



# Domestic Violence

Discussion Paper  
July 2016



Government of  
South Australia

Feedback on this Discussion Paper can be provided via email to [dvdiscussion@sa.gov.au](mailto:dvdiscussion@sa.gov.au) or by completing an online survey at [www.yoursay.sa.gov.au/dvdiscussion](http://www.yoursay.sa.gov.au/dvdiscussion).

Feedback must be lodged by **Sunday 4 September 2016**.

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## Foreword

Violence against women is at abhorrent levels in our community.

There were 7,740 family and domestic violence assaults recorded in South Australia in 2015 and 77% of the victims were women and girls. Almost half of all assaults and homicide and related offences in South Australia in 2015 were related to domestic violence.

But increasingly, we are shining a light on the problem, we are speaking out and we are acting to prevent it.

We are doing this in two ways; by strengthening laws and services for victims and by seeking to change the way men view women in our society.

South Australia leads the nation with our Multi-Agency Protection Service, which has been praised by domestic violence campaigner Rosie Batty and is a model for services around the country.

We have strengthened intervention orders, implemented new residential tenancy provisions and established a Women's Domestic Violence Court Assistance Service.

We are seeking to change attitudes by supporting organisations like White Ribbon Australia, Our Watch and the Zahra Foundation and implementing programs in schools to teach respectful relationships.

But we must do more.

With this *Domestic Violence Discussion Paper*, we are seeking input for further initiatives – in particular, a Domestic Violence Disclosure Scheme, making certain forms of video evidence admissible in court and collecting more information about the perpetrators of domestic violence.

This paper presents an unprecedented amount of data collected by South Australia Police on domestic violence in our state, to bring the facts to the attention of the community and inform the conversation about this serious issue.

We encourage you to read the data and the work we are doing to address domestic violence through service delivery and cultural change.

You can provide feedback through the South Australian Government's online consultation hub YourSAy at [www.yoursay.sa.gov.au/dvdiscussion](http://www.yoursay.sa.gov.au/dvdiscussion) until Sunday 4 September 2016.

**Jay Weatherill MP**  
**PREMIER**

**John Rau MP**  
**DEPUTY PREMIER**  
**ATTORNEY-GENERAL**

**Zoe Bettison MP**  
**MINISTER FOR THE STATUS OF WOMEN**

## Introduction

Domestic violence has a significant effect on South Australia. Its terrifying impact on individuals can be psychological or physical and, too often, fatal. Domestic violence permeates every level of society and endangers people of all backgrounds and experiences. It has lasting effects on our children and threatens the wellbeing of our community as a whole.

As at 31 May 2016, South Australia Police (SAPOL) records indicate there had been seven domestic violence related murders for 2015-16 in South Australia.

In the 2015 calendar year there were 7,740 family and domestic violence assault victimisations recorded in South Australia, of which 77% were female (5,926).

The landscape of domestic violence responses in South Australia looks very different to what it did ten years ago. We have seen the system for protection orders streamlined and improvement in the way authorities recognise and respond to situations of domestic violence. We are seeing closer cooperation between the different areas within Government, more and more people joining the conversation around this issue and an increase in victims speaking up about their experiences of abuse. We believe the statistics around domestic violence highlight this, demonstrating an increase in the number of domestic violence incidents reported over the years. Domestic violence is being dragged out further and further from behind closed doors and into the spotlight.

This *Domestic Violence Discussion Paper* (the Discussion Paper) seeks to further the public conversation around domestic violence. It utilises an unprecedented level of data collected by SAPOL on domestic violence in South Australia to inform this conversation. As a Government, we want to know as much as we can about this issue. We want to know more about where our efforts should be targeted, where gaps exist in our data and where we can improve. This Discussion Paper therefore also seeks the views of the community on areas of potential reform as well as current Government initiatives. This feedback will inform the Government's continued drive to achieve real change in responding to this issue with the help of the community it impacts. This Discussion Paper examines possible change and current initiatives in the various areas of responding to domestic violence, from workplace campaigns to court services and justice responses.

At the heart of tackling domestic violence is cultural change. Data demonstrates that victims of domestic violence are overwhelmingly women and children. It also recognises that Aboriginal women and girls are more likely to be victims of domestic violence than other women and girls in Australia. International research has further found that women with disability are more likely than men with disability, and women without disability, to experience violence. As a Government, we recognise gender inequality, and intersectional discrimination, as a root cause of domestic violence.

Every member of our community has a role to play in changing the attitudes that lead to this form of gender-based violence; in fostering respectful behaviour towards women and girls and breaking down gender norms and beliefs about male and female relationships. We can, for example, stop ourselves from saying that doing anything "like a girl" is a bad thing. We can tell our mates it's not okay to talk about their girlfriends in a disrespectful way.

If someone we know is a victim of domestic violence, we can listen and understand, and provide them with support to speak up. We should call the police when we hear that couple fighting and screaming. We must all reflect on our behaviour and understand the impact we can have in creating a safer community for us all, whether we are at work, at home, amongst our friends or in public.

This Discussion Paper uncovers the extent of domestic violence in South Australia and aims to inform the public conversation around tackling this issue. All members of the community are encouraged to provide their input. After all, domestic violence is everybody's business.

## Executive Summary

This Discussion Paper begins by painting a picture of domestic violence as it exists in South Australia. It utilises an unprecedented level of information collected by SAPOL about domestic violence in South Australia, combined with data from other sources including the Courts Administration Authority (the CAA) and the Australian Bureau of Statistics (ABS).

The data provided in this Discussion Paper shows us, for example, that:

- the majority of victims of domestic violence are women and girls;
- the people who perpetrate domestic violence are mostly male;
- the people who perpetrate domestic violence against women are most often a current or former partner; and
- domestic violence predominantly occurs in homes, behind closed doors.

We can see a dramatic increase in the number of domestic violence cases reported to SAPOL in the past few years and an increase in intervention order matters before the courts and within the prison system. A significant factor in this increase is SAPOL's increased emphasis on responding to domestic violence related offences, including improved reporting and recording and significant policy changes, arising from an internal review following the death of Zahra Abrahamzadeh.

The data presents details on the victims of domestic violence. What must be achieved in moving forward is an increase in information obtained about its perpetrators. It is time for a greater focus on information collection about the perpetrators of domestic violence, so we can obtain information such as the rate at which they re-offend, whether treatment programs reduce the rate at which a person offends and whether perpetrators re-offend against the same victims or not.

The data also demonstrates that domestic violence disproportionately impacts Aboriginal communities. It also underlies high Aboriginal incarceration rates and the over-representation of Aboriginal children in out-of-home care. A greater focus on preventing domestic violence within Aboriginal communities is therefore expected to have a flow-on impact on reducing Aboriginal incarceration and improving the safety of children within these communities.

This Discussion Paper then asks readers to consider a number of topics and provide their feedback. In doing so, readers are asked to take into account the complexities associated with each issue.

One of these areas is the introduction of a Domestic Violence Disclosure Scheme (DVDS) in South Australia. This is Topic 1 for discussion. On White Ribbon Day in 2015 (25 November 2015), Premier Jay Weatherill announced that the Government would consider the development and implementation of a DVDS, similar to one operated in the United Kingdom (the UK) and another being trialled in New South Wales (NSW). This Discussion Paper encourages South Australians to provide their views on what a DVDS operating in this state should look like.

The eight topics included for discussion are:



Questions are posed throughout the Discussion Paper to guide readers in their consideration of each topic.

The second half of the Discussion Paper reports on current Government initiatives in preventing and responding to domestic violence. Readers are encouraged to also provide their feedback about what can be improved in the South Australian Government's existing responses to domestic violence.

Readers are asked to note that references in this Discussion Paper to Aboriginal persons refer to persons who identify as an Aboriginal or Torres Strait Islander person, unless otherwise stated.

Feedback on this Discussion Paper can be provided via email to: [dvdiscussion@sa.gov.au](mailto:dvdiscussion@sa.gov.au) or by completing an online survey at: [www.yoursay.sa.gov.au/dvdiscussion](http://www.yoursay.sa.gov.au/dvdiscussion)

Feedback must be sent by **Sunday 4 September 2016**.

In addition, data in this Discussion Paper is available at: [www.agd.sa.gov.au/dvdiscussion](http://www.agd.sa.gov.au/dvdiscussion)

## ***A Right to Safety, the Women's Safety Strategy and Taking A Stand***

The prevention of domestic violence is a priority for Premier Jay Weatherill and the South Australian Government is committed to strong leadership in responding to this important social issue. Through this leadership the Government aims to build:

- consistent responses across services and systems;
- community understanding of, and involvement in, responding to domestic violence, including its role as a form of violence against women; and
- local community actions to prevent domestic violence.

In responding to domestic violence, the South Australian Government is guided by key policy documents. The South Australian Government released the *Women's Safety Strategy* (the Strategy) in 2005, outlining its vision to reduce violence against women through a strategic and comprehensive approach for 2005 to 2010. The Strategy reflects the South Australian Government's work to reduce violence against women through the continuation and embedding of past reforms while focusing efforts on the prevention of violence against women.

South Australia's *A Right to Safety* was launched in 2011 and outlined the next phase of the Strategy for 2011 to 2022.

*A Right to Safety* provides a framework for action to address violence against women. The victims of domestic violence in our community are predominantly women and therefore, to address domestic violence in our community we must address violence against women. The Strategy is driven by the following beliefs:

- all forms of violence against women are unacceptable;
- all forms of violence including the threat of violence against women are fundamental violations of human rights;
- women have the right to be safe from violence and to live free from the fear of violence; and
- women have the right to live in a safe community that promotes and supports their health and wellbeing.

Under *A Right to Safety* initiatives are implemented in four key directions:

- prevention;
- service provision;
- protection; and
- performance<sup>1</sup>.

Under *A Right to Safety* the Women's Safety Strategy Chief Executives Group (the CE Group) was established.

The CE Group, chaired by the Minister for the Status of Women, is a high level strategic committee responsible for achieving the Strategy.

This group includes the:

- Chief Executive, Department of the Premier and Cabinet (DPC);
- Commissioner of Police;
- Chief Executive, Attorney-General's Department (AGD);
- Chief Executive, Department for Correctional Services (DCS);
- Chief Executive, Department for Health and Ageing;
- Chief Executive, Department for Communities and Social Inclusion (DCSI);
- Chief Executive, Department for Education and Child Development (DECD); and
- Executive Director, Aboriginal Affairs and Reconciliation (AAR), Department of State Development (DSD).



In October 2014 the Premier launched *Taking a Stand: Responding to Domestic Violence*, which included a number of policy responses to prevent domestic violence. This Discussion Paper provides updates to the community on these policy responses. A number of the *Taking a Stand* policy responses were directly related to issues raised by the State Coroner following his Inquest into the death of Zahra Abrahamzadeh, who was murdered by her estranged husband in March 2010, whilst some were broader measures to help prevent domestic violence.

*Taking a Stand* built upon South Australia's *A Right to Safety* reflecting the Government's efforts to tackle domestic violence.

## Parliament of South Australia Social Development Committee

On 12 April 2016 the Parliament of South Australia Social Development Committee (the SDC) tabled a Report into Domestic and Family Violence (the SDC Report) making 35 recommendations (the SDC Recommendations)<sup>2</sup>.

The Terms of Reference for the SDC Inquiry into Domestic and Family Violence had the following five key aims:

- To inquire into how effective current services and program initiatives are in preventing domestic and family violence in South Australia.
- To investigate how to improve the communication and collaboration among all key agencies that support women and children at risk of, or experiencing domestic and family violence.
- To investigate how workplaces can better support the prevention of domestic and family violence and consider industrial and legal changes to amend this.
- To investigate what programs and initiatives are being undertaken in other jurisdictions that might be suitable to adopt, in South Australia, to prevent and/or respond to domestic and family violence.
- To explore if there are any opportunities for alternative funding.

The South Australian Government will be preparing a response to the SDC Report in accordance with the *Parliamentary Committee Act 1991 (SA)*. A number of the SDC Recommendations are noted in this Discussion Paper.

# Domestic Violence in South Australia

## Defining Domestic Violence

There are wide-ranging definitions of domestic and family violence used in legislation, the criminal justice system, policy documents, statistical reports and research.

As stated above, domestic violence is a recognised form of violence against women. A *Right to Safety* defines violence against women as a human rights issue and adopts the United Nations (U.N.) Declaration on the Elimination of Violence against Women (1993) definition of violence against women (the U.N. Definition) as follows:

*any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.*

The 12 year National Plan to Reduce Violence against Women and their Children 2010-2022 (the National Plan), developed by the Commonwealth, state and territory governments through the Council of Australian Governments (COAG), was released in 2011. The National Plan acknowledges the U.N. Definition and acknowledges that violence against women can be described in many ways, with domestic violence being one of the main sources of violence against women.

This Discussion Paper adopts the approach of the National Plan in defining domestic violence, recognising that:

*Domestic violence refers to acts of violence that occur between people who have, or have had, an intimate relationship. While there is no single definition, the central element of domestic violence is an ongoing pattern of behaviour aimed at controlling a partner through fear, for example by using behaviour which is violent and threatening. In most cases, the violent behaviour is part of a range of tactics to exercise power and control over women and their children, and can be both criminal and non-criminal.*

*Domestic violence includes physical, sexual, emotional and psychological abuse.*

*Physical violence can include slaps, shoves, hits, punches, pushes, being thrown down stairs or across the room, kicking, twisting of arms, choking, and being burnt or stabbed.*

*Sexual assault or sexual violence can include rape, sexual assault with implements, being forced to watch or engage in pornography, enforced prostitution, and being made to have sex with friends of the perpetrator.*

*Psychological and emotional abuse can include a range of controlling behaviours such as control of finances, isolation from family and friends, continual humiliation, threats against children or being threatened with injury or death.*

*Family violence is a broader term that refers to violence between family members, as well as violence between intimate partners. It involves the same sorts of behaviours as described for domestic violence. As with domestic violence, the National Plan recognises that although only some aspects of family violence are criminal offences, any behaviour that causes the victim to live in fear is unacceptable.*

*The term, 'family violence' is the most widely used term to identify the experiences of Indigenous people, because it includes the broad range of marital and kinship relationships in which violence may occur<sup>3</sup>.*

In South Australia, the laws for the restraint of domestic and personal violence are contained in the *Intervention Orders (Prevention of Abuse) Act 2009* (SA) (the Act).

Under the Act, the term *domestic abuse* is used.

Domestic abuse is broadly defined to specifically refer to physical, sexual, emotional, psychological or economic abuse.

Section 8 states that an act is an *act of abuse* against a person if it results in or is intended to result in:

- physical injury; or
- emotional or psychological harm; or
- an unreasonable and non-consensual denial of financial, social or personal autonomy; or
- damage to property in the ownership or possession of the person or used or otherwise enjoyed by the person.

Emotional or psychological harm includes mental illness, nervous shock and distress, anxiety or fear that is more than trivial.

Examples are given in the Act as to what might comprise an act of abuse against a person resulting in emotional or psychological harm and unreasonable and non-consensual denial of financial, social or personal autonomy. These are detailed in an extract from the Act provided in Appendix 1.

For the purposes of this Discussion Paper, the term “domestic violence” is predominantly used and in doing so, specifically includes both domestic and family violence and adopts a broad meaning of domestic violence that includes physical, emotional and psychological abuse. However, at times both terms are used to reflect the terminology used by different agencies and organisations across the sector.

