

**ELIZABETH THE SECOND, BY THE GRACE OF GOD
QUEEN OF AUSTRALIA AND HER OTHER REALMS AND TERRITORIES,
HEAD OF THE COMMONWEALTH:**

I, the Honourable Alex Chernov AC QC, the Governor of the State of Victoria, with the advice of the Premier, under section 5 of the *Inquiries Act 2014* and all other enabling powers, appoint you

the Honourable Marcia Ann Neave AO as Commissioner and Chairperson, and Patricia Mary Faulkner AO and Anthony Joseph Nicholson as Commissioners

to constitute a Royal Commission to inquire into and report on the matters specified in the terms of reference.

BACKGROUND

- Family violence is the most pervasive form of violence perpetrated against women in Victoria. While both men and women can be perpetrators or victims of family violence, overwhelmingly the majority of perpetrators are men and victims are women and children.
- The causes of family violence are complex and include gender inequality and community attitudes towards women. Contributing factors may include financial pressures, alcohol and drug abuse, mental illness and social and economic exclusion.
- The impacts of family violence are profound.
 - a. In 2013 there were 44 family violence related deaths in Victoria.
 - b. For women and children, family violence has extensive and often long term physical, psychological and emotional consequences. It creates homelessness, disrupts children's schooling and leads to social and economic isolation for women.
 - c. The estimated annual cost of family violence to the Victorian economy in 2009 was \$3.4 billion.
- The response to family violence is necessarily complex and requires coordinated and concerted effort across government and the community, including by government departments, courts, police, correctional services, legal services, housing,

child protection and family services, schools, health and community organisations.

- Many committed and dedicated persons are involved in the prevention of and response to family violence, given the challenges it presents. There were 65,393 family incidents reported to Victoria Police in 2013-14, an increase of 83 per cent since 2009-10. This increased reporting of traditionally under-reported incidents may signal a positive step towards encouraging victims to speak out and an increased awareness of family violence. However, the increase in reported family violence incidents presents a challenge for the family violence system and has had significant impacts on all parts of the system, including police, courts, legal services and specialist family violence services.
- Preventing and responding to family violence is a shared responsibility across government and local government, media, business, community organisations, communities, families and individuals.
- Victoria's response to family violence must reduce the incidence of family violence, hold perpetrators to account for their actions and support victims in an effective, efficient and sustainable way into the future.

TERMS OF REFERENCE

You are appointed to inquire into and report on how Victoria's response to family violence can be improved by providing practical recommendations to stop family violence. You are required to:

1. examine and evaluate strategies, frameworks, policies, programs and services across government and local government, media, business and community organisations and establish best practice for:
 - a. the prevention of family violence;
 - b. early intervention to identify and protect those at risk of family violence and prevent the escalation of violence;
 - c. support for victims of family violence and measures to address the impacts on victims, particularly on women and children; and
 - d. perpetrator accountability;
2. investigate the means of having systemic responses to family violence, particularly in the legal system and by police, corrections, child protection,

- legal and family violence support services, including reducing re-offending and changing violent and controlling behaviours;
3. investigate how government agencies and community organisations can better integrate and coordinate their efforts; and
 4. provide recommendations on how best to evaluate and measure the success of strategies, frameworks, policies, programs and services put in place to stop family violence;
- and inquire into and report on any other matters reasonably incidental to those set out in paragraphs 1-4 above.

You may make such recommendations arising out of your inquiry as you consider appropriate, having regard to any matters you consider relevant including:

5. the need to establish a culture of non-violence and gender equality, and to shape appropriate attitudes towards women and children;
6. the needs and experiences of people affected by family violence with particular regard to children, seniors, Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, gay, lesbian, bisexual, transgender and intersex communities, regional and rural communities and people with a disability and complex needs;
7. the need to identify and focus on practical short, medium and long term systemic improvements to Victoria's current response to family violence and the need for this response to be sustainable into the future;
8. the need for coordination across jurisdictions to provide the most effective response to family violence;
9. the systems and mechanisms to identify and appropriately prevent and respond to family violence, including information sharing and data systems; and
10. the expertise of professionals and academics working in the field of family violence, including any relevant international and Australian family violence research, past inquiries, reports and evaluations that may inform your inquiry and avoid unnecessary duplication.

You are required to report your findings and any recommendations to the Governor as soon as possible, and in any event, no later than 29 February 2016.

In these terms of reference,

family violence means family violence as defined in section 5 of the *Family Violence Protection Act 2008*.

community organisation means any non-government body, agency, association, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated) and however described, that provides services or conducts activities to prevent or respond to family violence in Victoria.

CONDUCT OF THE INQUIRY

You are directed to:

- conduct your inquiry as you consider appropriate, having regard to adopting informal and flexible procedures where desirable;
- have regard to the desirability of conducting your inquiry without unnecessary cost or delay;
- not prejudice, and to work cooperatively with, other inquiries and current investigations into any matter of family violence, including having regard to the need to treat any evidence received by you in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries; and
- conduct the inquiry in accordance with these letters patent, the *Inquiries Act 2014*, and all other relevant laws.

You may also consult with experts and engage persons to provide relevant advice and assistance, including persons who have experienced family violence and support providers.

The powers of the Royal Commission, at the discretion of the Chairperson may, at any time, be exercised by one or more Commissioners.

You are authorised to incur expenses and financial obligations to be met from the Consolidated Fund up to \$36,000,000.00 in conducting this inquiry.