



## Australian Domestic & Family Violence Clearinghouse

The Australian Domestic and Family Violence Clearinghouse (the Clearinghouse) applauds the New South Wales Government's commitment to address domestic and family violence and welcomes the opportunity to contribute to the debate about the Strategic Framework for the Provision of Domestic Violence Services for New South Wales. International and Australian experience and evidence have suggested that preventing domestic and family violence requires integrated responses, which need to be underpinned by a clear strategic plan.

The Clearinghouse is cognisant of the fact that the federal government's National Plan to Reduce Violence Against Women and Children is due to be released in the next month. Any state strategic plan should align with the national plan where possible to effect integration across all levels of government and geographically across the country.

Domestic and family violence have connections to and overlap with other forms of violence against women, including sexual assault, public violence, workplace violence, trafficking and forced marriage. It is critical for the strategic framework to acknowledge and incorporate these connections and overlaps, so as to actively engage with women's lived experiences and holistically address gender based violence.

### **Building a sustainable and effective domestic and family violence strategic framework**

The Clearinghouse believes that New South Wales can build a sustainable and effective domestic and family violence strategic framework by:

- ❖ developing clear policy and principles
- ❖ building a strong governance structure and integration framework, by learning from models from other states and other countries
- ❖ establishing benchmarks, standards and targets
- ❖ implementing performance measures, monitoring and accountability mechanisms
- ❖ dedicating funding
- ❖ incorporating and building on existing good programs and enhancing the service system, to provide an effective level of service and protection for all women and children in NSW.

## **1. Developing clear policy and principles**

Any strategic framework to address violence against women needs to be underpinned by a clear policy position. This should incorporate an overarching definition of domestic and family violence and demonstrate an understanding of the gender based nature of such violence. The framework needs to position this issue as a priority for the government.

Key principles around the rights of all people to live free from violence and be safe in their relationships, and holding perpetrators accountable for their actions should form the foundation of a strategic framework to stop domestic and family violence. Other key principles relate to:

- due-diligence or government's responsibility to act with appropriate effort, care and effectiveness to ensure rights to live free from domestic and family violence,
- social inclusion or the government responsibility to ensure that women and children are not excluded from participating in social and community life because of domestic and family violence
- non-discrimination or the duty to ensure equity of access to assistance, support and justice
- empowerment to redress the harms of victimisation (including participation and inclusion of victim voices in planning and assessment of interventions), and
- research and evidence as the foundation for the implementation and funding of responses.

Violence against women is both a cause and consequence of gender inequality. The NSW policy position needs to be guided by an overarching human rights framework, which has at its core an understanding that gender based violence prevents women and their children from participating fully and equally in society, and that this needs to be addressed.

## **2. Building a strong governance and integration framework**

The Clearinghouse believes that as part of any new strategy to address domestic and family violence, the NSW Government needs to put in place a governance model to ensure whole of government participation and accountability, the integration of policy development, and the integration of services. An integrated strategy requires cross agency and community structures and information flows. It also requires mainstreaming domestic and family violence prevention across all policy areas at state, regional and local levels, with an explicit gender analysis.

Models such as this exist in Victoria, Tasmania and the ACT, and in other countries, such as the United Kingdom. Such models have ministerial level committees, cross agency

level senior executive level committees and officer level committees, that feed into cross agency committees at regional and local levels.

These types of structures are essential to demonstrate top down leadership and to demonstrate a willingness to break down the interdepartmental silos which hamper the provision of effective service delivery to victims of violence. They are also vital to ensure consistent policy, cross agency information flow and information sharing protocols, cross agency accountability and consistency across the State.

Any model needs to recognise the significant contribution the community sector makes to preventing and responding to domestic violence. The community sector needs to be included in an integrated approach, as members of senior and other committees, and as partners in planning and implementing strategies, conducting monitoring and evaluation.

### **3. Establishing benchmarks, standards, targets and timelines**

*Benchmarking* needs to be carried out in the State to build baseline data sets from which to measure any change resulting from the Strategic Plan. Benchmarking should particularly aim to increase our limited information about issues affecting diverse and vulnerable groups (such as for Indigenous women, culturally and linguistically diverse women, women with disabilities, rural and remote women, lesbians, older women, children, men as victims).

To make this exercise effective, it is essential to put in place whole of government definitions of domestic and family violence, common data collection systems and information sharing protocols. Some good data is already collected by agencies such as the Bureau of Crime Statistics and Research. Other data collection mechanisms, such as those used by the police, the courts, housing and health systems, need to be improved but can be used to gain initial benchmarking data.

*Standards* need to be developed prior to the implementation of any strategic plan or framework. These should set out what the women and children of NSW should be able to expect in terms of access and service provision. Standards for the program and for individual services need to establish a common level and standard of service delivery state wide. This exercise needs to be carried out at state, regional and local levels.

