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TRANSCRIPT OF PROCEEDINGS

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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

1 COMMISSIONER NEAVE: My name is Marcia Neave and I'm the  
2 Chairperson of the Royal Commission into Family Violence.  
3 I'm joined by my fellow Commissioners Patricia Faulkner  
4 and Tony Nicholson.

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

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

18 It covers people from all classes and racial and  
19 ethnic backgrounds, both those who are permanent residents  
20 of Australia and those who are here on a more temporary  
21 basis, including refugees. It includes Aboriginal and  
22 Torres Strait Islanders. It includes people of all  
23 abilities and all age groups, including children who are  
24 the direct targets of violence and children who suffer  
25 lasting emotional or other harm because of the violence  
26 which occurs in their families. It includes people who  
27 are affected by violence from an intimate partner, the  
28 vast majority of whom are women. It includes people who  
29 are in gay, lesbian or other diverse relationships and  
30 people of all genders. Please join me in recognising the  
31 deaths and sufferings of victims/survivors of family

1 violence and of the members of their families, who have to  
2 bear the knowledge of their loved ones' experiences.

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

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

23 Royal Commissions are frequently set up to  
24 investigate whether particular events have occurred. We  
25 are a different kind of Royal Commission. Our task is not  
26 to undertake a forensic investigation about the cause or  
27 occurrence of a particular event, but instead to make  
28 recommendations about strategies and policies which affect  
29 the social and legal responses to a dreadful social  
30 problem: the problem of family violence. Family violence  
31 covers many kinds of family relationships. Improving

1 government and community responses to it will not be easy.  
2 In his opening address, senior counsel assisting the  
3 Commission, Mr Mark Moshinsky, will say more about the  
4 dimensions of the problem and the very difficult legal and  
5 social policy issues which it raises.

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

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

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

27 Community consultations have formed a significant  
28 part of the Royal Commission's activities. We have had 43  
29 community consultation sessions with over 800 people in  
30 all regions of Victoria. Areas we have visited have  
31 included Geelong, Colac, Warrnambool, Horsham,

1 Maryborough, Bendigo, Mildura and Echuca, Benalla,  
2 Shepparton, Morwell, Traralgon, Sale and Bairnsdale. We  
3 have also had a number of consultations in metropolitan  
4 Melbourne.

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

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

31 We have also visited many services and agencies

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

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

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

27 We have also been asked to examine and evaluate  
28 existing strategies, programs and services for preventing  
29 and responding to family violence, and to investigate how  
30 government and non-government agencies can better  
31 integrate and coordinate their efforts.

1           A Royal Commission is a body which is independent  
2 from government and from relevant agencies. The  
3 organisations which provide services to or support people  
4 affected by family violence, and which lobby government to  
5 improve those services, have limited resources and heavy  
6 case-loads. The Royal Commission is able to stand back  
7 and systemically examine how the whole system operates,  
8 consider the evidence about what works and what has not  
9 proven so effective, with the benefit of input from all  
10 those who have views about the best way to tackle family  
11 violence.

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

23           The Royal Commission has received almost 1,000  
24 submissions from individuals and organisations, including  
25 a submission from the State Government. We have offered  
26 an assisted submissions service to people unable to make  
27 submissions themselves. Submissions from individuals  
28 relate personal accounts of past, recent and ongoing  
29 family violence, describe how the system responded to  
30 their experience - in positive or negative ways - and  
31 include ideas for future improvements. Submissions from

1 organisations also recount the experiences of their  
2 clients, include detailed observations about gaps and  
3 limitations in the current system, and identify options  
4 for future reform.

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

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

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

28 The Royal Commission's Terms of Reference are  
29 broad and our task is a challenging one. Preventing and  
30 responding to family violence is a complex endeavour.  
31 Family violence is pervasive and has a huge human toll.

1 Its causes are deeply embedded in community attitudes  
2 about gender, and about what is and what is not legitimate  
3 and appropriate between intimate partners and within  
4 families. The impact of such violence is profound and  
5 extends well beyond physical harm. Women affected by  
6 family violence have difficulties in achieving their full  
7 potential as members of the community. If they leave the  
8 relationship, they may remain at risk of physical harm or  
9 constant harassment. They often end up financially  
10 insecure, without adequate housing. They may be forced to  
11 pay their violent partner's debts or spend their limited  
12 resources on legal advice.

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

25 Because family violence is embedded in our  
26 culture we cannot make recommendations which will have the  
27 immediate effect of preventing all family violence,  
28 protecting all victims and holding all abusers  
29 accountable. Because family violence is a complex  
30 problem, the policy response is also likely to require us  
31 to address many different issues and to consider a range

1 of objectives. Change cannot be achieved overnight.

2 Our goal is to set strategic directions, so that  
3 future generations will be able to say this Commission was  
4 a turning point in the struggle against family violence.  
5 We hope the Commission will mark a moment in time when the  
6 whole community committed itself to overcoming this vile  
7 social ill. Some of our recommendations will address  
8 problems that could be resolved in the shorter term, but  
9 others will require ongoing commitment and hard work if  
10 they are to bring about change in the medium or longer  
11 term.

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

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

29 It is important to emphasise that the purpose of  
30 these hearings and indeed our other work is to inform the  
31 Commissioners' deliberations about the breadth of matters

1 under review in this inquiry. They are exploratory in  
2 nature, and will by necessity be selective in the evidence  
3 that is able to be led in the time available. The choice  
4 of witnesses who have been called and the questions that  
5 may be asked of them do not reflect any final opinions of  
6 or conclusions reached by the Commissioners. Our ultimate  
7 findings and recommendations will be contained in our  
8 final report.

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

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

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

26 The Commissioners are grateful for the assistance  
27 of and detailed preparation undertaken by Counsel  
28 Assisting in devising the structure of the public  
29 hearings, and in identifying and questioning witnesses.  
30 We are also very grateful for the cooperation of and  
31 assistance provided by Counsel for the State.

1 I now invite counsel to announce their  
2 appearances and Mr Moshinsky to make his opening remarks  
3 and to provide an overview of the structure and contents  
4 of the public hearings.

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

8 COMMISSIONER NEAVE: Thank you, Mr Moshinsky.

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

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

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

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

28 Notwithstanding considerable efforts made by  
29 government and non-government organisations over many  
30 years, and increased awareness and some improvements,  
31 family violence remains a very large and difficult problem

1 affecting the lives of many in our community. Tens of  
2 thousands of people live with family violence every day.  
3 Thousands of workers encounter it in their working lives.  
4 Our police and justice systems devote large percentages of  
5 their time and resources to responding to it. Our health  
6 system is filled with patients whose medical needs are  
7 rooted in the experience of family violence.

