



ISSUES PAPER

RELEASED 31 MARCH 2015

INTRODUCTION

Purpose of this issues paper

1. The Royal Commission into Family Violence ('the Royal Commission') is seeking submissions from anyone directly affected by family violence, from individuals and organisations who have come into contact with people affected by family violence (whether directly working in the family violence sector or not), and from any others whose experiences and ideas may assist the work of the Royal Commission. Examples of individuals who do not work directly in the family violence sector but may wish to make a submission include general practitioners and other health professionals, social workers, disability workers and advocates, teachers and community or religious leaders.
2. The purpose of this issues paper is to provide general guidance to individuals and organisations in making their written submissions. The Royal Commission is also accepting submissions that address its Terms of Reference¹ without responding to the particular questions in this issues paper.
3. Written submissions are just one of the ways in which the Royal Commission will gather views and information. It will also be examining more detailed questions through its research, community engagement and public hearing activities. Updates about the Royal Commission's activities will appear on our website: www.rcfv.com.au.

Your submission

4. Your submission will help to improve the Royal Commission's understanding of gaps and problems in the response of our system, and our society, to family violence. Where possible, it should highlight solutions to these gaps and problems. You may want to suggest short term and longer term solutions. You may also want to indicate which approaches you believe will have the greatest impact in reaching the goals set out above.
5. We have put forward some themes to guide you in making your submission. These themes, and the questions we raise, are provided as a guide only. There may be issues or ideas that you want to share with us which go beyond the scope of this paper, and you need not address all or any of our themes and questions.
6. The due date for all submissions is 29 May 2015.
7. The preferred method of receipt is via our website www.rcfv.com.au, followed by email at enquiries@rcfv.com.au and then post at PO Box 535, Flinders Lane VIC 8009.

8. Each submission must include a cover sheet, which can be found on the Royal Commission website at www.rcfv.com.au. There is no particular length or format required for submissions.
9. If, for accessibility or other reasons, you require assistance to make a submission, or you have any queries about the submission process, you can call 1800 365 100, or email enquiries@rcfv.com.au.

Royal Commission goals

10. Your submission will assist the Royal Commission in making recommendations for change. In keeping with its Terms of Reference, the Royal Commission aims to make recommendations which:
 - foster a violence-free society
 - reduce and aim to eliminate family violence
 - prevent the occurrence and escalation of family violence
 - build respectful family relationships
 - increase awareness of the extent and effects of family violence
 - reinforce community rejection of the use of family violence
 - ensure the safety of people who are or may be affected by family violence, by:
 - facilitating early intervention before violence occurs
 - providing fast, effective responses to those who report family violence
 - providing effective protections to adults and children who have been affected by family violence in the past, and remain at risk of family violence
 - support adults and children who have been affected by family violence
 - hold those who have been violent accountable for their actions
 - help people who use or may use family violence to change their behaviour
 - develop and improve the means by which solutions to family violence are implemented and assessed.

Question One

Are there other goals the Royal Commission should consider?

FAMILY VIOLENCE TODAY

What is family violence?

11. Family violence includes a broad range of behaviour, often continuing over a long period.
12. The definition of family violence in the Victorian *Family Violence Protection Act 2008* is not limited to acts of physical or sexual violence, which constitute criminal offences. It also includes economic, emotional and psychological abuse; as well as behaviour that is threatening or coercive, or controls or dominates a family member and causes them to fear for their wellbeing or safety, or the wellbeing or safety of others. It includes conduct which exposes a child to abusive behaviour, even where the behaviour is not directed at that child. Actions like damaging property and limiting a person's liberty can fall under this definition.
13. Family violence may involve partners, siblings, parents, children and people who are related in other ways.² It includes violence in many family contexts, including violence by a same sex partner, violence by young people against parents or siblings, elder abuse, and violence by carers in a domestic setting against those for whom they are responsible.
14. Research shows that it is overwhelmingly women and children who are affected by family violence, and men who are violent towards them. For this reason, family violence is described as being 'gendered'. Although family violence is gendered, men may also be affected by it.
15. Because of the variety of behaviours which amount to family violence and the wide range of people affected by it, we have chosen to use broad language, referring to 'people who are affected by family violence' and 'people who have been violent'. At times we will also refer to the family violence 'system'. There are many systems that interact with family violence, and there is not a continuous single system of responses. However, for this Issues Paper we use this term when referring broadly to the array of government and non-government responses to family violence.
16. A comprehensive definition of family violence is important for both practical and symbolic purposes. Defining conduct as 'family violence' expresses our community's shared condemnation of that conduct. More practically, it may determine the availability of particular support services or legal protections.
17. The Royal Commission wants to ensure that we take account of the range of behaviour that amounts to family violence. For that reason we seek submissions from a wide range of individuals and organisations able to shed light on these issues and suggest improvements to the system.

