



**Department
of Justice**

**Review of the
Integrated Response
to Family Violence:
Discussion Paper**

March 2009

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1 Introduction

Success Works was commissioned by the Department of Justice to review Safe at Home, the Tasmanian Government's integrated whole-of-Government response to family violence.

This discussion paper presents findings from the first part of Success Works' consultations and research. The purpose of this discussion paper is to set out a number of ideas which may improve the operation of Safe at Home. A second round of consultations will take place during March/April 2009 to consider the questions raised in this discussion paper.

The combined outcomes of this review and the 2008 review of the Family Violence Act 2004 by Urbis will be used to revise and improve, where necessary, the legislative framework and the integrated response to family violence in Tasmania.

- Broadly, Success Works' review looks at the following areas:
- The achievements or otherwise of Safe at Home to date including the strengths of the approaches used by Safe at Home
- Whether the available resources are being appropriately aligned to achieve the objectives of the response to family violence
- Whether the current programs and activities provided under Safe at Home are delivering the intended results
- Whether there are any gaps in services or inefficiencies in the current system
- How effective is the current state-wide, regional and local governance structure in the delivery and coordination of services and in addressing ongoing service delivery issues and improvements
- Opportunities for the further integration and better coordination of Safe at Home and other services
- Relationships which should be developed between Safe at Home and other service providers to assist in the development of the response.

This discussion paper comprises the following sections:

Chapter Two - Background: A brief overview of Safe at Home and its various components including a summary of the major findings from the Urbis 2008 Review of Safe At Home Legislation.

Chapter Three - Methodology: A description of the activities Success Works has undertaken to date.

Chapter Four – Implementation: A brief description and analysis of the major implementation and governance arrangements in place for Safe At Home

Chapter Five – Best Practice: A summary of the international literature in relation to best practice in family violence interventions

Chapter Six - Safe At Home Data: Major findings from the analysis of the Safe At Home data.

Chapter Seven - Consultation Findings: A summary of the findings from consultations conducted between November 2008 and January 2009 and written submissions received in December 2008 together with relevant findings from the literature review.

Chapter Eight – Next Steps: Where to from here in terms of the second round of consultations.

It should be noted that in this report, people who have experienced family violence are called *victims* and people who have, or are alleged to have, committed family violence are called *offenders*. Success Works accepts in many cases the person we are calling the *offender* has not, and may not ever, be convicted of an offence. By 'offender' we mean a person who has been accused or is suspected of committing a family violence offence as well as a person who has been convicted of a family violence offence. An alternative term would be family violence perpetrator.

2 Background to Safe At Home

This section briefly describes the principles and key components of Safe at Home.

2.1 Objectives and Principles of Safe at Home

The objectives of Safe at Home are to:

- Achieve a reduction in the level of family violence in the medium to long term
- Improve safety for adult and child victims of family violence
- Change the offending behaviour of those responsible for the violence.

Safe at Home is based on the following principles:

- Family violence is a crime and where evidence exists that it has been committed arrest and prosecution will occur.
- The safety of victims is paramount
- Police are responsible for providing immediate intervention to secure victim safety and manage the risk that the offender might repeat or escalate the violence
- The victim does not determine the response of the justice system
- Wherever possible victims should be able to choose to remain in or return (as soon as possible) to their own homes
- The criminal justice response to family violence should be seamless and the roles and responsibilities of each participating agency and service should be clear.

2.2 Integrated Service Response

Safe at Home is an integrated criminal justice response to family violence where the safety of the victim is considered paramount. The first point of contact is through the Police.

The following services were established or extended under the Safe at Home integrated response in order to meet the identified needs of adult and child victims and offenders or create critical systems linkages.

2.2.1 Family Violence Response and Referral Line

Tasmania Police operate a Family Violence Response and Referral Line 24 hours per day 7 days per week. The line offers an information and referral service to Safe at Home service providers. It is staffed by operators who have been trained to respond appropriately to victims and others affected by family violence. If staff believe the victim is at immediate risk, the call is transferred directly to police radio despatch for an immediate police response.

If there are no immediate concerns about the safety of the victim, during business hours the caller is actively transferred to the Family Violence Counselling and Support Service (FVCSS) or the Court Support and Liaison Service for further assistance. If a victim requires immediate counselling after hours, the call is transferred to the Lifeline Counselling service, if the victim requires counselling but is not distressed an email referral is provided to the FVCSS.

2.2.2 Victim Safety Response Teams

Tasmania Police has established Victim Safety and Response Teams (VSRTs) in each of its four districts (South, East, North and North West).

The primary focus of the VSRTs is to enhance the safety of victims by:

- Implementing strategies to minimise risk and maximise safety for victims and affected children
- Providing quality assurance and review mechanisms in relation to the actions of operational police (see below)
- Providing case coordination of families where there a significant ongoing risk of violence
- Liaising with other Safe At Home partners
- Attending the Integrated Case Coordination (ICC) meetings
- Assessing applications to vary Police Family Violence Orders (PFVOs)
- Conducting safety audits, preparing safety plans and implementing security upgrades where appropriate
- Managing offenders at large (ensuring enquiries are conducted to locate offenders and ensure the safety of the victim until this is achieved)
- Investigating breaches of protective orders
- Oversighting the use and application of the initial risk assessment process (using the *Risk Assessment Screening Tool* or RAST¹)

¹ The Risk Assessment Screening Tool (RAST) has been developed by Police to assess the risk that an offender will re-offend. The University of Tasmania is currently conducting research to validate the RAST.

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- Ensuring the development of a safety plan which may include strategies to enable the victim to remain in their own home
 - Gathering evidence to support the prosecution of offenders.

2.2.3 Operational Police

Operational police are the first response to family violence incidents. They assess whether an incident is a 'family argument' or a 'family violence' matter; investigate criminal offences; administer the Risk Assessment Screening Tool; and enter a Family Violence Management System (FVMS) report which is then quality assured by either the VSRT or a supervising Sergeant. Operational police determine the appropriate response in each circumstance to enhance the safety of the victim and affected children and ensure the offender is held criminally responsible for their behaviour where evidence exists that an offence has occurred. Operational police determine the appropriate charges, issue Police Family Violence Orders (PFVOs), make applications for Family Violence Orders (FVOs), determine bail and prepare bail oppositions where not satisfied of the safety of the victim if the offender is released from custody. Operational police are responsible for notifications to Children and Family Services where a child is affected by family violence.

2.2.4 Police Prosecutions

Six specialist police prosecutors were funded under Safe At Home in order to provide better quality information to the Courts including information that would enable the Courts to assess the risk and safety aspects of family violence matters, including the patterns of violence that exist in certain families. It was expected that these specialist prosecutors would be more effective in supporting the victims of family violence and managing their presentation of evidence to the Courts. Police prosecutors attend the Integrated Case Coordination (ICC) meetings.

This aspect of the Safe At Home has not been implemented as intended. Police report that difficulties have arisen with the allocation of family violence clients to specialist prosecutors because of the limited capacity of the Courts to cluster family violence matters into specialist family violence listings. The impact of the limited use of the specialist prosecutors is discussed further below.

2.2.5 Integrated Case Coordination

Integrated Case Coordination (ICC) under Safe at Home is supported by the Safe At Home ICC database which links data from the Police Family Violence Management System (FVMS) with data from the Department of Justice databases CRIMES and CIS. The ICC database builds on police family violence incident reports (in FVMS) by undertaking a relational search for victims and offenders in the other databases in order to link incidents into a case record.

This process is undertaken by the Strategic Policy and Projects Branch of the Department of Justice. By December 2008 the ICC database held records pertaining to 11,182 cases (families) involving 17,878 incidents of family violence. Funds have been provided to the Department of Justice to develop the next stage of electronic case management support, the Integrated Case Coordination Management System (ICCMS).

The ICC case record is considered at weekly ICC meetings in each of the four police districts in order to agree the action to be taken in relation to new family violence incidents as well as to review existing cases. The servicing of these meetings is also undertaken by the Strategic Policy and Projects Branch of the Department of Justice.

ICC meetings are attended by all relevant Safe At Home services including the Victim Safety Response Team, Police Prosecutions, Family Violence Counselling and Support Service, Court Support and Liaison Service, Child Protection, Special Needs Workers and a Department of Education Social Worker (in the NW region). Combining individual incidents of family violence into 'cases' enables a response based on the history of the offender and victim rather than just focusing on the latest incident. The case also includes the history of violence with other partners. ICCs determine an appropriate course of action for each case and assign a Case Coordinator. Generally the Case Coordinator is the service provider who is most likely to have ongoing contact with the victim. Where the level of risk to the victim remains high, case coordination remains with the VSRT.

ICCs can close cases if all matters associated with the case have been finalised and there has been no reported family violence related activity for a period of three months. The unanimous agreement by all ICC members is required before a case can be closed. The operation of the ICC process is supported by a Case Coordination Manual.

2.2.6 Court Support and Liaison Service

The Court Support and Liaison Service is provided by Victims Support Services in the Department of Justice. The service provides support to the victims of family violence through the court process. A Court Support Liaison Officer (CSLO) provides victims with information about how to apply for a Family Violence Order and assists them to understand the way the court system operates and what is expected in court hearings. The CSLO also provides personal and practical support to the victim during the court hearing and offers referrals to specialist support services as required.

2.2.7 Child Witness Service

The Child Witness Service is also provided by the Court Support and Liaison Service. One worker in each region is trained specifically to deal with children

and children's issues. The Child Witness Service supports children to be able to give evidence and participate in the court process.

2.2.8 Legal Aid

Specific funding has been provided to Legal Aid to provide legal advice to victims of family violence as well as assistance with court processes such as applications for family violence orders. Legal aid also assists in cross linking Safe At Home processes with Family Court matters.

2.2.9 Children and Young Persons Program

The Department of Health and Human Services provides the Children and Young Person's Program (CHYPP). CHYPP provides a free and confidential (within child protection legislative limits) counselling and support service for children and young people who have witnessed or experienced family violence. CHYPP is available for children and young people up to 18 years whose families are part of Safe At Home. Services include: psychometric assessment; short- and medium-term therapeutic counselling; work with the caregiver and/or non-offending parent; group work; case conferencing; support and information; referral; advocacy; and liaison.

2.2.10 Family Violence Counselling and Support Service

The Family Violence Counselling and Support Service (FVCSS) is provided by the Department of Health and Human Services to assist adult victims recover from the family violence. Services include counselling, group work, referral and support.

2.2.11 Family Violence Offender Intervention Program

The Family Violence Offender Intervention Program (FVOIP) is provided by Community Corrections within the Department of Justice. Eligible offenders can be directed to attend this program aimed at changing their family violence offending behaviour.

2.2.12 Offender Accommodation Brokerage

Safe At Home has provided funding for the Department of Health and Human Services to be able to pay for alternative accommodation for offenders who are removed from the family home and are not able to find accommodation elsewhere.

2.2.13 Special Needs Workers

Safe At Home has also provided funding to establish additional special needs workers to work with offenders who have drug and alcohol or mental health or other specialist concerns.

2.2.14 Funding to the Tasmanian Magistrates Court

Funding was provided to the Tasmanian Magistrates Court in anticipation of the higher number of family violence orders and breaches the Court would need to manage.

2.2.15 Funding to Child Protection

Safe At Home also provided additional funding to the Department of Health and Human Services in anticipation of the impact of Safe At Home on the Child Protection system.

2.2.16 Ya Pulingina Kani Aboriginal Advisory Group

Funding was also provided to the Department of Premier and Cabinet to establish the Ya Pulingina Kani Aboriginal Advisory Group. The aim of the group is to provide ongoing advice to Safe At Home Service providers in the most culturally appropriate ways to manage Aboriginal offenders and provide support to Aboriginal adult and child victims. The working party is made up of representatives from the Aboriginal community throughout Tasmania. Funding is provided for up to 6 meetings per year.

2.3 Family Violence Orders

The following section briefly overviews the orders in place within Safe At Home: the Family Violence Order (FVO) and the Police Family Violence Order (PFVO).

2.3.1 Police Family Violence Orders

Tasmania Police are able to issue Police Family Violence Orders (PFVOs) if they are satisfied that a person has committed, or is likely to commit, a family violence offence. A PFVO operates for the time specified in the order. Current Police policy is that orders are issued for 12 months. A PFVO contains conditions designed to prevent further acts of family violence, these conditions limit the offender's behaviour and may specify that the offender not reside or return to the victims residence.

A PFVO may be varied by police if the victim and the offender consent and the police are satisfied the variation will not adversely affect the safety and interests of the victim or affected child. A court may also vary a PFVO. A PFVO is revoked if a Family Violence Order (FVO) or interim FVO is made in respect of the same parties. A court may revoke a PFVO on the application of the Police, a

victim, an offender, or any other person the court may grant leave to, at any time during its operation. A PFVO operates subject to any Family Court Order.

A PFVO can be issued by a sergeant or authorised constable following a family violence incident where the risk assessment (using the Risk Assessment Screening Tool or RAST) indicates a low or medium risk of a further family violence incident, and where such an order is necessary to protect the safety, wellbeing and interests of adult and child victims. If the RAST indicates a high risk of a further incident of family violence, police policy requires that police must apply for a FVO in the Magistrates' Court.

PFVOS are designed to provide police with the flexibility to make orders to suit the circumstances of each family violence incident. For the period it is in force, a PFVO suspends permits and licences for firearms held by the offender, and prohibits them from applying for, or being granted, any firearms licences or permits.

PFVOs cannot be revoked by police. An application for revocation must be made to the court.

2.3.2 Family Violence Order (FVO)

An application for an FVO may be made to a magistrate by a victim or a police officer, a lawyer or a third party given leave by the Court. Police should make an application for an FVO where they have identified a high risk of further family violence following a family violence incident. The court may make the FVO if it is satisfied the offender has committed family violence and may commit it again. An FVO may include conditions considered necessary to prevent family violence or protect the victim and affected children named in the order. An FVO remains in force for the period specified in the order.

Applications may be made to the court to vary, extend or revoke an FVO. Similar orders made in other states may be registered in Tasmania.

When considering an application for making an FVO, the court must consider:

- the safety and interests of the applicant and any 'affected child' (a child whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence);
- whether contact between the victim and the offender and any child who is a member of the family is relevant to the making of the FVO; or
- whether there is any relevant Family Court order in place.

An FVO contains conditions aimed at preventing any further family violence against the victim or affected child named in the order. The FVO may include conditions that require the offender to leave the family home, not enter the family home or only enter the family home on certain conditions, and may require the offender to not possess any firearms or hand in any firearms in their possession.

2.3.3 Breaches of PFVOs or FVOs

Serious penalties such as imprisonment and fines can apply to breaches of PFVOs and FVOs. This reflects the understanding that breaching protective orders undermines the actions taken by the police and courts to ensure the safety of the victim.

If their conditions are breached an offender can be arrested and charged for a breach of a PFVO or an FVO, despite having the consent of the victim. For example, if a victim protected by a PFVO or FVO asks the offender to move back in at a time when a PFVO or FVO forbids this, then:

- The offender can be charged with breaching the Order
- The victim can be charged with instigating a breach of an Order.

