



Domestic Violence

Discussion Paper

Sector survey summary



Government of
South Australia

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Executive summary

Topic 1: Domestic violence disclosure scheme and Topic 7: Domestic violence and housing and homelessness services priorities are not covered in this report.

There were 119 domestic violence sector survey responses. Only 25 responses contained answers to the questions posed, 23 of which contained answers to topics covered in this report. The questions posed in the survey reflected those in the *Domestic Violence Discussion Paper* and the low rate of completion may reflect agencies' choice to provide a written submission rather than complete the survey.

Topic 2: Expiry dates on intervention orders

In relation to whether the *Intervention Orders (Prevention of Abuse) Act 2009 (SA)* (IOPA Act) should be amended to impose expiry dates on Intervention Orders (IOs), responses were largely split with 45% of respondents supportive of amendment and 55% opposed. Those who were supportive of amendments to the IOPA Act discussed the need for judicial discretion and the redundancy of current IOs. Respondents opposed to amendment discussed the potential for increased reoffending, safety of victims and other avenues through which IOs can be revoked.

Suggested time limits ranged from 12 months to 5 years. Some respondents suggested that any expiry date imposed should depend on the circumstances of the case.

Topic 3: Comprehensive collection of data

Respondents suggested a number of agencies that should be expected to enhance their databases, including South Australia Police (SAPOL), SA Health and child protection agencies. In relation to where information should be directed, respondents suggested SAPOL, Multi-Agency Protection Service (MAPS) and Family Safety Framework (FSF).

Respondents submitted that information should be used to identify escalating behaviour, to better support victims and to inform better practice for the Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (LGBTIQ) domestic violence services.

All respondents who made comment on the court's ability to flag domestic violence were in support of the concept. Respondents suggested that information within flags should be used for both sentencing and reporting.

The majority respondents thought that behaviour included within a flag of domestic violence should be based on the definition in the IOPA Act.

Topic 4: Allowing video evidence

In relation to amendments to the *Evidence Act 1929 (SA)* (Evidence Act), 93% of respondents were supportive of such reform. Those in favour discussed the potential for reduction in revictimisation and fear, improved safety for victims and improved conviction rates.

Of those who made comment on when such evidence should be admissible, all respondents thought that reform should not be limited to IO hearings.

Topic 5: Confidentiality

62% of respondents were supportive of amendments to the Evidence Act to ensure confidentiality of a victim's client records, 23% were opposed to amendments and 16% had non-definitive answers.

Those who were supportive of amendment submitted that the breach of confidentiality of such records is a form of revictimisation and can dissuade people from continuing to access support services. Those opposed to amendment suggested that the disclosure of counselling records will enable more informed decisions.

Topic 6: Drug and alcohol treatment

In relation to mandatory assessment and treatment, 75% of respondents were in favour and 19% were opposed. One respondent, who appears to work at the Magistrates Court, submitted a lengthy response in relation to the merits and downfalls of current processes, and has been quoted in full.

Those in support of mandatory assessment and treatment discussed the potential for increased accountability and an increase in deterrence. Those opposed suggested that mandatory referrals could be seen as tokenistic and that mandatory treatment is not always effective.

All respondents submitted that current intervention programs are not sufficient to meet the needs of defendants and suggested increased funding, more holistic programs and improved marketing.

Topic 8: Fostering supportive environments

A number of respondents made suggestions in relation to how domestic violence victims can be more confident in seeking support in the workplace, such as promoting support services, employing a domestic violence assistance worker, providing domestic violence leave and obtaining White Ribbon Accreditation.

Other respondents made submissions in relation to improvements within the community such as better provision of information, training for community service workers and general community education.

Topic 2: Expiry dates on intervention orders

Q15: Should the current legislation be amended to impose an expiry date on intervention orders? Should the Act impose a fixed time limit for all orders or should the court be given the discretion to impose a time limit that it deems appropriate (or both)? If a time limit is thought to be appropriate, what time limit is considered appropriate?

Amendment of legislation

Out of the 20 respondents who provided answers to question 15, nine respondents¹ were supportive of amendments to the IOPA Act and 11 were opposed². That is, 45% and 55% respectively.

Supportive of amendment

Respondent 8 submitted that the IOPA Act and the court should have limits. They raised that most good behaviour bonds are for a maximum of 3 years.

