



Answers to questions on notice
taken at the November 18th
hearing of the *Inquiry into family,
domestic and sexual violence*



Family Violence Bench Book

The Chair asked: “I read in your submission... a suggestion that the bench book provided support for your proposition – that men fronting as victims should be treated as perpetrators, or words to that effect. Did you provide an excerpt of the bench book which supports that?”

The following is the full excerpt from the Judicial College of *Victoria's Family Violence Bench Book*¹.

5.4.5 - Responding to men who claim to be victims of family violence

While men can be victims of family violence, men are more likely to be harmed by a stranger than by a family member. Quantitative research clearly indicates that the majority of incidents are perpetrated by men against women and their children.

The following sections look at things judicial officers should bear in mind, and some of the questions they can ask, when assessing a situation in which a man claims to be a victim of family violence.

Incidence of abuse towards men

The research evidence and experience of family violence professionals unambiguously demonstrates that relatively few men in heterosexual relationships are solely victims of intimate partner violence. The majority of women who use some form of violence towards their partner have been subjected to (worse) violence by that man before, or on the same occasion.

Often, men who are genuinely victims of family violence experience the violence from a same sex partner, carer or a male relative.

Men who are the principle users of family violence often try to present as a victim or the victim of violence. Sometimes they succeed in convincing themselves, police and others. This is because:

- many men try to avoid responsibility by seeking to justify the violence (directly or indirectly) or to blame their partner - perhaps for 'provoking' an attack or for 'giving him no way out';
- many men try to make their account of the situation seem more believable or credible by portraying their partner as being 'hysterical', 'irrational', and 'a danger to themselves' or even 'mentally ill' – while they present as calm, charming, eloquent and 'in control';
- many men claim injuries (such as scratch or bite marks) inflicted on them by their partner in self-defence as evidence of their victimisation – self-defence actions can also be presented as 'tit-for-tat fighting', perhaps by saying that 'she gives as good as she gets'.

It is important to remember that people experiencing fear or terror will sometimes make bad decisions, which might add to their portrayal as being 'hysterical' or 'out of control'. Women, if they feel safe enough, may undertake small acts of retaliation, which can be construed as 'evidence' of a pattern of violence on their part.

Establishing whether a man is a victim

There are a number of questions a judicial officer can consider asking when a man presents as an affected family member (even in a police application), including:

- Have you ever been violent towards your partner?
- Were you at fault, in any way in causing her violence? This question serves two purposes. First, to assess whether he did anything that caused her to act in self-defence, or to retaliate. Second, people who are genuinely the victims often excuse the perpetrator to some degree and blame themselves for the violence.
- Are you afraid of her? What are you afraid that she might do? If a man does not feel significant levels of fear, then this raises questions about his victim status.
- Describe exactly what she did to you.

¹ Judicial College of Victoria (2011). [Family Violence Bench Book](#). Melbourne: Judicial College of Victoria.



- Describe the frequency and any patterns of the violence.
- What has held you back from seeking help earlier or trying to escape the situation? People who are truly victims might have felt too frightened to seek help earlier. They might have lacked access to money, resources, information and support to leave. They might have felt trapped. Note that they might also feel ashamed for not having sought help earlier.

In addition to responses to the questions above, judicial officers might also wish to consider the following questions and issues:

- Has the man had any history of criminal behaviour or allegations of such behaviour, particularly involving violence?
- Has the man had any intervention orders taken out against him in the past?
- Is there evidence of the man using controlling attitudes, beliefs and behaviours, or having rigid attitudes towards gender roles?
- If the accused woman has attended court, has she ever felt the need to apply for an intervention order?
- Does the woman say that she was defending herself, or is there any other evidence to suggest this was the case?

If in any doubt about whether the man is the victim (or the sole victim), judicial officers can refer the man to the Men's Referral Service who can assess the situation further and make appropriate referrals (note that the Men's Referral Service will not provide reports to the Court).

