee can now be understood as the first step towards the system we now have, and it is convenient to stop and reflect the work of that committee and the learnings that it might have for the work of this Commission.

To that end, what I propose to do is call to give evidence concurrently two people who were present as members of that steering committee and who were part of the work done in the period 2001 onwards. They are Assistant Commissioner of Police, Wendy Steendam, and Ms Rhonda Cumberland, presently the CEO of Good Shepherd. I will perhaps ask for them to be sworn in and then I will take each of them through their evidence.

<RHONDA LEA CUMBERLAND, affirmed and examined:
<WENDY MAREE STEENDAM, sworn and examined:

MS ELLYARD: May I turn first to you, Ms Cumberland. Have you made a statement to the Commission setting out some of your relevant experience and views which is dated 8 July 2015?

MS CUMBERLAND: Yes, I have.

MS ELLYARD: Can you identify for the Commission, please, your present role and the responsibilities of your present role?
MS CUMBERLAND: Yes. In my present role I'm the GEO of Good Shepherd Australia and New Zealand. I am responsible for all operations for strategy and finance. In particular, my role is about continuing the mission of the sisters who have been in Australia for 150 years, in the face of a declining number of sisters, but increasing demand for our mission to go forward.

MS ELLYARD: If one was to summarise the work of Good Shepherd and particularly the extent to which that work has a family violence focus, what does Good Shepherd do?

MS CUMBERLAND: Our mission says we are here to disrupt intergenerational disadvantage for women and girls. It is important to make a distinction. We don't work only with women and girls, we do work with the whole community, but that is our specialist area. We do so by focusing on three key areas: safety, which is particularly pertinent to the Commission; financial inclusion; and education and training opportunities.

MS ELLYARD: You are here today to give evidence about the part you played and your observations of the process by which the steering committee was developed in the early part of the 2000s and the work done since then. Can you outline for the Commission, please, what's your background and experience in family violence matters that led you to be part of the steering committee?

MS CUMBERLAND: My career took a very strong turn in the year 2000 when I was appointed the Director of the Women's Domestic Violence Crisis Service of Victoria, and I held that role for six years. It was in performing that role that I was invited to join the statewide steering committee and then further to participate in public policy...
1 development. So, I was in the sector, in a crisis
2 response role, for six years, then worked on the steering
3 committee and then I went and worked for the Family
4 Violence Reform Unit that was in the Department of
5 Community Development, I think, at the time, and then
6 I went on to become the Director of the Office of Women's
7 Policy which then had responsibility for carrying out
8 family violence reform in a whole of government context.
9 MS ELLYARD: And are the contents of the statement you have
10 made dated 8 July true and correct?
11 MS CUMBERLAND: They are.
12 MS ELLYARD: Can I turn to you, Assistant Commissioner
13 Steendam. You have made a statement with a number of
14 attachments which is dated 9 July 2015; is that correct?
15 MS STEENDAM: That's correct.
16 MS ELLYARD: Are the contents of that statement true and
17 correct?
18 MS STEENDAM: Yes, they are.
19 MS ELLYARD: What is your present position within Victoria
20 Police?
21 MS STEENDAM: I am currently the Assistant Commissioner in
22 charge of the information systems and security command and
23 I'm also the Chief Information Officer for Victoria
24 Police.
25 MS ELLYARD: As in the case of Ms Cumberland, you are here
26 today to give evidence about the role you played and your
27 observations of system reform in the area of family
28 violence in the period 2001 onwards. Can you outline for
29 the Commission, please, your history in Victoria Police
30 and in particular the extent to which you have had
31 involvement in issues of family violence and violence
against women?

MS STEENDAM: Yes. I have been a police officer for the past 30 years and in that time I have held a diverse number of operational and leadership roles, with extensive involvement in relation to our ongoing response to violence against women and children, in particular family violence. Prior to my current role I for a three-year period from 2010 to 2013 was the Assistant Commissioner in charge of eastern region and responsible for the provision of policing services in that location.

For a five-year period prior to that I was a detective superintendent attached to the crime department within Victoria. In that role, amongst many other responsibilities, I had leadership responsibility for a number of operational investigative units, including the sexual crimes squad, the homicide squad and I also had management oversight of and responsibility for the violence against women and children strategy group and the sexual offence and child abuse investigative team project. I have an extensive background in managing and investigating sexual assault and child abuse over the course of my career, and I was also actively involved in the review and the reforms that were undertaken in 2001 by Victoria Police in relation to this crime theme.

MS ELLYARD: Thank you, Assistant Commissioner. It's commonly understood that 2001 is the date from which we might mark the development of the present system, so I want to spend a little time inviting each of you to comment on what the landscape was like before 2001. If I could ask you first, Ms Cumberland, from the perspective of the family violence response services sector can you trace for us, please, the
history of the development of that sector prior to 2001?

MS CUMBERLAND: I think we can fairly quickly cluster 1970 through to the year 2000 as one of really just community responses and community based services to women, both in sexual assault fields and also in family violence, really characterise those areas as very isolated times when services were between women and the service provider. There was no broader connection, really, with government and little connection too with police and courts. That's not to say that police and courts did not become involved in sexual assault matters and family violence matters; they certainly did. But none of that ever connected together.

Hence, I think we really don't know what the consequences were for many women and children who reported or used those systems at the time. No one counted. There wasn't a system to record with any accuracy what that time was about.

MS ELLYARD: What was the understanding of family violence within the community response as you have described it?

MS CUMBERLAND: I think that over the 70s right through to the period of early 2000s when I was involved, we had a growing awareness of the true incidence and impact of family violence and at the same time we had no resources or support to do anything, really, about it. So, I remember as if it were yesterday what that time was like. It was very frightening to be a service provider, let alone to be a victim.

We had growing numbers of women doing research in this area, but of course that would be isolated cases of research, but it was starting to build an information
base. We knew - we were starting to talk about prevalence risk factors at that time, but our isolation and disconnection from the rest of the public sector or the service system was profound.

MS ELLYARD: What kind of crisis response was available to women, thinking about that period of time in the 70s and 80s?

MS CUMBERLAND: Well, women had to initiate everything themselves. They had to manage their own cases. They made the choices. They made the decisions. Women left violent situations, violent perpetrators, violent partners, but of course there was nowhere to go. It was when we started to realise that it took up to seven times for a woman to leave. She had to really take it all in her own hands and of course for many of them we don't know what happened to them or what the consequences were. A number were turned away because there simply wasn't any service capacity for those women, and again we don't know what happened to them.

But it was definitely a time when women were abandoned, really, by the public sector, by society, in thinking that they had a right and entitlement to a safe life at home. That just simply was not the community attitude then.

MS ELLYARD: Did you have any direct contact with police or law enforcement over that time about what the police or law enforcement response to family violence was?

MS CUMBERLAND: When I started to work in the crisis service, I could see clearly that women would come to us physically injured and harmed and we simply couldn't understand how that could not be registered as an assault committed
against that woman. We just couldn't understand it. But still, from women who were reluctant to report to police and our service system absolutely had no systemic link to police, so the response was simply ours to provide and what we provided was a secure refuge. It meant that again the burden of what had happened to that woman was all placed back on her shoulders. She had to leave her home. She had to leave her job. She had to take kids out of school for very long periods of time, and then probably those kids would have to start a new school and a new school again.

I can honestly say that in my whole experience of working in the family violence service system that was absolutely the time when revictimisation of women was at its highest and it had its most profound impact. The system more often than not had that unintended consequence of revictimising her.

MS ELLYARD: What was the relationship between the family violence response of which you were a part and police prior to 2001?

MS CUMBERLAND: We had no trust of Victoria Police and women didn't trust Victoria Police. There were more cases of women simply saying they were not believed and they were blamed, and no one's going to go and talk about your most intimate experience if you do not trust that authority. They didn't.

As far as our service system is concerned, and I say it in my statement, it didn't happen every night that a woman died, but it was possible, and we lived with that every day as service providers, with that possibility. I can't say today that women we turned away
were not murdered. I don't know.

But on one occasion a woman was murdered and a wonderful police officer took it upon himself to get justice for that family and for the children of that woman. So this is a very good police response. When I was having a conversation with him, I said, "We have to as a family violence provider and as a Victorian Police provider, we have to work on this issue of domestic homicide. We have to see domestic violence as a crime." I remember him saying to me, not in a belligerent way and certainly not in a way to be difficult, but he just said, "We have nothing in common. That's not what my work is about. I don't work in family violence. I work in homicide."

So that was prevalent in the thinking then and it took some time really. We got a lot of Victoria Police cooperation quite quickly, but to get the crime and the homicide involvement and engagement took quite a period of time.

MS ELLYARD: What about the complexity or nuance involved in the family violence response on behalf of the sector in that period prior to 2001? What complexity or sensitivity was there to respond to the individual needs of individual women?

MS CUMBERLAND: Well, in the pre-integrated period there was no nuance or real complexity, let me be blunt. It was simply you came into one part of the system, you might have come through via Victoria Police, you might have come through via a women's service, you might have come through via an intervention order through a legal support program. But those programs never spoke to each other. Hence, as a
service provider we had very few options that we could provide to women. It was one way or no way at all. Of course, those systems failed and women were subjected to repeat incidences of violence. The system did not, as a system, protect or give her options or in any way treat her as an individual with particular sets of circumstances where she might exercise some decision about what might happen to her.

MS ELLYARD: So the system didn't treat her in that way. So how did the system treat her?