Discretion

Respondent 109 submitted that expiry dates should be considered on a case-by-case basis at the discretion of the Magistrate. They submitted:

'If the allegations are serious enough (physical assault/causing harm etc) then there should not be an expiry date. However there are intervention orders put in place where the allegations have not been that serious.'

Respondent 112 submitted that the IOPA Act should be amended to allow the court to exercise discretion in relation to time limits on IOs. They submitted that most IOs are made by the police and 'in many instances the protected person does not support the conditions of the order, or even the existence of the order.' They suggested that the current regime of making IOs indefinite does not allow the Magistrate to properly consider the complexities in each case.

Respondent 44, while opposed to amendment, submitted that the court could have discretion to include an expiry date where there are good reasons for it.

Redundancy of current IOs

Respondent 109 submitted that due to the high number of IOs, many that are currently in place are no longer necessary.

¹ Respondents 8, 9, 20, 43, 65, 81, 109, 111, 112.

² Respondents 23, 39, 40, 44, 54, 57, 69, 71, 74, 76, 119.

Respondent 111 queried, 'how does an intervention order protect an individual if the abuser decides to take that next step and not give a damn about the intervention order?' They also raised the situation where an IO is in place for a long time, where both parties have moved on and they run into each other at a supermarket in which case the perpetrator has broken the law. They concluded by saying, 'a road sign says 60.....No one ever speeds do they'.

Reviews

Respondent 43 submitted that there needs to be regular reviews of an expiry date.

Other jurisdictions

Respondent 9 referred to the *Family Violence Protection Act 2008* (Vic).

Opposed to amendment

Increase in reoffending

Respondent 39 submitted that if amendment to the IOPA Act was to occur, there would be a significant increase in reoffenders as there would be no accountability, for example, no order active to give a consequence to their behaviour. They suggested this reform would be more damaging than proactive. Respondent 39 queried, 'why would we allow for a person who has violated another persons [sic] rights to be able to have access or the ability to expose more abuse.'

Revocation

Respondent 44 suggested that there could be the ability after a certain amount of time for the subject of an order to apply for it to be terminated. They submitted that they do not see any reason for IOs to automatically expire.

Respondent 54 submitted that the removal of expiry dates was a good thing when the new legislation came in. They submitted that they understand why some orders should have expiry dates, but this should be the exception rather than the rule. They submitted that when the exception applies, it should be allowed following application by the defendant or protected person, or a representative body such as a support service or the police.

Respondent 69 submitted that if a perpetrator wishes for the IO to be revoked, 'it would be pertinent for them to meet for a session with a domestic violence expert who would run through a series of questions to determine the changes that have been made.' The worker would assess the understanding that has been achieved by the offender and any responsibility taken by them. They submitted that a victim would need to provide equal reasons and justify why an order should not be removed if an application is made.

Respondent 71 submitted that the onus should be on the defendant to take required action.

Respondent 74 submitted:

'I think it would be good for a victim to be empowered to feel that they are able to revoke an intervention order v [sic] this decision being made by someone who has little or no insight into the reality of the situation.'

Administration

Respondent 57 submitted that the administration issue should be dealt with internally.

Safety of victims

Respondent 69 submitted that her clients, who are women, feel safer with the current arrangement that does not impose an expiry date on IOs.

Aboriginal and Torres Strait Islander victims

Respondent 119 submitted that Aboriginal and Torres Strait Islander (ATSI) victims of domestic violence in regional and remote communities are often marginalised and vulnerable. They submitted, 'it is a mean feat to have them approach the Police or the Courts and request protection in the first place. To ask them to repeat it every couple of years is not likely to have much success.' They submitted that the proposed amendment suits the perpetrators more than it does the victim and that 'to have the order never expire is the best protection that can be afforded the most vulnerable victims.'

Time limit suggestions

Respondent 8 suggested a 3 year time limit. Respondent 20 submitted '2 years for summary, 10 years for minor indictable, no limit for major indictable'.

Respondent 65 submitted '12 months minimum and then depending on the circumstances, 3, 4, 10 and indefinite'.