It is important to note that police state that cases of this type usually come to their notice following a further instance of violence by the offender against the victim and/or affected children. While the police may charge a victim with instigating a breach of a family violence order this is carefully considered with the primary purpose being the ongoing protection of the victim and children. In the majority of cases the victim is not complicit in the breach and the breach is by the offender committing an act of physical violence.

2.4 Urbis Review of the Family Violence Act

Urbis undertook the first stage of the review of Safe At Home in 2008 examining the impact and effectiveness of the Family Violence Act 2004. They found:

- Some evidence of a reduction in family violence overall (noting, however, that they also recommended more research over a longer time frame to determine the veracity of this finding)
- Evidence of improved safety for adult victims of family violence, particularly as a result of the police activities at the 'front-end' of the system.

They identified cultural and practice changes within Tasmanian Police as the most significant change as a result of Safe at Home, particularly the pro arrest and pro removal policy applied by police to the immediate management of family violence incidents.

Urbis also noted two significant service issues in Safe at Home that they recommended for additional investigation as part of this review:

- The capacity to sentence and the treatment of offenders
- Meeting the protective, therapeutic and early intervention needs of children living with family violence.

Both of these issues are addressed in this discussion paper.

It is important to note that Urbis also considered the matter of the unproclaimed provision S.38 Informing of Concern about Family Violence. This provision is deemed to be unworkable in its current form however the circumstance remains that a number of professional groups, including medical practitioners, are not required to report incidents of family violence; thereby potentially exposing the victim to the risk of ongoing violence. The Northern Territory have now introduced (18 February 2009) a provision which makes it illegal not to report family violence if a woman's life is believed to be in danger. Police must also be contacted if a person has caused or is about to cause serious harm to another in a domestic relationship.

This issue is discussed further below.

3 Review Methodology

This is the second stage of the Safe At Home review which considers the broader Safe At Home integrated response. The outcome of the second stage and Urbis' legislative review will be used to revise and improve, where necessary, the legislative framework and the integrated response to family violence in Tasmania.

This review has encompassed the following tasks to date:

- Development of a literature review
- Consultations with key stakeholders (the full meeting schedules and agendas are included in Appendix One)
- A call for written submissions advertised in local newspapers on 15 November 2008.

The literature review has been conducted using EBSCO Host, Questia and Google to identify and inform several crucial aspects of SAH such as:

- Definitions of family violence; context and ecology of family violence
- Adult and child victim safety and family violence prevention practices
- Treatment programs for perpetrators of family violence; women as perpetrators
- Integrated approaches between government, non-government organisations and community partnerships to reduce incidences of family violence
- Evaluation and research projects on and issues connected with family violence programs
- Role of professional staff and mandatory reporting of family violence
- Relationships between family violence and child protection
- Effective interventions for children affected by family violence.

The findings of this literature review are reflected in this discussion paper where relevant.

Consultations with key stakeholders followed a similar line of questioning: first, participants were asked to identify from their perspective/s what they saw as working well in Safe At Home and then, what could be improved. Forums and interviews then focused on specific areas that were relevant to the discussion such as adult and child support, offender programs, court and police support processes.

The call for written submissions was advertised in local newspapers on 15 November for return by 19 December 2008. Submissions were asked to address the following five questions based on the terms of reference for this review:

- In what way could Tasmania's approach to family violence be improved in order to achieve a reduction in the level of family violence in the medium to longer term?
- In what way could Tasmania's approach to family violence improve the level of safety for adult and child victims?
- In what way could Tasmania's approach to family violence be improved in terms of reducing the offending behaviour of those responsible for the violence?
- What other policies or practices would make Tasmania's approach to family violence more effective?
- What are the most important principles that should underlie Tasmania's approach to family violence?

Twenty-two responses were received from a range of community and support service organisations, members of the public and government departments. The submissions were thematically analysed and are incorporated into the body of this discussion paper under the above five questions.

4 Implementation of Safe At Home

Implementation of Safe At Home has been the responsibility of the Department of Justice. Implementation has been managed by the Principal Consultant, Strategic Policy and Projects, supported by a central team comprising two Senior Consultants and the Coordinator of Special Programs. The team is also responsible for the statewide Court Mandated Drug Diversion Program.

Implementation of Safe At Home has been driven by collaborative service system planning and supported by the legislation and the changes to Police Standing Orders (issued in September 2004). Like many other significant reforms, the legislation was cutting edge when it was enacted, and remains in many ways, ahead of public knowledge about family violence. Safe At Home has been recognised nationally and internationally as a 'benchmark' in integrated responses to family violence.

Governance for Safe At Home is provided by the Statewide Steering Committee chaired by the Department of Premier and Cabinet and involving relevant government departments. The Steering Committee has responsibility for high level issues including overall resource distribution and resolves operational matters that cannot be agreed at the Inter-departmental Committee level. The Steering Committee met quarterly for the first year of the operation of Safe At Home but has met infrequently since then. The Steering Committee overseeing the Safe At Home evaluation is a sub-committee of this body.

The operational planning and development of Safe At Home has been undertaken by an Inter-departmental Committee (IDC) which is chaired by the Department of Justice. The IDC has a broad based membership including representation from the Departments of Health and Human Services, Justice, Police and Emergency Services, Premier and Cabinet, Education, the Courts and the Legal Aid Commission. The IDC has been responsible for service system design and ongoing system monitoring and improvement.

The IDC is supported by Regional Coordinating Committees who have a role in coordinating activities in each region and reporting any unresolved policy or system design matters to the IDC. The RCC's include similar membership as the IDC with the addition of other agencies such as those responsible for housing or mental health. The RCC's also have a charter to develop and foster ongoing relationships with relevant non-government services in their region in order to achieve improved information flow and better coordinated services for victims and offenders at the local level.

While they exist in each of the regions, the ICC meetings are part of the operational system rather than the governance structure of Safe At Home. They were not formally established or funded as part of Safe At Home. They have evolved as a result of the necessity for organisations working with family violence to share information. Their ongoing lack of formalised status is an issue for this review.

The initial planning and implementation of Safe At Home was a 'top down' exercise. However, once the framework was in place, there was an extensive process to establish detailed understanding of the reforms amongst relevant service delivery agencies. As well as specialised training for VSRTs and operational police members, there was a general training program conducted in all regions over a twelve month period². The priorities for the initial training program were to ensure that key personnel and stakeholders who would be either directly or indirectly involved in Safe At Home had detailed knowledge of the initiative and its aims and objectives as well as an understanding of the research and priorities underpinning the approach. The training also aimed to ensure that stakeholders understood the integrated intervention response strategy, the new protocols and referral processes, and the new legislation and policy and related products or documents.

² Success Works was involved in the delivery of this training in 2004-2005.

5 Best Practice in Family Violence Interventions

As part of our review, Success Works has examined the international literature in relation to best practice in response to family violence. This chapter provides a summary of what the literature says about best practice.

The literature identifies the following key principles of best practice:

- Agencies (including Police, courts, services for victims, health services etc) should collaborate to ensure an integrated response to family violence
- The system must acknowledge and treat family violence as a criminal act
- The safety of victims and children must be the primary consideration of everyone concerned
- Service should seek to empower the victim
- Services should be responsive to the experiences and needs of children
- Culturally competent services should be available for ATSI and CALD victims
- Offenders should be held responsible for their violence
- Prevention and early intervention strategies should be part of the response
- Service providers should be committed to ongoing family violence training and education of their staff.

Each of these factors is briefly discussed below.

5.1 Integrated response

Family violence is the responsibility of many agencies in government and many non government agencies across multiple sectors. Victims of family violence often need services from a number of agencies simultaneously. Services need to operate from a basis of co-operation and collaboration so that victims and offenders needing support can easily access the range of services they need.

Interagency cooperation is often achieved through interagency protocols. Such protocols define the way in which agencies will work together, guide the extent of collaborative action and the manner in which that collaborative action takes place and guide how referrals are carried out. Respectful and cooperative personal and professional relationships between managers and workers in agencies are also important in terms of achieving integrated effort.

Where family violence offender intervention programs are being offered it is critical for professional liaison to occur between service providers working with the offenders and services working with victims and children.

5.2 Family violence as a criminal act

Services working with people affected by family violence must acknowledge and accept that such behaviour constitutes a criminal offence and should be treated as such. Offenders often reject the notion that their behaviour is criminal particularly in respect to offences that involve causing fear, isolating their partner or damaging property. It is therefore important that all people working with people affected by family violence maintain an understanding that such behaviour constitutes criminal offences in order to be able to inform and protect their clients. Victims too need to understand what constitutes violence and that family violence is against the law.

5.3 The safety of victims and children

The personal safety for victims and children should be the most critical concern for everyone involved in the response to family violence. Safety includes the physical, mental and social well-being of the person. The impact of abuse and violence needs to be understood not only in terms of physical safety but also in terms of the infringement of the victim's rights and freedoms.

The primary objective of all services involved in responding to family violence should be to promote the safety of victims and children. Services should have clearly prescribed boundaries on confidentiality for the client-worker relationship and make those known from the beginning. Workers should be skilled in identifying the indicators of violence and in identifying potential risks of harm to the victim and/or children. Workers should also have skills in alerting victims who may not perceive that they may be at risk.

5.4 Empowerment of victims

Empowerment is associated with encouraging victims to make their own choices and identify their own goals. This way of working is important because:

- Victims should not feel further disempowered or further abused by the legal process
- Different victims may have different support needs.
- Services working with adults who are victims of family violence should operate from a position of listening and believing and, drawing on the strengths and resources of the victim in a non-judgmental manner, support them to make their own choices from an informed position.

5.5 Responsive to children

Children can be direct or indirect victims of family violence. They may be the victim's own children, step children or part of the extended family such as grandchildren, nieces and nephews.

Children should have access to child focused services with specific skills, in dealing with family violence. All services responding the family violence should ensure that their staff are aware of the potential impact of family violence on children.

Children suffer both short and long term ill effects from living in homes where there is family violence. However, for many children there is no long-term effect because of factors that increase their resilience.

Services providing intervention with children should:

- Emphasise that violence is not acceptable
- Assign responsibility for the violence to the offender
- Address children's fears realistically
- Facilitate children's expression of feelings
- Provide information and explanations on what is happening
- Assist children to develop their own individual safety plans
- Assist children to learn effective ways of dealing with trauma
- Assist children to identify appropriate support persons outside of the immediate family
- Work to reduce children's isolation.

5.6 Culturally competent services

Agencies should have an understanding of different cultural perspectives on family violence and a commitment to *cultural competence* in their delivery of services. This includes offering support from workers who are familiar with the victim's customs, religious influences and family structures. Services should also have direct service delivery and strategic connections to relevant culturally specific agencies. Interpreters (including the Telephone Interpreting Service) should be used when communicating with people who are not proficient in English. Children must never be used to interpret sensitive information about family violence.

In considering the response to violence in Aboriginal families and communities, it is important for agencies and individual staff members to understand the impact of colonisation on these families and communities and the fear that many Aboriginal people have of the involvement of statutory bodies in their

lives given high levels of incarceration for Aboriginal men, deaths in custody and the history of the removal of children.

Concepts of safety for Aboriginal victims should also extend beyond physical safety and physical location, to incorporate concepts of cultural safety, threats to cultural identity, cultural appropriateness and cultural relevance.

5.7 Offenders held responsible

People who commit acts of family violence must be held responsible for their actions and not allowed to 'blame' the victim or anything else for their use of violence (including blaming their anger, use of alcohol or drugs, stress levels, arguments at work). While some or all of these factors may have been present, it is the offender who chose to use violence. Many offenders try to minimise their violence or deny it altogether.

However, while offenders must be held responsible, many also need (and want) assistance to change their behaviour. Resources should be available for behaviour change programs within an overall response to family violence which maintains priority for the safety of victims and children. Such programs and interventions should assist the offender to gain insight into their use of violence and develop strategies to avoid such use of violence in the future.

5.8 Prevention and early intervention

To be effective, systemic responses to family violence should include approaches which seek to prevent family violence and reach out to those who may be at risk of, or experiencing, family violence who are outside the current service system. This requires targeted and general community education and awareness raising.

VicHealth (2007) have identified three themes that should underlie the prevention of family violence:

- Promoting equal and respectful relationships between men and women
- Promoting non-violent social norms and reducing the effects of prior exposure to violence (especially in children)
- Improving access to resources and systems of support.
- Early intervention capacity is increased through the involvement and education of mainstream services and universal service providers (schools, hospitals, general practitioners).

5.9 Ongoing Education and Training

Family violence is a complex issue that crosses many sectors (legal, health, welfare, family support, alcohol and drugs, mental health). Ongoing education

and training is required within relevant organisations and for individual staff to ensure up-to-date cross sectoral knowledge of family violence and the systemic response. Without ongoing education and training there is a risk that individual biases and judgements will dominate the response and undermine the collaborative effort.

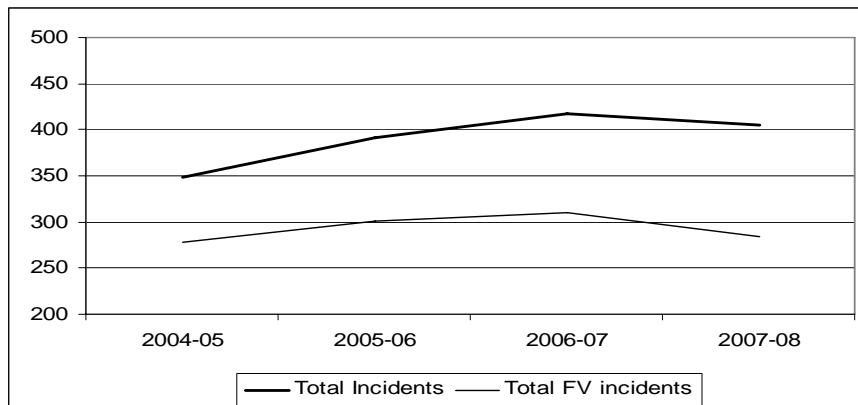
6 Safe At Home Data

Success Works has conducted an analysis of Safe At Home data collected by the Department of Justice from 2004 to 2008. We have been advised that the data is of high quality in terms of its accuracy, interpretability and coherence³. It should be noted that aggregate data across different time periods are not directly comparable due to 2004-05 data only covering the period Oct 2004 to June 2005, and the 2007-08 data covering different periods of the financial year, depending on the source under consideration. Consequently, where possible, monthly averages, rather than yearly aggregates, are presented in order to improve comparability of data across time periods.

6.1 Police activity

- The following chart shows the average monthly number of incidents attended by police over the past four financial years.

Figure 1: Average number of incidents per month attended by police by year



During the first three years of Safe at Home the total incidents attended by police increased, before declining marginally in 2007/08. Specifically, the average number of family violence incidents per month increased from 279 to 310 (11%) between 2004/05 and 2006/07, and then decreased to 284 in 2007/08. Interestingly, the number of 'family arguments'⁴ increased steadily

³ See Australian Bureau of Statistics Data Quality Framework (e.g. ABS (2005), Information Paper: External Causes of Death, Data Quality, (cat. no. 3317.0.55.001)

⁴ Described by Tasmania Police as a dispute between persons in a family relationship where violence as defined by Section 7 of the *Family Violence Act 2004*, has not and is not likely to be committed.