Men who are victims

Men who are genuinely victims of violence from female partners or other family members (e.g. adolescent or adult children) might be assisted by:

- the Men's Referral Service (which has a database of services for both users and victims of family violence);
- the Victims of Crime Helpline;
- the Victim's Assistance and Counselling Program (see also VOCAT assistance); and
- their local community health service.

Last updated: 21 March 2011

The data on male victims of family violence

During the hearing, the data from our submission was challenged on a number of occasions. We wish to take this opportunity to reiterate our position.

There are a variety of claimed data sources showing the prevalence of domestic violence and the breakdown of victims by gender. Some are more accurate than others.

Some, like much research funded by the *National Plan to Reduce Violence against Women and their Children 2010 – 2022*, only capture the experiences of female victims, rendering male victims invisible.

All major Australian research organisations agree that the definitive 'gold standard' of research is the ABS Personal Safety Survey (PSS). This is a long-running study, undertaken by an institution which has no vested interest in the the results (that is to say, it is not seeking to advance any particular agenda, but merely to state the facts). The ABS is funded by the Commonwealth to provide the highest quality data possible, using the most thorough and rigorous research and statistical methods available.

It is the largest representative community survey of both women and men in Australia, and, unlike other data sources such as police and hospital data, captures the full extent of domestic and family violence.

There are some who question the ABS PSS data, arguing that it doesn't capture the context of the violence (such as violence used in self-defence). The majority of the PSS funding comes from the *National Plan to Reduce Violence against Women and their Children 2010 – 2022*. As such, the ABS regularly consults with stakeholders from the women's domestic violence sector when planning the survey. The survey could have been (re)designed to capture the context of violence to address these concerns, but this has never happened.



It would be foolish not to accept the ABS PSS findings. The figures from the ABS Personal Safety Survey 2016² for experiencing various types of domestic and family violence in the previous 12 months³ are as follows:

	Males	Females
Violence by an intimate partner	113,900 (35%)	211,700 (65%)
Violence by a cohabiting partner	75,500 (33%)	155,900 (67%)
Violence by a current partner	56,000* (39%)	88,700 (61%)
Violence by a previous partner	16,400** (19%)	69,100 (81%)
Violence by a boyfriend/girlfriend or date	27,800*** (35%)	51,700 (65%)
Emotional abuse by a partner	381,200 (46%)	451,500 (54%)
Emotional abuse by a current partner	265,800 (47%)	298,700 (53%)
Emotional abuse by a previous partner	125,400 (44%)	161,200 (56%)

* Estimate has a Relative Standard Error (RSE) of 25.5% and should be used with caution due to the relatively small number of males surveyed by the ABS (35% of persons who experienced violence by a current partner since the age of 15 were male with no RSE warning).

** Estimate has a Relative Standard Error (RSE) of 26.7% and should be used with caution due to the relatively small number of males surveyed by the ABS (22% of persons who experienced violence by a previous partner since the age of 15 were male with no RSE warning).

*** Estimate has a Relative Standard Error (RSE) of 40.1% and should be used with caution due to the relatively small number of males surveyed by the ABS (20% of persons who experienced violence by a boyfriend/girlfriend or date since the age of 15 were male with no RSE warning).

Discussion of domestic and family violence in Australia is sadly too often distorted by voices that have a vested interest in not providing an impartial account of the facts. This often takes the form of ignoring, downplaying and minimising the experiences of male victims of domestic violence. Take for example, the statement that “on average, one woman a week is murdered by her current or former partner.” This is not entirely correct, but it is a good example of how facts are often misused.

In actuality, the Australian Institute of Criminology reports⁴ that between 1989 and 2018, there were 3487 domestic homicides, of which 2099 of the victims – or 60% – were female. The other 1388 victims - 40% - were male. Most advocacy groups say nothing about these victims because they are gender-based groups who are only funded to address violence against women and their children. Unfortunately, constant repetition of only part of the statistics concerning domestic homicide has made male victims disappear. This is a fundamental injustice: every victim of domestic violence, but particularly domestic homicide, should matter, and that includes male victims.