Respondent 81 submitted that some IOs should have a time limit of 2 years, while others should be indefinite. They submitted that this should depend on the severity of the abuse. They suggested that the onus should be on the perpetrator to provide proof of their commitment to safe and respectful behaviour for the IO to be revoked before or at the conclusion of the 2 year period.

Respondent 109 suggested that expiry dates could be set at either 1, 2 or 5 years depending on risk faced by the protected person.

Q16: Are there certain types of situations of domestic violence that should be exempt from having an expiry date placed on an intervention order? Should only those orders that are consented to by a defendant expire after a certain period of time?

Situations that should not have attract an expiry date

The following situations were suggested as being exempt from attracting an IO expiry date:

- 'aggravated, high risk offences'³
- 'elder abuse'⁴
- 'if serious bodily harm is caused and or [sic] threats to life'⁵
- 'FGM, and sexual offences including rape and honor [sic] based violence'⁶
- 'extreme acts of violence ... repeated sexual violence'⁷
- 'allegations of a serious nature where the risk has been assessed by SAPOL'⁸
- 'serious violence'⁹
- 'multiple breaches of orders'¹⁰

Respondent 8 submitted that children 'may need special coverage for extended periods up to 18 years'.

Consent

Respondents 9, 54, 65 and 109 were opposed to expiry dates for IOs that are consented to by the defendant. Respondent 54 submitted that 'many violent and guilty defendants consent to intervention orders. Just because they consent, it doesn't make them less of a concern.'

Respondent 109, likely misreading the question, submitted that 'most defendants contest intervention orders so that should not be a factor in determining an expiry date.'

³ Respondent 9.

⁴ Respondent 44.

⁵ Respondent 65.

⁶ Respondent 65.

⁷ Respondent 81.

⁸ Respondent 109.

⁹ Respondent 112.

¹⁰ Respondent 112.

Topic 3: Comprehensive collection of data

Q17: Which agencies of government should be expected to enhance their databases to flag or code identified circumstances of domestic violence? Where should such information be directed to? How should this information be used?

Existing data and systems

Respondent 80 submitted that there is 'enormous information' in relation to domestic violence perpetrators held by SAPOL which would be of huge help to all agencies who work in this sector. They also submitted that access to information in relation to domestic violence should not be made complicated.

Respondent 109 submitted that they do not agree with the statistics as they are too black and white, only look at the final outcome of the domestic violence case and do not include all factors.

Respondent 54 queried whether the new SAPOL computer system currently being rolled out over 'the next many years' would allow for better provision and use of data. If so, they thought this issue will be addressed over time and that putting a stop-gap computer system to achieve the goal would be a waste of money in the long term.

Respondent 57 submitted that they were not convinced that capturing more data is necessary. They submitted that patterns of behaviour are easily identified in support services, and that 'if the courts believe this pattern could be improved by SAPOL than there [sic] database could be enhanced'.

Procedure

Respondent 54 submitted that the coding of domestic violence offending would be a good idea. They submitted that it would prevent the need for manual sorting through what is often huge criminal histories and contact with criminal justice agencies.

Respondent 119 submitted that there should be a consistency in approach around how domestic violence offences are flagged through the state.

Agencies that should enhance their databases

Respondents submitted that the following agencies should enhance their databases:

- SAPOL¹¹

¹¹ Respondents 8, 9, 44, 50, 57, 65, 71, 74, 76, 119.

- Department of Correctional Services (DSC)¹²
- Court Administration Authority (CAA) and/or 'courts'¹³
- Department for Communities and Social Inclusion (DCSI)¹⁴
- Families SA¹⁵
- SA Health and/or health services¹⁶
- 'child protection' and/or child related agencies¹⁷
- women or men related agencies¹⁸
- mental health services¹⁹
- non-government services²⁰
- all agencies involved in MAPS²¹
- 'education'²²
- 'all government agencies'²³
- Housing SA and/or homelessness services²⁴
- domestic violence service providers²⁵
- services that are 'legal mandatory notifiers'²⁶
- alcohol and drug services²⁷

Agencies that receive funding

Respondent 39 submitted that all government and non-government agencies that have funding allocated around domestic violence should enhance their databases or flag domestic violence circumstances. They thought that this would allow for clearer statistical data outcomes, and submitted that agencies are often required to record data against key performance indicators to receive further funding. They further submitted that this could be accessed, or a new form could be given to agencies so that the same structure is used across sectors.