What do we know about family violence?

18. It is difficult to measure the precise prevalence and impact of family violence. A great deal of family violence is hidden. Many people do not report it to the police. Research on the occurrence of family violence defines it in a number of different ways, which are not always consistent.³
19. Despite difficulties in estimating its extent and effects, it is clear that family violence is widespread, and imposes substantial costs on the community. (Note that some research uses the term ‘domestic violence’—for the sake of accuracy, we have used this term when discussing that research.) For example:
 - Based on its 2012 Personal Safety Survey, the Australian Bureau of Statistics⁴ estimated that:
 - 17 per cent of all adult women in Australia (and 5.3 per cent of all adult men) had experienced intimate partner violence at some point since they were 15
 - 25 per cent of women and 14 per cent of men had experienced emotional abuse (which incorporates a range of manipulative and coercive behaviours)⁵
 - Women were substantially more likely than men to experience fear or anxiety as a result of emotional abuse by a previous partner of the opposite sex:⁶ 76 per cent as against 46 per cent
 - According to the Australian Institute of Criminology:
 - of the 479 homicide incidents⁷ in Australia between 1 July 2010 and 30 June 2012,⁸ the largest proportion, 39 per cent, were classified as domestic homicides
 - for the same period, 31 per cent of the 96 homicide incidents in Victoria were domestic homicides⁹
 - Victoria Police reported in 2013–14 that over 45 per cent of assault offences, and over 34 per cent of rape offences recorded by Victoria Police were related to family violence incidents.¹⁰
20. In addition to the individual harm created by family violence, the burden of family violence on the wider community is heavy and wide-ranging. For example:
 - In 2013–14, some 35,135 family violence intervention order (FVIO) applications were finalised by the Victorian Magistrates’ Court. That figure has increased by 83 per cent over 10 years¹¹
 - Victoria Police attended more than 65,000 family violence incidents in 2013–14—an increase of more than 83 per cent since 2009–10¹²
 - The Australian Institute of Health and Welfare reports¹³ that family and domestic violence is the main reason women and children leave their homes in Australia. Approximately a third of all clients who accessed homelessness agencies in 2013–14 sought assistance as a result of experiencing family or domestic violence—this was a 9 per cent increase on 2012–13 (including 14 per cent more children experiencing family or domestic violence), and Victoria accounted for 72 per cent of the increase.

21. Against this backdrop, community attitudes towards family violence are of interest, and concern. For example, in a 2013 VicHealth survey:¹⁴
- Twenty-two per cent of respondents agreed with the proposition that domestic violence can be excused if people get so angry they lose control, 12 per cent agreed that it can be excused if people are under stress, and 9 per cent if they are heavily intoxicated
 - Six per cent agreed that violence against women was justified in cases of infidelity (the same figure as was recorded in the 1995 survey)
 - A majority agreed that women often invent or exaggerate claims of domestic violence in order to improve their case in custody disputes
 - Almost 4 out of 5 found it hard to understand why women experiencing violence stay in the relationship, and just over half agreed that women in violent relationships could leave if they really wanted to
 - Nine per cent agreed that it is a woman's duty to remain in a violent relationship in order to keep the family together.
22. This suggests that alongside the need to improve responses to family violence, and aim to eliminate it, is a need to increase public awareness of the problem, and to change attitudes that blame those affected by family violence and/or minimise the harm caused, to individuals and to the community, by family violence.

What has been done so far?