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

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

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

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

27 One of the witnesses to give evidence during the  
28 public hearings, a woman who experienced family violence,  
29 puts it this way: "I have lived in very high risk  
30 countries and experienced situations where I was fearful  
31 for my safety. Nothing prepared me, however, for the fear

1 of domestic violence. It's entirely different being  
2 frightened of someone you love, yet who is so  
3 unpredictable; someone who knows where you live, what your  
4 patterns are, what your vulnerabilities are; someone who  
5 knows how to manipulate you; and someone who is  
6 specifically targeting you."

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

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

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

30 These are powerful reasons why the whole  
31 community should be concerned about family violence.

1                   But there are also opportunities for the  
2                   community to mitigate the adverse impacts of family  
3                   violence. The evidence will show that by mentoring and  
4                   providing alternative non-violent role models for children  
5                   and families, we can improve children's ability to be  
6                   resilient in the face of family violence. This doesn't  
7                   just fall to teachers and other professionals, but to the  
8                   whole community.

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

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

28                  Even if it does not, the experience of leaving a  
29                  violent relationship will usually have negative financial  
30                  consequences for victims as they attempt to re-establish  
31                  their lives free from violence. Many women who attended

1 the community consultations spoke of the difficult choices  
2 they made between being safe and being financially secure,  
3 with those who left relationships often experiencing  
4 poverty and long-term financial disadvantage. People  
5 should not need to choose between safety and financial  
6 security. It is necessary to ensure that systems which  
7 protect the safety of victims do not do so at the price of  
8 permanent poverty.

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

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

25 In doing so, it is asked to consider a range of  
26 relevant issues and in particular to consider issues such  
27 as: the need to establish a culture of non-violence and  
28 gender equity; the needs and experiences of all those  
29 people affected by family violence, including children,  
30 older people, Aboriginal and Torres Strait Islander  
31 communities, culturally and linguistically diverse

1 communities, gay, lesbian, bisexual, transgender and  
2 intersex communities, regional and rural communities and  
3 people with disabilities and complex needs.

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

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

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

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

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

1 and accountability can best be achieved.

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

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

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

31           The public hearings are intended to fulfil a

1 public educative role in addition to assisting the  
2 Commissioners to write their report.

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

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

21 The term "family violence" often conjures up  
22 images of the most severe forms of violence, and many  
23 families listening to this will be thinking, "That doesn't  
24 occur in our family." But family violence occurs in all  
25 sorts of ways. It can include physically disciplining  
26 children and threats to do so. It can include yelling at  
27 each other in a threatening way. The evidence will  
28 outline how children's experiences of extreme forms of  
29 violence are likely to be damaging to development. But it  
30 will also describe how repeated exposure to lower levels  
31 of violence can also cause harm. We do not know what is a

1 "safe" level of violence. This means that, as parents, we  
2 should all be thinking about how we relate to each other  
3 and to our children. We should all be thinking about the  
4 importance of reducing these behaviours in our families.

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

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

29 In these hearings there will be a focus at  
30 different points on different groups of victims and  
31 different forms of abuse and the way present systems do or

1 do not respond appropriately to those different groups and  
2 circumstances. Some of the issues to be raised will  
3 include these: the distressing problem of  
4 intergenerational family violence in which children grow  
5 up to model the behaviour of their parents and  
6 grandparents, and how that long cycle of abuse can best be  
7 broken; the particular experiences of older people who may  
8 be at risk of abuse from family members and carers, but  
9 who often experience less visible forms of abuse like  
10 coercive behaviour or financial abuse; the availability of  
11 support for men who experience violence; the availability  
12 of support for people in same sex relationships who  
13 experience violence; the role of geography in determining  
14 or limiting the availability of services and supports,  
15 with residents of rural and regional areas often  
16 experiencing delays or difficulties, and with even some  
17 residents of larger cities and metropolitan Melbourne  
18 having their access to support defined by their postcode;  
19 and the way in which other factors in the lives of those  
20 who experience or use violence should be addressed, such  
21 as homelessness, mental health problems and drug and  
22 alcohol issues.

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

31           Some things are clearly known, and they can be a

1 useful starting point. In the context of intimate partner  
2 violence against women, multi-country surveys indicate  
3 that in countries where men and women have more equal  
4 relationships, the prevalence of intimate partner violence  
5 against women is measurably lower. This suggests a strong  
6 correlation between gender imbalances and violence against  
7 women.

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

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

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

30 This model allows for the inclusion of a range of  
31 risk and protective factors. Thus, if there is evidence

1 from psychological models on individual risk factors and  
2 from gender models on societal risk factors, this can be  
3 incorporated.

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

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

29 This analysis can inform the family violence  
30 system's response to male violence against women, which  
31 represents the great majority of cases of intimate partner

1 violence.

2 What can be said with increasing certainty is  
3 that a significant risk factor for family violence as an  
4 adult, whether as a perpetrator or victim, is the  
5 experience of family violence as a child. The World  
6 Health Organization's report is built around a life-course  
7 perspective that recognises how infant and early childhood  
8 experiences influence the likelihood of later becoming a  
9 perpetrator or victim of intimate partner violence.

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

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

27 The problem of family violence has received  
28 significant attention over the last year. Community  
29 awareness of the issue has been increased. As a result,  
30 some of the statistics are now more widely known.

31 Nevertheless, the facts and figures which show the extent

1 of family violence currently being perpetrated in our  
2 community may surprise many people, and should be noted at  
3 the outset of these proceedings.

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

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

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

25 The second largest category was cases where there  
26 was a parent-child relationship between the offender and  
27 the deceased. This accounted for approximately  
28 30 per cent of family violence homicides. This category  
29 included where a parent killed a child, as well as where a  
30 child, including an adult child, killed a parent. In the  
31 29 incidents where parents killed children under 18 years

1 of age, offenders included 16 males, 12 females and one  
2 incident involving both parents.

3 The national figures on family violence homicide  
4 are comparable and no less alarming. National statistics  
5 have been collected and analysed by the Australian  
6 Institute of Criminology's National Homicide Monitoring  
7 Program. These show that over the 10 year period 2003 to  
8 2012, of the 2,631 homicide incidents documented, 1,088  
9 were domestic homicides involving 1,158 victims.