*Goals and targets* are critical to aim for and track changes in levels of violence, service provision, access to support and assistance, and rates of recidivism. Targets for departments and senior officers need to be developed and incorporated at all levels from the State Plan and individual senior officer performance contracts, down to regional plans, interagency agreements and service performance agreements. These need to clearly delineate responsibility for implementation.

*Timelines* for change need to set out schedules for implementation of strategies and for targets, so that all stakeholders are clear about what changes will be put in place and when these will occur.

#### **4. Implementing performance measures, monitoring and accountability mechanisms**

Effective monitoring and accountability mechanisms are critical to assessing, refining and changing interventions. These will require the collection of data to measure, at the minimum, prevalence of violence, reporting to police and services, availability and access to support by diverse groups in the community, the impact of interventions and policies, and gaps, unintended consequences and emerging issues.

Regular reports on progress by responsible agencies and services will allow measurement of change and assist in future planning. A process for reporting to parliament through a ministerial committee will establish ministerial responsibility for progress and accord the strategic framework these efforts a priority that reflects the seriousness of the issue.

#### **5. Dedicating funding**

Domestic and family violence impose a huge financial cost on the government and community. It is critical to identify and ring fence sufficient funding to enable the system to operate effectively.

An integrated strategic framework that brings coordinated and intensified attention to this issue is likely to increase reporting rates and demand on existing services in the short term. A strategic approach to funding needs to acknowledge the need for additional funds in the short to medium term.

A common criticism received by the Clearinghouse from services regarding government funding is the allocation of short term funding for projects and initiatives. This has the effect of producing short term or pilot projects that take half their time in planning, community engagement and capacity building, with limited time to deliver the project and invariably no time for evaluation or longer term outcomes of the project. There is also the effect of promoting community cynicism about projects that come and go briefly with no real commitment to tackling long term, entrenched social problems. Funding for community and government based projects need to reflect the realities of this work and provide funding over longer periods than for one year.

There is a need for links between all forms of violence against women to be acknowledged in budgetary allocations.

## 6. Incorporating and building on existing good programs and enhancing the service system

NSW has some good programs and services, many of which are outlined in the Discussion Paper. However, these services and programs are not operational across the entire State, are mostly inadequately funded, do not operate as part of true integrated systems and are often dependent of the experience and commitment of individuals, as opposed to operational policies and standards.

The framework needs to encompass the following areas:-

- ❖ **Prevention:** key community based services/leaders need to be educated around domestic and family violence issues and gender equity, as they are well placed to model and create social and political change. These people would include politicians, judges and magistrates, religious and cultural leaders, business and media leaders. Other prevention strategies include public education campaigns, schools education programs on all forms of violence against women and training on domestic and family violence at all levels of teacher, social work, and health training.
- ❖ **Provision:** a clear set of service standards needs to be developed which sets out the level of service that should be available to women and their children. Negotiation with the relevant government and non government agencies is needed to put services in place as part of an integrated framework. Ongoing training for services needs to be incorporated into the model. A funded violence against women peak and resource centre (based on the Domestic Violence Victoria model), could support community based organisations to remain in and provide leadership to the sector. Its role would be not only to represent the sector in state and national forums and improve national representation, but also to resource and assist the sector to achieve better performance, through provision of standards, training, and accreditation.
- ❖ **Protection:** the Government should review the current legislation and incorporate aspects of legislation from other jurisdictions that could enhance the NSW legislation such as holding powers which are currently available to police in some jurisdictions.

The protection of women and children also requires an increase in the number of domestic violence liaison officers and the establishment of regional domestic violence units with greater capacity to investigate and prosecute matters.

The expansion of the number of specialist courts and the improvement in other court practices such as the establishment of DV Lists and the expansion of the Women's Domestic Violence Court Assistance Program would also enhance the

safety of women and their children. Protocols between the Magistrates Court and the Family Court such as those developed by the Victorian Family Violence Court Specialist Jurisdiction should also be developed.

