



Submission to the NSW
Legislative Council's *Domestic
violence trends and issues in
NSW (Inquiry)*



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ABOUT THE ONE IN THREE CAMPAIGN

The One in Three Campaign aims to raise public awareness of the existence and needs of male victims of family violence and abuse; to work with government and non-government services alike to provide assistance to male victims; and to reduce the incidence and impacts of family violence on Australian men, women and children.

INTRODUCTION

We welcome this opportunity to provide input into the NSW Legislative Council's *Domestic violence trends and issues in NSW (Inquiry)*.

We congratulate the Hon Pru Goward MP, Minister for Family and Community Services and Minister for Women, for referring the Inquiry's Terms of Reference to the Social Issues Committee.

Executive summary

1. The existence of male victims and female perpetrators needs to be acknowledged by government legislation, policy and programs.
2. The provision of perpetrator programs needs to be statewide. Community health counselling services are the logical provider.
3. The psychosocial counselling needs of perpetrators must be met. This is rarely the case in groups based on the Duluth model.
4. We would recommend the use of GPS bracelets only in such (rare) cases where the evidentiary basis for an ADVO is sufficient.
5. Domestic and family violence policy needs to recognise all victims and perpetrators, including children, carers and extended family members.
6. Gender-profiling of offenders and victims in legislation must be removed.
7. The assistance and accountability of police services needs to be improved.
8. The NSW Health domestic violence screening tool should be expanded to include men as well as women.

“She reduced me to a state of total powerlessness. I couldn't function as a husband, as a father. I did everything she wanted and got abused for it. The more I gave in to her the more she destroyed me. I became like a little man just towing the line. I had to ask permission to go and see a friend. I was just her slave in the relationship.”

Nigel



Definitions

This submission uses the term *family violence* where appropriate instead of the term *domestic violence* for the following reasons:

- (a) Much contemporary interstate and federal policy and legislation prefers the term *family violence*
- (b) The term *family violence* captures many relevant forms of interpersonal violence in the home that are excluded by the term *domestic violence*, such as child abuse, carer violence, violence between siblings, violence by children against their parents, and violence between other extended family members.
- (c) It would be discriminatory to deny protection from violence in the home to certain persons just because their relationship with the perpetrator of the violence is not one of intimate partner.

“I’ve put myself in my own prison because I don’t want to have any interaction with society any more. I feel too vile, too dirty, because the mainstream of society says this kind of behaviour from a woman is OK”

Kevin

Male victims of family violence

The rationale for government funding being directed to services for male perpetrators and women and children victims of violence is often given as, “men make up such a small percentage of victims of family violence that services should focus on the majority of clients: women and children.”

One of our colleagues works as an Occupational Therapist at a NSW Local Area Health Service. She attended a compulsory training session for all NSW Health workers covering the use of a NSW Health domestic violence screening tool. The following is a direct transcription from the presentation:

Presenter: “Well, you will encounter gender issues, obviously, throughout the whole of society. But around domestic violence, because, well as you know, because over 90 per cent, something like 98 or 97 per cent of perpetrators are male in our society, NSW Health decided to focus their Domestic Violence Policy on women, because we only have so much time and resources.”

Firstly, it should be noted here that a NSW Government employee is giving staff misinformation about the gender breakdown of domestic violence. There is absolutely no evidence showing that “something like 98 or 97 per cent of perpetrators are male.” The most conservative recent estimates¹ (from police reports, which do not cover the vast majority of male victims who never report their assaults²) show that 82 per cent of offenders in NSW between 2001 and 2010 were male, while 30.8 per cent (almost one in three) victims of domestic assault were male.

Secondly, this rationale is never presented when talking about services for any other sub-population. For example, gay and lesbian (GLBTI) or Aboriginal victims of family violence aren’t ignored because they make up a small minority of victims. To the contrary: there are specialist services available for these sub-groups precisely because they are in the minority and need

¹ Grech, K. and Burgess, M. (2011). Trends and patterns in domestic violence assaults: 2001 to 2010. NSW Bureau of Crime Statistics and Research, Sydney. Retrieved 6th September 2011 from http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/pages/bocsar_mr_bb61

² Dal Grande, E., Woollacott, T., Taylor, A., Starr, G., Anastassiadis, K., Ben-Tovim, D., et al. (2001). Interpersonal violence and abuse survey, september 1999 . Adelaide: Epidemiology Branch, Dept. of Human Services. Retrieved September 21, 2009, from <http://www.health.sa.gov.au/pros/portals/0/interpersonal-violence-survey.pdf>. Also Statistics Canada (2009, October). Family violence in canada: A statistical profile 2009. Ottawa: Statistics Canada, Canadian Centre for Justice Statistics, Ministry of Industry. Retrieved August 29, 2010, from <http://www.statcan.gc.ca/pub/85-224-x/85-224-x2009000-eng.pdf>. Also MacLeod, P., Kinver, A., Page, L., & Iliasov, A. (2009, December). 2008-09 scottish crime and justice survey: Partner abuse. Edinburgh: The Scottish Government. Retrieved January 15, 2010, from <http://www.scotland.gov.uk/Resource/Doc/296149/0092065.pdf>.

services tailored to their specific needs and circumstances. The same is true of male victims of family violence. It doesn't matter whether males make up 5 per cent, 15 per cent, 35 per cent or 50 per cent of victims of family violence, the fact is that there are no services currently available to assist them. This flies in the face of our international human rights and equal opportunity obligations.

The following statistics demonstrate that at least one in three victims of family violence is male (perhaps as many as one in two). This figure includes assaults by both male and female perpetrators, and includes family members as well as intimate partners. When reading these quantitative statistics it should be remembered that family violence is extremely complex and doesn't just boil down to 'who does what to whom and how badly.' The context of the violence and abuse is extremely important. Abuse can occur without the use or threat of physical violence. Please refer to oneinthree.com.au/faqs for a more detailed and nuanced analysis of family violence and abuse.

"I was petrified to come home from work and would see her car in the drive and have to drive away and sit for an hour or so by myself to prepare for the likely barrage to come. I lived in terror walking on eggshells around her for nigh on 20 years. I attempted suicide a number of times."

Dan

Recent Australian statistics

The Australian Bureau of Statistics Personal Safety Survey (PSS, 2006)³ is the largest and most recent survey of violence in Australia. It found that⁴:

- 28 per cent (around one in three) people who experienced physical assault by an intimate partner (current partner, previous partner, boyfriend, girlfriend or date) in the last 12 months were male
- 29.8 per cent (almost one in three) victims of current partner violence since the age of 15 were male
- 24.4 per cent (almost one in four) victims of previous partner violence since the age of 15 were male
- There were no statistically significant differences in the prevalence rates between women and men experiencing physical assault by known perpetrators in the last 12 months (2.6% or 198,500 women and 2.7% or 213,100 men)
- In their most recent incident of physical assault by male and female perpetrators in the last 12 months, the difference in estimates for men and women reporting physical assault by a male or female family member/ex-boyfriend/ex-girlfriend were not statistically significant. However this information does not infer that there were no differences in the overall prevalence of men and women experiencing physical assault by family members/ex-boyfriends/ex-girlfriends.
- The characteristics of the location of the most recent incidents of physical assault by males and females in the last 12 months showed that while men experienced almost equal numbers of most recent assaults by male and female perpetrators in a home; and while women experienced almost five times as many most recent assaults by male compared to female perpetrators in a home; the total number of most recent assaults experienced in a home was similar for men and women. It is not possible to generate estimates for the total number of persons who experienced physical assault in a home.

³ Australian Bureau of Statistics (2006). Personal safety survey Australia: 2005 reissue 4906.0. Canberra: Australian Bureau of Statistics. (Original work published August 10, 2006) Retrieved September 21, 2009, from [http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4906.02005_\(Reissue\)?OpenDocument](http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4906.02005_(Reissue)?OpenDocument). Significant problems with this survey include, (a) only female interviewers were used, (b) a much smaller sample of male informants was used compared to female informants, and (c) no data was published on types of violence or injuries or threats received by male victims.

⁴ Graphs of this data can be viewed at http://menshealthaustralia.net/files/PSS_Charts_v2.0.pdf



The SA Interpersonal Violence and Abuse Survey (1999)⁵ found that 32.3 per cent (almost one in three) victims of reported domestic violence by a current or ex-partner (including both physical and emotional violence and abuse) were male.

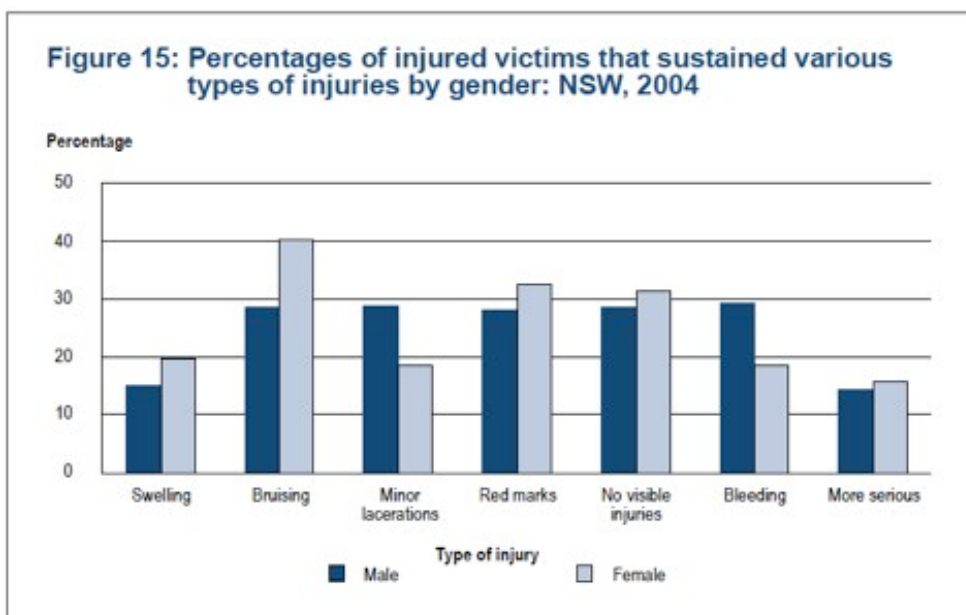
The Crime Prevention Survey (2001)⁶ surveyed young people aged 12 to 20 and found that:

- while 23 per cent of young people were aware of domestic violence against their mothers or step-mothers by their fathers or step-fathers, an almost identical proportion (22 per cent) of young people were aware of domestic violence against their fathers or step-fathers by their mothers or step-mothers
- an almost identical proportion of young females (16 per cent) and young males (15 per cent) answered “yes” to the statement “I’ve experienced domestic violence”
- an almost identical proportion of young females (6 per cent) and young males (5 per cent) answered “yes” to the statement “my boyfriend/girlfriend physically forced me to have sex”.

“Poor dad. I had seen him walking naked in the back yard at night all upset and embarrassed; and I had seen him crawling under the bed to escape her vicious attacks, and I have seen him nursing his fresh wounds in the toilet, and he would say no word against her.”

Son talking about parents

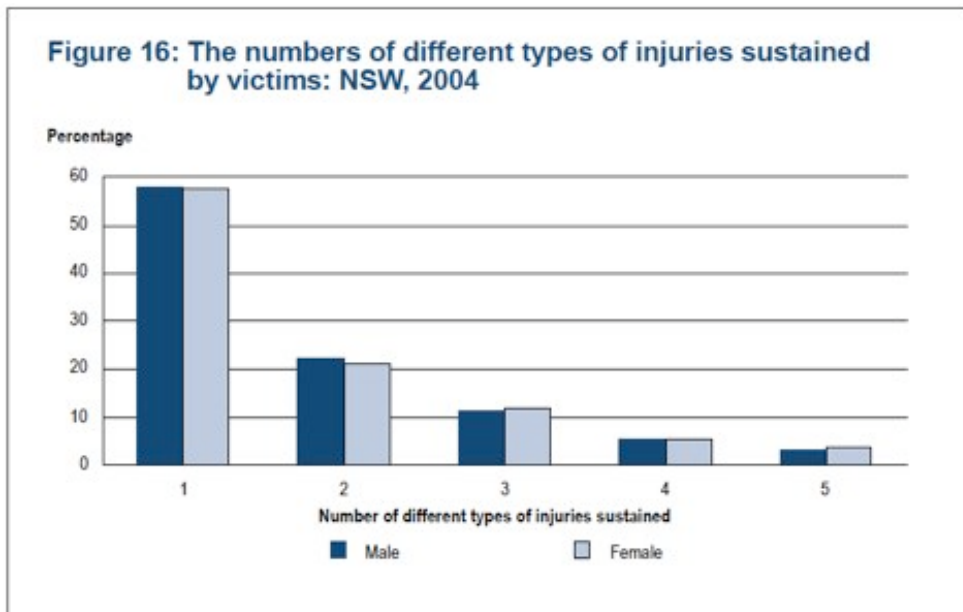
The NSW Bureau of Crime Statistics and Research (BOCSAR, 2005)⁷ found that between 1997 and 2004, 28.9 per cent (almost one in three) victims of domestic assault in NSW were male. Men and women suffered similar percentages of injuries and similar injury types as illustrated below.



⁵ Dal Grande, E., Woollacott, T., Taylor, A., Starr, G., Anastassiadis, K., Ben-Tovim, D., et al. (2001). Interpersonal violence and abuse survey, September 1999 . Adelaide: Epidemiology Branch, Dept. of Human Services. Retrieved September 21, 2009, from <http://www.health.sa.gov.au/pros/portals/0/interpersonal-violence-survey.pdf>

⁶ National Crime Prevention (2001). Young people and domestic violence: national research on young people's attitudes to and experiences of domestic violence. Barton: Attorney-General's Dept. Retrieved September 21, 2009, from <http://www.crimeprevention.gov.au/agd/WWW/ncphome.nsf/Page/Publications>

⁷ People, J. (2005). Trends and patterns in domestic violence assaults. Crime and Justice Bulletin, 89. Retrieved September 21, 2009, from http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/pages/bocsar_mr_cjb89



BOCSAR also examined trends and characteristics of domestic homicides in NSW over the period January 2003 to June 2008⁸. During this time, there were 215 victims of domestic homicide; 115 females and 100 males (almost one in two victims were male). Intimate partners were responsible for 43 per cent of domestic homicide victims (70 females and 23 males - one in four were male).

The Queensland Crime and Misconduct Commission (2005)⁹ found that 32.6 per cent (almost one in three) victims of family violence reported to police were male.

The Australian Institute of Criminology (2008)¹⁰ found that 48.7 per cent (almost one in two) adult victims of family homicide and 35.4 per cent (over one in three) victims of intimate partner homicide in 2006-07 were male.

The Victorian Victims Support Agency (2008)¹¹ found that 31 per cent (almost one in three) persons admitted to Victorian Public Hospitals for family violence injuries were male.

The Australian Institute of Family Studies (1999)¹² observed that, post-separation, fairly similar proportions of men (55 per cent) and women (62 per cent) reported experiencing physical violence including threats by their former spouse. Emotional abuse was reported by 84 per cent of women and 75 per cent of men.

⁸ Weatherburn, D. (2011). Domestic homicide in NSW, January 2003 – June 2008 (media release). NSW Bureau of Crime Statistics and Research, Sydney. Retrieved 6th September 2011 from http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/pages/bocsar_mr_bb42

⁹ Crime and Misconduct Commission (2005, March). Policing domestic violence in Queensland: meeting the challenges. Brisbane: Crime and Misconduct Commission. Retrieved October 14, 2009, from <http://www.cmc.qld.gov.au/data/portal/00000005/content/73653001131400781353.pdf>

¹⁰ Dearden, J., & Jones, W. (2008). Homicide in Australia: 2006-07 National Homicide Monitoring Program annual report. Canberra: Australian Institute of Criminology. Retrieved September 21, 2009, from <http://www.aic.gov.au/en/publications/current%20series/mr/1-20/01.aspx>

¹¹ Victims Support Agency (2008). Victorian family violence database (volume 3): seven year trend analysis report. Melbourne: Victorian Government Department of Justice. Retrieved October 29, 2009, from <http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/Home/Crime/Research+and+Statistics/JUSTICE+-+Victorian+Family+Violence+Database+-+Seven+Year+Report+-+PDF>

¹² Wolcott, I., & Hughes, J. (1999). Towards understanding the reasons for divorce. Australian Institute of Family Studies, Working Paper, 20. Retrieved November 1, 2009, from <http://www.aifs.gov.au/institute/pubs/wolcott6.html>



A University of Melbourne / La Trobe University study (1999)¹³ found that men were just as likely to report being physically assaulted by their partners as women. Further, women and men were about equally likely to admit being violent themselves. Men and women also reported experiencing about the same levels of pain and need for medical attention resulting from domestic violence.

An extensive study of dominance and symmetry in partner violence by male and female university students in 32 nations by Murray Straus (2008)¹⁴ found that, in Australia, 14 per cent of physical violence between dating partners during the previous 12 months was perpetrated by males only, 21 per cent by females only and 64.9 per cent was mutual violence (where both partners used violence against each other).

The Queensland Government Department of Communities (2009)¹⁵ reported that 40 per cent of domestic and family violence protection orders issued by the Magistrate Court were issued to protect males.

A study of risk factors for recent domestic physical assault in patients presenting to the emergency department of Adelaide hospitals (2004)¹⁶ found that 7 per cent of male patients and 10 per cent of female patients had experienced domestic physical assault. This finding shows that over one in three victims were male (39.7 per cent).

The Australian Institute of Family Studies' evaluation of the 2006 family law reforms (2009)¹⁷ found that 39 per cent (more than one in three) victims of physical hurt before separation were male; and 48 per cent (almost one in two) victims of emotional abuse before or during separation were male.

A study of relationship aggression, violence and self-regulation in Australian newlywed couples by researchers at the University of Queensland (2010)¹⁸ found that female violence was more common than male violence, with 76 women (20 per cent) and 34 men (9 per cent) reporting to have been violent. In violent couples the most common pattern was for only the woman to be violent (n=48/82 or 59 per cent of violent couples), next most common was violence by both partners (n=28, 34 per cent), and least common was male-only violence (n=6, 7 per cent).

We reiterate: it doesn't matter whether males make up 5 per cent, 15 per cent, 35 per cent or 50 per cent of victims of domestic violence, the fact is that there are no services currently available to assist them and this flies in the face of our international human rights and equal opportunity obligations.

“Almost everything I did that wasn't done with her constituted a threat to her. By the end of the relationship I had no friends. I had no outside activities. I had nothing, because everything that I was interested in, every friendship I had, threatened her. She would make things so difficult for my friends that they just drifted away.”

Scott

¹³ Headey, B., Scott, D., & de Vaus, D. (1999). Domestic violence in Australia: are women and men equally violent? Australian Monitor, 2(3). Retrieved November 7, 2009, from <http://www.mensrights.com.au/page13y.htm>

¹⁴ Straus, M. A. (2008). Dominance and symmetry in partner violence by male and female university students in 32 nations. Children and Youth Services Review, 30, 252-275. Retrieved November 7, 2009, from <http://pubpages.unh.edu/~mas2/ID41-PR41-Dominance-symmetry-In-Press-07.pdf>

¹⁵ Queensland Government Department of Communities (2009, October 9). Domestic and family violence orders: number and type of order by gender, Queensland, 2004-05 to 2008-09. [Letter]. Retrieved October 31, 2009, from http://www.menshealthaustralia.net/files/Magistrates_Court_data_on_QLD_DVOs.pdf

¹⁶ Stuart, P. (2004). Risk factors for recent domestic physical assault in patients presenting to the emergency department. Emergency Medicine Australasia, 16(3), 216-224.

¹⁷ Kaspiew, R., Gray, M., Weston, R., Moloney, L., Hand, K., & Qu, L. (2009, December). Evaluation of the 2006 family law reforms. Melbourne: Australian Institute of Family Studies. Retrieved July 5, 2010, from <http://www.aifs.gov.au/institute/pubs/file/evaluationreport.pdf>

¹⁸ Halford, W. K., Farrugia, C., Lizzio, A., & Wilson, K. (2010). Relationship aggression, violence and self-regulation in Australian newlywed couples. Australian Journal of Psychology, 62(2), 82-92.



TERMS OF REFERENCE

1. Strategies to reduce breaches and improve compliance with Domestic Violence Orders (ADVOs), including the use of GPS bracelets and whether existing penalties for domestic violence are adequate

Resources and education

We would recommend the widespread adoption of Breach Diaries and Wallet Breach Cards (produced by Women's Legal Services NSW) across the State (see Appendix A), with amendments to make the language gender-neutral.

Many ADVOs are breached by the protected person(s). We would recommend compulsory education of protected person(s) as to the meaning and severity of ADVOs so that they don't inadvertently or intentionally cause breaches by inviting contact with the defendant. We would also recommend that consideration be given to applying penalties to protected person(s) who intentionally invite contact with the defendant with the intention of causing a breach of the ADVO.

Perpetrator programs

Most existing perpetrator programs based (loosely) on the Duluth Model of male patriarchal power and control don't acknowledge the lived experience of many male perpetrators or any female perpetrators, and are therefore largely ineffective at preventing future violence. The Duluth Model also fails victims because its definition of family violence as 'male and patriarchal' provides no assistance to enable female victims to recognise potentially violent men in the future. Clear evidence of success for Duluth-based perpetrator programs is limited.

“Her sexual violation of my reluctant body had no name. Her demands were not simply an occasional inconsiderate insistence. This was a remorseless and frightening menace.”

Alan

We would recommend the trialling of evidence-based perpetrator programs for both sexes based on other models. The work of Mo Yee Lee, Adriana Uken and John Sebold¹⁹ in the United States is giving excellent results. They offer a solution-focused treatment program for domestic violence offenders. Building on a strengths perspective, their solution-focused approach holds a person accountable for solutions instead of focusing on problems. Their outcome study was a 1-group pre- and post-test design with a 6-month follow-up to evaluate the effectiveness of a solution-focused group treatment program for 90 domestic violence offenders who were ordered by the court to receive treatment. Findings of the outcome study indicated a recidivism rate of just 16.7 per cent of program participants as based on official records over a 6-year period. There was a significant improvement in participants' relational skills in intimate relationships as evaluated by their spouses or partners and a significant increase in their self-esteem based on self-reports.

The use of GPS bracelets

ADVOs have absolutely no evidential value in the vast majority of cases. This is because, in the vast majority of cases, they are consented to without admissions. The hearings in these uncontested cases are very brief indeed. Prof. Rosemary

¹⁹ Lee, M., Uken, A., & Sebold, J. (2004). Accountability for Change: Solution-Focused Treatment with Domestic Violence Offenders. *Families in Society: The Journal of Contemporary Social Services*, 85(4), 463-476. Also Lee, M. Y., Uken, A., & Sebold, J. (2007). Role of Self-Determined Goals in Predicting Recidivism in Domestic Violence Offenders. *Research on Social Work Practice*, 17(1), 30.

Hunter, in observations in Victoria in 1996–97²⁰, found that the median hearing time for each application was only about three minutes. Applications were typically dealt with in a bureaucratic manner, with magistrates being distant and emotionally disengaged. To the extent that applicants were asked to give oral evidence, they were typically asked to confirm the content of their written application, and very little exploration of the grounds for the application took place.

Dr Jane Wangmann, in a recent analysis of court files in NSW²¹, reached finding very similar to Hunter's. In her observations of AVO matters in 2006–7, she found, like Hunter, that cases were dealt with in three minutes or less. She also noted that the information provided in written complaints was brief and sometimes vague.

Based on this evidence, we would recommend the use of GPS bracelets only in such (rare) cases where the evidentiary basis for the ADVO is sufficient (i.e. there has been a conviction and it is part of a parole process), but not in the vast majority of cases where the ADVO has been consented to without admissions.