MS CUMBERLAND: Well, the system said to her, for example, in Women's Domestic Violence Crisis Service, the one that I was in charge of, she had a refuge option or she could stay at home. If she stayed at home, we had nothing further to do with her. Imagine that. I, as I said, remember it as if it were yesterday. But we did offer women the option of going to a refuge, a very blunt instrument, took her away from her family, non-violent members of her family. It took her identity. It was the bluntest thing we could have done, and the impact was felt on women.

The impact on us as service providers was that again we couldn't put into place a lot of the learnings and intelligence that we started to understand about complexity in family violence. For the service system I think it was very much a problem because at that point family violence started to miss out on a lot of other policy reform that was taking place in relation to children, in relation to place based reform, in relation to homelessness. Family violence wasn't visible in that policy discussion, and I think we are still trying to play...
catch-up today.

MS ELLYARD: Why do you think it wasn't visible in any of those settings?

MS CUMBERLAND: Because I go back to that first point, lack of trust. Women didn't trust institutions to respond to this deeply intimate and personal experience. Our systems didn't trust other parts of government. So women services didn't trust that if we referred a woman to police for a police response or to a court, that there would be a decent response given. We had no way of knowing that would happen, and of course anecdotal evidence came back time and time again that it revictimised her. So it couldn't have been more polarised if we had planned it that way, and that's how it operated.

MS ELLYARD: What about the role of government either as a provider of direction or a provider of funds? Was there a particular position adopted by government that you recall in that time?

MS CUMBERLAND: I look back, and before appearing today I have looked back at some of the annual reports that we had in 2001-2. I cannot believe that we stayed open 24 hours a day, seven days a week, with the funding that we had, and I can remember I would bring this matter to our board at every meeting. Every meeting we had a watching brief on spending, how many women we could serve, how the staff were going. It became an occ health and safety issue. The board was a group of wonderful, brave women and at one point in the early 2000s they did go to the Minister almost begging for some acknowledgment of the work that we were doing and the impacts it was having on women and on staff.
At that time there was no appreciation of how dire that situation was. But really women's services were providing a law enforcement role to the community which was totally unacceptable. But I can only remember those times as just being - we were talking different languages altogether.

MS ELLYARD: Assistant Commissioner, can I turn to you. In your statement you set out in a great deal of detail the progress, if I can use that word, and the very considerable developments that have occurred in Victoria Police since that 2001 turning point. But can I ask you too to reflect on the period prior to 2001, thinking about the 70s and the 80s when I know you were active in policing, including dealing with offences against women. What was the understanding within Victoria Police, as far as you can say, about what family violence was and what the role of police was in responding to family violence?

MS STEENDAM: I can't comment on the 70s. I joined Victoria Police in 1984. I can comment on the system from that time on. Certainly there were policies and procedures to follow in relation to what was then known as domestic violence, our domestic violence policy. We were much more evolved in the way in which we responded to sexual offending and to child abuse, and very dedicated sexual offence and child offence units over that time period up until the 2000s, where that's continued to evolve into a slightly more sophisticated model that it is today.

But in relation to family violence there was certainly policy to follow. I think it's fair to say that on many occasions that policy wasn't adhered to by police officers. There were good practitioners who would
actually investigate and deal with the matters appropriately, but there was no consistency across the State in terms of our response to family violence, and I think in many instances we did not prosecute breaches and in fact we asked women to go to court and to represent themselves in taking out intervention orders and putting in place some protective mechanisms.

As I say, there were good pockets of practice and certainly in relation to sexual offence and child abuse. I think it’s fair to say our responses in relation to that were robust. We had good relationships with the Centres Against Sexual Assault and we worked very closely with them and a Code of Practice that we adhered to in relation to our responses to sexual offences.

MS ELLYARD: When you look back, can you identify any reason why it was that the Force’s understanding of the need for a specialist response to sex abuse and child abuse developed in advance of its understanding about the need for a similar response to family violence?

MS STEENDAM: Look, I think some time ago when the SOCAs were first put in place there was responsibility within Victoria Police for those units to also respond to physical assaults on women as well as children. That changed over a period of time where we dealt predominantly with sexual offending and child abuse, but also physical and sexual abuse against children. I think because of the volume of incidents that we were attending to, up until just before 2000 I think there were about 20,000 incidents we were attending to, and because of the time horizon in which family violence was occurring over the 24 hours of the day and across the whole of the State, it was more
about the mainstream responses and you had to have the
capability across the whole of the organisation to respond
at the times the incidents were occurring. So it was
believed that it was more appropriate to have the
generalist duties or the general duties responding to
family violence incidents.

MS ELLYARD: I think I'm right in understanding that in the
late 1990s, so in advance of the 2001 era, a little bit of
work started to be done in this area within Victoria
Police. Could you outline what that work was?

MS STEENDAM: In 1997 there was a service improvement project
and there was a lot of work done on looking and trying to
understand whether or not we were recording incidents that
we attended appropriately, and the paperwork that was
required, whether or not we were compliant with our
policies and certainly looking at the use of the complaint
and warrant process and whether that was a more effective
response by Victoria Police to use and to put appropriate
controls and protection, I suppose, arrangements in place
for those that were affected by violence.

That work then informed some work and I think our
responses improved, but they certainly still in 2001 were
not what we would like them to be.

MS ELLYARD: So that project that you are speaking of dealt in
part with the process by which the police might take
action to initiate intervention order applications on
behalf of people who had been the victims of family
violence?

MS STEENDAM: That's correct, and we certainly did take out
intervention orders and complaint and warrant processes on
many occasions, but there were equally many occasions
where we didn't actually do that.

MS ELLYARD: Was there any formal policy in place at that time about how police should respond in the case of family violence?

MS STEENDAM: There would have been the Victoria Police guidelines in relation to our responses to family violence and also in relation to our investigation obligations. But certainly not to the detail that it is today with the Code of Practice for the prevention and investigation of family violence.

MS ELLYARD: Similarly, thinking about this pre-2000 time, what was the nature of any formal relationship between the police and the family violence service sector, if I can use that phrase, being those community organisations working with victims?

MS STEENDAM: As I indicated, we had really strong arrangements with the Centres Against Sexual Assault, but we didn't have formal arrangements with other service providers, particularly in the family violence area.

MS ELLYARD: Do you have a view on why that was?

MS STEENDAM: I think we didn't quite understand the extent of the nature of the issues and what we needed to do to respond appropriately or the support that was required when people actually had incidents of family violence and we hadn't worked through those arrangements. If I reflect back prior to 2000, we only had two people that were working in the family violence area that were looking after both policy and training requirements for the organisation, so really a small number that were actually trying to work across the whole of the organisation.

MS ELLYARD: So then can I invite both of you to reflect then
on what was it that made 2001 the year when things started
to happen? Do we identify 2001 to the influence of any
particular event or person?

MS STEENDAM: I think it's fair to say that with the
appointment of the Chief Commissioner, Christine Nixon, in
2001 she indicated three priority areas and one of those
was looking at our responses to violence against women and
children and in particular family violence responses. At
that time she asked Commander Leigh Gassner to undertake a
review of the Victoria Police responses to family violence
and I was part of the team that undertook that review over
a three month period, to look at where we could improve in
our practice and what we needed to be doing.

MS ELLYARD: Ms Cumberland, what would you say about the role
played by Chief Commissioner Nixon?

MS CUMBERLAND: I remember Christine Nixon at the time of her
appointment saying that family violence was one of her
priorities. I can remember getting a call from her office
inviting me to a meeting. I couldn't believe it. It
caused a flurry in the crisis service. "Are we going to
be meeting with the enemy? Are we going to start working
with the enemy?" That's how it was sort of thought. "Do
we trust working with police? Should we be going or
should we still be standing out there with our protests
and our advocacy?" We decided, "Any table where the Chief
Commissioner sits is a powerful table. We are going to be
there," and we went. We never looked back after that. It
was absolutely a turning point in my mind.

MS ELLYARD: So the review that was conducted by Commander
Gassner and you, Assistant Commissioner, what form did
that review take?
MS STEENDAM: There was a document produced called "The Way Ahead" that talked about the outcomes from that review and a range of recommendations. At the time we undertook a literature review, a statistical review and also conducted internal consultation, but more importantly went and spoke to the sector and those that were actually supporting women in this area and listened to what they had to say about our response. I think it's fair to say that the overwhelming position of the family violence sector at that time was that police weren't responding appropriately, that we had a long way to go to improve our responses and that we needed to do much better.

MS ELLYARD: What were the areas where changes were identified as necessary?

MS STEENDAM: There was particular concern about us investigating matters that should have been investigated and been brought before the courts, so investigating criminal offences. Concerns about when there were breaches of intervention orders, our responses to those. And certainly concerns about making sure that we were putting in place the most appropriate supports for individuals and referral pathways. There was concerns about - and when I say concerns about Victoria Police, there was still identified many pockets of good practice, it wasn't every individual that was responding poorly, but there was certainly a number of stories and a lot of views that we weren't getting it right on each and every occasion.

MS ELLYARD: Ms Cumberland, you were nodding during the latter part of that evidence. What would you add to that assessment of what was perceived by the sector to be wrong
with Victoria Police's response?

MS CUMBERLAND: We would acknowledge completely, and I agree with Wendy, women did come from time to time or report how pleased they were to receive a supportive response. That did happen, but by no means in any way that was frequent and by no means was it required of a response that it work in a systematic way and you would be held accountable for the response that you provided. "Did you believe that woman? Was that the best thing you could do? Did you fully exercise all the powers that you had to make a change and a difference in her life?" That was just not present in any way.

MS ELLYARD: What was the response from the sector to the opportunity to speak to the police and be heard in the way that Assistant Commissioner Steendam has outlined?