¹² Respondent 8, 65, 81.

¹³ Respondents 8, 9, 71, 74.

¹⁴ Respondent 8.

¹⁵ Respondents 44, 50, 74.

¹⁶ Respondents 44, 50, 65, 71, 81.

¹⁷ Respondents 9, 23, 50, 71.

¹⁸ Respondent 23.

¹⁹ Respondents 50, 81.

²⁰ Respondents 50, 54.

²¹ Respondent 54.

²² Respondent 65, 81.

²³ Respondent 69.

²⁴ Respondents 71, 74, 76.

²⁵ Respondents 74, 76.

²⁶ Respondent 74.

²⁷ Respondent 81.

Respondent 54 similarly submitted that non-government organisations (NGOs) should provide information via their funding applications and reporting which would feed into relevant government departments.

Information sharing

Respondent 65 submitted that there should be forced information sharing between agencies. They thought that information should be 'held on a mutually accessible database that can be accessed by the discretion of members that are bound by a contract of privacy.'

Where information should be directed

Respondent 23 submitted that information should be held in one central database, 'maybe protected by Police unit'.

Respondent 50 submitted that information would be of greatest benefit if it was recorded internally by service providers and collated by a central service similar to MAPS.

Respondent 69 similarly submitted that MAPS and FSF 'need to be able to garner information from all agencies to create a comprehensive picture of domestic violence across all services.'

Respondent 74 submitted that information should only be kept by those that need it, and that the victim could be given the opportunity to have a say about what is done with the information, how long it should remain and where it should be held.

How information should be used

Respondent 9 submitted that information should be used by police, child protection and courts. Respondent 23 submitted that information should be available to everyone who applies for it.

Identifying escalating behaviour

Respondent 50 submitted that efforts should be made to identify types of abuse and the severity of it, so that a history of violence and relevant patterns can be identified to better allow service providers and police to identify escalations of violence and other indicators of high risk scenarios.

Better support for victims

Respondent 50 submitted that information should be used in determining how service providers and police can best support victims of domestic violence. They also submitted that information should be collected for statistical purposes to better understand the extent of domestic violence in the community.

Respondent 57 submitted that sentencing is a 'tertiary response' and more emphasis should be placed on prevention and therapeutic responses.

LGBTIQ services

Respondent 50 submitted that additional efforts need to be made to identify domestic violence within the LGBTIQ community as there are no specific programs that assist these victims, and data seems to be severely lacking. They submitted that this is the case despite the fact that service providers are frequently seeing cases of same-sex domestic violence.

Female perpetrators

Respondent 43 submitted:

'One in three victims of domestic violence are men at the hands of women, one male dies every 10 days at the hands of women. You need to start dealing with collecting data on female perpetrators'.

Q18: Should a court be provided with the ability to flag circumstances of domestic violence before it? How should this information be used - for reporting or sentencing, for example? What behaviour should be included within a 'flag' of domestic violence? Should it be based on the definition under the Act or broader?

Should a court be able to flag domestic violence?

A number of respondents²⁸ indicated that courts should be able to flag domestic violence. No respondents were opposed to this idea, although respondent 74 submitted that information in court should only be given if it is relevant to the case.

Respondent 39 submitted that flagging of domestic violence by the court would allow for the identification and prevention of exposures to violence.

Respondent 119 submitted that a court should be able to flag circumstances of domestic violence in cases where the police have neglected to do so.

How the information should be used

Sentencing

Respondents 9, 69, 71 and 81 submitted that information should be used in sentencing.

Respondent 69 submitted that flagging allows for the demonstration of a pattern of behaviour and provides the court with the opportunity to address this directly and offer options to the perpetrator. They submitted that such a history would make it clear where options have not been taken up previously by the offender, showing a lack of acceptance and responsibility.

Reporting

Respondents 71 and 81 submitted that information should be used for reporting purposes.

Respondent 81 submitted, 'we know that often matters may not progress through the Courts to sentencing, so reporting is also imperative.'

Definition of domestic violence

Some respondents submitted that the behaviour included within a flag of domestic violence should be based on the definition under the IOPA Act, some submitted that it should be broader than the IOPA Act not realising its breadth and others proposed that flags should be based on information beyond that defined in the IOPA Act.