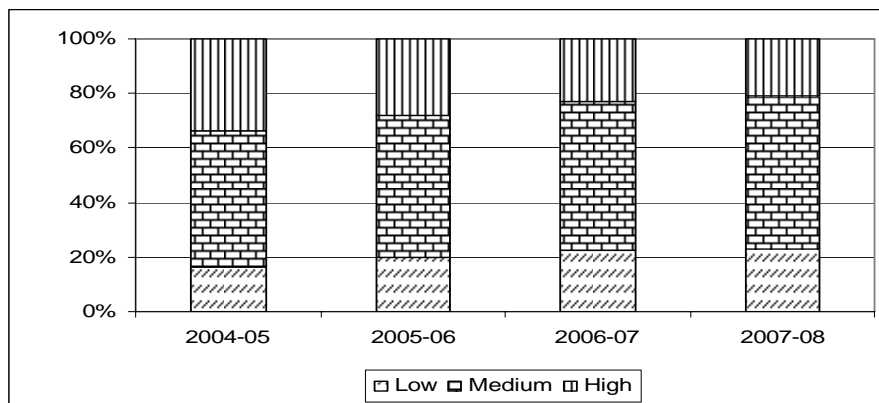
across the four year period (70 to 89 to 108 to 121), somewhat negating the decline in family violence incidents.

When police attend a family violence incident, they administer the RAST (Risk Assessment Screening Tool). The RAST indicates the likelihood of the offender repeating or escalating their violence. The likelihood of violence is determined as low, medium or high risk. It is important to note that the RAST relates to the likelihood of further family violence occurring, rather than providing an estimate of the likely 'seriousness' of any further incident.

Since March 2006, risk assessments have been completed by police attending at least 90% of all family violence incidents. Before this period, risk assessments were only completed where the attending officer had completed training in completion of the process. Consequently, care should be taken when comparing the 2004/05 financial year data with data from subsequent years.

The following chart demonstrates how the assessed level of offender risk has changed over the life of the program.

Figure 2: Assessed level of risk of offenders as a proportion of all risk assessments



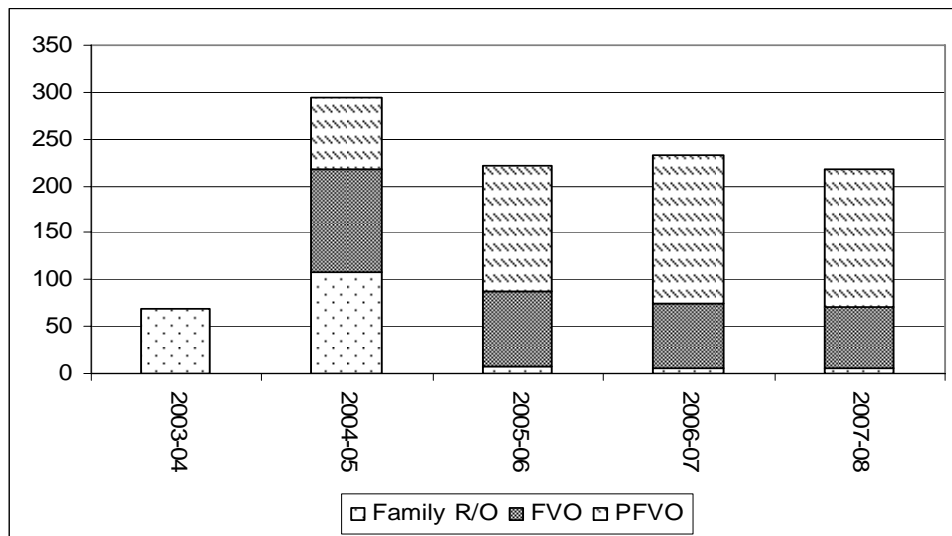
There has been a notable reduction in the proportion of incidents assessed as involving high risk offenders, from 34% in 2004/05 to 21% in 2007/08. Correspondingly, the proportion of medium level risk offenders has increased from 50% to 56%, whilst the proportion of low level risk offenders has increased from 16% to 23%.

Given the increase in the likelihood of a risk assessment being administered in response to a family violence incident across the four years (and, in particular, the lower likelihood of a risk assessment being undertaken in 2004/05 and 2005/06 compared with 2006/07 and 2007/08), it is possible that the apparent decrease in the level of risk of a typical incident reflects changing police practices and skills levels, rather than a change in the characteristics of the offender group.

6.2 Court Activity

The following charts demonstrate the change in the nature of the work undertaken by the courts (and police) since before Safe at Home and across the life of the program.

Figure 3: Average number of new applications for family violence related orders per month by year

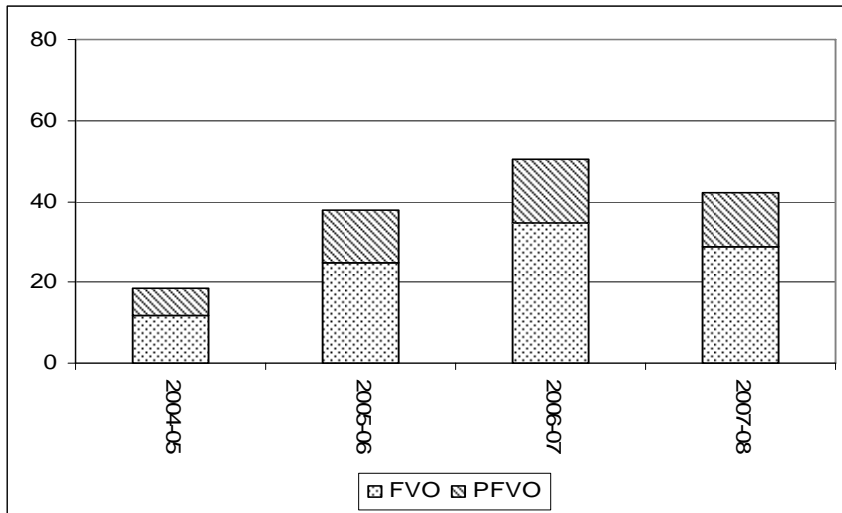


There was an approximate four-fold increase in the total number of new applications for orders between 2003/04 and 2004/05 (69 orders to 294 orders). The number of new applications then declined in 2005/06 (to 222 orders), and has been relatively steady across the last two financial years.

In 2003-2004, the only order available to the courts was a Restraining Order (R/O). FVOs and PFVOs became available in 2005 with the introduction of the *Family Violence Act 2004*. The number of R/Os increased by 58% between 2003/04 and 2004/05 (69 to 109). Since 2005/06, however, R/Os have dramatically declined, and now comprise around 3% of all applications for new orders, compared with 37% of new orders in 2004/05.

The number of new applications for FVOs has followed a similar trend to the overall pattern of new applications. Specifically, the number of FVOs declined between 2004/05 and 2005/06 and has been relatively steady since. By contrast, the number of new applications for PFVOs increased substantially between 2004/05 and 2005/06 even though the numbers of PFVOs have also been steady across the last two financial years. For each financial year since 2005/06, PFVOs have comprised at least 60% of all new orders, meaning that police now issue the majority of all new orders (rather than the courts).

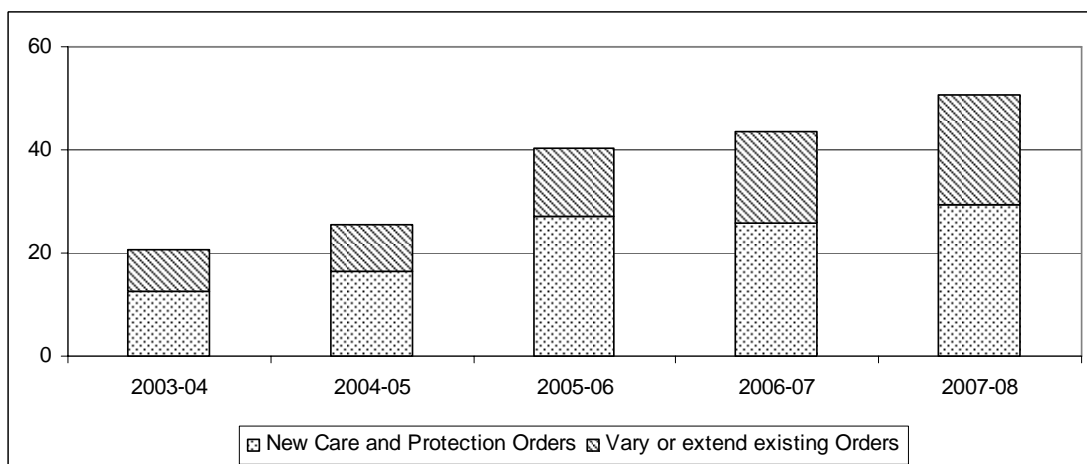
Figure 4: Average number of applications to vary and revoke existing orders per month by year



The number of applications to vary and revoke existing orders increased steadily between 2004/05 and 2006/07, before declining somewhat between 2006/07 and 2007/08. Applications to vary and revoke both FVOs and PFVOs have followed similar patterns of movement across this four year period, with there being approximately twice as many applications to vary FVO as PFVO in each of the four years.

Safe At Home has had a significant impact in relation to child protection matters in the courts. While the absolute numbers may not appear to be particularly high, the percentage increase in these matters across the life of Safe At Home is significant, as is the body of work for the courts associated with these matters. The following chart shows the average number of applications received each month.

Figure 5: Average number of applications for new care and protection orders and applications to vary or extend existing care and protection orders per month by year

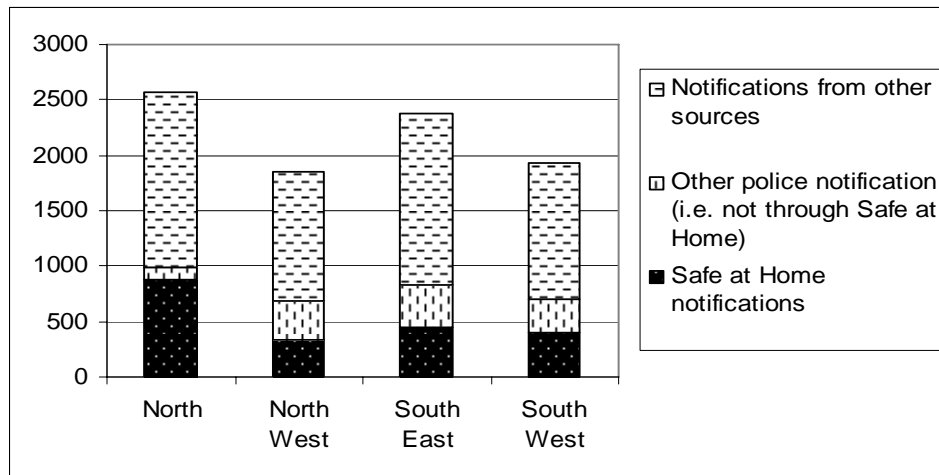


Prior to Safe At Home, in 2003/04 there were an average of about 20 applications per month for either new Care and Protection Orders or to vary or extend existing Care and Protection orders. By 2005-06 and 2006-07, this

number had doubled to around 40 applications per month, and increased by a further 10 orders per month in 2007-08. Unfortunately, it is not possible to identify which of these child protection matters have resulted from a family violence incident.

Data from the Department of Health and Human Services (below) compares the number of child protection notifications initiated since February 2008 across each region in Tasmania.

Figure 6: Impact of Safe at Home Program on Child Protection Notifications



It is apparent that the Safe at Home Program has had an impact on the number of Child Protection Notifications. Across the state, notifications initiated through Safe At Home comprise almost one-quarter (23.6%) of all child protection notifications. Moreover, notifications through Safe At Home now account for the majority of all police child protection notifications (63.9%).

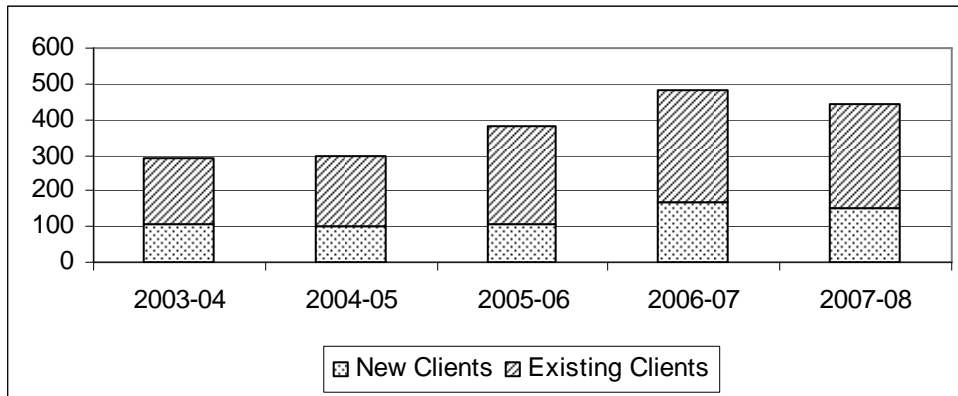
It is also apparent that the impact of the Safe At Home Program on the number of child protection notifications varies between regions. Specifically, in the Northern region (the region with the highest number of notifications), notifications through the Safe At Home program comprise more than one-third (34.1%) of all notifications; and almost nine in ten (88.4%) notifications initiated by police. By contrast, in the three other regions, notifications through Safe At Home comprise around one-fifth of all notifications and around half of the notifications initiated by police.

It has been suggested that the increase in child protection applications may be partly ascribed to Safe at Home identifying families who are at risk. Rarely is any child protection application brought solely because of family violence. There are almost always issues of mental health, neglect, substance abuse and/or school non-attendance.

6.3 Adult Counselling

The Family Violence Counselling and Support Service (FVCSS) offers assistance to adult victims of family violence. The following chart shows the growth in the number of people contacting the adult counselling service.

Figure 7: Average number of new and existing clients per month accessing adult counselling services



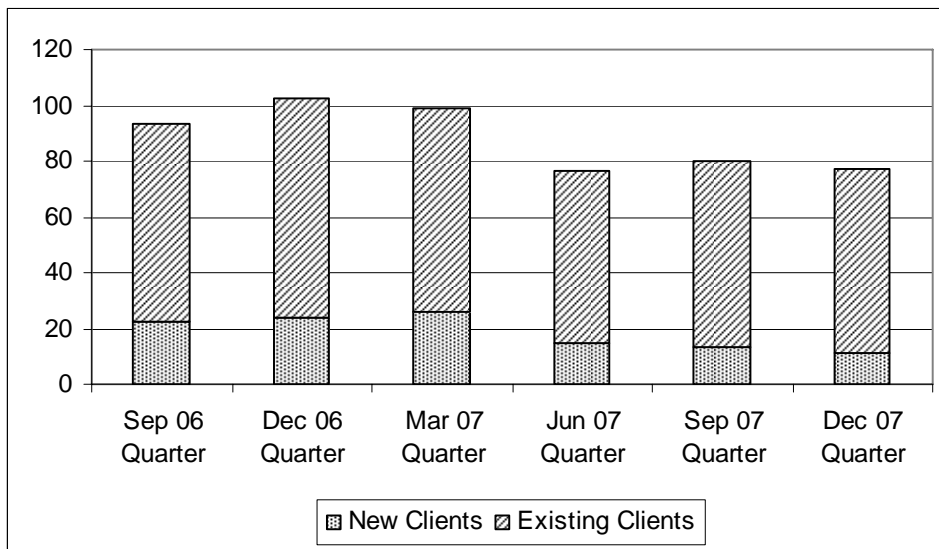
The average number of clients accessing adult counselling services increased by approximately 25% between 2004/05 and 2005/06 indicating the impact of Safe At Home on the utilisation of adult counselling services. Although the number of existing counselling clients remained relatively steady between 2005/06 and 2006/07, the number of new clients continued to grow, increasing the total number of clients. The total number of clients declined marginally in 2007/08.

