

Committee Secretary  
House of Representatives Standing Committee on Legal and Constitutional Affairs  
Parliament House  
CANBERRA ACT 2600

Dear Sir/Madam

House of Representatives Inquiry into Crime in the Community: Victims, Offenders  
and Fear of Crime

Thank you for the opportunity to provide a submission to the Inquiry into Crime in  
the Community: Victims, Offenders and Fear of Crime and for granting this Office an  
extension of the timeframe for lodging our submission.

Our submission is attached. If you require further information about our submission,  
please contact Ms Miranda Pointon, Acting Assistant Secretary, National Policy and  
Programmes Coordination Branch (phone 02 6271 5757).

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First Assistant Secretary  
Office of the Status of Women  
August 2003

**HOUSE OF REPRESENTATIVE STANDING COMMITTEE ON LEGAL  
AND CONSTITUTIONAL AFFAIRS**

**INQUIRY INTO CRIME IN THE COMMUNITY:  
VICTIMS, OFFENDERS AND FEAR OF CRIME  
AUGUST 2002**

**SUBMISSION FROM THE OFFICE OF THE STATUS OF WOMEN:  
VIOLENCE AGAINST WOMEN**

**ABSTRACT**

Available data on crime in Australia reveal significant differences in the patterns of violent crime experienced by men and women. In general, men are more likely than women to be both the victims and the perpetrators of violence. Victims of violence fall into two broad groups: men who are victims of other men, and women and children who are the victims of men (usually men who are known to them). On the whole, those most at risk of violence are young men, with the important exceptions of crimes of domestic violence and sexual assault. When only these two types of violence are considered, victims are mostly female, and perpetrators mostly male.

This paper focuses on violent crime against women. It provides an overview of the main issues of violence against women and children in Australia, focusing principally on domestic violence and sexual assault. Both domestic violence and sexual assault are serious crimes within our community and impact not only on the individuals they directly affect but have a significant impact on government, business and community. These crimes seriously damage individuals and families and the impact is felt over a significant period of time. For the harm to be minimised, governments need to adopt a range of strategies and common goals to support those affected. Systemic change is also needed to challenge the behaviours and attitudes of individuals and to improve service and policy responses to domestic violence and sexual assault.

While most violence against women constitutes a criminal offence, for some women the criminal justice system is the last resort. Overwhelmingly the message heard from Australian women through research conducted by the Commonwealth *Partnerships Against Domestic Violence (PADV)* program, is: *we want the violence to stop*<sup>1</sup>, but not necessarily by ending the relationship.<sup>2</sup>

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<sup>1</sup> Partnerships Against Domestic Violence (2001), *Rekindling family relationships. A national forum on Indigenous family violence*. PADV Forum report, Commonwealth of Australia, p. 70

<sup>2</sup> Partnerships Against Domestic Violence, *PADV1 Evaluation: Overview Report* (unpublished)

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## **BACKGROUND TO THE SUBMISSION**

Working towards eliminating violence against women remains a major priority for all Australian governments. The States and Territories have the major responsibility for legislating and providing programs and services. The Commonwealth Government plays a strong leadership role and works cooperatively with the States and Territories to eliminate violence against women in all its forms. One of the key objectives of the Office of the Status of Women (OSW) is the elimination of violence and:

- to work towards a society where women's lives are free from violence and the threat of violence, and their safety and wellbeing is secured; and
- to position Australia as an international leader in reducing violence against women.

OSW manages a number of initiatives that aim to eliminate violence in women's lives. These initiatives include *Partnerships Against Domestic Violence (PADV)* and the *National Initiative to Combat Sexual Assault (NICSA)*. Whilst PADV has been established since 1998, NICSA is in the early stages of development.

The *PADV* initiative was launched by Heads of Government at the National Domestic Violence Summit convened by the Prime Minister in November 1997. The Commonwealth has committed \$50 million to *PADV* to enhance knowledge, develop good practice and find better ways of responding to and preventing domestic violence. The *PADV* initiative is directed in its work by the Minister Assisting the Prime Minister for the Status of Women. Its work is coordinated by a Taskforce comprising representatives of the Commonwealth, States and Territories.

The *National Initiative to Combat Sexual Assault (NICSA)* represents the Commonwealth's commitment to eliminating sexual assault, and builds on the substantial achievements of *PADV*. In the 2001-02 Budget, the Commonwealth Government announced funding of \$16.5 million for the National Initiative to Combat Sexual Assault (NICSA). The Initiative aims to foster the development of an Australian culture that will not tolerate sexual violence towards women.

This submission presents current research, statistical and policy information together with relevant outcomes from projects funded under the two programs above (*PADV* and *NICSA*). Each section of the submission provides general information about violence against women and then specific information about domestic violence, followed by specific information about sexual assault.

**TOR a) THE TYPES OF CRIMES COMMITTED AGAINST AUSTRALIANS:  
THE CRIMINAL NATURE OF VIOLENCE AGAINST WOMEN**

**DEFINITIONS**

The broad concept of violence against women encompasses physical, sexual and psychological violence, including domestic and family violence, rape, rape in marriage, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women, forced prostitution, sexual slavery, forced pregnancy/contraception, forced sterilisation, forced abortion, female infanticide, female genital mutilation, sexual abuse of female children, elder abuse and carer abuse.

**Definition of domestic violence**

Domestic violence usually refers to violence against women that occurs in partner relationships, and usually occurs in the home. The definition of domestic violence as agreed by Heads of Government at the National Domestic Violence Summit convened by the Prime Minister in 1997 is:

*Domestic violence is abuse of power perpetrated mainly (but not only) by men against women in a relationship or after separation. It occurs when one partner attempts by physical or psychological means to dominate and control the other. Domestic violence takes a number of forms ... and includes physical and sexual violence, threats and intimidation, emotional and social abuse, and economic deprivation.*

For many Indigenous people and communities and in some jurisdictions, the term *family violence* is preferred, which includes all forms of violence in intimate, family and other relationships of mutual obligation and support. This paper will respect this preference. However it also needs to be acknowledged that there is an emerging view from some Indigenous people that domestic violence should be named (and dealt with) as domestic violence in Indigenous communities.

**Definition of sexual assault**

There are no nationally agreed definitions on what constitutes 'sexual assault' as variations exist both across jurisdictions and in different contexts. This lack of agreement has serious implications for the collection of accurate national data on sexual assault.

The Australian Bureau of Statistics *1996 Women's Safety Survey* defined sexual assault as:

*"Acts of a sexual nature carried out against a woman's will through the use of physical force, intimidation or coercion. It includes attempts to force a woman into sexual activity...It includes rape, attempted rape, aggravated sexual assault (assault with a weapon), indecent assault, penetration by objects and forced sexual activity that did not end in penetration. It excludes unwanted sexual touching and incidents which occurred before the age of 15."*<sup>3</sup>

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<sup>3</sup> Australian Bureau of Statistics (1996), *Women's Safety Australia*, Commonwealth of Australia, Canberra

This definition is based on actions which would be considered as offences under State and Territory criminal law.

### **UNIFORM LEGISLATION – THE MODEL CRIMINAL CODES**

In 1999, model criminal codes were developed for domestic violence and sexual assault crimes for all Australian jurisdictions.<sup>4</sup> Implementation of these codes varies across jurisdictions. Implementation of nationally consistent legislation for both domestic violence and sexual assault would aid the development of nationally consistent data on the incidence of violence against women and the response of the justice system to it.

### **VIOLENCE BY MEN AND WOMEN**

There is evidence that both men and women are abused in domestic relationships. However, most data shows men are more likely than women to be violent towards a partner. The violence by men and women differs in that:

- Men's violence is more severe and likely to inflict severe injury. Women are more likely to be killed by a current or former male partner than by anyone else.
- The main reason men kill their female partners are desertion, the ending of a relationship, and jealousy.
- Studies of women who murder their husband reveal a history of marital violence in 70% of cases and over half of the killings occur in response to an immediate threat or attack by the husband.
- The major difference between men's and women's experiences of violence is the level of fear felt by the victim. Women often believed they were about to be killed. Men rarely ever did. Men rarely experienced post-separation violence<sup>5</sup>

### **IDEOLOGICAL FRAMEWORKS FOR UNDERSTANDING VIOLENCE AGAINST WOMEN**

Work conducted by *Partnerships Against Domestic Violence (PADV)* has identified a spectrum of ideological assumptions that have developed over the past twenty years of research into violence against women.<sup>6</sup> These assumptions include:

1. Biological determinism – This asserts that men are born violent, thus cannot be held accountable for their actions.
2. Individual pathology – The individual is unwell and needs help to control the anger and frustration that inevitably results in violence.
3. Social stressors and individual risks – Those most stressed within the community (low income and Indigenous) are most likely to be violent towards their partners and children.
4. Early feminist – This focused on an analysis of the role of male supremacy and patriarchy as the oppressor of women and thus engendering male violence as a means of male control over women.

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<sup>4</sup> Domestic Violence Legislation Working Group (1999), *Model Domestic Violence Laws*; Model Criminal Code Officials Committee (1999), *Sexual Offences Against the Person*

<sup>5</sup> D. Bagshaw and D. Chung, D (2000), *Women, men and domestic violence*, Commonwealth of Australia, Canberra, p.10.

<sup>6</sup> Partnerships Against Domestic Violence, *PADV1 Evaluation: Overview Report* (unpublished)

5. Interactive systems and individuals – This assumes both systemic and psychological explanations of domestic violence to recognise both power differences and individual choice as determining violent behaviour.

The PADV process, which encouraged discussion and debate across a diversity of professional and interest groups, was instrumental in identifying the need for a thorough examination of the explanations of domestic and family violence. The evaluation of both the process and the projects undertaken by PADV has identified that a number of funded projects were informed by explanations such as biological determinism and/or individual pathology. There is now growing agreement between policy advisors and practitioners, supported by the PADV evaluation outcomes, that an holistic, integrated approach has the greatest potential for success. Therefore, services and interventions informed by the ‘Interactive systems and Individuals’ model are the most appropriate.

#### **DOMESTIC VIOLENCE: MEASURING THE INCIDENCE INTERNATIONALLY AND IN AUSTRALIA**

It is widely accepted that around one in four women will experience violence at the hands of a partner at some stage during her life. Internationally, the European Campaign to Raise Awareness of Violence Against Women observed that one woman in five has at least once in her life been the victim of violence by her male partner and that 25% of all violent crime reported involve a man assaulting his wife or partner.<sup>7</sup> The biennial British Crime Survey<sup>8</sup> surveyed 16,500 adults and found that:

- 43% of all violent crime experienced by women is domestic violence;
- The number of domestic assault reports to the survey rose by 79% between 1981 and 1991.
- Reporting of domestic violence incidents is low – it is estimated that only a quarter of all domestic violence incidents are reported to the police.
- Women were twice as likely as men to have been injured by a partner in the last year.
- At greatest risk of physical assault were the under 25 group and those in financial difficulties.
- Half the victims had told someone about their most recent assault, most often a friend neighbour or relative.
- The estimate for the total number of incidents in 1995 was 6.6 million.

Within Australia, there is no specific crime of “domestic violence”. Rather, domestic violence is indicated in each separate jurisdiction by a range of specific offences, including common assault and assaults occasioning actual and grievous bodily harm, through to a range of sexual assaults, attempt murder and murder. Sadly, many offences against children, property and animals are also indicators of domestic violence.<sup>9</sup>

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<sup>7</sup> Website of the European Campaign to Raise Awareness of Violence Against Women

<sup>8</sup> British Home Office web site: [www.homeoffice.gov.uk/cpd/cpsu/domviol/98.ht](http://www.homeoffice.gov.uk/cpd/cpsu/domviol/98.ht)

<sup>9</sup> Australian Domestic and Family Violence Clearinghouse (2002), *The relationship between animal abuse and domestic violence: implications for animal welfare agencies and domestic violence organisations*, Newsletter No. 10.