## ***Intervention Orders (Prevention of Abuse) Act 2009***

In 2009 the South Australian Government set out to reform the laws for the restraint of domestic and personal violence and created a new type of order: an intervention order. An intervention order is a powerful tool for protecting victims of domestic and non-domestic abuse.

The Act, which came into force on 9 December 2011, brought together laws restraining domestic violence and laws restraining other forms of personal violence. The aim of the legislation is to make the laws easier to understand and enforce and to emphasise that our society does not tolerate personal violence of any kind, whether it occurs within a domestic relationship or not. The Act retained many of the features of the previous *Domestic Violence Act 1994 (SA)* and the personal restraining order provisions of the *Summary Procedure Act 1921 (SA)* but introduced new features including:

- binding objects and principles for intervention designed to promote a common approach, by those enforcing the Act, toward perpetrator accountability and toward the protection of victims of abuse and their children;
- a definition of abuse (noted above) that includes not only physical injury and damage to property, but also, emotional or psychological harm and an unreasonable and non-consensual denial of financial, social or personal autonomy;
- an extended definition of the relationships within which an act of abuse is to be considered domestic abuse (which meant the law covered the same relationships as before but was expanded to cover carer relationships, grandparents, siblings, cases where the parties were otherwise related through blood, marriage, domestic partnership or adoption, and parties related through Aboriginal and/or Torres Strait Islander kinship rules or by membership of some other culturally recognised family group);
- improved police powers to intervene in situations of domestic or personal abuse;
- simplified processes that reduce opportunities for perpetrator manipulation;
- a power in the court to dismiss an application that is frivolous, with a presumption against dismissal in cases of domestic abuse and in cases where the defendant is alleged to have committed an offence of personal violence or stalking;
- a power in the court, when the protected person and the defendant live in rented premises under a tenancy agreement to which the defendant is a party, to assign the tenancy to the protected person or other persons;
- an ability for police or the court to require a defendant to be assessed for an intervention program to deal with associated problems of substance abuse, problem gambling, anger management or mental health and for the court to then order the defendant to undertake such a program; and
- notification requirements that ensure all relevant public sector agencies (that is, those responsible for education, families and communities, child protection, corrections and social housing) are aware that an intervention order has been made, varied or revoked.

## **What is an intervention order?**

Intervention orders are civil orders that restrain a person (the defendant) from doing certain things and, if necessary, require the person to do other things. An *interim* intervention order can be issued for the immediate protection of a person, that is, without the need to go to court first. A final intervention order is an intervention order that is issued by the court upon the hearing of an application for one. An *interim* intervention order can become a final order upon being confirmed by the court.

The terms of an intervention order (whether interim or final) can include any form of restraint needed to protect the victim from abuse. For example, the order may prohibit the defendant being on, or within the vicinity of, premises at which the protected person works or resides or nominated premises frequented by the protected person. It may also prohibit the defendant from approaching within a set distance of the protected person or from damaging specified property and may even require the defendant to surrender weapons or articles, to return property or to take part in an appropriate intervention or treatment program.

An intervention order may be issued for the protection of anyone against whom it is suspected the defendant will commit an act of abuse or any child who may hear, witness or otherwise be exposed to the effects of such abuse. The grounds for issuing an intervention order are anticipatory, meaning there is no need for proof of the commission of an act of abuse before an intervention order can be issued.

Unlike other jurisdictions in Australia, intervention orders in South Australia do not have an expiry term. An intervention order lasts until it is revoked by way of an application through the courts.

## **Who may issue an intervention order?**

Both police and courts can issue interim intervention orders, and on the same grounds.

Only a court can confirm an interim order (making it final). Further, only a court can dismiss an application for an intervention order and substitute a final intervention order for an interim one or vary or revoke an intervention order.

Police may issue an interim intervention order for the immediate protection of the victim if there are grounds to do so and if the defendant is present to be served with the order or is in custody. These are referred to as police issued intervention orders (PIIOs). The making of a PIIO must be authorised by a police officer of the rank of sergeant or above, although investigating officers of lower rank may do so with written or telephone authorisation from the more senior officer. Once a PIIO is issued, this acts as a summons for the matter to then come before the court, to be treated in the same way as an application for an intervention order. However, with the PIIO in place, the victim is immediately protected whilst awaiting court.

## **Who may apply to the court for an intervention order?**

An application to the court for an intervention order may be made by anyone needing protection from an act of domestic or personal abuse. A suitable representative may also apply to the court on behalf of a person needing protection if given permission to do so by the court. This is done by the person appearing in court and asking the court's permission, explaining to the court why they are acting to protect the victim.

For example, if the applicant is a child who is over the age of 14 years, the application may be made by the child with the permission of the court. If the child is under the age of 14 years, the application may be made by a parent or guardian, or a person with whom the child normally or regularly resides or some other suitable person who has been approved by the court.

If police have not already issued a PIIO, a police officer may also apply to the court for an intervention order to protect a victim, whether they have the consent of the alleged victim or not. This will usually happen when the defendant was not present or available for service, when police want to intervene or when police are not sure how to make an interim order that is consistent with a current Family Court or child protection order.

## **Who may apply to vary or revoke an intervention order?**

An application to the court to vary or revoke an intervention order can be made by a police officer, a person protected by the order (or a suitable representative of such a person given permission to apply by the court) or the defendant. If the protected person or the defendant is a child and there is also a current order under the *Children's Protection Act 1993* (SA) in respect of the child, the Minister responsible for the administration of that Act can also apply on their behalf.

An application to vary or revoke a final intervention order may only be made by the defendant after the date fixed by the order, which must fall at least 12 months after the date of issue or last variation of the order.

The court may dismiss an application by a defendant to vary or revoke an order if satisfied the application is frivolous or vexatious or if not satisfied there has been a substantial change in relevant circumstances since the order was last issued or varied.

## **How long does an intervention order last?**

In South Australia, an intervention order, whether interim or not, has continuing effect. This means the intervention order continues in force, subject to any variation by the court, until revoked.

The continuing nature of intervention orders means orders cannot be made for a specified period or until a particular event occurs and therefore cannot lapse. If, for example, an intervention order is varied, the original order remains in force and continues to bind the defendant until the varied order is served. Readers are asked to note Topic 2 for consultation later in this paper which seeks input on the issue of the appropriate length of intervention orders.

## **Breach of an intervention order**

A breach of an intervention order term is a criminal offence. There are two types of breaches.

Firstly, a person can breach an intervention order by failing to attend or complete a court mandated intervention program. This is a section 31(1) breach. The maximum penalty for a section 31(1) breach is \$1250 or an expiation fee of \$160. A police officer may choose to issue the person they allege has breached their intervention order with an expiation notice requiring them to pay \$160 instead of charging them with an offence (and requiring them to come to court and be prosecuted).

Secondly, a person can breach an intervention order by breaching any other term of the order. This is a section 31(2) breach. The maximum penalty for breaching any other term of an intervention order is two years of imprisonment.

The Act exempts a person who is protected by an intervention order from liability for aiding, abetting or procuring its breach, unless the conduct also contravenes the order or any other intervention order against the defendant for another protected person (such as a child). For example, take a case where an intervention order is currently in place that protects multiple victims of violence and a parent victim and child victim are both listed as protected persons. If the parent victim, alone, approaches the defendant in breach of the order, they cannot be charged with aiding and abetting the breach. However, if the parent victim approaches the defendant, taking the child victim with them in breach of the order, they can be charged with aiding and abetting the breach.

Readers are asked to note the discussion and further information provided about breaches of intervention orders set out below.

## Recent Amendments to the Intervention Order Laws

To further enhance the operation of the Act, the Government made a number of amendments, which came into force on 1 December 2015.

Importantly, the following changes were made to the Act:

- The court was given a sentencing power to require perpetrators of domestic violence to bear the financial burden of an intervention program if they are convicted of a breach of an intervention order involving physical violence or threat of physical violence (implementing an election promise of the Government).
- In court proceedings for the making of an interim intervention order where the applicant is a police officer, the court is not bound by the rules of evidence, but may inform itself as it thinks fit.
- To provide greater protection for victims, a police officer may, in addition to requiring a person to remain at a particular place for as long as may be necessary to serve an intervention order, require a person to accompany them to the nearest police station for the purpose of service of an intervention order.
- The Commissioner of Police is now required be notified of all applications for a variation or revocation of an intervention order to ensure police can intervene and provide assistance to the victim if necessary.
- The terms of an intervention order may include a term prohibiting a person from entering or remaining in the vicinity of specified premises, such as premises at which the protected person works or resides.
- The court is required, when determining whether to confirm, vary or revoke an interim intervention order, to make inquiries about the existence of any relevant order under the *Family Law Act 1975* (Cth) or the *Children's Protection Act 1993* (SA) and consider how the final intervention order and that existing order would interact. The court is also required to take such steps as it considers necessary to avoid inconsistency between the orders.

Recommendation 24 of the SDC Report is that the South Australian Attorney-General work with the Commonwealth Government to develop legislative frameworks and communication systems to better integrate domestic and family violence issues that cut across Federal, state and territory jurisdictions.

As noted above, the Act has been strengthened to ensure the court enquires into the existence of any relevant order made under the *Family Law Act 1975* (Cth) and to take steps to avoid inconsistencies between orders.

This recommendation will be further considered in the Government's response to the SDC Report.



## Domestic Violence Data: What Does It Mean?

Through the following data and information, the Government aims to paint a picture of domestic violence as it exists in South Australia, to inform the public conversation around this issue and future reform in this area.

Data provided below about domestic violence in South Australia demonstrates that the overwhelming majority of victims are women. It shows the people who perpetrate domestic violence against these women are mostly male and are their current or former partners. We also see that domestic violence predominantly occurs in homes, behind closed doors.

The information shared in this Discussion Paper shows a dramatic increase in the number of domestic violence cases reported to SAPOL in the past few years and an increase in intervention order matters before the courts and within the prison system.

These increases give rise to questions that must be considered. Has there been an increase in domestic violence in our community or, as a community, are we becoming more aware and active in our reporting of it? Are victims feeling more supported and willing to report instances of abuse? Are we experiencing a rising crisis in South Australia or is the extent of domestic violence now being revealed?

Anecdotally, people involved in domestic violence management, including those from SAPOL and other parts of the public sector, are more attuned to the issue and are trying to take positive action where possible. The data reflects this, as well as the success of education and the growing awareness within the community around domestic violence.

An important factor is the level of improvement of practices around domestic violence that has occurred within SAPOL. SAPOL has improved its emphasis on responding to domestic violence related offences and has introduced enhanced reporting and recording of domestic violence. SAPOL has had a structured policy approach to domestic violence through a Domestic Violence Strategy since 2005, enhanced by subsequent developments. SAPOL also undertook an internal review and implemented significant policy changes following the death of Zahra Abrahamzadeh, who was a victim of domestic violence.

Zahra Abrahamzadeh died on 22 March 2010. Zahra's husband pleaded guilty to her murder and was imprisoned for life. Following the death of Zahra, in 2013 SAPOL conducted an internal review and established a new Domestic Violence Portfolio, led by the Deputy Commissioner, to enhance policing services on this important issue. In late 2013, SAPOL also commenced work developing a new domestic violence multiagency collaborative initiative to be called the Multi-Agency Protection Service (MAPS), which is discussed in further detail below. MAPS commenced operations in late July 2014, sharing information from multiple sources to identify and act on mitigating the risk to vulnerable victims or potential victims of domestic violence.

From June 2013 to July 2014, the South Australian Coroner's Court also held an Inquest into the death of Zahra Abrahamzadeh and made a number of recommendations. The findings are available at:

[www.courts.sa.gov.au/CoronersFindings](http://www.courts.sa.gov.au/CoronersFindings)

In early 2014, SAPOL commenced work on a new specialist Family and Domestic Violence Branch incorporating the specialist knowledge of MAPS and, in July 2014, SAPOL began implementing the recommendations from the Coronial Inquest into the death of Zahra Abrahamzadeh.

The combination of all these initiatives has led to improved police awareness and operational responses at frontline levels through additional training and new structural support mechanisms, aimed at encouraging victims and community members to engage with police about their concerns. As a result, reporting of incidents that may involve domestic violence related behaviour has increased, supported by the introduction of PIIOs, which have allowed police to better intervene and protect family members.

Zahra's experience is described below in an extract from the Zahra Foundation website (<http://zahrafoundation.org.au>) set up by her children in her honour:

*Zahra migrated to Australia with her husband and children in 1997. Zahra left her family and friends behind with great hope for a better life for her family.*

*The restrictions of being in an abusive and controlled marriage limited Zahra to live a full life that she had hoped for. Despite all this, Zahra embraced the opportunities in Australia.*

*Zahra endured much pain and abuse throughout her marriage. However, Zahra remained positive, strong and never lost hope. Zahra's strengths were her great sense of humour and commitment to family. Zahra was a caring mother devoted to her children. She fiercely protected her children from threats and abuse by her husband.*

*In 2009 Zahra took the brave steps to leave the family home with her children and were assisted by the Central Domestic Violence Services. Zahra and her children stayed in hiding in order to keep themselves safe. As a mother her strength never wavered even though the threats continued to haunt her and her children. However this did not affect her attitude, approach and willingness to continue to rebuild her life.*

*On 21st of March 2010 Zahra attended the Persian New Year function at the Adelaide Convention Centre, to celebrate this cultural event and her 44th birthday. This celebration was cut short when her husband took her life in front of 300 witnesses.*

Below at Figure 1 we have created a timeline of key occurrences, such as the death of Zahra Abrahamzadeh and resulting review by SAPOL, as well as awareness campaigns and law reform. These key occurrences are displayed together with data relating to domestic violence in South Australia over recent years. This provides context around the statistics and creates a better understanding of what the data is telling us.

Further, the reader will notice the focus of the data below is on the victims of domestic violence. Data in South Australia that paints a picture of perpetrators is not readily available. Filling this gap in information is a key next step (see Topic 3 on Comprehensive Collection of Data).

It is time for a greater focus on collecting information about the perpetrators of domestic violence, so we can obtain information such as the rate at which they re-offend, whether treatment programs reduce the rate at which a person offends and whether perpetrators re-offend against the same victims or not. Work being done in South Australia to enhance information sharing is outlined below and data is provided that looks at the prevention programs run through the CAA that focuses on the completion rate for participants in the program. Further, readers are asked to consider the introduction of a domestic violence 'flag' to be used by agencies in collecting further information about perpetrators (see Topic 3).

We do not expect there will be a reduction in the domestic violence related figures soon: while we hope to experience continued cultural change and change in behaviour, reporting should increase as people continue to grow in their confidence in the agencies that help them when they call for assistance.

# Snap shot:

## Domestic violence in South Australia 2015

**8417** reported occasions\* of domestic violence

**77%** of domestic violence victims were female.

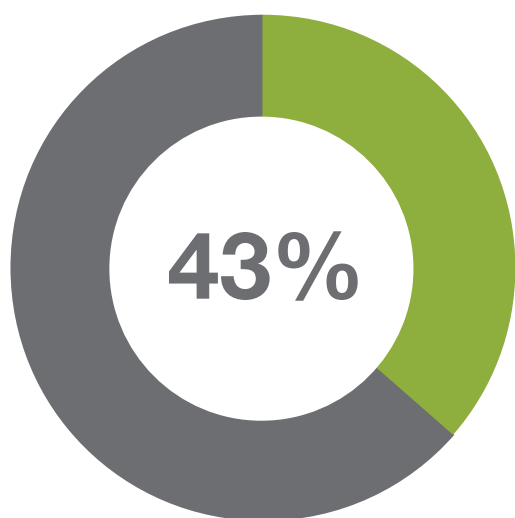


**12 females and 4 males**

were victims of murder, manslaughter or attempted murder.