MS CUMBERLAND: I think leadership is a wonderful thing and Christine Nixon led us all, and it was in no time at all that the sector started to believe in her and believe in what she was saying. And I think so, too, did a significant number of the Victoria Police believe in her and believe in what she was saying. But of course she led the State, she led our whole community, and it was a privilege to work under her leadership, to listen to her and to be able to put in place some of the benefits of her courage and convictions at that time.

MS ELLYARD: So the steering committee was formed as one of a number of committees formed by the Chief Commissioner at that time and its composition included representatives from various parts of government and community sectors. Were both of you present at the first meeting?

MS STEENDAM: Yes, I was. I would just like to just clarify
that. It was a joint steering committee of government and Victoria Police. It was actually formed under the Women’s Safety Strategy, so it was actually a Victorian Government sponsored committee.

MS ELLYARD: And it was co-chaired, I think, by the Office of Women's Policy and by Victoria Police?

MS STEENDAM: That's correct, yes.

MS ELLYARD: Can I ask you firstly, Ms Cumberland, to reflect on what that first meeting was like, the first meeting of that joint steering committee?

MS CUMBERLAND: Often with those big events it's mixed emotions. So we were - in all honesty, we had so much to get off our chests, it was palpable and we had a lot to say and we wanted to say it and we wanted to be heard, and we thought, "Here we are. For the very first time we are going to be listened to and heard by a system and a committee and some leadership that can make a difference."

So we were hopeful. We are passionate, and there was a part of us that was sceptical that just held out maybe this is going to just be about talking and not taking action. But there was definitely - people turned up, people were present and the sector gave those committees their all.

MS ELLYARD: Assistant Commissioner Steendam, you have reproduced behind exhibit 4 to your statement the initial Terms of Reference for the Statewide Steering Committee to Reduce Family Violence and I note that the original Terms of Reference were: one, to provide advice on how to improve the responses of police, courts and all relevant service providers to family violence; two, to provide advice on the development of an integrated response to
family violence; and, three, provide advice in relation to
the ongoing implementation of an integrated response to
family violence. Are either of you able to comment on how
those Terms of Reference came to be drafted and whose idea
they were?

MS CUMBERLAND: I remember the leadership on the question of
integration really coming around the Duluth model. We
were talking about that at the time. It was DVIRC that
brought together this idea and this framework that the
statewide steering committee could start to work with and
adopt. That question then for us all was to focus on the
safety of women and their children. That seemed to be a
wonderfully unifying message and force at those steering
committees, and that's where the whole question and model
of integration from my memory originated.

MS ELLYARD: Assistant Commissioner, what's your recollection
of how the theme of integration came to assume such
central importance?

MS STEENDAM: My recollection, these Terms of Reference were
actually supported by government and the representation
that was on the committee as to who should be involved,
government, non-government, police, courts and a
wide-ranging group of people. My recollection is that
this was identified as part of the Women's Safety
Strategy, but also as part of our review that it was
important to look at how we actually built a service
system and an integrated service system. So it was an
agreed piece of work with the committee, we worked with
the committee on the Terms of Reference, but it was
equally supported by government.

MS ELLYARD: The final page of exhibit 4 of Assistant
Commissioner Steendam's statement sets out the membership of the committee, not necessarily at the first meeting but at a very early stage, and we see there representatives from a number of non-governmental agencies and government and courts. I note also, I think, the Commissioner herself, but both of you were there. What was the benefit from that early stage of having so many different people and so many different perspectives around the table?

MS STEENDAM: So, from our perspective there was work that we were doing internally within Victoria Police and particularly the development of the Code of Practice for the investigation of family violence. We used that forum to assist us in developing that document and building the rest of the support system that was to actually work in the context of that code and our referral pathways. Equally, in the context of an integrated system and the piece of work that was subsequently produced by the steering committee, it was important to have everybody's perspective and understanding of their part of the system. I think it was the first time where we had come together as a collective group and understood everybody's roles and responsibilities and their position in the way in which we should respond to this particular issue.

The other thing for us, there were actually uninformed or misinformed positions about what Victoria Police could or couldn't do, and I recall one of the sessions we actually brought an instructor from the academy into the steering committee to actually talk about our arrest powers because there were uninformed positions about what we could or couldn't do and therefore that was how people were actually giving advice to victims of
family violence and also why perspectives about the response by Victoria Police were seen to be so inadequate when there were some limitations in what we could and couldn't do.

MS ELLYARD: So there was a need for some education so that the sector could understand better the limitations and what police could and couldn't do where family violence had occurred?

MS STEENDAM: Absolutely. We took that journey really from everybody's perspective. There was an opportunity to understand how each part of the system was responding and where there were opportunities to improve that practice.

MS ELLYARD: Ms Cumberland, what is your recollection about how information was shared and I guess mutual understandings developed over the course of those steer committee meetings?

MS CUMBERLAND: I agree with Wendy entirely that the statewide steering committee was educative. We listened as well as speaking, and overall of course we gained so much more of an insight into the perspectives and the realities of where each party was coming from. The sector did like to see things in black and white terms and we saw things clearly that Victoria Police was not exercising its powers. Of course, that advocacy has gone on to develop new and different powers that are more effective in responding to family violence, but it did start then with sharing information.

The other very important policy change that happened from the existence of statewide services was that family violence started to enter into the structures of government, into the structures of how public policy was
created and thought about, very late in the day, but it
was a beginning, it was a start.

MS ELLYARD: Assistant Commissioner Steendam, you have talked
about the development of the Victoria Police code of
practice, the first version of which I think came out in
2004, so in advance of the steering committee's report.

MS STEENDAM: Yes.

MS ELLYARD: What was the reason for the development of the
Code of Practice?

MS STEENDAM: So the Code of Practice for the investigation of
family violence was one of the recommendations from the
review that was undertaken, and the rationale behind that
recommendation, we had been practising and using a code of
practice in relation to our responses to sexual assault
and that was seen as an effective document to articulate
roles and responsibilities in relation to sexual assault.

There were a number of reasons for it. We wanted
to be accountable to the community in our responses. We
wanted people to understand what our response would be if
they reported matters to Victoria Police. We wanted the
service sector to understand what our response would be,
and we also wanted our members to understand what our
expectations of them were in responding to family
violence. So, it was used as a document to hold us to
account, but equally to inform our practice.

In many respects the code in its first edition
was really what a good practitioner would do, using all of
the available legislation and policy and arrangements that
we actually had, and it was to try to get consistency of
practice across the State.

MS ELLYARD: So that first Code of Practice didn't necessarily
change anything; a good police officer operating within
the full extent of his or her powers could have already
been doing all of the things that were in that first draft
of the code?

MS STEENDAM: That's correct, but we hadn't had it articulated
anywhere where people could refer to that. So it was in
essence really about good practice and what should be
happening on each and every occasion. What it did do,
though, was also provide guidance to our members in
relation to taking action on each and every occasion when
they responded to family violence, and it had to be
assessed on the circumstances of the incident, but at the
very least the first response had to have a referral to a
support service; if it was appropriate and needed, an
intervention order; and if there was sufficiency of
evidence, to also investigate and prosecute in relation to
criminal offences, or it might be a combination of those
three options within that model. So it was a framework in
which our members could respond to.

We equally produced some risk assessment and risk
management tools to help inform the decision making of our
members. That code was accompanied with a whole range of
education tools and some other positions that we actually
put across the organisation, dedicated positions to
support the implementation of the code, and our intent to
actually reform our response to family violence.

MS ELLYARD: So to summarise some, by no means all, of the key
issues in the code, there was a process where something
had to be done even if it was only a referral to an
appropriate support service and the code really designated
a pro-arrest and pro-prosecution policy where charges were
available to be laid arising out of family violence.

MS STEENDAM: Yes. There was also an emphasis on breaches of intervention orders and our obligations and responsibilities in relation to that.

MS ELLYARD: You have given evidence, Assistant Commissioner, that the code was to some extent workshopped or took some advice or assistance from the views of the steering committee; is that correct?

MS STEENDAM: That's correct. We consulted widely with the sector and with the steering committee on each iteration of the code before it was finalised.

MS ELLYARD: Ms Cumberland, from your perspective what degree of input did the sector, to use that phrase, have on the development of the code and how substantial a change was it from your perspective?

MS CUMBERLAND: From my perspective we had a substantial amount of input, very good, frank, open conversations. We learnt a lot about the realities of the context in which Victoria Police were working. But for the first time it codified it. It made a code that we could see and have access to, that we understood, so that if things were falling short we had a tool to measure police performance by. That had never happened before, and what had never happened before was we didn't have the leadership on this issue. So, with both of those things coming together, it had quite a measurable impact on practice and how things changed.

MS ELLYARD: The code, as Assistant Commissioner Steendam has indicated, required that at the very least there be referral to appropriate support services and in many cases that would have been referral to specialist family violence services. Was the introduction of that code
associated with any substantial increase in workload for
family violence support services?

MS CUMBERLAND: How long have we got? This is just a critical
issue and I hope the Commission gives it its full
attention. But that change did happen in the context of
really just adding extra requirements on top of services
that were already, anyone can see now, not just
underfunded but undervalued, not understood and in fact,
let's be clear, there was then, still remains today, a
community hostility almost to family violence services;
you know, "Why don't women leave permanently? Why does it
take all of this time? Why is it so complex?"

So the expectation that small, tiny sector could
take referrals from Victoria Police, one of our biggest
institutions, was simply not thought through and it wasn't
just a problem of resourcing. It was a problem of culture
and value of that sector.

MS ELLYARD: What do you mean by "culture"? Can you unpack a
little more what you mean by why it was a problem of
culture and understanding rather than merely a function of
funding?