A 1996 Australian Bureau of Statistics survey, *Women's Safety Australia*,<sup>10</sup> established the first national data on the extent and nature of all forms of violence against women in Australia. (The report defined violence as 'any incident involving the occurrence, attempt or threat of either physical or sexual assault'.)

The survey found that about one in four women (23%) who had ever been married or in a de facto relationship experienced violence by a male partner at some time during the relationship.

- Half the women who experienced violence by their partner reported that more than one incident had occurred.
- For 7.4% the violence occurred often, while for 26% the violence was said to occur only rarely.
- Women were more at risk of physical than sexual violence by their partner.

This research also examined emotional abuse which was defined as 'manipulation, isolation or intimidation'. The survey found that women who experienced violence during the relationship with their male partner were more likely to experience emotional abuse than were women who had not experienced violence (59% compared to 4%).

Critically, it should be noted that the reported incidence of domestic violence is not an accurate reflection of the real levels of domestic violence against women, as many women initially adopt a range of coping and/or help-seeking strategies. These may include:

- Denying the violence is abuse.
- Seeking support from counsellors and friends.
- Accepting the violence.
- Hoping the situation will improve with time.

Overwhelmingly, women want to continue the relationship, sometimes at great personal risk.<sup>11</sup>

In 1999, the Australian Institute of Criminology publication, *Femicide: An Overview of Major Findings*<sup>12</sup> presented an analysis of 2,821 homicide incidents from 1 July 1989 to 30 June 1998. Of the 3,045 homicides, one third were females and two thirds were male. The report noted:

- Men committed 84.6% of the homicides and women 15.4%<sup>13</sup>
- Over half the homicides were men killing other men
- Males were responsible for killing approximately 94% of adult female victims

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<sup>10</sup> Australian Bureau of Statistics (1996), *Women's Safety Australia*, Commonwealth of Australia, Canberra

<sup>11</sup> Keys Young (1998), *Against the odds – how women survive domestic violence*, Canberra

<sup>12</sup> J. Mouzos (1999), 'Femicide: An Overview of Major Findings' in *Trends and Issues in Crime and Criminal Justice*, Issue No. 124, Australian Institute of Criminology, Canberra

<sup>13</sup> Australian Institute of Criminology (2001), *Homicide in Australia*, National Homicide Monitoring Program ([www.aic.gov.au](http://www.aic.gov.au))

- The vast majority of the killings occurred within an intimate relationship
- Almost 60% of women were killed by an intimate male partner. Only 11% of men were killed by an intimate partner, 84% of whom were women
- In intimate relationships, approximately 90% were killed as a result of "domestic altercations", and 40% of these were associated with desertion, the ending of a relationship or jealousy.

Of the women murdered in Australia each year:

- 58% are killed by intimate partners.
- 12% are killed by family members.
- 16% are killed by friends or acquaintances.<sup>14</sup>

### **GROUPS MOST AT RISK**

Research shows that younger women, indigenous women, pregnant women and women with disabilities are at greater risk of violence.

### **DOMESTIC VIOLENCE: ISSUES FOR INDIGENOUS COMMUNITIES**

There is considerable evidence that while women in Indigenous communities are among the most at risk of sexual assault and domestic violence in Australia, violence in Indigenous communities is considerably under-reported.<sup>15</sup> In some areas in Australia, the risk to Indigenous women is estimated to be as much as 45 times higher than that to non-Indigenous women and violence experienced by Indigenous women is likely to be far more severe than that experienced by non-Indigenous women.<sup>16</sup>

Research in Indigenous communities also indicates a direct correlation between alcohol and drug abuse and domestic violence.<sup>17</sup>

*In some communities (family violence) has reached a level that women expect to be bashed and, in fact, do not think that their bloke loves them unless he belts them. Children are also being abused – something so foreign to Indigenous culture that it reveals the extent to which communities are in total social crisis.*<sup>18</sup>

Barriers to women reporting family violence for Indigenous communities include:

- Fear of police violence to men taken into custody;
- Fear of removal of children if police and other authorities including the court become involved;
- Fear of retribution from both the perpetrator, the extended family and the community if the victim discloses the violence;
- Fear of an escalation in violence once the perpetrators is released from prison; and
- Frustration of Indigenous women in seeking help from police and courts who fail to act on reports of violence.<sup>19</sup>

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<sup>14</sup> Ibid

<sup>15</sup> Partnerships Against Domestic Violence (2000), *Projects with Indigenous communities – Key findings*, Commonwealth of Australia, Canberra

<sup>16</sup> D. Bagshaw et al (2000), *Reshaping responses to domestic violence*, University of South Australia, p.123

<sup>17</sup> Partnerships Against Domestic Violence (2000), op cit

<sup>18</sup> Bagshaw et al (2000), op cit, p.123

<sup>19</sup> Bagshaw et al, op cit

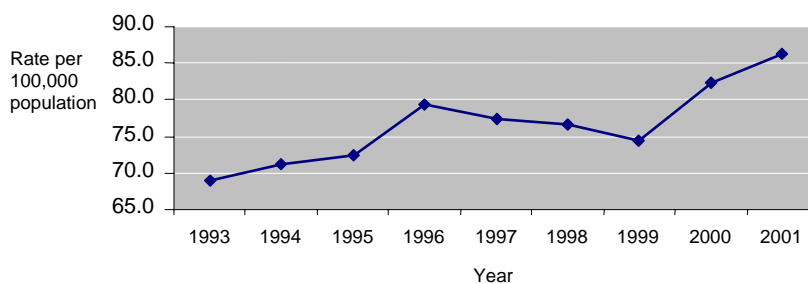
Younger women are also more at risk of violence by their partner than older women. Seven percent of women aged 18–24 years who were in a current relationship experienced violence by their partner, compared to 2% of women aged 45–54 years and 1% of women aged 55 and over.<sup>20</sup>

### SEXUAL ASSAULT: MEASURING THE INCIDENCE<sup>21</sup>

There are two main sources of information on the extent of sexual assault in Australia. The first are figures of offences recorded by the police. Police figures cover both female and male victims, of any age. Police statistics provide only a partial picture, since many victims choose not to inform the police of what happened, and the police may not always record victims' reports as crimes.

The second major source is the Women's Safety Survey, conducted by the ABS early in 1996. This covers the experiences of women aged 18 or more, both in the previous 12 months, and since they were 15. The graph below shows the national rate of sexual assaults recorded per 100,000 population for the period 1993-2001.

Rate of sexual assault recorded in Australia, per 100,000 population



Source: ABS, Recorded Crime Australia 2001, Catalogue No 4510.0

Other statistics on the incidence of sexual assault include:

- The number of *reported* sexual assaults had risen to 16,744 in 2001 from 15,759 in 2000.<sup>22</sup>
- Approximately one in five women aged 18 years and over in Australia has been sexually assaulted or threatened with sexual assault. This is similar to other countries: 1 in 6 (London); 1 in 4 (Canada).<sup>23</sup>
- An estimated 1.2 million Australian women (18%) have experienced an incident of sexual violence in their lifetime (since the age of 15) and 45% of these had experienced more than one incident.
- 9 out of 10 victims of sexual assault did not report the assault to the police.

<sup>20</sup> Ibid

<sup>21</sup> \*NB – All the statistics mentioned below have come from: Australian Bureau of Statistics, *Women's Safety Australia* (1996) (Catalogue No 4128.0) unless stated otherwise.

<sup>22</sup> Australian Bureau of Statistics (2001), *Recorded Crime*, (Catalogue No 4510.0).

<sup>23</sup> Northern Territory Office of Women's Policy (1996), *Sexual Assault Policy Discussion Paper*, Attachment 4.

- Approximately 90% of victims did not use crisis, professional, legal or financial services.

Under-reporting poses considerable challenges for governments and others committed to addressing sexual assault in the community as it is extremely difficult to get an accurate picture of the incidence of sexual assault at either a State/Territory or a national level in order to target appropriate interventions and prevention activities.

### **NATURE OF SEXUAL ASSAULT**

Most sexual assault offences (64%) occur in a residential location and most do not involve a weapon.

- Around 13% of victims are assaulted by more than one perpetrator.
- Around 45% of victims experienced more than one incident of sexual assault since the age of 15.
- Around 18% of sexual assaults are committed by a boyfriend or date.

### **VICTIMS OF SEXUAL ASSAULT**

The statistics below are based on only those incidents that have been reported.

- Victims of sexual assault are predominantly female (approximately 81%).
- Although any woman may be a victim of sexual assault, those who are single and those aged 18-24 are at greater risk.<sup>24</sup>
- Anecdotal evidence indicates that women with intellectual disabilities are significantly over-represented as victims.<sup>25</sup>
- The highest victimisation rates for males are for boys aged 0-14 years, and for females 15-19 years.<sup>26</sup>
- Queensland police department statistics collated by the Criminal Justice Commission in 1998 show that in at least three North Queensland Indigenous communities, women are between 16 to 25 times more likely to be raped than women in the rest of the State.<sup>27</sup>
- In 2001 over 60% of victims knew their offender.<sup>28</sup>

Priority issues on the criminal nature of violence against women include: the need to focus preventative efforts and resources on Indigenous and other disadvantaged communities.

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<sup>24</sup> Australian Bureau of Statistics (2001), *Recorded Crime* (Catalogue No 4510.0)

<sup>25</sup> B. Cook, F. David and A. Grant (2001), *Sexual Violence in Australia*, Australian Institute of Criminology Research and Public Policy Series No.36, Canberra

<sup>26</sup> Australian Bureau of Statistics, *2001 Recorded Crime*, (Catalogue No 4510.0).

<sup>27</sup> Queensland Police Service Statistical Review 1998/1999

<sup>28</sup> Ibid

**TOR b) PERPETRATORS OF CRIME AND MOTIVES:**

***PERPETRATORS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT***

It is well-established that it is mainly men who perpetrate domestic violence and mainly women who are the victims of domestic violence. Bagshaw and Chung observe that although men report experiencing domestic violence at the hands of female partners, the level of violence and men's experience of the violence was fundamentally different to that experienced by women. Men rarely feared either serious injury or for their lives. Few men experienced the stalking and post-relationship violence that is common to women who have recently ended an intimate relationship.<sup>29</sup>

**PERPETRATORS OF DOMESTIC VIOLENCE**

In this paper the terms that are used for preference are either 'men who perpetrate violence', or 'people who perpetrate violence', and 'women and children who are effected by violence' (or abuse), or 'people who are effected by violence'.

A number of programs in a number of countries, eg. Duluth (USA), Hamilton (NZ), and in Australia, eg the Australian Capital Territory and South Australia, have recognised that a coordinated and integrated approach to service planning and provision should be a key element of perpetrator programs. With over 20 years experience in coordinated criminal justice responses to family violence, the Duluth model is recognised as both historically and conceptually significant, in that it was one of the first models to address family violence in a systemic and holistic manner. Duluth is an integrated approach to domestic violence, which includes a coordinated response from police, prosecutors, courts, corrections, services for people who are victims, and behaviour change programs for people who are perpetrators. The program is focused on the safety and well-being of victims. It remains an effective operational model, providing training, resources and a centre of international best practice in addressing family violence.