If GPS bracelets are to be issued, they must be able to be hidden under clothing so as not to be visible in public or at the workplace. There is the potential for bracelet-wearers to be verbally and/or physically attacked and humiliated, with the added risk of self-harm and suicide as a result.

Whether existing penalties are adequate

The existing penalties for family violence are already harsh and sufficient. Magistrates appear to feel they are too harsh, as the full penalties aren't often applied. The main problem as we see it is that magistrates lack the appropriate perpetrator programs to refer defendants on to.

2. Early intervention strategies to prevent domestic violence

Female-perpetrated violence

The National Crime Prevention study²² found that

“Witnessing parental domestic violence had a significant effect on young people’s attitudes and experiences. Witnessing was also the strongest predictor of subsequent perpetration by young people. **The best predictor of perpetration was witnessing certain types of female to male violence**, whilst the best predictor of victimisation in personal relationships was having witnessed male to female violence.”

If we are serious about reducing the prevalence of family violence, we must start sending the message to the Australian Community that female-perpetrated violence as well as male-perpetrated violence is wrong, is a crime, must be taken seriously, and must be reported to the authorities. And not only because stopping young people witnessing female perpetrated violence in the home will reduce levels of perpetration when those young people grow up. Reducing women’s

²⁰ Hunter, R. (2008). Domestic violence law reform and women's experience in court: The implementation of feminist reforms in civil proceedings. In Amherst: Cambria Press.

²¹ Wangmann, J. (2009). ‘She said...’ ‘He said...’: Cross Applications in NSW Apprehended Domestic Violence Order Proceedings, PhD thesis. Sydney: University of Sydney. Retrieved 15 September, 2011, from <http://ses.library.usyd.edu.au/handle/2123/5819>

²² National Crime Prevention (2001). Young people and domestic violence: National research on young people's attitudes to and experiences of domestic violence. Barton: Attorney-General's Dept.



use of violence will reduce women's rates of injury from violence because a woman's perpetration of intimate partner violence is the strongest predictor of her being a victim²³.

Perpetrator programs

We would recommend that community health counselling services be provided with training to enable them to work effectively with perpetrators or potential perpetrators of family violence of both genders.

Community health counselling services are the ideal providers of perpetrator programs because:

- (a) They are a statewide provider
- (b) There are no fees for clients
- (c) Community health counselling has existing links to other services such as community nursing, aged care assessment teams (ACAT), local hospitals, chronic health services, GPs and Divisions of General Practice, police, legal aid, Department of Community Services and local domestic violence support services
- (d) Clients can self-refer.

“So I've ended up on a disability pension, a \$400 car, a couple of boxes of books and sleeping on a friend's couch in a small one-bedroom flat. At 61 it's all over”

Robin

We would also recommend that Government policy be changed so that community health counselling services are *allowed* to work with perpetrators or potential perpetrators of family violence. Perpetrator programs would obviously need to take place at different locations to the venues used for counselling victims of family violence. The risk of victims and perpetrators meeting must be minimised for reasons of safety.

We would recommend that NSW Police refer perpetrators or potential perpetrator of family violence on to their local community health counselling service at the first signs of conflict in a family.

It may be the case that some community health counselling services might be unable to provide perpetrator counselling services. In this case, tenders should be put out to NGO's in the area to provide the services instead.

Services for all victims of family violence

We would recommend that family violence services be made available to all perpetrators and victims of violence in the home, no matter what their gender or sexuality, i.e. intimate partners, persons involved in child abuse, carer violence, violence between siblings, violence by children against their parents, and violence between other extended family members. For example, a social worker colleague recently dealt with three cases where teenage girls were regularly assaulting their mothers, but had no services to refer these clients on to. Neglect, psychological abuse and financial abuse of the elderly should be considered forms of family violence under the law.

If local Domestic Violence Committees are not prepared to support male victims and/or female perpetrators then we would recommend that a percentage of family violence funding be distributed to services that are prepared to do so.

²³ While this may sound like 'victim-blaming', it is simply stating the research evidence finding that women who perpetrate violence suffer greater injuries than those who do not. If a woman hits her partner who then hits her back and injures her, both people are responsible for their own use of violence. Perpetrating violence is a risk factor for women's injury. See Kelly, L. (2002). Disabusing the definition of domestic abuse: How women batter men and the role of the feminist state. *Florida State University Law Review*, 30, 791. Also Whitaker, D. J., Hailleyesus, T., Swahn, M., & Saltzman, L. S. (2007). Differences in frequency of violence and reported injury between relationships with reciprocal and nonreciprocal intimate partner violence. *Am J Public Health*, 97(5), 941-7.



Currently almost all professional development programs for workers in the Domestic Violence Sector cover issues faced by women and children victims of domestic violence. There is just one training program run by Men's Health Services called *Working with Men affected by Violence* that is offered to health/welfare/community workers to provide information and strategies for working with men who are affected by violence in their relationships. We would recommend that programs like this be funded and run for all workers in the sector.

We would recommend that the exemption from the Sex Discrimination Act obtained by domestic violence services and sexual assault services allowing only female employees be repealed so that male counsellors can be employed in these services where appropriate and qualified.

We would recommend that 'Women's Safe Rooms' at courthouses be renamed 'Victim's Safe Rooms' or simply just 'Safe Rooms' and be made available to all victims regardless of their gender. Currently male victims are denied access to these services and as such are often left in close proximity to the perpetrator of the violence (see the example of the gay male victim on pages 17 & 18 of this submission).

3. The increase in women being proceeded against by police for violence related assault

The evidence

Unfortunately we haven't yet been surveying men's experience of family violence for long enough to ascertain whether family violence by women is actually increasing. The first national survey to canvas men's experiences of violence was only published in 2006, and a follow-up survey is not due until 2013.

Possible reasons behind the increase in women being proceeded against

We believe that the increase in women being proceeded against by police for violence related assault is probably due to a number of factors.

Firstly, men are probably becoming more willing to report women's violence against them. We know that men have historically been up to three times less likely than women to report the violence they experience²⁴. Perhaps this is starting to change.

Secondly, police appear to be applying the law more fairly and justly. In the past it was the largely the case that whenever police attended a family violence scene, the man was arrested 'by default' based on nothing more than his gender. More recently some police have started addressing this discriminatory gender bias and have been arresting perpetrators of violence not simply on the basis of their gender, but on the evidence before them (we note that this does not yet occur across the board: the 'old school of thought' still exists in some police circles where male victims are told to 'just get over it'. More training of officers around this issue is still required.)

"She not only destroyed me when we were together, but stopping me from seeing the kids - my life was not worth living then"

Steve

²⁴ Dal Grande, E., Woollacott, T., Taylor, A., Starr, G., Anastassiadis, K., Ben-Tovim, D., et al. (2001). Interpersonal violence and abuse survey, september 1999 . Adelaide: Epidemiology Branch, Dept. of Human Services. Retrieved September 21, 2009, from <http://www.health.sa.gov.au/pros/portals/0/interpersonal-violence-survey.pdf>. Also Statistics Canada (2009, October). Family violence in canada: A statistical profile 2009. Ottawa: Statistics Canada, Canadian Centre for Justice Statistics, Ministry of Industry. Retrieved August 29, 2010, from <http://www.statcan.gc.ca/pub/85-224-x/85-224-x2009000-eng.pdf>. Also MacLeod, P., Kinver, A., Page, L., & Iliasov, A. (2009, December). 2008-09 scottish crime and justice survey: Partner abuse. Edinburgh: The Scottish Government. Retrieved January 15, 2010, from <http://www.scotland.gov.uk/Resource/Doc/296149/0092065.pdf>.

Thirdly, the socialisation of young women appears to have changed. Young women are increasingly likely to consume alcohol at harmful levels. There was a doubling in the rate between 1998-99 and 2005-06 of hospital admission for intoxication for women aged 15-24²⁵. Young women also appear to be increasingly likely to use violence (especially when inebriated). Numerous recent news stories have reported on this phenomenon:

- A Sydney Morning Herald article²⁶ in August 2009 reported that in 2006, police in Victoria were called to more than 3500 family violence incidents in which children were the perpetrators. **One in three involved girls, mostly aged 12 to 17.** Police also revealed that attacks by boys against their parents rose 19 per cent between 2003 and 2007, but **attacks perpetrated by teenage girls grew 30 per cent in the same period.**
- A Daily Telegraph article²⁷ in June 2009 reported that **the number of women who have been charged with domestic violence-related assault in NSW has soared by 159 per cent over the past eight years.** The figures, from the New South Wales Bureau of Crime Statistics, show 2336 women faced court on charges of domestic violence in 2007, mainly for bashing their husbands, compared with just 818 in 1999. Although the number of women prosecuted for general assault remained stable between 1999 and 2007, **there was an increase of 11 per cent a year in the number of women prosecuted for domestic violence.** During the same period, domestic violence charges against men rose by 2.3 per cent a year.
- Recent Nine News articles reported on two incidents of extreme female violence in just one small corner of South East Queensland, over a 12-hour period on July 14, 2011. In the first²⁸, a 19-year-old woman was charged with murder after allegedly running her car into her boyfriend and crushing him against a house in Brisbane, following a dispute over a pet. She fled the scene and was apprehended on the Gold Coast. The man was on crutches at the time with an injury. In the report, family members said their relationship had always been volatile. A charge of drink driving against the woman was upgraded to one of murder. In the second incident²⁹, a woman attacked her partner, firemen, paramedics and the media in the street during a house blaze. Her partner reported he had gone to see a doctor to get stitches in his head after she headbutted him, and when he returned, found the house ablaze and he was attacked again.

It would certainly make sense if female violence was on the rise because, on top of the age-old schoolyard rule that “boys shouldn’t hit girls,” we have had forty years of anti-violence campaigns telling people that only male violence against women is wrong. Just a few examples of recent campaigns include the Federal Government’s *Violence Against Women: Australia Says No* campaign, the NT Government’s *Stop the Hurting, Start the Healing* campaign, the Tasmanian Government’s *Safe at Home: Tasmania* campaign, the SA Government’s *Don’t Cross the Line* campaign and the Federally-funded *White Ribbon Campaign*. We haven’t yet seen a single government-funded campaign in Australia telling people that female violence is just as wrong.

“I thought of my options...
Leave? I could not abandon
my kids. I would
rather have died, and
thought of it”

Alan

²⁵ Australian Bureau of Statistics (2008). *Australian Social Trends, 2008*. Australian Bureau of Statistics, Canberra. Retrieved 6th September 2011 from <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Chapter5002008>

²⁶ See <http://www.smh.com.au/national/violence-by-our-girls-increases-20090801-e53t.html>

²⁷ See <http://www.dailytelegraph.com.au/news/more-women-charged-with-domestic-violence-related-assaults/story-e6freuy9-1225739317618>

²⁸ See <http://news.ninensn.com.au/national/8272649/qld-police-investigate-suspicious-death>

²⁹ See <http://news.ninensn.com.au/national/8273179/domestic-dispute-behind-gold-coast-fire>

Challenging claims about ‘gendered violence’

As the statistics provided in our introduction show, males make up at least one in three victims of family violence in Australia. Some will argue that, while this may be the case, there are differences between the male and female experience of family violence, specifically that:

- (a) Men’s perpetration of intimate partner violence is more severe, and more likely to inflict severe injury
- (b) Women’s perpetration of intimate partner violence is more likely to be in self-defence or a pre-emptive strike against a violent male partner
- (c) Men’s violence towards women is most often an attempt to control, coerce, humiliate or dominate by generating fear and intimidation, while women’s intimate partner violence is more often an expression of frustration in response to their dependence or stress, or their refusal to accept a less powerful position
- (d) Men who are violent in intimate relationships typically underreport their violence
- (e) Male victims of intimate partner violence are far less likely to be afraid or intimidated than female victims.

These claims are not supported by reliable data. We have attached four fully referenced Fact Sheets as Appendices B, C, D and E that examine these claims more closely. To summarise:

- Overall, women are injured more than men, but men are injured too, and often seriously
- The overall physical and psychological effects of intimate partner violence are similar for men and women
- Women and men who use intimate partner violence hurt their partners in similar ways (kicking, biting, punching, choking, stabbing, burning, etc), however men are as likely or significantly more likely than women to experience assaults using a weapon
- Men and women bear similar intentions when using intimate partner violence, leading to similar results when their average differences in physical strength are taken into account (such as when weapons are used)
- Children witnessing intimate partner violence by either their fathers or their mothers are more likely to grow up to use violence themselves
- Self-defence is cited by women as the reason for their use of intimate partner violence (including severe violence such as homicide) in a small minority of cases (from 5 to 20 per cent)
- In a study where self-defence was given as a reason for women’s use of intimate partner violence in a large number of cases (42 per cent), it was cited as a reason for men’s intimate partner violence more often (56 per cent)
- Reciprocal partner violence (which makes up approximately 50 per cent of all intimate partner violence and is the most injurious to women) does not appear to be only comprised of self-defensive acts of violence
- Men and women initiate intimate partner violence (both minor and severe) at around the same rates and women are equally likely or more likely to perpetrate violence against a non-violent partner

“Being totally defeated and too frightened to leave my son alone with this monster, I remained and capitulated”

Peter

- Dominance by either partner is a risk factor for intimate partner violence (both minor & severe). It is the injustices and power struggles that are associated with inequality in relationships that give rise to violence, not just the inequality of male dominance
- Both husbands and wives who are controlling are more likely to produce injury and engage in repeated violence
- Coercion (control and domination) is a frequently cited reason by women for their own use of intimate partner violence, and by male victims for their partner's use of intimate partner violence
- Even in research samples selected for high rates of male aggression (such as shelter samples), women sometimes report using comparative frequencies of controlling behaviour
- In a large recent Canadian study, victimisation by repeated, severe, fear-inducing, instrumental violence (often called intimate terrorism) was reported by 2.6 per cent of men and 4.2 per cent of women in the last five years. Equivalent injuries, use of medical services, and fear of the abuser were also discovered, regardless of the gender of the perpetrator and the victim
- Both sexes tend to over-report minor acts of violence they commit, under-report serious acts they commit, and over-report serious acts they suffer
- The same results are obtained regarding the relative frequency of men's and women's violence regardless of whether men or women are the ones being questioned
- Males are taught by sex-role conditioning not to admit fear, making it appear that women are more fearful simply because they report fear more freely than men
- Women and men have different perceptions of danger and use fear-scales quite differently. Women are twice as likely as men to fear death from a partner, when the actual probability of being killed is the same. Women may over-react to objective threat, while men probably under-react
- Men have rarely had their fear of female violence assessed. One of the few studies to do this found that a substantial minority of male victims of intimate partner violence feared their partner's violence and were stalked. Over half the men were fearful that their partners would cause them serious injury if they found out that he had called the domestic violence helpline.

“In my relationship with Deborah, I didn't like to admit that I was scared - in fact it took me a long time to admit that I felt scared and was affected by her abuse. That admission was challenging to my own identity as a male. I could not even admit to my close and supportive friends how much her behaviour was hurting me.”

Mervyn

4. Any other relevant matter

Gender-profiling of offenders and victims

We are extremely concerned that the Key Objects of the NSW Crimes (Domestic and Personal Violence) Act 2007 state that “domestic violence is predominantly perpetrated by men against women and children”. As you have seen from the above statistics, this statement is clearly not supported by the available data with regard to adult victims of family violence. And as far as children go, **the main perpetrators of child abuse, neglect and homicide are not men, but women**³⁰.

We are particularly concerned about what amounts to gender-profiling of offenders and victims in NSW family violence legislation. As we are sure you would be aware, gender or racial profiling of offenders in legislation violates Australia’s international human rights obligations since it creates a bias in the minds of judges and magistrates that a particular class of defendants is more likely to be guilty by reason of his/her gender or race than would be the case if he/she were of a different gender or race (and likewise the other gender more likely to be innocent). A society that condones family violence conditional upon the gender or ethnicity of the victim is not the kind of society that we want our children to grow up in.

To make a protection (i.e. freedom from violence) through government law dependent on the victim’s gender could be construed as violating some of the most fundamental and cherished principles of international human rights law. Articles 2, 4 and 26 of the International Covenant on Civil and Political Rights (ICCPR), to which Australia became a party in 1980, and which in turn reflect the rights set out in Articles 2, 7, and 16 (1) of the Universal Declaration of Human Rights, are quite explicit and uncompromising in prohibiting discrimination based on sex. Article 26 of the ICCPR, in particular, guarantees “to all persons equal and effective protection against discrimination on any ground such as, inter alia, sex”.

NSW Police Domestic Violence Code of Conduct

The NSW Police Domestic Violence Code of Conduct (see Appendix H), while an excellent document, needs to be implemented more fully in certain areas. We would recommend that:

- (a) Police Local Area Commanders specifically instruct their officers to follow the Code of Conduct
- (b) Local Area Commanders take a more active role in listening to local family violence committees and demonstrate to the Commissioner and the Minister that this has occurred
- (c) Inservices for police regarding the Code of Conduct are implemented
- (d) Records of police attendance at Domestic Violence Committee meetings are kept
- (e) Provision is made for victims to be able to lodge complaints where they feel they have been poorly treated by police. A log of such complaints is be kept
- (f) The content of the Code of Conduct be widely publicised
- (g) A pamphlet summarising police responsibilities in family violence matters be widely distributed through services

“I have to say how deeply insulted I am when I see these advertisements on TV... I literally feel sick in the stomach and if my boys are in the room, they get angry, because they have all been hurt by an abusive woman”

Peter

³⁰ See http://menshealthaustralia.net/files/Child_Abuse_in_Australia.pdf



- (h) Police be required to state their personal relationships, if any, with the alleged offender and the victim in their reports on family violence incidents
- (i) Police be required to provide information sheets to perpetrators of family violence which would include such things as “What is an ADVO: your rights and responsibilities,” information on local counsellors who can provide anger management and support, and information on local accommodation services (as perpetrators are often made homeless when removed from the family home).

NSW Health domestic violence screening tool

NSW Health uses a compulsory domestic violence screening tool (see Appendix F) across their clinical services with all female clients aged 16 and over. This tool is extremely valuable in a number of regards: it provides data on the number of females using NSW Health services that are experiencing domestic violence, and more importantly it enables them to be referred on to appropriate services.

Regrettably this screening tool is not used with male clients. These men and boys need a screening tool just as women and girls do.

One of our colleagues is a worker for a NSW Area Health Service. The following is her experience with using the NSW Health screening tool:

"I work with young people between the ages of 14 and 24 who have emerging mental health problems. I have to undertake compulsory domestic violence screening on all young women aged 16 and above. The majority of young people I work with are male so I began using this screening tool on males out of curiosity. To mine and my colleagues' surprise, many of the young men were admitting to being victims of domestic and family violence and abuse. Interestingly, the tool has promoted discussion and highlighted the many forms of violence these young men may suffer such as physical and emotional violence from family members, 'gay-bashing' and violence in pubs. These experiences of violence have deeply affected these young men and it concerns me that we don't inquire about their experiences of violence as a matter of course as we do with women. Of greater worry is that these young men don't have any services available to help them should they require support."

We would recommend at the very least a limited trial of the domestic violence screening tool with male clients who present at casualty departments of public hospitals – especially young males. We would recommend that the tool also be expanded – for both males and females – to cover all forms of family violence and abuse (from parents, siblings and other family members), not just intimate partner violence as is currently the case.

Discrimination

Gay males are being discriminated against because of the lack of services for male victims of family violence. One of our colleagues, a counsellor of family violence victims, told us of a recent case where a gay male victim of intimate partner violence was denied support by a rural domestic violence support service because of his gender. This meant that at the time of the court hearing about his assault he was forced to sit outside a small rural courthouse in close proximity to the perpetrator. He was denied access to the 'women's safe room' because of his gender. He was also denied the support of the domestic violence support worker at the court. The court process and lack of services re-victimised this man, causing him immense distress and compounded the quite significant post-traumatic stress disorder he was already suffering.

“My wife hits me... tries running me down in our car, smashes the house up... We have an 8-month old daughter that has seen the lot. Two days ago I was holding my daughter while she was punching me, just missing the baby”

James



The recent launch of the NSW GLBTI strategy is laudable. However, male gay, transgender, bisexual and intersex victims of family violence in areas without access to ACON services are currently denied access to domestic violence support services because of their gender.

Recent media coverage

We include as Appendix G a transcript of a recent talkback session on Triple J national youth radio which clearly illustrates that male victims of family violence exist, that the impacts of violence on them are severe, and that they lack services and support.

CONCLUSION

On behalf of all male victims of family violence, we hope that you will give consideration to adopting our recommendations that we believe would go a long way towards reducing breaches and improving compliance with Domestic Violence Orders (ADVOs), preventing family violence, and creating a fairer and more just system for all victims and perpetrators of family violence and their children.

Thank you once again for the opportunity to provide input into this inquiry.

Greg Andresen
Senior Researcher
16th September 2011

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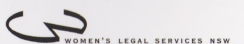
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HOW TO USE THIS BOOK

This breach record book has been given to
you because an Apprehended Violence Order
("AVO") has been made by the Court for your
protection.

The book is to help you record any incidents
that you think are a breach of your AVO. This
can assist in reporting possible breaches of
the AVO to the police.



CONTENTS

What is an AVO 2
What is a breach of an AVO 2
How to report a breach 4
What should the police do 5
Recording and gathering evidence 6
Incident Records 8
What if I need more help 26
Where to get legal help 27
Local support 28

**REMEMBER TO KEEP THIS BOOK
IN A SAFE PLACE SO IT CAN'T BE
FOUND BY OTHERS**

WHAT IS AN APPREHENDED VIOLENCE ORDER?

The Apprehended Violence Order (or "AVO") is for
your protection.

The AVO is an order made by the Local Court.
It tells the person you have the AVO on ('the
defendant') that they are not allowed to harass,
assault, intimidate or threaten you. There may also
be other conditions for your protection as well.

Now that you have an AVO -
you need to know how to use it.



WHAT IS A 'BREACH' OF AN AVO?

A breach of an AVO happens when a person you
have an AVO on does not obey a condition on that
AVO. For example a breach might be:

Hitting or pushing you - this is an assault.

Threatening or standing over you, swearing or
yelling at you to make you frightened - this is
intimidation.

Following you around - this is stalking.

Saying he/she will hit you or damage your things
- this is making a threat.

AVOs often have other conditions on them. For
example - the AVO might say that the defendant
should not contact you except through a lawyer. So
if the defendant tries to contact you in any other
way this would be a breach.

**Make sure you understand all the conditions on
your AVO, so you know what the defendant can
and cannot do. Keep a copy of the AVO with you.**

If you are unsure about which conditions
apply to the defendant ask the police, contact
the Domestic Violence Legal Service or
your local domestic violence support service
(see inside back cover for phone numbers).

WHAT TO DO IF THE DEFENDANT BREACHES THE AVO ?

**Any breach of the AVO should be reported to
the Police as soon as possible.**

There is no breach that is allowed. Sometimes the
defendant might try to see how far they can go
before you will report a breach of the AVO. It is
important to report all breaches as 'little' breaches
can lead to serious breaches. The police can only
act if a report has been made.

REMEMBER

You have the right to be SAFE
No breach of an AVO is OK
Any breach is against the law



HOW TO REPORT A BREACH ?

You can report a breach by:

1. Going to the police station and making a report.
2. Phoning the local police and making a report.
3. If it is an emergency ring 000 (or 112 from a mobile phone) and ask the police to attend.

The police should make a record of your report. It is good for the police to take your statement as it can help the police investigate and take action. The police will ask you to sign your statement.

The police should give you an 'event number' for your report and the name of the investigating officer. The police should also make sure you are safe.