**Distressing figures**

**Aboriginal** people were **10x** more likely to experience domestic violence assault.



of assault victims were in the **20-34** age group.



**3 in 4**

female victims of assault faced domestic violence from an intimate partner.

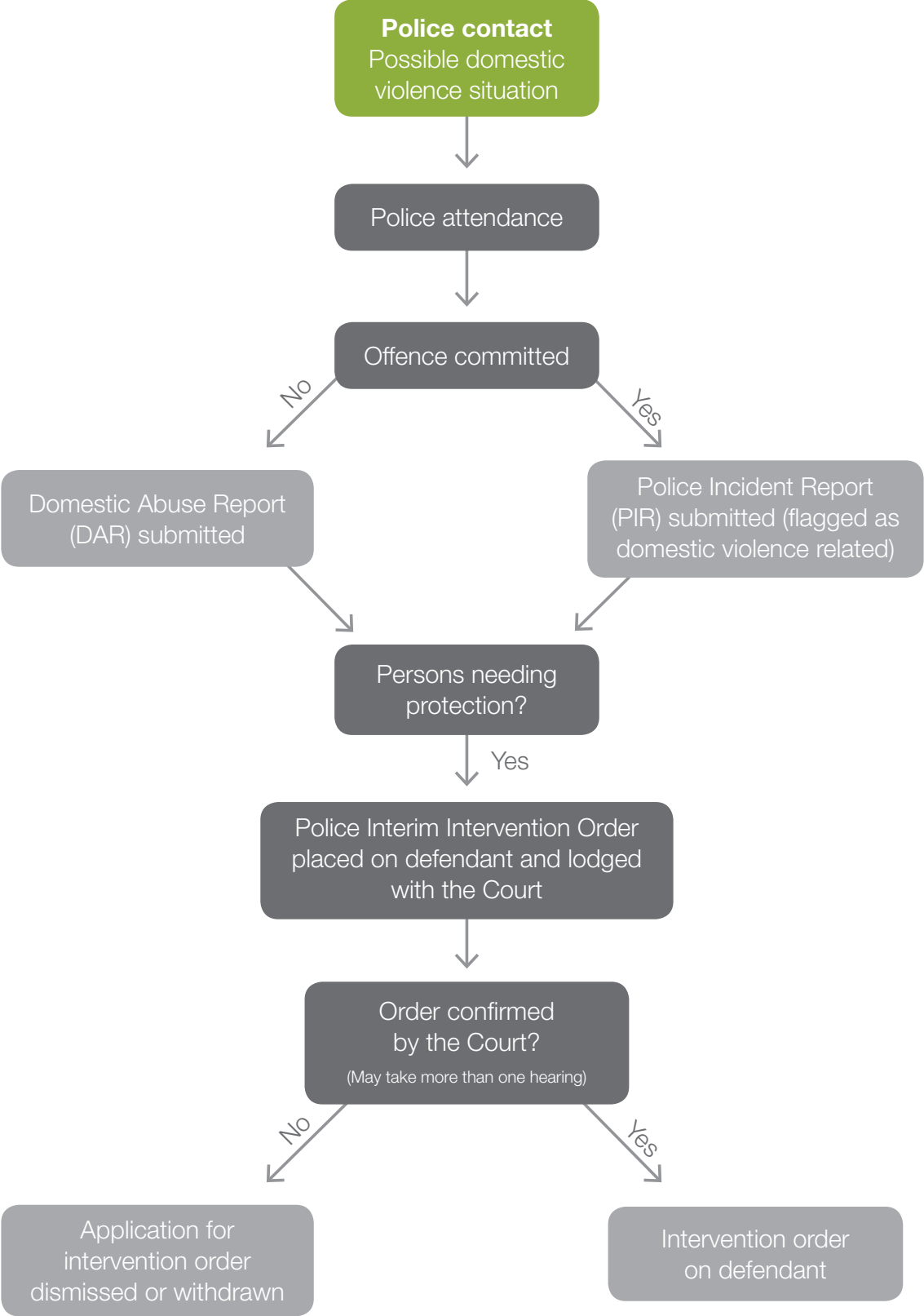
\*In a single occasion of domestic violence, a victim may be assaulted or abused more than once.

These statistics represent domestic violence data held by SAPOL. They do not represent the total number of victims or individual offences that come to the attention of police. **Source:** Australian Bureau of Statistics (2016), *Recorded Crime – Victims, Australia, 2015* (Experimental Family and Domestic Violence data), Cat. no. 4510.0.

# South Australia Police Data

## Contact with Police

The following flow chart provides an overview of the process when a domestic violence situation is brought to the attention of police:



## Volume of Taskings and Domestic Abuse Reports

SAPOL has collated an unprecedented level of data and information about domestic violence in South Australia. An explanation of SAPOL processes and data counting rules is provided at Appendix 4.

Multiple data sources are used in this Discussion Paper. It should be noted that SAPOL data has been collated by financial year, whilst data compiled and made publically available by the ABS has been collated by calendar year<sup>4</sup>.

As set out in the above flowchart, a PIR is a report taken by a member of SAPOL by various means from a victim or on behalf of a victim.

**The SAPOL information set out below is based on PIRs and DARs.**

Police taskings can be the result of a citizen calling 000 or 131 444 or attending a police station to report an event that requires police assistance, resulting in the dispatch of a police patrol to the incident. Taskings can also be proactively generated by police through either investigations, observations or directed patrolling activities.

To ensure SAPOL can efficiently record all incidents falling within the definition of domestic abuse, police are now required to either submit a PIR (where a substantive criminal offence is apparent) or a DAR (where a substantive criminal offence is not apparent). If an incident relates to domestic violence, the PIR is flagged as such<sup>5</sup>.

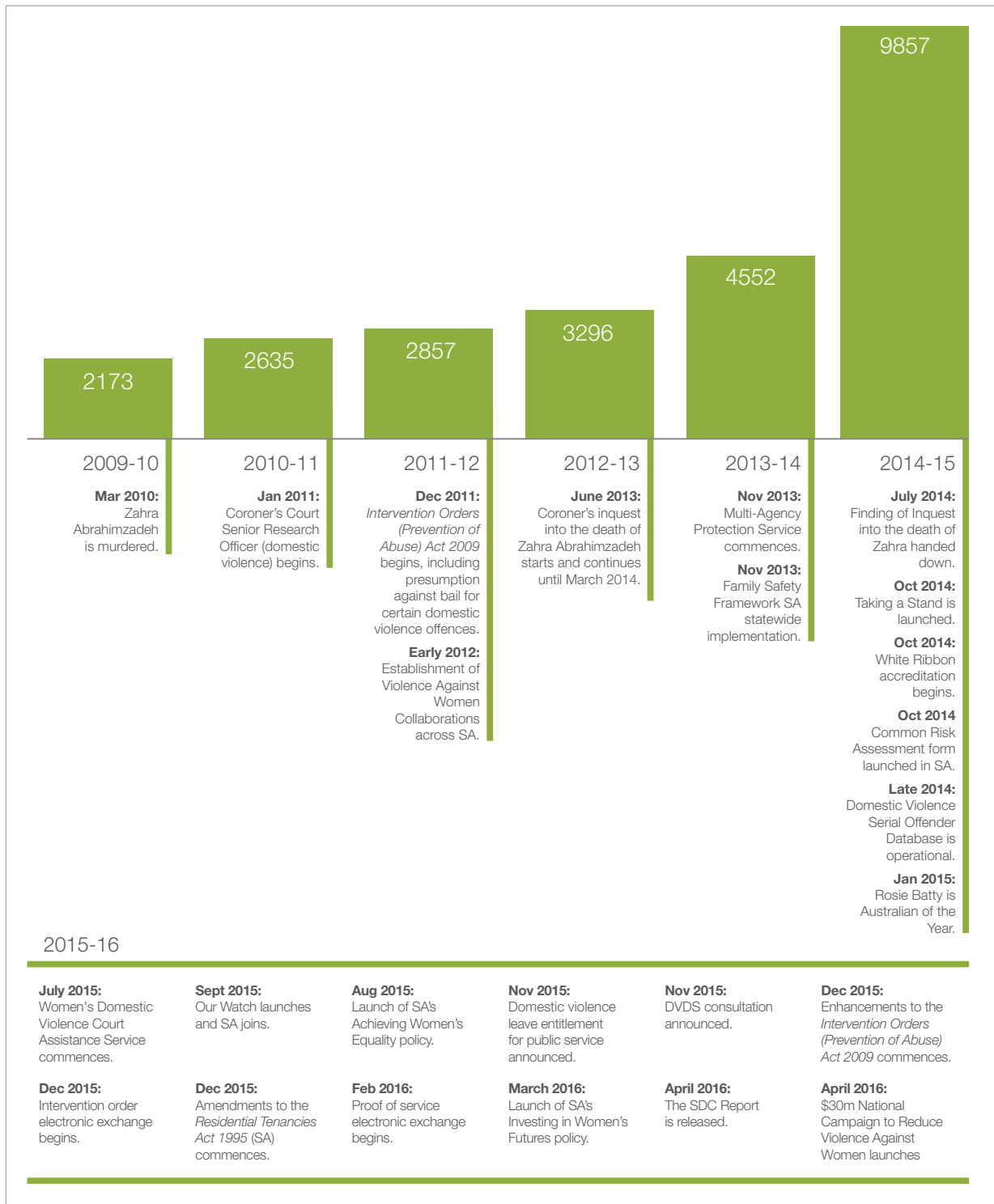
Figures 1 and 2 below indicate that taskings for domestic violence related incidents and DARs have increased over the last three years, with Figure 1 showing that taskings more than tripled between 2012-13 and 2014-15<sup>6</sup>.

As stated above, a significant contributing factor to these increases is SAPOL's enhanced response to domestic violence, and to SAPOL encouraging and supporting the reporting of those offences associated with domestic violence, following its internal review. The increased number also reflects more precise coding of calls for assistance that indicate domestic violence.

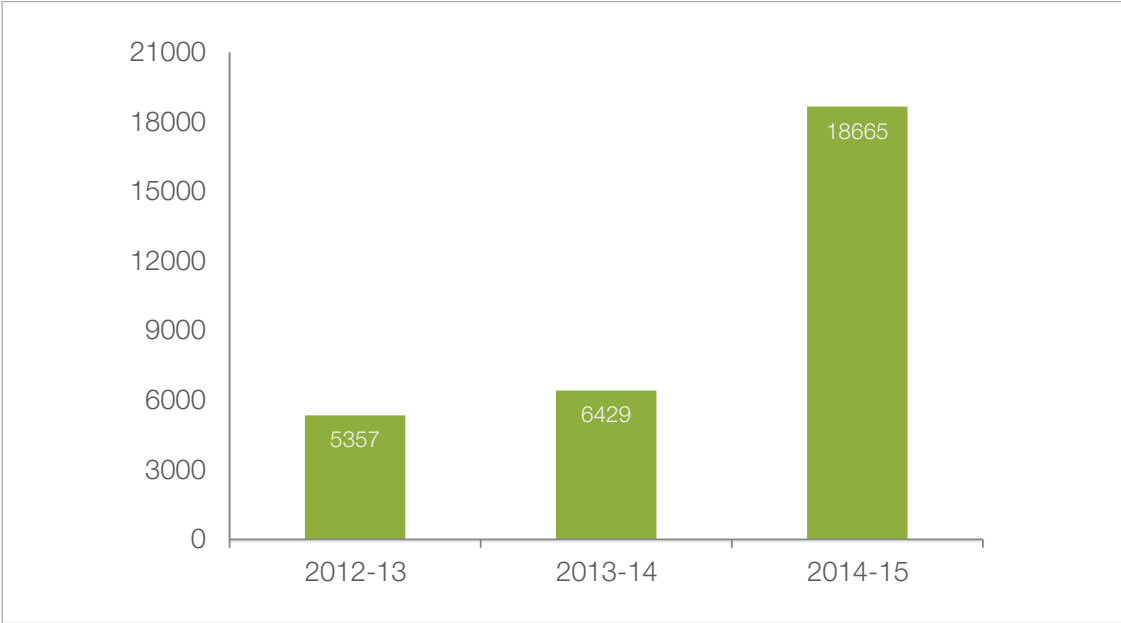
Public awareness is also increasing and, as a community, we are developing a better understanding of domestic violence, its causes and effects. The timeline below (starting with the tragic murder of Zahra Abrahamzadeh and including legislative reform and other events) puts the increase in DARs and domestic violence related PIRs in the context of what has been occurring in this space.

While the Government recognises there are a number of deaths that have been the result of domestic violence over the years, this Discussion Paper has referred to the death of Zahra Abrahamzadeh, as an event that resulted in significant change in SAPOL practices.

**Figure 1: Domestic Abuse Reports by Volume**



**Figure 2: Volume of Domestic Violence Taskings: including both DARs and PIRs**

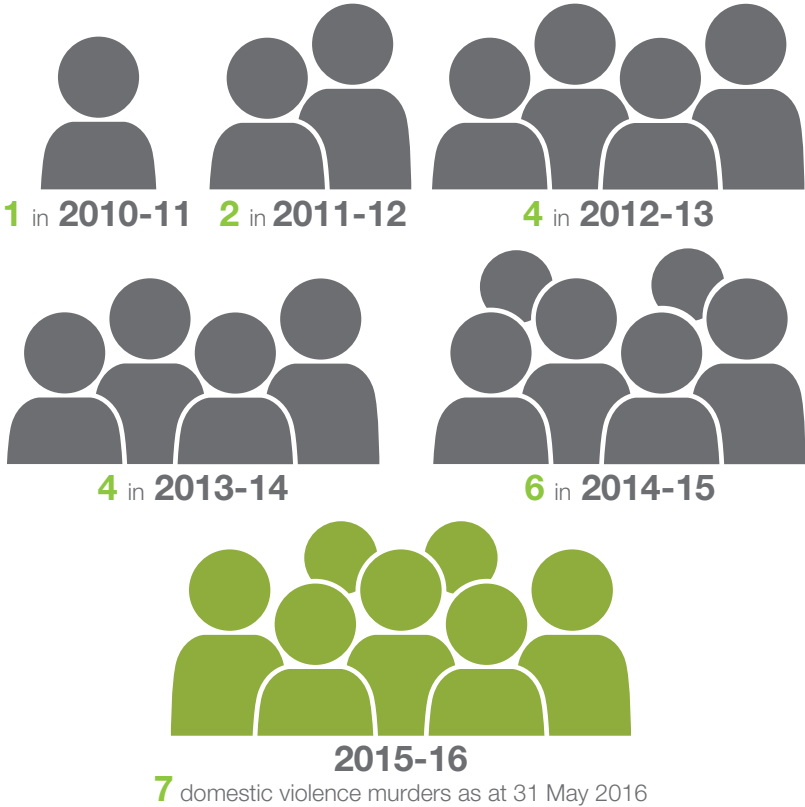


**Domestic Violence Related Offending**

SAPOL data indicates the following numbers of domestic violence related murders:

- 1 in 2010-11;
- 2 in 2011-12;
- 4 in 2012-13;
- 4 in 2013-14; and
- 6 in 2014-15.