PADV1 evaluation findings indicate that ad hoc responses, or provision of 'stand-alone' programs for men who perpetrate domestic violence, are perceived to be unaccountable because they do not address systemic issues. Each segment responds to a particular incident, without taking into account patterns of perpetrator behaviour (eg. police, services for those affected by domestic violence, public prosecutors, courts and corrections, crisis counselling, housing, health) and does not communicate relevant information to other systems. Responses often ignore the reality that there are many domains which are involved simultaneously. As a result, they often operate in isolation from one another.<sup>30</sup>

In Australia, the focus to date for the majority of domestic violence prevention work, research and funding has been on establishing and meeting the needs of people who are victims of domestic violence. Programs and research on effecting behaviour change in those who perpetrate domestic violence are a relatively recent attempt to address the whole problem, although some group programs, aimed at effecting behaviour change, emerged in the mid 1980s and some have been in existence for 11

<sup>29</sup> Bagshaw and Chung (2000), *Reshaping responses to domestic violence – Final Report, Partnerships Against Domestic Violence*, University of South Australia.

<sup>30</sup> Partnerships Against Domestic Violence, *PADV1 Evaluation: Men's Report* (unpublished)

or 12 years. There has been a significant growth in some states and territories of small stand-alone services for men.

Group programs for perpetrators have been provided over widely differing time-frames, running from a program offered over a block of several days to a program offered for several hours per week over forty weeks. They have, in the main, been separate from programs for women and children, from the criminal and civil justice systems and from the broader community. Some have had links to programs supporting women, while at least three in Australia have been part of a coordinated civil and criminal justice approach offering an integrated approach to contact with men, women, and children and young people. Work has commenced within PADV on developing appropriate intervention approaches and programs for those from culturally and linguistically diverse non-English speaking backgrounds, an area that has proved particularly challenging. Some work is occurring within indigenous communities through a range of family violence approaches.

An understanding of how the principles of a coordinated and integrated approach, such as that developed in Duluth, might be implemented effectively in the Australian context has been the focus of much work in Australia in recent times.<sup>31</sup>

A number of PADV projects (for example a major research project into working with children and young people who have experienced domestic violence (Gevers L (1999 reprinted) *Practice Standards for Working With Children and Young People Who Have lived With Domestic Violence*, Queensland: Queensland Department of Families, Youth and Community Care) emphasise that a key feature of sustainable responses and integrated approaches is that work with perpetrators and survivors should be within a framework that acknowledges power, gender and criminal issues related to domestic violence. Another example is the WA Best Practice Model, which outlines essential program elements, principles and processes for perpetrator programs, including these as important assumptions for the model. (p.74 men chapter), WA developed the WA Best Practice Model (Western Australian Domestic Violence Prevention Unit 2000).

#### **PERPETRATORS OF SEXUAL ASSAULT**

Research indicates that gender stereotypes can be a significant causal factor of crimes such as domestic violence and sexual assault. Men and boys can commit these crimes because they do not believe it is a crime: they think it is acceptable, 'natural' or unavoidable to force a woman to have sex or to use physical force against their girlfriends, partners or wives.<sup>32</sup>

Some important gender stereotypes that can exacerbate gender-based crimes include:

- Men are not responsible because women's dress or behaviour provoked them or they were drunk.
- Women deserve the use of force (eg. they were 'nagging').
- It is 'natural' that women should submit to men;

<sup>31</sup> R. Holder (2001), *Domestic and family violence: Criminal justice interventions* in Australian Domestic and Family Violence Clearinghouse, Issues Paper No. 3, Sydney

<sup>32</sup> NSW Council on Violence Against Women (1999), *Position paper on perpetrators*, NSW Attorney-General's Department, Sydney

- Forced sexual acts by boyfriends, husbands or partners are not really rape.
- Women cannot have been raped if they were threatened without the use of a weapon or physical force.

These kinds of harmful stereotypical attitudes and beliefs exist in the broader community and can influence many aspects of gender based crimes such as: the incidence of crime, the reporting of crime, the legal system's responses to these crimes and the impact on victims. There is limited quantitative data available on perpetrators of sexual assault however we do know that:

- The overwhelming majority of offenders are men.<sup>33</sup>
- In 1991, most adult sexual assault offenders were aged between 21 and 30, with the 21 to 25 age group having the highest rate of offenders.<sup>34</sup>
- In 1997, the highest rate of men convicted of sex offences per 100,000 male population was for men aged 19.<sup>35</sup>

#### **THE EFFECTIVENESS OF DOMESTIC VIOLENCE PERPETRATOR PROGRAMS**

Since 1999 there has been several pieces of research and a number of issues papers written, beginning with a review of programs by Keys Young<sup>36</sup> and most recently an Issues Paper on Criminal Justice Interventions<sup>37</sup> and a Literature Review on Perpetrator Programs, both commissioned by the National Domestic Violence Clearing House. Most authors have reported that very few of the Australian programs have been evaluated. Where evaluations exist, comparisons are difficult because of different definitions, target groups, entry criteria and contexts. Those evaluations which do exist, have suggested further issues for investigation.

Provision of program responses to people who perpetrate domestic violence must occur in a context of:

- accountability to the needs and experiences of those who are most adversely affected by violence - mainly women and children; and
- priority for the safety and well-being of the victims of domestic violence (mainly women) and affected/involved children and young people.<sup>38</sup>

#### **CURRENT PROJECTS FUNDED UNDER PADV**

The funding of projects aimed at perpetrators and those who work with them is one element of PADV efforts to bring together all of the systems which may provide services or programs for those affected by domestic violence. Others elements include strategies for children, women, young people, the community, business and governments.

This work will provide information and evidence on important questions and issues regarding working with people who perpetrate violence and abuse towards partners

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<sup>33</sup> Northern Territory Office of Women's Policy (1996), *Sexual Assault Policy Discussion Paper*, Attachment 4

<sup>34</sup> NSW Department for Women (1996), *Heroines of Fortitude*

<sup>35</sup> B. Cook, F. David and A. Grant (2001), *op cit*

<sup>36</sup> Keys Young (1999), *Evaluation of the ACT Intervention Program*, Canberra

<sup>37</sup> R. Holder (2001), *op cit*

<sup>38</sup> Morgan Disney & Associates (2002), *Summary Report on Working with Perpetrators* (unpublished paper prepared for the Office of the Status of Women, Canberra)

during a relationship or after separation. The funding program aims to provide evidence and information regarding what is known about the most appropriate and effective ways of working with perpetrators. From the issues identified, six perpetrator projects have been funded for development under PADV II between 2002-03. These projects will provide the foundation for building the evidence base for working with people who perpetrate domestic violence. These include:

**1. A comparative assessment of different approaches and good practice to the provision of services to perpetrators of domestic violence.**

This project being undertaken by the University of South Australia is a comparison of aspects of the provision of services to perpetrators of domestic and family violence in Australia, such as engagement processes, assessment tools, philosophy, integration approaches, use of typologies, links with criminal justice. The project will provide advice to government and services at all levels on models of best practice with perpetrators. It concludes in June 2003.

**2. Audit and review of the implementation and operation of integrated, collaborative approaches and parallel programs**

Some perpetrator programs in Australia have described themselves as “Duluth-type” programs, when, in fact, it is only the Duluth group program curriculum that they are following. Parallel programs involve services for men who perpetrate and for those effected by domestic violence. At present it is apparent that there are few programs that are either integrated, collaborative programs or parallel programs or a combination of the two, or which combine in an integrated system the civil justice sphere as well. An Audit and Review of a sample of those projects is being undertaken by the University of South Australia in order to contribute to the knowledge and understanding of coordinated systemic approaches to intervention with people who perpetrate domestic violence and to best practice approaches for such models. The project concludes in June 2003.

**3. Improving Women’s Safety**

This project undertaken by Health Outcomes International (South Australia) builds on previous work<sup>39</sup> in identifying the need to support women experiencing domestic violence to remain safely in their homes, rather than seeking accommodation in refuges and crisis services. Concluding in June 2003, the project will provide a basis for future policy direction in this area.

**4. Training Issues**

Research on the provision of programs for people who perpetrate domestic violence has concluded that these programs must be designed and implemented by highly skilled workers. One of the difficulties faced by domestic violence services throughout Australia is the availability of well-trained staff to work with perpetrators. The difficult nature of the work leads to high staff turnover resulting in an ongoing need for training new workers. Concluding in June 2003, this project, conducted by Leslie Gevers Community Management Services (WA), will provide an overview of training issues for those working with perpetrators.

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<sup>39</sup> Bagshaw et al op cit



## **5. Standards**

The release of the National Competency Standards for Domestic Violence Workers in 2001<sup>40</sup> provided a major opportunity to advance the need for well-developed standards for the range of workers who are often the initial contact point for perpetrators or for women and children who experience violence. This project, conducted by the Centre for Research in Education, Equity and Work (CREEW) at the University of South Australia, builds on that earlier work. The project concludes in June 2003.

## **6. Indigenous Family Violence**

The issues for Indigenous communities are complicated by the current dominant mainstream approach to domestic violence and the debates occurring within these communities regarding the challenges of linking programs to the mainstream criminal justice system. This project conducted by Sharon McCallum and Associates (QLD) will examine the dynamics of family violence in several urban and regional centres in New South Wales with large Indigenous communities. The project concludes in June 2003.

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<sup>40</sup> Partnerships Against Domestic Violence (2001), *National Competency Standards for Domestic Violence Workers*, Commonwealth of Australia, Canberra

**TOR c) FEAR OF CRIME IN THE COMMUNITY:  
WOMEN'S FEAR OF CRIME**

Fear of crime has emerged as a significant issue in considering factors which militate against community and individual wellbeing. Crime surveys consistently report women as being less likely to be victimised by crime than men and yet more fearful of crime than men. This apparent paradox may be explained by the fact that women are victims of a wide range of hidden violence in the form of domestic violence, sexual assault and threats of assault, as well as harassment. These are crimes which are not well documented by crime surveys.

The Inquiry's Terms of Reference and information kit stated that fear of crime can be based on inaccurate perceptions of the actual risks. This approach has already informed a great deal of work in relation to sexual assault and domestic violence across the jurisdictions, where research has already alerted relevant stakeholders to the fact that women are at significantly higher danger from those known to them than the "stranger danger" that has previously been the focus of much crime prevention work with women and children. Australian governments are working collaboratively to raise women's awareness about the potential for violence in their lives, including observing early warning signs with regard to relatives and known persons and the importance of women's protective behaviours and actions.

*Women's Safety Australia*<sup>41</sup> measured physical and sexual violence perpetrated on women. In addition, the survey measured abuse, harassment and women's feelings of safety in the community and at home. The survey was designed to maximise women's disclosure of their experiences of violence and as such represents a more accurate picture of the incidence, nature and effects of violence against women than other types of crime surveys. The survey found that 17% of women reported living in fear for their personal safety after being sexually assaulted.

The Australia Institute of Criminology (AIC)<sup>42</sup> undertook a secondary analysis of Women's Safety Australia data to examine the role that factors such as vulnerability (both physical and social) and experience of violence played in women's perceptions of personal safety. The research revealed that women's fear of crime is greatest among those who have lower incomes, those in older age groups and those living with a partner. Women who had experienced violence are more likely to be fearful of crime than other women and this is particularly so among women who have been victims of domestic violence. This suggests that women's fear of crime is rational rather than irrational, as suggested by some studies.