It should be noted that the growth in the number of clients between 2005/06 and 2006/07 can be particularly attributed to increased activity in the North West region. At present, reported activity in the North-West is similar to that of the (much larger) South region. This is inconsistent with family violence activity in general, which is similar per capita in each region. Consequently, the high rate of counselling in the North West region may imply a 'counting' or 'administrative' difference between regions, rather than a higher (and increased) level of demand for adult counselling in the North West.

6.4 Child Counselling

The Children and Young Person's Program (CHYPP) provides support service for children who are 'affected' by family violence and who are living in families where violence is no longer occurring. CHYPP does not accept referrals of children who are currently living in violent homes. Data for CHYPP has only recently been collated and the following chart shows activity on a quarterly basis for 2006-07 and 2007-08.

Figure 8: Average number of new and existing clients per month accessing children counselling services

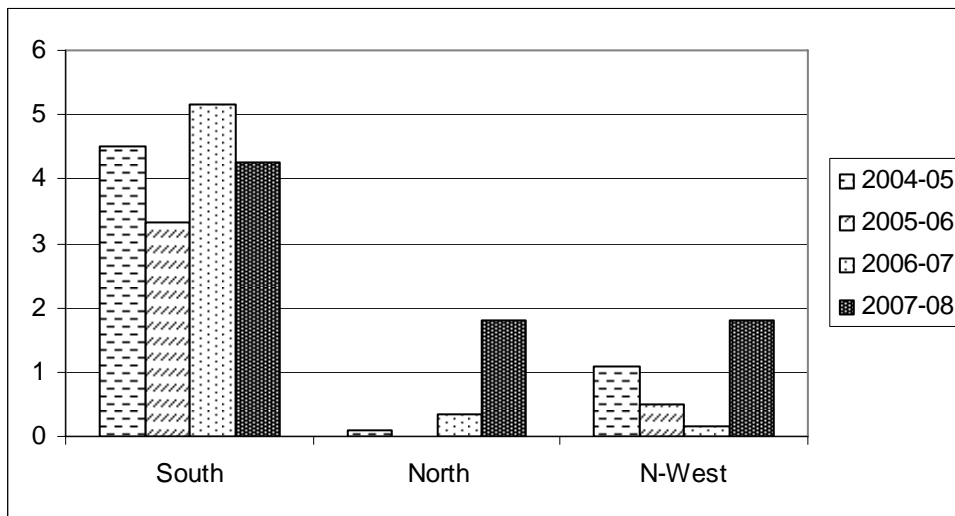


From viewing the above chart, it is apparent that the number of children receiving counselling declined between the March 2007 and June 2007 quarters, and remained at the lower level through to December 2007. The CHYPP program have indicated that they have a significant waiting list of children waiting for access to their services.

6.5 Offender Program

The following chart shows the average number of referrals per month for assessment onto the family violence offender intervention program.

Figure 9: Average number of referrals for offender program assessments per month by region by year

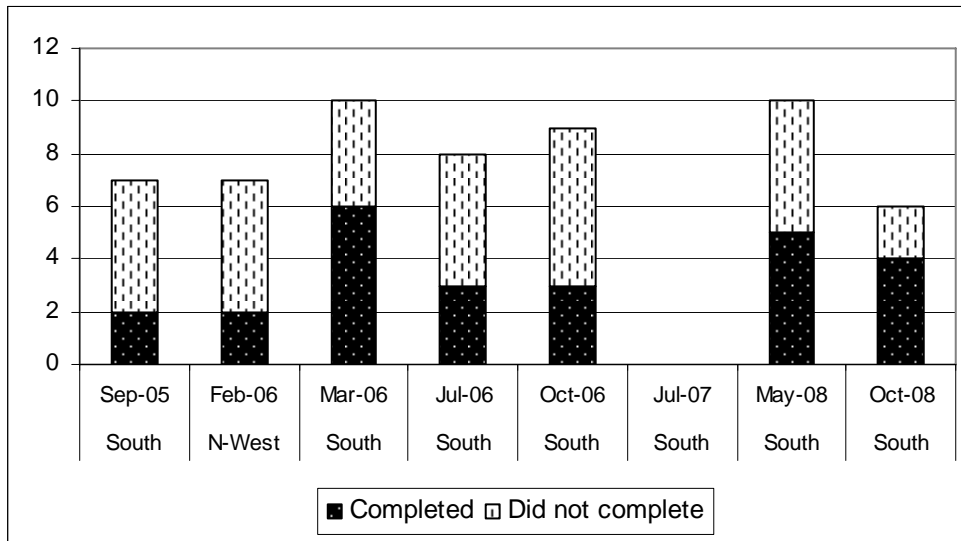


It is apparent that the average number of offender program referrals has been significantly greater in the South region, compared with North and North-West between 2004/05 and 2006/07. However, this pattern changed somewhat in 2007/08, with a notable decline in the number of assessments in the South region, and notable increases in the number of assessment in the North and North West regions.

The above chart pertains to the average number of offenders *referred* for assessment only, and does not indicate offenders subsequent *suitability* for participation in the Offender Program following the assessment. Although program suitability data is only available for a two year period (October 2004 to October 2006), during this period, 58 of the 130 individuals (45%) assessed for the offender program were deemed suitable for participation in the program.

Having established that an individual is suitable for the offender program, the final step would be for the offender to actually undertake the program. Consequently, the chart below considers the number of actual participants in the Offender Program by region.

Figure 10: Description of each Offender Program iteration and the number of participants in each program iteration by program completion



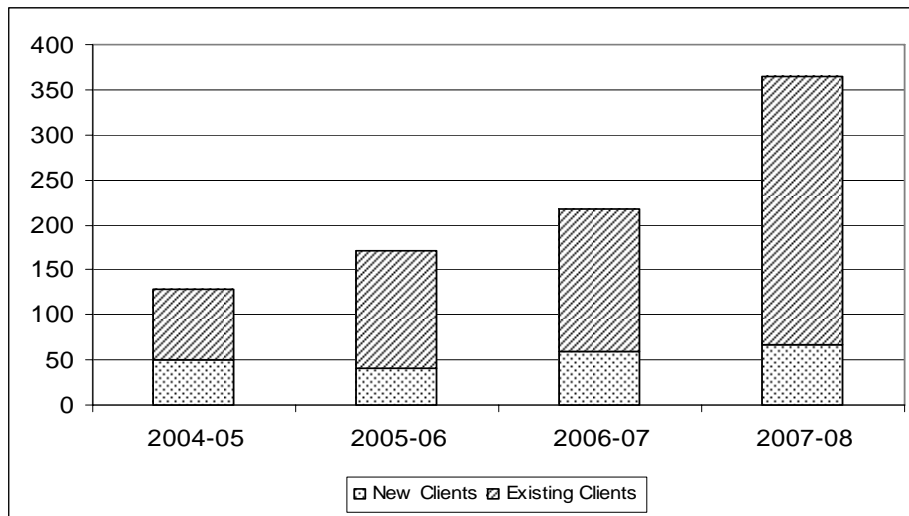
Viewing the above chart, it is apparent that eight Offender Programs were provided between September 2005 and October 2008. All but one of these programs took place in the Southern region (with the exception being the program undertaken in February 2006 in the North West region). Four of the eight programs occurred in 2006 with only 3 occurring in the following two years.

In total, across the three year period, 57 participants began the Offender Intervention Program, and 25 (44%) completed the program. Note that data around program numbers and number of participants completing the program was not available for the Offender Intervention Program in the Southern region in July 2007.

6.6 Court Support

The following chart shows the average number of court support clients per month for each year.

Figure 11: Average number of court support clients per month by year

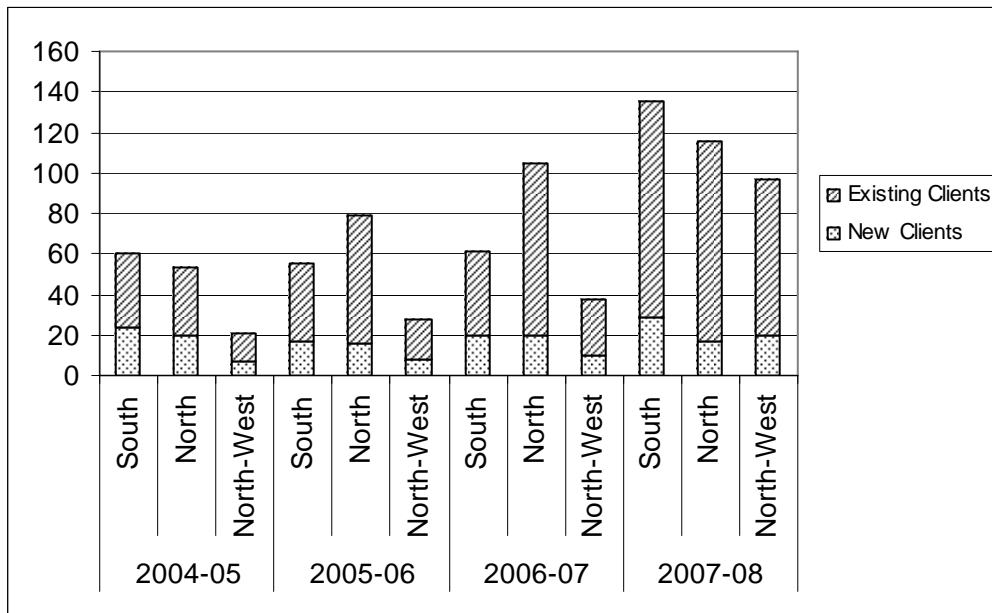


The chart shows that the average number of court support clients grew steadily between 2004/05 and 2006/07, before increasing substantially in 2007/08. Although there has only been a moderate increase in the average number of new clients using the service each month across the four year period (49 to 67, 37%), there has been an almost four-fold increase in the average number of existing clients per month (79 to 299, 278%). From this data, it would appear that a number of clients that engage with court support services continue to engage such services (or, at least, continue to be identified by court support services as clients) for an extended period of time.

In terms of how clients come into contact with court support services, 90% of clients 'phone-in', whereas 10% of clients 'walk-in'.

With regards to the Indigenous status of court support services clients, across the four year time period, 3.5% of new clients and 5.4% of existing clients identified as being Aboriginal and/or Torres Strait Islander.

Figure 12: Average number of court support clients per month by region by year

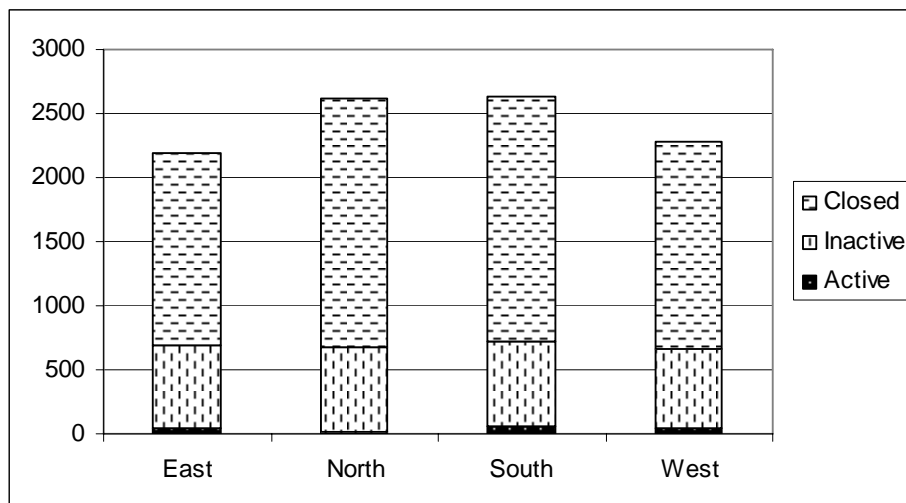


The above chart reconfigures the court support services data by region. It is apparent that the North region had the highest number of clients in the middle years (i.e. 2005/06 and 2006/07), whilst the South region had the highest number of clients in the first and last year (i.e. 2004/05 and 2007/08). Whilst the total number of clients in the North region has grown steadily across the four year period, this pattern of growth in client numbers is far more sporadic in the other two regions. Specifically, client numbers in the South region were almost completely static between 2004/05 and 2006/07, however more than doubled in the 2007/08 financial year, mainly as a consequence of a substantial increase in the number of existing clients. Similarly, for the North-West region there was steady growth in the number of court support service clients between 2004/05 and 2006/07; however client numbers in this region increased dramatically in 2007/08, by as much as 162%. Although the average number of new clients each month doubled between 2006/07 and 2007/08 in the North-West region, again most of this increase was driven by an increase in the number of existing clients.

6.7 Case Coordination

The following chart shows the number of family violence 'cases' and their status by each district as at June 2008.

Figure 13: Number of family violence cases by status for each ICC



It is apparent from the above chart that the numbers do not differ significantly by district. Across the state, only 2% of cases are classified as 'active' (meaning that they are reviewed weekly). About 72% of cases across the state have been closed with approximately one quarter of cases being classified as 'inactive' meaning that they remain on the case list for case coordination to review on a 'less than weekly' basis.

6.8 Gender of offenders

Data provided on the gender of offenders⁵ demonstrates that whilst the majority of family violence incidents involve male offenders, more than one quarter of Safe At Home cases (28%) over the past four years have involved female offenders.

It is notable that the ABS has produced recent data (2006) which also suggests a higher level of violence committed by women than expected. The ABS found in response to its national Personal Safety Survey⁶ that in the 12 months prior

⁵ Note that data relating to the gender of victims and offenders is inclusive of the period June 2005 to September 2008.

⁶ The Personal Safety Survey is considered to be the most reliable population-based survey providing information on physical and sexual violence and abuse in Australia. Interviewers are trained to ask questions in a sensitive manner, only female interviews conduct the survey (although respondents do have an option of requesting a male interviewer) and the surveys are conducted face-to-face (although respondents do have the option of answering the survey over the phone).

to the survey, 22.3% of victims of recent (last 12 months) physical violence committed by a partner of the opposite sex were male⁷ and that 28.0% of victims of partner (physical) violence within heterosexual relationships over their lifetime were male. It should be noted however that the ABS published data does not consider the seriousness of the physical violence nor the frequency of the violence for each individual. It does however record whether respondents perceived the most recent incident of physical assault as a crime. Approximately half (45.2%) of female victims considered the assault a crime when the act was committed by a male while less than one quarter (21.4%) of males considered the assault a crime when the act was committed by a female. This may be an indication of the perceived seriousness of the assault.

Nevertheless, given the traditional (and still relevant) view is that the majority of family violence is committed by men against women; the relatively high proportion of female offenders in Safe At Home warrants additional analysis and discussion.