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

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

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

27 What then is the prevalence of other forms of  
28 family violence? The most authoritative resource on  
29 prevalence of physical and sexual violence is the  
30 Australian Bureau of Statistics' Personal Safety Survey,  
31 most recently conducted in 2012. The Personal Safety

1 Survey collected information about a person's experience  
2 of violence since the age of 15 by a partner. The term  
3 "partner" was used to describe a person the respondent  
4 currently lived with or lived with at some point in time  
5 in a married or de facto relationship.

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

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

19 Prevalence estimates for physical violence  
20 against children, which may include any non-accidental  
21 physically aggressive act towards a child, vary widely  
22 from 5 to 18 per cent with the preponderance between 5 and  
23 10 per cent. But children also experience family violence  
24 even when it is not directed at them, for example when  
25 they see or hear violence being used by one parent against  
26 the other. The Australian Bureau of Statistics 2005  
27 survey reported that of all women who had experienced  
28 partner violence and had children in their care during the  
29 relationship 59 per cent reported that the violence had  
30 been witnessed by the children.

31 The whole of society is affected by and needs to

1 respond to the problem of family violence. In the present  
2 system there is a strong focus on responding to family  
3 violence through the justice system, including police and  
4 the courts.

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

11 Within the court system a very significant  
12 increase can be seen, too, in the number of cases  
13 proceeding as intervention order applications. In the  
14 years 2000 to 2001 the Children's Court finalised 263  
15 intervention order matters. In comparison in the year  
16 2013 to 2014 the court finalised 1,725 intervention order  
17 matters as depicted on the slide.

18 Moving to the Magistrates' Court, in the year  
19 2000 to 2001 the Magistrates' Court finalised 14,948  
20 intervention order matters. In comparison, in the year  
21 2013 to '14 the court finalised 29,988 intervention order  
22 matters.

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

31 The Crime Statistics Agency figures show a very

1 significant increase in the number of family incidents  
2 reported to police in the period 2010 to 2015. As  
3 indicated in the slide that is being shown, in the five  
4 years from 2011 to 2015 the number of family incidents  
5 reported to police increased by 77.3 per cent.

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

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

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

30 These figures do not represent the totality of  
31 family violence cases. Indeed, there is clear evidence

1 that many incidents of family violence are not reported to  
2 police or otherwise brought to their attention. This is a  
3 function of the hidden nature of family violence. It  
4 takes place within the home rather than in public, and  
5 victims are often reluctant to disclose that it is taking  
6 place.

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

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

29 The time for the public hearing has been divided  
30 into a number of topics with one day allocated to each  
31 topic. While the public hearings are by their nature a

1 formal process, we will be adopting some flexible  
2 approaches to the giving of evidence. For example, on  
3 several occasions we will be calling concurrent evidence  
4 where two or more witnesses give evidence together sitting  
5 side by side rather than separately. This technique  
6 enables one witness to respond or add to the evidence of  
7 the other.

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

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

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

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

1 these witnesses.

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

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

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

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

22 (Short adjournment.)

23 COMMISSIONER NEAVE: Yes, Ms Ellyard.

24 MS ELLYARD: If the Commission pleases, in part B of the  
25 opening we turn now to the question of what we might call  
26 the journey so far, how the response to family violence in  
27 Victoria has developed over the years. As has been heard  
28 in the opening so far, the Royal Commission faces a very  
29 large task, but you are not starting from scratch.  
30 Considerable work, as has been noted by the Commissioner  
31 and by my learned leader, has already been done by many

1 people across a wide variety of government and  
2 non-government agencies to develop the system that we now  
3 have.

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

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

22 <RHONDA LEA CUMBERLAND, affirmed and examined:

23 <WENDY MAREE STEENDAM, sworn and examined:

24 MS ELLYARD: May I turn first to you, Ms Cumberland. Have you  
25 made a statement to the Commission setting out some of  
26 your relevant experience and views which is dated 8 July  
27 2015?

28 MS CUMBERLAND: Yes, I have.

29 MS ELLYARD: Can you identify for the Commission, please, your  
30 present role and the responsibilities of your present  
31 role?

1 MS CUMBERLAND: Yes. In my present role I'm the GEO of  
2 Good Shepherd Australia and New Zealand. I am responsible  
3 for all operations for strategy and finance. In  
4 particular, my role is about continuing the mission of the  
5 sisters who have been in Australia for 150 years, in the  
6 face of a declining number of sisters, but increasing  
7 demand for our mission to go forward.

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

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

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

26 MS CUMBERLAND: My career took a very strong turn in the year  
27 2000 when I was appointed the Director of the Women's  
28 Domestic Violence Crisis Service of Victoria, and I held  
29 that role for six years. It was in performing that role  
30 that I was invited to join the statewide steering  
31 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

1           against women?

2   MS STEENDAM:   Yes.  I have been a police officer for the past  
3           30 years and in that time I have held a diverse number of  
4           operational and leadership roles, with extensive  
5           involvement in relation to our ongoing response to  
6           violence against women and children, in particular family  
7           violence.  Prior to my current role I for a three-year  
8           period from 2010 to 2013 was the Assistant Commissioner in  
9           charge of eastern region and responsible for the provision  
10          of policing services in that location.

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

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

1 history of the development of that sector prior to 2001?

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

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

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

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

29 We had growing numbers of women doing research in  
30 this area, but of course that would be isolated cases of  
31 research, but it was starting to build an information

1 base. We knew - we were starting to talk about prevalence  
2 risk factors at that time, but our isolation and  
3 disconnection from the rest of the public sector or the  
4 service system was profound.

5 MS ELLYARD: What kind of crisis response was available to  
6 women, thinking about that period of time in the 70s and  
7 80s?

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

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

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

28 MS CUMBERLAND: When I started to work in the crisis service,  
29 I could see clearly that women would come to us physically  
30 injured and harmed and we simply couldn't understand how  
31 that could not be registered as an assault committed

1 against that woman. We just couldn't understand it. But  
2 still, from women who were reluctant to report to police  
3 and our service system absolutely had no systemic link to  
4 police, so the response was simply ours to provide and  
5 what we provided was a secure refuge. It meant that again  
6 the burden of what had happened to that woman was all  
7 placed back on her shoulders. She had to leave her home.  
8 She had to leave her job. She had to take kids out of  
9 school for very long periods of time, and then probably  
10 those kids would have to start a new school and a new  
11 school again.

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

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

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

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

1 were not murdered. I don't know.