Important policy implications emerge from this study. Initiatives aimed at improving women's economic and social status, in particular those in disadvantaged groups, can improve perceptions of personal safety and increase participation in community life. Early intervention to prevent recurrence of domestic violence or occurrence of such violence in the first place, must be a priority.

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<sup>41</sup> Ibid

<sup>42</sup> Australian Institute of Criminology (1999), *Women's Fear of Violence in the Community*, Canberra

**TOR d) THE IMPACT OF BEING A VICTIM OF CRIME AND FEAR OF:  
IMPACT OF VIOLENCE ON WOMEN AS VICTIMS**

Domestic violence impacts on all members of the household. Domestic violence can include acts of cruelty, control, humiliation, intimidation and infliction of pain, and more dramatically murder. These can be exhibited in any number of ways such as, for example, screening of phone calls, denial of liberty and contact with family and friends. Women who live in violent relationships live in constant fear. In the Bagshaw and Chung study<sup>43</sup>, women reported that psychological and verbal abuse had a more damaging effect than physical abuse - that it was "devastating and long lasting" .

Violence does not necessarily end with the end of a relationship. Threats and fear of violence can continue long after the violent relationship has ended. This can occur at hand-over visits or at the workplace as women live with the guilt and fear of handing their children over to a violent partner. The PADV evaluation findings strongly indicate that domestic violence causes women to feel vulnerable, paranoid, anxious, insecure, frightened, have low self-esteem, useless, isolated, introverted, disoriented, unemployable and exhausted. It is usually long-term in nature.<sup>44</sup>

**THE IMPACT OF DOMESTIC VIOLENCE ON CHILDREN**

There is a growing body of evidence that domestic violence can have a profound effect on children who witness it.<sup>45</sup> Symptoms include fear, isolation, self-blame and anxiety. Children may respond by withdrawing, exhibiting behavioural problems, developing physical and mental illnesses and having greater difficulty in resolving conflict and forming healthy stable relationships. These responses vary by, *inter alia*, gender, age and stage of development.

According to James, symptoms can be manifested internally (such as through illness, depression, anxiety, withdrawal or low self-esteem) or externally (through destructive behaviours, disobedience or aggression). Toddlers' experience of domestic violence has been identified as a strong predictor of both child sexual abuse and physical abuse.<sup>46</sup> James cites a number of studies that indicate increased chances of intergenerational transfer of violence where children have been exposed to domestic violence.

James comments:

*However, it must be emphasised that, while there is no doubt that children who either witness and/or are victims of domestic violence are all affected in terms of their behavioural, cognitive and emotional adjustment, the research is still not conclusive enough to determine that there is a definitive set response for gender, age or stage of development. .... Many factors need to be taken into account, including the extent and frequency of the violence; the role of the child in the family; the number of repeated separations and moves; and economic and social disadvantage.<sup>47</sup>*

<sup>43</sup> Bagshaw et al 2000, *Reshaping Responses to Domestic Violence*, Pirie Printers Canberra.

<sup>44</sup> Partnerships Against Domestic Violence, *PADV1 Evaluation: Women's Report* (unpublished).

<sup>45</sup> See for example, McKay (1994) and James (1994)

<sup>46</sup> Goddard & Hiller (1993), 'Child Sexual Abuse: Assault in a Violent Context' in *Australian Journal of Social Issues*. Vol 28, No. 3, Feb 1993, pp20-33; A. Tomison (1994)

<sup>47</sup> *Ibid*

*Women's Safety Australia 1996* found that 46% of women who had experienced violence by a previous partner, and 38% of women experiencing violence from a current partner, said that they had children who had witnessed the violence. Half of the women who experienced violence by a previous partner finally ended their relationship because of the violence they experienced or because of threats against their children<sup>48</sup>.

Children can be direct or indirect victims of domestic violence. They can witness violence against their mother or be victims themselves. They can also be directly implicated in the violence such as by watching out for the impending arrival home of the father. They can also be the victim either as a consequence of stress from their mother or resulting from fear of the perpetrator<sup>49</sup>.

Concerns have also been raised in recent years regarding the criminality of women who choose to remain in relationships with violent men with their children.<sup>50</sup>

There is now clear evidence that whether the child is directly or indirectly involved in domestic violence, the consequences are harmful. Approximately 1 in 5 families will suffer from some form of domestic violence. The age and gender of the child will also have a bearing on how a child will cognitively process the information and how they will respond in both the short term and longer term (to adulthood). Being the witness to, or victim of, domestic violence will have an impact on the health, behaviour and socio-economic development of the child.

Bagshaw and Chung report that children are significantly affected by domestic violence, either through witnessing or experiencing the violence themselves.

*... children may be 'secondary victims' and suffer trauma and other significant emotional and psychological effects through witnessing violence, usually directed to their mothers by male partners/fathers. From a range of studies in Australia and overseas illustrate a high incidence of children as witnesses to domestic violence, ranging from abusive language to homicide.*<sup>51</sup>

Children are often far more aware of violence in the home than their parents realise.

*Parents may try to hide the violence from the outside world and their children. Their "fights" may not be identified as violence by the parents or the child, even though the children commonly report feelings of fear and terror, and/or the children may not feel free to disclose the violence.*<sup>52</sup>

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<sup>48</sup> Ibid

<sup>49</sup> Butterworth & Fulmer

<sup>50</sup> J. Stubbs et al (2002), *Negotiating child residence and contact arrangements against a background of domestic violence*, Paper presented to the Expanding Our Horizons Conference, University of Sydney.

<sup>51</sup> Ibid, p.11

<sup>52</sup> Ibid

## VIOLENCE AGAINST PREGNANT WOMEN

There is recent evidence that domestic violence perpetrated on a pregnant woman can affect the unborn child and will have an impact long into the child's early years and perhaps beyond.<sup>53</sup>

Pregnancy is a time of increased risk for many women. Violence often commences during pregnancy and this will be to the harm not only of the woman but also to her unborn child. The *Women's Safety Survey* found that of the women who had experienced abuse, just under half of the women had experience the abuse during pregnancy and 20% for the first time. Pregnancy places women at greater risk particularly if there is violence in the intimate relationship.<sup>54</sup> Taft illustrates:

*She was seven months pregnant, she was beaten from top to toe... with one of those meat (steels) that butchers sharpen their knives with... How she wasn't killed I don't know. He got in too... she was going to testify... (but) she discharged herself and went with him.*<sup>55</sup>

A Western Australian study by Quinlivan and Evans (2001)<sup>56</sup> of young adolescent pregnant girls (aged 12 to 17 at delivery) revealed major concerns about the impact of domestic violence on both the teenage mother and child. Of the 598 women and girls in the study, 29.2% were victims of domestic violence. Social isolation, homelessness and health problems were issues for a significant number of this group. This group were "significantly more likely to be diagnosed with a defined puerperal problem... dominated by the presence of puerperal sepsis, postnatal depression and acute situational crises and poor mothering skills, often in combination." The newborn infants to these mothers also had significantly more health problems and a smaller head circumference.

*Pregnant teenagers exposed to domestic violence and their newborns were found to have significantly higher levels of postpartum and neonatal morbidity.*<sup>57</sup>

Quinlivan argues that women exposed to domestic violence is a public health issue.

*Physical and sexual abuse cause stress to the pregnant woman. If the abuse is severe or prolonged, maternal levels of the stress hormone cortisol are raised. Our work in sheep has revealed that repeated exposure to stress hormones results in poor foetal growth. According to David Barker's group in the UK, which is now supported by epidemiological evidence from around the world, poor foetal growth in-utero is linked to the subsequent development of adult*

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<sup>53</sup> J. Quinlivan and Evans (2001),

<sup>54</sup> J. Quinlivan and Evans (2001); A. Taft (2002), *Violence against women in pregnancy and after childbirth: current knowledge and issues in health care responses* (unpublished)

<sup>55</sup> A. Taft (2002), op cit, p.1

<sup>56</sup> Office of the Status of Women (2000), *The Way Forward - children, young people and domestic violence. PADV Forum Proceedings*. Pirie Printers, Canberra

<sup>57</sup> Ibid

*diseases such as hypertension, diabetes, psychiatric disorders such as schizophrenia and depression, and heart disease.*<sup>58</sup>

The findings from this study highlight the need for early identification of the abuse and for early intervention for the abused women to minimise the long term impact of the damage caused by the violence.

One study found that, for children whose parents are unable to reach agreement on residency and contact arrangements, abuse can be prolonged by lengthy Family Court experiences:<sup>59</sup>

*A particular problem for the women and children was the way that fathers used contact with the children as a route to further abuse the mother, either directly by harming the children, or indirectly, by a proliferation of court cases. Threats to kill, harm or abduct a child, especially when the women tried to leave, appeared often to be primarily designed to hurt the mother.*<sup>60</sup>

The government commissioned the Family Law Pathways Advisory Group in 2000 to provide expert guidance and make recommendations to government on ways to improve the family law system and to support families experiencing relationship difficulties or break-down. The Group's report "Out of the Maze" was presented in July 2001 and during the 2001 federal election the Attorney-General, the Hon Daryl Williams AM QC MP, announced the government would support and promote the recommendations of the report.

The Family Law Council is currently undertaking an inquiry into the interaction between the (Commonwealth) Family Law Act and state and territory child and family services legislation. This inquiry is expected to report in 2002.

Through the Family Court, the Magellan project was established to improve collaborative arrangements between different organisations in cases involving serious physical and or sexual abuse.<sup>61</sup> The child-focussed approach emphasised early intervention and the use of a judge-led, time-managed and time limited approach to ensure more effective and timely resolution of family law matters where allegations of child abuse were involved. An evaluation of the project has found that the project was a success in terms of reducing the time taken for the cases and the number of hearings required, reducing the breakdown rate of final orders and reducing incidence of child distress.

## **IMPACT OF SEXUAL ASSAULT ON VICTIMS**

Sexual assault has both short term and long term impacts on victims. Short term impacts may include:

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<sup>58</sup> *ibid*

<sup>59</sup> J. Stubbs et al (2002), *op cit*

<sup>60</sup> Radford et al (1997), cited in L. Laing (2000), *Children, young people and domestic violence*, in Australian Domestic and Family Violence Clearinghouse Issues Paper No. 2

<sup>61</sup> T. Brown et al (2001), *Resolving family violence to children: The evaluation of the Project Magellan, a pilot project for managing Family Court residence and contact disputes when allegations of child abuse have been made*, Monash University Family Violence and Family Court Research Program

- Going through a medical examination, describing what occurred to various people, deciding whether to report the incident to police and all that is involved in this process, recovering from the assault – physically, mentally, and, emotionally, changing day-to-day activities such as going to work, shopping, eating, sleeping, visiting friends, exercising etc.
- In addition to injuries sustained at the time of the assault, other negative health effects may include chronic pelvic and other pain syndromes, gastrointestinal problems, chronic fatigue, sleep disturbances, eating disorders, substance use disorders, post traumatic stress disorder, personality disorders, stress related illnesses, lowered self esteem, depression, psychological distress, difficulties in sexual/interpersonal relationships, and unsafe sex behaviours.<sup>62</sup>
- Female victims of sexual assault are also at a higher risk of self-harm (including suicide), teenage pregnancy, unwanted pregnancy, high risk pregnancy, adverse pregnancy outcomes and contracting sexually transmissible diseases including HIV/AIDS.<sup>63</sup>
- Most female prisoners have experienced some form of sexual and/or physical abuse prior to their imprisonment, with Victorian studies reporting past physical abuse in 64 per cent, and past sexual abuse in 43 per cent of female prisoners.<sup>64</sup> A recent Western Australian study found that over three-quarters of women in prison reported experiencing some form of abuse, either as an adult or child.<sup>65</sup> The high rates of abuse suggest that there may be a relationship between abuse history and imprisonment.