MS CUMBERLAND: I think in Victoria we have - if we hold up the
honesty mirror to ourselves, we have turned a blind eye to
family violence and been very comfortable with it being
"over there". The more isolated, the better, because then
we don't have to deal with it as a community, as a public
sector, as a government, in our families. It's "over
there". That's the culture that I think really needs to
change. That's the culture that's being spoken about this
morning. It has an impact, though, day to day in service
delivery, in the quality of service delivery and what we
can actually do. So the culture and the resourcing questions come together and must be considered, in my view, together always.

MS ELLYARD: Although I take it that the sector was very supportive of the idea that there should be a referral process to refer women to support services, is that correct?

MS CUMBERLAND: Absolutely. The service sector, it is tenacious and it would never, ever let an opportunity go for a woman to - and we all know there's under reporting, we know women don't report. Whenever women did report, the service sector was ready and is still today. It is tenacious. But what it could do and what it can do is totally limited by this resource question. So the sector was very supportive of Victoria Police referring women to the sector. We thought that was just - in all honesty, we took our hats off to Victoria Police. That was a wonderful initiative and an wonderful investment of confidence in us, but the resources of course didn't come.

MS ELLYARD: In your statement you deal with this question of resources from the perspective of your time within government and understanding of how budgets are framed. I wonder if you could comment at this point on your perspective of how funding for family violence services is allocated and the difficulties, perhaps, associated with the way it has historically been made available.

MS CUMBERLAND: Yes. I was on a very steep learning curve when I went from the community sector into government and I had quite a senior role as the Director of the Office of Women's Policy. I couldn't believe how little impact or little influence we could have over ultimate budget
decisions. So the expertise and the outcome of what was funded, never twain really met. So we of course put up many initiatives when I was in government that were about family violence and we had wonderful ideas and ambitions.

What would come back down after a budget decision, you would really have to read it yourself to see if there was anything in there that related to anything that you put forward. So, family violence funding has always been filtered through funding priorities of the other big departments. That filtering had a detrimental effect on how the phenomena was understood, how it was responded to in policy terms and funding terms, how it had a central moral role in all of our institutions and how that was often overlooked because it was always at the end of the filter and never at the beginning.

MS ELLYARD: In your statement you use the phrase "budget champion" in that family violence needed a budget champion. What do you mean by that?

MS CUMBERLAND: We had wonderful ministers and wonderful departments who were trying to make changes in the family violence system, as I said, in the context of it being an isolated part of those big institutions, but everyone who had a leadership role was also leading in another area. So if you had to champion and advocate for funding in a multiple number of areas and then you had to address the question of family violence reform, how it was going, what the momentum was, I just think that conflict was not solvable for many people. In future, and I know we now have a Minister for Family Violence, but we do have to address this filtering of funding and budget priorities. I said in my statement budgets are always about setting
priorities. But if budgets can't come to terms with
the social reality of need, innovation and new and
emerging issues, and if you look at family violence in the
context of the whole history of our social services sector
it is still new and emerging, then there's something wrong
with the budget process.

MS ELLYARD: How would the response to family violence to date
have compared with, for example, the budget response to an
issue like homelessness, another sector which requires a
lot of support from the community? Can you reflect on
why, for example, homelessness often received a larger
amount of money or a greater sense of priority compared to
family violence?

MS CUMBERLAND: My theory, and it is certainly open for
contradiction and for debate, but I always thought
homelessness fitted more into good class structure and
analysis; you know, very much about - a very familiar,
politicised issue. Class analysis left a lot of people
with and a lot of people without.

It was very early in 2000 we were starting to see
that homelessness, the predominant people represented in
the homelessness system were women and homelessness of
course at that time had no way whatsoever of responding to
children coming into the system. They were called
accompanying - numbers accompanying women, so that's how
children were regarded. Because homelessness has
conventionally, of course, been a more class based
analysis, research, institutions structured around the
question of homelessness, and also we have seen back then
it was seen as a male alcohol and drug, family-less kind
of person and probably someone older and perhaps with a
disability.

We have seen in the last 10 years that our conceptions and our predispositions, how we think about homelessness has overturned and there is no doubt family violence and an awareness of family violence in the homelessness system has been a large cause of that.

MS ELLYARD: Can I now invite you both to think about the report of the Statewide Steering Committee to Reduce Family Violence which came out in 2005 and which has been produced by Assistant Commissioner Steendam as attachment 7, but I think you both have a copy. The document is signed off by the co-chairs, being the director of the Office of Women’s Policy, Ms Sharkie, and Assistant Commissioner Gassner.

Can I ask perhaps first you, Assistant Commissioner, was the process by which the recommendations contained in this report were achieved a simple process? Was there a high degree of unanimity or was there rather some degree of discussion or dissension about what the report should contain?

MS STEENDAM: I think it would be fair to say it was challenging process to develop that document. There were many and varied views about what the system should look like and how that should evolve over the time horizon. There was a lot of work that was done in relation to the development of the document. We originally had meetings for one and a half hours and over the time we were meeting monthly we had to have more frequent meetings and in fact we had a number of workshop days in order to produce that document, full days discussing all of the issues within the document.
The way in which we got agreement to the model and to the framework that was proposed was by putting the safety of women and children at the centre. Once we had a shared commitment to the outcomes that we were looking for, we then moved forward in the development of that document, and I think it's fair to say that everybody that was on the committee at that time was happy to sign up to that document in the way in which it was actually articulated.

MS ELLYARD: Ms Cumberland, would you add anything to that?

MS CUMBERLAND: I have never seen harder work done, and I have never seen a more comprehensive effort to get a document that we could all sign off on. Testimony to just passion. Good people working with good people to do good. It was something I remember as a highlight of my working career.

MS ELLYARD: One of the themes that emerges in the steering committee's recommendations is the need for a common risk assessment, a term now very familiar but perhaps new then. Was the introduction of a common risk assessment a controversial issue?

MS CUMBERLAND: In my memory it certainly was.

MS ELLYARD: And why was that?

MS CUMBERLAND: The sector had worked for very good reasons on the preferencing and prioritising of a woman's experience and we mainly worked out what we should do next on the basis of what she told us, and we valued a lot her saying that in her way and capturing her own experience. We thought it would be really hard to put a structure or a pro forma on top of that.

In addition, we were sceptical of assessments at all. We were worried that you could really distinguish
between any kind of family violence. It was all bad. It was all terrible. How could we start to say some kinds of family violence are worse than others? These were things we had to work through. It was difficult to do that. But, yes, at the very beginning the risk assessment was not welcomed with open arms by the sector.

MS ELLYARD: And how was it that it came to be something that was accepted and ultimately promoted as part of the solution?

MS CUMBERLAND: Well, it was painful, but there was money available to implement risk assessment. I think that overall what started to emerge was these tools start to bring coherence in practice. So Victoria Police had their risk assessment that was almost completely compatible with the risk assessment framework that the women's services were going to use. To get the courts to think about risk assessment was another thing altogether, but eventually they did come on board. I think it just built from a public policy sense, when you do have a coherence and you have tools that you can work with that start to bring together data, start to bring together information, start to reflect to us what we were all doing together, it was quite compelling that risk assessment was a great initiative and something that again we still value tremendously today.

MS ELLYARD: Assistant Commissioner Steendam, I think you have identified that as part of the Code of Practice effectively a risk assessment in what we now call the L17 was developed for Victoria Police to use. What was the benefit from your perspective of there being a common risk assessment rather than police doing one thing whilst other
parts of the sector did another thing?

MS STEENDAM: I think what we understand in relation to risk assessment, it is at a point in time and it is dynamic. So from our perspective we needed that tool to help our members make informed decisions about what actions needed and what interventions needed to occur when we responded to incidents. Having a common risk assessment tool and us being able to refer means that the services that actually take and support the women or the families that we respond to can then build on the risk assessment that we have undertaken and continue to evolve that and elicit more information that helps inform what response and what support needs to be available to that individual. So it is critical for us that we actually have a risk assessment tool that actually goes across the whole of the sector.

MS ELLYARD: Can I invite you now, Assistant Commissioner Steendam, you mentioned earlier that at a point in time, I think in about 2000 or 2001, there were within Victoria Police two people charged with responsibility in relation to family violence. In your statement you have set out the history of developments in Victoria Police since 2004 that have seen that number, to be frank, substantially increase. I wonder if you would summarise for the Commissioners, please, the various iterations that have led to expansions in the number of people focusing on family violence and the work that they do.

MS STEENDAM: I think it is fair to say that obviously Chief Commissioner Nixon started the work in relation to our reforms and our responses to family violence and each successive Commissioner has taken this issue and called it a key priority for them. From my perspective, in relation
to Victoria Police this is seen and is supported at the highest levels of leadership. It is owned and driven by the Chief Commissioner, by the executive command and all the layers of leadership within the organisation underneath that. We have continued to review our practices and our responses. There have been many different structures that have been put in place since the introduction of the code, including the development and the implementation of 32 family violence units across the State that respond and deal with our recidivists and repeat victims in relation to this area.

There has been continuous, I suppose, dialogue with the community through the statewide forums to continue to reflect on our practices - and I don't know if you want me to talk about this now, but I can talk about some of the outcomes that we have had from the introduction of the code.

MS ELLYARD: Perhaps if you could spell out the different categories of specialist family violence services that are available within Victoria Police. In your statement you summarise, for example, the family violence teams, the advisers and the liaison officers.

MS STEENDAM: Sure. We have a number of areas that support our violence against women and children responses and our response to family violence. So in each 24-hour station we have a family violence liaison officer that is responsible for ensuring the responses in that particular station is appropriate. We have a dedicated team of 14 family violence advisers who work within their geographical location and also across the service sector in that location to ensure that our responses are what
they need to be and to keep and to work on localised reforms in that area.