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

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

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

25 MS CUMBERLAND: Well, in the pre-integrated period there was no  
26 nuance or real complexity, let me be blunt. It was simply  
27 you came into one part of the system, you might have come  
28 through via Victoria Police, you might have come through  
29 via a women's service, you might have come through via an  
30 intervention order through a legal support program. But  
31 those programs never spoke to each other. Hence, as a

1 service provider we had very few options that we could  
2 provide to women. It was one way or no way at all. Of  
3 course, those systems failed and women were subjected to  
4 repeat incidences of violence. The system did not, as a  
5 system, protect or give her options or in any way treat  
6 her as an individual with particular sets of circumstances  
7 where she might exercise some decision about what might  
8 happen to her.

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

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

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

1 catch-up today.

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

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

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

19 MS CUMBERLAND: I look back, and before appearing today I have  
20 looked back at some of the annual reports that we had in  
21 2001-2 . I cannot believe that we stayed open 24 hours a  
22 day, seven days a week, with the funding that we had, and  
23 I can remember I would bring this matter to our board at  
24 every meeting. Every meeting we had a watching brief on  
25 spending, how many women we could serve, how the staff  
26 were going. It became an occ health and safety issue.  
27 The board was a group of wonderful, brave women and at one  
28 point in the early 2000s they did go to the Minister  
29 almost begging for some acknowledgment of the work that we  
30 were doing and the impacts it was having on women and on  
31 staff.

1                   At that time there was no appreciation of how  
2                   dire that situation was. But really women's services were  
3                   providing a law enforcement role to the community which  
4                   was totally unacceptable. But I can only remember those  
5                   times as just being - we were talking different languages  
6                   altogether.

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

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

28                  But in relation to family violence there was  
29                  certainly policy to follow. I think it's fair to say that  
30                  on many occasions that policy wasn't adhered to by police  
31                  officers. There were good practitioners who would

1 actually investigate and deal with the matters  
2 appropriately, but there was no consistency across the  
3 State in terms of our response to family violence, and  
4 I think in many instances we did not prosecute breaches  
5 and in fact we asked women to go to court and to represent  
6 themselves in taking out intervention orders and putting  
7 in place some protective mechanisms.

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

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

20 MS STEENDAM: Look, I think some time ago when the SOCA's were  
21 first put in place there was responsibility within  
22 Victoria Police for those units to also respond to  
23 physical assaults on women as well as children. That  
24 changed over a period of time where we dealt predominantly  
25 with sexual offending and child abuse, but also physical  
26 and sexual abuse against children. I think because of the  
27 volume of incidents that we were attending to, up until  
28 just before 2000 I think there were about 20,000 incidents  
29 we were attending to, and because of the time horizon in  
30 which family violence was occurring over the 24 hours of  
31 the day and across the whole of the State, it was more

1 about the mainstream responses and you had to have the  
2 capability across the whole of the organisation to respond  
3 at the times the incidents were occurring. So it was  
4 believed that it was more appropriate to have the  
5 generalist duties or the general duties responding to  
6 family violence incidents.

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

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

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

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

29 MS STEENDAM: That's correct, and we certainly did take out  
30 intervention orders and complaint and warrant processes on  
31 many occasions, but there were equally many occasions

1 where we didn't actually do that.

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

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

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

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

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

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

31 MS ELLYARD: So then can I invite both of you to reflect then

1 on what was it that made 2001 the year when things started  
2 to happen? Do we identify 2001 to the influence of any  
3 particular event or person?

4 MS STEENDAM: I think it's fair to say that with the  
5 appointment of the Chief Commissioner, Christine Nixon, in  
6 2001 she indicated three priority areas and one of those  
7 was looking at our responses to violence against women and  
8 children and in particular family violence responses. At  
9 that time she asked Commander Leigh Gassner to undertake a  
10 review of the Victoria Police responses to family violence  
11 and I was part of the team that undertook that review over  
12 a three month period, to look at where we could improve in  
13 our practice and what we needed to be doing.

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

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

29 MS ELLYARD: So the review that was conducted by Commander  
30 Gassner and you, Assistant Commissioner, what form did  
31 that review take?

1 MS STEENDAM: There was a document produced called "The Way  
2 Ahead" that talked about the outcomes from that review and  
3 a range of recommendations. At the time we undertook a  
4 literature review, a statistical review and also conducted  
5 internal consultation, but more importantly went and spoke  
6 to the sector and those that were actually supporting  
7 women in this area and listened to what they had to say  
8 about our response. I think it's fair to say that the  
9 overwhelming position of the family violence sector at  
10 that time was that police weren't responding  
11 appropriately, that we had a long way to go to improve our  
12 responses and that we needed to do much better.

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

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

29 MS ELLYARD: Ms Cumberland, you were nodding during the latter  
30 part of that evidence. What would you add to that  
31 assessment of what was perceived by the sector to be wrong

1 with Victoria Police's response?

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

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

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

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

31 MS STEENDAM: Yes, I was. I would just like to just clarify

1 that. It was a joint steering committee of government and  
2 Victoria Police. It was actually formed under the Women's  
3 Safety Strategy, so it was actually a Victorian Government  
4 sponsored committee.

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

7 MS STEENDAM: That's correct, yes.

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

11 MS CUMBERLAND: Often with those big events it's mixed  
12 emotions. So we were - in all honesty, we had so much to  
13 get off our chests, it was palpable and we had a lot to  
14 say and we wanted to say it and we wanted to be heard, and  
15 we thought, "Here we are. For the very first time we are  
16 going to be listened to and heard by a system and a  
17 committee and some leadership that can make a difference."  
18 So we were hopeful. We are passionate, and there was a  
19 part of us that was sceptical that just held out maybe  
20 this is going to just be about talking and not taking  
21 action. But there was definitely - people turned up,  
22 people were present and the sector gave those committees  
23 their all.

24 MS ELLYARD: Assistant Commissioner Steendam, you have  
25 reproduced behind exhibit 4 to your statement the initial  
26 Terms of Reference for the Statewide Steering Committee to  
27 Reduce Family Violence and I note that the original Terms  
28 of Reference were: one, to provide advice on how to  
29 improve the responses of police, courts and all relevant  
30 service providers to family violence; two, to provide  
31 advice on the development of an integrated response to

1 family violence; and, three, provide advice in relation to  
2 the ongoing implementation of an integrated response to  
3 family violence. Are either of you able to comment on how  
4 those Terms of Reference came to be drafted and whose idea  
5 they were?

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

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

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

31 MS ELLYARD: The final page of exhibit 4 of Assistant

1 Commissioner Steendam's statement sets out the membership  
2 of the committee, not necessarily at the first meeting but  
3 at a very early stage, and we see there representatives  
4 from a number of non-governmental agencies and government  
5 and courts. I note also, I think, the Commissioner  
6 herself, but both of you were there. What was the benefit  
7 from that early stage of having so many different people  
8 and so many different perspectives around the table?

