



Submission to the NSW Department of Justice's review of the
NSW Domestic Violence Justice Strategy (2013-2017)

Prepared by
Domestic Violence NSW

About Domestic Violence NSW

Domestic Violence NSW Inc is the peak body for specialist domestic and family violence services in NSW. Domestic Violence NSW provides a representative and advocacy function for specialist services and the women, families and communities they support. Domestic Violence NSW's mission is to eliminate domestic and family violence through leadership in policy, advocacy, partnerships and the promotion of best practice. We work with our members, state and federal government and communities to create a safer NSW for all. Domestic Violence NSW member services represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence including:

- Crisis and refuge services
- Transitional accommodation and community housing providers
- Family support services
- Neighbourhood centres and drop in centres
- Specialist homelessness service providers
- Men's behaviour change programs and networks
- Community organisations working with high risk communities
- Specialist women's legal support services
- Women and children's support services
- Safe at Home programs

Domestic Violence NSW members are all non-government organisations, some entirely government funded, others supported through philanthropic donations or partnerships with industry or the corporate sector. Many of our members have multiple government and non-government funding streams. Domestic Violence NSW advocates for best practice, continuous system improvements and innovative policy responses to domestic and family violence including building workforce capacity and representation at all levels of government. We provide policy advice to multiple departments in the NSW Government on prevention and response. We work with communities and the media to increase awareness and represent the sector on a number of state and federal advisory bodies. We co-convene and provide a secretariat function for the NSW Women's Alliance with Rape and Domestic Violence Services Australia. We acknowledge the work and practice wisdom of specialist women's services and domestic and family violence practitioners in the sector that underpin the recommendations in this submission. Domestic Violence NSW thanks the specialist services that have developed best practice over decades of working with women and children and shared their expertise with us. We also pay tribute to those who have experienced domestic or family violence and to our advocates, colleagues and partners in government and non-government agencies.

Submission prepared by Monique Dam, Advocacy and Prevention Manager, DVNSW

For inquiries:

Moo Baulch – CEO, Domestic Violence NSW, (02) 9698 9777, ceo@dvnsw.org.au, PO Box 3311 Redfern NSW 2016, www.dvnsw.org.au

Domestic Violence NSW submission approach

This submission from Domestic Violence NSW provides input into the NSW Department of Justice's review of the NSW Domestic Violence Justice Strategy.

To formulate this submission, Domestic Violence NSW opted to survey its membership to hear directly from frontline workers, and indirectly the experiences of their clients. Nine specialist domestic and family violence workers responded to the survey between 12 and 22 June 2018. For each Justice Outcome, the survey asked: 'What is working well?', 'What needs to change?', 'What organisations need to make the change?' and 'What's missing?'.

Domestic Violence NSW member services represent the diversity of specialist services working in NSW to support women, families and communities impacted by domestic and family violence, such as crisis and refuge services, community organisations working with high risk communities, specialist women's legal support services, and women and children's support services.

NSW Domestic and Family Violence Good Practice Guidelines

In 2017, Domestic Violence NSW published a set of good practice guidelines for the Domestic and Family Violence Sector in NSW, following extensive consultation with the sector and research. Though the guidelines are primarily intended for services working in the domestic and family violence sector in NSW, DVNSW invites the department to consider how the following principles could underpin the NSW Domestic Violence Justice Strategy.

1. Prioritise the physical, cultural and emotional safety of victim-survivors, their families and workers
2. Access and equity
3. Trauma-informed practice
4. Victim-survivor centred practice and empowerment
5. Confidentiality and informed consent
6. Non-judgmental support
7. Collaboration
8. Upholding, promoting and advocating for victim-survivor rights
9. Prevention and early intervention
10. Competency, accountability and continuous improvement

Trauma-informed framework and practice

An overarching theme that emerged from the specialist domestic and family violence workers' responses to the survey was the need for a trauma-informed framework to underpin the NSW Domestic Violence Justice Strategy. This would seek to ensure that all agencies and workers in the justice system apply a trauma-informed approach in their interactions with people who are experiencing domestic and family violence. This would include police, judicial officers, prosecutors, court staff, Victims Services workers and legal practitioners.

In practice this means:

- Emphasise physical, psychological, and emotional safety for victim-survivors and workers.
- Create opportunities for survivors to rebuild a sense of control and empowerment.
- Acknowledge victim-survivors of DFV generally live in fear of ongoing threats and acts of violence and abuse.
- Recognise different forms of violence and abuse may co-occur, be hidden and are often not appropriately acknowledged or addressed.
- Provide a culturally competent and safe response.
- Understand trauma profoundly affects thoughts, beliefs and behaviours of victim-survivors.¹

In terms of the NSW Domestic Violence Justice Strategy:

Justice Outcome 1 could be reframed to focus on physical, psychological and emotional safety for victim-survivors and to reduce the risk of all forms of violence *and trauma*, and recognise that currently, victim-survivors' interactions with the justice system can be re-traumatising.