We also have the members that work at the courts to support the responses and those that are actually obtaining intervention orders as well as our civil advocates that work within the courts to support intervention orders and prosecution of these matters. As I indicated, we have 32 units across the State now that also formally work around our recidivist offenders and our repeat victims.

MS ELLYARD: So what would you say now about the extent - you said earlier in your evidence that there was a sense that family violence belonged as part of generalist policing rather than being something that was the subject of specialist units in the way that sexual abuse historically was. What would you say about the extent to which there has been a change in that belief or focus within Victoria Police?

MS STEENDAM: I think it's important; the volume of incidents that we have requires our general duties police to be able to respond appropriately to family violence and our policy and our framework actually supports that. But what we also understand is we are effective quite often in many of our responses and our first intervention in relation to family violence, but we have a large number or cohort that continue to offend or continue to perpetrate family violence. For those or that cohort, we have and we use our family violence units in fact who are specialised in this area and who do significant work in relation to our recidivist offenders and to support victims that are subject to multiple incidents of family violence.
MS ELLYARD: In your statement at paragraph 63 you talk about the strategy, the second Violence Against Women Strategy that was then launched by then Chief Commissioner Overland which set a number of targets to be achieved by which you would measure whether or not Victoria Police was getting some traction on this issue. Do you know whether those targets were achieved?

MS STEENDAM: Those targets have been achieved and then I think have exceeded far beyond what they were set.

MS ELLYARD: In paragraph 90 of your statement you give some specific references and I want to invite you to read out in fact the figures in paragraph 90, being the changes in reporting levels or actions taken by Victoria Police since 2004.

MS STEENDAM: Yes. So, since the introduction of the code of practice in 2004 there has been, as at 2014, a 136 per cent increase in family incidents recorded, a 551 per cent increase in intervention orders applied for by police, including Family Violence Safety Notices, and an 876.8 per cent increase in incidents where charges are laid arising from family violence incidents. I would also like to point out, and it's not in my statement, but in relation to contraventions or breaches of intervention orders there's also been over 200 per cent increase where we respond and lay charges in relation to contraventions.

MS ELLYARD: You also go on in paragraph 91 to note that in 2013/14 there are criminal charges in 45 per cent of incidents, whereas it was only 11 per cent 10 years previously.

MS STEENDAM: That's correct.

MS ELLYARD: To what do we attribute then that very substantial
increase? Ms Cumberland, from your perspective this 500 per cent increase in intervention orders and 800 per cent increase in charges laid, is that a sign that the work of the steering committee and the work Victoria Police has done is working?

MS CUMBERLAND: I absolutely take my hat off to the response by Victoria Police and at the same time I have to say it started from a very low base. But we have seen this dramatic change, doubling of reports and responses. I'm astonished, I have to say, that the family violence service system still stands with that kind of pressure on it, with that kind of rapid change in such a short period of time, historically speaking. It surprises me that it is open for business, that it can respond, that it really does the work that it does every day and every night. There is no doubt that the integration of this system and the support from Victoria Police, the changes that Victoria Police have made, substantially contributes to the longevity of a system that is, as we all know, under an unsustainable amount of pressure.

MS ELLYARD: Can I invite you both then to reflect on the recommendations that were made in the 2005 steering committee report and whether you believe those recommendations have been implemented in the way the committee hoped that they would? Can I invite you, Assistant Commissioner, to start?

MS STEENDAM: I think it's fair to say that there is a system that responds to family violence now. I think it would be fair to say that clearly with so many women or people injured and the deaths that we have, that there is still much work to do in this space, and Victoria Police
acknowledges that.

From my perspective I think the document and the reforms that were undertaken were appropriate at that point in time. I think that there is still opportunity to mature parts of the system and to evolve that, and hence why the Royal Commission is so important in relation to that piece of work.

The one thing that document didn't do, that talked and specifically focused on the criminal justice system. I think it's fair to say, and we heard in the opening remarks, the causal factors of family violence and the prevention and early intervention that needs to be undertaken and the work in that area wasn't articulated in that document. It was important it was seen by the steering committee that the first piece of work was to actually build a system, but acknowledging that there is a spectrum of response that needs to occur. We need an effective criminal justice system, but we equally need a system that starts to look at prevention and early intervention to ensure that we actually can stop family violence.

MS ELLYARD: Ms Cumberland, from your perspective did the steering committee's hopes for the reforms that it set out in its report come to fruition? Were those reforms initiated?

MS CUMBERLAND: The hopes haven't come to fruition at all. We hoped for more momentum in the reforms that were set out in 2005. We built the reforms unfortunately for a sprint race, where we should have built them for a marathon, and we are feeling the consequences of that today. We now know that the biggest challenge in any policy reform,
whether it be in family violence or in any social policy, economic policy or reform, the challenge is to have it last the distance. As the Commissioner said this morning, it's about a longer term agenda and it's about what we leave for next generations. So how we use all our policy capacity to build tools and structures that ensure reform can last the distance I think is a big challenge, and it's something we failed to do back then.

MS ELLYARD: Was there an absence of understanding back then that the problem was as large as we now conceive it to be?

MS CUMBERLAND: We knew the problem was big. We had prevalence data then, and you can't look at prevalence data and then all fall over when the incidence starts to increase at a dramatic rate. We either believe the prevalence data or we don't. If we believe it, then we have to start not trying to manage demand, but to meet it. We haven't really let that penny drop, it would seem to me.

So the other thing, I think the mistake we made in 2005-8 was we confused integration. We thought, "Here we have this wonderful integrated system," but if you took back another 10 paces and stood and looked at it, it was profoundly isolated; isolated from the public sector, from the community, and still the "over there" problem. We have to change the isolation of the family violence service sector and move it into - it's not an isolated problem. It is a problem we all own and so move from isolation to ownership. That was something we didn't think about back then, but I think now and in the introductory comments that were made this morning that message is reinforced.

MS ELLYARD: So do you mean that whereas perhaps 10 years ago
integration was spoken of as being about the different parts of the family violence response sector being integrated with each other, in fact the challenge for integration is to integrate that with the whole of the community and the various other ways in which communities meet and help each other?

MS CUMBERLAND: Definitely. This Commission's focus is on public policy and on strategies. The first thing we have to do is to get our public sector system more involved in family violence. We can't keep treating a mainstream problem in the margins. We have to move into this real whole government response. We spoke then that this was a whole of government response. Well, it wasn't. It was an integrated response, but it was still deeply isolated from a whole of government perspective. It would seem to me that we won't make inroads until we really start to look at our departments and our government in a holistic way, our courts in a holistic way, and once and for all accept that family violence is not the filtered down problem at the end of the spectrum. Let's start with it. Let's start with it. Because if it's having such an impact on the work that that you do, in courts, in hospitals and in police and in support services, if it is having that impact, then don't put it as number 10 on your list, put it as number one.

MS ELLYARD: Assistant Commissioner Steendam, you commented in your remarks that you thought that the focus in 2005 was on a law and justice response because that needed to be done first. What are the limitations in your sense of what the police can do to solve the problem of family violence as opposed to what necessarily has to be done in
other parts of the community?

MS STEENDAM: Police clearly play a critical role in responding to family violence. When we attend an incident we need to ensure that we support people appropriately, we believe them and we respond and investigate matters and prosecute matters where we can and put in place protective mechanisms. However, we are one part of a system and a response system. So we have an important role to play, but we can't do this in isolation. It needs from the early intervention and prevention pathways right across the continuum and every part of the system to be responding to these issues.

One of the things that I think is the most disappointing, there's a lot of awareness about family violence now, it's quite clear, and particularly over the last 12 to 18 months a lot of dialogue in the community about this issue, but all of the research at the moment would indicate that there hasn't been any shifts in community attitudes. As was talked about in the introductory remarks, unless we actually attend to those issues we are going to have to continually respond to family violence incidents. So for us is really important that the whole of the system is responding. Police are important, but they are not the only solution to this issue.

MS ELLYARD: Ms Cumberland, what would you say about this issue of change at a community attitudinal level?

MS CUMBERLAND: I think it goes to those questions of our culture. The questions that family violence services have been isolated, isolated out from government, from the community. In my view nothing has so dramatically stopped
us short in this area than high-profile media cases of
women and children being murdered. There is no doubt in
my mind that that has had a significant impact on
politicians. It has certainly had an impact on women in
our community. And it has had an impact on services that
are trying to respond to family violence.

We know the future is watching us. I hate to
think of it, but more high profile cases will occur. We
have a different world today. There is social media.
There is instant information. It is harder to keep
anything a secret and it is harder to keep anything
private. Family violence cannot be put back in the
bottle. The egg can't be unscrambled. It will be a part
of our future and we have to build institutions and
responses that take into account how central it is to our
community.

There is not a different moral compass at every
different person's desk or there is not a different moral
compass at the desk of Victoria Police or at the desk of
the justice system or at the desk of women's services. We
still work with a shared morality. We do have to work as
hard as we can to build leadership around that morality
and to make sure that we can make it last for the longer
term.

MS ELLYARD: What would you say are the lessons from the
approach taken by the steering committee for the way in
which that kind of change might happen in the future?
What was it about the steering committee process that
worked well to bring about what we might look back and
call the first generation of systemic family violence
change?
MS CUMBERLAND: We were too inwardly looking. We did think that we were it. In some ways we could explain it because of so effectively being shut out and so effectively being undervalued that when we had an opportunity to speak or contribute and someone started to listen we really thought that that was everything. You can see now that it absolutely wasn’t.