23. Over the past 30 years, reforms have been made at state and federal level to respond to the problem of family violence. Many groups, including government and non-government agencies, have worked to increase awareness of family violence and suggest more effective responses to current problems. The Royal Commission acknowledges the sustained and ground-breaking efforts of those who work in this field. We will be taking account of previous reforms and, as far as possible, assessing their effectiveness. Our terms of reference ask us to establish best practice in this area.
24. There have been many policy and legal responses over the past three decades. These have included, for example:
- public education campaigns to increase awareness of family violence and reduce its occurrence
 - development of a range of support services for people and families experiencing violence
 - introduction of programs to assist those who have been violent to change their behaviour, in some cases with court-ordered participation
 - establishment of family violence divisions in the Magistrates' Courts at Heidelberg and Ballarat from 2005, and provision of specialist family services at some Magistrates' Courts from 2005–06
 - in 2004, the launch of the first edition of the Victoria Police Code of Practice for Investigation of Family Violence; and in 2009, the adoption of the Victoria Police Strategy to Reduce Violence Against Women and Children 2009–2014
 - in 2006, the release of the Victorian Law Reform Commission's report on family violence laws,¹⁵ which included recommendations intended to improve the legal remedies for people affected by family violence

- in 2007, VicHealth's publication of a framework for the prevention of violence against women, *Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria*.
- in 2008, the introduction of the *Family Violence Protection Act 2008*, which, among many reforms, gave police the power to issue family violence safety notices, which can result in the removal of a violent person from the home for up to five working days
- from 2008, the establishment of a multi-agency panel (Extreme Risk Client Strategy or ERCS) involving Victoria Police, Women's Health West and other organisations working in Melbourne's west, to identify women at risk of serious injury or death from family violence and address their safety and welfare needs
- from 2011, two demonstration projects involving Risk Assessment Management Panels (RAMPs), which are designed to encourage multi-agency co-operation in dealing with families at risk of violence
- at a federal level:
 - the introduction of the National Plan to Reduce Violence Against Women and their Children 2010-2022, which establishes a wide-ranging framework (including education, employment, support and law enforcement measures) for coordination in Commonwealth, state and territory responses to violence against women and their children. Initiatives established under the first phase of the Plan include Australia's National Research Organisation for Women's Safety; Our WATCH, which promotes cultural and behavioural change; and 1800RESPECT, a national professional counselling service for women experiencing or at risk of family violence or sexual assault.
 - Following a 2012 Australian Law Reform Commission report,¹⁶ the development of the Department of Human Services' Family and Domestic Violence Strategy, a framework for improving risk identification, information-sharing and training practices in government.

25. These and other changes have improved our response to family violence. They have contributed to an increased awareness of the prevalence of family violence, and its serious effects on families and communities. There has been a marked increase in the numbers of people affected by family violence who are reporting the violence to police, and seeking support from government and non-government bodies. Improvements are being seen on some important wider measures: this year, the Australian Institute of Criminology's National Homicide Monitoring Program (NHMP) reported that the homicide rate for women in 2011-12, 0.8 per 100,000, represented a decrease of approximately 40 per cent since the NHMP began in 1989-90.¹⁷

26. Nonetheless, there may be deficiencies in our family violence responses, and increasing demands being placed on the system. The terms of reference require us to identify gaps and deficiencies in current approaches to family violence, and make recommendations for change. In its final report, the Royal Commission will be considering how effective previous changes to policy and legislation have been, how their effectiveness has been measured, and how to build on and measure them in the future. Your submission can help us to do this, and to identify issues which require further examination.

Question Two

The Royal Commission wants to hear about the extent to which recent reforms and developments have improved responses to family violence, and where they need to be expanded or altered.

Question Three

Which of the reforms to the family violence system introduced in the last ten years do you consider most effective? Why? How could they be improved?