### WOMEN IN PRISONS

Women currently comprise 7% of the total Australian prison population, approximately 20 per 100,000 of the adult female population.<sup>66</sup> The 20-24 year age group had the highest rate of imprisonment with 55 per 100,000. The states and territories all present similar statistics. More than 40% of all Australian women in custody report having been repeatedly violently abused as children and 70% violently abused as adults.<sup>67</sup> Of 87,764 people convicted in 1994 in NSW local and higher courts, 13,358 or 15.2% were women.

The most common offence that women were imprisoned for was theft (51.1%). 13% were imprisoned for offences against justice procedures, 12.3% imprisoned for offences against the person and 12.1% were imprisoned for drug offences.<sup>68</sup> Most women were in prison on sentences of less than a year (87.5%), while 9.7% were imprisoned on a sentence of 1-5 years and less than 3% were in on sentences of more than five years duration.<sup>69</sup>

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<sup>62</sup> Bennett, Linda; Manderson, Lenore; Astbury, Jill (2000), *Mapping a Global Pandemic: Review of Current Literature on Rape, Sexual Assault and Sexual Harassment of Women*

<sup>63</sup> Ibid

<sup>64</sup> Department of Justice (Vic) (1995)

<sup>65</sup> Department of Justice (WA) (2002)

<sup>66</sup> Australian Bureau of Statistics, *Prisoners in Australia*, p.2

<sup>67</sup> Ibid

<sup>68</sup> Ibid

<sup>69</sup> Ibid

In one survey conducted by QLD Corrective Services, it was found that 78.57% of female prisoners had experienced sexual assault, 83.92% had experienced domestic violence and 83.92% had experienced emotional abuse.<sup>70</sup>

## OTHER EFFECTS OF VIOLENCE ON WOMEN'S LIVES

### Homelessness

A study conducted on behalf of PADV, entitled *Home Safe Home: the link between domestic and family violence and women's homelessness*,<sup>71</sup> challenged a number of orthodoxies that the researchers perceived in the prevailing paradigm of service provision. These included that:

- Women and children should leave the family home to escape violence.
- An assumption that women in domestic and family violence situations have a focus on rebuilding their life free of violence and the perpetrator. Women in domestic and family violence circumstances are not a homogenous group and many of them, especially those in long term relationships, do not necessarily want a separation.
- Women and children do flee the family home to escape the violence.<sup>72</sup>

Recommendations from *Home Safe Home* included:

- Improving police response to callouts to violence incidents, especially breaches of protection orders;
- Re-orientation of men's emergency accommodation services to accommodate men removed as a result of domestic and family violence, and compulsory attendance at perpetrator programs; and
- Existing outreach services to women choosing to remain in the family home and/or relationship should be acknowledged and funded appropriately.

Chung et al observe:

*...some shifts in thinking and in policy and practice, which do not compromise safety and power considerations, and promote women's rights to choose their options are both possible and necessary and are reflected in these recommendations.*<sup>73</sup>

Research conducted in Western Australia found that Indigenous women were more likely to use refuges as "respite" from violence rather than for a period of transition, because they were unwilling to leave the relationship and suffer the negative consequences.<sup>74</sup>

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<sup>70</sup> 'Profile of Female Offenders Under Community and Custodial Supervision in Queensland', p.26

<sup>71</sup> D. Chung, K. Kennedy, B. O'Brien, S. Wendt (2000), *Home Safe Home: the link between domestic and family violence and women's homelessness*, Commonwealth of Australia, Canberra

<sup>72</sup> Ibid

<sup>73</sup> Ibid

<sup>74</sup> H. Blagg, D. Ray, R. Murray, & E Macarthy (1999), *Models of intervention at the point of crisis in Aboriginal Family Violence*, for the Domestic Violence Prevention Unit, Perth, Western Australia, on behalf of Partnerships Against Domestic Violence.



**TOR e) STRATEGIES TO SUPPORT VICTIMS AND REDUCE CRIME:  
STRATEGIES TO SUPPORT WOMEN AS VICTIMS OF CRIME AND ADDRESS  
VIOLENCE**

Since the establishment of the first women's refuge in Australia in 1974<sup>75</sup>, the vast majority of work done to support women who are victims of domestic violence and sexual assault has been undertaken by non-government agencies, including rape crisis and sexual assault centres, domestic violence services and women's refuges. Summers argues that there has been a long history of antipathy between women's services and the broader community service sector, especially law enforcement, over the past two decades,<sup>76</sup> while Holder states there has been a growing recognition that services for victims of violence cannot operate in isolation from the criminal justice, welfare and other service systems.<sup>77</sup> Further, Holder argues that although there are significant philosophical differences between jurisdictions, most women's services in Australia now operate in a context of cooperation and integration with the broader service system in order to best meet the needs of victims of violence.<sup>78</sup>

A number of recent reforms have been undertaken by jurisdictions to improve the legal system's responses to domestic violence and sexual assault. South Australia, Victoria and ACT have established domestic violence courts to improve the handling of domestic violence crimes. Several police departments have established specialist units to deal with sexual assault crimes. These kinds of reforms acknowledge the need for specialist knowledge and approaches in the legal system to better respond to these kinds of crimes.

**STRATEGIES TO SUPPORT VICTIMS - MODELS OF GOOD PRACTICE**

Models of community and interagency collaboration offer some of the most promising strategies for improving community responses to violence and supporting victims. Studies into why some models of integrated services are more successful than others are ongoing by OSW, but some factors identified are:

- Drawing on international research and practice but not attempting to replicate international models in the Australian environment.
- Involvement of key stakeholders in policy and decision making processes.
- A practical commitment to transparency and accountability by key stakeholders.
- Philosophical agreement to providing improved services to victims of violence.

A number of world-class integrated models of services based on these criteria have been developed in Australia over the past twenty years, drawing initially on international research and subsequently informed by local practice and the Australian context. These models integrate victim perspectives, programs for perpetrators aimed at stopping the violence and criminal justice responses. For example:

The South Australian Violence Intervention Project (VIP)

The South Australian VIP provides an innovative approach to policy, practice and service delivery which promotes the safety of women and children by focusing on perpetrator accountability for violence and abuse. The multi-agency initiative

<sup>75</sup> A. Summers (1999), *Ducks on the pond*, Penguin

<sup>76</sup> *ibid*

<sup>77</sup> R. Holder (2001), *op cit*, p.1

<sup>78</sup> *ibid*

involves the court, corrections, police, the Department of Human Services and the Salvation Army. A specific domestic violence court, the Family Violence Court, was created for the program. Women and children are provided with help and support and programs are provided for perpetrators. The criminal justice response to men using violence reinforces the message that domestic violence is unacceptable and merits court opprobrium.

#### The ACT Family Violence Intervention Project (FVIP)

Commenced in 1996, the ACT FVIP was developed under PADV I and II. It has drawn on research internationally to develop a range of strategies suited to the ACT, specifically:

- A specific Family Violence Case Management Hearing Process.
- A designated Magistrate to deal with all family violence matters.
- A specialist Family Violence Prosecutor.
- A witness Assistant within the Department of Public Prosecutions to liaise with witnesses in all family violence offences before the court; and
- A range of policing initiatives including the creation of a specialist family violence officer position and an increased emphasis on training and technology to collect evidence in family violence cases.

Evaluations into the ACT FVIP by Urbis Keys Young have shown a high level of satisfaction with the various facets of the project by women using the criminal justice system to address violence in their lives.<sup>79</sup>

#### **CURRENT WORK AT THE NATIONAL LEVEL**

- **Civil and criminal justice**

PADV is currently completing *Research into Good Practice Models to Facilitate Access to the Civil and Criminal Justice System by People Experiencing Domestic and Family Violence* (to be published shortly). Elements of the justice system analysed in the report include legal services, court support schemes, generic domestic violence services, child centered initiatives, justice system initiatives involving new court procedures and police evidence gathering; use of technology and communications such as digital cameras or video conferencing, and. The report shows how small and practical changes (such as to the way information is managed and shared) can make significant improvements to the effectiveness of the justice system in delivering outcomes for victims of violence.

Good practice principles and operational aspects of the projects which improved access to justice include:

- Collaboration, co-location, integration, information sharing and consistent responses across jurisdictions, agencies and non-government sectors, which can lead to more informed judicial decisions, better prosecution rates, and greater victim safety and perpetrator accountability.

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<sup>79</sup> Urbis Keys Young (2001) , Partnerships Against Domestic Violence, Canberra

- Personalised justice system responses (for example through police letters, protection orders and court support) can encourage women to take legal action, and lead to more effective and long-lasting orders.
- Specialisation of courts, prosecutors and police investigators can enhance their ability to deal with complex violence issues, and assists in interagency collaboration.
- Improved police responses such as evidence gathering can lead to convictions even if the victim has refused to testify. use of information technology such as electronic lodgements of applications for protection orders, video conferencing, and electronic networking can overcome barriers to access to justice in rural and remote locations.
- Early and proactive intervention and contact with the victim, and tailoring support to their individual and cultural needs and the needs of their family, can encourage them to instigate and continue with legal action.

Factors which influence whether the project is sustainable in its own environment, and replicable to other environments, were identified by the report. It showed that the impetus for structural change, for example within a court, requires leadership, rank, authority and a certain vision of one or several individuals. At a community level, grass roots support was significant.

- **Australian Domestic and Family Violence (ADFV) Clearinghouse**

One of the major aims of PADV is the analysis and dissemination of new information to support domestic violence prevention efforts. The establishment of the Australian Domestic and Family Violence Clearinghouse at the University of New South Wales by the Commonwealth under PADV late in 1999 was the first national initiative to coordinate the dissemination of this kind of information, with the aim of improving policy and practice across Australia. The ADFV Clearinghouse produces issues papers, newsletters with information on service and policy innovations and topics papers and parallels international initiatives to disseminate such information.

The operations of the ADFV Clearinghouse are of significant benefit to policy makers and to specialist domestic violence services and to generalist services such as health, welfare and counselling services, from which the majority of those affected by domestic violence first seek help.<sup>80</sup>

- **A Business Approach (ABA)**

A successful strategy in the USA which has engaged business in recognising the impact of domestic violence on people in the workforce, is currently being developed by the Office of the Status of Women to encourage business, large and small, and government as employers to join with the wider community in raising awareness of and seeking to reduce and prevent domestic violence. PADV: A Business Approach aims to enlist senior management and CEO interest and commitment to have a positive effect on community attitudes to of domestic violence. Large companies generally have Employment Assistance programs (EAPs) for employee well-being and the ABA strategy aims to identify the way in which such programs can be specifically tailored to help recognise and respond to domestic violence. For small businesses that lack the resources to provide an EAP, ABA aims to encourage support

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<sup>80</sup> See the Clearinghouse website at: [www.austdvclearinghouse.unsw.edu.au](http://www.austdvclearinghouse.unsw.edu.au)

between small business and community service providers to raise awareness of domestic violence and the services available to employees and employers.

The role of community agencies is an important one as business can utilise the expertise and knowledge held within this sector. By developing partnerships between community agencies and business we can facilitate information exchange and mutual support. Business can use community agencies to provide locally relevant information, resources, and experts to speak at events and training. Community agencies can develop relationships that support their community work. OSW also aims to encourage government agencies to participate in the Business Approach to Domestic Violence.