In exploring the Safe At Home data further, the first issue considered was whether female offenders had also been classified as victims within the same incident or in another incident with the same partner. There is some suggestion in the literature (eg Braaf and Sneddon, 2007) that the incidence of dual arrest has increased in jurisdictions adopting a pro-arrest policy (such as Tasmania).

Analysis of the data indicates that dual arrest accounts for around 25% of cases (N = 740) in which women are offenders (and around 8% of cases in which men are offenders). Although not the majority, the fact that dual arrest is occurring in at least some instances warrants further consideration as part of this review. The literature indicates that the consequence of arrest of victims can include:

- Distrust of the police to provide protection
- Increased vulnerability to manipulation and violence by the offender
- Loss of confidence in capacity to protect themselves or their children
- Loss of rights and freedoms through the acquisition of a criminal record.

Of the remaining 75% of cases involving women offenders, another 15% (N= 444) had been a victim of family violence on at least one occasion during the four year Safe At Home period with another partner.

This means that 60% of women offenders (N = 1616) had not been recorded as victims of family violence by police at any time during Safe at Home.

⁷ Data concerning same sex partner violence was not available (due very low numbers in cells).

The third issue is whether women offenders tend to have women or men victims. The data suggests that women offenders have men victims in 95% of cases, and women victims in only 5% of cases.

In sum, it can be stated that the majority of women offenders were not victims in the same case (75%), had not been a victim of family violence at all within the last four years, at least as determined and recorded by police (60%) and had male victims (95%).

7 Consultation Findings

The following sections detail the discussions generated from the consultations, public submissions and literature review conducted by Success Works from September to December 2008. Material from the interviews, focus groups, review and submissions are divided into:

- An overview of what is working well with SAH at present from the perspective of those involved in the discussions;
- Discussions based around the five questions formulated for the public submission process.

7.1 What is Working Well?

Based on the consultations and written submissions, four key points emerge as the main strengths of Safe At Home:

- **Increased public awareness of family violence.** Family violence is now considered to be clearly on the public agenda in Tasmania compared to the period prior to Safe At Home.
- **Improved legal recognition for family violence.** Before Safe At Home family violence was 'lumped in' with neighbourhood disputes where the issues were seen to relate to 'disputes' or disagreements between individuals. With Safe At Home, there is an improved recognition of the seriousness and criminal nature of family violence.
- **Victim is not the driver of the response.** The fact that victims are no longer the determinants of the legal response is considered to be a major achievement of Safe At Home. Now the police take responsibility for pressing charges and victims have the prospect of respite from the offender at home and the chance to experience a new phase of their life without the stress and pressure of living with potential and actual violence.
- **Improved police response to family violence.** Police are said to be taking their responsibilities under Safe At Home very seriously. The clarity of the police procedures has led to increasing confidence within police in relation to their role and their responsibilities in family violence situations.

Other areas noted as working well were:

- **Integrated Case Coordination meetings (ICCs).** ICCs are considered to be a particularly effective part of Safe At Home because they bring together previously separate government organisations and allow effective information sharing and case management. However it should be noted

that the ICC process is not separately funded or resourced as part of Safe At Home and this issue may need to be addressed in future.

- **Court Support Liaison Officers.** CSLOs act as a conduit to the legal process for victims and are trusted by victims because they are 'not in uniform'. Support from CSLOs means that victims are more likely to remain involved with the court system and be willing to give evidence in court hearings which results in more cases being heard and more orders being granted.
- **Family Violence Counselling and Support Service.** It was said that, as a result of the support from FVCSS, victims are more able to participate in the process.
- **ICC database.** While it still requires further development, the ICC case based database manually collated and maintained by the Department of Justice is considered to be a vast improvement on previous data systems by allowing data from multiple agencies to be linked.
- **Reverse onus for bail.** Changes to the bail system were reported positively as a means of providing immediate safety for victims of family violence (noting however, that several submissions also expressed concern about the bail provisions and the potential for people to be held on remand for lengthy periods of time).

7.2 Consultation Questions

The following sections detail the discussions from interviews, focus groups and written submissions. Where relevant, findings from the literature review have also been included.

7.2.1 What would achieve a reduction in the level of family violence in the medium to longer term?

This question asked people to identify priorities for Safe At Home that would make it even more effective into the future.

- The following suggestions were made in the consultation/submission process:
- Need for longer term strategies to reduce the risk of family violence
- Greater emphasis on early intervention and prevention
- Need to resolve competing paradigms of family violence
- Need for a more effective approach to Indigenous family violence
- Need for further ongoing family violence education for the Tasmanian community and Safe At Home organisations
- Need for integrated effort across government and non government agencies
- Need for coordinated data collection and recording systems.

The best practice literature (summarised in Chapter Five) reinforces a number of these suggestions (ie a greater emphasis on prevention and early intervention, more effective approaches to Indigenous family violence and the need for integrated effort).

Each of these issues is addressed below.

Longer Term Strategies to reduce risk

Consultations identified that Safe At Home is largely effective as a short-term strategy dealing with the immediate threat of family violence. The Family Violence Act 2004 offers steps to reduce immediate risk including removing the offender from the family home and offering supports and counselling to the victim. However, it was suggested that Safe At Home only really offers a short-term solution (or 'band-aid') to a more complex and longer term problem. Safe At Home operates as a deterrent for further family violence whilst the family violence order is in place. There is less confidence that, in its present form, Safe At Home is effective in reducing and preventing family violence in the medium or longer term. In fact, some stakeholders identified the zero tolerance approach of Safe At Home and the adversarial and complex nature of breaches as being likely to further fracture family relations which may lead to

an escalation of risk in the longer term. These stakeholders suggested parallel community based strategies to build positive family relationships as a needed additional approach.

The literature suggests that longer-term strategies should encompass prevention and early intervention approaches (see below) that seek to create more equal and respectful relationships between individuals within families and in communities and address the underlying causes of inequality and exclusion in society.

What additional strategies could be put in place to reduce the risk of family violence in the medium and longer terms?

Prevention and Early Intervention

As indicated above, closely related to the need for positive longer-term approaches to family strengthening is the call for more emphasis on prevention and early intervention approaches alongside Safe At Home. Prevention and early intervention strategies were identified during the consultations as crucial to achieving an overall reduction in family violence. Safe At Home is seen as dealing with the crisis-end of family violence rather than its prevention-end or addressing the long-term effects of trauma on victims rebuilding their lives.

VicHealth (2007) has developed a framework for the prevention of family violence that clearly discriminates between 'intervention' (or tertiary prevention) which occurs after an family violence incident has occurred (i.e. Safe At Home); early intervention (or secondary prevention) that occurs when there are early signs that family violence may occur and (primary) prevention, which seeks to prevent the violence from ever occurring. Primary prevention can be directed towards the whole population (as in general awareness campaigns) or towards groups who may be at higher risk of violence in the future (such as adolescent young men). Primary prevention can also tackle the 'structural, cultural and societal contexts' in which family violence occurs.

What prevention and early intervention strategies should be put in place to support Safe At Home? Who should be responsible for these?

Competing paradigms

Consultations identified at least two paradigms in operation within Safe At Home. On the one hand, Safe At Home has adopted a paradigm in which family violence is seen as a criminal act deserving of a criminal justice response the same as any other act of violence (reflecting the best practice literature summarised above). This paradigm understands that family violence is a crime and that the state has a role in the prosecution of crimes in the interest of specific and general deterrence. On the other hand, service providers such as the FVCSS operate according to a paradigm that understands family violence to

be the result of unequal power and control within the family supported by an unequal and patriarchal society, that requires responses to empower and build the capacities of victims while ensuring offenders are required to take responsibility for their violence (also reflecting the best practice literature).

While these two paradigms do not need to be in competition (indeed, the best practice literature reinforces the need for both paradigms to underlie the response to family violence) there is a feeling that there can be competition between them currently.

It has been reported that an achievement of Safe at Home has been that people across different sectors have reached some understanding of the different paradigms, as well as an understanding that in describing what is occurring different professions may use the same words differently. These same informants recommend vigorous debate drawing on different professional perspectives and challenging fixed frameworks of practice in order to enhance positive outcomes for victims of family violence from Safe At Home.

In what ways can the two dominant paradigms underlying understandings of family violence be better reconciled in order to ensure a cohesive whole of government, whole of community approach to family violence?

Aboriginal Family Violence

Several consultations raised concerns about the capacity for Safe At Home to provide a culturally appropriate response to family violence in Aboriginal communities. There was a feeling that police required additional cultural awareness training and support to understand the impact of culture on the perceptions and actuality of violence in Aboriginal communities. It was also suggested that Police Aboriginal Liaison Officers could be more proactive in building strong links between Safe At Home and Indigenous groups and Indigenous service providers dealing with families affected by family violence.

The literature reinforces the need for *cultural competence* in the response to family violence in Indigenous as well as culturally and linguistically diverse communities. Cultural competence is considerably higher than cultural awareness on the continuum of cultural understanding. Culturally competent organisations are ones which:

- Demonstrate an understanding of their own dominant culture, including its implicit biases and assumptions
- Show a positive commitment towards the inclusion of individuals and communities from different cultural backgrounds
- Have knowledge of different cultural practices and cultural experiences and the influence of these on individual and group worldviews
- Are skilled and effective in cross cultural communication

It was noted during the consultations that there have been ongoing calls for a dedicated safe house for Indigenous women as a “culturally appropriate” response to family violence in Aboriginal communities. Such a response runs contrary to the stated aims of Safe At Home (which aims to provide the means for victims of family violence and children to remain safely in their own home) and requires further discussion.

In what ways can Safe At Home be more effective in enhancing the safety of victims of family violence in Aboriginal communities?

Community Awareness and Professional Education

Education programs on family violence generally and in relation to Safe At Home legal processes and procedures were reported to have been *ad hoc* at best. Since the successful and engaging Safe At Home initial campaign, there has been limited follow-up or development. Both the North and North West RCC’s have held information forums for local service providers. The Southern RCC scheduled a similar forum but it was cancelled due to a lack of interest on the part of non Safe At Home services.

The Legal Aid Commission of Tasmania reported that they offer information sessions about family violence and related areas such as criminal law and family law for groups and organisations when requested to do so. This has included presentations for Aboriginal organisations, the Migrant Resource Centre and other groups.

Consultations suggested that Safe At Home should create strategic links with agencies responsible for general community and school education with the aim of developing general awareness programs which support the aims of Safe At Home. The literature would also suggest the provision of specific anti-violence/respectful relationship programs in schools.

Many also identified the need for ongoing professional education as a crucial part of achieving the aims of Safe At Home. The best practice literature reinforces the need for those working in family violence to have a detailed and up-to-date understanding of the field in order to be effective.

Several stakeholders referred to the handbook currently being developed by the Victorian Women’s Legal Service to accompany the new Victorian family violence legislation. It was felt that Tasmania could benefit from a similar resource.

What priorities should apply to:

(a) Raising community awareness?

(b) Professional education?

Integrated effort

Consultations suggested that there were inconsistencies within government in the way in which family violence was understood and dealt with. It was suggested, for instance, that Housing Tasmania did not understand the need to provide secure accommodation for victims and children. Some victims were said to have experienced negative assessments by Housing Tasmania staff who perceive them to be 'using family violence as a way of getting ahead in the public housing waiting list'.

Differences in understanding of the impact of family violence on children were also reported between the Department of Justice and the Department of Health and Human Services. While the requirement for mandatory reporting of children experiencing family violence in their homes in Safe At Home is based on an understanding of the interconnection between family violence and child abuse, many in the Department of Health and Human Services perceive child abuse to be a separate issue that may be perpetrated by either parent despite the evidence or not of family violence.

There is a further concern that not all related support services are working together effectively. For example, there are accounts of people being referred for emergency support but being turned away because the receiving service does not deem family violence to be a priority area of need.

The literature reinforces the need for effective integrated effort to address family violence. Many agencies deal with people affected by family violence as part of their daily work. Efforts to address or prevent family violence are undermined by agencies or individuals applying different understandings of family violence and different policies. Services should operate from a basis of co-operation and collaboration so that victims and offenders needing support can easily access the range of services they need.

In what way can government and non government agencies work together more effectively to support the aims of Safe At Home?

What structures or processes need to be in place for there to be a more effective integration of services to support victims and children affected by family violence?

Coordinated data collection and recording systems

While the manually collated Safe At Home ICC case-based database was praised as a significant achievement by those in government who have access to it, there was strong support for the development of an integrated Safe At Home information database system which links data electronically. Funding for this database is available within the Department of Justice.

The literature suggests that the collection, analysis and dissemination of reliable data are perennial issues for any complex family violence initiative. In particular, issues about competing definitions and categorisation of family violence 'incidents' require coordination to create consistency and comparability of data sets. There are also issues concerning privacy and the ability to share information about families beyond a small cohort.

In that regard it was suggested during the consultations that access to the ICC database should extend to include non government agencies working with the same families. However, any consideration of extending current access to information and data systems needs to take into account a range of safety and security issues. Individuals currently accessing this information require specific security clearance and designated machines to access the information. All current access to Safe At Home information is trackable and auditable – this level of security is necessary given the risk that parties to an offence or members of their families/friends may access information about risk and safety management strategies being implemented in relation to victims and their children.

It may be that effective information sharing can be achieved without the need for full access to the Safe At Home database. This issue requires further discussion as improved information sharing between government agencies and between government and non government agencies is likely to contribute towards improved levels of service integration.

What requirements should apply to data and information sharing between:

(a) Government agencies?

(b) Government and non-government agencies?

7.2.2 What would improve the level of safety for adult and child victims

This section is divided into two sections: one that deals with adults and one that deals with children.

Adults

Key points to emerge from the consultations concerning improvements to the safety of adult victims include:

- Targeted education to improve understanding of family violence orders
- A victim's rights charter
- Increased access to family violence counselling

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- Cultural awareness and improved responses to victims who do not speak English
 - Further examination of male victims and their needs
 - Mandatory reporting of family violence
 - Increasing material and practical support for victims
 - More attention to the needs of people with disabilities.

Each issue is addressed below.

Targeted Education

According to several stakeholders, specific information on Safe At Home and its implications does not always reach those affected by family violence in an appropriate and systematic way. While CSLOs are highly regarded as effective in helping victims navigate the court system, their capacity to provide ongoing education and support for victims is limited by resources (notwithstanding the data quoted earlier which indicates an increasing number of longer-term clients being supported by Court Support and Liaison Services).

Victims and offenders were said to need more information about what family violence orders mean and ways in which they can apply for variations.

Some suggested that Safe At Home would be even more effective and achieve better outcomes in terms of preventing and reducing family violence if victims were better informed, more supported, and appropriately engaged in the system in positive and cooperative ways.

Targeted education can be provided in a number of ways: through the provision of printed materials; through access to informed staff in relevant services (including in universal services such as schools, hospitals or secondary services, such as family support services) and through websites.

In what way can targeted education be provided to victims of family violence and offenders?

Victim's Rights Charter

Presently, Tasmania does not have a Victim's Rights Charter that deals with victim's issues within the judicial system. The Victims Support Service is currently drafting a charter based on international best practice to protect family violence victims from being re-traumatised through their dealings with the justice system. It was suggested that a Victim's Rights Charter could provide a positive strategy to address victim safety issues while also providing mechanisms that hold the state accountable.