²⁸ Respondents 9, 39, 69, 71, 80, 81.

Based on definition in the IOPA Act

A number of respondents²⁹ submitted that behaviour included within a flag of domestic violence should be based on the definition in the IOPA Act.

Respondent 9 submitted that domestic violence should be based on the definition under the IOPA Act, 'otherwise the courts cannot implement'.

Respondent 54 submitted that the flag should be based on 'behavioural indicators and fit the elements of prescribed material such as regulations or Acts'. They submitted that a more broad approach could allow for the flagging of matters which are not as serious as others, therefore reducing the effectiveness of the flag.

Respondent 81 submitted that the definition of the IOPA Act would suffice, however discretion should be used in relation to the use of social media and technology by the perpetrator to monitor, stalk or terrorise the victim.

Respondent 199 submitted that the definition in the IOPA Act is 'suitably broad to capture most behaviour, however, the decision about whether or not certain behaviours should be flagged as domestic violence, should not be limited to behavior [sic] described in the definition in the Act.'

Respondent 109 submitted:

'There are often offences such property [sic] damage and serious criminal trespass which are quite often domestic violence related, however the name/title of the offences does not reflect the offence type but should be to better improve data collection (ie: 'Property Damage - Domestic Violence' instead of Property Damage).'

Limited understanding of current definition in IOPA Act

Some respondents submitted that behaviour included within a flag of domestic violence should be broader than the Act, likely not realising what is currently included in the definition of 'abuse'.

Respondent 76 submitted that it should be broader to include stalking behaviours and control.

Broader than the IOPA Act

Respondent 8 submitted that there is a strong case for the definition of domestic violence being broader than the Act 'if cultural consciousness raising is the goal'. Respondent 111 suggested, 'broader, as these situations need to have every detail considered.'

²⁹ Respondents 20, 39, 54, 71, 74.

Topic 4: Allowing video evidence

Q19: Are amendments to the Evidence Act 1929 (SA) warranted to allow police video recordings to be admissible as evidence when the substantive charge comes to trial? Should such reform be limited to hearings for final intervention orders.

Out of the 14 respondents who submitted answers in relation to question 19, 13 respondents (93%)³⁰ were in favour of amendments to the Evidence Act to allow for police video recordings.

Arguments in favour of amendment

Reducing revictimisation and Fear

Respondent 23 submitted that ‘these things are traumatic for the person involved, and yes, sometimes, they are afraid of people, to leave their safe havens, and to stand up in front of others or the offender’.

Respondent 69 submitted that any decisions in relation to the original Evidence Act were made ‘in a time when police body cameras were inconceivable and can hardly be seen as hearsay when they provide actual data from the incident.’ They submitted that the use of video evidence would mean that victims would not be subject to retraumatisation in giving evidence.

Respondent 69 further submitted that domestic violence experts should establish with victims the reasons behind their reluctance to give evidence. They submitted that if a person is fearful of retribution, ‘police taking responsibility for the reporting and consequences can only be a good thing’.

Respondent 81 submitted that reform would be a good recognition that often victims are unable to give evidence in person.

Respondent 39 queried, ‘why exposed [sic] the victim to more trauma’.

Other jurisdictions

Respondent 81 submitted that police video recordings have been found to be useful interstate when admissible as evidence.

³⁰ Respondents 9, 23, 39, 44, 54, 65, 69, 71, 74, 76, 80, 81, 119.

Improving safety for victims

Respondent 119 submitted that amendments to the Evidence Act are warranted and necessary to protect victims of domestic violence.

Convictions

Respondent 119 submitted that such reform would likely result in a better conviction rate for domestic violence offences.

Procedure

Respondent 54 submitted that they assume that this evidence would be admitted without a voir dire. They thought that this is a great idea. They suggested it would involve police being provided with the appropriate tools and processes for storage of data.

Respondent 54 submitted that video evidence is already used in stages of criminal matters prior to trials and often bring about early guilty pleas. They said that this can assist the criminal justice system to become more efficient.

Respondent 71 submitted that amendments to the Evidence Act should occur as long as the video recordings are clear and unambiguous.