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

24 The other thing for us, there were actually  
25 uninformed or misinformed positions about what Victoria  
26 Police could or couldn't do, and I recall one of the  
27 sessions we actually brought an instructor from the  
28 academy into the steering committee to actually talk about  
29 our arrest powers because there were uninformed positions  
30 about what we could or couldn't do and therefore that was  
31 how people were actually giving advice to victims of

1 family violence and also why perspectives about the  
2 response by Victoria Police were seen to be so inadequate  
3 when there were some limitations in what we could and  
4 couldn't do.

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

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

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

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

28 The other very important policy change that  
29 happened from the existence of statewide services was that  
30 family violence started to enter into the structures of  
31 government, into the structures of how public policy was

1           created and thought about, very late in the day, but it  
2           was a beginning, it was a start.

3 MS ELLYARD: Assistant Commissioner Steendam, you have talked  
4           about the development of the Victoria Police code of  
5           practice, the first version of which I think came out in  
6           2004, so in advance of the steering committee's report.

7 MS STEENDAM: Yes.

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

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

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

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

31 MS ELLYARD: So that first Code of Practice didn't necessarily

1 change anything; a good police officer operating within  
2 the full extent of his or her powers could have already  
3 been doing all of the things that were in that first draft  
4 of the code?

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

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

27 MS ELLYARD: So to summarise some, by no means all, of the key  
28 issues in the code, there was a process where something  
29 had to be done even if it was only a referral to an  
30 appropriate support service and the code really designated  
31 a pro-arrest and pro-prosecution policy where charges were

1 available to be laid arising out of family violence.

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

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

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

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

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

27 MS ELLYARD: The code, as Assistant Commissioner Steendam has  
28 indicated, required that at the very least there be  
29 referral to appropriate support services and in many cases  
30 that would have been referral to specialist family  
31 violence services. Was the introduction of that code

1 associated with any substantial increase in workload for  
2 family violence support services?

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

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

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

22 MS CUMBERLAND: I think in Victoria we have - if we hold up the  
23 honesty mirror to ourselves, we have turned a blind eye to  
24 family violence and been very comfortable with it being  
25 "over there". The more isolated, the better, because then  
26 we don't have to deal with it as a community, as a public  
27 sector, as a government, in our families. It's "over  
28 there". That's the culture that I think really needs to  
29 change. That's the culture that's being spoken about this  
30 morning. It has an impact, though, day to day in service  
31 delivery, in the quality of service delivery and what we

1 can actually do. So the culture and the resourcing  
2 questions come together and must be considered, in my  
3 view, together always.

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

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

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

27 MS CUMBERLAND: Yes. I was on a very steep learning curve when  
28 I went from the community sector into government and I had  
29 quite a senior role as the Director of the Office of  
30 Women's Policy. I couldn't believe how little impact or  
31 little influence we could have over ultimate budget

1 decisions. So the expertise and the outcome of what was  
2 funded, never twain really met. So we of course put up  
3 many initiatives when I was in government that were about  
4 family violence and we had wonderful ideas and ambitions.

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

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

19 MS CUMBERLAND: We had wonderful ministers and wonderful  
20 departments who were trying to make changes in the family  
21 violence system, as I said, in the context of it being an  
22 isolated part of those big institutions, but everyone who  
23 had a leadership role was also leading in another area.  
24 So if you had to champion and advocate for funding in a  
25 multiple number of areas and then you had to address the  
26 question of family violence reform, how it was going, what  
27 the momentum was, I just think that conflict was not  
28 solvable for many people. In future, and I know we now  
29 have a Minister for Family Violence, but we do have to  
30 address this filtering of funding and budget priorities.  
31 I said in my statement budgets are always about setting

1 priorities. But if budgets can't come to terms with  
2 the social reality of need, innovation and new and  
3 emerging issues, and if you look at family violence in the  
4 context of the whole history of our social services sector  
5 it is still new and emerging, then there's something wrong  
6 with the budget process.

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

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

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

1 disability.

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

7 MS ELLYARD: Can I now invite you both to think about the  
8 report of the Statewide Steering Committee to Reduce  
9 Family Violence which came out in 2005 and which has been  
10 produced by Assistant Commissioner Steendam as attachment  
11 7, but I think you both have a copy. The document is  
12 signed off by the co-chairs, being the director of the  
13 Office of Women's Policy, Ms Sharkie, and Assistant  
14 Commissioner Gassner.

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

21 MS STEENDAM: I think it would be fair to say it was  
22 challenging process to develop that document. There were  
23 many and varied views about what the system should look  
24 like and how that should evolve over the time horizon.  
25 There was a lot of work that was done in relation to the  
26 development of the document. We originally had meetings  
27 for one and a half hours and over the time we were meeting  
28 monthly we had to have more frequent meetings and in fact  
29 we had a number of workshop days in order to produce that  
30 document, full days discussing all of the issues within  
31 the document.

1                   The way in which we got agreement to the model  
2                   and to the framework that was proposed was by putting the  
3                   safety of women and children at the centre. Once we had a  
4                   shared commitment to the outcomes that we were looking  
5                   for, we then moved forward in the development of that  
6                   document, and I think it's fair to say that everybody that  
7                   was on the committee at that time was happy to sign up to  
8                   that document in the way in which it was actually  
9                   articulated.

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

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

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

21 MS CUMBERLAND: In my memory it certainly was.

22 MS ELLYARD: And why was that?

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

30                   In addition, we were sceptical of assessments at  
31                   all. We were worried that you could really distinguish

1 between any kind of family violence. It was all bad. It  
2 was all terrible. How could we start to say some kinds of  
3 family violence are worse than others? These were things  
4 we had to work through. It was difficult to do that.  
5 But, yes, at the very beginning the risk assessment was  
6 not welcomed with open arms by the sector.

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

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

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

1 parts of the sector did another thing?

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

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

27 MS STEENDAM: I think it is fair to say that obviously Chief  
28 Commissioner Nixon started the work in relation to our  
29 reforms and our responses to family violence and each  
30 successive Commissioner has taken this issue and called it  
31 a key priority for them. From my perspective, in relation

1 to Victoria Police this is seen and is supported at the  
2 highest levels of leadership. It is owned and driven by  
3 the Chief Commissioner, by the executive command and all  
4 the layers of leadership within the organisation  
5 underneath that. We have continued to review our  
6 practices and our responses. There have been many  
7 different structures that have been put in place since the  
8 introduction of the code, including the development and  
9 the implementation of 32 family violence units across the  
10 State that respond and deal with our recidivists and  
11 repeat victims in relation to this area.