The Victims Charter in Victoria is contained in legislation. It sets out 12 Principles which criminal justice agencies must follow in their dealings with victims of crime and establishes a formal complaints process. Principles include: treatment of victims of crime; entitlements and services; investigation of the crime; prosecution of the accused person; applications for bail; the trial process and the role of the witness; protection from the accused in court; Victim Impact Statements; privacy; storage and return of property; Victims Register and compensation

The NSW Charter of Victims Rights contains 17 principles relating to: courtesy, compassion and respect; information about services and remedies; access to services; information about investigation of the crime; information about prosecution of accused; information about trial process and role as witness; protection from contact with accused; protection of identity of victim; attendance at preliminary hearings; return of property; protection from the accused; information about special bail conditions; information about outcome of bail applications; victim impact statements; information about impending release, escape or eligibility for absence from custody; submissions on parole and eligibility for absence from custody of serious offenders; and compensation for victims of personal violence

It is reported in Victoria that the Victims Charter has provided a common framework of victim empowerment that can be used by various services and departments who are working to improve the treatment of victims of crime.

What value could a Victims Rights Charter offer to Safe At Home and the safety of victims of family violence?

Increased access to family violence counselling

The Family Violence Counselling and Support Service provide access to counselling support from 9 am to 12 midnight on weekdays and 4 pm to 12 midnight on weekends and public holidays. Outside of these times, victims who are experiencing crisis who contact the Police Family Violence Response and Referral Line (FVRRL) are referred to Lifeline for counselling and support. The FVCSS have reported that there have been a number of unsuccessful attempts to transfer calls to Lifeline and that it would be more effective to extend the current funding to the FVCSS to provide a 24 hour 7 days per week crisis response.

The Department of Justice have collated data which indicates that 18% of calls to the Police Family Violence Response and Referral Line fall into the period 9pm to 9am and an even smaller proportion are between midnight and 9am. The data also indicates that 71% of calls fall within normal business hours from 9am to 6pm.

What is the need for after-hours crisis support service for victims of family violence?

Cultural awareness

It was suggested throughout the consultations that little use is made of interpreters within Safe At Home at any stage in the process and that there is a danger that people who do not understand English are not receiving the same level of support as other victims and families. It was suggested that lack of interpreters had led to specific misunderstandings and confusion on some occasions.

It was also reported that there may be some need for police and support services to receive some cultural awareness and sensitivity training in order to be able to deal effectively with family violence in different cultural contexts.

As indicated earlier, the concept of *cultural competence* is relevant to the way in which agencies and individuals interact with culturally and linguistically diverse communities. Cultural competence is a higher order objective than cultural awareness and requires a whole of organisation commitment together with ongoing training.

In what way could Safe At Home be made more effective for people from culturally and linguistically diverse backgrounds?

Male victims

Some consultations noted that male victims were not well catered for within Safe At Home. It was suggested that male victims may be turned away when they seek support from services that only want, or expect, to deal with women.

Since the commencement of Safe At Home a significant proportion of family violence victims have been men (around 28%). While there is some evidence, reported earlier, that dual arrest occurs on occasion (that is the arrest of both partners involved in a family violence incident), it is also clear that in well over half of the cases involving women offenders and male victims there is no evidence of the woman having been a victim of family violence in the current or a past relationship.

Understanding male victims of family violence is complex. As reported in Mulronev and Chan (2005) it can be difficult to differentiate men who are offenders from male victims. They report on Scottish research (Gadd et al, 2002) which categorised a group of male victims into four groups following in depth interview: primary instigators, equal combatants, retaliators and non-retaliatory victims. Bagshaw and Chung (2000) found key differences between men's and women's experience of family violence:

- Men were less likely to be living in an ongoing state of fear from the offender
- Men who were victims did not have experiences of being a victim in prior relationships
- Men rarely experienced post-separation violence.

They found that men reported a range of physical abuse including 'direct assaults, being spat at, scratched, hair pulled, pots thrown, being rushed at, kicked, choked and threatened with a knife' and verbal and emotional abuse such as 'putdowns, accusations of infidelity, 'bitchy' comments, and name-calling' (Bagshaw and Chung (2000) as quoted in Mulronev and Chan, 2005).

Mulronev and Chan (2005) suggest that consideration needs to be given to the following issues in order to deal effectively with male victims of family violence:

- Data collection – accurate data needs to be collected in relation to the gender of victim and offender and the nature of the offence. Additional data about the level of fear of the offender is also relevant
- Research methods – research examining men as victims of family violence should employ tools that recognise the context in which family violence occurs (i.e. an unequal access to power by men and women in society)
- Theoretical models – while the feminist model has been criticised for its inability to explain women's violence towards male partners, there is also an argument for retaining the feminist analysis which sees violence as

occurring in the context of 'perceived entitlement and institutionalised power' (Mulroney and Chan, 2005). They also advocate for the development of new conceptual frameworks that broaden knowledge about men and women's violence.

- Implications for service providers – Agencies responding to family violence need to publicise their availability for men and consider ways in which they can effectively support men (recognising that men are socialised to be 'invulnerable' and can be reluctant to seek any form of help). It is suggested that consideration needs to be given to the provision of information directly targeting men as victims; creating links with men's help lines (and giving consideration as to whether such phone lines are able to deal with men as victims as well as men offenders); the resources necessary to ensure that men receive responses that meet their immediate needs and the services or resources needed for gay men.

What would make the system better for male victims of family violence?

Mandatory reporting

It was reported during the consultations that hospital emergency departments, in particular, were dealing with large numbers of family violence matters but that there were no effective links between hospitals and Safe At Home. It was identified that this could lead to a cycle of under-reporting that would be likely to be maintained unless hospital staff were supported and encouraged to understand and be part of Safe At Home.

Currently it is at the discretion and capacity of hospital staff as to whether family violence is identified and appropriate referrals made. However, as reported earlier, Section 38 of the Family Violence Act 2004 remains unproclaimed at this time. Section 38 requires mandatory reporting by 'prescribed persons' of family violence matters to the police where they involve weapons, sexual assault, physical violence or when children are affected. Prescribed persons include doctors, nurses, dentists, psychologists, police, corrections officers, teachers and child care staff.

There are strong arguments for and against the mandatory reporting provision being enacted. Against are arguments about the potential for mandatory reporting to create a disincentive for victims to present for needed care and treatment and therefore driving the problem underground and potentially increasing the potential for harm.

For mandatory reporting are arguments that unless victims are identified and safety plans developed for them they remain at risk of harm at the hands of the offender and the offender remains unpunished.

As well there were views expressed that while the problem of 'professionals' not reporting incidents of family violence should be addressed, the mechanism proposed in S38 was inappropriate as it was likely to swamp police with reports of historical or unsubstantiated cases of violence that would 'waste their time' and that they would be unable to follow up. It was feared that this in turn would pull police resources out of responding to actual incidents of family violence and managing risk and safety in relation to known case of family violence.

An alternative mechanism proposed the establishment of a 'triaging' response to provide professionals with the capacity to make effective referrals of their clients to family violence services and to report to police matters where criminal assault had occurred or where there was a perceived risk of further violence occurring.

What strategies should be introduced to address ongoing under reporting by professionals of family violence incidents?

Adequate practical support

Some consultations referred to the need for services working with victims of family violence to have improved access to material and practical aid in order to support victims. Practical support is required to assist victims with day to day living expenses, transport costs, babysitting, boarding for family pets etc.

What criteria should apply to the provision of practical support and material aid for victims of family violence?

Disabilities

Consultations identified the need for specific supports for people with disabilities affected by family violence, including people who are victims of violence and abuse at the hands of their carers. It was suggested that strategies should include specific training for police and courts to understand and deal effectively with violence against people with disabilities. There may also need to be specific supports to allow people with disabilities to first of all, report family violence, and then provide evidence in court.

A recent study (Healey et al, 2008) found that woman with disabilities are at much greater risk of family violence and sexual assault than other women, and are more vulnerable to institutionalised forms of violence, including violence inflicted by carers and others charged with responsibility for them. Disability can increase vulnerability to violence consistent with the nature of the functional impairment. From most to least prevalent, disabilities include

psychiatric illness; physical disability; intellectual disability; neurological disability, including acquired brain injury and sensory impairments, including hearing and sight impairments.

The study found that family violence sector standards and codes and guidelines say little about how to support women with disabilities, that most services do not routinely collect data on disability and family violence, that most family violence workers have minimal or no training in supporting women with disabilities and that very little is known about the help-seeking experiences of women with disabilities experiencing violence. They suggested that family violence and disability services need:

- Sustained collaboration with each other that includes specialist advice, secondary consultation and education about women with disabilities experiencing violence
- Education from women with disabilities
- To undertake risk assessment and to respond appropriately.

They also recommended that family violence services:

- Improve physical access
- Provide information in accessible formats
- Provide access to secure, affordable crisis, supported and permanent accommodation
- Provide more intensive case management and post crisis care.

What needs to happen to ensure that people with disabilities are afforded the same protection and care under Safe At Home as other people experiencing family violence?

Children

The key concerns raised during the consultations in relation to children experiencing family violence were:

- The disconnect between State and Federal laws concerning children and their part in a family violence dispute
- Links between Safe At Home and the Department of Education
- Supporting and protecting children through the legal process
- The impact of mandatory reporting of children to child protection
- Links between Safe At Home and the new child and family support system in Tasmania.

State and Federal laws

It was suggested that State and Federal laws frequently operate in opposing ways in terms of the 'best interests of children' and children's rights to safety and the impact of accumulated harm. It was suggested that the Family Court tends to give precedence to parent's rights over children's rights or wishes (Busch and Robertson 2000; Hart 2006) as illustrated by the assumption that parents should have equal access to their children even when there has been trauma or violence during the relationship (Busch and Robertson 2000).

However this does not apply to Family Court cases involving allegations of child abuse. The Family Court operates the 'Magellan Project' in all States as a means of fast-tracking cases involving allegations of serious physical and sexual child abuse. The Magellan Project involves active judicial management from an early stage, strict time lines, early appointment of a child representative, provision of information from child protection agencies, and active case management led by court staff and involving a range of external agencies. The Magellan Project has been evaluated (twice) and found to be effective in achieving faster court outcomes and more consistency in decision making.

While there is a *Memorandum of Understanding* between Safe At Home and the Family Court, there is potential for ongoing tension between Safe At Home and the Court in relation to children who have experienced family violence and the orders of the Family Court.

The Legal Aid Commission confirms that these tensions exist and that the Family Court has a very different approach to family violence, partly because of the different priorities prescribed for the Family Court and a different approach to what happens 'after' violence. Much like the Magistrates Court and Supreme Court, the Family Court does not see its role as 'therapeutic' (though the rising interest in specialist and therapeutic approaches in the Magistrates Court is significant).

Children are not allowed to be present during Family Court proceedings and it is almost unheard-of for them to give evidence as a witness. Rather, information about their views is gathered by professionals such as Family Consultants, and relayed to the Court. The Family Court is prepared to draw adverse inferences about parents who allow children to be exposed to inappropriate information and adult conflicts, which means that the absence of childcare for appointments and court dates is problematic, the more so because of the manner in which family violence can lead to an absence of family and community support.

In what way can the aims of the Family Court and Safe At Home be reconciled so that the best interests and safety of children are maintained?

Links with Department of Education

While police are part of Interagency Support Teams with the Department of Education that address youth offenders, there are no similar arrangements under Safe At Home to deal specifically with children experiencing family violence. It was suggested during the consultations that the existing strong links between police and school principals could provide an opportunity for attention to the needs of children in family violence contexts more specifically. An example was given of a pilot initiative (now ceased) where a Department of Education social worker attended the North-West ICC meetings. This was felt to be a good model for sharing information about specific families and ensuring that at-risk children were identified and supported.

It was also suggested that stronger links between Safe At Home and the Department of Education could result in the provision of education programs for children about safe and respectful relationships.

The literature would support the development of these links. In particular, VicHealth (2008) have recommended school based anti-violence and respectful relationships programs as a key preventative strategy. They note that school based programs ‘target a population [that is] understood to be at a stage of the life cycle when the risk of perpetrating violence or being subject to violence is high and when there are strong prospects for prevention’ (VicHealth, 2008: 18)

In what ways should the Department of Education be involved with Safe At Home?

Supporting and protecting children through the legal process

It was reported that relatively little is done in the courts to support and protect the needs of children despite the capacity for children to be granted a family violence order in their own right. Children are frequently present in court when distressing matters are discussed and are increasingly expected by one or other of their parents to give evidence on their behalf. At the same time, courts are said to disregard or discount children’s evidence because of their beliefs about children’s lack of knowledge and understanding of such complex matters and/or the likelihood that they will not be truthful.

Children may also be subject to cross examination, including by the opposing parent. Children are able to give evidence from a remote or protected facility; however an application needs to be made in advance to the Court by police prosecutions for this to happen. CSLS reported that there is a perceived reluctance on behalf of prosecutions to make such applications and reluctance by Magistrates to insist that such facilities are used when children are giving evidence. It was also reported that while in Family Court and Child Protection

cases, there are mechanisms for children to have individual representation; these are not available in family violence cases.

Consultations also indicated that police do not generally obtain witness statements from children (except in indictable contexts) and that child-focused risk assessments do not occur (which makes it difficult, if not impossible, to objectively address risks to children).

Children's perspectives on the family violence and the impact it has on them are therefore almost completely absent from the legal decision-making processes following family violence. This contravenes the intention of the Family Violence Act 2004 which grants a number of rights and entitlements directly to the "affected child".

In their consideration of sexual assault law reform in Victoria, the Victorian Law Reform Commission (2004) gave detailed consideration to the place of children in the legal system. They found that historically the legal system regarded children as "unreliable witnesses" and that this view was "reflected in rules of evidence that limited children's competence to give evidence and required corroboration and judicial warning in relation to children's evidence" (VLRC, 2004: 260). They found that within the court room, children were often subject to "harassing, intimidating, confusing and misleading questioning" and that they were frequently traumatised by their court appearance. They noted that the "the abuse many children suffer is compounded by the abuse perpetrated by the legal system itself". They further noted that "the structures, procedures and attitudes to child witnesses within legal processes frequently discount, inhibit and silence children as witnesses".

The VLRC recommended the establishment of a child witness service (similar to the one established in Tasmania as part of Safe At Home) and a range of other reforms to support child witnesses in sexual assault matters including:

- The use of alternative arrangements for children to give evidence (e.g. video audio taped evidence (VATE)¹, special hearings, remote witness facilities)
- Changes to the rules of evidence to make it easier for children to give evidence and to allow admission of children's hearsay evidence;
- Better judicial control of cross-examination
- Preventing the accused person from directly cross examining children
- Imposition of a duty on lawyers in relation to the questioning of children.

¹ VATE is used to obtain the child's formal statement of their evidence for use in a criminal prosecution. VATE is in the form of an audio or video recording of the child answering questions put to them by a trained police member. It is conducted as soon as possible after the offence is reported. The VATE can be used as the evidence in chief without the necessity for the child to have to repeat the story over and over.

Child Witness Services operating in WA and Victoria provide support to children giving evidence in court. Support includes the provision of remote witness facilities as well as emotional support from qualified social workers and psychologists. It was reported that the Child Witness Service in Tasmania (established as part of Safe At Home) is under-utilised

What improvements are needed to police and court processes to ensure children are able to effectively participate in, and receive support from, Safe At Home?