IMPROVING OUR RESPONSE TO FAMILY VIOLENCE

Reducing/preventing family violence

27. The above section, 'What do we know about family violence?', outlines some results from a recent survey of community attitudes to violence against women.¹⁸ Some results indicate pervasive misconceptions about people affected by family violence and people who have been violent. Others attest to improvements: an increasing number of Australians recognise that non-physical behaviours may constitute violence, and there has been a 10 per cent reduction in some 'violence-supportive' attitudes among young men since the survey was conducted in 2009.¹⁹ Initiatives to address family violence within our state's public and private institutions, organisations, businesses and in the media are crucial to fostering positive attitudes, addressing misconceptions, and dealing with issues that may give rise to violence before violence occurs.
28. The Royal Commission wants to hear about programs, public education campaigns, and other forms of community engagement in business, local government, workplaces, schools, sporting teams, local communities and community organisations which aim to reduce and prevent family violence and ameliorate its effects. We are interested in hearing about local, inter-state or overseas initiatives of this kind. We also want to hear about research evaluating such initiatives.
29. The Royal Commission is also interested in addressing the wider circumstances and conditions—within relationships and families, institutions and communities—which are associated with family violence. We want to hear from individuals or organisations who have sought to identify and address these circumstances and conditions. Family- or relationship-specific circumstances and conditions may include, for example, attitudes and values, experiences, mental health or substance abuse issues. Community-wide circumstances and conditions may include economic, social, geographical or cultural factors. These circumstances and conditions may be ongoing, or may arise from specific situations or events and include intersections between gender, age, race, disability and other factors.

Question Four

If you or your organisation have been involved in programs, campaigns or initiatives about family violence for the general community, tell us what these involved and how they have been evaluated.

Question Five

If you or your organisation have been involved in observing or assessing programs, campaigns or initiatives of this kind, we are interested in your conclusions about their effectiveness in reducing and preventing family violence.

Question Six

What circumstances, conditions, situations or events, within relationships, families, institutions and whole communities, are associated with the occurrence or persistence of family violence?

Question Seven

What circumstances and conditions are associated with the reduced occurrence of family violence?

Ensuring the safety of people affected by family violence

30. The Royal Commission wants to hear from individuals who have been affected by family violence about the adequacy of current responses to family violence. You may be someone who has sought an intervention order against a family member who has been violent, or given evidence in criminal proceedings involving family violence. You may be someone affected by family violence who has not pursued these measures.
31. We also want to hear from individuals who have assisted those seeking help for family violence. You may be a family member, or someone who works in an organisation which provides specialist or general services to people affected by family violence. You may be someone who, for professional or other reasons, comes into contact from time to time with people who are affected by family violence.

32. Some areas you may want to consider include:

- the availability of information for people affected by family violence
- health and community service system responses, including those which seek to improve safety for people affected by violence, or prevent violence occurring in the future
- court responses, including across the civil intervention order scheme of the Magistrates' Court and in other areas of the courts
- police responses
- child protection responses
- whether specialisation in policing, the courts or the provision of services improves outcomes for people affected by family violence
- the challenges presented to service providers because of the large number of people affected by family violence
- the extent of co-ordination and co-operation between different parts of the family violence system
- the extent of co-ordination and co-operation between different agencies in assessing risk and assisting people affected by family violence
- the risks and challenges faced by people in particular groups and communities (see 'Family violence and particular groups and communities' below).

Question Eight

Tell us about any gaps or deficiencies in current responses to family violence, including legal responses. Tell us about what improvements you would make to overcome these gaps and deficiencies, or otherwise improve current responses.

Question Nine

Does insufficient integration and co-ordination between the various bodies who come into contact with people affected by family violence hinder the assessment of risk, or the effectiveness of (early intervention, crisis and ongoing) support provided, to people affected by family violence? If so, please provide examples.

Question Ten

What practical changes might improve integration and co-ordination? What barriers to integration and co-ordination exist?

Supporting the ongoing safety and wellbeing of people affected by family violence

33. Family violence can affect people's lives in a variety of personal and practical ways. Support for people affected by family violence may include medical and psychological treatment; the provision of housing, training and financial support; accessing and keeping employment; and other approaches which seek to foster resilience, safety and independence, and redress the damage caused by family violence. The Royal Commission wants to hear from individuals and organisations about the current framework for supporting the ongoing safety and wellbeing of people affected by family violence. We are particularly interested in how different services are delivered, how progress within the system is measured, and how the system could be improved.