- **The National Initiative to Combat Sexual Assault (NICSA)**

The *National Initiative to Combat Sexual Assault* has established four key objectives with the initial focus being on research and policy development to inform community awareness. The key objectives of NICSA are:

1. To promote cultural change in attitudes and behaviours to reduce the incidence of sexual assault.
2. To identify and address the immediate and long-term impacts of sexual assault on women, and the social and financial costs to the community.
3. To establish a consistent and coordinated framework for sexual assault reduction, prevention and interventions across all levels of government and the wider community.
4. To develop an information strategy to:
  - facilitate access to national, policy relevant data to inform strategies to more effectively prevent and respond to sexual assault.
  - establish a comprehensive evidence base incorporating both research and practice.

To establish the foundations for the strategy the following projects, which fall under the fourth objective, have been approved:

- Establishment of a research and information centre on sexual assault similar to the Australian Domestic and Family Violence Clearinghouse; and
- Funding of Australia's participation in the first International Violence Against Women Survey (IVAWS) run by the United Nations Interregional Crime and Justice Research Institute and administered by the Australian Institute of Criminology (AIC); and
- Funding of a full-time data analyst position for a period of two to three years to work solely on sexual assault and based in the AIC; and
- An information audit of the statistical and other materials that are currently available in order to:
  - Identify national needs for data on sexual assault.
  - Assess those needs and gain agreement on relative priorities.
  - Identify current sexual assault data sources (ABS and non-ABS) and their uses.
  - Develop strategies for producing more uniform data from current data sources.

- Develop strategies to meet the identified priorities (possibly through expansion of current data sources or the investigation of new collections, including the roles and responsibilities of key players).

Additionally work is being undertaken to establish current community attitudes to the issue of sexual assault. This will underpin the work under the first objective. Further work will be developed, in the second and subsequent years of the strategy, to address objectives 2 and 3.

In 2002, critical issues in the development of strategies to improve responses to violence against women include the need for:

- Improved data collection and comparable data on violence against women across community and social service systems.
- Recognition and incorporation of the economic costs of violence against women into all sector budgets including costs to business and the community.
- Training for magistrates and judiciary on impact of violence against women.
- Development of innovative interagency programs, but not at the expense of on-going support for women's crisis services and emergency housing at the jurisdictional level.
- Effective management of violent offenders to improve the safety of women and children across their lifespan.

**TOR f) APPREHENSION RATES :**

***APPREHENSION RATES OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT OFFENDERS***

**WHY WOMEN DO NOT REPORT VIOLENCE**

Women experiencing violence are very reluctant to ask for help. The reasons for this include: shame and embarrassment; fear of escalating violence; feelings that they are to blame for the violence or potential break-up of the family; lack of self-esteem; denial, disbelief; hope that his behaviour will change or it will all go away; desire to keep the family together; depression and stress; isolation (social, physical or geographic); lack of services or lack of awareness of services; lack of faith in others' ability to help; and a sense of self-reliance and independence<sup>81</sup>

In particular, commitment to maintain the relationship, shame about marriage failure, and social pressure to be in a long-lasting and successful relationship, lead many women to endure considerable abuse and violence over a long period and not reporting crimes of violence.<sup>82</sup>

Consequently, women in violent relationships do not easily leave until all hope of change is exhausted. Some women continue to love their partner and enjoy other aspects of the relationship. Women in a first relationship may be uncertain about what is 'normal' or 'acceptable' conflict in a relationship and what is violence and abuse. Feeling responsible for the relationship and the violence is a very common experience, whilst men who use violence often do not take responsibility for their behaviour, and blame their partners.

Prior to seeking help women have usually attempted to change their own behaviour in various ways in order to stop their partners' violence. When all avenues for personal change are exhausted and the violence continues, women will often seek help as they realise that they cannot change the violence. PADV evaluation findings indicate that it is difficult for women to disclose about the violence and so it is critical that the first point of contact for help responds in ways that are supportive and not dismissive and trivialising.<sup>83</sup>

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<sup>81</sup> Keys Young (1999); Cultural Perspectives (2000)

<sup>82</sup> Ibid

<sup>83</sup> Partnerships Against Domestic Violence, *PADV1 Evaluation: Women's Report* (unpublished)

Government reports and research indicate that some members of the police and legal profession hold generalised and inaccurate views about men and women, their roles in society and their needs and priorities under the law.<sup>84</sup> Some legal practitioners have applied or interpreted the law in ways that show gender biased views (overt or unintentional) or a lack of understanding of particular gender dimensions.<sup>85</sup> This can lead to judges preferential or discriminatory treatment of, and outcomes for, male and female witnesses including both victims and those charged. Gender bias has been shown, in a 1991 study, to affect judges' decision-making including: rulings on evidence and procedural questions; summing up; judgement in judge-only cases and sentencing.<sup>86</sup>

Media and community concerns have been raised about some domestic violence and sexual assault cases including claims that the legal system has failed to treat women fairly. Criticisms have included: laws were applied by judges and magistrates in ways that did not reasonably take women's particular situations into account; the legal system did not have an understanding of the gender dimensions of these crimes; and legal responses showed a bias against women (particularly women victims). The consequences of the legal system's responses to these crimes may include: perpetrator's crimes not being taken seriously; victims receiving unfair treatment by police and the courts; perpetrators not being charged; perpetrators receiving no sentence or lenient sentences.<sup>87</sup> See also below under "Apprehension of domestic violence offenders".<sup>88</sup>

Some groups of women (particularly indigenous women, women with disabilities and refugee women) face additional problems in using the legal system. The most recent available evidence indicates that indigenous women are the most legally disadvantaged group in Australia.<sup>89</sup>

There is currently no requirement, at either the national or jurisdiction levels, for police officers or the judiciary to undertake gender awareness training. NSW has a regulation that makes equal opportunity training mandatory for legal officers every three years. Gender awareness training is available on an ad hoc basis in some States/Territories. For example, the Judicial Commission of NSW conducts gender awareness as part of other professional development courses. The Family Court has also conducted training in gender awareness.

Research indicates<sup>90</sup> continuing problems in relation to the reporting of domestic violence and sexual assault and police responses to these crimes:

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<sup>84</sup> Australian Institute of Criminology (1996), *Proceedings of the First Conference of Australasian Women Police*, Sydney; P. Easteal (2001), op cit

<sup>85</sup> P. Easteal (2001), op cit

<sup>86</sup> Australian Institute of Criminology (1991), *Women and the Law Conference Proceedings*, Canberra

<sup>87</sup> P. Easteal (2001), *Less Than Equal*; NSW Bureau of Crime Statistics and Research (1995), *NSW Evaluation of AVO Schemes*, Sydney; H. Katzen and L. Kelly (2000), *How do I prove I saw his shadow? : Responses to Breaches of Apprehended Violence Orders*, Northern Rivers Community Legal Centre, Lismore; and J. Stubbs and J. Tolmie (1994), 'Battered woman syndrome in Australia: A challenge to gender bias in the law?' in J. Stubbs (ed), *Women, male violence and the law*, Institute of Criminology, Monograph Series No. 6, Sydney

<sup>88</sup> J. Stubbs and J. Tolmie (1994), *ibid*

<sup>89</sup> Australian Law Reform Commission (1994) *Equality Before the Law: Justice for Women and Women's Equality*, Reports No 69 (1&11)

<sup>90</sup> P. Easteal (2001), op cit.

- Some police officers and lawyers discourage sexual assault and domestic violence victims from reporting the crimes.
- There are community perceptions that the legal system is biased against victims and that it is a traumatic experience for them.
- Stereotypes of rape (eg. that the offender is a stranger and has used a weapon) can have an influence on police decisions whether to investigate the assault and take legal action.
- Some police officers do not respond to breaches of Protection Orders (also known as Apprehended Violence Orders or AVOs).
- A significant proportion of domestic violence victims do not seek a Protection Order or report breaches because they fear further violence or intimidation.
- Many women victims believe that the legal system let them down. Victims felt they were treated like a criminal during the reporting and court proceedings and were dissatisfied with the outcomes of their case.<sup>91</sup>

Despite the shortfalls, various reports indicate that Protection Orders have reduced the incidence of domestic violence and that most victims support Protection Orders.<sup>92</sup> Easteal argues that many police still believe that domestic violence is a family matter, not a crime, and should be dealt with by non-criminal means.<sup>93</sup> This work suggests that the existing police culture continues to be a significant problem and that training is needed to turn around police officers' perceptions that domestic violence is 'minor', 'trivial' or a 'family matter'. There is also some evidence to suggest that indigenous women's complaints of family violence are treated less seriously than those of non-indigenous women.<sup>94</sup>

It has been argued that police reluctance to make arrests on domestic violence (including breaches of orders) can also be influenced by what they perceive to be a less than punitive approach by the courts on breaches. For example, offenders of breaches are often treated leniently by the courts.<sup>95</sup> Responses of magistrates and judges show a persistent minimising of the abuses.<sup>96</sup> Penalties imposed are often minimal – such as a good behaviour bond – even for offenders who have breached on numerous occasions.<sup>97</sup> The courts often measure harm in terms of serious physical injury and not the far-longer lasting emotional impacts.<sup>98</sup> Some magistrates and judges do not understand the uniqueness of domestic violence and tend to treat domestic violence cases like a one-off assault. Ineffectual interventions by the courts have little deterrent value and can dissuade police from charging offenders.

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<sup>91</sup> P. Easteal (2001), op cit

<sup>92</sup> NSW Attorney-General's Department (1997)

<sup>93</sup> Australian Institute of Criminology (1999), papers from the *Second Conference of Australasian Women Police*, Brisbane; P. Easteal (2001), op cit

<sup>94</sup> H. Katzen and L. Kelly (2000), op cit

<sup>95</sup> L. Godden and H. Douglas (2002), *An examination of the role of the criminal law in situations of intimate partner violence*, paper presented to Expanding our Horizons conference, University of Sydney.

<sup>96</sup> Ibid

<sup>97</sup> Ibid

<sup>98</sup> Ibid



Additionally, women are frequently generally reluctant to proceed as witnesses giving evidence in court matters regarding their current partner.<sup>99</sup>

### **APPREHENSION OF DOMESTIC VIOLENCE OFFENDERS**

The application of domestic violence legislation is sometimes ineffective. Research indicates that some police officers and courts have taken minimal actions against perpetrators.<sup>100</sup> For example, the legal system's responses to women's assault allegations are sometimes based on comparisons with the standard of a 'one-off assault' among men (eg. when the police or judges make decisions about charging and sentencing).<sup>101</sup> At times, this has resulted in tragic outcomes for women. A NSW study showed that Protection Orders were in place for 20 of 110 marital murders. Clearly, protection orders alone are not sufficient to protect women.<sup>102</sup> See also Term of Reference (F).

While police report a good response to the breach of protection orders (around 80 per cent), the findings of several other reports and studies indicate a very poor response rate. For example, one NSW report found that 73 per cent of breaches of domestic violence orders that police were called to were not acted upon.<sup>103</sup> In addition, studies have found that police officers use their discretion not to record all alleged breaches. This means that some women's complaints of domestic violence – which they considered threatening enough to report the matter to the police – are not recorded and do not appear in police reports.<sup>104</sup>

The effectiveness of domestic violence legislation is dependent upon the responses by the police and the courts. The evidence shows that these responses are variable. How the police and the judiciary think about domestic violence can often – and unconsciously – shape their responses to it. The 1995 NSW study found that more than half of magistrates believed victims were at least partly responsible or to blame. For example, some magistrates believed that women deserved the violence (eg. some magistrates have stated that perpetrators 'snap because they are outmatched verbally in an argument').