As at 31 May 2016, SAPOL has reported there had been 7 domestic violence related murders for 2015-16.



There are around 110,000 PIRs taken by SAPOL each year and in 2014-15 the percentage of PIRs relating to domestic violence was 17.4%.

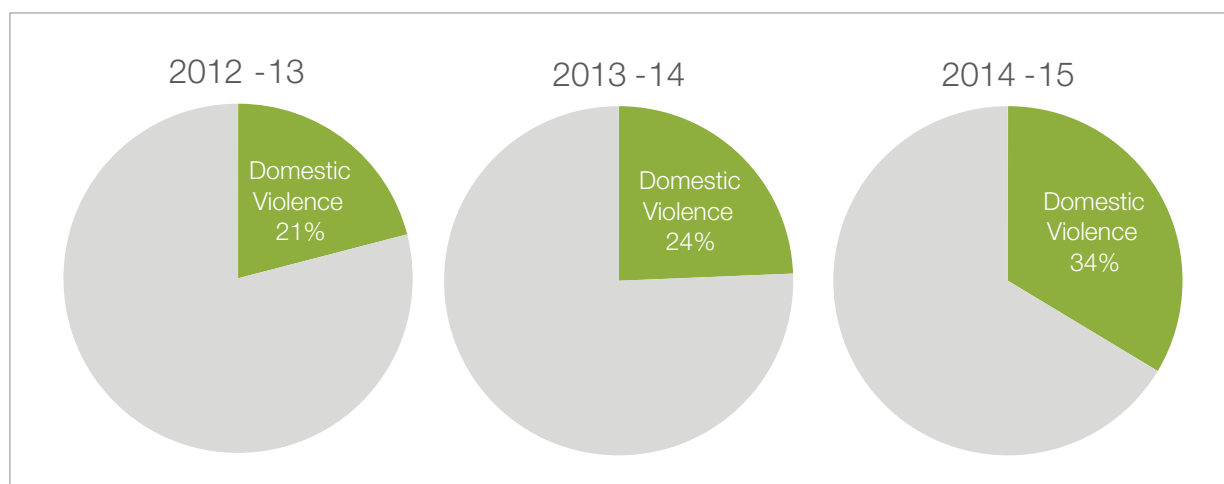
The charts below show a growing proportion of offences against the person that are reported as being domestic violence related.

Under the criminal law, a reference to “an offence against the person” is generally a reference to conduct, that is a crime, that involves direct physical harm or force applied to the victim. For the purposes of the below, the reference to offences against the person includes:

- homicide related offences (murder, attempted murder and manslaughter);
- acts intended to cause injury (such as assaults, serious assaults resulting in injury, serious assaults not resulting in injury, and common assaults);
- sexual assaults, robbery, blackmail and extortion; and
- abduction and kidnapping, deprivation of liberty and false imprisonment and harassment and threatening behaviour.

In 2013-14, around a quarter of offences against the person were domestic violence related. This rose to a third in 2014-15. This is calculated based on all the offences against the person flagged as domestic violence related by the person taking the report.

### Offences Against the Person



SAPOL records also indicate that the offences they have recorded as being related to domestic violence range from offences against the person, offences against property and offences against good order (noting this SAPOL information is based on PIRs).



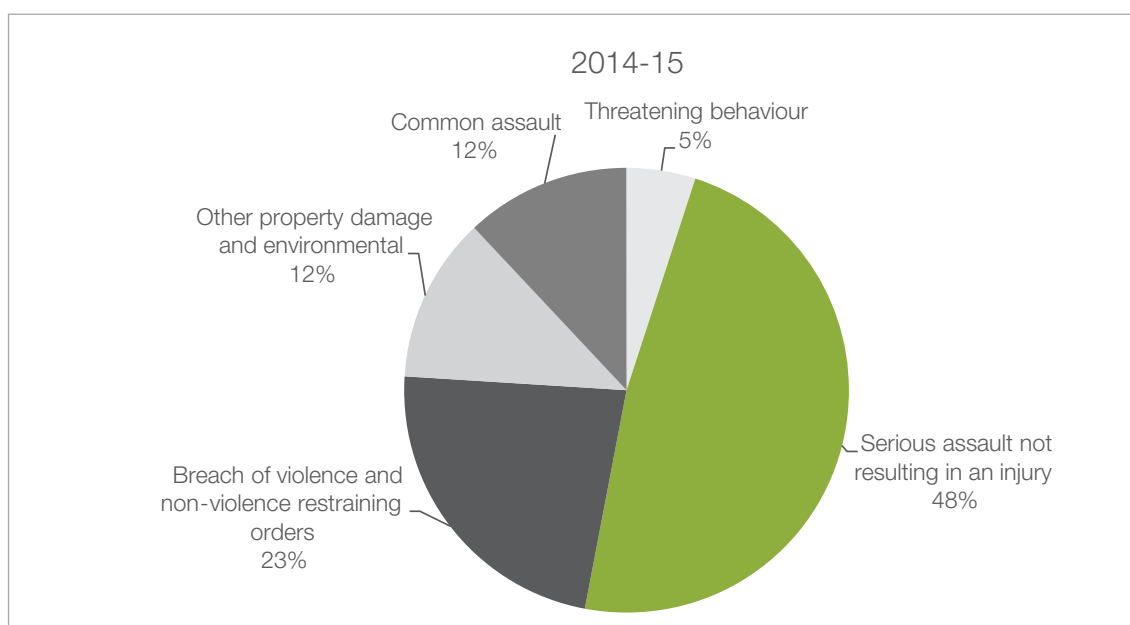
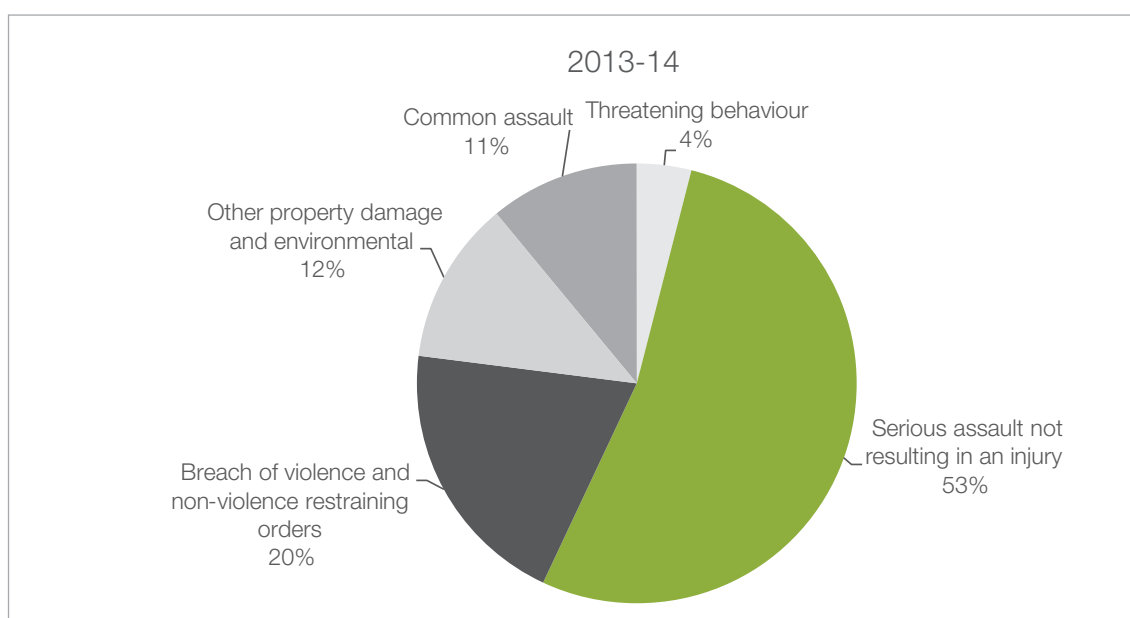
There were five offence types that occurred the most frequently across 2013-14 and 2014-15, which together made up 86% of all domestic violence related offending over this two year period. These five offence types were:

- serious assault not resulting in injury (e.g. involving the use of a weapon or committed against a pregnant female);
- breach of violence and non-violence restraining order;
- other property damage and environmental;
- common assault; and
- threatening behaviour.

Between 2013-14 and 2014-15, the data showed a change in the frequency of the different offence types.

Within this grouping of the five main offence types, the proportion of serious assault not resulting in injury reduced. However, there was a slight increase in the proportion of common assaults and threatening behaviours. There was an increased proportion of breach of violence and non-violence restraining order offences, reflecting an increase in the issuance of intervention orders in 2014-15.

### 86% of Domestic Violence Offending: The Top Five Offence Types



## Relationship

SAPOL data reveals a high proportion of perpetrators who are partners or ex-partners of their victim. The 2014-15 data indicated that for all domestic violence offences, 94% involved a partner (ex or current). Table 1 below shows a difference in victimisations between males and females in relationship analysis. However, in considering the below data, it must be remembered that the number of male victims is substantially lower than female victims.

Perpetrators who were ex-partners and partners of their victims accounted for 55% of offences in 2014-15 for female victims but a much smaller 38% where the victim was male.

The proportion of male victims of a parent/guardian at 15% was much higher than female victims where the proportion is 4.2%. This means a male victim of domestic violence was more likely to have suffered abuse at the hands of a parent than a female victim.

Similarly, the proportion of male victims where the perpetrator was the victim's son or daughter is 13.4%, which was around double the number of female victims (at 7.1%) where the perpetrator was the son or daughter.

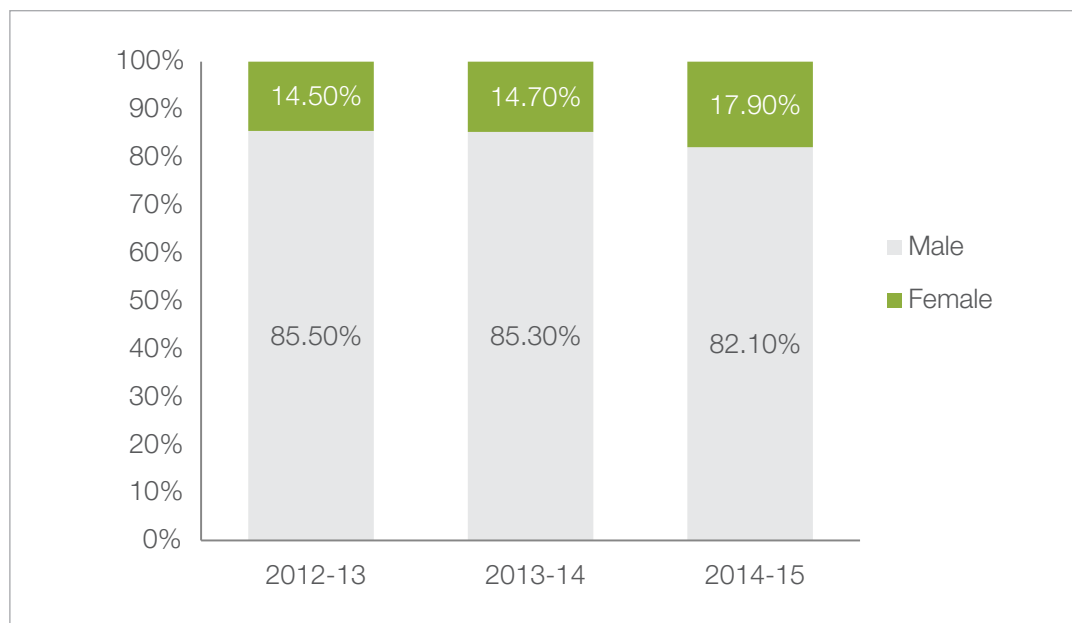
**Table 1: Relationships between victims and perpetrators of domestic violence (2014-15)**

Perpetrator Relationship to Victim	Male Victims	Female Victims
Ex-partner opposite sex	22.46%	32.45%
Partner opposite sex	14.09%	22.34%
Boy/girlfriend	7.39%	9.97%
Ex-boy/girlfriend	5.19%	6.92%
Spouse	7.44%	8.82%
Ex-spouse	4.31%	5.09%
Parent/guardian	15.26%	4.18%
Step parent	3.96%	0.69%
Son/daughter	13.41%	7.11%
Brother/sister	6.51%	2.44%

## Victims

SAPOL data confirms that the majority of victims of domestic violence are female. Figure 3 demonstrates that the percentage of female victims remains above 80% although the percentage of male victims has increased from 14.5% in 2012-13 to 17.9% in 2014-15. At this time, the gender of the perpetrator has not been identified. This might reflect a reduction in the stigma attached to being a male victim of domestic violence and, therefore, an increase in reporting by male victims.

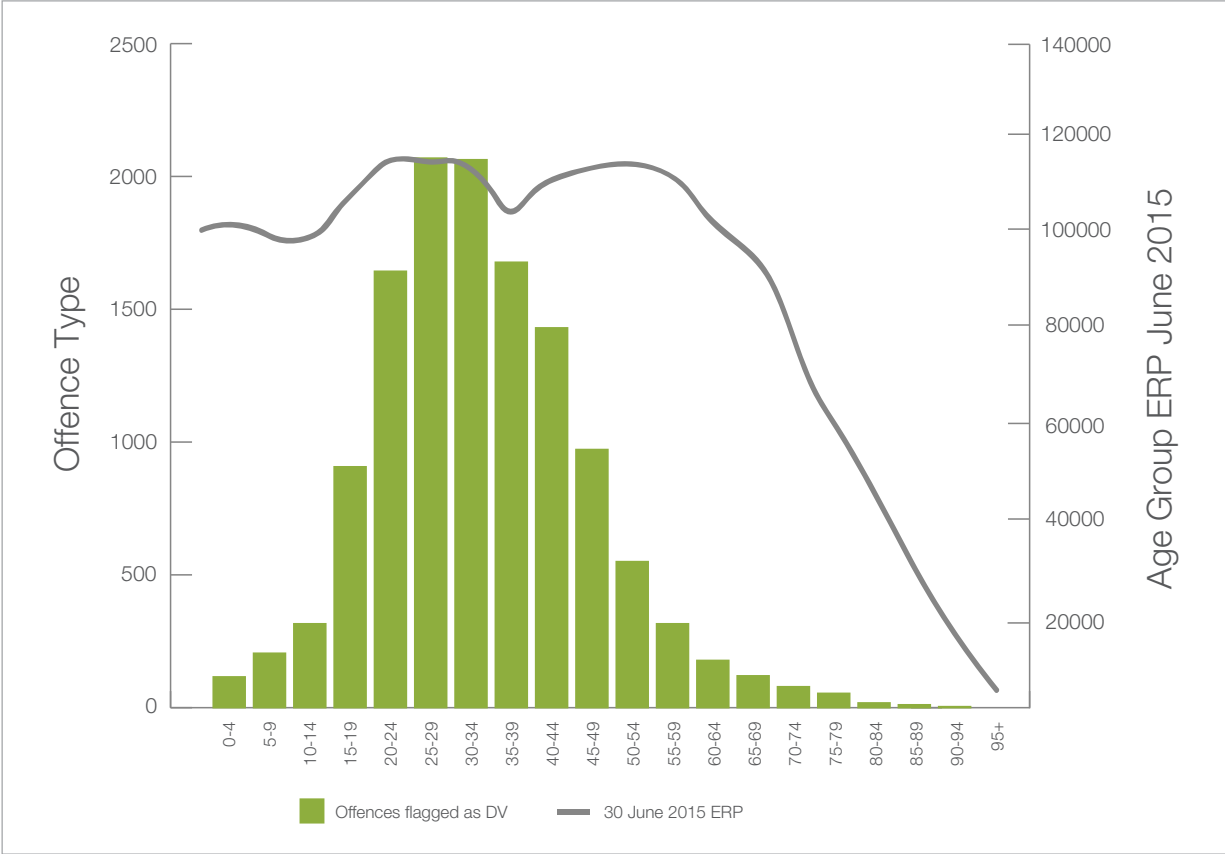
**Figure 3: Domestic Violence Offences – Gender of Victim**



SAPOL records indicated that in 2014-15, 15.6% of victims of domestic violence related offences identified to SAPOL as being Aboriginal (noting that a very small percentage identified as being both Aboriginal and Torres Strait Islander or as Torres Strait Islander). This indicates that Aboriginal people, who at June 2011 made up only 2.3% of the overall population in South Australia, are at higher risk of being victims of domestic violence.