Respondent 80 submitted that video evidence should always be shown if available. They submitted that if there are concerns in relation to the victim being retraumatised (presumably by the showing of the video), then it should be only seen by the judge.

Arguments against amendment

Respondent 111, the only respondent opposed to amendment, submitted:

‘That would have to be the most biased evidence ever presented. No way should video evidence capturing a small portion of the incident be considered’.

Respondent 54, while in favour of amendment as mentioned above, submitted that the downside of reform is the potential for an over-reliance on video evidence, and the potential change in mindset of those involved in the process to not readily accept other evidence unless it is support by video. They submitted that not everything is video recorded, even when police body cameras are worn.

Use in trials and IO hearings

Only respondents 9, 65 and 109 submitted responses in relation to this topic, and they all suggested that reform should not be limited to IO hearings.

Topic 5: Confidentiality

Q20: Are amendments to the Evidence Act 1929 (SA) warranted to improve confidentiality for client records for domestic violence victims?

Out of the 13 respondents who submitted responses in relation to question 20, eight were supportive of amendment (62%)³¹ and three were opposed (23%)³². One respondent (69) was neither supportive or opposed, but submitted an alternate concept. Another respondent (111) asserted to be opposed to amendment, however their argument put forward was in favour of amendment.

Respondent 69 submitted that it will be a challenge to make a general ruling that applies in all cases when there can be so much diversity. They submitted that victims should have a say in any changes to access of medical or other records. Respondent 69 submitted that if this were the approach, support from a qualified domestic violence support person ought to help in assisting the victim to come to an appropriate decision for them.

Respondent 111 submitted that they do not know if confidentiality is the best thing for domestic violence situations. Despite this assertion, they continued by saying that for a crime, confidentiality is irrelevant. They submitted that ‘the need for the victims feelings [sic] to impact the court proceeding is biased. The crime should be judged by the crime, not by how the person feels’.

Supportive of amendment

Respondent 8 submitted that client privilege should prevail in relation to details but ‘a limited mandated notification system might be possible’. Respondent 39 submitted that confidentiality needs to be improved considerably.

Respondent 65 submitted:

‘Yes, it takes ... courage for victims to provide statements to relive their accounts of what had happened and to then go through the court case, for findings ect [sic] to be published with their personal details is victimizing them more.’

Respondent 71 submitted that a similar protection should be in place as is for sexual assault counselling communications.

³¹ Respondents 8, 39, 69, 71, 74, 81, 86, 109.

³² Respondents 23, 54, 80.

Respondent 81 submitted:

'As a sexual assault social worker, victims often tell me that they are terrified to come to services for support because they worry their confidentiality cannot be respected. They worry that the perpetrator will gain access to their contact with our service through the courts and use this information against them to regain power and control. Our clients are relieved to hear of the provisions of Sections 67E of the Evidence Act with their notes protected from disclosure, and this is a protective factor for them in deciding to continue accessing support from our service. In this way, it would be very helpful for amendments to be made so that clients accessing other services for support re domestic violence can feel secure and their information protected appropriately.'

Respondent 109 submitted that victims should be able to feel safe and at ease with a counsellor. They submitted that they would support a system in which the interests of victims are protected in court proceedings by a representative, such as the Commissioner for Victims' Rights.

Respondent 39 submitted that medical records would be enough evidence for a person exposed to domestic violence. They submitted these records could show patterns and episodes of exposure to domestic violence. They also said they had concerns around evidence being misused on the opposing side.

Opposed to amendment

Respondent 23 submitted that counselling records should be disclosed, as it will enable more informed decisions as to whether the offender is on the road to recovery. They submitted that 'if people have something to hide, then it is something that I don't want to be associated with'. They submitted that people should own up to their mistakes.

Respondent 80 submitted:

'I subscribe to the belief that if certain evidence is withheld, [sic] and it could inform the court of certain guilty outcome [sic] then that information should be allowed in the court.'

Topic 6: Drug and alcohol treatment

Q21: Should assessments for drug and alcohol abuse, for attendance at a treatment program, be mandatory as part of the intervention order process? For example, should a court be required to refer a defendant to a program where certain factors exist in a matter?

Out of the 16 respondents who submitted responses in relation to question 21, 12 (75%) were in favour of mandatory assessment and/or treatment and three were opposed (19%). One respondent (109) submitted a lengthy response exploring the processes currently in place, and changes that might be required to make them more efficient.