The 2019 AIHW report *Family, domestic and sexual violence in Australia: continuing the national story 2019*⁵ showed that between 2001 and 2012 there were 284 victims of filicide (the killing of a child by a parent or parent-equivalent). There were more male victims (56%) than females (44%). 47% of the killers of children were mothers, while 38% were fathers and 14% were step-fathers. Yet little is said by groups advocating for women and their children about the women who commit these murders.

It is not only some domestic violence organisations who skew public perceptions about domestic and family violence. The mass media also plays a part with its gender bias. For example, the tragic murder of Hannah Clarke and her children in Brisbane by their father who set them alight, quite rightly sparked a public outcry, massive media exposure and calls for a renewed inquiry into family violence. By contrast, the case of Daniel Surtees, who died as the result of burns after his wife allegedly set him alight, received minimal media exposure and generated no public outcry or discussion.

² Australian Bureau of Statistics (2017). [Personal Safety Survey, Australia, 2016](#) (Cat. No. 4906.0). Canberra: Australian Bureau of Statistics.

³ The ABS PSS also captures respondents’ lifetime experience of violence (“since the age of 15”) however this data does not accurately capture current rates of violence in the Australian community as it includes violence that happened years and sometimes decades ago.

⁴ Australian Institute of Criminology (2020). [Data Tables – Homicide victims 1989-90 to 2017-18](#). Canberra: Australian Institute of Criminology.

⁵ Australian Institute of Health and Welfare (2019). [Family, domestic and sexual violence in Australia: continuing the national story 2019](#). Cat. no. FDV 3. Canberra: AIHW.



Despite the ongoing dominant rhetoric that ignores male victims, more than a third of Australians *disagree* with the statement, “mainly men or men more often commit acts of domestic violence”, rising from 14% in 1995 to 36% in 2017⁶.

It is ironic that those with the loudest voices calling for gender equality are often those who advocate for domestic and family violence service provision that denies access to male victims.

In conducting this Inquiry, the Committee has the opportunity to provide the Parliament with an authoritative picture of domestic violence in Australia.

A dispassionate rendering of the facts shows that while women make up a majority of victims of domestic abuse, a significant proportion of victims are male, and 40% of all victims of domestic homicide are male. Moreover nearly half of all children who are killed are murdered by their mothers.

Only when we acknowledge all victims of domestic violence, can all domestic violence be eliminated.

CONCLUSION

For decades gender has been used as a proxy for victimhood when it comes to domestic and family violence in Australia: “victims” and “women” have been used interchangeably, as have “perpetrators” and “men”. We have demonstrated that gender is an inaccurate proxy, as it unjustly excludes a significant proportion of people affected by domestic and family violence.

It is time for all victims of domestic and family violence to be included in the national conversation, and to have services and support available to them. If it is true, as some argue, that women make up the overwhelming majority of victims, they will, by definition, receive the overwhelming majority of services and support. However whatever proportion happens to be male will also receive the help they desperately need.

As such we wholeheartedly support the proposition that, to ensure equity amongst the sexes, the next national plan should be directed towards reducing domestic and family violence rather than just domestic violence against women and their children.

On behalf of all male victims of family violence and abuse, we hope that you will give serious consideration to this supplementary submission.

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

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⁶ Webster, K., Diemer, K., Honey, N., Mannix, S., Mickle, J., Morgan, J., Parkes, A., Politoff, V., Powell, A., Stubbs, J., & Ward, A. (2018). [Australians' attitudes to violence against women and gender equality. Findings from the 2017 National Community Attitudes towards Violence against Women Survey \(NCAS\)](#) (Research report, 03/2018). Sydney, NSW: ANROWS.