If you need to, you can ask to speak with the Domestic Violence Liaison Officer (DVLO) or the Aboriginal Community Liaison Officer (ACLO) for help.

However in some areas there is not a fulltime DVLO or ACLO available. You can ask for the DVLO or ACLO to contact you later if you need them.

You can also take a friend or a support person with you when you report. If you need to you can talk to a local domestic violence worker or support service for help with reporting.

WHAT SHOULD THE POLICE DO ?

The police should investigate all reported breaches of an AVO.

The police have to follow their own guidelines which say that they are meant to:

- Get as much information as possible from you when you make a report.
- Make sure you (and your children) are safe.
- Gather any evidence available and interview the offender.

The police will then decide whether there is enough evidence to charge the defendant. If the police decide not to charge the defendant, they must make an official record of the reasons for their decision.

If the police take the defendant to court for a breach you may have to give evidence in court. There are services that will help you at court (see the local contacts inside the back cover).

If the police cannot take the defendant to court for the breach because there is not enough evidence, it is still important to report the breach to have a record of what happened.

See page 26 for hints on what to do if you are still feeling unsafe or you are unhappy with the police response.

RECORDING AND GATHERING EVIDENCE

It is important to provide as much information about the breach as possible to the police. Evidence of the breach could include your story about what happened, the story of any witnesses that saw or heard what happened, phone messages, emails, text messages, photographs of damage or injuries, or evidence of phone calls.

You can use this book to help you record information to provide to the police.

Report all breaches as soon as possible.

What to record:

Date, time and place

Note down the date and time of the incident and where it happened.

What happened

Write down what happened. This includes what was actually done by the defendant and what exact words were used by the defendant. This is very important if threats were made or the defendant was being intimidating.

Answering machine messages, voicemails or text messages

If there are frightening messages left on an answering machine or voicemail, or if the defendant is not allowed to contact you and leaves messages, make sure you don't delete them.

With voicemail make sure your phone provider does not delete them before the police have recorded them. If you receive text messages on your phone, save them to show to the police.

Email or facebook harassment

If you receive emails that are harassing or threatening save them and print them out to show to the police. If you are harassed through facebook or other social networking sites, print the website page to show the police.

Record any injuries

If you have been injured in any way go to a doctor, hospital or medical service and have a record made of the injuries. If injuries are showing it is also good to photograph them. Tell the police that you have done this. Show the police injuries that come up in the time after the report.

Other witnesses

Did anyone else see or hear what happened (including children)? Write down their names and tell the police.

Getting other people to frighten you

If you think the defendant is doing this, record and report these incidents as well.

It is important to keep a record of all incidents as it can show a pattern of behaviour by the defendant that may be a breach of the AVO.

THE FOLLOWING PAGES CAN BE USED TO RECORD INCIDENTS



OTHER USEFUL SUPPORT SERVICES

NSW Community Services Domestic Violence Crisis Line (24 hrs) 1800 65 64 63
Can assist with referrals to women's refuges, crisis support and other help.

NSW Rape Crisis (24 hrs) 1800 424 017
www.nswrapecrisis.com.au
24 hr phone counselling and referral for victims of sexual assault.

Salvation Army 24hr Care Line 1300 363 622
Can help with accommodation, support, vouchers for food, electricity, gas and phone.

LOCAL SUPPORT

Put your important local contacts here...

Women's Domestic Violence Court Advocacy Service:

Local Police / Domestic Violence Liaison Officer:

Other:

NOTES



Appendix B: One in Three Campaign Fact Sheet No. 2

Fact Sheet No.2: Severity



Fact Sheet No.2

Is men's intimate partner violence (IPV) more severe, and more likely to inflict severe injury?

International studies show that, on average

- Overall, women are injured more than men, but men are injured too, and often seriously²
- The overall physical and psychological effects of IPV are similar for men and women^{1 2 5}

"The authors concluded that their findings argued against theories of greater female vulnerability to pathological outcomes."⁸

"we also observe evidence that contradicts the idea that violence by male partners tends to be more serious"⁴

- Women and men who use IPV hurt their partners in similar ways (kicking, biting, punching, choking, stabbing, burning, etc), however men are as likely or significantly more likely than women to experience assaults using a weapon^{2 5 6}
- Male perpetrators are more likely to produce minor injuries, but less likely to produce severe injuries²
- Male victims are more likely to suffer serious injuries, while female victims are more likely to suffer minor injuries^{1 2}
- Women are slightly more likely than men to seek medical treatment for their injuries²
- Men and women bear similar intentions when using IPV, leading to similar results when their average differences in physical strength are taken into account (such as when weapons are used)^{3 7}
- Men, having greater strength on average, are more likely to use direct physical violence, while women are more likely to use a weapon to compensate for their lack of strength²
- Women are more likely than men to retaliate to IPV¹⁰

- Reducing women's use of violence will reduce women's rates of injury from violence because a woman's perpetration of IPV is the strongest predictor of her being a victim^{7 11 12}
- Children witnessing IPV by either their fathers or their mothers are more likely to grow up to use violence themselves⁷.

Is focusing on the severity of physical injuries the best approach to reducing violence?

- If men are injured less than women, is this a reason to deny them protection?
- Don't all victims of IPV deserve protection, not just those who are physically injured?
- Does only addressing the outcome of violence (physical injury) distract from addressing the process of violence which can include verbal, emotional, psychological, financial, and other forms of control and abuse?
- Does a focus upon injury ignore the fact that people who use IPV do so to control their partner, not necessarily to injure them? In fact, control of one's partner is often achieved without the use of violence.

"Concentrating on 'severe' violence only ignores the fact that the primary intent of fighting spouses is not to injure their partner... but to hurt... Their focus is on getting their way... and making the partner comply with their demands rather than on causing physical injury."⁹

- Does a focus upon injury ignore the fact that victims of IPV are often hurt more by the violation of the bond of trust and love between them and their partner, than by the physical injury itself?
- Does a focus upon injury in effect give a 'hitting license' to weaker partners, who may eventually be severely injured, should their stronger partner retaliate (regardless of the gender of the partners)?

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- 12 While this may sound like 'victim-blaming', it is simply stating the research evidence finding that women who perpetrate violence suffer greater injuries than those who do not. If a woman hits her partner who then hits her back and injures her, both people are responsible for their own use of violence. Perpetrating violence is a risk factor for women's injury.

oneinthree.com.au

Appendix C: One in Three Campaign Fact Sheet No. 3



Fact Sheet No.3

Is women's intimate partner violence (IPV) more likely to be self-defence or a pre-emptive strike against a violent male partner?

Although it cannot be denied that there are cases in which women and men abuse their partner in self-defence, international studies have found that

- Self-defence is cited by women as the reason for their use of IPV (including severe violence such as homicide) in a small minority of cases (from 5 to 20 per cent)^{1 2 3 5 6 7 9 10 12}

“Studies... found that a relatively low percentage of women endorsed self-defence as a primary motive for violence.”¹³

“Women report using violence against male partners repeatedly, using it against non-violent male partners, and using it for reasons other than self-defence.”³

- In a study where self-defence was given as a reason for women's use of IPV in a large number of cases (42%), it was cited as a reason for men's IPV more often (56%)¹²
- Rather than self-defence, reasons commonly given by both women and men for their use of IPV include
 - ♦ coercion (dominance and control)
 - ♦ anger
 - ♦ punishing a partner's misbehaviour
 - ♦ jealousy
 - ♦ confusion
 - ♦ “to get through” (to one's partner)
 - ♦ to retaliate
 - ♦ frustration^{6 7 8 9 12}
- Rather than self-defence, reasons commonly given by women for their use of IPV include
 - ♦ disbelief that their male victims would be injured or retaliate

- ♦ they wished to engage their partner's attention (particularly emotionally)
- ♦ their partner not being sensitive to their needs
- ♦ their partner being verbally abusive to them
- ♦ their partner not listening to them^{3 8 9}
- Reciprocal partner violence (which makes up approximately 50 per cent of all IPV and is the most injurious to women) does not appear to be only comprised of self-defensive acts of violence^{2 3 13}
- Men and women initiate IPV (both minor and severe) at around the same rates and women are equally likely or more likely to perpetrate violence against a non-violent partner^{2 3 11}
- Women are more likely than men to hit back in response to provocation²
- Women are more likely than men to kill their partner in self-defence, however overall, only 10 to 20 per cent of women's partner homicides are carried out in self-defence or in response to prior abuse^{4 11}

“Important is the finding that women's allegations of DV were proven to be false. In most cases, the initial allegations of DV were modified considerably by them during the course of the study, particularly when they were faced with the accounts of their children and mothers, admitting in the end that they were neither victims of violence nor acting in self-defence.”¹⁰

- Women's use of IPV, rather than being reactive to male violence, is predictable by kindergarten age, and certainly by the teenage years. Aggressive girls grow up to be aggressive adults. High incidence rates of personality disorders are found in both male and female court-mandated samples of IPV perpetrators. Women who kill their husbands are just as likely to have criminal records as women who kill in other circumstances.^{2 4 11 12}

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Appendix D: One in Three Campaign Fact Sheet No. 4

Fact Sheet No.4: Dominance & Underreporting



Fact Sheet No.4

Is men’s violence towards women most often an attempt to control, coerce, humiliate or dominate by generating fear and intimidation, while women’s intimate partner violence (IPV) is more often an expression of frustration in response to their dependence or stress, or their refusal to accept a less powerful position?

International studies show that,

- Dominance by either partner is a risk factor for IPV (both minor & severe). It is the injustices and power struggles that are associated with inequality in relationships that give rise to violence, not just the inequality of male dominance^{1 2 9 13}

“The results of this study suggest important conclusions about two widely held beliefs: that partner violence is an almost uniquely male crime and that when men hit their partners, it is primarily to dominate women, whereas partner violence by women is an act of self-defence or an act of desperation in response to male dominance and brutality. These beliefs were not supported by the results of this study.”⁹

- Empirical research on American couples has found that the vast majority of relationships involve equal power between partners. Relationships in which one partner is dominant are in the minority, and are just as likely to be female-dominant as male-dominant⁹.
- Egalitarian couples are the least violent, while both male and female dominance are associated with increased IPV¹³
- Both husbands and wives who are controlling are more likely to produce injury and engage in repeated violence⁵
- Coercion (control and domination) is a frequently cited reason by women for their own use of IPV, and by male victims for their partner’s use of IPV⁹

“Abuse was not just a sum of violent acts, but in almost all cases it constituted a system that was imposed upon the abused spouse, that dominated his whole life. The study reported that abusive women assumed total control of the relationship, e.g. by getting hold of power producing resources, imposing themselves upon the husband by enforcing authority over him or indirectly making serious threats to frighten him into submission.”¹⁰

- Even in research samples selected for high rates of male aggression (such as shelter samples), women sometimes report using comparative frequencies of controlling behaviour^{7 9}

“Partner violence is more a gender-inclusive systemic problem than it is a problem of a patriarchal social system which enforces male dominance by violence.”¹³

- Risk factors for IPV for both women and men include dominance, but also include youthfulness, self-defence, angry and antisocial personalities; alcohol and illicit drug use; conflict with partner; communication problems; criminal history; jealousy; negative attributions about the partner; partner abuse, sexual abuse and neglect histories; relationship satisfaction; stressful conditions; depression; traditional sex-role ideology and violence approval^{2 9 11}.
- Factors associated with the use of controlling behaviours include socioeconomic status, ethnicity, education level, age and length of marriage (but not gender)⁵
- Female IPV is not a response to male aggression but, like male IPV, follows developmental trajectories including crystallising into personality disorders. Aggressive girls grow up to be aggressive adults (as do aggressive boys)¹
- After analysing for verbal aggression, fear, violence and control by each gender, husbands are found to be no more controlling than wives^{1 2 7 9 13}. Men and women may differ in their methods of control, but not their motivation to control⁵. Men are more likely to prevent their partner from knowing about or having access to family income even when they ask; and prevent their partner from working outside the home. Women are more likely to insist on knowing who their partner is with at all times; insist on changing residences even when their partner doesn’t want or need to; and try to limit their partner’s contact with family and friends. Relatively few men or women engage in any of these controlling behaviours⁴.

“The... hypothesis that dominance by either partner, not just the male partner, is a risk factor for violence was also supported. In fact, this study found that dominance by the female partner is even more closely related to violence by women than is male-dominance. The results on dominance as a risk factor for violence, like the results on symmetry and asymmetry in perpetration, apply to both minor violence and severe violence. This contradicts the belief that when women hit, the motives are different, and that male-dominance is the root cause of partner violence. Thus, the results in this paper call into question another basic assumption of most prevention and treatment programs.”¹³

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“The same distortion of the scientific evidence by selective citation applies to discussion of dominance and control. Only studies showing male use of violence to coerce, dominate, and control are cited despite a number of studies showing that this also applies to violence by female partners.”³

- Controlling behaviours exhibited by abusive women include
 - ♦ the use of threats and coercion (threatening to kill themselves or their husbands, threatening to call the police and have the husband falsely arrested, threatening to leave the husband)
 - ♦ emotional abuse (making the victim feel bad about himself, calling him names, making him think he is crazy, playing mind games, humiliating him, making him feel guilty)
 - ♦ intimidation (making him feel afraid by smashing things, destroying his property, abusing pets, displaying weapons)
 - ♦ blaming the men for their own abuse or minimising the abuse
 - ♦ using the court system to gain sole custody of the children or falsely obtain a restraining order against the victim
 - ♦ isolating the victim by keeping him away from his family and friends, using jealousy to justify these actions
 - ♦ controlling all of the money and not allowing the victim to see or use the chequebook or credit cards⁸
- In a large recent Canadian study, victimisation by repeated, severe, fear-inducing, instrumental violence (often called intimate terrorism) was reported by 2.6% of men and 4.2% of women in the last five years. Equivalent injuries, use of medical services, and fear of the abuser were also discovered, regardless of the gender of the perpetrator and the victim¹.

Do men who are violent in intimate relationships typically underreport their violence?

International studies show that,

- Both sexes tend to over-report minor acts of violence they commit, under-report serious acts they commit, and over-report serious acts they suffer²
- The same results are obtained regarding the relative frequency of men’s and women’s violence regardless of whether men or women are the ones being questioned².

“The rate of minor assaults by wives was 78 per 1,000 couples, and the rate of minor assaults by husbands was 72 per 1,000. The Severe assault rate was 46 per 1,000 couples for assaults by wives and 50 per 1,000 for assaults by husbands. Neither difference is statistically significant. As these rates are based exclusively on information provided by women respondents, the near equality in assault rates cannot be attributed to a gender bias in reporting.”¹²



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Appendix E: One in Three Campaign Fact Sheet No. 5

Fact Sheet No.5: Fear & Intimidation



Fact Sheet No.5

Are male victims of intimate partner violence (IPV) far less likely to be afraid or intimidated than female victims?

International studies demonstrate that

- Males are taught by sex-role conditioning not to admit fear, making it appear that women are more fearful simply because they report fear more freely than men^{1 2}

“In most cases, the wife's intent to control and dominate the husband entailed efforts to induce fear in him relating to his personal safety as well as the fate of the children and property in general. She would often threaten to burn the house down, hurt the children or animals, or kill herself, him or the children: she would often drive dangerously to frighten him, and make him realise how serious and dangerous she could be. This generated intimidation, insecurity, and fear in the husbands and the family members in general.”³

- Women and men have different perceptions of danger and use fear-scales quite differently. Women are twice as likely as men to fear death from a partner, when the actual probability of being killed is the same. Women may over-react to objective threat, while men probably under-react^{1 2}.

“Men reported also symptoms such as tightness in the stomach, muscular pain, racing pulse, thought distortion, and panic attacks. Perpetual fear and being 'on guard' were experienced by most participants. Other commonly expressed reactions were, feelings of lack of control and inadequacy and constant denigration of the man, which often caused him to accept his partner's view of him, and to lose self esteem.”⁵

- Women's greater fear of male violence, where it exists, could also simply stem from the greater average size and strength of men, rather than from any difference in motives between men and women who use IPV⁴.

- Men have rarely had their fear of female violence assessed. One of the few studies to do this found that a substantial minority of male victims of IPV feared their partner's violence and were stalked. Over half the men were fearful that their partners would cause them serious injury if they found out that he had called the domestic violence helpline^{2 3}.

“The feminist view is that all male violence is designed to generate fear to enable coercion. The data suggest a motivational profile for use of violence by either gender is far more complex. The question for feminists remains given that research indicates high levels of female violence, much of it against non-violent males and hence not in self-defence; how is that violence any different from male violence? How can male violence still be depicted as being in pursuit of power and control when female violence is also frequent and, according to the women themselves, not defensive?”²

- Another such study of male victims of IPV found that “perpetual fear and being 'on guard' were experienced by most participants”⁵ It is important to note that men's fear is often internalised and thus invisible to the outside observer.
- There is little evidence to support the assertion that all male violence is designed to generate fear in women to enable coercion. In fact the data shows that both men and women have much more complex motives behind their use of IPV².

“Analog studies of fear induction in response to intimate conflicts found that women would report more fear even when exposure to the stimulus (a videotaped conflict between others) could not possibly be threatening or endangering... Men use fear scales differently and are less likely to report fear as opposed to other emotions. Creating police responses based on who is most afraid means perpetrators can be arrested based on reported internal reactions that cannot be corroborated.”¹

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Appendix G: Transcript of recent Triple J talkback session

Tom Tilly: Yesterday on the show we brought you some research about the way gender-based violence towards women has drastic consequences for their mental health. While that segment was going to air a few of you guys called in to tell us your stories. Around one in three young victims of relationship violence are male. And, if you are a guy whose been on the receiving end of some relationship violence please give us a call and share your story with us.

Announcer: HACK. 1-300 0555 36. Text 0439 75 7555.

Tom Tilly: One of the men that called in yesterday was a guy that we have called Johnny.

Johnny: Things like a hit across the face or a punch. Swearing, calling me “cunt,” “fuckhead,” saying the thought of touching me made her sick. Threats of suicide if I stayed, threats of suicide if I left. Self-harming in front of me.

Johnny: My name is Johnny. I am 26 years old and I was involved in a relationship and I still am. And for a time, it was an abusive relationship where my girlfriend was verbally abusive and actually physically violent and of course as a man there is no way I would ever retaliate. It went on for a while until I threatened to leave. But it had a major effect on my mental health. I lost my dream job restoring early cars. I got a bad case of the shakes. I became really anti-social – didn’t want to talk to anyone and genuinely, just had a break down, I guess you could call it.

Johnny: Still my concentration is atrocious. When I talk about it I get shaky again. I am trying to improve but it was a genuinely horrible part of my life and something that took me a while to deal with. I didn’t feel like I should have an issue because I just thought, “I am a man so I should be able to just harden up,” you know, just get through it and I thought it was just me being silly. But, after I started to lose my coordination, my job, my ability to focus for long periods of time, I realised that it did it was not on and had a major, major, major impact on my life.

Johnny: It was a real shock and it took a while to register. For the first while, I just thought it was just girls blow off steam, the crazy garden-variety women stuff. But it turns out it is not. It got worse and worse to the point where it was – had me in tears, I guess. And then that’s when I sought to get help. I see a psychologist and I learned that that behaviour was inappropriate and I had to make a definite change or she had to change. So that pretty much brings you up to speed of where we are at at the moment.

Johnny: I am on Escitalopram or Lexapro which is a form of antidepressant. I also have to have a lot of my own mental strategies in order to function on a day to day basis. My loyalty for the girl outways what my brain also says is you know, run while you can. But, I do believe I love the girl with all my heart. I do believe that she needs a lot of help. And, I do believe that I am able to be a supportive partner and I want to be so much, so, so, so much.

Johnny: The longer I stick around if it continues the more I am going to just get worn down until my own mental health is equally as destroyed, I guess, so it’s a bit scary. But we are trying to work it out and seek help for my girlfriend and see if she can sort herself out and this relationship can be saved. But, I am under no illusions that it will be easy and I’m under no illusions it will definitely work out so that’s where we are at at the moment.

Tom Tilly: Johnny speaking to our reporter Patrick Abboud there. If you’ve got a story that relates to Johnny’s, you have experienced relationship violence as a male give us a call.

Announcer: HACK. 1300 0555 36. Text 0439 75 7555.

Tom Tilly: A few texts coming in. One person says “physical violence of any sort is not on but many forget about emotional abuse just as important but no obvious scars. It destroys guys’ confidence.” That’s from Ryan. Another person says, “I was attacked by a partner, had to get a protection order but it took three attempts in court because I was male.” And that’s from Drew. Michelle, you have known three guys that could relate to Johnny’s story.



Michelle: Yeah, I have had three friends that have been victims of violence by their girlfriends.

Tom Tilly: Were they able to talk to someone about it?

Michelle: Yeah, not really like even when I witnessed one of my friends being hit by his girlfriend and when I sort of tried to talk to him about it like saying you know, "It's not okay," he was just like, "Oh, I don't want to talk about it," and didn't really back away from that. He didn't know where to go or what to do about it. And, yeah, it's pretty hard for him to do that. You know, go through it.

Tom Tilly: Did you get the sense that he was really ashamed of what was going on?

Michelle: Yeah, and when I tried to speak to her about it as well, she was like, "Oh well, you know, he does this and he does that." And she really was putting the blame back on him and he was almost mirroring that behaviour, like he was really embarrassed about it and you know just like as though he should be able to take that.

Tom Tilly: Thanks so much for the call Michelle.

Michelle: No worries, thanks.

Tom Tilly: Mike, you can relate to it and it's made you terrified of getting into a new relationship.

Mike: Yeah absolutely. I have been single and celibate for over 11 years now. And in that time – I'm not putting tickets on myself – but I've have some quite attractive offers, but I'm terrified. It really scares me the thought of getting into a relationship.

Tom Tilly: Why is that?

Mike: Because of it was just endless verbal abuse and emotional blackmail and emotional abuse, and then fairly regular, like violent outbursts where I've had, you know, bottles, knives, endless objects thrown at me and I've been punched and kicked, kneed in the nuts, the whole thing. Actually I'm shaking.

Tom Tilly: Oh, that's full-on. Obviously, you are still worried that that might happen in your next relationship.

Mike: Yeah it terrifies me. I'm actually shaking talking about it. It terrifies me.

Tom Tilly: Yeah, I can hear in your voice. Mike, thanks so much for your call.

Mike: No worries, thank you.

Tom Tilly: Brooke, you've been on the other end. You have abused your male partner. What happened there?

Brooke: Well basically, I hit him a couple of times and I know that is pretty bad. I am actually a black-belt in Taekwondo.

Tom Tilly: Wow. Frightening.

Brooke: I should probably know a little better than that. Yeah I was at a point where I had actually experienced some violence myself and I wasn't defending myself at the time he was just constantly at me and arguing and emotionally abusing me. And, I am just the type of girl where I don't like to argue and I don't like to yell. I just like things to be over. And the only way I could see for things to stop was for me to hit him. It was actually, we were both intoxicated in the middle of the street and I punched him expecting nothing to happen because I'm a lot smaller and he's a football player and I knocked him out. In the middle of the street.

Tom Tilly: Wow. You really did sort it out quite quickly.



Brooke: Yeah, and there was blood. And I freaked out. I'm crying, calling my dad saying "he won't get up, I don't know what to do," and people think it is actually okay, and I, like the previous email caller...

Tom Tilly: How did you feel after that happened?

Brooke: I felt really guilty. You know it is not the right behaviour. I trained in Taekwondo for how ever many years to know that it's a defence thing. He didn't attacked me when I did it, he just aggravated me to the point where I just, I snapped, I guess. And you know, I know that that's not okay and I've never done it since and you know, I've been in many arguments and so on. But, it's just he seemed to be able to get at me to that point where there was nothing else I could do or say except to just stop it.

Tom Tilly: Thanks so much for the call there Brooke. That's a really interesting story.