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

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

23 MS STEENDAM: Sure. We have a number of areas that support our  
24 violence against women and children responses and our  
25 response to family violence. So in each 24-hour station  
26 we have a family violence liaison officer that is  
27 responsible for ensuring the responses in that particular  
28 station is appropriate. We have a dedicated team of 14  
29 family violence advisers who work within their  
30 geographical location and also across the service sector  
31 in that location to ensure that our responses are what

1 they need to be and to keep and to work on localised  
2 reforms in that area.

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

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

19 MS STEENDAM: I think it's important; the volume of incidents  
20 that we have requires our general duties police to be able  
21 to respond appropriately to family violence and our policy  
22 and our framework actually supports that. But what we  
23 also understand is we are effective quite often in many of  
24 our responses and our first intervention in relation to  
25 family violence, but we have a large number or cohort that  
26 continue to offend or continue to perpetrate family  
27 violence. For those or that cohort, we have and we use  
28 our family violence units in fact who are specialised in  
29 this area and who do significant work in relation to our  
30 recidivist offenders and to support victims that are  
31 subject to multiple incidents of family violence.

1 MS ELLYARD: In your statement at paragraph 63 you talk about  
2 the strategy, the second Violence Against Women Strategy  
3 that was then launched by then Chief Commissioner Overland  
4 which set a number of targets to be achieved by which you  
5 would measure whether or not Victoria Police was getting  
6 some traction on this issue. Do you know whether those  
7 targets were achieved?

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

10 MS ELLYARD: In paragraph 90 of your statement you give some  
11 specific references and I want to invite you to read out  
12 in fact the figures in paragraph 90, being the changes in  
13 reporting levels or actions taken by Victoria Police since  
14 2004.

15 MS STEENDAM: Yes. So, since the introduction of the code of  
16 practice in 2004 there has been, as at 2014, a  
17 136 per cent increase in family incidents recorded, a  
18 551 per cent increase in intervention orders applied for  
19 by police, including Family Violence Safety Notices, and  
20 an 876.8 per cent increase in incidents where charges are  
21 laid arising from family violence incidents. I would also  
22 like to point out, and it's not in my statement, but in  
23 relation to contraventions or breaches of intervention  
24 orders there's also been over 200 per cent increase where  
25 we respond and lay charges in relation to contraventions.

26 MS ELLYARD: You also go on in paragraph 91 to note that in  
27 2013/14 there are criminal charges in 45 per cent of  
28 incidents, whereas it was only 11 per cent 10 years  
29 previously.

30 MS STEENDAM: That's correct.

31 MS ELLYARD: To what do we attribute then that very substantial

1 increase? Ms Cumberland, from your perspective this  
2 500 per cent increase in intervention orders and  
3 800 per cent increase in charges laid, is that a sign that  
4 the work of the steering committee and the work Victoria  
5 Police has done is working?

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

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

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

1 acknowledges that.

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

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

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

26 MS CUMBERLAND: The hopes haven't come to fruition at all. We  
27 hoped for more momentum in the reforms that were set out  
28 in 2005. We built the reforms unfortunately for a sprint  
29 race, where we should have built them for a marathon, and  
30 we are feeling the consequences of that today. We now  
31 know that the biggest challenge in any policy reform,

1           whether it be in family violence or in any social policy,  
2           economic policy or reform, the challenge is to have it  
3           last the distance. As the Commissioner said this morning,  
4           it's about a longer term agenda and it's about what we  
5           leave for next generations. So how we use all our policy  
6           capacity to build tools and structures that ensure reform  
7           can last the distance I think is a big challenge, and it's  
8           something we failed to do back then.

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

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

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

31   MS ELLYARD: So do you mean that whereas perhaps 10 years ago

1 integration was spoken of as being about the different  
2 parts of the family violence response sector being  
3 integrated with each other, in fact the challenge for  
4 integration is to integrate that with the whole of the  
5 community and the various other ways in which communities  
6 meet and help each other?

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

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

1 other parts of the community?

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

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

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

28 MS CUMBERLAND: I think it goes to those questions of our  
29 culture. The questions that family violence services have  
30 been isolated, isolated out from government, from the  
31 community. In my view nothing has so dramatically stopped

1 us short in this area than high-profile media cases of  
2 women and children being murdered. There is no doubt in  
3 my mind that that has had a significant impact on  
4 politicians. It has certainly had an impact on women in  
5 our community. And it has had an impact on services that  
6 are trying to respond to family violence.

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

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

25 MS ELLYARD: What would you say are the lessons from the  
26 approach taken by the steering committee for the way in  
27 which that kind of change might happen in the future?  
28 What was it about the steering committee process that  
29 worked well to bring about what we might look back and  
30 call the first generation of systemic family violence  
31 change?

1 MS CUMBERLAND: We were too inwardly looking. We did think  
2 that we were it. In some ways we could explain it because  
3 of so effectively being shut out and so effectively being  
4 undervalued that when we had an opportunity to speak or  
5 contribute and someone started to listen we really thought  
6 that that was everything. You can see now that it  
7 absolutely wasn't.

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

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

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

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

29 I also believe that specialisation is really  
30 important. This is a very complex issue and there is no  
31 one right way in which to actually respond to these

1 issues. We need to have people that understand this  
2 complexity in the way in which they respond, and that's  
3 across all parts of the service sector.

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

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

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

29 MS CUMBERLAND: The Commission is going to have a job to do in  
30 evaluating, "Are the tools or the models right or wrong or  
31 are they grossly underfunded so that they fall over? Is

1 there an inherent goodness in them, something that we want  
2 to keep? We know that if there is a value given to them  
3 and if they are resourced they will work well." The  
4 Commission will have to perform that evaluation on a  
5 number of aspects of the family violence service system,  
6 and I wish it well in that task.

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

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

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

26 MS STEENDAM: Sure. I think I would support the sentiments and  
27 the articulation of the issues as Rhonda has stated.  
28 I think one of the key issues for us is there are  
29 effective responses in the system and parts of the system  
30 that we have today. The key issue I think for the  
31 Commission will be identifying which of those are

1 important to keep. We look as an organisation, Victoria  
2 Police, forward to recommendations from the Commission  
3 where we can improve our practice and evolve our  
4 responses.