### **APPREHENSION OF SEXUAL ASSAULT OFFENDERS**

There is limited quantitative data available on sexual assault offenders, however we do know that:

- The overwhelming majority of offenders are men.<sup>105</sup>
- In 1991, most adult sexual assault offenders were aged between 21 and 30, with the 21 to 25 age group having the highest rate of offenders.<sup>106</sup>
- In 1997, the highest rate of men convicted of sex offences per 100,000 male population was for men aged 19.<sup>107</sup>

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<sup>99</sup> Ibid

<sup>100</sup> P. Easteal (2001), op cit

<sup>101</sup> P. Easteal (2001), op cit

<sup>102</sup> NSW Bureau of Crime Statistics and Research (1995), NSW Evaluation of AVO Schemes, Sydney

<sup>103</sup> NSW Bureau of Crime Statistics and Research (1995), op cit; H. Katzen and L. Kelly (2000), op cit

<sup>104</sup> H. Katzen and L. Kelly (2000), op cit

<sup>105</sup> Northern Territory Office of Women's Policy (1996) *Sexual Assault Policy Discussion Paper*,

Attachment 4

<sup>106</sup> NSW Department for Women (1996), *Heroines of Fortitude*.

One of the first priorities under the NICSA is the collection of information that will provide a better picture of sexual assault offenders. A researcher has been employed under the strategy to work with the Australian Institute of Criminology to improve knowledge and data collection in this field.

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<sup>107</sup> B. Cook, F. David and G. Grant (2001), op cit

**TOR g) EFFECTIVENESS OF SENTENCING:  
EFFECTIVENESS OF SENTENCING OF DOMESTIC VIOLENCE AND  
SEXUAL ASSAULT OFFENDERS**

See also sections F & H.

There is evidence that some judges and magistrates have a limited understanding of gender based violence crimes and that is sometimes reflected in lenient sentencing.<sup>108</sup> The media, community groups and individuals have raised concerns about some judges and magistrates' summing up in domestic violence and sexual assault cases and/or lenient sentences for convicted perpetrators. This can in turn influence police responses to these crimes including "encouraging" victims not to report the crime.<sup>109</sup>

**CHARGING AND SENTENCING FOR SEXUAL ASSAULT**

Most alleged offenders (approximately 78%) are not charged by the police.

- A Tasmanian study estimated 3% of all sexual assaults in Tasmania reach the courts.<sup>110</sup>
- In NSW in 2000-2001, 35.9% of adjudicated sexual assault defendants were acquitted, 19.8% had a guilty verdict and 44.3% entered a guilty plea.<sup>111</sup>

**WHAT WOMEN WANT**

Women who have experienced domestic violence and sexual assault do not always recognise violence against them as a crime.<sup>112</sup>

*I could have sought out counselling at an earlier stage, but I didn't recognise my experience as "abuse" for a long time.*<sup>113</sup>

Although difficult to quantify, it is understood that many women never disclose violence in their relationships and that many remain in violent relationships for long periods:

*Some of the women had been in violent relationships for over 30 years or more...*<sup>114</sup>

**Early intervention and help to stop the violence**

The two primary needs identified by women experiencing violence were identified by Bagshaw as:

<sup>108</sup> Australian Institute of Criminology, (1991) *Women and the Law Conference Proceedings*, Canberra.

<sup>109</sup> P. Easta P (2001), op cit

<sup>110</sup> Tasmanian Department of Women (1998), *Report of the Taskforce on Sexual Assault & Rape in Tasmania*

<sup>111</sup> Australian Bureau of Statistics, *Higher Criminal Courts 2000-2001, Appendix 1* (Catalogue no. 4513.0). Data in this appendix is of an experimental nature. NSW figures have been used for the purpose of illustration. A total for Australia is not available at this stage.

<sup>112</sup> Partnerships Against Domestic Violence (1998), *Against the odds – How women survive domestic violence*, Commonwealth of Australia, Canberra, p.24

<sup>113</sup> Bagshaw et al (2000), *Women and Domestic Violence*, Partnerships Against Domestic Violence, p.29.

<sup>114</sup> Ibid, p.13

- The need to be asked directly about the abuse.
- The need for unconditional support.

Many women adopt a range of help-seeking and support strategies prior to making any decisions about ending the relationship. Once women are aware that the relationship is potentially dangerous, they may trial a range of help-seeking strategies with the aim of either improving the relationship or making a decision about whether to stay or leave.<sup>115</sup> Help-seeking strategies include:

- Self-help books and groups.
- Counsellors, social workers and psychologists.
- General practitioners and ministers of religion.
- Women's health centres, shelters and domestic violence support groups.<sup>116</sup>

Women's needs changed as their feelings about the violent relationship changed. Once women had made a decision to leave the relationship, their needs changed to more practical issues, such as information needs, accommodation, income support, respite and child care, safety planning and legal advice.<sup>117</sup>

Studies of women's help seeking strategies show that, for the vast majority of women, using police and courts is the option of last resort.<sup>118</sup> Women fear that resort to the criminal justice system will result in loss of control over the process and subsequent retribution and an escalation in violence after their partner is released. They doubt the willingness, capacity and effectiveness of criminal justice processes to address the violence in a meaningful way.<sup>119</sup> Women in Indigenous communities particularly fear for the safety of their partner in custody.<sup>120</sup>

### **Indigenous women**

Opinion amongst Indigenous communities is divided however, over when and in what form criminal justice responses should be used to respond to family violence.<sup>121</sup> While many Indigenous communities have supported notions of Indigenous customary law, family mediation and restorative justice approaches in dealing with family violence,<sup>122</sup> other communities have sought to work more closely with police to ensure protection orders are appropriately enforced and violent men detained for the protection of Indigenous women and children.

Overwhelmingly, the message from both Indigenous and non-Indigenous women is: *we want the violence to stop*<sup>123</sup>, but not necessarily by ending the relationship.<sup>124</sup>

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<sup>115</sup> Bagshaw et al (2000), p.35

<sup>116</sup> Bagshaw et al (2000), p.35

<sup>117</sup> Bagshaw, et al (2000) p.37

<sup>118</sup> Ibid, p.52

<sup>119</sup> Ibid, p.52

<sup>120</sup> Partnerships Against Domestic Violence (2001), *Rekindling family relationships. A national forum on Indigenous family violence*. PADV Forum report, Commonwealth of Australia, p. 70.

<sup>121</sup> Morgan Disney & Associates (2001), *Summary report on working with perpetrators* (unpublished) PADV, Office of the Status of Women, Commonwealth of Australia, Canberra

<sup>122</sup> Bagshaw et al (2000), *Reshaping responses to domestic violence, - Final report*, University of South Australia, p.137

<sup>123</sup> Partnerships Against Domestic Violence (2001), *Rekindling family relationships: A national forum on Indigenous family violence*. PADV Forum report, Commonwealth of Australia, p. 70.

<sup>124</sup> N. Munsterman and R. Holder (2002), *What do women want? Prosecuting family violence in the ACT*, paper presented to the Expanding our horizons conference, University of Sydney.



**TOR h) COMMUNITY SAFETY AND POLICING:  
IMPROVING POLICING FOR WOMEN**

Women's perceptions of community safety are developed in response to a wide range of personal and social experiences, including messages received through family, school, church, work and social groups, as well as mainstream media. The 1996 ABS *Women's Safety Survey* revealed women were in greater fear of violence outside the home than within.<sup>125</sup> Ironically, research has revealed that contrary to women's fears of violence in public places, the greatest threat to women throughout their lifetime is not from strangers, but from those already known to them. Assaults of women occur most frequently within the family home.

Only a small proportion of victims of sexual assault (around 15%) report sexual assault to the police. Women from non-English speaking backgrounds and high socio-economic status are less likely to report sexual assault than English speaking women. Many women do not report sexual assault because they feel ashamed, think they will be blamed or held responsible, will be treated badly by the legal system or that the offender will not be charged or convicted.<sup>126</sup> For those women surveyed in the 1996 Women's Safety Survey, the most common reason for not reporting the assault to the police was that the woman said she '*dealt with it herself*' (39%).<sup>127</sup>

**RESPONSES - MODELS OF GOOD PRACTICE**

Responses by policing and law enforcement agencies within Australia to crimes of violence against women have been driven in large part on a primarily jurisdictional basis by non-government organisations and interagency and community groups concerned about domestic violence and sexual assault. There is now widespread acceptance by Australian policing services that improving perceptions of community safety are closely linked to community consultation and the development of interagency and community liaison. Evidence of this commitment can be seen in a range of policing initiatives. For example, in a number of jurisdictions around Australia, police Domestic Violence Liaison Officers (DVLOs) work closely with the community to identify local issues and priorities in addressing violence against women. In New South Wales, DVLOs work closely with NSW Attorney-General's regional Violence Against Women specialists and community domestic violence committees. Within the ACT, the Australian Federal Police have specialist Victim Liaison Officers and a specialist Family Violence Project Officer to steer the jurisdiction's response to domestic violence.<sup>128</sup>

**ROLE OF POLICING IN ADDRESSING VIOLENCE AGAINST WOMEN**

It has been argued that, for a large proportion of the population, policing and courts are still the most visible gateway to the criminal justice system in Australia. Male domination of these professions has traditionally been a barrier to women accessing these services, with women reluctant to involve criminal justice agencies and police

<sup>125</sup> Australian Bureau of Statistics(1996), *Women's Safety Australia*, Commonwealth of Australia, Canberra

<sup>126</sup> Keys Young (1998), *Against the odds – How women survive domestic violence*, Commonwealth of Australia.

<sup>127</sup> Ibid

<sup>128</sup> Urbis Keys Young (2001), *Evaluation Of The Learning To Relate Without Violence And Abuse Program: Final*, prepared for Department of Justice and Community Safety, Canberra

and courts reluctant to view violence against women as a crime.<sup>129</sup> Improved police and court policies and procedures around domestic violence and sexual assault over the past twenty years has improved reporting rates.<sup>130</sup>

Policing also plays a major role in providing strategic leadership around issues such as domestic violence and other forms of violence against women in the community. Police campaigns to address domestic violence such as that undertaken by the NSW Police Service in the early 1990s have a significant effect on community awareness of issues around violence against women and acceptance of the phenomenon as a crime.

At the local level, there is a critical leadership role for police in:

- Providing specialist knowledge, skill and investigative capacity to manage incidents of violent crime against women.
- Identifying and addressing local environmental issues that contribute to women's fears of victimisation eg. crime hotspots that rely on poor lighting or lack of public transport or taxis.
- Providing representation to the court in applications for protection orders for women not otherwise legally represented, especially Indigenous women;
- Identifying recidivist violent offenders against women in the local area; and
- Educating women and the local community on issues of violence and gender and to empower those women either currently or potentially in violent relationships to improve their safety.<sup>131</sup>

Victims of violence who are dealing with more than one jurisdiction frequently experience difficulties in the enforcement of protection, apprehended violence and Family Court Orders and in understanding different legislation and law enforcement practices,<sup>132</sup> as there are significant differences between jurisdictional police policies and procedures. One initiative that will achieve greater coordination is a project developing a national database on protection orders by CrimTrac.