Brooke: Mmm, thank you.

Tom Tilly: We have Greg Andresen in the studio. He is a researcher in relationship violence, and particularly in relation to men, and he is part of a campaign called the One in Three Campaign. It highlights the fact that over a third of young victims of relationship violence are male. Greg thanks for joining us in the studio.

Greg Andresen: Yeah, you're very welcome.

Tom Tilly: You just heard that really interesting story from Brook where there was a combination of the male partner being aggressive in a verbal sense and she fought back physically. Obviously there is a trade off of different kinds of abuse going on there.

Greg Andresen: Right!

Tom Tilly: How do you kind of manage that sort of scenario?

Greg Andresen: Well that's actually, we hear a lot about domestic violence and the main story that is out there is about female victims and it is really great that you are talking about males today, but another story that you've just brought up now which does not get much of an airing is this mutual violence. It's actually...

Tom Tilly: Of different kinds.

Greg Andresen: Of different kinds, right! So it's actually, it's more common for there to be this mutual violence where men and women are going at each other, both of them are in a sense abusive or violent but possibly in different ways. That is actually more common than this unilateral, one person abusing the other and so...

Tom Tilly: Yeah because we talk about victims, don't we, and that seems to almost, you know, dichotomise them, but it is not often like that.

Greg Andresen: Right and then suddenly someone's the saint and someone's the evil party, but really violence is extremely complex especially, and here is another key, when alcohol is involved like in this story. The correlation between alcohol use and relationship violence is very, very high. People lose control of their normal inhibitions and unfortunately can lash out like your last caller.

Tom Tilly: One person's texted in and says "I was mentally bullied by my first girlfriend for seven years. I'm now 34 and still haven't recovered properly." Why is it so hard for men to be able to deal with this?

Greg Andresen: Look, men, they really face a set of unique barriers compared to women which make them much less likely to actually report being a victim or to actually tell someone about it. And a lot of it is about this challenge to their sense of manhood or masculinity. There is a lot of shame or embarrassment for men if their female partner is abusing them. There is a



real social stigma out there, because they are afraid that if they tell someone, they might be laughed at, they may be told, you know "Man up!" as that earlier caller said.

Tom Tilly: Well, actually a text has just come in and says, "The men should eat a teaspoon of concrete and harden up."

Greg Andresen: Right.

Tom Tilly: Is that part of the problem?

Greg Andresen: That's absolutely the problem. That's the problem. And that attitude unfortunately does not just come from friends or family, that comes from, we have had men tell their stories on the One In Three website and there are stories of men going in to police stations, you know, this is where they should be taken seriously and the police saying, "Go home! Harden up!" you know, "There's nothing we can do for you here."

Tom Tilly: Is there work being done to change those attitudes?

Greg Andresen: Look, I wouldn't want to tar the whole police with that brush. I think it is probably a few bad apples and on the whole, it's actually probably pretty good, but, look, let's hope that they are doing something and programs like this may help with that.

Tom Tilly: Bill, you weren't taken seriously when you were in this situation.

Bill: No, not at all. I mean, you know, I was in a relationship where it was pretty good most of the time, but then there was a lot of emotional abuse coming my way. You know, and it got to physical abuse and it was both of us, you know. Nothing too major but at the end of it, when everything fell apart, I lost pretty much everybody, because I was taken as the bad guy because I'm a male when no-one really knew how complex the whole situation really was. Where, you know, I was trying to do everything, but nothing was ever resolved. And now I'm the bad party when really it wasn't the case.

Tom Tilly: Was it her only that was carrying out physical violence or were you involved in that as well?

Bill: No, not at all. I mean, as far as, you know, there was a few slaps and things like that and a bit of pushing and things like that, but no nothing, nothing major on my half, it was more the other way but I...

Tom Tilly: Was she laying right into you?

Bill: Oh yeah, absolutely yeah, at times definitely.

Tom Tilly: Were you physically stronger than her like if you had wanted to would you have been able to overpower her?

Bill: Oh absolutely, easily but you know that's not my nature.

Tom Tilly: But you never did?

Bill: No, no not at all. But I was always seen as the bad party in the end of it because you know, people thought the relationship got violent and it was my fault.

Tom Tilly: Thank's so much for the call there, Bill.

Bill: No worries, ta.

Tom Tilly: Greg, that raises an interesting question for me because in a lot of cases on average, men will be stronger than women and they potentially could overpower them, unless they are a taekwondo black-belt like our previous caller.

Greg Andresen: Right.



Tom Tilly: But what does a man do in that situation? We all grow up with that great ethic “a men should never hit a woman,” but how does a man deal with that when physically he could solve that situation.

Greg Andresen: Right, well look, this is all too common and in fact, one other issue he brought which I just wanted to mention is often, men are really seen as the bad guy when there is mutual violence or even when they are the victim of violence and that’s really, really unfortunate. But, yeah absolutely, this... men are told – well, little boys learn, you don’t hit girls and men learn you don’t hit women. It’s this sort of old chivalry thing that we all learn.

Tom Tilly: And obviously, you don’t want to do that. But, is that part of the problem, that sort of old school ethic in a way?

Greg Andresen: No, I think that is really great, because imagine if your last caller didn’t have that ethic and he’d laid back into her, he probably, because of his bigger size and strength, would have injured her a lot worse. So it’s actually great that he was able to restrain himself. But the problem is, that he ends up taking it because he feels there’s no way to, in a sense, fight back or to challenge it. So I really think men in his situation, they really need to tell someone about it. That’s the first step: don’t bottle it in yourself.

Tom Tilly: Greg Andresen thanks for joining us on Hack.

Greg Andresen: You are very welcome.

Announcer: HACK. With Tom Tilly on triple j.

Tom Tilly: That’s Greg Andresen. He is from Men’s Health Australia talking about violence in relationships where the man is the victim. That’s all we have time for today. Thanks so much for all your texts and calls. We’ll be back tomorrow at 5:30.



Appendix H: NSW Police Force Code of Practice



NSW Police Force

Code of Practice

NSW Police Force Response to Domestic and Family Violence

Title: Code of Practice for the NSW Police Force Response to Domestic and Family Violence
Subject: Domestic and Family Violence
Command Responsible: Policy and Programs Command
Publication date: November 2009
Version number: 1.0
Review date: November 2012

Caveat

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This Code of Practice for the NSW Police Force Response to Domestic and Family Violence is not a comprehensive set of the requirements which must be followed by police in exercising the powers of their office. In exercising these powers and in their treatment of suspects and members of the public, police must be aware of the obligations and responsibilities imposed on them by legislation, NSW Police Force policies and operating procedures, and other corporate documents such as the Code of Conduct and Ethics.

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COMMISSIONER'S MESSAGE

The NSW Police Force is committed to reducing the levels of domestic and family violence, and to improving our responses to victims of this complex crime. Police officers have to deal with the impact of domestic violence on a daily basis as responding to domestic and family violence incidents is a significant component of a police officers work.

The Code of Practice is a crucial element in our corporate response to improve the investigation and management of domestic and family violence. It also ensures that the NSW Police Force maintains quality customer service to victims.

The Code has been developed in consultation with specialist domestic violence officers and service providers and provides information to assist people who experience domestic violence to understand how police will respond when they receive a report of domestic and family violence.

I fully support the Code and consider it a step forward in further strengthening the relationship between the NSW Police Force and the community as we work together to achieve a safe and secure NSW.



A P Scipione APM
Commissioner of Police

CORPORATE SPOKESPERSON'S MESSAGE

All Police play a critical role in meeting the NSW Police Force commitment to reduce domestic and family violence and improve police practice in this area.

Police officers are faced with numerous challenges when confronted with often volatile and unpredictable domestic and family violence situations. The complex nature of domestic and family violence means that it is not uncommon for police to return to the same home several times. This means that they often investigate incidents involving repeat victims and repeat offenders.

The Code of Practice aims to improve consistency in policing practice. It has been developed as a comprehensive information package for the community so that they may better understand the procedures utilised by police during the course of a domestic and family violence investigation.

The Code of Practice will also provide, in conjunction with operational policies and procedures, a reference tool for operational police to perform their duties whilst investigating this significant crime.

I fully support the Code and recognise the value of it in assisting the NSW Police Force, partner agencies and the community in delivering a more integrated and coordinated response to domestic and family violence.



Assistant Commissioner Mark Murdoch APM
Corporate Spokesperson for Domestic and Family Violence

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The *Code of Practice for the NSW Police Force response to Domestic and Family Violence* (Code of Practice) outlines how police officers will respond to reports of domestic and family violence and emphasises that all such reports will be treated seriously by police.

Many forms of domestic and family violence are criminal. These include:

physical violence, sexual assault, stalking, property damage, threats and homicide.

Other forms of domestic and family violence, while not categorised as criminal offences, can be just as harmful to victims and their families, including the use of coercive or controlling behaviours that may cause a person to live in fear, or to suffer emotional and psychological torment, financial deprivation or social isolation. Domestic and family violence affects all members of a family including children.

In 2006 the NSW Ombudsman delivered a special report to Parliament titled *Domestic violence - improving police practice*. In this report the Ombudsman made 44 recommendations to assist the NSW Police Force (NSWPF) to improve the policing of domestic violence incidents. One of the recommendations called for the development of a Code of Practice to provide the community with a comprehensive understanding of the NSWPF strategic response to domestic and family violence.

The main aims of the Code of Practice are to increase the level of safety for victims of domestic and family violence, including children; early intervention, investigation and prosecution of criminal offences; and with the assistance of specialist domestic violence service providers, the delivery of integrated responses to break the cycle of family violence.

Most reported victims of domestic and family violence are women and children. However, police respond to reports of domestic and family violence that involve a diversity of relationships between victim and offender. Victims may include those in same sex relationships, transgender persons, elderly people and people with a disability. Some victims can be further disadvantaged when seeking assistance due to factors such as isolation, cultural differences, language barriers and age. Children are particularly vulnerable and the Code of Practice acknowledges the correlation between child abuse and domestic and family violence.

The Code of Practice reinforces the proactive policing responses of the NSW Police

Force and the principles that govern these responses:

- Domestic and family violence is a serious crime that impacts on the community at all levels and warrants a strong and effective justice response.
- Police will respond to victims and other affected family members in a constructive, consistent and non-judgemental manner.
- Police will use all the powers available to them to improve the protection of children living in homes where violence can occur.
- Police will work with local communities and external agencies to reduce and prevent domestic and family violence through monitoring the behaviour of offenders.
- The police response will take into account needs and experiences of people from diverse backgrounds, and work with these communities to reduce domestic and family violence (NSW Police Force Ethnic Affairs Priorities Statement (EAPS) Forward Plan 2006-2009).
- Police will be mindful of the cultural differences among Aboriginal communities and will work with them to reduce family violence (Aboriginal Strategic Direction 2007-2011).
- Police will consider implementing the *Young Offenders Act* where the offender is a child (defined as person who is of or over the age of 10 years and under the age of 18 years – section 4, *Young Offenders Act*) and ensure the least restrictive sanction is used where appropriate.

- Ensure coordinated and integrated models of practice.
- Offenders of violence will be held accountable and challenged to take responsibility for their actions.

The NSWPF recognises that no one agency in isolation can provide an effective response to domestic and family violence. A multi service approach is needed to provide the most effective support to victims. Referral to the appropriate support service can assist the victim to break the cycle of violence and obtain advice and support to assist them in the future if violence reoccurs. A list of referral services can be found at the end of the Code of Practice.

The Code of Practice also highlights the commitment of the NSWPF to provide the community with responsive and meaningful customer service. The police response to, and investigation of domestic and family violence is governed by the operational procedures, legislative requirements, the NSW Police Handbook and the Code of Practice. Police action will be consistent with the NSWPF Code of Conduct and Ethics and the Customer Service Charter.

TERMS USED

ACLO	Aboriginal Community Liaison Officer
ADVO	Apprehended Domestic Violence Order
APRO	Ancillary Property Recovery Order
APVO	Apprehended Personal Violence Order
AVO	Apprehended Violence Order
CALD	Culturally And Linguistically Diverse
CMU	Crime Management Units
COPS	Computerised Operational Policing System
D&FV	Domestic and Family Violence
DV	Domestic Violence
DVLO	Domestic Violence Liaison Officer
GDs	General Duties
GLLO	Gay and Lesbian Liaison Officer
LAC	Local Area Command
LEPRA	<i>Law Enforcement (Powers & Responsibilities) Act 2002</i>
MCLLO	Multicultural Community Liaison Officers
NGO	Non-Government Organisation
NSWPF	NSW Police Force
RDVC	Region Domestic Violence Coordinators
SGT	Sergeant
TIS	Translating Interpreting Service
YLO	Youth Liaison Officer
YOA	<i>Young Offenders Act</i>

INTRODUCTION

Domestic and family violence is a crime that takes many forms including emotional and psychological abuse, intimidation, harassment, stalking, physical and sexual assault, and can include animal abuse targeting pets, and damaging personal or joint property.

It is the most underreported of crimes because the perpetrator knows the victim intimately through a long-term, close or developing relationship. The perpetrator relies on developing, during the early stages, a strong bond through friendship, love, trust and loyalty to create a high degree of co-dependence. The underlying behavioural traits of power and control are then employed as tactics to commit the crime.

The more times a perpetrator commits the crime, the greater the likelihood the affected partner becomes vulnerable to further abuse and violence. This can frequently result in the affected person developing feelings of fear, guilt, anxiety, low self-esteem, isolation and feeling 'trapped' in the relationship. This often results in what is referred to as a 'Cycle of Violence'.

Children living in a relationship with abusive behaviour are considered to be at risk of harm, either directly by being abused or indirectly by witnessing the abuse of the parent or carer. Children who live in families where domestic and family violence occurs are at a greater risk of being sexually abused. The continuation of abuse and even exposure to such abuse could result in serious problems impacting on the child's personal, health, education and social development.

The NSWPF will respond to all reports of domestic and family violence and pursue offenders to hold them accountable for their 'criminal behaviour' under NSW law, by placing them before the courts.

The Nature of Domestic and Family Violence

Most people who experience a problem in their relationship do not end the relationship immediately. Domestic and family violence victims are no different. Most victims of domestic and family violence will have tried numerous strategies including:

- Trying to appease their violent partner
- Anticipating the mood and needs of their violent partner
- Minimising the effect of the violence on themselves and their children
- Denying that what they are experiencing in their relationship is domestic and family violence

There are many factors that determine whether or not a victim will report domestic and family violence to police and the subsequent action they will take, including:

- Fear
- Emotional bonds to their partner
- Shame or embarrassment
- Denial or minimisation
- Lack of resources, eg. financial, housing, employment, child care, legal
- Social isolation as a result of the offender controlling who a victim has contact with
- Difficulty in obtaining advice and assistance due to being a new migrant with limited language skills, or someone living in a remote community with limited support or services
- Being denied access to family or friends
- Lack of knowledge of options
- Religious or cultural beliefs around marriage and/or parenting

WHY HAVE A CODE OF PRACTICE?

NSW Ombudsman's Report

In 2006 the NSW Ombudsman delivered a special report to Parliament on Domestic violence - improving police practice. This report made a number of recommendations for improving the police response to domestic and family violence; particularly in relation to operating procedures, education and training, legal issues and human resources. The NSWPF supported the majority of recommendations made by the Ombudsman and have been implementing the recommendations since 2007. One of the recommendations was for the development of a Code of Practice.

The Code of Practice is a document that provides information to the general public about the commitment of the NSWPF to work in partnership with other agencies to reduce and prevent domestic and family violence; and explains the process that occurs when police receive a report of domestic and family violence.

FRAMEWORK FOR THE CODE OF PRACTICE

Violence in the community, particularly crimes of personal violence, is of significant concern to Australian governments, both Federal and State. While victims and offenders of personal violence can be male or female, a 2004 study by the NSW Bureau of Crime, Statistics and Research (BOCSAR), showed that in NSW, 80.4% of offenders of domestic assault incidents reported to the police were men. The statistics for partner relationships show that males assaulted 95% of female victims.

As a result the community generally considers domestic and family violence to be a gendered crime with the majority of reported victims being female and reported offenders being male. Because of this commitments have been made by the Federal and State governments to work towards eliminating violence against women and children, including domestic and family violence, and sexual assault.

While the overwhelming majority of AVO applications are made by women against their male partners or ex-partners, this does not preclude domestic and family violence occurring within same sex or other domestic relationships; including where domestic and family violence occurs between family members, as well as where children are the offenders. It is acknowledged that police encounter victims and offenders of both genders and in a variety of relationship types.

The NSW State Plan

The NSW Government aims to keep people safe and develop harmonious communities through reducing rates of crime, particularly violent crime. Domestic and family violence is a crime that the government recognises as having a significant impact on families and the community. The State Plan, through Priority R1 - Reduced rates of crime, places the focus on dealing with the causes and effects of domestic violence with the NSWPF.

Under the State Plan, police are the lead agency for the investigation and management of domestic and family violence. Police will lead more effective delivery of services to victims and their families in conjunction with other government and non-government agencies.

The National Plan

The Australian Government is leading the development of a National Plan to Reduce Violence against Women. The Plan will bring together the efforts of all levels of government, the non-government sector and the wider community to address domestic violence. It will identify how the combined work of police, courts, legal systems, health and community services and education can contribute to a reduction in the levels of domestic violence and sexual assault.

In May 2008 the Australian Government established an 11-member National Council to Reduce Violence against Women and their Children to provide the Government with advice on the development of an evidence-based National Plan to Reduce Violence against Women and their Children. The Council, with the support of the Government, conducted significant research to assess the existing evidence, the operation of legal systems and the economic cost of violence against women to inform Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009–2021.

Time for Action contains the Council's recommendations for a National Plan to Reduce Violence against Women to be developed and agreed by the Council of Australian Governments (COAG). It is an extensive report with findings that relate to the responsibilities of all governments and the community. Time for Action recommends that the Australian Government take leadership on a long-term plan to reduce violence against women. The report identifies six key outcome areas, proposes strategies and actions in each area and identifies 20 high-priority actions.

The Australian Government will work with the state and territory governments to develop the National Plan to Reduce Violence against Women for release in 2010.

The NSW Domestic and Family Violence Strategic Framework

The NSW Government is firmly committed to addressing violence against women and to making a difference. In particular, the Government considers tackling domestic and family violence and supporting victims a major priority. The NSW Domestic and Family Violence Strategic Framework aims to ensure that individuals that have experienced domestic violence receive the best possible responses – both for the short term and long term.

The Framework aims to provide a blueprint for Government, non-government agencies and the community on how we all can work together to combat domestic and family violence and ensure that NSW has the most progressive strategy in place to effectively respond to violence.

At present, the Framework is still under development and is due for release by the end of 2009.

Australasian Policing Strategy for the Prevention and Reduction of Family Violence

The NSWPF is a contributing partner to the above framework that supports the following principles:

- 1) Every adult and child has the right to a safe environment.
- 2) Zero tolerance to offenders of family violence.
- 3) Early intervention and prevention programs are critical to breaking the cycle of violence.
- 4) Strategic partnerships, collaboration and cooperation between policing jurisdictions, government and non-government agencies are central to achieving results.
- 5) Service delivery that is effective, responsive and best practice.
- 6) Flexible service delivery for diverse and emerging communities and people in rural and remote areas.
- 7) Use of technological development and other innovations to allow police to work faster and smarter.
- 8) Integrated and coordinated information gathered and intelligence shared locally, nationally and internationally.

The NSWPF Corporate Plan 2008 - 2012

The Code of Practice is one of many resources under the NSWPF Corporate Plan 2008 - 2012 that will help Police achieve its vision for a safe and secure NSW. The Corporate Plan provides a framework for the NSWPF to implement State Plan priorities and creates the opportunities for the NSWPF to work together with the community and our interagency partners to further reduce crime, fear of crime and anti-social behaviour.

The following organisational values underpin the Corporate Plan:

Values

- Excellence:* having the highest professional standards and integrity
- Trust:* promoting community faith and confidence in their police
- Honour:* acting with pride and admiration for the policing profession
- Impartiality:* fair and objective decision making without prejudice
- Commitment:* dedication and devotion in the performance of your duties
- Accountability:* acknowledging ownership and being answerable for your actions
- Leadership:* acting as a role model for the community and your colleagues

The Domestic and Family Violence program comes primarily under the Crime strategy, one of the Corporate Plan's key strategies. This strategy aims to reduce rates of crime, particularly violent crime. The NSWPF will achieve this by strengthening our response to domestic and family violence.

Domestic and Family Violence also comes under the strategy of Community and Partners. Through collaboration with the community and partner agencies the NSWPF will aim to increase community confidence in police and reduce customer service related complaints.

GOVERNING PRINCIPLES BEHIND THE CODE OF PRACTICE

Customer Service Program

The NSWPF is committed to providing the community and people of our own organisation with responsive and meaningful customer service. Ensuring that Police maintain quality customer service is one of the highest priorities of every police officer. It is what the community desires and is a key requirement of the State Plan.

Victims are our special customers. Each should be treated fairly and openly in accordance with the Charter of Victims Rights and the Police Handbook. Further information about our commitment to good customer service and respectful treatment of victims can be found further in this document under, Information for Persons in Need of Protection and the Customer Service Charter.

The diverse state of NSW

NSW is a state diverse in culture, ethnicity, religious belief and practice, gender, language, sexuality, physical and intellectual ability and age. When investigating domestic and family violence within the community, police must consider and recognise this diversity and the different needs that individuals may have as a result. However, recognition of the complex nature of domestic and family violence is paramount for police. While a good police investigation will try to address the individual needs of victims and offenders, such as the need to use interpreters, the primary focus will always be the criminality of domestic and family violence and the wellbeing of victims.

Proactive policing responses

The NSWPF will use a proactive approach in dealing with offenders. This approach requires police to not only respond to incidents of domestic and family violence and give strongest consideration to arrest; but to develop strategies to reduce repeat offender behaviour and manage repeat and high risk offenders.

The NSWPF is committed to using all lawful means to police domestic and family violence. This includes wherever possible, removing offenders from the victim, taking out an AVO on behalf of victims and any children living or spending time with the victim (whether they are by consent or not), investigating breaches of AVOs, and developing solutions to managing repeat offenders.

When applying for an AVO police will consider applying for exclusion conditions in situations where the violence is escalating and the threat of danger to the victim, and/or children, presents an increasing risk of harm, and the victim is able to remain safely in their home. Exclusion conditions are explained further in the Code of Practice in the section about Apprehended Violence Orders (AVOs).

This proactive approach will also apply to young offenders. This includes taking out an AVO against the young offender, however where exclusion conditions are necessary all efforts must be taken to ensure that the young offender is accommodated appropriately.

THE DOMESTIC AND FAMILY VIOLENCE POLICY STATEMENT

The NSW Police Force regards all personal violence crimes, in particular crimes against women and children, and the elderly, as serious and damaging to individuals, families and to our community.

Domestic and family violence offences may result in criminal charges and will not be tolerated. These offences and crimes cause significant trauma to the victims, their families and communities.

The NSW Police Force encourages police to give the strongest consideration to arrest offenders of domestic and family violence. The safety, protection and wellbeing of victims are of paramount concern to police.

The NSW Police Force enforces a pro prosecution response to the investigation and management of domestic and family violence. Charges will be laid against offenders where evidence exists to support criminal charges.

The NSW Police Force enforces a pro victim support response to domestic and family violence and will ensure appropriate protective measures are taken to keep victims safe and prevent further violence against them.

Domestic and family violence is recognised as a child protection issue and all police will be proactive in fulfilling their roles and responsibilities as mandatory reporters of children and young people at risk of significant harm; and complying with the NSW Police Force policy to report children present in the home at the time of any domestic and family violence incident to the Child Wellbeing Unit.