Our sector does have to look more outwardly as well as inwardly at the substantial problems that are faced every day and the pressure that’s put on workers and women every day. But we have to absolutely be more outward looking and, as I said, engage much more in the mainstream than we have up until now.

MS ELLYARD: What would you say about - and perhaps I will invite you to comment on this too, Assistant Commissioner - the drivers for change in the future? Is this something that needs to be led from the top or come from below? You have talked about leadership very much starting the process in 2001. Is leadership still an issue?

MS STEENDAM: From my perspective I think one of the critical success factors in starting to build the system that we have today was about leadership at the highest levels of government, and I think that needs to be a key factor in any reform going forward.

We also need to work collaboratively and work with key partners across the whole of the system on reform agendas and implementation of those reform agendas.

I also believe that specialisation is really important. This is a very complex issue and there is no one right way in which to actually respond to these
issues. We need to have people that understand this complexity in the way in which they respond, and that's across all parts of the service sector.

For me one of the key things that needs to be central in any work going forward is strong accountability mechanisms and performance indicators across the whole of the system.

MS CUMBERLAND: Could I make a comment on complexity. It's been mentioned a bit this morning. This is a deeply complex issue, and I think back to 10 and 15 years of my involvement and what I know now is vastly different from what I knew all those years ago. But we have to welcome complexity, welcome people who can work in complex environments, who are challenged by this in a way that they can be effective, not overwhelmed, or complexity can very quickly shut something down. So we have to change our thinking towards complexity, find people who thrive in those environments and get them to lead us out of what we have got today.

MS ELLYARD: What advice would you or comments would you offer to the work of the Royal Commission about things to do or things not to do as they embark on or continue with the process of considering how to change or improve the system that we have got? You have mentioned leadership. You have mentioned the need to look outward and not inward. Are there other lessons, do you think, from the work that the two of you are involved in that might be of benefit to those who are taking the work on?

MS CUMBERLAND: The Commission is going to have a job to do in evaluating, "Are the tools or the models right or wrong or are they grossly underfunded so that they fall over? Is
there an inherent goodness in them, something that we want to keep? We know that if there is a value given to them and if they are resourced they will work well." The Commission will have to perform that evaluation on a number of aspects of the family violence service system, and I wish it well in that task.

I think the other point to really focus on is questions about all of our expectations. I don't think we expect the family violence service system to be perfect, but we do expect that it is a system we can trust. Right now the trust is not there for it to do its job. So I would ask the Commission to think about that distinction. We are realistic, we are pragmatic people. But trust is essential and it has been the key - almost the thread - that's taken us from before 2000 right up until now.

We need to make new mistakes, not be repeating the old ones. Again, I think that the work of the Commission, as we have said earlier, it will have many things in what has happened in the past that it will truly value and see a future for. But how it weighs up what to stop and what to continue with is something I think we are all committed to helping the Commission to do.

MS ELLYARD:  Assistant Commissioner, would you add to those remarks?

MS STEENDAM:  Sure. I think I would support the sentiments and the articulation of the issues as Rhonda has stated. I think one of the key issues for us is there are effective responses in the system and parts of the system that we have today. The key issue I think for the Commission will be identifying which of those are
important to keep. We look as an organisation, Victoria Police, forward to recommendations from the Commission where we can improve our practice and evolve our responses.

I think the other thing that was mentioned earlier in the opening, some of this change will take a significant amount of time. There are things that we will be able to do quickly, but there are many things that will take a long period of time. The reforms that we have spoken about today really took place over a 15-year time horizon. We need to give ourselves a time in order to effect that change and not be judging the effectiveness of the change or the implementation of any recommendations too early, because this is a complex issue. When you are changing a system it does take a concerted effort by all organisations, by government and by those that work in those environments.

COMMISSIONER NEAVE: Could I just ask one question to follow up on something Ms Cumberland said. You referred to the need for trust between the different components in the system, I think you were saying, and you talked about the lack of trust that existed historically. Are you able to identify for us the areas where you think there is now a lack of trust in the various responses to family violence, both general responses, looking outward sort of responses and internal responses?

MS CUMBERLAND: I also meant that women have to trust the system to do what it says it will do. We still have way too many cases when that isn't the case. The owners of the family violence service system are all of us. We all own it. So we have to get that ownership living and
breathing right across all of those components of the
system that you were talking about and beyond.

I think that the question of trust goes to
adequate investment so that it makes sense to people that
we have given this issue a priority and we have matched it
with funding and we have matched it with a place in our
hierarchies and our institutions in Victoria that gives it
the importance that it deserves so that it can respond to
emerging and changing issues and information.

I think a coherence around our moral compass, our
social inclusion and our economic inclusion, a coherence
in that will build trust. We have to look at things in
their entirety so that there's a coherence, and then
people can understand how things are the way they are.
Then we can measure that we are doing what we have said we
would do.

I think it's at that broader level that I was
thinking about trust, and there is no doubt from those
systemic and quite abstract views that we can absolutely
populate a sense of action and policy and procedures that
could start to build something coherent and something
trustworthy.

COMMISSIONER NEAVE: Thank you very much.

MS ELLYARD: I have concluded my questions, Commissioners, but
I wonder whether any of the Commissioners have questions
for any of these witnesses before I ask that they be
excused.

DEPUTY COMMISSIONER FAULKNER: I would like to ask
Ms Cumberland just the commentary that you made about the
marginalisation of the sector. Does it follow that it's
up to government to fix that or are there other ways of
the sector itself integrating? So I'm interested in what
follows from the commentary that it is a marginalised
sector, it's not in the mainstream. I'm wondering what
follows in your view from what action is needed to get it
more integrated.

MS CUMBERLAND: This Royal Commission will bring down
recommendations that I expect will deeply challenge the
sector, and I hope that there's some understanding of
that, some resourcing and some support for how the sector,
too, can move into the future. I think, though, that it's
like sort of saying women can make the changes in their
own lives to end family violence. I always used to think
there's this mirror around the populations you are
representing. So family violence represents predominantly
women who have been violated and violence has been
committed against them. Those women take on an identity,
and sometimes the sector that represents them takes on a
similar identity. We really have to be careful not to
blame the sector for the situation in which it finds
itself, but at the same time challenge it and encourage it
and resource it to move into the future, and only
government can do that.

DEPUTY COMMISSIONER FAULKNER: Thank you.

MS ELLYARD: If there are no other questions for the witnesses,
I will ask that they be excused, noting that we will be
hearing a great deal more evidence about policing matters
on subsequent days and indeed we will be hearing from
Ms Cumberland again too, and that today was an
introduction rather than a full analysis of all of these
issues.

COMMISSIONER NEAVE: Thank you, Ms Ellyard.
MS DAVIDSON: This part of the opening statement will outline the topics that will be covered during the public hearings, and some of the themes that will be explored during the public hearings, including themes that have emerged during the course of the community consultations and in the submissions to the Royal Commission.

The topics to be addressed in the public hearings are: children; financial abuse and empowerment; alcohol and drugs; Aboriginal and Torres Strait Islander experiences; housing and homelessness; mental health; risk assessment and risk management; perpetrator interventions; the initial police response to family violence; intervention orders, including their enforcement and monitoring; the criminal justice response to family violence; overlapping jurisdictions, particularly family and child protection law; changing cultures in workplace and community settings; the diversity of experiences; the role of the health profession; integrating services; and information sharing.

Under each of those headings some themes emerge. I will address each of those, or some of those themes. One issue to be considered is the times that women may be at increased risk of family violence. Some studies have suggested that pregnancy can trigger the use of family violence by a man against his partner or can exacerbate existing violence in the relationship. Family violence in this context has been linked to the perpetrator feeling that his primacy within the relationship has been undermined. However, the Commission will also be taken to emerging evidence that, as with women, pregnancy and
childbirth is a time of increased stress and mental health
issues for men. Similarly, the period after the birth of
a child is considered to be a time of escalated risk.

Separation or attempted separation by a woman
from her partner is also a time of heightened risk of
family violence. For women who have not experienced
physical violence within the relationship, the separation
period is often when physical violence starts. One
Australian study showed that 40 per cent of men who killed
their partner were motivated by their partner leaving the
relationship or by jealousy.

Why doesn't she leave? The most recent survey of
community attitudes to family violence revealed that a
high percentage of Australians still find it hard to
understand why victims of family violence simply do not
leave the violent relationship.

The first thing to note is that many victims
cannot leave. Children being victimised by their parents,
the elderly being victimised by adult children or carers
in their homes, and women with disabilities being
victimised by carers or partners have no or limited means
of escaping the violent situation without the intervention
of others. For those victims there is no easy departure.

The second thing to note is that some women are
terrified that they or their children will be killed or
seriously injured if they try to leave.

While the community seems to struggle with the
complexities of intimate partner relationships, there is
greater recognition and understanding of the barriers for
parents who are experiencing violence or abuse from their
adult child. We do not have the same expectations that a
parent sever the relationship with their child or kick them out of home. We understand that they love their child, that they don't want them to come to any harm, let alone go to prison, and that they just want their child to stop being violent.

In the case of intimate partner violence, the continuing level of community disbelief at the number of women who stay in such relationships suggests that there is still much, much work to do to educate the public about the terrible dynamics of family violence. Most family violence does not begin with extreme physical violence.

As one submission to the Royal Commission notes, intimate partner violence often has a slow, chronic onset when it is difficult to establish where the violence begins. Once it has begun, it develops so slowly and works so effectively to reduce a woman's level of confidence that it becomes very difficult to escape; or, to use the words of the submission by Domestic Violence Victoria, it is an escalating spiral, not a one-off incident.