Respondent 109 made submissions concerning the Treatment Intervention Court and Abuse Prevention Programs, the current levels of funding and waiting lists for treatment, and whether dedicated Magistrates should be complimented by all family violence matters being overseen by the same prosecuting team and magistrates, to bring about a more consistent approach.

Supportive of mandatory assessment and treatment

Respondent 9 referred to the powers of the Victorian Family Courts.

Respondent 23 submitted that offenders should be required to spend community time perhaps in a way to 'pay back the costs of the programs'. They suggested this may deter some people from abusing in the first place.

Respondent 39 submitted that mandatory assessment may place some accountability on the offender, provide them with support and may cease further exposures.

Respondent 57 submitted that perpetrators must be given the opportunity to reflect and make personal improvements.

Respondent 81 submitted:

'We know that drugs and alcohol do not cause domestic violence but they can exacerbate behaviour where abusive attitudes and beliefs are already present. If drugs and alcohol exacerbate a perpetrator's behaviour the courts should be required to refer defendants to the relevant program as a mandated part of their sentence / bond etc. An onus should be placed on the perpetrator to examine their behaviour and to be held to account.'

Opposed to mandatory assessment and/or treatment

Respondent 44 submitted that there should always be services made available for offenders, but that they should not be compulsory.

Respondent 54 submitted 'these kind of things are touchy-feely ways that some people feel that offenders in society should have their problems dealt with.' They submitted that akin to drug diversion initiatives, defendants often treat such referrals as a joke. They submitted:

'if domestic violence offenders are going to be sent to treatment programs, they have to be effective and whole encompassing, addressing all of their social issues and problems, including peer influences and long term concerns. Often drug and alcohol use are major factors in an individual's offending and I am a strong advocate for treating these, but the treatment needs to be sustained and case managed properly rather than just a token effort, which is what I suspect would occur if everyone was mandated to undertake the programs.'

Respondent 69 submitted that mandatory attendance at programs is not always effective. They submitted that if a perpetrator is using alcohol and drugs to manage underlying distress, and they are not comfortable addressing that distress, mandatory referral seems unlikely to be useful.

Respondent 69 suggested that specific domestic violence courts could offer programs as an option for perpetrators, allowing them to make the decision about whether the program will be useful to them at the time.

Q22: Are the current intervention programs available sufficient to meet the needs of defendants?

All respondents who submitted responses in relation to question 22 indicated that current intervention programs are not sufficient to meet the needs of defendants.

Funding and resourcing

Respondent 39 submitted that more funding is needed and that, 'we work in an industry where we do the best we can with what we have. we [sic] are in desperate need for more trained workers in this field.'

Respondent 57 similarly submitted that intervention programs are underfunded. They submitted that 'intervention programs should be funded for intensive services, and co-location with child protection is critical for prevention.'

Respondent 109 submitted that extra funds would enable referrals for defendants who identify substance use issues which would improve their ability to address contributing factors in relation to the alleged offending.

Respondent 71 submitted that mandated treatment programs need to be adequately resourced with skilled staff and that attendees need to be properly assessed and monitored.

Focus of programs

Respondent 65 submitted that there is significant focus on victim management and not enough on offender management. They submitted that 'prevention of crime is going to lower the amount of work involved for victim management as the offender continues to offend with further victims.'

Respondent 77 submitted that other behaviours should be included in programs, such as gambling, hoarding and being a shopaholic.

Respondent 109 submitted that gambling has also been identified as being problematic for some defendants. They submitted that referral to a gambling counselling service could easily be made part of a treatment plan where suitable.

Respondent 109 further submitted that counselling should also be made available to the protected person, as in many cases the violence is not one-sided. They submitted that both partners deserve the opportunity to access support services if needed.

Respondent 111 submitted that the problem with intervention programs is that they aim to change the individual, but do not address the people the offender associates with, their financial situation or their history of abuse. They submitted that there are often deep-rooted psychological issues involved.

Marketing

Respondent 69 submitted that programs are not well-marketed and publicised in ways that invite participation. They thought that uptake is low as a result. They suggested that if programs are marketed in a variety of ways with options for both victims, perpetrators and family or support persons, shame may be reduced which might make it easier for people to attend.