If a child has been abused, or is in need of protection from the offender, police must make an application for an Apprehended Violence Order.

The community in which police serve represents a community diverse in indigenous, cultural, religious, gender, language, social, sexuality, ability and age differences. Police must consider understanding, and recognition of these differences when responding to victims of domestic and family violence, perpetrators of this crime and the families affected.

The NSW Police Force recognises the prevention of crime as a family, community and whole of government responsibility. The NSW Police Force supports, encourages and will continue to work in partnership with other agencies to deliver coordinated effective services to victims, offenders and their families.

The role of police in responding to domestic and family violence

Police have five key roles in relation to domestic and family violence.

They are to:

1. Investigate incidents of Domestic and Family Violence.
2. Provide safety and support to victims.
3. Bring offenders before the court or apply the *Young Offenders Act* to young offenders where appropriate.
4. Be proactive in preventing Domestic and Family Violence.
5. Work with local service providers to reduce incidents of domestic and family violence.

Principles of police responses to domestic and family violence

To achieve its key roles the NSWPF is guided by the following principles:

- Domestic and family violence is a serious crime that impacts on the community at all levels and warrants a strong and effective justice response.
- Police will respond to victims and other affected family members in a constructive, consistent and non-judgemental manner.
- Police will use all the powers available to them to improve the protection of children living in homes where violence can occur.
- Police will work with local communities and external agencies to reduce and prevent domestic and family violence through monitoring the behaviour of offenders.
- The police response will take into account needs and experiences of people from diverse backgrounds, and work with these communities to reduce domestic and family violence (NSW Police Force Ethnic Affairs Priorities Statement (EAPS) Forward Plan 2006-2009).
- Police will be mindful of the cultural differences among Aboriginal communities and will work with them to reduce family violence (Aboriginal Strategic Direction 2007-2011).
- Police will consider implementing the *Young Offenders Act* where the offender is a child (defined as person who is of or over the age of 10 years and under the age of 18 years – section 4, *Young Offenders Act*) and ensure the least restrictive sanction is used where appropriate.
- Ensure coordinated and integrated models of practice.
- Offenders of violence will be held accountable and challenged to take responsibility for their actions

AIMS OF THE CODE OF PRACTICE

The aims of this Code of Practice are to:

- Increase the level of safety for victims of domestic and family violence, including children
- Provide early intervention and disruption to break the cycle of domestic and family violence
- Provide an appropriate, consistent, transparent and accountable response to domestic and family violence to achieve best practice
- In partnership with other agencies, government and non-government, support an integrated response to domestic and family violence
- Increase the identification and arrest (where appropriate) of offenders and maximise successful prosecutions
- Minimise trauma experienced by families during the process of Police intervention
- Maximise victims understanding of criminal justice processes
- Increase the comfort and sensitivity afforded to those experiencing domestic and family violence
- Support aggrieved family members to stay safely in their own homes
- Encourage persons to report incidents of domestic and family violence.

Implementing the Code of Practice

To meet the police role and functions as outlined in this Code of Practice, responding police and their supervisors must consider if the action they have taken has resulted in:

- Safety of the victim and others affected by the family violence
- Identification of future risk of harm to the victim
- Appropriate referral being made
- Investigation and prosecution where appropriate
- Disruption to the cycle of domestic and family violence

Complaints if you consider the Code of Practice to have been breached

If you think that the Code of Practice has been breached through inappropriate police action then you can take your complaint to one of the following:

- The Shift Supervisor of the police station where the officer(s) is based. Often the most effective and timely approach for resolving customer service matters is to talk to an appropriate officer of the NSWPF.
- The NSWPF Professional Standards Command. To complain about NSW police officers, you can contact the Customer Assistance Unit on 1800 622 571.

To lodge a formal complaint you must do so in writing. You can do this by completing the form available from the NSWPF website where you can lodge your complaint online. Written complaints can be left at, or mailed to, your local police station or mailed to the Customer Assistance Unit at PO Box 3427, Tuggerah, NSW, 2259.

- The NSW Ombudsman

For further information regarding the NSW Ombudsman visit www.ombo.nsw.gov.au or phone the number below:

Ph: (02) 9286 1000

Toll free: 1800 45 15 24 Monday to Friday, 9am - 5pm (Inquiries section closes at 4pm)

Frontline Policing

The Local Area Command (LAC) is the business unit and key service delivery point for responding to incidents of domestic and family violence within the community. In the LAC, first response officers are known as General Duties police (GDs).

First Response Officers (General Duties Police)

General Duties (GDs) officers are, in most cases, the first response officers to domestic and family violence incidents and play an important role in the investigation and management of these offences. Police will then commence a criminal investigation into any offence that may have occurred. GDs officers may also initiate an AVO application on behalf of the victim and family members who are in need of protection.

Any initial contact should never be undervalued in being able to set the scene for future police interaction with persons involved in domestic and family violence. Police must provide a service that will meet the needs of the people involved whilst also ensuring compliance with legislative powers including:

- Rendering aid to any person who appears to be injured
- Preventing the commission of further offences occurring
- Inquiring as to the presence of any firearms in the dwelling and where informed, search for, seize and detain such firearm/s
- Investigating whether a domestic violence offence has been committed
- Exercising any lawful power to arrest

Shift Supervisor (Sergeant)

The Shift Supervisor (Sergeant) is responsible for the prompt response by police officers under their command to all domestic and family violence incidents during their shift. Police Supervisors monitor GDs police who are responding and ensure that prompt and appropriate action is being taken in the circumstances.

The Supervisor role is critical to ensuring the appropriateness of the police investigation and response to all domestic and family violence events. Although they may not attend every incident of domestic and family violence, the Supervisor's role is to provide immediate supervision, support and mentoring to police when responding to domestic and family violence incidents that have occurred during their shift.

Duty Officer (Inspector)

Duty Officers are part of the senior management at the LAC and are the next immediate supervisory level above the Sergeants. Duty Officers will ensure that the Sergeant will attend to all their roles and responsibilities in responding to DV incidents.

Duty Officers can provide access to specialist resources including Forensic Services Group, Detectives, and other specialist police resources that can contribute to investigations and increase the likelihood of successful prosecutions.

Local Area Commander (Superintendent)

Each LAC is under the command of a Police Superintendent (Local Area Commander). This officer is the most senior police officer at the LAC and has executive responsibility for the delivery of all policing services at the local level. Commanders will ensure the effective and efficient response and management of domestic and family violence by all LAC based police officers and units.

Crime Management Units (CMU)

The CMU will lead the response to domestic and family violence through the Domestic Violence Liaison Officers (DVLOs) and identify repeat offenders and repeat victims. CMUs will also develop proactive and reactive strategies and tactics to deal with DV Crime.

Crime Manager (Inspector)

The Crime Manager (Inspector) commands the CMU within the LAC. The Crime Manager is responsible for the strategic management of criminal investigations, crime reduction strategies and pro-active operations. The Crime Manager is an integral part of the LAC command team and a key advisor in formulating the LAC crime strategy.

The Crime Manager also leads and directs subordinate units within the CMU including the Crime Coordinator (Sgt), DVLO, Youth Liaison Officer, Intelligence Officers, Education & Training Officers, School Liaison Police, Crime Prevention Officer, Brief Handling Manger & Licensing Police.

Domestic Violence Liaison Officers (DVLOs)

DVLOs are members of Crime Management Units in a Local Area Command. This specialist role provides support to other police by providing vital linkages with community issues and concerns, information and intelligence, while forming partnerships for victim support and follow-up.

Responsibilities include but are not limited to the following:

- Where local programs/supports are in place ensure agreed protocols are followed
- Conduct a quality assurance of domestic and family violence related events and identify any deficiencies by the investigating officer and or any issues in the subsequent verification by the Supervisor. DVLOs bring these deficiencies to the notice of the Supervisor and the investigating officer
- Maintain liaison with support agencies or services to ensure consistency and continuity of the victim follow-up process
- Ensure a detailed list of appropriate services and their role within the Command is supplied to all police with the Command
- Assist victims through the court process for AVOs
- Liaise with court staff and prosecutors to ensure local procedures are complied with and that police within the Command are aware of these procedures
- Maintain an information and liaison role to police within the Command on issues regarding the investigation of domestic and family violence incidents
- Monitor outstanding offenders, repeat victims and repeat offenders
- Keep police abreast of the latest legislative changes and research in domestic and family violence, and bring such changes to the attention of police within the Command

Custody Managers

Custody Managers are responsible for the management and safety of persons in custody. Custody Managers will ensure that offenders are charged with the most appropriate offence in respect to their crime.

Bail considerations for domestic violence offenders should be compliant with legislation and the concerns of the victim, and investigating police should be canvassed prior to any bail decision. In cases of extreme and ongoing violence where there are concerns about the current and future safety of the victim, children, other family members and witnesses, the offender should not be granted bail and remain in police custody to be remanded to court.

Police Prosecutor

The role of the Police Prosecutor is to appear in cases where police as a result of their duties become the informant or the applicant. They may also appear on behalf of other government statutory and non-statutory bodies.

The prosecutor is the voice of the prosecution providing general court advocacy including calling witnesses, cross-examining defendants and making submissions to the court. The prosecutor also provides legal and procedural advice to police officers and reviews documentation and evidence prepared for court.

In domestic and family violence matters the prosecutor works closely with the DVLO to advocate for the best outcomes in charge and AVO matters.

WHEN POLICE RECEIVE REPORTS OF DOMESTIC AND FAMILY VIOLENCE

Police act on any reports

The NSWPF acknowledges that a strong and effective criminal justice response can have a deterrent effect. Police will respond to domestic and family violence incidents reported to them, regardless of who made the report, or where, when, why or how it was made. The action taken will be based on an assessment of the incident and whether a domestic violence offence has been committed, regardless of whether the person in need of protection makes a verbal complaint, recorded or written statement.

In meeting this policy of mandated action, police will:

- Take immediate action to protect and support the person/s in need of protection
- Be sensitive to the individual circumstances of each incident
- Investigate all domestic and family violence incidents coming to their notice by gathering background information and physical evidence, including pictures, video recording, clothing and statements from all victims/witnesses
- Arrest any offenders where it is appropriate
- Pursue criminal and/or civil options (Apprehended Violence Orders) where there is sufficient evidence to do so, and regardless of whether an arrest has been made
- Refer all parties involved who give written consent, to appropriate services
- Record all domestic and family violence incidents reported to them with a view to identifying repeat offenders, monitoring trends, and identifying persons who are either at risk or high risk.

THE STEPS POLICE TAKE IN THE PROCESS

How family violence is reported to police

Police may receive reports of domestic and family violence direct from the person in need of protection or a member of their family, including children, from a friend, neighbour, or an anonymous person or from another agency. The report may be made by contacting Triple Zero (000) or a Local Area Command or local police station directly.

Any report via this way will result in a local police response vehicle to attend the location and investigate the matter. Reports can also be made in person at any police station. If Police or Triple Zero (000) are contacted police must attend even if the caller later phones back to cancel the police requirement to attend.

Initial action by police

Police will treat all reports of domestic and family violence as genuine. When first notified of a domestic and family violence incident, police will:

- Obtain as much information as possible including:
 - the whereabouts of all involved parties, be they victim, witness or offender
 - the nature of the domestic & family violence
 - whether firearms were either used or are present at the scene.
Police must do this under Section 85(2) of the *Law Enforcement (Powers & Responsibilities) Act 2002*
 - whether alcohol or drugs are involved
 - any injuries
 - previous history of domestic and family violence, etc
- Assess the risks and threats
- Render and/or seek any immediate medical assistance as required, eg. Ambulance
- Advise the person reporting of the need to preserve any physical evidence
- If the report has come from a third person, i.e. a person not involved in the domestic and family violence incident, police must follow the above steps as far as practicable and:
 - investigate the report to establish all known facts to enable an appropriate response as required by current *legislation – Crimes (Domestic & Personal Violence) Act 2007*, and/or
 - provide appropriate advice and referral if necessary
- In all cases, the domestic and family violence incident must be recorded by the investigating police officer on the Computerised Operational Policing System (COPS).

Timeliness of the police response

Police will prioritise all reports of domestic and family violence no matter how, or whom they are received from. In rural and remote areas where only one officer operates some stations, the response time may take longer.

Safety first

The primary responsibility for police when responding to any incident is safety first. This includes the safety of attending police and any/all persons who are present at the incident, especially children.

Before attending the scene of a reported domestic and family violence incident, police, where possible, will gather all available information about the location, incident and the persons involved. This includes the existence of any current or expired AVOs, and whether any party is in possession of, or has access to, firearms or other weapons. This information enables police to conduct an operational risk assessment prior to attending the scene.

WHAT POLICE DO WHEN THEY ATTEND THE SCENE

Role of the supervisor

Supervisors should monitor and/or attend all domestic and family violence incidents attended by police and as required provide assistance to those responding. This is to ensure the safety and welfare of all parties; and also that an appropriate level of investigation is conducted and police have provided a timely response to the incident.

Plan of action

On arriving at the scene police should:

- Assess the risks and threats
- Gain safe entry to the premises if necessary
- Ensure the safety and welfare of persons present
- Locate any children and witnesses
- Detect any offences committed, including the breach of any court order
- Identify and apprehend offenders
- Preserve the scene and collect physical evidence

Entry to premises

Section 9 of the *Law Enforcement (Powers & Responsibilities) Act 2002* (LEPRA) gives NSWPF the power to enter premises in emergencies. A police officer may enter a dwelling if a breach of the peace is being or is likely to be committed and it is necessary to end or prevent the breach of the peace. Or, a person has suffered a significant physical injury and it is necessary to prevent further significant physical injury.

Police will gain entry under these circumstances using all reasonable and necessary force. A police officer who enters under these circumstances can only remain on the premises as long as is necessary in the circumstances. That is, unless police have been invited to remain on the premises/dwelling.

Section 82 of LEPRA allows police to enter and/or remain on the premises if invited, by a person who apparently resides in the dwelling (whether adult or child) to investigate whether a domestic violence offence has been committed or to take action to prevent further domestic violence offences. www.legislation.nsw.gov.au

If all occupiers of the dwelling refuse to allow police entry to the premises then Police must apply for a Warrant under Section 83 of LEPR to investigate whether a domestic violence offence is being, may recently have been, is imminent or is likely to be committed and it is necessary for police to enter to investigate and/or prevent further domestic violence offences.

Sections 85, 86 and 87 of LEPR require police to inquire with all occupants as to the presence of firearms and/or dangerous articles on the premises, searching and seizing any said firearms or dangerous articles.

If police suspect that there are firearms present on the premises then permission will initially be sought from the occupant/s to search the premises. If permission is denied then a warrant will be applied for and will be issued. If police believe a dangerous article was used, is being used, or may have been used in the commission of a domestic violence offence then police may also search the premises for, and seize, that dangerous article.

Assessment of the risks and threats

Police receive operational safety training and are aware of the risk factors when attending any incident.

Management of the incident

When responding to any incident, police will take charge and manage the incident in order to investigate and prevent offences and to preserve life and property. The police response is subject to the operational safety principles and legislative powers under either LEPR, 2002 or the Crimes (Domestic & Personal Violence) Act 2007.

Police must consider the following during management of the incident:

- Operational safety principles
- Incident management principles, i.e. isolate, contain, evacuate, negotiate, conclude, investigate, prosecute, referral and rehabilitate
- Level of the immediate threat
- Resources available
- Medical needs
- Crime scene management and evidence gathering

Level of future protection required

To determine the level of future protection required, police must consider the needs, vulnerability and level of fear felt by the person in need of protection and/or their children. Due to the individual effects domestic and family violence can have, each person's needs, including the needs of children, must be considered separately.

The information gathered prior to attending the incident, will assist in determining the level of future protection required:

Domestic Violence Incidents

Police will record all domestic and family violence incidents reported to them with a view to identifying repeat offenders, monitoring trends and identifying persons both at risk and high risk of imminent or future serious harm. This enables police to assess the operational and domestic and family violence risks and identify an appropriate response to assist in early intervention.

All reported domestic and family violence matters will be recorded on COPS under the relevant incident category with an associated factor of domestic violence.

Information police might record

It is standard practice for police to take notes of all observations and conversations to be used as part of the investigation and in deciding a course of action. Police also record information that helps them to complete the necessary COPS Event. Additionally, police may photograph or video the scene or people involved in the domestic and family violence incident when offences have been identified. Other documents, such as voice messages, text messages, emails, letters, etc. may also be taken to assist in the investigation or to protect a person's safety and wellbeing.

Information police may give to others

The information police record during their investigation is subject to legislation and NSWPF policy. With respect to domestic and family violence, police may disclose information in the following circumstances:

- Referral – only if written consent is given by the victim.
- AVO court listing – as requested by the court. However any information that may disclose the location of the person in need of protection, if unknown to the defendant, is not to be disclosed at all.
- Statements and recorded interviews – copies of statements are to be provided to the victim and witnesses. A copy of the statement and photographs must be provided to the defendant as required by NSW Local Court Practice Note 3. The defendant is given an audio copy of their own recorded interview. The defendant is not entitled to receive a copy of the victim's recorded interview; however it may be viewed at the police station in police presence.
- Copy of police reports – the victim is only provided a copy of the relevant COPS entry if application is lodged to the Commissioner of Police through a Freedom of Information request.

Stages of the police investigation

There are three stages to the investigation, each requiring police to evaluate and re-evaluate the risks and the level of action required. Police will be diligent in ensuring they do not pre-empt the outcome of any of the stages before conducting their investigation. The investigation occurs regardless of whether the person in need of protection makes a verbal complaint or a written statement.

The stages of the police investigation are:

- **First Response at the scene or on receiving the report at station** –All responses will ensure the immediate safety, care protection of victims and other persons at risk, including police officers and emergency services. First response officers are responsible for the collection of evidence and obtaining statements from victims and witnesses.
- **Investigation** – The victim, offender and witnesses (if applicable) are to be interviewed and physical evidence is to be gathered when determining if sufficient evidence exists to commence criminal proceedings. If sufficient evidence is present then charge with appropriate criminal offence and/or apply for a Provisional/urgent AVO. Ensure that appropriate AVO and/or bail conditions are placed on the offender to ensure victim's safety.
- **Authorisation of the police brief of evidence** – provide all available evidence to the Court to obtain a criminal conviction beyond a reasonable doubt; or in the case of an AVO only, to ensure that a final AVO is issued on a balance of probabilities.

People who police might talk to

During the investigation, police will identify and speak with as many people as possible to determine the details of the complaint. However, police recognise that not everyone will be willing to cooperate. It may be that victims or witnesses are reluctant to speak to police for a variety of reasons including:

- fear of the consequences from offenders
- the impact on their children and family members
- general stigma associated with being in a domestic violence relationship
- being convinced, particularly by the offender, that the violence is their fault
- being told by the offender that police will not take them seriously or that their children will be removed from their care
- embarrassment
- coercive control tactics used by the offender
- fear of police (particularly for Aboriginal people, refugees and torture and trauma survivors)
- fear of further victimisation (particular for gay, lesbian and transgender victims who may or may not be known to be in a same sex relationship)
- concerns for privacy or confidentiality around personal or 'family matters'
- denial of their situation or ignorance that it is domestic violence, or for a myriad of other reasons

Police will treat persons in need of protection with compassion and reassurance, explaining police and court procedures and obtaining assistance from other police staff, such as DVLOs, ACLOs or MCLOs, or another agency where appropriate and/or necessary.

No person can be compelled to provide details or a statement to police. However, in the confines of a domestic and family violence criminal matter a spouse or de-facto partner is a compellable witness. This means that they will be called upon by the prosecution as a witness to provide evidence in the matter before the court. Where the victim is reluctant to provide information or details, police will still encourage and support them during the process.

Reluctance to provide information at the present incident or past incidents should not prevent police from continuing their investigation. Police, if satisfied that a domestic violence offence has occurred, is imminent or likely to be committed, will initiate a Provisional AVO application – mandated by Section 27 of the Crimes (Domestic & Personal Violence) Act 2007.

It is important to remember that in police initiated AVOs, it is not the victim that applies for an AVO against the defendant; it is in fact police that do, and they will do so with or without the victim's consent under these circumstances.

Information police might record

It is standard practice for police to take notes of all observations and conversations to be used as part of the investigation and in deciding a course of action. Police also record information that helps them to complete the necessary COPS Event. Additionally, police may photograph or video the scene or people involved in the domestic and family violence incident when offences have been identified. Other documents, such as voice messages, text messages, emails, letters, etc. may also be taken to assist in the investigation or to protect a person's safety and wellbeing.

Arresting the offender

Police will pursue all avenues of inquiry and investigation to identify the offender.

Where a power of arrest exists and there is sufficient reason to use that power, police may arrest any identified offenders. The primary objective is to ensure the safety of victim/s and the placing of the offender before the court. The power of arrest is found in Section 99 of the *Law Enforcement and Police Responsibilities Act 2002 (LEPRA)*, whereby Police are empowered to arrest any person for committing an offence under any Act.

NSWPF will support any employee who makes an arrest in line with this Code of Practice, provided the arrest was lawful and the police involved acted in good faith, and in accordance with operating procedures, the NSW Police Code of Conduct & Ethics and the NSW Police Handbook.

NSWPF discourages police from arresting and charging both parties arising out of a domestic or personal violence incident with limited exception (eg. outstanding warrants (or if a victim maliciously damages an offenders property after being assaulted)). To determine who the primary victim is when attending the scene, police will consider whether there is any prior history of domestic violence or AVOs, witness statements, the behaviour of the people involved, etc. If an officer is having difficulty determining the primary victim at the scene they are to consult their Supervisor or the DVLO for advice.

Preserving the crime scene

It is sometimes necessary for police to seal off and preserve the scene of a domestic and family violence incident. Sections 88 – 95 of LEPRA empower police to establish a crime scene and remain on the premises for up to 3 hours whilst awaiting a Crime Scene warrant; direct or prevent movement of persons, and search and collect any relevant evidence from the scene if a serious indictable offence has been committed.

In such instances, whether by consent or by warrant, they will follow standard investigative techniques to preserve any physical evidence that the scene may contain, e.g. fingerprints, blood marks, weapons and items of clothing.

Police may photograph the scene and obtain fingerprints, make sketches and video recordings and collect other evidence to be used as court exhibits or for forensic analysis. After a crime scene has been identified, Forensic Services Group, and/or a designated Crime Scene Officer may be called to attend and provide specialist forensic assistance. State Crime Command would only be required to attend in the case of domestic violence homicide.

Criminal Investigators (Detectives)

Depending on the circumstances, attending police may request their local Detectives to attend the scene. Circumstances that may require Detectives assistance include, but are not limited to, incidents involving serious indictable offences.

Serious Indictable offences include the following:

- Sexual assault
- Reckless wounding
- Attempted murder
- Take/detain person
- Kidnapping
- Assault occasioning grievous bodily harm
- Homicides

Searching for and seizing firearms and other weapons

Section 85, 86 and 87 of LEPRA requires police to enquire with all occupants as to the presence of firearms and/or dangerous articles on the premises, and the searching and seizing of any said firearms or dangerous articles.

If police suspect that there are firearms present on the premises then permission will initially be sought from the occupant/s to search the premises. If permission is denied then a warrant will be applied for and will be issued.

If police believe a dangerous article was used, is being used, or may have been used in the commission of a domestic violence offence then police may also search the premises for, and seize, that dangerous article.

Regardless of whether it was used or not in the commission of a domestic violence offence, police must seize any firearms that either party involved in the incident has access to. Upon the issuing of a Provisional AVO and/or if criminal charges are initiated, all relevant firearm licenses must be confiscated and suspended by Police.

Any firearm, weapon, or article used as a weapon, must be seized as evidence if it has been used or threatened to be used in the domestic and family violence incident under investigation.