Figure 4 represents a SAPOL analysis of the age of victims comparing South Australia's 2015 Estimated Resident Population (the dotted line in Figure 4) by age group with victim age. This could demonstrate that certain age groups are under-reporting domestic violence.

Figure 4: 2014-15 Offences by Age Group and Cohort Size



## Australian Bureau of Statistics Data

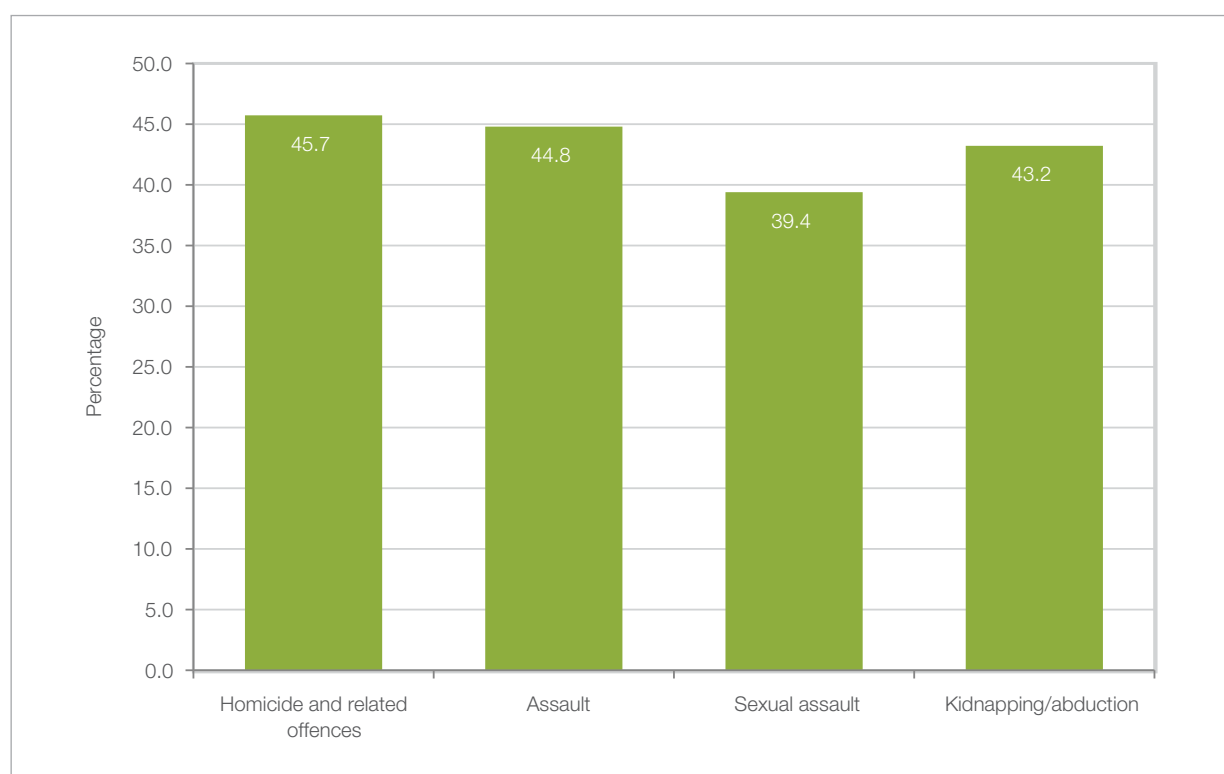
ABS data shows that in the calendar year of 2015, in South Australia, family and domestic violence (noting that the ABS specifically refers to both family and domestic violence in their publications) accounted for:

- almost half of *homicide and related offence*<sup>7</sup> and assault victimisations (45.7% and 44.8% respectively);
- two in five of all *kidnapping/abduction* victimisations (43.2%); and
- more than a third of *sexual assault* victimisations (39.4%).

If we can reduce the level of domestic violence in our community, then the rates of *assault*, *sexual assault*, *homicide* and *kidnappings* would be expected to drop accordingly.

Figure 5 shows the proportion of selected recorded offences that were attributed to family and domestic violence in South Australia in 2015<sup>8, 9</sup>.

**Figure 5: Proportion of all victimisations of homicide and related offences, assault, sexual assault and kidnapping/abduction attributed to family and domestic violence in South Australia, 2015**



ABS data counts “victimisations”. This does not equate to the total number of people.

While this method of counting using “victimisations” is applied by the ABS, SAPOL data is reported differently. Care must therefore be taken when comparing the figures provided by SAPOL with ABS data.

### What is a victimisation?

A victimisation indicates the number of times a person has been a victim of at least one offence type (for example assault) in an incident. So if a person is assaulted five times during one reported incident, this is recorded as a single victimisation of assault. If a person is assaulted twice and sexually assaulted once during a reported incident, this is counted as a single victimisation of assault and a single victimisation of sexual assault.

## Murder, Manslaughter and Attempted Murder

Data is reported concerning rates of domestic and family violence related murder, manslaughter and attempted murder, which are grouped together and referred to as “*homicide and related offences*”.

Figure 5 above demonstrates that family and domestic violence accounted for 45.7% of all *homicide and related offence*<sup>10</sup> victimisations in 2015.

In addition, the data<sup>11,12</sup> for the 2014 calendar year shows that family and domestic violence accounted for 45.5% of all *murder* victimisations in South Australia.



ABS data indicates that in the 2014 calendar year there were five *murders* in South Australia attributed to domestic violence.

It should be noted that the methodology used for the 2015 release of ABS data specifically relating to victims of family and domestic violence differs from the 2014 release. In the 2014 release, family and domestic violence was based on those incidents flagged by police as domestic violence related. In the 2015 release, victims of selected offences have been determined to be family and domestic violence related where the incident was flagged by police as domestic violence related or the relationship of offender to victim, as recorded by police, has been classified to one of the following categories:

- partner (spouse, husband, wife, boyfriend and girlfriend);
- ex-partner (ex-spouse, ex-husband, ex-wife, ex-boyfriend, ex-girlfriend);
- parent (including step-parents);
- other family member (including but not limited to child, sibling, grandparent, aunt, uncle, cousin, niece, nephew).

As a result, data on victims of family and domestic violence related offences recorded in the 2015 release and the 2014 release are not comparable.

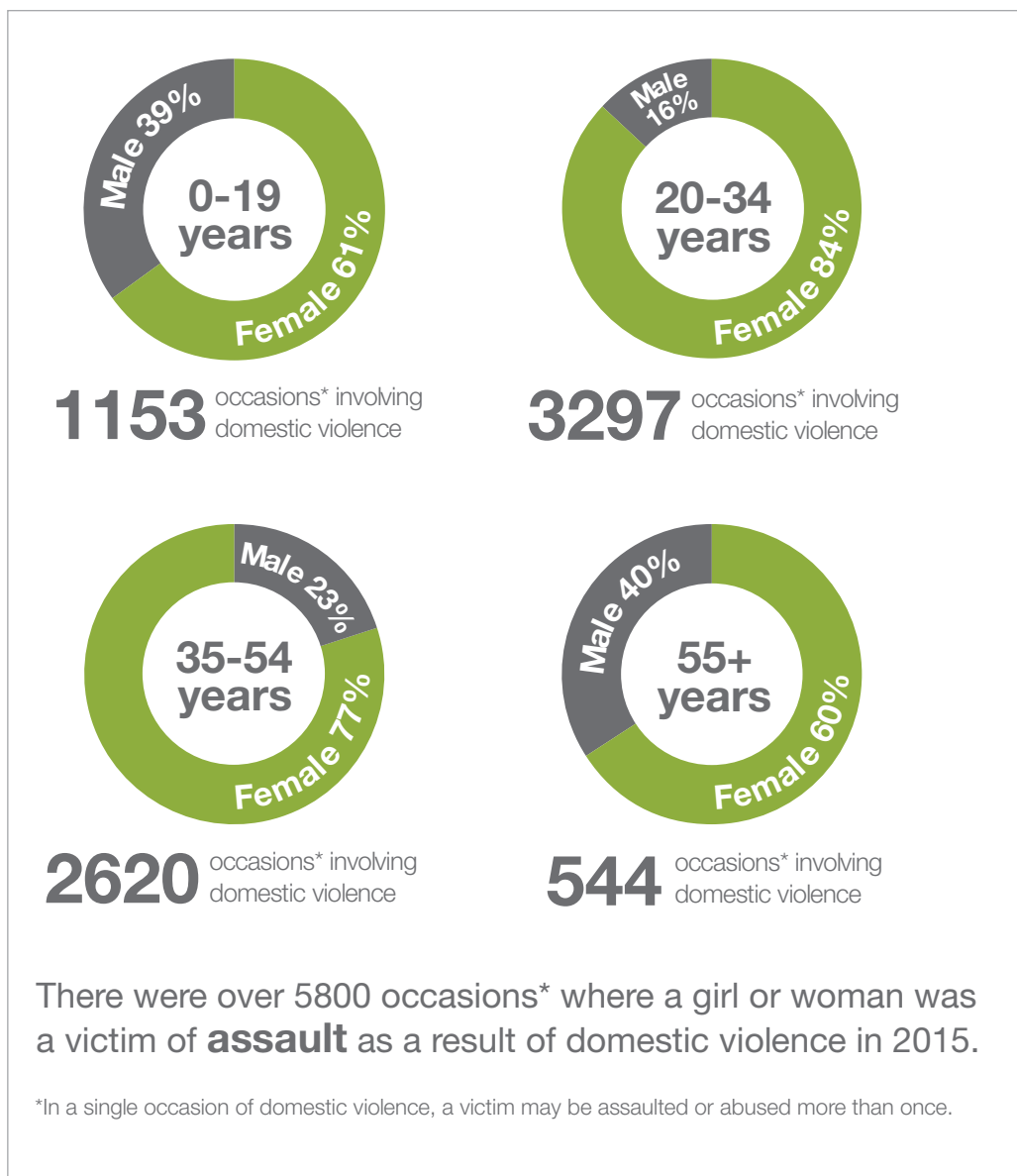
## Assault

In South Australia in 2015, almost a half (44.8%) of all *assault* victimisations related to family and domestic violence.

There were 7,740 family and domestic violence *assault* victimisations recorded in South Australia. Of these, 5,926 were female (77%) and 1,815 were male (23%).

The majority of the family and domestic violence victims of *assault* were female aged between 20 and 54 years<sup>13</sup>.

**Figure 6: Number of family and domestic violence assault victimisations by age and sex, South Australia, 2015**



## Sexual Assault

In South Australia in 2015, a total of 626 family and domestic violence *sexual assault* victimisations were recorded. Family and domestic violence accounted for 39.4% of all *sexual assault* victimisations (see Figure 5). Again, the majority of victims were female (87%)<sup>11</sup>. As Figure 7 demonstrates, there were substantially higher numbers of female family and domestic violence victims of *sexual assault* across all age ranges<sup>15</sup>.

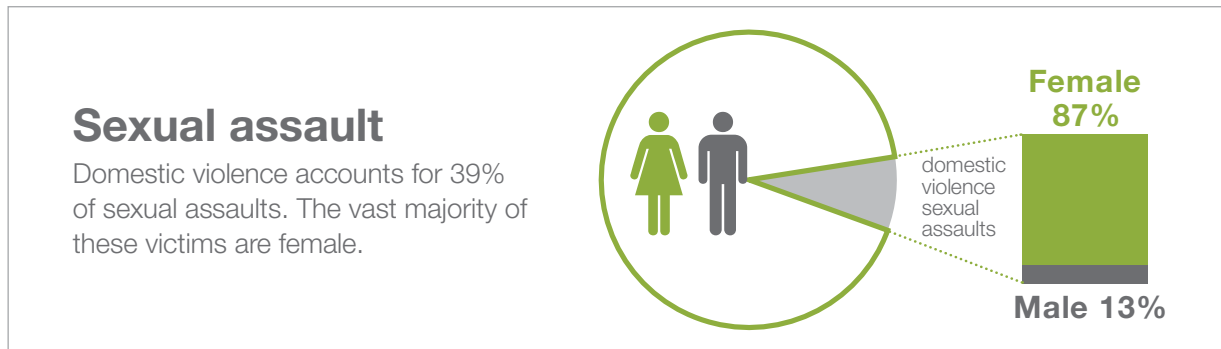


Figure 7: Number of family and domestic violence sexual assault victimisations by age and sex, South Australia, 2015





## Kidnapping and Abduction

In South Australia, in 2015, there were 81 *kidnapping/abduction* victimisations recorded, with 35 of these attributed to domestic violence.

In six cases the ABS has recorded that the gender of the victim was unknown and the remaining 29 victims were all female.

## Kidnapping and abduction



kidnappings and abductions were domestic violence related in 2015

## Demographics

It is clear from the data that an overwhelming majority of the victims of domestic violence are female.

It is significant to note that Aboriginal and Torres Strait Islanders make up 2.3% (June 2011) of the overall population in South Australia but that 19.6% (just under one in five) victims of domestic violence *assault* were Aboriginal persons.

For *sexual assault* victimisations, the proportion of Aboriginal victims was lower at 9.7% and 84% of the Aboriginal victims of *sexual assault* were female.

**Aboriginal persons, particularly women and girls, are disproportionately impacted by domestic violence.**

The ABS data also sets out that an 'intimate partner'<sup>16</sup> was recorded as the alleged offender in the majority of family and domestic violence *assault* victimisations (69%). For the majority of family and domestic violence *sexual assault* victimisations, 'other family member'<sup>17</sup> was recorded as the alleged offender (55%).

The majority of family and domestic violence *assault* and *sexual assault* offences occurred in a residential setting (84% and 93% respectively)<sup>18</sup>.

The majority of these results are also reflected in the information collated by SAPOL set out below, demonstrating that victims of domestic violence are predominantly females who are attacked by their partners or ex-partners in their homes, and that Aboriginal women and girls are disproportionately impacted by domestic violence.