Justice Outcome 2 could be reframed to focus on victims being believed and supported to make decisions, wherever possible and appropriate. Victim-survivors should be informed about their rights and options in justice processes, such as being able to give evidence in alternative ways via audio-visual link.

Justice Outcome 3 and the whole strategy could be reframed to focus on ensuring all victim-survivors of domestic and family violence can access culturally competent and safe support, including Aboriginal and Torres Strait Islander, culturally and linguistically diverse, LGBTIQ people and women with disabilities.

The application of a trauma-informed framework and practice across the justice system requires policy change and additional funding for relevant training.

¹ For more information on trauma-informed practice, see Domestic Violence NSW (2017), Good Practice Guidelines for the Domestic and Family Violence Sector in NSW, <<http://dvnsw.org.au/work/resources/good-practice-guidelines-for-the-nsw-dfv-sector/>> pages 49-53.

DVJS Strategy	What is working well	Gaps and challenges	Focus areas for future action
<p>Justice Outcome 1: Victims' safety is secured immediately and the risk of further violence is reduced</p>	<ul style="list-style-type: none"> Police providing urgent responses to first time reports of DFV incidents Referrals to WDVCS and the support they are providing to women The coordination of timely support for victim-survivors, when the Safety Action Meetings work well 	<ul style="list-style-type: none"> Need for trauma informed approach by police to the collection of evidence and disclosure of DFV (e.g. using private spaces rather than front desk of station) Applications for provisional orders made less frequently by police when a victim-survivor presents to a station to make a DFV report, compared to when police attend a DFV incident. Not all services are invited to participate in Safety Action Meetings. 	<ul style="list-style-type: none"> Training on police and updated procedures to ensure that police collect evidence of DFV and respond to DFV incidents in a trauma-informed way.
<p>Justice Outcome 2: Victims have confidence in the justice system and are empowered to participate</p>	<ul style="list-style-type: none"> Immediate contact, referrals to services and court support and advocacy provided by WDVCS Free legal information and advice for victim-survivors 	<ul style="list-style-type: none"> Separate interpreters for victim-survivors and perpetrators (e.g. a worker reported an interpreter being asked to interpret for both parties in court). Lack of interpreters who understand how to work appropriately with victim-survivors and perpetrators of DFV. Additional training for all people working in the justice system so that victim-survivors will be believed and will not be turned away and feel discouraged when they want to report violence. Adequate support for victim-survivors at hearings. Police training on DFV so they believe and act on victim-survivor's disclosures of violence, including technology facilitated abuse. This could help to address under reporting of DFV. Police training to identify primary victim-survivors and aggressors of DFV. 	<ul style="list-style-type: none"> Increase availability of interpreters for victim-survivors and perpetrators in court and for police attending DFV incidents. Training for interpreters on the nature, dynamics and impacts of DFV and how to work in a trauma-informed and appropriate way with victim-survivors and perpetrators. Training on the nature, dynamics and impacts of domestic and family violence and the importance of a trauma-informed approach to responding to victim-survivors of DFV for all workers in the justice system: <ul style="list-style-type: none"> Police Judicial officers Prosecutors Court staff NSW Family and Community Services (including Housing) workers Victims Services workers Legal practitioners

DVJS Strategy	What is working well	Gaps and challenges	Focus areas for future action
			<ul style="list-style-type: none"> • Training for police and strengthen policies and procedures focused on identification of a primary victim-survivor and aggressor of DFV when attending incidents, collecting evidence and in responding to reports.
Justice Outcome 3: Victims have the support they need		<ul style="list-style-type: none"> • Lack of specialist DFV case management for victim-survivors. • Lack of accessible and culturally safe support for Aboriginal and Torres Strait Islander, culturally and linguistically diverse, LGBTIQ people and people with disability. • Need for better safety planning, coordination of and information sharing between agencies working with the victim-survivor. • More timely responses from Victims Services to applications for financial assistance. • Lack of specific tailored support for children. • Victims Services counselling needs to be accessible for Aboriginal and Torres Strait Islander people and people in rural, regional and remote areas. 	<ul style="list-style-type: none"> • Ongoing case management, including safety planning, by specialist DFV workers for victim-survivors to support them throughout the court and criminal justice process. This should include accessible and culturally safe support for Aboriginal, Torres Strait Islander, culturally and linguistically diverse, LGBTIQ people and people with disability. • Increased coordination and information sharing between all agencies working with victim-survivors and perpetrators • Removal of upper time limits for and timely processing of Victims Services recognition payments and financial assistance for victim-survivors of DFV, sexual assault and child sexual abuse. Removal of upper time limits. • Improved availability and accessibility of Victims Services counselling for Aboriginal and Torres Strait Islander people and people in rural, regional and remote areas.
Justice Outcome 4: The court process for		<ul style="list-style-type: none"> • Lack of ongoing free legal representation and support for victim-survivors to make informed decisions. 	<ul style="list-style-type: none"> • Training on the nature, dynamics and impacts of domestic and family violence and the importance of a trauma-informed approach to responding to