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

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

27 MS CUMBERLAND: I also meant that women have to trust the  
28 system to do what it says it will do. We still have way  
29 too many cases when that isn't the case. The owners of  
30 the family violence service system are all of us. We all  
31 own it. So we have to get that ownership living and

1 breathing right across all of those components of the  
2 system that you were talking about and beyond.

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

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

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

23 COMMISSIONER NEAVE: Thank you very much.

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

28 DEPUTY COMMISSIONER FAULKNER: I would like to ask

29 Ms Cumberland just the commentary that you made about the  
30 marginalisation of the sector. Does it follow that it's  
31 up to government to fix that or are there other ways of

1 the sector itself integrating? So I'm interested in what  
2 follows from the commentary that it is a marginalised  
3 sector, it's not in the mainstream. I'm wondering what  
4 follows in your view from what action is needed to get it  
5 more integrated.

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

23 DEPUTY COMMISSIONER FAULKNER: Thank you.

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

31 COMMISSIONER NEAVE: Thank you, Ms Ellyard.

1 <(THE WITNESSES WITHDREW)

2 MS DAVIDSON: This part of the opening statement will outline  
3 the topics that will be covered during the public  
4 hearings, and some of the themes that will be explored  
5 during the public hearings, including themes that have  
6 emerged during the course of the community consultations  
7 and in the submissions to the Royal Commission.

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

21 Under each of those headings some themes emerge.  
22 I will address each of those, or some of those themes.  
23 One issue to be considered is the times that women may be  
24 at increased risk of family violence. Some studies have  
25 suggested that pregnancy can trigger the use of family  
26 violence by a man against his partner or can exacerbate  
27 existing violence in the relationship. Family violence in  
28 this context has been linked to the perpetrator feeling  
29 that his primacy within the relationship has been  
30 undermined. However, the Commission will also be taken to  
31 emerging evidence that, as with women, pregnancy and

1 childbirth is a time of increased stress and mental health  
2 issues for men. Similarly, the period after the birth of  
3 a child is considered to be a time of escalated risk.

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

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

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

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

27 While the community seems to struggle with the  
28 complexities of intimate partner relationships, there is  
29 greater recognition and understanding of the barriers for  
30 parents who are experiencing violence or abuse from their  
31 adult child. We do not have the same expectations that a

1 parent sever the relationship with their child or kick  
2 them out of home. We understand that they love their  
3 child, that they don't want them to come to any harm, let  
4 alone go to prison, and that they just want their child to  
5 stop being violent.

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

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

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

30 As each incident moves the level of violence a  
31 little higher, the woman feels unable to object because

1 each incident on its own seems only a bit more serious  
2 than the past conduct which was accepted. And so insults  
3 become threats. Thrown plates become thrown punches.  
4 Monitoring of phone calls becomes a refusal to let her  
5 speak to her friends.

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

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

24 It is also important to recognise that women with  
25 children are rarely able to completely escape the  
26 relationship with an abusive partner. The fact that they  
27 have children together means that they will often have a  
28 continuing relationship with their husband or partner long  
29 after they have stopped living together. The Royal  
30 Commission has heard from many women whose fears turned  
31 into a reality as their ex-husband or partner used their

1 perceived "right" to have contact with their children and  
2 the legal system as opportunities to continue to control  
3 and punish them.

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

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

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

26 However, a consistent theme from the community  
27 consultations was that women did not fall in love with  
28 violent men. When the man they had fallen in love with  
29 became controlling, abusive or violent they had thought  
30 and hoped that he would stop and revert to the man they  
31 knew at the beginning of the relationship or who many

1 still saw during times in between the violence. They  
2 remained hopeful, often for many years, that their partner  
3 would change.

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

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

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

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

28 In many cases women still love the man who is  
29 being violent and stay out of a belief or hope that he  
30 will change and stop being violent. Women are concerned  
31 that they may lose links to their community. Some women

1 may lose their right to residency in Australia. And they  
2 fear social stigma or rejection from family and community.

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

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

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

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

27 The intergenerational nature of family violence  
28 is well recognised by the Aboriginal community. There is  
29 a call to develop and implement programs across the life  
30 course of an Aboriginal child that prevent family  
31 violence, intervene early by supporting the family

1           wherever possible, and assist young Aboriginal men and  
2           women to develop healthy non-violent relationships and to  
3           be good parents. Many people in the community  
4           consultations expressed the need to have culturally  
5           appropriate support, and for such support not to be  
6           limited to Aboriginal women experiencing family violence  
7           but to extend to Aboriginal men, particularly young men.

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

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

28                        For a number of women from culturally and  
29          linguistically diverse backgrounds it was their work  
30          colleagues who helped them to identify their experiences  
31          as family violence in the Australian context.

1                   Then there's the experience of older people.  
2                   Like other forms of family violence, elder abuse can be  
3                   psychological, financial, physical, social or sexual, and  
4                   can also involve neglect. Reasons that inhibit victims  
5                   from reporting intimate partner violence also apply to  
6                   elder abuse. This includes concerns about who will  
7                   provide care, shame about the private nature of the family  
8                   conflict, and an unwillingness to cause further conflict.

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

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

23                 Lesbian, gay, bisexual communities, transgender  
24                 and intersex people. There is a lack of recognition  
25                 across the community and the family violence system of the  
26                 family violence that can be perpetrated against those who  
27                 identify as lesbian, gay, bisexual, transgender or  
28                 intersex. The issues for each group are different, with  
29                 gender, narrow conceptions of gender, and discriminatory  
30                 attitudes having different impacts upon their access to  
31                 support and accommodation.

1                   In addition to intimate partner violence, members  
2                   of the LGBTI population have experienced high levels of  
3                   homophobic/transphobic violence from family members as a  
4                   response to their sexual and gender diversity. Young  
5                   people and older people are particularly vulnerable to  
6                   this form of violence due to the greater likelihood of  
7                   their dependence on their families.

8                   Perpetrators can threaten to "out" their partner.  
9                   Homophobia can also mean that individuals are cut off from  
10                  their families, which impacts on support options available  
11                  for them. Due to previous experiences, victims may fear  
12                  and mistrust services, including health and community  
13                  services, police and the legal system. In areas with a  
14                  small and close-knit LGBTI community issues of  
15                  confidentiality, stigma and embarrassment are compounded.  
16                  More work needs to be undertaken to assist these groups of  
17                  victims/survivors to safely leave violent relationships  
18                  and access the supports that they require, including  
19                  access to appropriate crisis accommodation for members of  
20                  the transgender community.