Respondent 69 further submitted that options provided could include general sessions through to specific programs for victims and perpetrators.

Location and availability

Respondent 71 raised that there are no programs available in the Adelaide Hills.

Respondent 81 submitted that while they do not work in this area specifically, their impression based on working alongside SAPOL and other organisations, as well as victims, is that there are not enough intervention programs available. They submitted that they also have the impression that the programs that do exist are not successful in reducing recidivism rates.

Respondent 111 questioned whether there were enough programs available.

Topic 8: Fostering supportive environments

Q27: Your feedback is sought on how we can assist domestic violence victims to be more confident in seeking appropriate support and assistance in the workplace and other environments and what actions would be most effective.

A number of respondents made suggestions in relation to how domestic violence victims can be more confident in seeking support in the workplace.

Respondent 80 submitted that ‘victims should have the right to all supports necessary to optimise to the fullest potential recovery of there [sic] traumatic assault that was forced upon them’.

Respondent 77 submitted that the workplace or school can be the safest place for the victim.

Respondent 111 submitted that it is the perpetrators who need assistance and that ‘because their needs were not met, they take it out on partners.’

Workplaces and employers

Respondent 71 submitted that domestic violence is a societal problem to address, not only an individual one. They thought that a review of current workplace and union domestic violence policies and practices could be useful in developing a response.

Policies

The following policies and actions were suggested to better support victims of domestic violence in the workplace:

- promote where to go for help³³
- employee assistance worker/domestic violence worker³⁴
- domestic violence leave³⁵
- training for managers³⁶
- White Ribbon Accreditation.³⁷

Respondent 77 submitted that there should be an understanding in the workplace that productivity may be lower at this time, but there should be the ability to make up for lost time or educational tutoring at a later stage.

³³ Respondent 23.

³⁴ Respondents 65, 74, 76.

³⁵ Respondent 76, 81.

³⁶ Respondent 76.

³⁷ Respondent 81.

Domestic violence leave

Respondent 8 submitted that they have major concerns about the introduction of family violence leave in workplaces. She submitted that this is an opportunity for workplaces to “sell” the idea that they support women, when in fact there is an inherent danger that victims of domestic violence may be too afraid to report for fear of being misunderstood. They submitted that a better idea is to have provisions in EBAs for extension of sick leave allowance if an employee asks for it, for any reason.

Respondent 54 does not think the creation of domestic violence leave is necessary. They stated that they are a state government employee and believe that there are many other forms of leave which are accessible to cover absences due to domestic violence without having to create special leave just for it. They submitted that they are confident that this applies with other private arenas.

Respondent 57 submitted that leave is important, but that workplaces should also endeavour to understand whether the individual has support/intervention.

Community and NGOs

Respondent 23 submitted that we should ‘talk about it more’ and that the Zara Foundation is doing a fantastic job of that. They submitted that we should make people more confident that others will assist and not shy away.

Respondent 39 submitted that the first time a person walks through an agency door is when they need to be provided with product advice and information around domestic violence, including where to go and what options are available. They suggested that a resource pack should be available with contact numbers and a safety plan.

Respondent 39 also suggested training for all workers in community services so there is an awareness on picking up warning signs. They further suggested:

- ‘be user friendly on the internet’ and
- ‘poster awareness’.

Respondent 69 submitted that continued community education on domestic violence and its effects might promote community discussion and greater understanding. They submitted that this might create more supportive working environments where individuals will feel able to seek assistance in managing their circumstances.

Respondent 74 submitted that there ought to be 'continued community education to normalise the need for reaching out if in unsafe situations'. They also submitted the need for more services, particularly in rural areas.

Respondent 74 also submitted that there should be information posted around the community. Such information could include 'safe options for leaving' and the 'potential for change'.

Interpretation

ATSI	Aboriginal and Torres Strait Islander
CAA	Courts Administration Authority
DCS	Department of Correctional Services
DCSI	Department for Communities and Social Inclusion
DECD	Department for Education and Child Development
FSF	Family Safety Framework
IO	Intervention Order
IOPA Act	Intervention Orders (Prevention of Abuse) Act 2009 (SA)
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
MAPS	Multi-Agency Protection Service
SAPOL	South Australia Police