For further information see the ABS publication Recorded Crime - Victims, Australia, 2015 available at: [www.abs.gov.au/ausstats/abs@.nsf/mf/4510.0](http://www.abs.gov.au/ausstats/abs@.nsf/mf/4510.0)

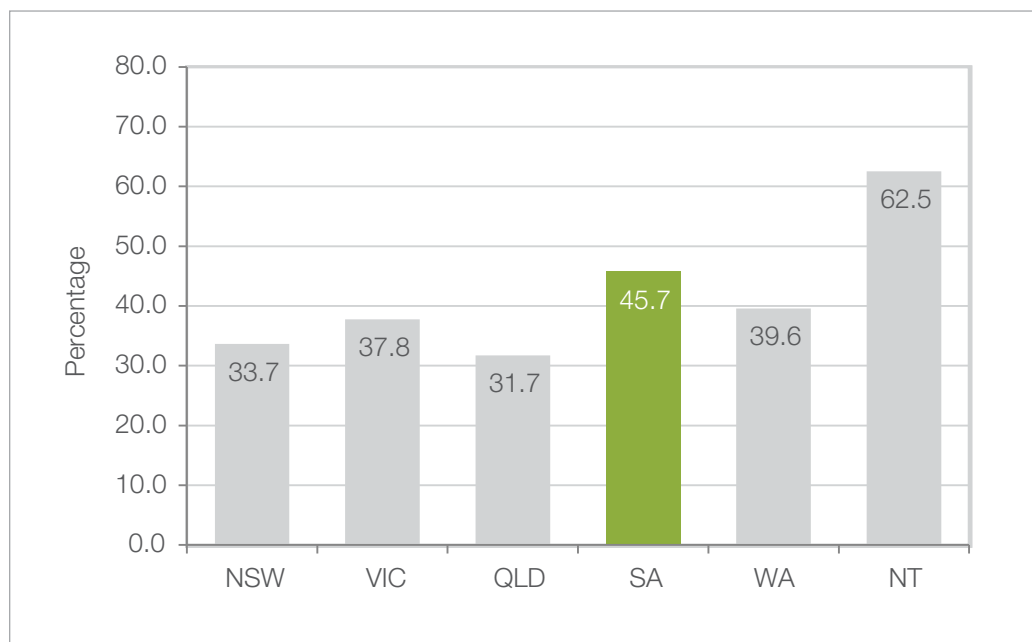
## ABS National Comparisons

The ABS data on family and domestic violence related offending is based on a combination of the domestic violence “flag” and the relationship of the offender to the victim recorded by police and should therefore be interpreted with caution. This data has been used so we can better understand domestic violence in our community. Below we use this data collected across jurisdictions to compare South Australia with other states and territories, but there are risks in doing so. The way in which each jurisdiction chooses to “flag” a matter as domestic violence may be different. Therefore the data across Australia may not be directly comparable between jurisdictions due to differences in legislation, business rules, procedures and systems.

However, while there are risks associated with using this data to compare South Australia with other jurisdictions, it is helpful to be able to view the extent to which domestic violence impacts our community relative to other jurisdictions.

Figure 8 demonstrates that in 2015 South Australia had relatively high rates of domestic violence related *murder*, *manslaughter* and *attempted murder*, when compared to other jurisdictions.

**Figure 8: Proportion of all victimisations of homicide and related *offences* attributed to family and domestic violence, South Australia compared with other states and territories, 2015**



Note: Homicide and related offences data not published for Tasmania and the Australian Capital Territory.

When comparing South Australia with other jurisdictions on a rate per 100,000 population, South Australia was ranked fourth out of the comparable jurisdictions in its rate of family and domestic violence related *homicide and related offences* at 0.9 per 100,000 population.

With 44.8% of assault victimisations being domestic violence related, South Australia was ranked 4th (see Figure 9 below). When comparing South Australia with other jurisdictions on a rate per 100,000 population, South Australia was ranked third in its rates of family and domestic violence related *assault*.

**Figure 9: Proportion of all victimisations of *assault* attributed to family and domestic violence, South Australia compared with other states and territories, 2015**



*Note: Assault data not published for Victoria and Queensland.*

As noted earlier, in 2015 South Australia recorded a total of 626 family and domestic violence *sexual assault* victimisations.

When considering the percentage of sexual assaults related to domestic violence, Figure 10 shows that South Australia ranked first.

However, when comparing South Australia with other jurisdictions on a rate per 100,000 population, South Australia was ranked third in its rate of family and domestic violence related *sexual assault*.

**Figure 10: Proportion of all victimisations of sexual assault attributed to family and domestic violence, South Australia compared with other states and territories, 2015**



In South Australia, 43.2% of *kidnapping/abduction* victimisations were family and domestic violence related. This was the second-highest of the jurisdictions where data was reported (see Figure 11).

**Figure 11: Proportion of all victimisations of *kidnapping/abduction* attributed to family and domestic violence, South Australia compared with other states and territories, 2015**



*Note: Kidnapping/abduction data not published for Tasmania.*

## Financial Impact of Domestic Violence

The Australian Government's Office for the Status of Women commissioned Access Economics to undertake a study with the objective being to "undertake an accurate and comprehensive estimation of the costs of domestic violence to the Australian economy"<sup>16</sup>.

This resulted in the 2004 release of their report entitled *The Cost of Domestic Violence to the Australian Economy*<sup>19</sup>.

The main findings provided in Table 2 show the annual economic costs in each of the main cost categories:

**Table 2: Annual economic cost of domestic violence to the Australian economy**

Category of Cost	Annual Cost in 2002-03 (\$millions)
Pain, suffering and premature mortality	3,521
Health	388
Production	484
Consumption	2,575
Administration and other	480
Second generational	220
Economic cost of transfers	410
<b>Total</b>	<b>8,078</b>
<b>Total (excluding pain, suffering)</b>	<b>4,557</b>

Table 2 shows that the total annual cost of domestic violence in 2002-03 was estimated by Access Economics to be \$8.1 billion with the largest contributor being pain, suffering and premature mortality at \$3.5 billion<sup>21</sup>.

Access Economics also considered which groups bear these costs, as set out in Table 3 below. The largest cost burden (\$4.0 billion) was estimated to be borne by victims of domestic violence. The impact of domestic violence on victims is multi-faceted, not only affecting victims physically and/or emotionally, but also financially, for example, loss of employment and housing, the cost of relocating and loss of (including destruction of) property. The cost to the community was \$1.2 billion, with smaller amounts borne by remaining groups<sup>22</sup>.

**Table 3: Groups bearing the annual cost of domestic violence in Australia**

Affected Group	Annual Cost in 2002-03 (\$millions)
Victim	4,048
Perpetrator	555
Children	769
Employers	175
Friends and Family	7
Federal Government	848
State/Territory Government	487
Community	1,190
<b>Total</b>	<b>8,078</b>

This was 2002-03. Fast forward to March 2009 and the National Council to Reduce Violence against Women and their Children report entitled *The Cost of Violence against Women and their Children* starts with the Access Economics findings, updates the costs estimates and projects the costs into 2021-22<sup>23</sup>. The overview of their findings was:

*Violence against women and their children will cost the Australian economy an estimated \$13.6 billion this year<sup>24</sup>. Without appropriate action to address violence against women and their children<sup>25</sup>, an estimated three-quarters of a million Australian women will experience and report violence in the period of 2021-22, costing the Australian economy an estimated \$15.6 billion<sup>26</sup>...*

*Implementation of Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children (the Plan of Action) aims to reduce the levels of violence against women and their children by 2021. For every woman whose experience of violence can be prevented by the Plan of Action, \$20,766 in costs across all affected groups in society are avoided.*

*To place this in perspective, if the Plan of Action resulted in an average reduction in violence against women and their children of just 10 per cent by 2021-22, some \$1.6 billion in costs to victims/survivors, their friends and families, perpetrators, children, employers, governments and the community could be avoided<sup>27</sup>.*

## Intervention Orders Data

SAPOL and the CAA collect data pertaining to intervention orders. The CAA statistics in Figure 12 show that since the commencement of the Act in December 2011 and up until 31 December 2015, the number of PIIOs and applications for intervention orders per month (made in court) has increased substantially, from 198 to 424.

**Figure 12: Number of PIIOs or applications for intervention order lodgements December 2011 to December 2015 (excluding applications to vary or revoke)**



The ability of SAPOL to take immediate action to protect a victim by issuing a PIIO, introduced in December 2011, has made a significant difference. A PIIO is not only an interim order providing protection, it also acts as a subpoena requiring the defendant to appear in court. The ability of SAPOL to immediately protect a person and require the defendant to attend in court may have contributed to the ongoing increase in lodgements.

SAPOL data also indicates that over the last two financial years, SAPOL has issued 4,260 PIIOs, increasing from 1,377 in 2013-14 to 2,883 in 2014-15.

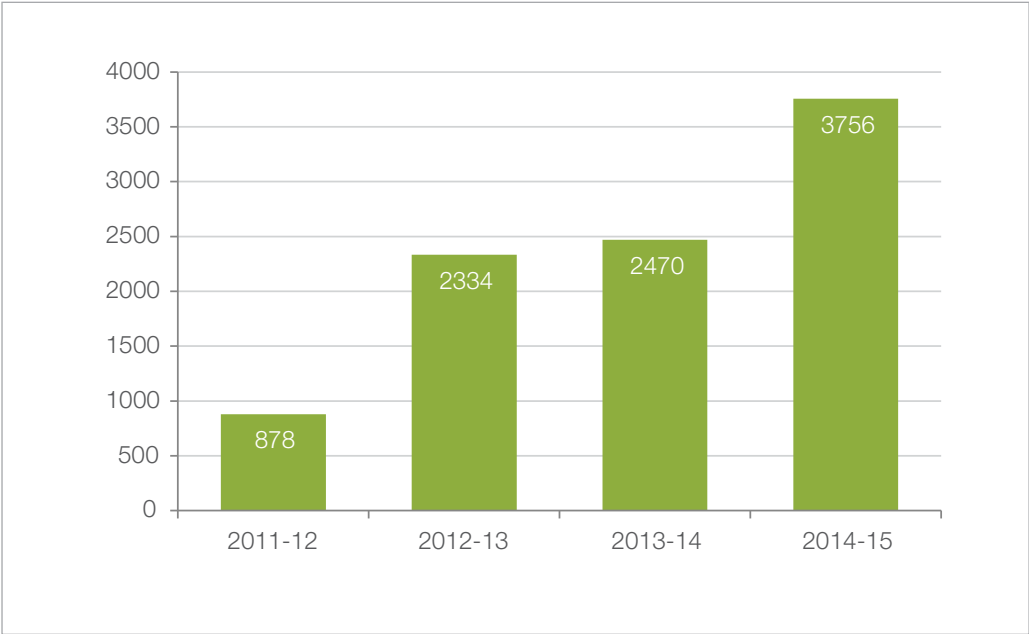
In 2013-14, SAPOL also made 897 applications for a court issued interim intervention order with this figure rising to 1,066 applications in 2014-15.

SAPOL has identified that the increase in intervention orders (which was most significant in mid-2014) can be attributed to an increased emphasis on responding to domestic violence related offences and the improved reporting and recording of such offences, associated with significant policy changes resulting from its internal review following the death of Zahra Abrahamzadeh, as discussed above.

### Breaches of Intervention Orders

SAPOL data contained in Figure 13 records an increase in reports of breaches of intervention orders, which means a person has allegedly contravened the conditions contained in an order. As the conditions of an order vary from matter to matter, so too do the types of breaches.

**Figure 13: Breaches of Intervention Orders**



When calculating the above data all current orders were included regardless of when they were issued. This means historical orders from previous years are captured as well as more recent orders. In addition, a breach of an intervention order can occur on multiple occasions for a single order.

As stated above, intervention orders in South Australia are ongoing. As the number of active intervention orders accumulates, it is expected the number of breaches will increase.

The stricter regime put in place by the Act has expanded the types of behaviour for which an intervention order can be made, compared with the previous scheme of domestic violence orders. A breach could be for a condition of an intervention order that is not directly related to an offence of violence. This has resulted in an increase in the number of reports of breaches of intervention orders.



CAA data (contained in Table 4 below) shows that, as at 31 December 2015, there were 5,896 cases finalised involving a charge for a breach of an intervention order. Of these, the majority (4,906 or 83.2%) were for a section 31(2) breach (that is, they involved a breach of an order that did not involve failing to attend or complete a court ordered intervention program).

The majority of breach charges had a finding of guilt (3,905 or 66.2%). This percentage was slightly higher for breaches involving a section 31(1) breach for not attending an intervention program (73.4%) compared to other (that is section 31(2)) breaches at 64.8%.

**Table 4: Number of charges against section 31 of the *Intervention Orders (Prevention of Abuse) Act 2009* listed on finalised cases to 31 December 2015 (according to outcome)**

Outcome	Type of Breach				Total	
	31(1)*		31(2)^			
	No.	%	No.	%	No.	%
Guilty	727	73.4	3,178	64.8	3,905	66.2
Not guilty: mental illness/condition	2	0.5	10	0.1	12	0.1
Not guilty	0	0.0	3	0.0	3	0.0
Withdrawn	261	26.4	1,715	35.0	1,976	33.5
<b>Total Charges</b>	<b>990</b>	<b>100.0</b>	<b>4,906</b>	<b>100.0</b>	<b>5,896</b>	<b>100.0</b>

\* Contravene terms of an intervention order: Non-Attendance at Intervention Program

^ Contravene terms of an intervention order: Other than Programs

Notes. Guilty outcomes include: Convicted; Guilty without conviction; Found proved. Withdrawn outcomes include: Dismissed want of prosecution; Dismissed Summary Procedure Act; No action taken; Not proceeded with; White certificate; Withdrawn.

The information in Table 4 above raises questions as to why many charges for breaches of intervention orders are withdrawn. The nature of the personal relationships that underpin domestic violence related matters may mean a protected person ultimately withdraws charges, for example against their partner with whom they believe they have resolved matters. It is therefore important that work continues to ensure victims feel supported and confident in pursuing charges, particularly where the circumstances warrant it.

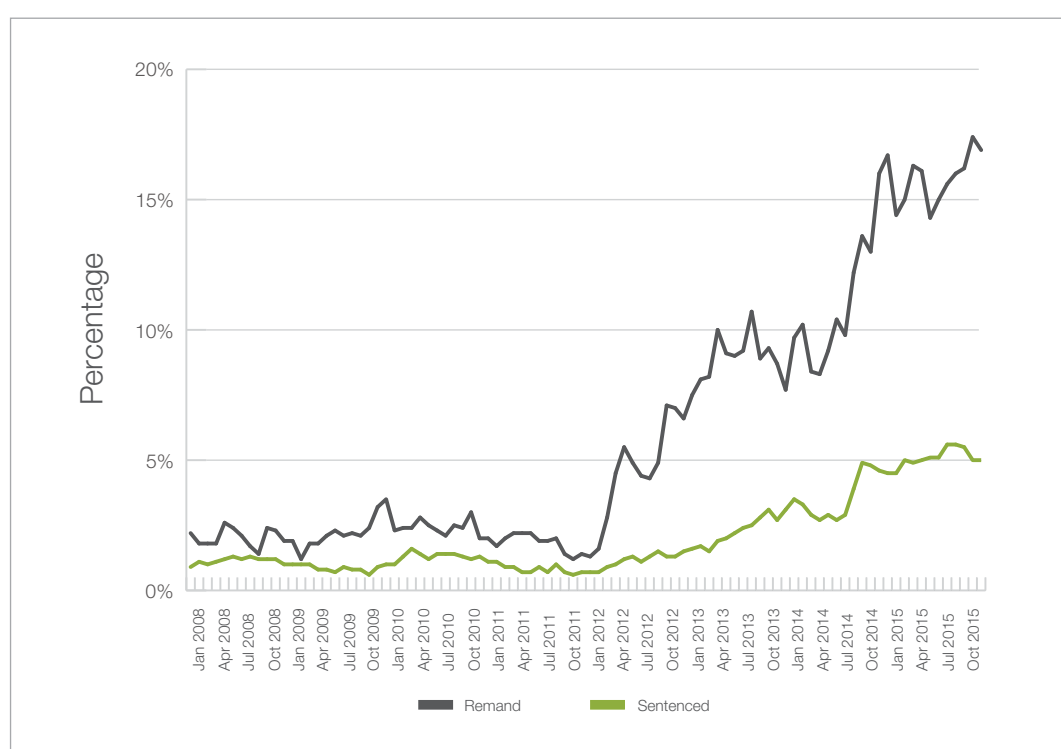
## The Corrections System

### Breaches of Intervention Orders

DCS data shows that the percentage of people remanded in custody for an offence or offences including a breach of an intervention order or restraining order<sup>28</sup> has increased significantly over time. Figure 14 shows that as at 1 January 2008 around one in fifty remandees (2.2% or 13) who were detained, had a domestic violence related breach. By 1 December 2015, this figure had climbed to around one in six (16.9% or 180).