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

28                  Underreporting can occur due to fear of  
29                  retribution and losing their only source of care or  
30                  support; lack of support to make a complaint; feeling they  
31                  would not be believed; and not having the communication

1 skills to name the harm that they are experiencing; as  
2 well as discriminatory treatment by police and others.

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

11 I now turn to the position of children and young  
12 people. Children were present at 34 per cent of family  
13 violence incidents attended by Victoria Police in 2013 to  
14 2014. A consistent theme throughout the community  
15 consultations and the submissions is the need to  
16 strengthen the system's response for children. Although  
17 there is now a significant body of evidence about the  
18 impact of family violence upon children, this is not so  
19 well understood within the community or services.

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

26 Early childhood services and education services  
27 also provide an opportunity to identify family violence  
28 and to intervene early. Submissions and community  
29 consultations identified the very limited treatment  
30 services that are available for children who experience  
31 family violence.

1                   Concern also emerge from the submissions and the  
2                   community consultations that the service system does not  
3                   respond appropriately to those who have experienced family  
4                   violence, with inadequate support in generalist services,  
5                   such as education, health and police; inadequate family  
6                   violence assistance for children, such as insufficient  
7                   counselling; and a tendency in the family violence sector  
8                   to conflate the safety and wellbeing of the primary  
9                   victim, that is the mother, with that of the child, which  
10                  is contrary to the "best interests of the child"  
11                  principle.

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

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

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

31                  Throughout the community consultations the Royal

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

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

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

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

25 Mental health issues arise as an issue at both  
26 ends of the spectrum as a factor associated with higher  
27 risks of violence occurring and as a consequence of that  
28 violence. Submissions noted that poor mental health is  
29 one of a number of risk factors associated with family  
30 violence perpetration, and that family violence has  
31 significant health impacts upon the victim.

1 Individual submissions provided graphic examples  
2 of the serious, long-term impacts family violence had upon  
3 a victim's mental health. Submissions talked about how  
4 exposure to family violence negatively impacts on  
5 children's development and mental health and can cause a  
6 level of trauma that impacts over the rest of that  
7 person's life.

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

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

26 Poverty and social disadvantage is also a  
27 significant barrier to escaping family violence.  
28 Employment and the financial security it affords was often  
29 spoken about as a key pathway out of violence. A number  
30 of submissions highlighted that financial literacy  
31 programs, employment support and other programs to connect

1 women to and maintain employment were family violence  
2 prevention in action. Others stressed the importance of  
3 working with men to address joblessness, poverty and  
4 marginalisation in order to have better prospects of  
5 success in addressing the attitudes and behaviours that  
6 drive family violence.

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

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

29 In addition, rural and regional areas face  
30 greater challenges in the availability of timely access to  
31 support, including housing assistance, mental health

1 services and specialist family violence assistance.

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

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

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

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

31 The experience of the court system was often

1        retraumatising for victims, who had to turn up to court at  
2        9.30 am and wait in the same foyer as the partner from  
3        whom they were seeking the court's assistance to be safe,  
4        and often for many hours. Most had no legal  
5        representation or other support. They were required to  
6        give evidence against the very person whom they had been  
7        unable and too scared to say no to for many years, while  
8        he stood metres away. And they often had to do that  
9        multiple times before different judges and in different  
10       courts.

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

16                One of the themes both in the perpetration of  
17        family violence but also in potential responses is the  
18        impact of new technology. In 2012 the Domestic Violence  
19        Resource Centre's SmartSafe project conducted a study  
20        about the use of technology by perpetrators of family  
21        violence. The study included a survey of 152 family  
22        violence workers and 48 victims and found that 97 per cent  
23        of the workers reported direct experiences of perpetrators  
24        using mobile technologies to stalk women; approximately  
25        29 per cent of workers identified the use of GPS or GPS  
26        based applications like Apple's "Find my iPhone" or "Find  
27        my Friend"; 80 per cent of women received calls that made  
28        them feel afraid; and 63 per cent of women were made to  
29        feel that they were being watched or tracked.

30                As with other forms of family violence, one study  
31        has shown that technology-facilitated abuse often

1 increases once the victim has left the relationship. In  
2 recognition of the increasing use of technology by  
3 perpetrators of family violence, the Council of Australian  
4 Governments has agreed that by the end of 2015 it will  
5 "consider strategies to tackle the increased use of  
6 technology to facilitate abuse against women, and to  
7 ensure women have adequate legal protections against this  
8 form of abuse".

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

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

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

27 This also leads to another theme for the Royal  
28 Commission, which is the benefit to be gained from  
29 multi-disciplinary approaches to family violence. Many  
30 submissions spoke of the opportunities for bringing  
31 different agencies and organisations together to work

1 collaboratively, to reduce duplication and improve  
2 outcomes for families.

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

14 COMMISSIONER NEAVE: Thank you, Ms Davidson.

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

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

19 LUNCHEON ADJOURNMENT

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1 UPON RESUMING AT 2.15 PM:

2 COMMISSIONER NEAVE: Thank you, Mr Moshinsky.

3 MR MOSHINSKY: Commissioners, before the witness is sworn

4 I should refer to the Restricted Publication Order that  
5 has been made by this Commission.

6 COMMISSIONER NEAVE: Yes.

7 MR MOSHINSKY: Would it be convenient if I read out the main  
8 parts of that?

9 COMMISSIONER NEAVE: I think the media have all got it before  
10 them, but, yes, do that. It will be helpful.

11 MR MOSHINSKY: There is a Restricted Publication Order that the  
12 Commission has made for the evidence that is going to be  
13 given in a moment. "The Commission under the Inquiries  
14 Act has prohibited the publication of any information that  
15 may enable the identity of the relevant person, this  
16 witness, who has given or is to give information or  
17 evidence to the Royal Commission for the purposes of its  
18 inquiry to be ascertained."

19 The reasons for making the order are set out.  
20 Publication, the meaning of that is set out in detail and  
21 the relevant person is the person known by the alias  
22 "Susan Jones" giving evidence on Monday 13 July 2015 at  
23 2.00 pm until excused and a copy of that notice has been  
24 placed on the door of the hearing room.

25 COMMISSIONER NEAVE: Thank you, Mr Moshinsky. So the media are  
26 clear, you can publish her evidence but not anything that  
27 would identify her. That includes that she will be  
28 referred to under a pseudonym and not anything that could  
29 identify her personal details.

30 MR MOSHINSKY: Thank you.

31 (CONFIDENTIAL SECTION FOLLOWS)

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

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

12 MR MOSHINSKY: Yes, it is.

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

15 ADJOURNED UNTIL TUESDAY, 14 JULY 2015 AT 9.30 AM

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