THE DECISION TO PROSECUTE

Evidence based

Decisions to prosecute are a matter for the NSWPF based on the evidence gathered and not a subjective assessment by the responding police as to the seriousness of the breach or other offence.

If there is sufficient evidence to justify prosecution

Police are required to prove a criminal offence beyond a reasonable doubt. They are encouraged to exercise discretion in favour of prosecution where an offence can be established.

If there is insufficient evidence to justify prosecution

Police are required to prove to the criminal standard (beyond reasonable doubt) that an offence occurred. If there is insufficient evidence to support criminal charges and police have fears for the safety of victims or persons with whom they have a domestic relationship, police may pursue an AVO. The standard of proof for an AVO is the civil standard (balance of probabilities).

BRIEFS OF EVIDENCE

When police prepare a brief of evidence

Where an accused person has been charged with a domestic violence offence police will prepare a mini brief for service on the defence at the first available opportunity or no later than the first court appearance. The mini brief consists of the alleged facts, a copy of the victim's statement and any photographs on which the prosecution will rely.

Where a plea of not guilty is entered by the accused person the matter will be adjourned to a hearing date with a direction that the balance of the brief of evidence is served at least fourteen days before the hearing. The balance of the brief may include police and witness statements.

If police use a video camera to record the taking of a victim statement they will not serve a copy of the video with either the mini brief or the remainder of the brief of evidence. Where such material exists a notice will be served on the defence advising that the material exists and explaining how a viewing may be organised.

What if there is insufficient evidence?

Police are required to prove to the criminal standard (beyond reasonable doubt) that an offence occurred. If there is insufficient evidence to support criminal charges and police have fears for the safety of victims or persons with whom they have a domestic relationship, police may pursue an AVO. The standard of proof for an AVO is the civil standard (balance of probabilities).

OBTAINING EVIDENCE

Forensic and clinical evidence

A victim may require medical treatment for injuries sustained. Police may also request a victim attend a medical practitioner, in order to obtain forensic evidence, with the victim's consent. If medical treatment is not urgent and forensic or criminal evidence is or may be required, police will obtain the services of a Police Forensic Medical Officer. If the victim attends an Accident and Emergency Department or their local doctor, police will invite them to sign a medical release in order to obtain relevant information for the police brief of evidence.

If a sexual offence is alleged, all action is made with the victim's consent and any action must comply with the NSWPF Investigation and Management of Adult Sexual Assault Policy, Standard Operating Procedures, and NSW Police, Health, and Office of the Director of Public Prosecutions Guidelines for Responding to Adult Victims of Sexual Assault. If necessary, police should take possession of any clothing and obtain other physical evidence or forensic samples. They may also take photographs, with the victim's consent, and notes of injuries.

Statements

Police will obtain statements from victims as soon as possible. If the victim consents, police may record the taking of the statement on video. When taking a statement from a child, a parent/guardian or independent person should be present.

This person must not be the defendant.

Police will use a professional and qualified interpreter if necessary. Family members, friends, NSWPF staff and the defendant should not be used to interpret for the victim.

What happens if the victim does not want police to charge the offender?

Charges will be laid against offenders where evidence exists to support criminal charges - even if the victim is reluctant for charges to be pursued. The decision to prosecute belongs with the NSWPF in accordance with internal policies. Police are not permitted to encourage victims to request no further action or to sign a statement of no complaint. The taking of a statement of no complaint in these circumstances does not preclude police from pursuing criminal charges.

Who is a witness?

In a criminal investigation, a witness is any person who can provide evidence to assist in the prosecution of an offender. This may be through what they have seen or heard. When pursuing criminal options, police will locate and identify witnesses. This usually requires speaking with neighbours, friends and relatives.

Taking a witness statement

Police must obtain statements as soon as possible where necessary, even if the witness is unable to provide corroborating information for the offences identified. Police will use a professional and qualified interpreter if necessary.

Police can not use witnesses as interpreters to communicate with the victim or defendant.

What are Apprehended Violence Orders (AVOs)?

AVOs are applied for and made under the *Crimes (Domestic and Personal Violence) Act 2007*. An AVO is defined by the Act and includes an apprehended domestic violence order (ADVO) or an apprehended personal violence order (APVO). The term AVO includes these orders made as provisional, interim or final orders or a variation of any such order. A provisional order is an urgent order that may only be applied for by a police officer to an on call authorised officer. An interim order is a temporary order made by a court.

Police will apply for AVOs as set out below. The advantages of police making application for an AVO include police preparing the application for court, support from NSWPF DVLOs, police prosecutors and enhanced costs protections. Private applications do not enjoy these benefits and similar resources are not widely available to private applicants except at cost.

When may the court grant an AVO?

A court may, on application, make an AVO if it is satisfied on the balance of probabilities that a person who has or has had a domestic relationship with another person has reasonable grounds to fear and in fact fears:

- (a) the commission by the other person of a personal violence offence against the person, or
- (b) the engagement of the other person in conduct in which the other person:
 - (i) intimidates the person or a person with whom the person has a domestic relationship, or
 - (ii) stalks the person,

being conduct that, in the opinion of the court, is sufficient to warrant the making of the order.

It is not necessary for the court to be satisfied that the persons in need of protection in fact fears that such an offence will be committed, or that such conduct will be engaged in, if:

- (a) the person is a child (ADVO or APVO), or
- (b) the person is, in the opinion of the court, suffering from an appreciably below average general intelligence function (ADVO or APVO), or
- (c) in the opinion of the court (ADVO application only):
 - (i) the person has been subjected at any time to conduct by the defendant amounting to a personal violence offence, and
 - (ii) there is a reasonable likelihood that the defendant may commit a personal violence offence against the person, and
 - (iii) the making of the order is necessary in the circumstances to protect the person from further violence.

AVO Conditions

A court may impose prohibitions and restrictions that appear necessary or desirable to ensure the safety and protection of the person in need of protection and any children from domestic or personal violence including:

Mandatory Orders:

1. a. The defendant must not assault, molest, harass, threaten or otherwise interfere with the protected person(s) or a person with whom the protected person(s) has/have a domestic relationship.
- b. The defendant must not engage in any other conduct that intimidates the protected person(s) or a person with whom the protected person(s) has/have a domestic relationship.
- c. The Defendant must not stalk the protected person(s) or a person with whom the protected person(s) has/have a domestic relationship.
2. The defendant must not reside at the premises at which the protected person(s) may from time to time reside or other specified premises.
3. The defendant must not enter the premises at which the protected person(s) may from time to time reside or work or other specified premises.
4. The defendant must not go within _____ metres of the premises, at which the protected person may from time to time reside, or work or other specified premises.
5. The defendant must not approach, contact or telephone the protected person(s), by any means whatsoever, except through the defendant's legal representative or as agreed in writing or as permitted by an order or directions under the Family Law Act, 1975, for the purpose of counselling, conciliation, or mediation.
6. The defendant must not approach or contact the protected person(s) by any means whatsoever, except through the defendant's legal representative or as authorised by a Parenting order under the *Family Law Act 1975* unless the parenting order has been varied, suspended or discharged under section 68R of the *Family Law Act 1975*.
7. The defendant must not approach or contact the protected person(s) by any means whatsoever, except through the Defendant's legal representative.
8. The defendant must surrender all firearms and related licences to police.
9. The defendant must not approach the school or other premises at which the protected person(s) may from time to time attend for the purposes of education or childcare, or other specified premises.
10. The defendant must not approach the protected person(s) or any such premises or place at which the protected person(s) from time to time reside or work whilst affected by intoxicating liquor or illicit drugs.
11. The defendant must not destroy or deliberately damage or interfere with the property of the protected person(s).
12. Other orders.

Condition 12 allows the court further flexibility to tailor specific prohibitions and restrictions to the specific needs of persons in need of protection.

Exclusion Condition

An exclusion condition as part of an AVO allows a person in need of protection to remain in their home, and excludes, or removes, the violent offender from living in the home.

When a person in need of protection is applying for an AVO and is considering the exclusion condition, they should first consider a number of questions:

1. Will they be, and feel safe if they stay at home?
2. Will they be fearful because the offender knows where they are living?
3. Would they prefer to stay at home and have the violent offender leave?
4. Do they have children, and would the children be better off remaining at home with the person in need of protection?
5. Can they afford to pay the housing costs?

Who may apply for an AVO?

Legislation

Any person may apply for an AVO for their own protection or for those with whom they are in a domestic relationship but only police may apply for orders for children or provisional orders. It is not necessary for police to act as the complainant in all cases. However, there are occasions when police should take appropriate action on behalf of the persons in need of protection.

When police must make application for AVO

An application for an order must be made if a police officer investigating the matter concerned suspects or believes that a domestic violence offence or a child and young person abuse offence (but only in relation to a child) has recently been or is being committed, or is imminent, or is likely to be committed, against the person for whose protection an order would be made, or proceedings have been commenced against a person for such an offence against the person in need of protection.

A police officer must (unless there is good reason not to) make an application for an ADVO if the officer suspects or believes a domestic violence offence or an offence under s227 of the *Children and Young Persons (Care & Protection) Act 1998* against a child under 16 years, has recently been or is being committed, or is imminent, or is likely to be committed, against the person for whose protection an order is being made.

Where there is good reason to believe an order needs to be made immediately to ensure the safety and protection of the person or to prevent substantial damage to the property of that person, a police officer must make application for a provisional order.

A police officer who makes or is about to make an application for a provisional order, may direct the person whom with the order is sought to remain at the scene of the incident concerned or in the case where the person has left the scene of the incident, at another place where a police officer locates the person, until the provisional order is made and served. If the person refuses to remain, the police officer may arrest and detain the person at the scene or arrest and take the person to a police station until the provisional order is made and served.

NSWPF does not encourage police to make cross applications for AVOs except in exceptional circumstances. Cross applications create conflicting interests and are difficult for NSWPF to manage. Where such a situation occurs, NSWPF at its discretion may outsource or withdraw one of the applications.

Considerations when a child is involved

Children's needs may be quite different from those of the parent. Police may assess the interests of children independently to those of a parent seeking an AVO. Where there is no Community Services involvement and police are proceeding as complainant in an application for an AVO, they should consider including the child on the application for the person in need of protection, where appropriate.

Alternatively, where unique conditions apply and they cannot be covered in the parent's application, a separate application on behalf of the child can be made to the court.

If there are family law orders in place to the extent that they conflict with an AVO or bail the family law takes precedence. For example, if a family law order provides for a father to spend time with his children every second weekend and bail and an AVO prohibits this access then the family law overrides. In this situation the father does not breach the AVO or bail unless he does so in some other manner (eg. assaults, molests or harasses the child).

A Magistrate has power under section 68R Family Law Act to suspend family law orders so that an AVO or bail conditions that would otherwise have no effect can be valid. The suspension applies only to the orders that provide for the children spending time with a parent.

Using the above example, if the family court order was suspended the order would not apply so a court could validly make bail or an AVO that prohibits the father from his usual time with the children in accordance with the Family Law Orders. It is the obligation of the applicant for an AVO to advise the court of the existence of family law orders. Therefore persons in need of protection should advise police acting on their behalf that an order exists and allow them to make a copy of the order for court purposes.

What happens if police do not make application for an AVO?

Where police do not make application for an AVO (e.g. there is no apparent threat to the safety, welfare or property of a person) they must explain that the person may make his/her own private application through the court.

WHAT POLICE DO WHEN PURSUING AN AVO

Provisional AVO

A provisional order may be sought in accordance with the *Crimes (Domestic and Personal Violence) Act 2007* where police are required to take immediate action. The application is made by telephone, fax or other communication device. Only a police officer can apply for a provisional order. If the defendant is present he/she may be directed to remain at the scene or other place while police make application for and if applicable, serve the order upon the defendant. If he or she refuses to remain he/she may be detained and conveyed to the police station.

The process of applying for an AVO takes time so police may by consent seek to have the defendant accompany them back to the police station for the application and service of an AVO. A provisional order remains in force for up to 28 days unless a Local or Children's Court converts it into an interim order, makes a final order (defendant present in court when made or later served with a copy) or the provisional order lapses or is withdrawn, dismissed or revoked.

Interim AVO

An interim order may be made in court by a Magistrate, on application if it appears to the Magistrate necessary or appropriate to do so in the circumstances. An interim order may be made by an authorised officer, on application if the authorised officer is satisfied that the person in need of protection and the defendant consent to the making of the interim order. An interim order automatically continues until it is withdrawn, dismissed or revoked or a final order is made (defendant present in court when made or later served with a copy). It is not enforceable until served on the defendant by police. An Ancillary Property Recovery Order (APRO) can only be made upon the making of an Interim, Provisional or Final order.

Application for an AVO (non-urgent)

When police would seek a non-urgent AVO

A police officer investigating the matter must apply for an AVO if he/she suspects or believes that a domestic violence offence or a child or young person abuse offence has recently been or is being committed, or is imminent, or is likely to be committed, against the person for whose protection an order would be made, or proceedings have been commenced against a person for such an offence.

A non-urgent application will not be enforceable until an interim or final order is made (defendant present at court or since served with a copy of the final order). The level of urgency determines whether a provisional or interim order is applied for.

How an application for an AVO is served

A court may refuse to issue process regarding an application for an AVO made by a person in need of protection but must issue process regarding an application for an AVO made by police. Upon receipt of a copy of an application for an AVO Police will take immediate steps to have it served as soon as possible.

An AVO must be served personally by police on the defendant or upon a person apparently over the age of sixteen at the defendant's usual place of abode or workplace.

What happens if the application for an AVO cannot be served?

Police will make every effort to serve an AVO. If the AVO cannot be served, police will seek an extension and fresh process to issue. If there is evidence that the defendant is avoiding service police may apply for a warrant.

BREACH OF AN APPREHENDED VIOLENCE ORDER

Criminal offence

An AVO is an order of a Magistrate prohibiting certain behaviour as set out in the order. A contravention of an AVO involves conduct that breaches (breaks) the order. The contravention of an AVO or a registered external protection order (order made in another Australian or New Zealand jurisdiction and registered in NSW) is a criminal offence. AVOs are strictly interpreted and enforced.

There is no such lawful term as a 'technical' or 'minor' breach and any breach will be treated the same. Ignoring the breach conveys to the defendant and the victim that the order is not taken seriously. An outcome of this could be continued abuse, further police involvement in subsequent breaches and possible harm to victims and/or their children.

What police do if they detect a breach?

If the alleged offender is at the scene

Police have a responsibility to ensure the safety and wellbeing of all persons. They have the power to arrest for a breach of an AVO and will use it where it is appropriate to impose bail conditions.

If the alleged offender is not at the scene

Regardless of the seriousness of the alleged breach, police must conduct a thorough investigation to identify and locate the offender. When the offender is located they must be interviewed regarding the alleged breach.

Interview with the offender

Where there are indictable offences involved, police are required in most circumstances to tape record any interview with the offender. In other cases, interviews may be recorded digitally (the preferred option) or in writing.

Consent is not a defence

Consent is never a defence to a breach of an AVO. It is the responsibility of the defendant to comply with the order. A victim cannot lawfully consent to an AVO being breached. Where a breach of an AVO appears to be with agreement of the protected person, police must advise the protected person of the procedures to vary or revoke the order.

The protected person cannot be charged with aiding and abetting the breach of an AVO. Police are encouraged to take criminal action against any breach of an AVO. Mitigating circumstances, including victim consent are a matter for the Magistrate to take into account in sentencing.

Need for clear and appropriate conditions

Before seeking any conditions of an AVO, police must consider their relevance to the parties. Conditions should be clear and provide the appropriate level of protection necessary. Before the final hearing of an AVO, police should review any original conditions to ensure appropriate orders are made. If the person in need of protection consents to their details being provided to an appropriate court advocacy or victim support agency, then a referral can be made to such agencies that can assist in negotiating with police for appropriate orders to be made appropriate to individual circumstances. Any order should be clear to all parties and in particular to the defendant who has to abide by the conditions.

Appealing an AVO

An appeal regarding the making or the dismissal of an application for an order may be lodged by the defendant or complainant in the District Court. If police or the defendant lodges the appeal the carriage thereof will be by the police.

Extending, varying or revoking an AVO

Any party to an AVO may apply to have an AVO or its conditions extended, varied or revoked (except where a protected person is under the age of 16 and then only police can make the application). Notice must be served on the other party and any police complainant before the hearing.

Protected persons in police initiated AVOs should advise police of the desired change and reasons therefore. If the request is merited police will make an application on behalf of the protected person/s and a police prosecutor will take carriage of the matter. Police will not apply for an extension, variance or revocation that appears to have no reasonable prospect of success and whilst the protected person is able to make application themselves, (except in relation to a child under 16) police reluctance is a good indicator of the likely outcome of such process. If police are reluctant to apply for an extension, variance or revocation, then the person in need of protection should obtain legal advice about the prospects of success.

Police will usually not appear on behalf of a protected person in an application that has not been initiated by a police officer. Police are still an interested party in the proceeding and must be advised by the court. For this reason, whether or not police are representing the protected person the police prosecutor will be asked for the police view of the application. If police do not agree with an application made by either a defendant or protected person the prosecutor will oppose it.

Where police have acted as complainant and a variation is required in relation to an adult protected person, police must ensure children are still protected under the AVO and make appropriate application to the court to ensure this.

Interstate order

Interstate or New Zealand protection orders are enforceable in New South Wales once they have been registered in NSW. A registered external protection order may be varied from the original interstate or New Zealand order (including its duration) and carries the same force as a NSW AVO. The variation or revocation of an external protection order by a court of the State, Territory or country in which it was made after it has been registered in NSW has no effect in NSW. This is the same for NSW victims with an AVO that move interstate.

Family Law Act Orders

Police do not generally get involved in family law proceedings except where there is a conflict between an existing family law order and proposed or existing AVO and/or bail conditions.

If there is a Family Law Act parenting order

An order allowing a child to spend time with a parent under the *Family Law Act 1975* (Commonwealth) does not prevent an AVO being granted and it may be possible for two orders to operate at the same time. Where there is conflict between a family law order and an AVO and/or bail, the family law order takes precedent as Commonwealth law overrides State. For example, if an AVO/bail prohibits the defendant's access to a child but a family law order allows the child to spend time with the defendant every alternate weekend the defendant is entitled to that and the AVO cannot be enforced unless some other aspect of the order is breached, eg. by assault, harassment or intimidation.

The *Family Law Act 1975* (Commonwealth) empowers a Magistrate to suspend a family law order to remove the conflict and validate a condition on an AVO excluding the defendant from access to the child. A Magistrate will carefully consider the interests of all parties before making a condition that takes away parental rights. On the making of a final AVO a Magistrate may vary or revoke a family law order.

Use of Family Law Act injunction or restraining orders

If there are proceedings under way in the Family Court, police may advise the protected person to seek an injunction under sections 68B or 114 of the *Family Law Act 1975* (Commonwealth). However, due to jurisdictional boundaries between State and Commonwealth legislation and the implications in investigating Commonwealth offences, the preferred course of action is the seeking of an order under the *Crimes (Domestic and Personal Violence) Act 2007*.

WHAT HAPPENS TO FIREARMS?

Police will seize any firearms

Pursuant to the *Law Enforcement (Powers and Responsibilities) Act 2002* Police who enter premises to investigate a domestic violence incident are required to inquire about the presence of firearms. If advised that there are firearms on the premises police must take such action that is reasonably practicable to search for and to seize and detain the firearm or firearms. If the police officer is told that there are no firearms on the premises but believes on reasonable grounds that there are, the officer must apply to a court for a search warrant.

Pursuant to section 23 of the *Firearms Act 1996*, any firearms licence held by the defendant is automatically suspended upon the making of an interim AVO. Police are required by section 22 of the Act to suspend any firearms licence held by a person charged with a domestic violence offence or who they have reasonable cause to believe has committed or threatened to commit a domestic violence offence. On the making of a final AVO any licence held by the defendant is automatically revoked.

Police are not permitted to issue a firearms licence to a person who:

- is not a fit or proper person
- has, within 10 years before the application was made, been convicted inside or outside of NSW of a prescribed offence, or
- is subject of an AVO or has within the previous 10 years before the application been subject of an AVO

WHO HAS TO GO TO COURT?

If police make the application

Where police initiate the complaint a police prosecutor will take carriage of the application for an AVO. The police informant and the command Domestic Violence Liaison Officer (DVLO) will liaise with persons in need of protections to provide instructions to the prosecutor. Persons in need of protection, if at court, will usually sit beside the prosecutor while the matter is mentioned before the court. The prosecutor will briefly speak with the persons in need of protection to confirm instructions.

The practice from court to court varies. Persons in need of protection will usually attend court on the first occasion to confirm instructions and to meet with court advocacy workers. In some courts, provided that instructions have been given to police, the Magistrate may grant that the persons in need of protection will not have to appear on the first mention.

If the persons in need of protection attend court for the first mention the prosecutor will usually seek to have them excused from subsequent appearances, unless the matter is set down for a defended hearing at which time the persons in need of protection and witnesses will attend to give evidence.

It is the right of persons in need of protection to attend court if they choose so that they can fully participate in the judicial process, confirm instructions to police, have the court proceedings, AVO and conditions explained to them, and be put in contact with appropriate court advocacy and victim support services.

It is important to note that the application is a police application. This means that police will usually seek AVO conditions based on the fears that police have for a victim's safety. Police will consult persons in need of protection during this process and explain why they are making this application.

It is also important to note that despite the wishes of the person in need of protection and the wishes of the NSWPF, the final arbiter on the matter is the Magistrate. The Magistrate ultimately needs to be satisfied that there are grounds for the making of an order unless the legislation requires the order to be made.

The defendant is required to attend court on each occasion. If the defendant has been served with the application and does not appear, an AVO can be made in his/her absence.

If someone other than police make the application or cause the application to be made

Police attendance

Usually police do not attend court for non-police-initiated complaints unless they have specific evidence to present.

Prosecution of hearings

A police prosecutor will only prosecute hearings where police are named as the complainant in the AVO application. In other cases, the person in need of protection prosecutes the application, or may engage the assistance of a legal practitioner.

Role of the police prosecutor in AVO applications

One of the prosecutor's roles is to assist the court by being fair and objective in leading all relevant and admissible evidence. In relation to family violence, the police prosecutor will prosecute all AVO applications initiated by police. The prosecutor must ensure that all relevant evidence is led to help inform the court in the determination of the application.

The police officer initiating an AVO application must liaise with the prosecutor to ensure they are aware of any matters listed for hearing and are provided with relevant paperwork. They should discuss with the prosecutor the option of arranging (with consent of the person in need of protection) court support.

The DVLO should:

- Explain their role to the person in need of protection
- Advise the person in need of protection of the court process and procedures
- Ensure the person in need of protection is aware of available services and told how to access the services
- Discuss with persons in need of protection their particular circumstances and needs to ensure any conditions requested in an AVO are tailored to suit the individual circumstances
- Identify if there are any safety concerns or support services requirements for the person in need of protection and seek additional assistance if required
- Explain that in certain circumstances, particularly if there are safety concerns, the prosecutor may ask the court to make an AVO without the consent of the person in need of protection.

Safety and welfare

To ensure the safety and welfare of all persons present, police must:

- make an immediate assessment of the scene and locate all people, including children, who may be present at the time
- obtain urgent medical treatment if it is required
- separate all parties where possible
- seek an interpreter as soon as possible
- speak to all parties in private where possible, including children, to identify persons in need of protection, victims, witnesses and offenders, and obtain an individual account of the incident
- request and record the details of all persons present, including their full name, age, sex, address and relationship to the parties involved in the domestic & family violence incident
- seek other police assistance as required
- notify the Community Services Helpline if they have concerns about children at risk of harm

Referral

The impact of domestic and family violence on victims is of significant concern to both the NSWPF and the community. No one agency in isolation can provide an effective response to domestic and family violence. A multi service approach is needed to provide the most effective support to victims. Referral to the appropriate support service can assist the victim to break the cycle of violence and obtain advice and support to assist them in the future.