Mandatory reporting

Police are currently required to report children affected by family violence to Child Protection¹. Some consultations claimed, however, that mandatory reporting may be acting as a disincentive for parents seeking support in family violence situations.

It was also noted that there are no specialist workers in Child Protection Service that work with Safe At Home and that the Child Protection framework has not always dealt effectively with family violence.

The literature points to a strong link between family violence and child abuse. A recent report (Banks et al, 2008) reported on a meta-analysis of the empirical literature indicating that child abuse occurs in 30-60% of families who experience family violence and that family violence occurs in 30-40% of families involved in the child protection system (Banks et al, 2008: 904). Humphreys et al (2008) report little difference between outcomes for children who have been directly abused and children who have witnessed family violence with both groups showing poorer outcomes on a range of developmental and behavioural dimensions than children who do not experience violence. There is even some evidence that for children under 8 witnessing violence against their parent can be more distressing than experiencing the violence directly (Runyan, 2006 quoted in Humphreys, 2008).

Conversely, however, there is also literature that indicates that not all children experiencing family violence will be directly affected. In any sample of children affected by family violence or child abuse there are generally about 50% who will do as well as the control group (Magen, 1999 and Edleson, 2004 quoted in Humphreys et al, 2008). It is therefore important not to 'over-pathologise' children living with family violence recognising that a substantial proportion will have sufficient resilience to be managing the situation. Whilst this does not mean that children don't not have 'a right to live free from violence', it does raise questions about whether mandatory reporting to child protection is required in all cases (Humphreys et al, 2008).

Banks et al (2008) note that the presence of family violence is not always identified by child protection workers, particularly when there were other factors such as alcohol or drug use, a history of contact with the child protection system or a childhood history of abuse and neglect of the mother.

They also identify a range of strategies to improve connections between family violence services and child protection including:

- Co-location of child protection and family violence offices

¹ *The Children Young Persons and their Families Act 1997*, identifies children affected by family violence as 'children at risk' requiring mandatory reporting to Child Protection by police, teachers, medical practitioners, child care workers and others.

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- Screening and assessment practices and tools by child protection to identify family violence
 - Collaborative relationships between child protection services, family violence agencies and the courts
 - A focus on 'family safety' for those experiencing both child abuse and family violence
 - Developing service plans and referrals that focus on safety, stability and the wellbeing of victims of family violence
 - Holding family violence offenders accountable for their actions.

In what way should the child protection and Safe At Home service systems interact in order to promote the safety of children affected by family violence?

Changes to the Child and Family Service System

Major changes are currently taking place that will shift the entry point for child and family support services from the tertiary sector (child protection) to the secondary service sector (family support services) through the establishment of specific regional "Gateway" services and associated Integrated Family Support Services.

These reforms are being implemented by the Department of Health and Human Services (DHHS) with the aim of achieving in each of the four regions:

- A single community-based access and assessment service for both Disability and Family Support services known as the 'Gateway'.
- An integrated family support service with community based organisations delivering a continuum of services from prevention/early intervention to tertiary level services
- A community-based model for provision of out of home care services for children who are removed from the care of their families
- A community-based model for the provision of specialist or targeted disability support services by community organisations.

Governance will be achieved through a Statewide Advisory Group overseeing quality assurance, action research and cross sector training initiatives. Area Advisory Groups will also be established in each region to bring together relevant local and regional services.

In what way should Safe At Home interact with the new Disability, Child and Family Services being implemented by the Department of Health and Human Services?

7.2.3 What would reduce the offending behaviour of those responsible for the violence?

The area of programs for family violence offenders was considered to be the least effective part of Safe At Home to date.

Some may perceive that there is a contradiction between the punitive approach of Safe At Home and the need to offer family violence offenders access to services and programs. However, many stakeholders felt that, on its own, a punitive approach to offenders will not break the cycle of violence. They identified the need for offenders to access services and programs to be able to develop new non-violent ways of relating to family members and others.

Issues raised in consultations in relation to offender services and programs were as follows:

- The need for offender support services and programs
- Access to Family Violence Offender Intervention Programs
- The response to women offenders
- The need for case management for offenders.

Offender support services and programs

Consultations indicated that there is a general lack of post-conviction and post-release support for offenders. Many felt that this would ultimately undermine the efforts of Safe At Home. Only a handful of Family Violence Offender Intervention Programs have been provided and many felt that offenders were not being adequately supported to learn about their violence or to change their behaviour. Several stakeholders indicated that the lack of programs and support services had resulted in self harm and suicide by offenders as well as continued family violence. Others noted studies that suggest that self-harm and suicide attempts by offenders can on some occasions be manipulative.

Police said that they were often the only ones able to make emergency accommodation arrangements for offenders once they were served with a PFVO. They said that, often, these temporary accommodation arrangements were inappropriate. They felt that this created the potential for repeat offending. They also confirmed that family violence offenders are not welcome in most temporary accommodation settings because of the potential for further violent behaviour.

It was also reported that many offenders do not know what they have to do to comply with their family violence order. One stakeholder described a 'cycle of stupidity' with offenders re-offending without understanding how and then feeling aggrieved at the perceived injustice, getting angry, seeking revenge and then reoffending in increasingly serious ways.

The literature shows that offenders are not homogenous. In fact several typologies of family violence offenders have been posited. One formulation identifies three types (Romans et al, 2000):

- "Cyclically emotional volatile perpetrators: emotionally dependent on their partner's presence, they have developed a pattern of escalating tension that is defused by an act of aggression towards the partner and followed by a period of contrition. This cycle often progresses from psychological abuse to increasingly severe physical violence
- Over-controlled perpetrators: who have developed a pattern of control relying more on psychological than physical violence
- Psychopathic perpetrators: who lack emotional engagement or feelings of remorse, and are likely to be also involved in male-male violence and other criminal behaviours." (Romans et al, 2000)

An alternative typology developed by Holtzworth-Munroe and Stuart (1994) also identifies three types of offender:

- Family only offenders, who engage in the least severe domestic violence, the least violence outside the family and are engaged in less criminal behaviour
- Borderline-dysphoric offenders, whose abuse of their partners is moderate to severe, who may exhibit some violence outside the family and who 'would be psychologically distressed, evidencing borderline personality characteristics and some problems with substance abuse'
- Generally violent antisocial offenders, whose abuse of partners would be moderate to severe and who would engage in the most extra-familial violence and criminal behaviour. This last group would have antisocial personality disorders and problems with substance abuse.

Interestingly, other than offering typologies, most of the literature on family violence offenders concentrates on the efficacy or otherwise of family violence behaviour change (or intervention) programs. There is little about the other supports required by offenders to re-establish their lives in non violent ways.

It is noted that the Department of Justice has established a pilot Defendant Services Worker at St Helens in January 2009 for a trial period of 6 months. This model may address many of the concerns raised in the consultations about support for offenders.

What sort of services and supports should be in place for family violence offenders?

Family Violence Offender Intervention Programs

The Family Violence Offender Intervention Program is provided by Community Corrections. Very few programs have been provided due to a lack of numbers

referred to the program by the Courts and a lack of programs being offered by Community Corrections because of the need to build up a reasonably sized group in an area prior to commencement of the program (in anticipation of drop-outs) and the length and intensity of the FVOIP program.

Consultations suggested that magistrates may be unaware of the program and are not seeing it as a relevant program for offenders, hence the low levels of referrals. It was also suggested that prosecutors do not recommend the program as they do not consider it their role to do so.

The following suggestions were made in relation to family violence offender intervention programs:

- Provide programs for family violence offenders in prison, including on remand
- Provide access to less intensive programs for less high risk and medium risk offenders (including 'open group' programs that are more educationally based and more accessible)
- Provide access to programs for high risk offenders who are not being dealt with within the criminal justice system (owing to a lack of evidence to secure a conviction).

The literature suggests that any family violence intervention program must be linked into an overall systems approach to family violence (such as Safe At Home) and must continue to hold the offender accountable for the violence (Laing, 2002).

The different typologies of offenders (see above) could also be used to inform a range of different intervention approaches based on the assessment of the offender's type rather than their offence.

What family violence intervention programs should be provided in Tasmania?

Who should attend family violence intervention programs?

Who should provide family violence intervention programs?

Women Offenders

Women make up almost one third of Tasmania's family violence offenders. Two thirds of these women do not appear to have been victims of family violence previously.

It was reported that women offenders may have primary or sole care of their children. There is a need to consider the care implications for children if women offenders are removed from the home. It was also reported that women offenders may be more likely than male offenders to have added complexities

such as mental health or alcohol and drug issues that require specific attention and support.

Research on women family violence offenders is scarce and polarised. There are a number of studies which rely on counts of aggressive acts (slaps, kicks and punches) and find that women are as violent towards their partners as men. However, such studies fail to consider the degree of force inflicted, disparity in size, and the psychological and emotional power wielded by those who have control of income and resources and the level of fear experienced by the victim.

What sort of services and supports should be in place for women family violence offenders?

Offender Case Management

It has been suggested that family violence offenders would benefit from a case management approach rather than the provision of programs. Case management could incorporate the range of needs presented by offenders including women offenders and offenders with mental health and drug and alcohol needs. Currently offenders with these sorts of needs are ineligible for the family violence offender intervention program.

Is case management a realistic model to address the needs of family violence offenders?

Who would be responsible for such an approach?

7.2.4 What other policies or practices would make Tasmania's approach to family violence more effective?

Various suggestions were made in relation to particular improvements to policies and practices in order to improve Safe At Home. These have been grouped under the following headings below:

- Courts
 - a. Dedicated Family Violence Courts or specialist listings
 - b. In camera hearings
 - c. Physical proximity in courts
 - d. Delays

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- e. Children attending court hearings
 - Victims
 - a. Resourcing to remain at home
 - Family Violence Orders
 - a. Children
 - b. Duration and contents
 - Prosecutions:
 - a. Communication gaps
 - b. Limited access to specialist prosecutors
 - Offences
 - a. Reports of past incidents
 - b. Economic and emotional abuse and intimidation

Courts

Dedicated Family Violence Courts

At present there is no specialised Family Violence Court in Tasmania and limited access to specialist Court lists, particularly in the North and North-West of the state. It was suggested that having a specialist Court or listing would address a number of judicial processes that are arguably intimidating and lengthy in process. There were suggestions that a dedicated family violence court or listing could deal appropriately with all cases and allow for equitable treatment of gender issues and child witnesses. This would also enable the more effective use of specialist family violence prosecutors.

Should Tasmania consider the introduction of a specific family violence court or listing?

In camera hearings

It was reported that currently victims have to fight in order to have their case heard 'in camera' and that such hearings are rare because there is a 'tedious' application process. Having to reveal personal details in open court was said to be a strong disincentive for many victims and witnesses.

The Legal Aid Commission noted that under current Tasmanian law all Court hearings are to be in open court with the exception of Adoption, Child Protection and Youth Justice matters and some tribunals (such as medical disciplinary hearings), and hearings into Witness Protection. They also reported that there are some possibilities of restriction of publication for sexual assault

matters and there are restrictions on reporting and dissemination of information in Family Court proceedings.

What would make it easier for family violence matters to be heard ‘in camera’?

Physical proximity in court

Consultations expressed concerns that in some courts the victim and offender are required to sit next to each other in court when their case is being heard. This potentially impedes the victim from providing evidence and creates the potential for re-traumatising of the victim through the court process.

What protections should courts provide for victims to be able to attend court to give evidence?

Delays

Unlike the UK and other jurisdictions, there is no expeditious hearing process for family violence matters. It was reported that some matters had taken over one and half to two years to work their way through the court process. Police said that these situations were becoming more common as delays in court created longer time periods between the family violence and the court hearing.

Prosecutors estimated that about 90% of family violence witnesses become unfavourable over time and that ‘the court cycle does not correspond to the family violence cycle’. Police find that victims have shifted to a position of denial of the severity of their situation and the offender’s actions by the time the matter goes to court.

Police indicated that while there may be anecdotal reports of an increase in hostile witnesses (as reported to Success Works) there are no statistics to support this since the inception of Safe At Home. Where victims change their story it is often to minimise the extent of any violence. They may have reconciled the relationship and do not want to continue with a prosecution. It is also possible that the offender has applied pressure to the victim to change their story.

Police report the time delay in finalising prosecutions may also be in part due to offenders absconding or where matters need to be dealt with by the Supreme Court.

In what way can family violence court hearings be conducted more expeditiously?

Children attending court hearings

As mentioned earlier, several consultations raised concerns about children being present in court when delicate and distressing matters are being discussed. CSLOs reported that they can become child-minders in court because there is a lack of suitable alternative facilities. They and others reported that children end up as 'unintentional witnesses' seeing their parents in court together and listening to accusations and counter arguments. This in itself was said to constitute a traumatic experience for children.

In what ways can children be accounted for more effectively in court hearings?

Offenders cross-examining victims

As mentioned earlier, in cases where they are unrepresented, offenders are able to cross examine their victims and their children. This has resulted in a number of traumatic situations for victims. It has been suggested that in some cases, offenders purposively do not seek legal representation so that they can explicitly subject their partners to this situation. Victorian legislation has mandated that offenders are not permitted to cross examine victims.

The Legal Aid Commission reported that on occasions the capacity for cross-examination by the offender has been helpful in providing the court with direct evidence of the offender's conduct and approach to the victim. However they also acknowledged that this is a very difficult question as far as the potential effect on the victim is concerned.

Should offenders be prevented from cross examining victims or children?

Victims

Resourcing to remain at home

It was suggested that there is a lack of specific resources and focus on the victim's capacity to remain in the family home. While this is a major aim of Safe at Home, consultations suggested that many victims do not want to remain at home because of their fear of the offender returning. It was reported that several victims have been extremely scared of being alone because they regard their home as not sufficiently secure.

What can be done to increase the capacity for victims to remain safely in their own home?

Family Violence Orders

Children and orders

As reported earlier, whilst there is capacity for children to have their own family violence orders, this has not taken place. Children's needs are poorly represented in Safe At Home currently and there is a need to better understand and have better tools for assessing the impact of family violence on children. As detailed above, the research shows that children can be as impacted by family violence as they are by child abuse.

Police report that children can be included along with the victim on a PFVO or FVO. In this way the offender is restrained from behaving in a particular manner towards the child or refrained from having contact with the child. However an PFVO or FVO cannot override a Family Court order.

What would make it possible for children to have their own family violence orders?

Duration and Contents

While there is flexibility in selecting the length and conditions for a family violence order, police policy dictates that PFVO's can only be issued for 12 months. This was raised as a concern by police who felt that shorter orders may be warranted in certain circumstances.

What capacity should police have to amend the duration of PFVOs?

Prosecutions

Specialist Safe at Home Prosecutors

As part of the original model of Safe At Home, funding was provided to employ six specialist prosecutors for the prosecution of Safe At Home matters in each Magistrates Court. This funding provided for three extra prosecutors in the South, two in the North and one in the North-West. Each Police Prosecution service is managed regionally. Police prosecutors attend ICC meetings in all three regions.

The aim of the specialist prosecutors was to provide better quality information to the Courts including information to enable the Courts to assess risk and safety matters, including the patterns of violence that exist in certain families. It was also expected that the specialist prosecutors would be more effective in supporting the victims of family violence and managing their presentation of evidence to the Courts.