DVJS Strategy	What is working well	Gaps and challenges	Focus areas for future action
domestic violence matters is efficient, fair and accessible		<ul style="list-style-type: none"> • Need for DFV training for all people involved in the justice system, including Magistrates and court staff. • Lack of understanding of DFV by Magistrates that can lead to inconsistent responses and place victim-survivors at greater risk of harm and violence. • Court environment which ensures victim-survivors can be protected from having to see, or fear seeing, the perpetrator. • Accessible, appropriate safe spaces for victim-survivors at court. • Lack of continuous, ongoing support from one person throughout the process. • Increased support for victim-survivors to attend and leave court. • Better protections for victim-survivors who are cross-examined to reduce the risk of trauma. 	<p>victim-survivors of DFV for all workers in the justice system:</p> <ul style="list-style-type: none"> ○ Police ○ Judicial officers ○ Prosecutors ○ Court staff ○ NSW Family and Community Services (including Housing) workers ○ Victims Services workers ○ Legal practitioners <ul style="list-style-type: none"> • Training for interpreters on the nature, dynamics and impacts of DFV and how to work in a trauma-informed and appropriate way with victim-survivors and perpetrators. • End direct cross-examination of victim-survivors from perpetrators of DFV. • Provide additional supports for victim-survivors to attend court and ensure they are not penalised nor criminalised for failing to engage in court processes. • Establish safe rooms and separate entry and exits for victim-survivors in all courts. • Ensure victim-survivors are informed of how they can give evidence in alternative ways and improve availability of audio-visual link in all courts.
Justice Outcome 5: Abusive behaviour is	<ul style="list-style-type: none"> • Increased funding for men's behaviour change programs. • Monitoring of repeat offenders by police. 	<ul style="list-style-type: none"> • Police are not believing or taking seriously all breaches of ADVOs by all victim-survivors of DFV (e.g. including women on temporary visas). Breaches are not being responded to 	<ul style="list-style-type: none"> • Training on the nature, dynamics and impacts of domestic and family violence and the importance of a trauma-informed approach to responding to victim-survivors of DFV for all workers in the justice system:

DVJS Strategy	What is working well	Gaps and challenges	Focus areas for future action
stopped and perpetrators are held to account.		<p>appropriately. This contributes to underreporting of breaches.</p> <ul style="list-style-type: none"> • Lack of consistent collection of evidence of DFV to support ADVO applications and charges when they constitute breaches. 	<ul style="list-style-type: none"> ○ Police ○ Judicial officers ○ Prosecutors ○ Court staff ○ NSW Family and Community Services (including Housing) workers ○ Victims Services workers ○ Legal practitioners • Training for police and strengthen policies and procedures focused on identification of a primary victim-survivor and aggressor of DFV when attending incidents, collecting. • Training on police and updated procedures to ensure that police collect evidence of all DFV and respond appropriately to all DFV incidents and reports of breaches in a trauma-informed way.
<p>Justice Outcome 6: Perpetrators change their behaviour and re-offending is reduced or eliminated second mention.</p>	<ul style="list-style-type: none"> • Minimum standards for Men's Behaviour Change Programs 	<ul style="list-style-type: none"> • Coordinated support for victim-survivors and children alongside evidence-based Men's Behaviour Change Programs. • Lack of case management for defendants in Men's Behaviour Change program. • Need for increased focus on working with victim-survivors and children to understand if DFV is reduced or ended, rather than relying on recidivism rates. 	<ul style="list-style-type: none"> • Increased coordination and information sharing between all agencies working with victim-survivors and perpetrators • Increased support and specialist DFV case management for victim-survivors and their children of perpetrators participating in Men's Behaviour Change programs.

Strategies to support vulnerable victim-survivors

Groups that are at high risk of experiencing domestic and family violence and who face additional barriers to accessing support include:

- Aboriginal and Torres Strait Islander people
- Culturally and linguistically diverse
- Lesbian, gay, trans, bisexual, intersex and queer people
- People with disabilities
- People in regional, rural and remote areas and
- Older women

Good practice and strategies for working with these groups include:

- Trauma-informed and client-centred approach by all agencies
- Training for workers on the specific systemic and other barriers are for these groups
- Culturally safe, accessible and disability aware mainstream and specific services
- Collaborative support across agencies, e.g. case coordination to provide integrated care
- Skilled workers who identify as belonging to these groups
- Better access to telephone and face to face interpreters