Priority issues in the criminal justice management of violence against women include:

- Lack of comparable police data on violence against women and children from States and Territories to create an accurate national picture.
- Lack of specialised training for police, magistrates and judiciary on the immediate and long-term impact of violence against women and children.
- Need for interagency linkages, especially between courts and policing services.
- Need for improved policies and procedures around the effective management and tracking of recidivist domestic violence and sex offenders.
- Need for evaluation of perpetrator programs, and their effectiveness and scope for crime prevention.
- Need for improved coordination of responses by policing services.

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<sup>129</sup> J. Bolen & J. Ramsay (1997), *Women's equality before the law*, paper presented to the First Conference of Australasian Women Police, published in the Journal for Women and Policing, Issue 1

<sup>130</sup> Ibid

<sup>131</sup> C. Nixon (1999), *Women in leadership*, paper presented to the Second Conference of Australasian Women Police, Australian Institute of Criminology, Canberra

<sup>132</sup> Godden & Douglas, op cit.

## ***THE COST OF VIOLENCE AGAINST WOMEN TO THE COMMUNITY***

### **ECONOMIC COSTS OF DOMESTIC VIOLENCE**

The effects of violence on the lives of individual victims have been presented earlier. In addition, there are significant social and economic costs to governments, business and the community which often remain hidden. Very limited systematic data is available from government departments and services on the direct and indirect costs of violence against women and many figures in such studies as the ones quoted below are estimates.

Few services target violence directly, so that most of the costs are subsumed under other programs. For example, the only specific services dealing with reported domestic violence and its consequent crises are the police and court system and women's services such as refuges and women's centres. In 1997, at the National Domestic Violence Summit, Heads of Government estimated that the Commonwealth and the States and Territories then spent over \$220 million per year in direct services to people affected by domestic violence. Other areas of government services such as health and education bear a significant burden.

Internationally, Stanko's report, *Counting the Costs: Estimating the Impact of Domestic Violence in the London Borough of Hackney*, estimated the total cost in 1996 to the public sector of providing services for women and children facing domestic violence in Greater London to be about 278 million pounds per annum.<sup>133</sup>

A number of state and territories have undertaken studies on the direct and indirect economic costs of domestic violence:

- A 1991 NSW report<sup>134</sup> estimated the annual cost of domestic violence in NSW to be over \$1.5 billion. The estimate included direct and indirect costs in such areas as medical, accommodation, legal, income provision, court and corrective services and foregone income and lost productivity. The study showed that over half of the costs (\$800 million) are borne by the women themselves, cost to the Commonwealth and the State governments is \$400 million and the remainder of the cost is to other people, such as employers.
- A Queensland study<sup>135</sup> published in 1993 found that the cost to the State per year of domestic violence is \$557 million and the cost of rape and sexual assault is \$63 million.
- A 1994 study in Tasmania<sup>136</sup> found that the cost to the taxpayer was \$17 million per year (and possibly up to \$44 million depending on the domestic violence incidence rate) on the in direct costs through the provision of social security and other forms of financial support and the provision of crisis and long term housing.

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<sup>133</sup> Stanko, E. (1996), British Home Office Web Site

<sup>134</sup> Distaff Associates (1991), *Costs of Domestic Violence*, NSW Women's Coordination Unit

<sup>135</sup> D.K. Blumel et al (1993), *Who Pays? The Economic Costs of Violence Against Women*, Sunshine Coast Interagency Research Group Queensland, for the Women's Policy Unit

<sup>136</sup> KPMG Management Consulting (1994), *Economic Costs of Domestic Violence in Tasmania*, Tasmanian Domestic Violence Advisory Committee



This was based on an estimated incidence rate of 1.8% of the population experiencing domestic violence.

- The 1996 ABS survey found a yearly incidence rate of 2.6% per cent of women experiencing domestic violence by a current partner and 3.3% from a previous partner.
- A study on costs of domestic violence was done by the Northern Territory in 1996<sup>137</sup>. It found that the direct costs to the Territory are \$9 million per year and the indirect costs a further \$4 million.

The estimates of the costs are considered to be conservative. Possible ripple and multiplier effects (for example, from long term emotional damage) will be costs incurred in health, welfare and income support systems, but are not easily sourced to domestic violence.

The studies that have been done by the states on the costs of violence vary greatly in their methodology and therefore the results cannot be aggregated.

The Australian Domestic and Family Violence Clearinghouse has undertaken a review of the methodologies available to calculate the costs of domestic violence for *Partnerships Against Domestic Violence*<sup>138</sup>.

The economic costs to business have more recently been explored. A study undertaken for the Lord Mayor's Women's Advisory Committee (Brisbane)<sup>139</sup> estimated that the costs total \$1.5 billion per year in direct costs and indirect economic impact. Identified direct costs include: \$28 million through absenteeism; \$6 million through staff turnover; and \$425-\$600 million through lost productivity.

This study plays an important role in bringing about a realisation that addressing and preventing domestic violence should not only be left to governments, support services and communities, but that businesses and corporations should play an active role.

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<sup>137</sup> KPMG Management Consulting (1996), *The Financial and Economic Costs of Domestic Violence in the Northern Territory*, Office of Women's Policy, NT Government Domestic Violence Strategy

<sup>138</sup> L. Laing (2002), *Literature Review on Economic Costs of Domestic Violence*, Australian Domestic and Family Violence Clearinghouse, University of New South Wales

<sup>139</sup> M. Henderson and Henderson and Associates (2000), *Impacts and Costs of Domestic Violence on the Business/Corporate Sector*, Brisbane, Lord Mayor's Women's Advisory Committee.

## RELEVANT PUBLICATIONS

Australian Law Reform Commission (1994) *Equality Before the Law: Justice for Women and Women's Equality*, Reports No 69 (I&II).

Bagshaw, D, Chung, D, Couch, M, Lilburn, S, & Wadham, B (1999) "Reshaping Responses to Domestic Violence" University of South Australia, Adelaide

Blagg, H (2000) "Crisis Intervention in Aboriginal Family Violence" Crime Research Centre, University of Western Australia, Perth

Backhouse, Constance (2000) 'Skewering the Credibility of Women: A Reappraisal of Corroboration in Australian Legal History,' *University of Western Australian Law Review* 29(1).

Bargen, Jenny and Fishwick, Elaine, *Sexual Assault Law Reform: A National Perspective*, Canberra, Office of the Status of Women, May 1995.

Bennett, Linda, Manderson, Lenore, and Astbury, Jill, (2000) *Mapping a Global Pandemic: Review of Current Literature on Rape, Sexual Assault and Sexual Harassment of Women*.

Bohmer, Carol and Parrot, Andrea (1993) *Sexual Assault on Campus, The Problem and Solution*, New York, Lexington Books.

Breckenridge, J and Carmody, M (1992) *Crimes of Violence: Australian Responses to Rape and Child Sexual Assault*.

Broadhurst, R and Maller, R (1991) *Sex Offending and Recidivism*.

Cook, Bree, David, Fiona and Grant Anne (2001) *Sexual Violence in Australia*, Australian Institute of Criminology, Canberra.

Chung, D, Kennedy, R, O'Brien, B, Wendt, S (2000) "Home Safe Home" a report for Partnerships Against Domestic Violence

Daws, Leonie et al (1995) *Young People's Perceptions of and Attitudes to Sexual Violence, Report to the National Youth Affairs Research Scheme*, National Clearinghouse for Youth Studies, Hobart.

Department of Employment, Education, Training and Youth Affairs (1995) *Young People's Perceptions and Attitudes to Sexual Violence*.

Department of the Prime Minister and Cabinet (1995) *Community Attitudes to Violence Against Women*.

Easteal, P (1994) *Voices of the Survivors*.

Easteal, P (1992) *Violence Prevention Today: Rape*.

Easteal, P (2001) *Less Than Equal*.

Fitzgerald, Tony (2001) (as part Queensland Government Inquiry), *Cape York Justice Study*.

Heenan, M. 'Sex crime and the criminal justice system,' (1997) *The Australian Feminist Law Journal* 9.

Heydon, JD, (1996), *Cross on Evidence* 5<sup>th</sup> ed, Sydney, Butterworths.

Holder, R (2001) "Domestic and Family Violence: Criminal Justice Interventions" Australian Domestic and Family Violence Clearing House, Issues Paper 3

Kerstetter, W. A., 'Gateway to justice: Police and prosecutorial responses to sexual assaults against women,' (1990) *Journal of Criminal Law and Criminology* 81.

Keys Young Pty Ltd (1999) "Ending Domestic Violence? Programs for Perpetrators" National Crime Prevention, Attorney General's Department, Canberra

LaFree, G. D., 'Official reactions to social problems: police decisions in sexual assault cases,' (1981) *Social Problems* 28.

Law Reform Commission of Victoria (1991) *Appendix to Interim Report No.42, Rape: Reform of Law and Procedure*.

Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General (1996) *Sexual Offences Against the Person: Discussion Paper*.

Melvin, T, Muller, D, Chapman, A, Shine, R; Edwards, R (1999) "A Study in Hope: A Report of the Family Violence Research and Intervention Project" Prepared for the Department of Family and Community Services, Canberra

Morgan Disney (2001) Personal briefing on their review of the Violence Intervention Program in SA as yet unpublished

National Committee on Violence Against Women (1992) *National Strategy on Violence Against Women* (and related papers) Canberra, Office of the Status of Women.

Northern Territory Department of the Chief Minister (1996), *Sexual Assault Policy Discussion Paper*.

NSW Department for Women (1996) *Heroines of Fortitude: The Experiences of Women in Court as Victims of Sexual Assault*.

NSW Sexual Assault Committee (1988) *Sexual Assault Committee Report*, Sydney.

NSW Standing Committee on Social Issues (1996) *Sexual Violence: Addressing the Crime*, Part II, NSW Parliament.

NSW Standing Committee on Social Issues (1993) *Sexual Violence: The Hidden Crime, Inquiry into the Incidence of Sexual Offences in NSW*, Part I, NSW Parliament.

NSW Women's Coordination Unit (1990) *Sexual Assault of People with an Intellectual Disability*, Final Report.

Office of the Status of Women (1995) *Community Attitudes to Violence Against Women* AGPS, Canberra.

Partnerships Against Domestic Violence (2000) "Second Report of the Taskforce" Office of Status of Women, Canberra

Project for Legal Action Against Sexual (1995) *Legalising Justice for All Women: National Conference on Sexual Assault and the Law*, Melbourne.

Real Rape Law Coalition (1992) *No Real Justice, The Findings of a Confidential Phone-in on Sexual Assault*.

Russo, Laura (2000) *Date Rape: A Hidden Crime*, Australian Institute of Criminology No.157, Canberra.

Scutt, Jocelyn (ed) (1980) *Rape Law Reform*, Australian Institute of Criminology, Canberra.

Senate Standing Committee on Legal and Constitutional Affairs, Parliament of the Commonwealth of Australia (1994) *Gender Bias and the Judiciary*, Canberra.

Tasmanian Department of Women (1998) *Report of the Task Force on Sexual Assault and Rape in Tasmania*.

urbis keys young (2001) "Evaluation Of The Learning To Relate Without Violence And Abuse Program: Final Report" Prepared for: Department of Justice and Community Safety, Canberra

Victoria Police *Code of Practice for Sexual Assault*.

White, Jenny (1998) *The Safe Women Project*, Auspiced by Liverpool Women's Resource Centre.

Wyre, Ray (1997) *The Sex Offender in the Community*, Melbourne.

Xenos, A and Smith, D (1998) *Prevention of Sexual Violence: Is Prevention Possible?*