- ❖ **Prosecution:** Policing practices need to be reviewed and police practice made consistent across the State, through appropriate policy, training, supervision and performance targets. Staff attrition needs to be effectively addressed by providing increased support and advocacy services. Specialist courts need to be expanded and included as part of an integrated system of service delivery.
- ❖ **Addressing recidivism:** Assessing and preventing risk of continuing violence are critical to keeping women and children safe. The range of strategies used to prevent recidivism (e.g. AVOS, criminal prosecution, perpetrator programs, circle sentencing, police monitoring, electronic surveillance) need to be monitored, evaluated, refined and new strategies developed as better information becomes available. Strategies reflecting poor outcomes on recidivism need to be discarded. Common risk assessment tools used across agencies and services need to be developed and refined to best determine risk of reoffending. Perpetrator programs should be accessible across the State only where they conform to practice standards (e.g. Victoria's NoToViolence standards), provide support and referral for female partners (or ex-partners) and their children, and demonstrate good outcomes in terms of reduced recidivism
- ❖ **Risk management:** There are serious risks of failing to get right the development of a State strategic framework on domestic and family violence. For example, the lack of an integrated approach will perpetuate current gaps in service delivery, in particular a lack of access to support and assistance for vulnerable groups (such as Indigenous and CALD women, women with disabilities and rural and remote women in the State). A lack of a gender analysis will result in an inability to address the causes of domestic and family violence, as well as an inability to provide effective support and assistance to those experiencing it. A lack of adequate funding for the plan will mean women, children and other victims will be turned away from services, often forced to return to violent situations. A lack of interventions that result in safer outcomes for women and children can lead to higher rates of domestic homicide, fewer women reporting violence and more victims remaining in violent relationships. Serious consideration should be given to the risks of not implementing a robust and evidence based strategic plan.

The Clearinghouse believes that there is much to be learnt from other jurisdictions that have implemented similar strategies and provides the following references which may be useful.

Maddy Coy, Jo Lovett & Liz Kelly, 2008, *Realising rights, fulfilling obligations: a template for an integrated strategy on violence against women in the UK*, End Violence Against Women, London

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Lara Fergus and Kate Lappin 2008, *Setting the standard: international good practice to inform an Australian national Plan of Action to eliminate violence against women*, Amnesty International Australia, Sydney

[http://www.amnesty.org.au/images/uploads/svaw/NPOA\\_report\\_-\\_Master\\_13June\\_opt\\_rfs.pdf](http://www.amnesty.org.au/images/uploads/svaw/NPOA_report_-_Master_13June_opt_rfs.pdf)

2005 – 2009 *Strategic Plan on Seattle’s criminal justice response to domestic violence*, Office on Violence Against Women, Seattle

[http://www.ci.seattle.wa.us/humanservices/domesticviolence/preventioncouncil/DVCriminalJusticeStrategicPlan\\_20052009.pdf](http://www.ci.seattle.wa.us/humanservices/domesticviolence/preventioncouncil/DVCriminalJusticeStrategicPlan_20052009.pdf)

Mayor of London 2005, *The second London domestic violence strategy*, Greater London Council [http://www.london.gov.uk/mayor/strategies/dom\\_violence/docs/2nd-dv-strategy.pdf](http://www.london.gov.uk/mayor/strategies/dom_violence/docs/2nd-dv-strategy.pdf)

2005, *Tackling domestic abuse; the all Wales national strategy*, Cardiff

[http://www.lfcc.on.ca/all\\_wales\\_national\\_strategy.pdf](http://www.lfcc.on.ca/all_wales_national_strategy.pdf)

2002, *Te rito: New Zealand family violence prevention strategy*, Family Violence Focus Group, NZ Ministry of Social Development, Wellington

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<http://www.communities.wa.gov.au/NR/rdonlyres/9C80CAEB-9055-4DF9-BAAC-C76845B515D6/0/DomesticViolencereport2007.pdf>

<http://www.equalities.gov.uk/publications/7589-TSO-Tackling%20Violence%20WEB.pdf>

[http://www.women.vic.gov.au/web12/rwpgslib.nsf/GraphicFiles/Reforming+the+Family+Violence+Sytem/\\$file/reforming\\_family\\_violence.pdf](http://www.women.vic.gov.au/web12/rwpgslib.nsf/GraphicFiles/Reforming+the+Family+Violence+Sytem/$file/reforming_family_violence.pdf)

[http://www.nt.gov.au/dcm/women/pdf/WomensPolicyFramework\\_2008-2012.pdf](http://www.nt.gov.au/dcm/women/pdf/WomensPolicyFramework_2008-2012.pdf)

<http://www.safeathome.tas.gov.au/publications>

[http://www.safeathome.tas.gov.au/data/assets/pdf\\_file/0004/97636/Review\\_Report\\_March\\_2008.pdf](http://www.safeathome.tas.gov.au/data/assets/pdf_file/0004/97636/Review_Report_March_2008.pdf)

[http://www.officeforwomen.sa.gov.au/siteFiles/WomensSafetyStrategy\\_Achievements\\_Report\\_2007.pdf](http://www.officeforwomen.sa.gov.au/siteFiles/WomensSafetyStrategy_Achievements_Report_2007.pdf)

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[http://www.who.int/violence\\_injury\\_prevention/publications/violence/IPV-SV.pdf](http://www.who.int/violence_injury_prevention/publications/violence/IPV-SV.pdf)

### **Further information**

The Clearinghouse is available to provide further information or clarification on any points in this submission. Please contact the Director, Ms Gaby Marcus, on **Ph: 02 9385 2991** or email: [gaby.marcus@unsw.edu.au](mailto:gaby.marcus@unsw.edu.au) for more information.