To prevent this serious crime and provide coordinated interagency responses to domestic and family violence, police officers and LACs will develop partnerships with key local agencies to provide effective victim support. In demonstrating the strong commitment of the NSWPF to meeting the needs of victims of domestic and family violence, officers will:

- Where victims consent, refer them to support services. When a victim is required to attend court for an AVO matter, they will be referred to their local Women's Domestic Violence Court Advocacy Service (WDVCAS), or other local court support provider.
- Ensure LACs develop strong links within their communities and work with them to identify strategies to further enhance the way in which police respond to domestic and family violence.
- Work with Aboriginal communities, with the assistance of ACLOs, to gain their support and trust, particularly women, to address broader family violence issues.
- Work with culturally and linguistically diverse communities, with the assistance of MCLOs, to gain their support and trust, to develop appropriate responses to reduce domestic and family violence.

All victims will be referred to relevant support agencies providing they have given Police expressed written consent to provide their information.

The victim (person in need of protection)

When making the report

The manner in which police handle the report is crucial, particularly when the victim (person in need of protection) has called for help. The first contact a person has with police can influence their experiences and impressions of the justice system and their future decisions. Police must adopt an understanding and reassuring manner.

The primary concern is to determine that the person/s in need of protection, including any children, are safe, and whether medical assistance is required for any person.

If a victim attends a police station to make the report, police must offer them an opportunity to speak in private where practical. Police will take very preliminary information over the enquiry counter and then escort the victim into a private interview room to obtain a more detailed account of the incident. The victim will not be embarrassed or degraded in any way including disclosing their situation in a public foyer of a police station.

It is not appropriate for the NSW Police Assistance Line or Crime Stoppers to be used to take any reports of domestic and family violence incidents. Police must either attend the scene or take the report at the police station.

Before leaving the scene

Before leaving the scene, police must ensure that all issues have been considered in relation to the safety and welfare of all persons. They must also collect all the information needed to complete the COPS Event. If no legal power exists to remove the offender from the premises, police must act to ensure the safety and welfare of victims and other family members. This may be through referral to an agency that can arrange emergency accommodation.

Police should assist with the safe removal of persons from the premises, ensuring there are no breaches of the peace and that those leaving the premises, for their safety, have sufficient clothing and personal items. If necessary, police will remain at the scene until the victim and other family members are safely removed from imminent risk.

The investigation

The police response to a domestic violence incident involving a police employee is the same as the response for any other domestic violence incident. Responding police must conduct a thorough investigation to identify any criminal offences and pursue, where appropriate, a criminal prosecution and/or an apprehended violence order.

Police officers subject of an AVO are required to report the matter to their commander. This is to ensure that internal processes are followed to remove any perceived conflict of interest and in order to maintain the integrity and ethical standards of the NSWPF.

Regardless of whatever action is taken, the safety and welfare of the persons in need of protection is paramount.

Police are required to treat police offenders the same as others. However, before commencing criminal proceedings the investigating officer is required to seek permission from a designated senior officer, usually a Region Commander or equivalent.

Police served with process for an AVO are required to advise their Commander who is required to adopt risk assessment and management procedures in relation to the affected officer and the persons in need of protection.

Representation by the Office of the Director of Public Prosecutions or Crown Solicitor

To remove any perception of bias and to maintain transparency and independence, police prosecutors do not take carriage of the proceedings against police officers. The Prosecuting Authority for criminal prosecutions is the Office of the Director for Public Prosecutions. The Crown Solicitor's Office takes carriage of AVO applications against police officers.

CULTURALLY AND LINGUISTICALLY DIVERSE (CALD) COMMUNITIES

CALD communities including newly arrived migrants, refugee and humanitarian entrants have numerous circumstances and issues that complicate their behaviour and interface with services around domestic and family violence.

Police need to be aware of the factors that prevent reporting of domestic and family violence which include:

- Perceptions around
 - Levels of service response
 - Services not understanding their particular situation
 - Stresses accompanying the settlement process
 - Gender role shift
 - Intergenerational conflict
- Fears mitigating against reporting include:
 - Fear
 - Distrust of Police
 - A system they do not understand
 - Issues around confidentiality
 - Issues about immigration or residency status
 - Physical and cultural isolation
 - Losing a relationship/family if the perpetrator is the victim's husband
 - Thinking that such violence is indicative of a failed marriage and might be considered the victim's fault
 - Concern about bringing shame and embarrassment to the family

A key factor about CALD communities is the limited knowledge of English and lack of qualified interpreters.

Use of professional Interpreters

All NSWPF staff MUST use professional accredited interpreters and translators to communicate with people who are not able to speak or understand English or who have a speech or hearing impairment. Although there are some situations where it is appropriate to use the language assistance of someone who is not an accredited professional, accredited professionals must be used in operational situations where information being received or given is relevant to an investigation, a legal proceeding or will have an impact on someone's legal rights.

Except in extreme emergency situations, family members and friends should never be used to assist with interpreting. It is highly inappropriate to use children and offenders to interpret in situations of domestic and family violence.

Booking Interpreters for first time court appearance

Police will arrange an interpreter for the first day in court for the victim of a domestic and family violence incident, and for a defendant in a criminal matter. This arrangement is agreed between the NSWPF, Attorney General's Department and the Community Relations Commission.

Role of the Multicultural Community Liaison Officer (MCLO)

MCLOs are part of a statewide program with roles that include strengthening the links between police and diverse communities to ensure that police in NSW are confident and capable of working with diversity and able to respond effectively to policing needs of the whole community at the local level.

A significant aspect of the MCLO role is support for crime victims of CALD communities in consultation with other members of the Crime Management Unit (CMU). With respect to domestic and family violence MCLOs work closely with Domestic Violence Liaison Officers (DVLOs) to provide the following support:

- Assisting DVLOs to provide support to victims as required
- Assisting DVLOs to assess the victim's situation
- Assisting DVLOs to explain court proceedings and AVO conditions to victims where appropriate
- Where appropriate making referrals to relevant community agencies
- In consultation with the DVLO providing advice to victims around making formal reports
- Facilitating contact between police and victim, where the victim is reluctant to speak to police
- Provision of follow up information to victims
- Continuing link between police and victim if matter is ongoing
- Provision of support and information in victim's first language if the MCLO speaks that language
- Arranging accredited interpreters to facilitate communication between victim and police

What is Aboriginal Family Violence?

Aboriginal Family Violence includes the definition of “Family Violence” which includes domestic violence, sexual assault, the whole family, extended family, Aboriginal community, skin, clan or nation.

What are some of the causes?

- Marginalisation and dispossession
- Loss of land and traditional culture
- Breakdown of Aboriginal kinship systems and Aboriginal Lore
- Effects of institutionalisation and removal policies

What are some of the barriers that prevent reporting to police?

- Historical relationship between police and Aboriginal people
- Distrust of police
- Poor police/community relationships
- Fear of authorities/police intervening and removing children
- Perpetrator being placed in custody – Royal Commission Into Aboriginal Deaths In Custody (RCIADIC)
- Fear of community reprisals

What are some of the long term impacts?

- Has a deep and lasting effect on Aboriginal people physically, mentally and spiritually.
- Aboriginal people became trespassers on their land, with disastrous consequences for the maintenance of spiritual life and social systems.
- The loss of individual and community identity, purpose and self-esteem, values; and a breakdown of traditional social structures.

Aboriginal Strategic Direction 2007 - 2011

The NSWPF Aboriginal Strategic Direction has seven (7) objectives with objective five (5) relating to Family Violence and how it relates to managing Aboriginal family violence in terms of strategies, actions, accountability including encouraging the reporting of family violence (domestic violence and sexual assault); and encouraging the reporting of crime and violence by Aboriginal people against Aboriginal people.

Role of the Aboriginal Community Liaison Officers (ACLOs)

ACLOs are employed to liaise, develop and maintain open communication with the Aboriginal community. The ACLO assists in the development of Local Area Command (LAC) Aboriginal Action Plans and other crime prevention initiatives within their community. ACLOs are not police officers; they are field-based and are provided with ongoing training and development in Family Violence which enables them to offer appropriate advice and assistance to the community. ACLOs also provide support to victims in terms of follow-up and provide to offenders when detained or in custody.

Female Aboriginal Community Liaison Officers (ACLOs)

Four additional female ACLOs have commenced employment with the NSWPF to address the high incidents of family violence and sexual assault in some Aboriginal communities. Two positions funded for two years are at Lachlan and Port Stephens LAC, with positions funded for one year at Albury and Tweed/Byron LACs. The funding has been provided by the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).

Witness Assistance Service (WAS) – NSW Office of the Director of Public Prosecutions

WAS provides a range of services to meet the needs of victims of crime and witnesses appearing in court matters prosecuted by the ODPP. There are three Aboriginal Witness Assistance (WAS) officers within the service.

Aboriginal victims of indictable offences such as serious assaults including domestic violence and sexual assault (both child and adult) which are not prosecuted by police in the local court, should be referred to the WAS. Police are encouraged to identify Aboriginal victims upon presentation of the police brief of evidence to the ODPP. The WAS is located in each ODPP regional office, as well as Sydney Head office.

The WAS role involves:

- providing information to the victim re: the solicitor and Crown Prosecutor briefed with the matter and how to contact them
- what to expect at court
- information about rights and entitlements (i.e. victims compensation, charter of victim's rights)
- progress of matter through court
- other services and supports available
- referral to counselling and support services
- court preparation
- court familiarisation
- debriefing
- liaison with legal officers and police regarding victims needs

Aboriginal Support Groups (ASG)

ASGs were established in 1995 as a result of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC). Their primary function is to provide support to Aboriginal victims of crime and offenders, the Support Groups are trained in Police procedures, and are volunteers who can be called on by Police on a twenty-four hour basis.

People with disabilities

People with disabilities are a particularly vulnerable group in the community and generally are less likely to report violence to the police. This includes those suffering from cognitive impairment, which ranges from acquired brain injury to illnesses such as schizophrenia.

The NSWPF acknowledges the rights of people with disabilities to access services provided to the general community. Equally important are the rights of staff to work in an environment that complies with disability discrimination legislation and is free from harassment. The NSWPF Disability Action Plan makes a commitment on the part of police to remove barriers to access and meet our obligations to clients and staff under State and Federal disability and anti-discrimination legislation.

With respect to domestic and family violence, police will recognise the particular needs of victims, witnesses and offenders with a disability in ensuring just outcomes and full participation including the ability to fully communicate with and receive information from police. This means that police should engage the services of a support person as soon as possible. This includes using interpreters to communicate with people who have a speech and/or hearing impairments and facilitating appropriate support and referral for offenders and victims with intellectual disabilities.

If the alleged offender is present, it is also important for police to be cautious of undue influence, power imbalances and/or possible manipulation by this person over the victim.

Abuse against older people

Many older people in our community grew up in a world where abuse in the family home was rarely discussed and not widely recognised. Family matters were dealt with privately in the home, corporal punishment existed in schools and the expected role of men and particularly women were very different to that of today. As a result, abuse of older people is an issue that many older people find difficult to discuss. It can be easily concealed and some of the indicators of abuse may in fact be due to other causes.

Many forms of abuse of older people occur in the context of domestic and family violence due to the underlying abuse of power and control demonstrated by an intimate partner, relative or carer towards an older person. This can result in inhibiting the behaviour, actions and/or decision making of an older person and takes advantages of their vulnerabilities or lack of support. Whilst it is impossible to know the full extent of abuse of older people in our community, studies suggest it is far more common than previously thought.

What is abuse of older people?

Abuse of older people is any behaviour that causes physical, psychological, financial or social harm to an older person. The abuse can occur within any relationship where there is an expectation of trust between an older person who has experienced abuse and the abuser. Abuse in older people can occur in any of the following forms:

- Physical abuse – inflicting pain or injury, eg hitting or slapping, physical coercion, restraining, over medicating or refusing medication.
- Psychological abuse – inflicting mental stress, causing fear or shame, intimidating, name calling, humiliation or making threats, including actions that cause fear of violence.
- Financial abuse – illegal or improper use of an older person's money or possessions. This includes misuse of a power of attorney, forcing an older person to change their will, and taking control of their finances against their wishes.
- Neglect – the intentional or unintentional failure to provide necessities of life and care; or the refusal to permit others to provide appropriate care.
- Social abuse – preventing a person from having social contact with family members or friends.

Victims are usually dependent on the abuser in some way. Those who live on remote properties or are isolated from their friends, neighbours and family, or who have mental or physical disabilities are especially vulnerable to abuse.

The abuser is usually the abused person's carer or another family member or members, but it can also be a paid care worker, landlord or any other person in a position to do abuse or take advantage of an older person.

The increasing diversity of communities with language barriers and religious beliefs often contribute to the challenge for police in identifying abuse. The historic culture of silence is still quite prevalent in our older people today, with personal, religious and social consequences forming the basis for any reluctance to speak out.

Investigating abuse of older people

Some forms of abuse are very easily evident, for example where physical assault has occurred. Other forms of abuse can be very subtle and hard to detect. It may also be difficult to differentiate signs of abuse from illness or accidental injury. A medical assessment is therefore highly relevant and may need to be considered.

Ensuring the older person's rights to live safely in their own home free of violence, abuse, neglect and exploitation is of paramount importance to police who will refer to appropriate services to see that appropriate victim care is provided.

The primary roles of NSWPF in responding to abuse of older people are to:

- Intervene in emergency situations where there is a risk of safety and/or harm to an older person
- Respond to and investigate criminal offences
- Provide information to the victim, and carer where appropriate.

Same sex relationships

While the overwhelming majority of domestic and family violence reports and AVO applications are made by women against their male partners, or ex-partners, this does not preclude domestic and family violence occurring within same sex relationships. Some forms of abuse are unique to lesbian and gay relationships. Abusive same sex partners often use these unique issues to control or manipulate their partner in a variety of ways, including:

- Threats to 'out' their partner to family and work colleagues or others in the community
- Telling a partner that no one will help because the police and the justice system are homophobic
- Threatening or controlling behaviour where either the victim or offender is HIV positive

For more information on domestic violence in same sex, transgender and intersex relationships, refer to the Safe Relationships Project – Inner City Legal Centre, in the Referral Service Information section at the end of the Code of Practice.

Role of the Gay and Lesbian Liaison Officer (GLLO)

GLLOs are police officers located throughout the state assisting in building the overall capacity of local commands to respond to gay, lesbian, bisexual and transgender issues. GLLOs undertake a training course which covers key policing responses to homophobic violence, domestic and family violence in same sex relationships and transgender issues, among other topics.

The main aim of the GLLO program is to foster confidence in the NSWPF and encourage reporting of crime by members of these communities. GLLOs work with other specialist liaison officers such as DVLOs to support a comprehensive response to the problem of domestic and family violence in gay and lesbian relationships. A key role for the GLLO is to build local referral networks to facilitate appropriate referrals to the range of GLBT 'friendly' services available.

Disclosure of information

The *Privacy and Personal Information Protection (PPIP) Act 1998*, sets out Information Protection Principles (IPPs). Section 27 of (PPIP) Act exempts the NSW Police Force from complying with the IPPs, except in relation to administrative and educative functions. The NSWPF may therefore release information to other agencies to meet a key operational function. For example, information may be released to another agency about an individual for whom safety concerns are held.

However, the NSWPF will generally seek consent from the person in need of protection before referring them or their personal details to other Government agencies and Non-Government organisations (NGOs). Abiding by existing privacy legislation and exemptions, and obtaining the consent of victims before referrals are made, underpins the duty of care that police have to families where domestic and family violence occurs.

CHILD PROTECTION REQUIREMENTS WHEN RESPONDING TO DOMESTIC AND FAMILY VIOLENCE

Domestic and family violence is a child protection issue

Children who live in homes where domestic and family violence occurs are at risk of harm and actual injury. Whether a child witnesses domestic and family violence, is in another room when an assault occurs, or attempts to intervene to protect their parent, the impact upon children exposed to violence in the home is considerable and should not be minimised.

Domestic and family violence can occur in all communities. Police recognise that children and young people who are victims of domestic and family violence are representative of a diversity of communities. Older children and young people have additional complexities to manage as they often have to negotiate being between two communities, and are often the public representatives of newly arrived and emerging communities.

Because police are generally the first to respond to a report of domestic and family violence, they are in a key position to identify children who may be at risk of harm as a result of living with the violence.

Mandatory Reporting of Children at Risk of Significant Harm

Under the *Children and Young Persons (Care and Protection) Act*, officers of the NSW Police Force are mandatory reporters. A mandatory reporter is an individual required by law to report to Community Services when they have reasonable grounds to suspect that a child, or a class of children, is at risk of significant harm from abuse or neglect and those grounds arise during the course of or from the person's work.

Legislative responsibilities

All police officers have a legal responsibility under S24 of the *Children and Young People (Care and Protection) Act 1998* to report children **at risk of significant harm** as outlined in section 23 of the *Children and Young People (Care and Protection) Act 1998*.

Section 23 states the legislative requirements for police to report children at risk of harm, particularly when exposed to domestic and family violence:

S23 (d) the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm

In the course of their duties police officers are required to report to the Community Services Helpline children who they believe meet the statutory threshold of risk of significant harm. This can include children involved in domestic and family violence incidents. The Helpline staff will assess the reports and determine what, if any, action is required by Community Services.

When police attend a domestic and family violence incident and children are present, then the attending police officer(s) will use their professional judgement to make an assessment to determine whether the child or young person is at 'risk of significant harm' and requires an immediate report to the Community Services Helpline.

A child will only be reported to the Community Services Helpline if they meet the threshold for 'significant harm' (defined below). If the child present during the domestic violence incident does not meet the significant harm threshold, then the police officer will complete their COPS Event, including a Child at Risk incident report, back at the station.

Members of the community and mandatory reporters who suspect that a child or young person is at '**risk of significant harm**' (the statutory threshold) should report their concerns to the Community Services Helpline.

What does significant harm mean?

Community Services have defined significant harm as follows:

A child or young person is at **risk of significant harm** if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent.

What is meant by 'significant' in the phrase 'to a significant extent' is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is **significant** is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing.

In the case of an unborn child, what is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child after the child's birth.

Significance can result from a single act or omission or an accumulation of these.

How a police officer will know if a child is at risk of significant harm

Mandatory Reporter Guidance (MRG) has been developed to help frontline mandatory reporters such as police officers, doctors, teachers and social workers, determine whether the risk to a child or young person meets the new statutory threshold. The MRG is an interactive tool that police will access automatically through COPS when completing a Child at Risk incident report. The MRG forms part of the common assessment framework for all agencies working with children, young people and families.

When completing the COPS Event, the MRG tool will determine whether a referral to the Community Services Helpline or to the NSWPF Child Wellbeing Unit is required, and the system will make the appropriate electronic dissemination.

A police officer can still call the Community Services Helpline if they don't agree with the decision made by the MRG tool. This decision will be quality reviewed by a Supervisor.

If the information is disseminated to the NSWPF Child Wellbeing Unit, the Child Wellbeing Unit will assess the information and determine whether a referral is required to an external service provider, or if the information is maintained as local intelligence for future reference.

Child Wellbeing Unit

The Child Wellbeing Unit (CWU) will receive electronic reports from COPS and officers will review these reports and conduct a further analysis of information obtained from the reporting officer or other agencies, to determine what further action is required. Officers at the CWU will use the MRG tool to reassess the information they have to see whether the threshold for significant harm is met. If the threshold is met then a report will be made to the Community Services Helpline. If the threshold is not met then the CWU officers will either make a referral to a Family Referral Services to put families in touch with appropriate local services, or retain the information locally.

Family Referral Services

Family Referral Services are being established by NSW Health and will be run by non-government organisations to provide referrals to appropriate services in local areas for families who come to the attention of Child Wellbeing Units.

Police need to work closely with families, the community and other agencies to understand the complexity of domestic and family violence in relation to child protection. This would include using all the powers available to police to improve the protection of children living in homes where violence occurs.

Children on Apprehended Violence Orders (AVOs)

Police are the only authority mandated to apply for AVOs on behalf of children and young people under section 48 (3) of the *Crimes (Domestic and Personal Violence) Act*.

In March 2008 the *Crimes (Domestic and Personal Violence) Act* was amended to encourage the inclusion on AVOs of children involved in domestic and family violence incidents. The courts, or officers of the court, are required to place children considered in need of protection on an AVO, unless satisfied that there are good reasons for not doing so. An AVO is a civil matter and does not result in a criminal offence unless the defendant breaches the AVO.

This means that when police attend a domestic and family violence incident involving children, and they take out an AVO to protect the victim, then the children of the person in need of protection will be included on the order and the conditions that apply to the person in need of protection, also apply to the children.

If a defendant breaches an AVO protecting a child or young person, then police will consider whether this breach places the child or young person at risk of significant harm in which case they will be required to make a report to the Community Services Helpline. A breach of an AVO is a criminal offence, and as such, may place the child or young person at greater risk of harm if the defendant has no respect for authority, or the safety and wellbeing of the victim or children.

Young Offenders Act

The *Young Offenders Act* (YOA) generally allows police to warn, formally caution or conduct youth conferences as an alternative to court action for a range of offences. The YOA prevents the use of such alternatives for offences under the *Crimes (Domestic and Personal Violence) Act 2007* including breach AVO, stalking and intimidation. The YOA also prevents the use of warnings for offences involving violence.

The application of the YOA to other domestic violence offences (eg. assault, malicious damage etc) is limited because of the serious nature of domestic violence and the considerations required by the YOA.

The YOA requires police to consider the seriousness of the offence, the degree of violence involved in the offence, the harm caused to any victim, the number and nature of any offences committed by the child and the number of times the child has been dealt with under the YOA, and any other matter the police think appropriate in the circumstances (sections 20 and 37 YOA). In matters of domestic violence police will also consider whether there is a history of violence and the stance of both Federal and State Governments and the NSWPF to identifying, prosecuting and preventing domestic violence. For these reasons the use of formal cautions and youth conferencing will be limited.

Where police do use an alternative to criminal prosecution, they may still be required to apply for an AVO on behalf of the protected person/s.

Role of the Youth Liaison Officer (YLO)

The YLO is specifically responsible for supporting the implementation of the *Young Offenders Act (1997)*, including education of police, making determinations under the Act, issuing police cautions and liaising with officers of the Department of Juvenile Justice. YLOs work closely with relevant police to monitor and respond to juvenile crime, including developing profiles of serious juvenile offenders and mapping the location of juvenile crime.

Police partnership with other agencies - a collaborative approach

The role of a police officer in responding to domestic and family violence is to use their investigative skills to determine whether or not an offence has been committed and to refer the parties involved to appropriate support and advocacy services. It is not the role of a police officer to mediate or provide counselling to a victim. Victim support services are responsible for providing these types of services to victims.

Region Domestic Violence Coordinator (RDVC)

The role of a RDVC is that of a strategic senior officer position, whose role is to contribute to the development of a more integrated, coordinated response by the government to domestic and family violence.

NSWPF has six Regions, Northern, Western, Southern, North West Metropolitan, South West Metropolitan and Central Metropolitan. There are two RDVC positions for each country region and one for each metropolitan region.

The role of a RDVC is to establish and maintain a regional coordination network in the NSWPF to ensure links between local domestic and family violence service delivery within the respective region. The complexity of domestic and family violence requires a multi-agency response and partnerships with other key agencies on a regional basis are strengthened through the RDVC.

The RDVCs work closely with Local Area Commands, in particular DVLOs within their region, and link with human service and other justice agencies to work collaboratively and develop local community based solutions to address the prevalence of domestic and family violence in the region.