In many cases the family violence begins as extreme expressions of apparent love and involvement. A few too many text messages. Appearing at a woman's place of work. An insistence on spending time with him rather than with friends or family. A monitoring of finances and a refusal of access to financial resources. Helpful advice that slowly becomes criticism, and then abuse. Banging of doors which slowly develops into damaging of property.

As each incident moves the level of violence a little higher, the woman feels unable to object because
each incident on its own seems only a bit more serious
than the past conduct which was accepted. And so insults
become threats. Thrown plates become thrown punches.
Monitoring of phone calls becomes a refusal to let her
speak to her friends.

Women found that by the time they knew they were
in danger they were so incapacitated by the effects of
that long, slow escalation in violence that they were
unable to take steps to escape. By the time there was
overt violence, whether emotional, physical, sexual or
financial, they felt powerless. They had become so
isolated that they had no confidence in their own judgment
and felt to blame for what had happened to them.

Consistent with pregnancy and childbirth being
identified as a time of high risk, many women have spoken
to the Commission of loving relationships where violence
did not start until they were pregnant or had children.
Women with children found it difficult to comprehend
leaving their husband or partner and raising their
children alone. They and their children were usually
financially dependent on him, but many women also spoke of
their concern for their children and not wanting to take
them away from their dads.

It is also important to recognise that women with
children are rarely able to completely escape the
relationship with an abusive partner. The fact that they
have children together means that they will often have a
continuing relationship with their husband or partner long
after they have stopped living together. The Royal
Commission has heard from many women whose fears turned
into a reality as their ex-husband or partner used their
perceived "right" to have contact with their children and the legal system as opportunities to continue to control and punish them.

In other cases the Commission has heard about the violence emerged sooner or more overtly, but women had grown up in a family environment in which such violence was common so that they did not know that they could object. Violence felt normal and expected to them.

Many women also talked about the role that alcohol and drug use, or mental health issues, played in their partner's violence, which meant that they lived with two different men: one who was loving and caring when he was not drinking or taking drugs or not stressed or depressed; and another who was extremely violent. These women often assumed a caring role for their partners, hiding his bad behaviour from friends and family, explaining violence as not being the real him, while desperately hoping that he would be able to kick his addiction or resolve his mental health issues.

While we have just outlined the ways in which some women experience family violence, the stories the Commission heard from women in the community consultations were diverse and illustrated the complexity of relationships and the interplay of a range of factors in each individual case.

However, a consistent theme from the community consultations was that women did not fall in love with violent men. When the man they had fallen in love with became controlling, abusive or violent they had thought and hoped that he would stop and revert to the man they knew at the beginning of the relationship or who many
still saw during times in between the violence. They remained hopeful, often for many years, that their partner would change.

A number of submissions have identified the need for some more flexibility in the way that the system responds to family violence, to recognise the reality that many women want to remain in the relationship but just want the violence to stop, and have called for greater support and for more effective interventions for such families.

Of course even if the emotional barriers are overcome there are also a whole range of practical barriers for leaving a violent relationship. Again, the Domestic Violence Victoria submission provides some helpful guidance. Fear stops women from leaving. As we have noted, separation is a time of increased risk and many women fear what their partner will do to them or to their pets or their extended family if they leave.

Women do not leave because they feel the system will not protect them, and history indicates that in many cases that is true.

There is also no safe and affordable housing. Many women have no or limited financial resources or cannot leave the relationship successfully without also leaving their jobs. Another factor is that leaving the relationship will be disruptive for children and their links to education and community.

In many cases women still love the man who is being violent and stay out of a belief or hope that he will change and stop being violent. Women are concerned that they may lose links to their community. Some women
may lose their right to residency in Australia. And they fear social stigma or rejection from family and community.

The community's response to women experiencing violence needs to take account of and provide solutions for these barriers, both the emotional and the practical.

The experiences of family violence and of the ability to access support and assistance differs between population groups. I will deal with a number of the groups that the Commission has heard from.

Firstly, for Aboriginal and Torres Strait Islander peoples. Submissions have noted that Aboriginal women and children are over-represented among victims and survivors of family violence, but also emphasised that family violence is not a part of Aboriginal culture and is unacceptable within the Aboriginal community. It is important to note that men who use family violence against Aboriginal women are not always Aboriginal men.

In both consultations with Aboriginal communities and the submissions people noted that the prevalence and experience of family violence in Aboriginal communities is compounded by a range of factors, including the significant social disadvantage experienced by Aboriginal people in all domains, loss of land, a breakdown of community and culture as a consequence of past and present practices, alcohol and drug use, and childhood trauma and experiences of violence.

The intergenerational nature of family violence is well recognised by the Aboriginal community. There is a call to develop and implement programs across the life course of an Aboriginal child that prevent family violence, intervene early by supporting the family
wherever possible, and assist young Aboriginal men and
women to develop healthy non-violent relationships and to
be good parents. Many people in the community
consultations expressed the need to have culturally
appropriate support, and for such support not to be
limited to Aboriginal women experiencing family violence
but to extend to Aboriginal men, particularly young men.

Then there's the experience of people from
culturally and linguistically diverse backgrounds. Women
from culturally and linguistically diverse backgrounds who
experience family violence face significant barriers in
reporting abuse due to the lack of awareness about the
Australian law and service systems, cultural or religious
shame, fear of reprisal from extended family members,
isolation and lack of social networks, concerns about
their visa status, and language barriers.

A limited availability of accredited and
independent interpreters is identified as a significant
problem for women seeking to communicate with police and
emergency services, crisis services, lawyers and the
courts. A woman's immigration status affects her
eligibility for housing, including access to some refuges,
Centrelink assistance and health and pharmaceutical
benefits. Submissions have emphasised the importance both
of specific support for members of migrant communities who
are victims of family violence as well as increasing the
understanding of mainstream organisations and agencies.

For a number of women from culturally and
linguistically diverse backgrounds it was their work
colleagues who helped them to identify their experiences
as family violence in the Australian context.
Then there's the experience of older people. Like other forms of family violence, elder abuse can be psychological, financial, physical, social or sexual, and can also involve neglect. Reasons that inhibit victims from reporting intimate partner violence also apply to elder abuse. This includes concerns about who will provide care, shame about the private nature of the family conflict, and an unwillingness to cause further conflict.

Along with social isolation, which is sometimes exacerbated by disability or illness, and a lack of awareness of the agencies or organisations available to assist, these factors act as barriers that can prevent older people from engaging with family violence or elder abuse services. Particular difficulties arise when the abuse is inflicted by an adult child.

Submissions have identified that there can be a lack of awareness of the existence of elder abuse amongst the staff of both family violence services and of the community and care services aimed at older people. This means that signs that abuse is occurring may not be picked up or staff may not be sure what to do when abuse is suspected.

Lesbian, gay, bisexual communities, transgender and intersex people. There is a lack of recognition across the community and the family violence system of the family violence that can be perpetrated against those who identify as lesbian, gay, bisexual, transgender or intersex. The issues for each group are different, with gender, narrow conceptions of gender, and discriminatory attitudes having different impacts upon their access to support and accommodation.
In addition to intimate partner violence, members of the LGBTI population have experienced high levels of homophobic/transphobic violence from family members as a response to their sexual and gender diversity. Young people and older people are particularly vulnerable to this form of violence due to the greater likelihood of their dependence on their families.

Perpetrators can threaten to "out" their partner. Homophobia can also mean that individuals are cut off from their families, which impacts on support options available for them. Due to previous experiences, victims may fear and mistrust services, including health and community services, police and the legal system. In areas with a small and close-knit LGBTI community issues of confidentiality, stigma and embarrassment are compounded.

More work needs to be undertaken to assist these groups of victims/survivors to safely leave violent relationships and access the supports that they require, including access to appropriate crisis accommodation for members of the transgender community.

Women with a disability are at an increased risk of family violence. Research also indicates that violence, when it occurs, can be more severe and last longer. Submissions have identified that the family violence and justice systems are poorly set up to meet the needs of women with disabilities, and that the issue is largely invisible to disability services.

Underreporting can occur due to fear of retribution and losing their only source of care or support; lack of support to make a complaint; feeling they would not be believed; and not having the communication
skills to name the harm that they are experiencing; as well as discriminatory treatment by police and others.

The vast bulk of the current supply of emergency accommodation, which is really motel and secure women's refuges, does not have the capacity to accommodate women or children with disabilities. Very few are physically accessible. The staffing model and practice model is not amenable to accompanying children with high physical and/or medical support needs or children with behavioural support needs.

I now turn to the position of children and young people. Children were present at 34 per cent of family violence incidents attended by Victoria Police in 2013 to 2014. A consistent theme throughout the community consultations and the submissions is the need to strengthen the system's response for children. Although there is now a significant body of evidence about the impact of family violence upon children, this is not so well understood within the community or services.

Submissions also identified a need for greater focus upon prevention and early intervention for children. While many submissions identified a number of individual programs that seek to support vulnerable families or children at risk of family violence, these are often pilot programs and are not widely available.

Early childhood services and education services also provide an opportunity to identify family violence and to intervene early. Submissions and community consultations identified the very limited treatment services that are available for children who experience family violence.
Concern also emerge from the submissions and the community consultations that the service system does not respond appropriately to those who have experienced family violence, with inadequate support in generalist services, such as education, health and police; inadequate family violence assistance for children, such as insufficient counselling; and a tendency in the family violence sector to conflate the safety and wellbeing of the primary victim, that is the mother, with that of the child, which is contrary to the "best interests of the child" principle.

Another issue to be addressed is the situation where children and young people are themselves using violence against other family members, such as their siblings or parents.