The proportion of sentenced prisoners with a domestic violence related breach also increased, although not as substantially. As at 1 January 2008, 11 sentenced prisoners (0.9%) were found guilty of at least one domestic violence related breach. By 1 December 2015, this figure had increased to 5.0% or 89 prisoners.

**Figure 14: Percentage of remand and sentenced prisoner population with at least one domestic violence related breach, 1 January 2008 to 1 December 2015**



In 2011, the *Bail Act 1985* (SA) was amended (by the Act upon its commencement) so that if a person applying for bail had been taken into custody in relation to a breach of an intervention order under the Act, there would be a presumption against bail if the alleged breach of the intervention order involved physical violence or a threat of physical violence.

Explaining the increase in remand numbers is difficult due to the complexity of the issue. However, this reform, coupled with the improved practices of SAPOL surrounding domestic violence, arguably may have contributed to the remand increases.

Readers must be mindful of the complexities that underpin the prosecution of offenders for breaches of intervention orders. As the terms of each intervention order varies from the next, so too does the nature of each breach. A breach of an intervention order can be a single text message or phone call from the defendant to the protected person, or it can be stalking or physical violence. The consequence of each individual breach varies and judgement must be exercised by the court in determining the appropriate response in each circumstance, whilst ensuring the safety of the victim.

Similarly, it is argued that the discretion of the court should not be fettered in determining whether a person charged with breaching a term of an intervention order should remain in custody.

**Community and expert views are sought as to whether police and courts should have greater discretion in considering whether a person should be granted bail for breach of an intervention order?**

## **Perpetrators of Domestic Violence**

Questions have been raised as to the most effective way to deal with perpetrators of domestic violence.

Some suggest that, unlike perpetrators of other forms of violence, perpetrators of domestic violence only present a threat to one person – the person with whom they are in, or may in future enter into, a relationship – and not every person.

Others disagree.

Further, imprisonment of perpetrators of domestic violence aims to serve a punitive purpose as well as deter re-offending. There are difficulties in dealing with perpetrators of domestic violence as there is research that suggests imprisonment does not serve the latter purpose. Research by the Bureau of Crime Statistics and Research (BOCSAR), released on 14 June 2016, shows that prison is no more effective in deterring domestic violence offenders than a suspended sentence<sup>29</sup>.

We know that family violence disproportionately impacts Aboriginal communities. There is a focus on high Aboriginal incarceration rates, but behind these rates there are also figures on victimisation. For each perpetrator of domestic violence being incarcerated, there may be multiple victims. The Australian Institute of Health and Welfare, in their *Australia's Welfare 2015* snapshot, reports that in Australia in 2012-13, hospitalisations for family violence related assaults reported by female Aboriginal and Torres Strait Islander Australians were 34.2 times the rate for non-Aboriginal and Torres Strait Islander females<sup>30</sup>. As noted above, SAPOL records indicated that in 2014-15, 15.6% of victims of domestic violence related offences identified to SAPOL as being Aboriginal, which is a large over-representation.

Aboriginal children in out-of-home care are also enormously over-represented, within which domestic violence may be a significant contributing factor. During 2014-15, 42,913 Aboriginal and Torres Strait Islander children received child protection services, which is a rate of 146.4 per 1,000 children compared with a rate of 20.5 per 1,000 for non-Aboriginal children<sup>31</sup>.

A reduction in domestic violence within Aboriginal communities would be expected to have an ensuing impact on the enormous over-representation we see in Aboriginal incarceration and child protection issues within these communities. A greater focus must be placed on reducing domestic violence within Aboriginal communities in order to also have a real impact on reducing Aboriginal incarceration and improving the safety of Aboriginal children.

Targeted education and cultural change to prevent domestic violence is important within Aboriginal communities and culturally and linguistically diverse (CALD) communities. Just as Rosie Batty, as a prominent advocate for tackling domestic violence, has achieved cultural change and education in Australia as a whole, education and advocacy that is tailored to cultural groups must increase.

**Community and expert feedback is sought on appropriate responses to more effectively deal with perpetrators of domestic violence. Does imprisonment deter re-offending?**

**Is there a way we can safely protect a victim(s) of domestic violence without sending the perpetrator to jail?**

**Are there more responses that address the attitudes of perpetrators and target the underlying causes of domestic violence, including within Aboriginal and CALD communities?**

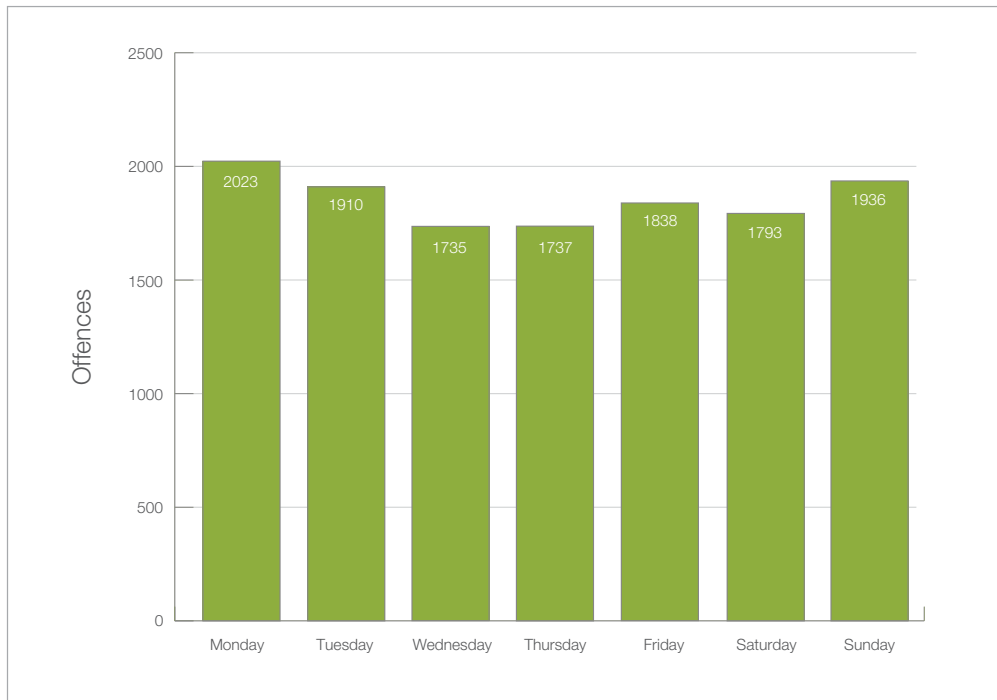
## Timing and Location Data

SAPOL has also compiled data from 2014-15 recording:

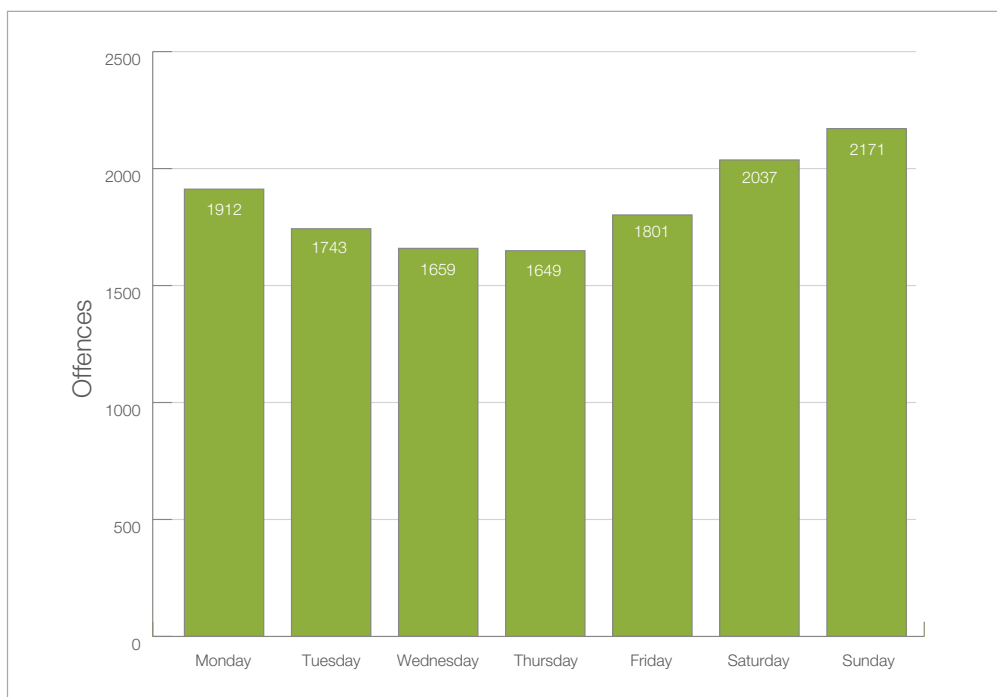
- the day on which domestic violence is reported to police (Figure 15); and
- the day on which the domestic violence itself occurs (Figure 16).

While incidences are reported more often on Sunday and Mondays, domestic violence occurrences are spread more evenly across the week.

**Figure 15: Reported Day**



**Figure 16: Incident Day**



Police statistics show that most domestic violence offending occurs in a dwelling, with the category of house alone accounting for 71% in 2014-15, 72% in 2013-14 and 69% in 2012-13.

**Domestic Violence predominantly occurs behind closed doors.**

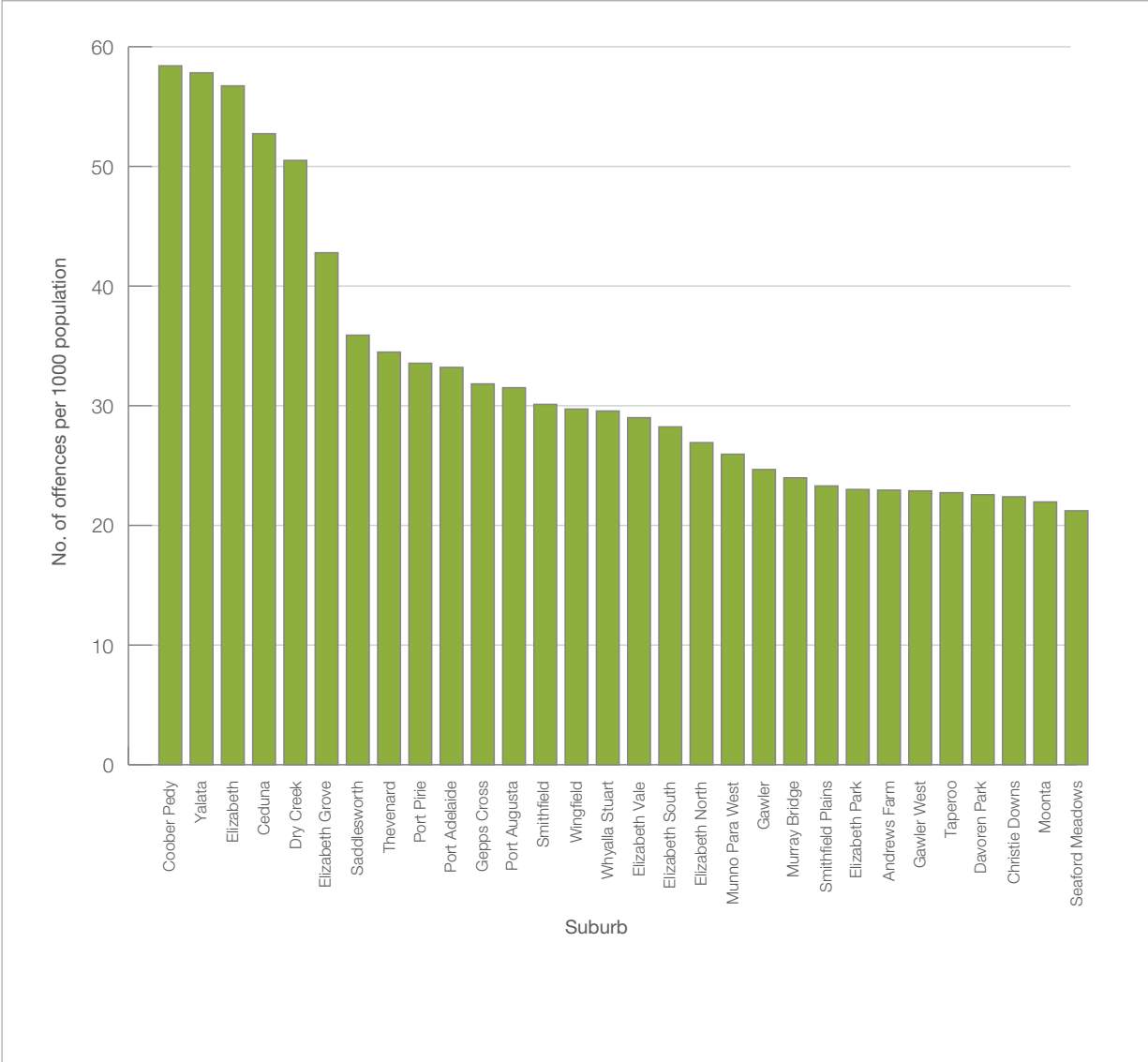
**We need to remain active in reporting and supporting victims to speak up.**

**Domestic violence is everybody's business.**

Figure 17 compiled by SAPOL shows the 30 suburbs in South Australia that recorded the highest number of offences flagged as domestic violence per 1,000 population (according to the ABS 2006 Census) in 2014-15. By converting the information in this way, there are meaningful comparisons across suburbs of different populations.

SAPOL also notes that to ensure sufficient analytic meaning, only suburbs with a minimum of 10 recorded offences flagged as domestic violence in 2014-15 have been included in the analysis. This excludes suburbs that may have a comparatively high rate of offences flagged as domestic violence where this is driven by a low number of offences and low population. The Anangu Pitjantjatjara Yankunytjatjara (APY) Lands were therefore excluded.

**Figure 17: Highest 30 Ranked Suburbs 2014-15 – rate per 1,000 population**



CAA data has captured the number of applications lodged in court for domestic violence related intervention orders. Table 5 provide the numbers of lodgements for domestic violence related intervention orders in the metropolitan courts, whilst Table 6 provide the numbers of lodgements for domestic violence related intervention orders from the top 12 non-metropolitan courts.