Question Eleven

What are some of the most promising and successful ways of supporting the ongoing safety and wellbeing of people affected by violence? Are there gaps or deficiencies in our approach to supporting ongoing safety and wellbeing? How could measures to reduce the impact of family violence be improved?

Making people who have been violent accountable and helping them to change their behaviour

34. The Royal Commission wants to hear about any processes which are intended to or may change the behaviour of people who have been violent. This could include involvement of community leaders as mentors and role models, community engagement initiatives, behaviour change programs and use of conditions attached to sentences for a criminal offence.

Question Twelve

If you, your partner or a relative have participated in a behaviour change program, tell us about the program and whether you found it effective. What aspects of the program worked best? Do you have criticisms of the program and ideas about how it should be improved?

Question Thirteen

If you, your partner or a relative have been violent and changed their behaviour, tell us about what motivated that change. Was a particular relationship, program, process or experience (or combination of these) a key part of the change? What did you learn about what caused the violent behaviour?

Question Fourteen

To what extent do current processes encourage and support people to be accountable and change their behaviour? To what extent do they fail to do so? How do we ensure that behaviour change is lasting and sustainable?

Question Fifteen

If you or your organisation have offered a behaviour change program, tell us about the program, including any evaluation of its effectiveness which has been conducted.

Question Sixteen

If you or your organisation have been involved in observing or assessing approaches to behaviour change, tell us about any Australian or international research which may assist the Royal Commission. In particular, what does research indicate about the relative effectiveness of early intervention in producing positive outcomes?

Family violence and particular groups and communities

35. It is widely accepted that the experience of people affected by family violence is influenced by social, cultural, economic and geographical factors, including intersections between these factors and gender and other aspects of identity. The terms of reference invite the Royal Commission to consider the needs and experiences of children, older people, Aboriginal and Torres Strait Islander peoples, culturally and linguistically diverse communities, gay, lesbian, bisexual, transgender and intersex communities, regional and rural communities, and people with disabilities and complex needs.
36. There may be individuals in these groups and communities who find that the effects of family violence are worsened by pre-existing and multiple disadvantages, community perceptions, and/or geographical or social isolation. They may find that they face specific and complex barriers, for which some mainstream support services are not designed. They may have found particular services or approaches more useful than others.
37. Equally, service providers may have views on the challenges of providing services to people in these groups and communities, and on how service provision can be improved or assessed. They may also have views on factors which may increase the risk of family violence, or impede the wellbeing and protection of those affected by it from these communities.
38. The Royal Commission wants to hear from people affected by family violence, or people who have been violent, who identify with these or other groups and communities, and from individuals and organisations providing services to people affected by family violence, or people who have been violent, in these groups and communities.

Question Seventeen

Are there specific cultural, social, economic, geographical or other factors in particular groups and communities in Victoria which tend to make family violence more likely to occur, or to exacerbate its effects? If so, what are they?

Question Eighteen

What barriers prevent people in particular groups and communities in Victoria from engaging with or benefiting from family violence services? How can the family violence system be improved to reflect the diversity of people's experiences?

Question Nineteen

How can responses to family violence in these groups and communities be improved? What approaches have been shown to be most effective?

General questions

Question Twenty

Are there any other suggestions you would like to make to improve policies, programs and services which currently seek to carry out the goals set out above?

Question Twenty-one

The Royal Commission will be considering both short term and longer term responses to family violence. Tell us about the changes which you think could produce the greatest impact in the short and longer term.

¹ The Royal Commission's website (www.rcfv.com.au) includes a link to the Terms of Reference.

² See, eg, Victorian Law Reform Commission, *Review of Family Violence Laws: Consultation Paper* (2004), 14 ff; Stephen Fisher, 'From Violence to Coercive Control: Renaming Men's Abuse of Women' (Research Series – No 3, White Ribbon Campaign, 2011) 3 ff.

³ Differences in definition also affect measures of the harm caused by family violence. For instance, statistics on family violence-related homicides may not capture suicides (of those affected by family violence, or those who have been violent) and negligence-related deaths (such as those resulting from elder abuse). Notably, the Victorian Systemic Review of Family Violence Deaths carried out by the Coroners Court of Victoria seeks to record and analyse these and similar deaths: see, eg, C Walsh et al, 'Victorian Systemic Review of Family Violence Deaths – First Report' (Coroners Court of Victoria, 2012); Coroners Court of Victoria, *Annual Report 2013-14* (2014).