RDVCs engage with operational managers in key partner agencies (eg. Community Services, Health, Attorney General's Department) and specialist service providers, to work collaboratively in relation to the delivery of local and regional services in a whole of government approach to domestic and family violence.

Integrated Domestic & Family Violence Services Program

The Integrated Domestic & Family Violence Services Program (ID&FVSP) commenced in July 2008 and is one of the initiatives under the NSW Government's new whole of government approach to domestic & family violence.

There are seven projects within the ID&FVSP covering the following locations:

- Mt Druitt
- Green Valley & Liverpool
- Wyong (Tuggerah Lakes)
- Canterbury/Bankstown
- Nowra
- Gosford (Brisbane Waters)
- Taree, Port Macquarie and Kempsey

Projects involve staff from government and non-government agencies delivering coordinated services to people affected by domestic and family violence in these locations. Apart from providing elements such as case management, each project is expected to be involved in community education activities both within the service system and with the community.

Services are provided through a multi-disciplinary team or are based on clear referral between service agencies such as Police, NSW Health, Housing, Community Services and non-government support agencies.

The NSWPF is one of the core partners in each of the projects (along with Community Services, NSW Health and the auspice agency).

A number of the projects are co-located with the Police.

Staying Home Leaving Violence

Staying Home Leaving Violence (SHLV) is a specialised domestic violence support program aimed at preventing clients from becoming homeless. The SHLV service model is based on intensive case management which is long-term, needs-based and integrated with other agencies. The SHLV projects work with women over 18 years (and their children), who have separated from a violent partner or family member, but choose to remain in their own home.

SHLV services provide risk assessment, safety planning and case management support to assist clients by addressing common barriers to leaving violent relationships such as: access to stable accommodation, maintaining support networks and secure employment, and continuing access to education/childcare for women and their children.

Domestic Violence Pro-Active Support Service (DVPASS)

The DVPASS is a means towards forming a partnership between a Local Area Command and a local domestic violence support service with the intention of providing a referral pathway for consenting victims to be linked to appropriate support services. There are a number of these partnership programs operating at Local Area Commands across the state.

Local Domestic Violence Committees (LDVCs)

Local Domestic Violence Committees (LDVCs) exist to resource, support and influence policy development and change around systemic issues in responding to domestic violence. The Committees use a range of community development strategies including community education, skills development and advocacy to create opportunities that facilitate positive change and outcomes for women and their families.

LDVCs are located in many communities across New South Wales in urban and metropolitan areas, and to a lesser degree in rural and remote areas. The LDVC is a network of community organisations from the government and non-government sector that provide services to women, children or families where domestic violence is identified. Membership of an LDVC reflects a whole of government approach in addressing the issue of domestic violence. Typically representatives are drawn from the NSWPF - Domestic Violence Liaison Officer (DVLO), Community Services, NSW Health, Housing NSW, women's health centres, women's crisis accommodation services, Women's Domestic Violence Court Advocacy Services, local councils and other specialist services reflective of the community including Aboriginal services and Migrant Resource Centres.

Working in partnership is a cornerstone strategy for LDVCs around the development of early intervention and prevention initiatives. In addition to networking and sharing information about services, trends and training opportunities, LDVCs play an active role in community education and awareness raising about domestic violence through campaigns such as White Ribbon Day and the 16 Days of Activism to Eliminate Violence Against Women.

Local integrated partnership services

In many areas, particularly rural areas where there are less services available, local agencies work in partnership with each other to provide the community with an integrated, coordinated response to domestic and family violence that suits the needs of the community. These local integrated services are often provided through the goodwill of workers in the services rather than through specific government funding. The types of services that may be involved in local partnerships with the police include: women's refuges, women's health centres, neighbourhood centres, family support services, Aboriginal health and legal services and community legal centres.

Women's Domestic Violence Court Advocacy Service (WDVCAS)

Women's Domestic Violence Court Advocacy Services (WDVCASs) are funded by Legal Aid NSW to provide information, assistance and court advocacy services to women and children experiencing domestic violence.

There are currently 28 WDVCASs servicing 108 local courts across New South Wales. WDVCASs that operate in areas with a high percentage of Aboriginal or CALD people are funded to employ Specialist Aboriginal and CALD Workers.

WDVCASs deliver the following services to female victims of domestic and family violence:

- Information
- Assistance and referral, and
- Court Advocacy

Further information regarding these services is explained in more detail in the Appendix section of the Code of Practice.

Domestic Violence Intervention Court Model (DVICM)

The Department of Justice and Attorney General (DJAG) is the lead agency for the Domestic Violence Intervention Court Model (DVICM). The DVICM is an integrated criminal justice and community social welfare response to domestic and family violence. The DVICM operates in Campbelltown and Wagga Wagga.

The model ensures that criminal justice and welfare agencies including NSW Police Force, Local Courts, the Department of Corrective Services (DCS), Department of Community Services, and victim support agencies work closely together to support victims and their families and challenge domestic and family violence. The DVICM aims to improve safety for victims of domestic violence offences in contact with the criminal justice system and ensure perpetrators of domestic violence offences are held to account for their actions.

The Intersectoral Domestic and Family Violence Education and Training (IDFVET) Project

The IDFVET project is a statewide interagency initiative that was established under the NSW Government's whole-of-government approach to DFV. The project is managed by NSW Health and operates from the Education Centre Against Violence (ECAV). In March 2009, a Reference Group was established as part of the project to provide a mechanism for promoting coordination and consistency in DFV workforce training across the diverse sectors that provide services to people affected by DFV. NSW Police Force, along with other key Government departments and NGO training providers, participates in this Reference Group in working towards embedding an intersectoral approach to DFV workforce training in NSW.

MONITORING THE POLICE RESPONSE

Corporate monitoring

The performance of LACs is reviewed at least monthly both locally and at the corporate level. Continual improvement in all aspects of police operations is something the NSWPF takes seriously.

Region Domestic Violence Coordinators (RDVCs)

RDVCs assist Commanders to monitor operational performance and trends within the LAC to improve the LAC response to domestic and family violence. This includes the provision of strategic support and advice to CMU officers to help identify repeat offenders and victims and develop appropriate strategies with the aim to reduce domestic and family violence, prevent re-offending and referring victims and families to ongoing support.

NSW Ombudsman

If a member of the general public thinks they have been unfairly treated by a NSW government agency (including the NSWPF) or by certain non-government service providers (including family support services and women's refuges) then they can complain to the NSW Ombudsman. The public are reminded to inform reception when making contact if they would like to speak to a member of the Ombudsman's Aboriginal Unit.

INFORMATION FOR PERSONS IN NEED OF PROTECTION

Police responsibility towards victims

Police are generally the first to arrive at the scene of a reported domestic and family violence incident. This means that they are in a position to provide valuable assistance and reassurance to a victim at this crucial point of contact.

All victims will be treated with dignity and respect, with concern for their safety, physical and emotional needs a priority. This is regardless of whether they are a first time victim or a repeat victim with whom police have had several contacts.

Charter of Victims Rights

Victims of crime in NSW have a Charter to protect and promote their rights. The Charter of Victims Rights, set out in the *Victims Rights Act 1996* establishes standards for the appropriate treatment of victims of crime and is overseen by the Victims of Crime Bureau. The Charter of Victims Rights builds upon principles already adopted by government agencies throughout NSW. These principles recognise the needs of victims as factors that should be considered when assisting victims of crime. The Charter ensures a recognised position for victims within the NSW criminal justice system.

Under the Charter, a victim includes a person who, as a direct result of a criminal offence suffers physical or emotional harm, or loss or damage to property. For the purposes of the Charter, where the criminal offence results in the death of the person, a member of that person's immediate family will also be included as a victim of crime.

The Charter includes the rights of victims to:

- be treated with courtesy, compassion, cultural sensitivity and respect,
- information about, and access to, welfare, health and counselling services,
- privacy and protection; and
- information about the criminal justice system.

If a victim considers a Government agency has not met its obligations under the Charter, a victim can contact the Victims of Crime Bureau. The Bureau will assist the victim in resolving the matter. The Victim's Rights Act 1996 provides the legislative framework for the rights of victims of crime in NSW.

Customer Service Charter - Victim follow up within 7 days

In order to comply with the NSWPF Customer Service Charter and the Charter of Victim's Rights; and to ensure that victims of crime receive appropriate and timely Police follow up, it is now mandatory to provide follow up to a victim of crime within 7 days of a report.

Victims of robbery, assault and other crimes can feel a range of emotions when they first talk to police, meaning their responses and level of cooperation will vary widely. Often information provided to a victim at the time of reporting the crime is forgotten or misunderstood. The mandatory 7 day follow up was introduced to ensure victims have another opportunity to discuss their matter with police. This opportunity provides for the exchange of information between a victim and an investigator.

It is critical that victims are informed of the progress of their investigation and the outcome in a timely, respectful manner. All victims are entitled to access information about domestic and family violence services and agencies that are culturally appropriate to their needs. The consent of a victim is required prior to providing their details to an external agency.

REFERRAL SERVICE INFORMATION

The following list of referral agencies and other services may assist in the police response to and investigation of domestic and family violence. This list is not exhaustive and local agencies may exist that provide a similar service.

Police are not restricted as to which agency or how many agencies they can contact or refer people to, provided they follow police procedures and protocols between partner agencies delivering local services.

For agencies listed in this section, please send any amendments to the Senior Programs Officer, Domestic & Family Violence, Policy and Programs Command, NSW Police Headquarters, Locked Bag 5102, Parramatta NSW 2124.

STATEWIDE AND SPECIALIST SERVICES

(TTY* Numbers also provided for hearing/speech impaired)

NSW POLICE FORCE

www.police.nsw.gov.au/community_issues/domestic__and__family_violence

000 (Triple 0) 24 hrs

106* 24 hrs

COMMUNITY SERVICES (CS) DOMESTIC VIOLENCE LINE

www.community.nsw.gov.au

1800 656 463 24 hrs

1800 671 442* 24 hrs

NSW OMBUDSMAN

www.ombo.nsw.gov.au

Ph: (02) 9286 1000

Toll free: 1800 45 15 24

Monday to Friday, 9am - 5pm (Inquiries section closes at 4pm)

VICTIMS SUPPORT LINE

www.lawlink.nsw.gov.au

1800 633 063 24 hrs

02 8688 5575* Mon – Fri, 9am – 5pm

Aboriginal & Torres Strait Contact Line – 1800 019 123

COMMUNITY SERVICES (CS) HELPLINE

www.community.nsw.gov.au

132 111 24 hrs

1800 212 936* 24 hrs

NSW RAPE CRISIS CENTRE

www.nswrapecrisis.com.au

1800 424 017 24 hrs

WDVCAS – WOMEN’S DOMESTIC VIOLENCE COURT ADVOCACY SERVICE

For information about your AVO or to find your nearest WDVCAS call

LawAccess NSW

1300 888 529 Mon – Fri, 9am - 5pm

LAWACCESS NSW

Provides free telephone legal information, referral and in some cases, advice.

www.lawaccess.nsw.gov.au

1300 888 529 Mon – Fri, 9am - 5pm

INDIGENOUS WOMEN’S PROGRAM

www.womenslegalnsw.asn.au

1800 639 784 Mon Tues Thur Fri only

10am -12.30pm and 1.30pm - 4pm

MENSLINE AUSTRALIA

www.menslineaus.org.au

1300 789 978 24 hrs

TRANSLATING & INTERPRETING SERVICE (TIS)

www.immi.gov.au/tis

131 450 24 hrs

YOUTH ACCOMMODATION LINE

www.yaa.com.au

1800 424 830 Mon – Fri, 9.30am - 6pm

After hours – recorded information relating to metro crisis
 accommodation only

Refer website after hours for regional and metro crisis,
medium and long term accommodation

HOMELESS PERSONS INFORMATION CENTRE

www.cityofsydney.nsw.gov.au

1800 234 566 9am – 10pm, 7 days

DEPARTMENT OF HOUSING – TEMPORARY ACCOMMODATION LINE

1800 152 152 Mon – Fri, 4.30pm - 10pm

Sat, Sun and PH 10am - 10pm

WOMEN'S LEGAL RESOURCES CENTRE

www.womenslegalnsw.asn.au

9749 5533 Sydney Metro
Mon Tue Thurs Friday
9.30 - 12.30 and 1.30 - 4.30

1800 801 501 Regional
Mon Tue Thurs Friday
9.30 - 12.30 and 1.30 - 4.30

DOMESTIC VIOLENCE ADVOCACY SERVICE

www.womenslegalnsw.asn.au

8745 6999 Sydney Metro
Mon Tue Thurs Friday
9.30 - 12.30 and 1.30 - 4.30

1800 810 784 Regional
Mon Tue Thurs Friday
9.30 - 12.30 and 1.30 - 4.30

SAME SEX DOMESTIC VIOLENCE

www.ssdv.acon.org.au

Gender Centre

www.gendercentre.org

Ph: (02) 9569 1176

Email: reception@gendercentre.org.au

SAFE RELATIONSHIPS PROJECT - INNER CITY LEGAL CENTRE

www.iclc.org.au/srp

50-52 Darlinghurst Rd Kings Cross NSW 2011

PO Box 25 Potts Point NSW 1335

Ph: 9332 1966/1800 244 481

Fax: 9360 5941

Email: srp@clc.net.au

THE AGED CARE RIGHTS SERVICE

www.tars.com.au

02 9281 3600 Sydney Metro

Mon – Fri, 9am – 4.30pm

1800 424 079 Regional

Mon – Fri, 9am – 4.30pm

CRIMINAL JUSTICE SUPPORT NETWORK

The Criminal Justice Support Network (CJSN) is a service of the Intellectual Disability Rights Service (IDRS) that provides volunteer support workers for people with an intellectual disability who are in contact with the criminal justice system. A support worker is allocated to a person with an intellectual disability seeking assistance at police interviews, courts and related legal appointments whether they are victims, witnesses, suspects or defendants.

02 9318 0 144 or 1300 665 908

IMMIGRATION ADVICE & RIGHTS CENTRE

www.iarc.asn.au

02 9262 3833 Tues and Thurs only

2pm – 4pm

IMMIGRANT WOMEN'S SPEAKOUT ASSOCIATION OF NSW

www.speakout.org.au

02 9635 8022 Mon – Fri, 9.30am – 4.30pm

STAYING HOME LEAVING VIOLENCE SERVICES

Blacktown Staying Home Leaving Violence	Ph: 9677 1962
Campbelltown Staying Home Leaving Violence	Ph: 4633 3777
Wyong Staying Home Leaving Violence	Ph: 9481 2600
Moree Staying Home Leaving Violence	Ph: 6752 4536
Newcastle Staying Home Leaving Violence	Ph: 4926 3577
Bega Staying Home Leaving Violence	Ph: 6492 6239
Eastern Sydney Staying Home Leaving Violence	Ph: 0439 414673

WITNESS ASSISTANCE SERVICE (WAS)

The Witness Assistance Service (WAS) is part of the Office of the Director of Public Prosecutions (ODPP) and aims to reduce trauma and give specialist support to vulnerable crime victims and witnesses appearing in court matters prosecuted by the ODPP.

WAS@odpp.nsw.gov.au

1800 814 534

WIRRINGA BAIYA ABORIGINAL WOMEN'S LEGAL CENTRE

www.wirringabaiya.org.au

Ph: 9569 3847

Free call: 1800 686 587

**INDIGENOUS WOMEN'S LEGAL CONTACT LINE –
WOMEN'S LEGAL SERVICES NSW**

www.womenslegalsnsw.asn.au

General contact number: (02) 9749 7700

Indigenous Women's Legal contact line: 1800 639 784

COMMUNITY RELATIONS COMMISSION LANGUAGE SERVICES

www.crc.nsw.gov.au

1300 651 500 24 hrs 7 days a week

DEAF SOCIETY OF NSW – SIGN LANGUAGE COMMUNICATIONS

Ph: 1300 123 752

S.T.A.R.T.T.S – SERVICE FOR THE TREATMENT AND REHABILITATION OF TORTURE AND TRAUMA SURVIVORS

Ph: 02 9794 1900

ABUSE AGAINST OLDER PEOPLE

Ph: Commonwealth Care link Centre 1800 052 222

OLDER WOMEN'S NETWORK (OWN)

www.own.org.au/

Ph: 02 9247 7046 OWN NSW Coordinator

Email: info@ownnsw.org.au

SERVICE LINK - Human Services Network – a free on-line directory of Government and Non-Government organisations in the human service sector in NSW

www.hsnet.nsw.gov.au/

Domestic and Family Violence Team –

Police Headquarters, 1 Charles Street, Parramatta – the Team provides key operational advice and information to police officers, manages and evaluate policies, programs and issues specific to the domestic violence program area.

- 02 8835 9235 Manager
- 02 8835 8018 Senior Project Officer,
Domestic Violence nIntervention Court Model (DVICM)
- 02 8835 9627 Prosecutions & Legal Advisor
- 02 8835 7060 Sergeant, State DVLO Coordinator

Program Development Team - Policy and Programs Command, Police Headquarters

- 02 8835 9543 Manager
- 02 8835 9347 Senior Programs Officer, Domestic Violence

Regional Domestic Violence Coordinators –

Responsible for establishing and maintaining a regional co-ordination network in the NSW Police Force to ensure links between local domestic and family violence service delivery within the region and the relevant targets set out in the NSW State Plan

- 02 9285 3142 Central Metropolitan, located at Surry Hills

- 02 9689 7398 North West Metropolitan, located at Parramatta
- 02 8700 2422 South West Metropolitan, located at Bankstown

- 02 4929 0083 Northern Region, located at Newcastle
- 02 6552 0232 Northern Region, located at Coffs Harbour

- 02 6923 1812 Southern Region, located at Wagga Wagga
- 02 4226 7712 Southern Region, located at Wollongong

- 02 6768 2867 Western Region, located at Tamworth
- 02 6883 1743 Western Region, located at Dubbo

Regional Domestic Violence Sponsors -

Are located in each of the six NSWPF Regions and can be contacted through the Region Command Offices

Corporate Spokesperson, Domestic & Family Violence

Assistant Commissioner Mark Murdoch, APM,
Region Commander, Southern Region

Aboriginal Strategic Direction (ASD)

The ASD is a working document (policy) that identifies where Police can have significant input to decrease the over-representation of Aboriginal people in the criminal justice system. A key focus is the development of Local Area Command (LAC) Aboriginal Action Plans. Listening to, understanding and working with Aboriginal people in a proactive partnership and provides Aboriginal people with a say in how their community is policed.

The ASD has seven (7) objectives and provide the basis for which Regional Aboriginal Action Plans and Local Area Command Aboriginal Action Plans can be developed. These objectives are:

- Objective 1 – Improve communication and understanding between Police and Aboriginal people
- Objective 2 – Improve community safety and reduce fear of crime
- Objective 3 – Seek innovation in the provision of Aboriginal Cultural Awareness and Aboriginal recruitment and retention
- Objective 4 – Divert Aboriginal youth from crime and anti-social behaviour
- Objective 5 – Establish an integrated approach to managing Aboriginal Family Violence
 - a) 5A Domestic Violence
 - b) 5B – Sexual Assault
- Objective 6 – Develop a strategic response to Aboriginal substance abuse
- Objective 7 – Reduce offending and over-representation of Aboriginal people in the criminal justice system

Local Area Command Aboriginal Consultative Committee (LACACCs)

The LACACC is the first tier of the advisory bodies and meets as required. The LACACCs are established in areas with high Aboriginal populations they identify strategies in the development of joint action plans. The Local Area Commander (or appropriate representative) chairs these committees and Aboriginal membership is voluntary. The Aboriginal Community Liaison Officer (ACLO) assists in the establishment of the LACACC, ensuring that representation from the Aboriginal community includes women and youths. The NSWPF Aboriginal Strategy oversees their establishment as well as monitoring and providing ongoing support. Not all **LACs will need a LACACC.**

The role of the LACACC is to:

- Be a voice for local Aboriginal communities within the LAC
- Develop programs for youths, men and women
- Monitor the implementation of the Aboriginal Strategic Direction; and provide feedback to the Commissioner of Police through the Regional Aboriginal Advisory Committee (RAAC)

Aboriginal Strategy – Policy and Programs – Field Operations

The role of Aboriginal Strategy is to develop and implement corporate policy and respond to legislation in relation to Aboriginal issues and to support/lead the various structures that manage Aboriginal issues across the organisation.

Their role includes:

- Point of contact for in-service and external enquiries regarding variety of Aboriginal issues.
- Collect and analyse data, and report on trends/incidents in policing and their impact on the Aboriginal community.
- Investigate improved methods of service delivery with regard to the police and the Aboriginal community, with particular reference to fostering goodwill between police and Aboriginal people.
- Coordinate, support and negotiate training and development of all ACLOs.

WOMEN'S DOMESTIC VIOLENCE ADVOCACY SERVICE (WDVCAS)

Women's Domestic Violence Court Advocacy Services (WDVCASs) are funded by Legal Aid NSW to provide information, assistance and court advocacy services to women and children experiencing domestic violence.

There are currently 28 WDVCASs servicing 108 local courts across New South Wales. WDVCASs that operate in areas with a high percentage of Aboriginal or CALD people are funded to employ Specialist Aboriginal and CALD Workers.

WDVCASs deliver the following services, which are explained in more detail below:

- Information;
- Assistance and referral; and
- Court Advocacy.

Information

This includes legal information. Legal information involves describing legal procedures or processes and includes providing basic information about:

- Domestic violence legislation or other area of law;
- Making an application for an ADVO;
- Making a complaint to Police regarding a criminal offence;
- Court proceedings including ADVO applications and hearings;
- How to make an ADVO effective including reporting of "breaches";
- The role of the Police; and
- The role of legal representatives including individual solicitors, representatives from Legal Aid NSW, police prosecutors and community legal centres.

Legal information does not include telling women the most appropriate course of legal action to take, interpreting the law or making an assessment of the consequences of any legal course of action. This is called legal advice and WDVCAS staff do not provide legal advice. If a woman needs legal advice she should be referred to a legal service.

Assistance and Referrals

WDVCASs do not engage in ongoing casework or case management of clients. A WDVCASs engagement with a client is short-term, focused on ensuring legal protection and assessing the clients other legal and social welfare needs and making appropriate referrals.

It is important that WDVCAS workers understand the boundaries of their role and act within those boundaries.

WDVCAS provide a range of assistance within their role depending on their resources. It may include assisting a client to make an ADVO application, making a complaint to police about a breach of an ADVO or other criminal offence or writing a letter of support for a housing provider.

Referrals are made when the WDVCAS considers that a client can be more appropriately serviced by another organisation and refers the person to the other organisations for assistance. Examples include:

- Legal services (e.g. family law, care and protection, victims compensation matters, credit and debt);
- Housing services (e.g. refugees, Department of Housing, Staying Home Leaving Violence services);
- Counselling and emotional and practical support services (such as professional counsellors, family support services);
- Financial assistance services (e.g. Centrelink, financial counsellors).

Wherever possible 'warm referrals' (referrals in which the referrer introduces the client to the referee) should be made.

Court Advocacy

An advocate builds relationships with other key partners (such as Police, Local Courts, legal representatives) in order to gain specialist knowledge about the systems and services available to assist women and children experiencing domestic violence. Advocacy involves using this knowledge in a respectful and collaborative way to assist women to negotiate these systems effectively.

This may also involve advocating on her behalf (with her consent) with other key partners.

Examples of court advocacy include working with the DVLO or police prosecutor to ensure ADVO conditions are appropriate to the client's needs, ensuring women receive the support and assistance they need to address breaches and when they disclose offences against them and prevent secondary victimisation of women by the system.

Advocacy does not mean providing legal representation or advice.