Increased investment in prevention is needed, given that reporting is projected to increase. In both the community consultations and the submissions there was a very high level of interest in using schools to teach children and young people about respectful relationships. There was interest in developing programs for children of all ages, not just in secondary schools, but there was particularly strong support for providing respectful relationships education to young people when they are likely to be in their first intimate relationships.

Submissions and community consultations also identified workplaces and sporting clubs as other places where it was particularly important to do prevention work, and referred to the work that has been undertaken in these contexts and the wider community.

Throughout the community consultations the Royal Commission
Commission heard from women whose experiences of family violence included alcohol or drug abuse. Some women talked about their partner being drunk as being the time when they were most afraid and when the worst violence occurred. Many spoke of the influence of drugs like ice on their partner's behaviour. These experiences are consistent with the research which establishes that alcohol and drug abuse contributes to the frequency and severity of family violence.

The submissions identified that, although there is a clear relationship between alcohol and drug abuse and family violence, family violence organisations and alcohol and drug organisations can sometimes operate in almost complete isolation from each other and each has a limited understanding of the role the other service might play.

This led to a consistent call for better integration, including the enhancement of referral pathways and workforce training so that organisations can respond in the most flexible and appropriate ways to each individual case.

Another theme was the need for a wider palette of case management options and therapeutic interventions for perpetrators of violence whose life circumstances are complex.

Mental health issues arise as an issue at both ends of the spectrum as a factor associated with higher risks of violence occurring and as a consequence of that violence. Submissions noted that poor mental health is one of a number of risk factors associated with family violence perpetration, and that family violence has significant health impacts upon the victim.
Individual submissions provided graphic examples of the serious, long-term impacts family violence had upon a victim's mental health. Submissions talked about how exposure to family violence negatively impacts on children's development and mental health and can cause a level of trauma that impacts over the rest of that person's life.

It is important to emphasise that family violence is not limited to those in poverty or suffering social disadvantage. Women with professional careers can be victims of family violence. Family violence can also occur anywhere, including behind the closed doors of large houses in the leafy suburbs of Melbourne.

However, intergenerational poverty and marginalisation was noted in some submissions as the backdrop against which violence can become the norm. Severe and prolonged stress, including stress caused by chronic financial hardship and disadvantage, is a risk factor for violence. These submissions talked about empowering communities to develop local approaches to preventing and tackling family violence, addressing the links between disadvantage, joblessness and family violence and addressing the lack of social infrastructure and support services in areas where there is a high prevalence of family violence.

Poverty and social disadvantage is also a significant barrier to escaping family violence. Employment and the financial security it affords was often spoken about as a key pathway out of violence. A number of submissions highlighted that financial literacy programs, employment support and other programs to connect
women to and maintain employment were family violence prevention in action. Others stressed the importance of working with men to address joblessness, poverty and marginalisation in order to have better prospects of success in addressing the attitudes and behaviours that drive family violence.

The provision of services and support in rural and regional areas raises particular challenges. A number of concerns have been raised in submissions and the community consultations about the police and court response to family violence in rural and regional areas. For example, in relation to police there were concerns about delays in attendance given geographic distances, the potential for perpetrators to have social connections with police members, outdated attitudes held by some members, and lack of privacy when disclosing information in rural police stations.

There were submissions about magistrates in rural and regional courts, particularly in relation to poor understanding of family violence dynamics and inconsistent outcomes. Older court buildings were another issue. These are particularly problematic because of the small size or absence of suitable waiting areas and the high level of visibility and lack of privacy in small towns. The use of circuit magistrates was also raised. This may make it difficult to obtain a consistent approach or for there to be effective case management of ongoing family violence issues.

In addition, rural and regional areas face greater challenges in the availability of timely access to support, including housing assistance, mental health
services and specialist family violence assistance.

It emerged from the community consultations that within the health services system there are many missed opportunities to intervene early in family violence. Many women in the community consultations had attended a GP or hospital emergency department for treatment of an injury which had been caused by their partner, but were never asked about how that injury occurred.

Some were even receiving counselling or psychiatric treatment but were never asked about what was happening at home. Many women spoke of revealing family violence to a health professional but receiving little or no practical assistance after the disclosure, such as useful referrals.

The stories women told suggested a lack of family violence training for health professionals. This has been confirmed by submissions. However, training to help identify family violence will be of little use unless there are agencies or organisations able to support the professional and the victim once family violence is disclosed or identified.

The experiences of victims as told through the community consultations revealed an inconsistent experience of the police and justice system that was usually highly dependent upon the individual police member or court officer. Some victims described a fantastic police officer who was incredibly supportive and helped them through a very difficult time. However, others described a response that was unhelpful or even highly traumatising.

The experience of the court system was often
retraumatising for victims, who had to turn up to court at
9.30 am and wait in the same foyer as the partner from
whom they were seeking the court's assistance to be safe,
and often for many hours. Most had no legal
representation or other support. They were required to
give evidence against the very person whom they had been
unable and too scared to say no to for many years, while
he stood metres away. And they often had to do that
multiple times before different judges and in different
courts.

A number of submissions and the community
consultations referred to navigating complex and
overlapping jurisdictions, with the Magistrates' Court,
the Children's Court and the Federal Circuit Court or
Family Court potentially involved.

One of the themes both in the perpetration of
family violence but also in potential responses is the
impact of new technology. In 2012 the Domestic Violence
Resource Centre's SmartSafe project conducted a study
about the use of technology by perpetrators of family
violence. The study included a survey of 152 family
violence workers and 48 victims and found that 97 per cent
of the workers reported direct experiences of perpetrators
using mobile technologies to stalk women; approximately
29 per cent of workers identified the use of GPS or GPS
based applications like Apple's "Find my iPhone" or "Find
my Friend"; 80 per cent of women received calls that made
them feel afraid; and 63 per cent of women were made to
feel that they were being watched or tracked.

As with other forms of family violence, one study
has shown that technology-facilitated abuse often
increases once the victim has left the relationship. In recognition of the increasing use of technology by perpetrators of family violence, the Council of Australian Governments has agreed that by the end of 2015 it will "consider strategies to tackle the increased use of technology to facilitate abuse against women, and to ensure women have adequate legal protections against this form of abuse".

On the other hand, new technology can assist in the responses to family violence. The Royal Commission has received many submissions from organisations that are using technology to develop innovative solutions to prevent, intervene and respond to family violence.

It was clear from both the community consultations and submissions that victims of family violence may need support and assistance from multiple agencies or organisations. Each agency and organisation has its own requirements and a victim is likely to have to tell their story many times, particularly in the first weeks of separating from their partner, when the victim is likely to be feeling particularly vulnerable and unsafe.

Some submissions identified that many agencies and organisations continue to operate in silos, while others expressed a need for organisations providing support for men, women and children to work more closely together.

This also leads to another theme for the Royal Commission, which is the benefit to be gained from multi-disciplinary approaches to family violence. Many submissions spoke of the opportunities for bringing different agencies and organisations together to work
collaboratively, to reduce duplication and improve outcomes for families.

In conclusion, family violence is a problem of such complexity that it will require a complex set of solutions. In the days which follow, the evidence will tease out some of the complexities of both the problem and the potential for solutions. Although each day has a designated topic, there will be many moments for the drawing together of themes across multiple topics. In this way, we hope to shine some light on the kinds of recommendations which might bring about real and practical improvements to the family violence response system in Victoria.

COMMISSIONER NEAVE: Thank you, Ms Davidson.

MR MOSHINSKY: Chairperson, could I suggest if it is convenient that we adjourn until 2.15.

COMMISSIONER NEAVE: That would be quite appropriate. Thank you, Mr Moshinsky.

LUNCHEON ADJOURNMENT
UPON RESUMING AT 2.15 PM:

COMMISSIONER NEAVE: Thank you, Mr Moshinsky.

MR MOSHINSKY: Commissioners, before the witness is sworn

I should refer to the Restricted Publication Order that

has been made by this Commission.

COMMISSIONER NEAVE: Yes.

MR MOSHINSKY: Would it be convenient if I read out the main

parts of that?

COMMISSIONER NEAVE: I think the media have all got it before

them, but, yes, do that. It will be helpful.

MR MOSHINSKY: There is a Restricted Publication Order that the

Commission has made for the evidence that is going to be
given in a moment. "The Commission under the Inquiries
Act has prohibited the publication of any information that
may enable the identity of the relevant person, this

witness, who has given or is to give information or
evidence to the Royal Commission for the purposes of its

inquiry to be ascertained."

The reasons for making the order are set out.

Publication, the meaning of that is set out in detail and

the relevant person is the person known by the alias

"Susan Jones" giving evidence on Monday 13 July 2015 at

2.00 pm until excused and a copy of that notice has been

placed on the door of the hearing room.

COMMISSIONER NEAVE: Thank you, Mr Moshinsky. So the media are

clear, you can publish her evidence but not anything that

would identify her. That includes that she will be

referred to under a pseudonym and not anything that could

identify her personal details.

MR MOSHINSKY: Thank you.

(CONFIDENTIAL SECTION Follows)
MR MOSHINSKY: Commissioners, I understand there may be some people who have come in during the course of the evidence, and I just wanted to reiterate for everyone here the Restricted Publication Order that applies to this witness's evidence which is that no information that may enable the identity of the witness who has given evidence is to be published and that includes not only a name but also any of the identifying details in her evidence which might enable her to be identified.

COMMISSIONER NEAVE: Thank you, Mr Moshinsky. We have no more witnesses today; that's right, isn't it?

MR MOSHINSKY: Yes, it is.

COMMISSIONER NEAVE: So we will rise a little early, and reconvene tomorrow.

ADJOURNED UNTIL TUESDAY, 14 JULY 2015 AT 9.30 AM