This aspect of the Safe At Home has not been implemented as intended. Police and Courts indicate that while in some regions there are dedicated Family Violence sessions this is not the case in all regions. With the higher numbers of Safe At Home cases in the South, police are able to allocate complex family violence matters to specialist prosecutors on a limited basis.

Safe At Home prosecutors are required to complete the week long VSRT training program. Police also point out that family violence prosecutors must have experience in general police prosecution matters if they are to be effective in prosecuting family violence matters and that their training is limited to their 'on-the-job' experience. Concerns in the Court about the quality of prosecutions have led the Court to offer assistance in the provision of training to prosecutors.

It is possible that many of the concerns expressed in the consultations about the Courts and their behaviour towards victims and children could be addressed by a higher level of specialisation in the courts and improved prosecution services.

What difference would specialist prosecutors make to the operation of Safe At Home?

Communication gaps

Gaps in communication were noted between the Director of Public Prosecutions (DPP), police and police prosecutors. In terms of bail applications and case outcomes in indictable matters (such as assault on a pregnant woman), the DPP do not communicate if and when offenders have been bailed or the sentencing outcome. As police are in charge of 'safety management' issues for victims, they are unable to proactively ensure these aspects in these circumstances.

In what ways should communication between the DPP and police about family violence matters be improved?

Offences

Reports of past incidents of family violence

Police reported an increasing trend for victims to report incidents of family violence that had occurred in the past. This usually occurs when police attend a current incident and as part of the investigation of the history of the relationship uncover numerous instances of past violence. Such allegations are dealt with by regular police members on a case-by-case basis.

It was suggested that some of these 'historic' reports may be motivated by current family court disputes where one partner wants to end the relationship quickly and secure their access to children and property. Flood (2005) identifies this as a common myth perpetuated by some fathers' rights groups in particular. According to Flood such allegations are rare and are as likely to be made by men as women (Flood, 2005). For the most part the reporting of historic events at the time of a further family violence incident is supported by family violence research which indicates victims experience numerous occasions of abuse before reporting the matter to police.

Several written submissions expressed concerns over the existence of legislation that allows people to have an order placed against them where there is no evidence of family violence. These submissions questioned the absence of fundamental legal principles like 'innocent until proven guilty'. Police point out that they, and the courts, are not required to prove the offender is guilty in order to make a protective order, but that they must be satisfied that family violence has been or is likely to be committed. It is noted, however that police standing orders require them to classify the matter as a 'family arguments' when they are not satisfied that family violence has been or is likely to be committed. Approximately 30% of the incidents that police attend are classified as family arguments.

What role should Safe At Home have in relation to 'historic' reports of family violence?

Economic or Emotional Abuse and Intimidation:

It was reported that, unless emotional or economic abuse is accompanied by physical abuse, the police and Courts do not believe that family violence has occurred.

While economic, emotional abuse and intimidation are defined by the Act as family violence, police are yet to pursue charges against offenders for these offences. Police indicate that these offences relate to long term patterns of behaviour and the preparation of such cases is hampered by the statute of

limitations (6 months). However, it is understood that a number of prosecutions on these grounds are now being prepared so the state of affairs reported during consultations may change.

There was a strong call from those in the legal profession for prosecutions to take place so that the law can be adequately tested (including through the appeal process if necessary).

What challenges are there to the recognition and prosecution of economic and emotional abuse as family violence?

7.2.5 What are the most important principles that should underlie Tasmania's approach to family violence

The final section of this discussion paper outlines the discussions and findings in the literature on key principles on which Safe At Home is based. Principles refer to a set of shared basic truths, laws or assumptions that underlie a mode of action. Principles can extend to rules or laws concerning the functioning of social phenomena.

Safe At Home has ushered in a new paradigm in the reduction, prevention and response to family violence. There has been a changed role of the state in relation to violence in the home from the role of *'umpire'* within the civil justice system, to *active participant* in the criminal justice system.

The following areas were raised during the consultation and are put into a broader context with findings from the literature.

Human & Children's Rights framework:

Since the mid-1980s, there has been a dramatic increase in transnational social movements including the eradication of violence against women using the United Nations Human Rights conferences as a focal point (Morgaine 2006). The issue of children's rights has also been on the international human rights agenda. Until relatively recently women's rights were left out of the human rights discourse because of the so-called public/private distinction and the dominance of patriarchal structures in society, and the lesser importance given to social and economic rights—which are particularly important for women—within the traditional human rights framework (Bunch 2001, 2002). Chapman discusses the importance of drawing violence against women out of the private sphere so that it can be placed on the human rights agenda through three aspects of efforts to combat violence against women: empowerment at the grassroots level, legal reforms, and an interdisciplinary approach to the issue.

As one form of violence against women, family violence has been placed into the human rights context by many organisations globally. In the light of international legal understandings and psychological and conceptual evidence, there are links between torture, cruelty and family violence (Copelon 1994). Whether committed in a domestic context or inflicted officially, family violence demands similar standards of judgments and actions on the part of states (1994: 14). Copelon underlines the need for rethinking official instruments such as the International Covenant on Civil and Political Rights, the United Nations Torture Convention, and the Inter-American Torture Convention to accommodate the concept of family violence.

While existing international human rights instruments have separate provision for women's rights (i.e. Convention on the Elimination of All Forms of Discrimination Against Women), they are seen to be inadequate in terms of addressing women's subordination. Charlesworth (2000: 16) suggests that the 'fundamental problem women face is that they are in an inferior position because they have no power either in public or private worlds, or in international human rights law'. For family violence to be treated as a human rights issue, it needs to be seen as a part of larger reality of subordination of women and their powerlessness in terms of defining the human rights discourse.

The failure of international human rights law to adequately reflect and respond to the experiences and needs of women has 'transformed conventional understanding of human rights and the doctrine of state's responsibility' (Erturk 2008). Under the due diligence obligation, states have a duty to take positive action but have been limited to responding to violence when it occurs, largely neglecting their obligation to prevent and compensate and the responsibility of non-state actors. It is argued that 'if we continue to push the boundaries of due diligence in demanding the full compliance of States with international law, including to address the root causes of violence against women and to hold non-State actors accountable for their acts of violence, then we will move towards a conception of human rights that meets our aspirations for a just world free of violence'.

Along with human rights is an approach to family violence that considers the rights of children. For example, the Family Law Court is capable of addressing the impact that a family violence offender has on children and the victim (e.g. through regulating continued contact between the offender and the child). The issue of acknowledging children and young people and their rights was raised throughout the consultations with a suggestion that they must be considered as individuals with their own rights and entitlement to redress through a criminal justice system as well as a human services framework.

In what way and to what extent should a human rights framework underpin Safe At Home?

What would be the implication of seeing family violence as a human rights issue?

Whole-of-Government, NGO & Community partnerships:

Safe At Home is a co-ordinated whole-of-government approach. While the Department of Justice has led Safe at Home to date, stakeholders recognise the importance of strong partnerships with police, courts, health, education and housing.

It was suggested that the reform process currently underway in the Department of Health and Human Services presents an opportunity for family violence reforms to be embedded within a broader family support service framework as a complement to the criminal justice approach being pursued by the Department of Justice. Both agencies, working effectively together, could provide a holistic framework for dealing with family violence which encompasses prevention and early intervention while still holding those who use violence accountable for their actions.

It was reported that there have been many strategies implemented between workers on the ground to successfully integrate non-government and government responses. However, there has been little integration with non-government services at other levels, and within the system as a whole. Non-government organisations have felt excluded from Safe At Home and want to be involved in a meaningful and consistent way in:

- Case coordination meetings (as occurs in the South Australian model)
- Regional Coordination meetings
- Internal reviews – fine-tuning the system

The literature strongly supports the development of integrated approaches that span government and non government agencies.

In what way can increased collaboration be achieved between government departments and non government agencies involved with Safe At Home?

Evaluation

It was suggested that much could be gained from listening to what victims, children and offenders have to say about their experiences with Safe At Home. Their detailed knowledge of what works (and what doesn't work) is key to determining the future direction of the system, and improving processes at an operational level. This could also be achieved by having systematic methods of gathering qualitative and quantitative data and feedback from victims and

children as they move through the system – and implementing the results of this research into the evaluation and administration of the system.

What evaluation processes can be put in place to ensure that the experiences of those involved with Safe At Home are recorded and communicated effectively to those responsible for program development?

8 Next stage of the Review

Success Works will convene a series of cross agency workshops in each region during March 2009 to discuss the contents of this Discussion Paper.

Consultation workshops will be held on:

NORTH:

DATE: Thursday 30 April 2009

VENUE: Conference Room

Rabobank

81 Cimitiere Street

Launceston

TIME: 10am to 4pm

NORTH WEST:

DATE: Friday 1 May 2009

VENUE: Conference Room

Police Headquarters

Wilson St

Burnie

TIME: 10am to 4pm

SOUTH:

DATE: Monday 4 May 2009

VENUE: Conference Room

Women Tasmania

140-142 Macquarie St

Hobart

TIME: 10am to 4pm

Specialist topic based workshops will also be held as follows:

Children's Services:

DATE: Tuesday 12 May 2009
VENUE: Conference Room
Women Tasmania
140-142 Macquarie Street
Hobart
TIME: 10am to 4pm

Offender Services:

DATE: Wednesday 13 May 2009
VENUE: Conference Room
Level 6
Lands Building
134 Macquarie Street
Hobart
TIME: 10am to 4pm

Police and Court Services:

DATE: Thursday 14 May 2009
VENUE: Conference Room
Police Headquarters
47 Liverpool St
Hobart
TIME: 10am to 4pm

Please register your attendance at one or more of these workshops with the Department of Justice at safeathome@justice.tas.gov.au or by phoning 03 6233 2310.

Written submissions addressing the questions are also invited by 1 May 2009.

Following the final consultation process, a report detailing all of the findings from the review will be prepared for the Department of Justice. This will be completed by the end of May 2009.

Appendix A: Bibliography

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Appendix B: List of interviews and consultations

Organisation	Position	Date interviewed
Offenders Workshop	Police, DoJ, Child protection, offender intervention program workers	12/11/08
Victim Safety Response Team (VSRT) Workshop	Police and police prosecutors	13/11/08
Working with Children Workshop	Child Protection, DoJ	14/11/08
Women's Legal Service	Susan Fahey	02/12/08
Court Support Liaison Officers Statewide Service	Debra Rabe	03/12/08
Department of Justice	Robyn Bogle	03/12/08
Family Law Courts	Antonia Dunn	03/12/08
Tasmania Police	Debbie Williams and Nikki Munro	04/12/08
Integrated Case Coordination Meeting East	Julie Callander	04/12/08
Commissioner for Children	Paul Mason	04/12/08
Family Violence Counselling and Support Statewide service	Alison Keable	15/12/08
Domestic Violence Coordinating Committee	Liz Mulder	16/12/08
Integrated Case Coordination Meeting North West	Julie Callander	16/12/08
Ya Pulingina Kani	Aboriginal Elders Council of Tasmania	17/12/08
Integrated Case Coordination Meeting North	Julie Callander	18/12/08
Child Protection – Area Managers - Statewide	Alison Keable	17/12/08

Appendix C: List of Submissions Received

Child Protection Response (North)

Dawn Rayner Brosnan PhD MAPS COHPS Psychologist

Family Violence Counselling and Support Service

Hobart Women's Shelter

Police Association of Tasmania

Private individuals (6)

Support Help & Empowerment Inc (S.H.E.)

Women with Disabilities Australia

Women's Health (Population Groups) Submission DHHS

Appendix D: Discussion Paper Questions

1. What would achieve a reduction in the level of family violence in the medium to longer term?

- What additional strategies could be put in place to reduce the risk of family violence in the medium and longer terms?
- What prevention and early intervention strategies should be put in place to support Safe At Home? Who should be responsible for these?
- In what ways can the two dominant paradigms underlying understandings of family violence be better reconciled in order to ensure a cohesive whole of government, whole of community approach to family violence?
- In what ways can Safe At Home be more effective in enhancing the safety of victims of family violence in Aboriginal communities?
- What priorities should apply to:
 - a. Raising community awareness?
 - b. Professional education?
- In what way can government and non government agencies work together more effectively to support the aims of Safe At Home?
- What structures or processes need to be in place for there to be a more effective integration of services to support victims and children affected by family violence?
- What requirements should apply to data and information sharing between:
 - a. Government agencies?
 - b. Government and non-government agencies?

2. What would improve the level of safety for adult and child victims?

- In what way can targeted education be provided to victims of family violence and offenders?
- What value could a Victims Rights Charter offer to Safe At Home and the safety of victims of family violence?
- What is the need for after-hours crisis support service for victims of family violence?
- In what way could Safe At Home be made more effective for people from culturally and linguistically diverse backgrounds?

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- What would make the system better for male victims of family violence?
 - What strategies should be introduced to address ongoing under reporting by professionals of family violence incidents?
 - What criteria should apply to the provision of practical support and material aid for victims of family violence?
 - What needs to happen to ensure that people with disabilities are afforded the same protection and care under Safe At Home as other people experiencing family violence?
 - In what way can the aims of the Family Court and Safe At Home be reconciled so that the best interests and safety of children are maintained?
 - In what ways should the Department of Education be involved with Safe At Home?
 - What improvements are needed to police and court processes to ensure children are able to effectively participate in, and receive support from, Safe At Home?
 - In what way should the child protection and Safe At Home service systems interact in order to promote the safety of children affected by family violence?
 - In what way should Safe At Home interact with the new Disability, Child and Family Services being implemented by the Department of Health and Human Services?

3. What would reduce the offending behaviour of those responsible for the violence?

- What sort of services and supports should be in place for family violence offenders?
- What family violence intervention programs should be provided in Tasmania?
- Who should attend family violence intervention programs?
- Who should provide family violence intervention programs?
- What sort of services and supports should be in place for women family violence offenders?
- Is case management a realistic model to address the needs of family violence offenders?
- Who would be responsible for such as approach?

4. What other policies or practices would make Tasmania's approach to family violence more effective?

- Should Tasmania consider the introduction of a specific family violence court or listing?
- What would make it easier for family violence matters to be heard 'in camera'?
- What protections should courts provide for victims to be able to attend court to give evidence?
- In what way can family violence court hearings be conducted more expeditiously?
- In what ways can children be accounted for more effectively in court hearings?
- Should offenders be prevented from cross examining victims or children?
- What can be done to increase the capacity for victims to remain safely in their own home?
- What would make it possible for children to have their own family violence orders?
- What capacity should police have to amend the duration of PFVOs?
- What difference would specialist prosecutors make to the operation of Safe At Home?
- In what ways should communication between the DPP and police about family violence matters be improved?
- What role should Safe At Home have in relation to 'historic' reports of family violence?
- What challenges are there to the recognition and prosecution of economic and social abuse as family violence?

5. What are the most important principles that should underlie Tasmania's approach to family violence

- In what way and to what extent should a human rights framework underpin Safe At Home?
- What would be the implication of seeing family violence as a human rights issue?
- In what way can increased collaboration be achieved between government departments and non government agencies involved with Safe At Home?
- What evaluation processes can be put in place to ensure that the experiences of those involved with Safe At Home are recorded and communicated effectively to those responsible for program development?