⁴ Australian Bureau of Statistics, *Personal Safety, Australia, 2012* (2013). The term 'partner' in the Personal Safety Survey is used to describe a person the respondent currently lives with, or lived with at some point, in a married or de facto relationship. Partner violence does not include violence by a "boyfriend/girlfriend or date".

⁵ 'Emotional abuse' means one or more of the following, when repeated with the intent to prevent or control behaviour and cause emotional harm or fear: stopped or tried to stop them from contacting family, friends or community; stopped or tried to stop them from using the telephone, Internet or family car; monitored their whereabouts (e.g. constant phone calls); controlled or tried to control where they went or who they saw; stopped or tried to stop them knowing about or having access to household money; stopped or tried to stop them from working or earning money; stopped or tried to stop them from studying; deprived them of basic needs such as food, shelter, sleep or assistive aids; damaged, destroyed or stole any of their property; constantly insulted them to make them feel ashamed, belittled or humiliated; lied to their child/ren with the intent of turning them against the other family member; lied to other family members or friends with the intent of turning them against them; threatened to take their child/ren away from them; threatened to harm their child/ren; threatened to harm other family members or friends; threatened to harm any of their pets; harmed any of their pets; threatened or tried to commit suicide.

⁶ 'Anxiety' was defined to include distress or uneasiness of mind resulting from apprehension of danger or misfortune. The anxiety or worry may be accompanied by restlessness or feeling 'on edge', difficulty concentrating or mind going blank, irritability, muscle tension or sleep disturbance; 'fear' includes fear of reprisals or the recurrence of a similar incident by either the person being violent or another person.

⁷ Some 'incidents' involved multiple offenders and victims; the total number of deaths from homicide in this period was 511.

⁸ Reporting periods vary between sources.

⁹ Willow Bryant and Tracy Cussen, 'Homicide in Australia: 2010-11 to 2011-12 National Homicide Monitoring Program Report' (Monitoring Report No 23, Australian Institute of Criminology, 2015). Nationwide, 58 per cent of domestic homicides were intimate partner homicides, 18 per cent the killing of a child by a parent, 12 per cent the killing of a parent by a child, 3 per cent the killing of a sibling by another sibling, and 9 per cent were categorised as 'other'.

¹⁰ Victoria Police, *Crime Statistics Official Release 2013-14* (2014).

¹¹ Magistrates' Court of Victoria, *Annual Report 2013-14* (2014).

¹² Victoria Police, *Annual Report 2013-14* (2014).

¹³ Australian Institute of Health and Welfare, *Specialist Homelessness Services 2013-14* (2014). The data in this report is compiled from the Specialist Homelessness Services Collection (SHSC) which is conducted by the AIHW. The SHSC counts clients as having experienced domestic and family violence if, during the reporting period, 'domestic and family violence' was reported as the reason they sought assistance, or they required domestic or family violence assistance.

¹⁴ Kim Webster et al, *Australians' attitudes to violence against women, Findings from the 2013 National Community Attitudes towards Violence Against Women Survey* (Victorian Health Promotion Foundation, 2014).

¹⁵ Victorian Law Reform Commission, *Review of Family Violence Laws*, Report No 185 (2006).

¹⁶ Australian Law Reform Commission, *Family Violence and Commonwealth Laws – Improving Legal Frameworks*, Report No 117 (2012).

¹⁷ Willow Bryant and Tracy Cussen, 'Homicide in Australia: 2010-11 to 2011-12 National Homicide Monitoring Program Report' (Australian Institute of Criminology, Monitoring Report No 23, 2015).

¹⁸ Kim Webster et al, *Australian's attitudes to violence against women: Full Technical Report, Findings from the 2013 National Community Attitudes towards Violence Against Women Survey* (Victorian Health Promotion Foundation, 2014).

¹⁹ Ibid. A range of questions are designed to test for 'violence-supportive' attitudes: those which tend to justify, excuse, trivialise, minimise or shift blame for violence against women.