**Table 5: First sitting location of intervention order lodgments (excluding applications to vary or revoke) in the metropolitan area**

<b>Court Location</b>	<b>Number of Lodgements</b>
Elizabeth	2,384
Adelaide	2,261
Port Adelaide	1,300
Holden Hill	1,221
Christies Beach	1,002
Mount Barker	350
<b>Total</b>	<b>8,518</b>

**Table 6: Top 12 first sitting location of intervention order lodgments (excluding applications to vary or revoke) in the non-metropolitan area**

<b>Court Location</b>	<b>Number of Lodgements</b>
Port Augusta	498
Whyalla	494
Murray Bridge	440
Port Pirie	352
Mount Gambier	347
Berri	326
Port Lincoln	266
Kadina	218
Ceduna	184
Victor Harbor	172
Tanunda	128
APY Lands (includes Amata, Mimili, Pukatja (Ernabella), Indulkana, Kaltjiti (Fregon) and Pipalyatjara).	112
<b>Total</b>	<b>3,537</b>

The Australian Government Australian Institute of Family Studies (AIFS) December 2015 publication on domestic and family violence in regional, rural and remote communities provides an overview of the key issues that they note are “unique to domestic and family violence in regional, rural and remote communities”<sup>32</sup>.

It was concluded that:

*Rates of domestic and family violence in regional, rural and remote locations are higher than in urban areas. Geographical factors and social norms and attitudes that are specific to life in these communities significantly shape the experience of domestic and family violence and survivors’ access to services and support*<sup>33</sup>.

It must be remembered, however, that domestic violence permeates every area of our community and no suburb or region can be said to be excluded from its reach.

## The Overlap of Domestic Violence and Other Areas

Domestic violence is complex, overlapping with other areas including child protection reform, housing and health. A combined case-management response across Government, with the cooperation of different Ministers, departments and agencies is desirable.

It is therefore important we properly understand the relationship of domestic violence to other issues (e.g. child protection) in order to formulate effective responses. We also seek a deeper understanding of the catalysts of domestic violence.

As stated above, we know that gender inequality is a root cause of domestic violence. Further, intersectional discrimination compounds the effect of domestic violence, as we see from the disproportionate impact of domestic violence on Aboriginal women and women with disability. Achieving respect for women and overcoming discrimination of certain groups is imperative.

The following discussion explores the overlap of domestic violence with other areas, as well as the catalysts in domestic violence situations.

### Children

We know that domestic violence has a profound impact on children who are subject to, or exposed to the effects of, such abuse. Our responses to domestic violence therefore often overlap with considerations for child protection reform in addressing the common situation of domestic violence that involve children.

Australia's National Research Organisations for Women's Safety Limited (ANROWS) has analysed the ABS 2012 Personal Safety Survey (the PSS) and found that from 2012 it was estimated that over 500,000 women (since the age of 15) in Australia reported their children had seen or heard partner violence<sup>34</sup>. Further data from ANROWS is provided in Appendix 2.

The Australian Human Rights Commission (AHRC) *Children's Rights Report 2015* included a chapter on a national consultation undertaken by the National Children's Commissioner about how children are affected by domestic and family violence<sup>35</sup>.

The AHRC noted the following<sup>36</sup>:

*Children are witnesses, bystanders and direct victims of violence in the home. The physical and emotional injuries children sustain are both immediate and far-reaching, and the experience of children witnessing or being exposed to family and domestic violence has been increasingly recognised as a form of child abuse<sup>37</sup>.*

*Children living with family and domestic violence are also at an increased risk of experiencing emotional, physical and sexual abuse<sup>38</sup>. In Australia there is no national data on the proportion of child protection notifications that relate to family and domestic violence<sup>39</sup>. It is estimated, however, that family and domestic violence is present in 55% of physical abuses and 40% of sexual abuses against children<sup>40</sup>.*

*During 2013-14, 40,844 children were the subjects of substantiated child protection notifications in Australia, with 40% for emotional abuse, 19% for physical abuse and 14% for sexual abuse<sup>41</sup>.*

In May 2015, the Australian Institute of Criminology (AIC) produced a Research in Practice paper on domestic/family homicide in Australia using data from the AIC National Homicide Monitoring Program (NHMP)<sup>42</sup>.

As the AHRC points out, this data demonstrated that over the ten year period to 30 June 2012, of the 2,631 homicide incidents documented, 1,088 (41%) were classified as domestic/family homicides and involved 1,158 victims and 1,184 offenders.

Of the 1,088 incidents of domestic/family violence homicides:

- the majority of victims (56%) were the intimate partner of the offender; and
- the second most frequent group of victims (21%) were the child or children of the offender<sup>43</sup>.

Of these 238 cases where the victim was the child of the offender:

- 76 cases (32%) involved a child victim aged under 1 year;
- 122 cases (51%) involved a child victim aged between 1 and 9 years;
- 27 cases (11%) involved a child victim aged between 10 and 14 years; and
- 4 cases (2%) involved a child victim aged between 15 and 17 years.

The remaining 4% of cases involved a child of the offender who had reached the age of 18 years (that is, the victim was an adult).

Over the ten year period in Australia there were 238 cases of children murdered by their parents. In addition to these 238 children whose lives were tragically taken, there are thousands of children across South Australia and Australia who are witnessing domestic violence against their mothers every day, who are the subject of reports to child protection services as a result of domestic violence and who are experiencing homelessness as a direct result of domestic violence.

## Homelessness

As discussed in further detail below, in 2014-15 there were 22,832 people assisted by homelessness services in South Australia of which:

- 8,075 (35%) people reported as experiencing domestic violence.

This 35% was entirely made up of 6,123 women and 1,952 children aged 0-14 years.

Of the 8,075 people who reported experiencing domestic violence (and who were accessing homelessness services) 24% identified as Aboriginal or Torres Strait Islander.

While further detail is provided below about the services provided, of the 1,952 children experiencing domestic violence;

- 74% of these children only accessed domestic violence specific services;
- 10% of these children accessed both a domestic violence specific and a non-domestic violence specific services; and
- 16% of these children only accessed assistance from non-domestic violence specific services.

## Contributing Factors

An understanding of the catalysts of domestic violence situations must continue to inform our responses to domestic violence. It is often suggested that one such catalyst is substance abuse. ANROWS analysis of the responses to the PSS indicated that when respondents considered the last physical assault by a male (noting this is a reference to assaults by a male, not just domestic violence assaults) 5 in 10 women and 7 in 10 men said that alcohol or other drugs contributed to the assault<sup>44</sup>.

ANROWS touched upon this issue in their Landscape (state of knowledge) paper on *Perpetrator Interventions in Australia*<sup>45</sup>. Their literature review on the co-occurrence of substance abuse and domestic violence found that:

*The relationship between substance abuse and family/domestic violence is complex and it is impossible to assert that substance abuse causes family/domestic violence (Bennett & Bland, 2008). For example, many men who have substance abuse problems are not violent towards their partners and many men who have been treated for substance abuse problems continue to be violent towards their partners (Bennett & Bland, 2008). Nevertheless, substance abuse can be an amplifying factor for violence, and a number of studies have found there to be a co-occurrence of substance abuse and family/domestic violence<sup>46</sup>.*



ANROWS gave the example of one study that “...revealed that half the men in perpetrator intervention programs have abused alcohol or other substances and that approximately half the men in substance abuse treatment programs have been violent towards their partners (Gondolf, 1999; Fals-Stewart & Kennedy, 2005)” and that “...studies on the relationship between substance abuse and family/domestic violence in men generally have shown co-occurrence rates of between 25 and 50 percent (Bennett & Bland, 2008).”<sup>47</sup>

In addition, the ANROWS literature review revealed that “[m]en in either perpetrator intervention programs or substance abuse programs are much more likely to be violent on a day that they have been drinking and substance abuse is the best predictor of reoffending by men ordered to perpetrator intervention programs in the United States (Gondolf, 2002)” and that “[t]reatment for substance abuse is effective in reducing levels of family/domestic violence (Murphy & Ting, 2010).”<sup>48</sup>

Whilst the ANROWS review was focused on perpetrator interventions, the analysis is insightful in finding that whilst there are “several theories for the co-occurrence of substance abuse and family/domestic violence (Fals-Stewart & Kennedy, 2005; Bennett & Bland, 2008)...none of these theories adequately accounts for the relationship between substance abuse and domestic violence in all cases.”<sup>49</sup>

The theories posed were “that: substance abuse affects a man’s ability to interpret their partner’s behaviour and to react appropriately to social cues, substance abuse may combine with other personality traits or disorders to increase the likelihood of violent behaviour among particular men, substance abuse provides violent men with a pre-existing need for power and control with another way in which to feel powerful and the process of obtaining illegal substances may increase the risk of family/domestic violence (Fals-Stewart & Kennedy, 2005; Bennett & Bland, 2008).”<sup>50</sup>

The AIFS has also considered the co-occurrence of domestic violence, parental substance abuse and mental health issues and the impact on the wellbeing of children in these families. A 2010 publication on this issue looked at the challenges faced by child protection service providers when responding to the needs of families with such inter-related problems, and emphasised the need for early intervention, prevention and an integrated approach<sup>51</sup>.

The paper investigated the separate impacts that substance misuse, domestic violence and parental mental health issues have on parenting, and sought to present “evidence regarding the extent to which these problems co-occur and a discussion of the wider context of exclusion and disadvantage, its causes and its consequences.”<sup>52</sup>

The ANROWS literature review demonstrates clearly (and itself states) that more research is needed concerning intervention strategies for domestic violence perpetrators with alcohol or drug issues, aimed at reducing the rate at which people re-offend.

ANROWS found as follows:

*Commentators have stressed the need for more research to be conducted with regard to intervention strategies for perpetrators with substance abuse issues (Murphy & Ting, 2010). It has been argued that men with substance abuse issues should not be excluded from perpetrator intervention programs (Bennett & Williams, 2003)...Research conducted by the Centre for Alcohol Policy Research (Laslett et al., 2015) found that heavy drinking was linked to child neglect, abuse and violence. ...The consumption of alcohol and other substances is also a major contributing factor in women in remote communities experiencing abuse (Nancarrow, Lockie & Sharma, 2009). Others note that there are few perpetrator intervention programs that treat both problems concurrently, and that there is often limited coordination between substance abuse and family/domestic violence agencies (Easton et al., 2007). However, it has been suggested that requiring a man to attend two different programs increases the man’s dropout risk (Easton et al., 2007). One pilot study of an integrated CBT treatment for both substance abuse and family/domestic violence revealed that the integrated program was more successful than a traditional program in reducing alcoholism and slightly more successful in reducing future family/domestic violence (Easton et al., 2007). Some have commented that substance abuse programs may provide a non-stigmatising setting in which to address family/domestic violence and therefore should incorporate perpetrator intervention program elements (Farmer & Callan, 2012)<sup>53</sup>.*

These comments align with the approach of the CAA in referring defendants who have breached an intervention order to intervention programs. Men who are referred to the Abuse Prevention Program by a court are assessed for eligibility in an intervention program and, as part of this assessment, are screened for drug and alcohol dependence and mental health issues. The assessor is unlikely to recommend that men undergo more than one program concurrently or consecutively, unless the issues of drug and alcohol dependence, for example, are so serious as to preclude the man's involvement in a domestic violence prevention program. Underpinning this approach is the understanding that the propensity to inflict domestic violence is inherent in a person's behaviour and mindset, and this is what must be targeted.

The South Australian Government is a member of Our Watch (previously known as the Foundation to Prevent Violence Against Women and their Children).

Our Watch works with organisations such as ANROWS to “drive nationwide change in the culture, behaviours and power imbalances that lead to violence against women and their children.”<sup>54</sup>

Our Watch publishes material to address some of the myths surrounding domestic violence and its causes, providing a simple, easy to understand explanations.

**MYTH: Excessive use of alcohol causes domestic violence**

*FACT: Alcohol is a feature in a disproportionate number of police call-outs to family violence, and is correlated with a higher number of, and more severe, incidents of violence against women. However alcohol does not itself cause violence against women; not all people who drink are violent, and many people who do not drink are violent. While alcohol can increase the frequency or severity of violence, on its own it does not explain the gendered dynamics of violence against women. Rather than looking at alcohol as a factor in isolation, we need to understand it in relation to social norms and practices that condone or support violence against women, in particular those relating to masculinity and men's peer group behaviour<sup>52</sup>.*

**Question: “What role does alcohol/socio-economic status/mental health/drugs play in violence against women?”**

*There are a number of reinforcing factors that don't predict or drive violence on their own, however they may increase the likelihood of violence against women among people who already hold low support for gender equality, and have violence-supportive attitudes.*

*Harmful use of alcohol is one reinforcing factor, but alcohol itself does not drive violence against women. Not all people who drink are violent, and many people who do not drink are violent. However, in cultures that emphasise harmful gender stereotypes – such as male conquest and aggression – alcohol has contributed to the increased occurrence or severity of violence.*

*Research is limited on the impact of other drugs on violence against women, however it's possible certain drugs could have a similar effect to alcohol.*

*Socio-economic factors themselves do not drive violence against women. However if these factors reinforce or worsen existing gender inequalities, they can become useful in predicting the probability of violence against women. For example, women who have particularly limited access to wealth and resources may find themselves financially dependent on their partner and therefore restricted when making choices about if or when to leave an abusive partner<sup>56</sup>.*

As noted above, it is clear that in order to address domestic violence we need an enhanced understanding of the catalysts of domestic violence that can inform our responses. This includes understanding the role played by substance abuse and mental illness. More research is needed overall about domestic violence perpetrators including those with alcohol or drug issues and this research should be squarely aimed at reducing the rate at which perpetrators of domestic violence re-offend.

# Consultation - Have YourSAy

## Topic 1: Domestic Violence Disclosure Scheme

The South Australian Government has committed to considering the development and implementation of a DVDS. In developing a DVDS for our state, we can draw upon what has been learnt from a similar scheme operating in the UK, and a new scheme in NSW.

### The UK Scheme

The Home Office in the UK announced on 25 November 2013 that it would introduce a national DVDS across England and Wales. The main objectives of the scheme are to reduce incidents of domestic violence and to strengthen the ability of police and agencies to provide appropriate protection and support to victims of abuse.

The DVDS commenced in the UK in March 2014 and was implemented under existing police common law powers. The scheme provides for two types of disclosures: Right to Ask and Right to Know.

Right to Ask requests are triggered when a member of the public contacts the police directly to request a disclosure. This can be the individual who is in the relationship with a potentially violent partner, or a third party, such as a parent or friend, who has concerns on that person's behalf. The police complete initial checks and attend a face-to-face meeting with the applicant to verify their identity.

Right to Know requests are triggered by the police where they receive indirect information or intelligence (from police or partner agencies) that indicates an individual is at risk of harm from their partner.

For both Right to Ask and Right to Know requests, risk assessments and other checks are carried out by police in order to develop a greater understanding of the potential victim and their partner.

If initial checks give the police cause for concern, the case is referred to a local decision-making forum comprised of relevant agencies, such as health, child protection, housing and other specialists, for a determination about whether a disclosure should be made and, if so, what information should be disclosed and to whom. A decision to disclose information should only be made if there is a 'pressing need' to disclose in order to prevent abuse and the decision-making forum should also ensure that the disclosure is lawful and proportionate in the circumstances.

If a decision has been made to disclose information, consideration is given to which agencies are best placed to deliver the information. Support to the potential victim can then be offered at the same time as the disclosure.

The information that may be disclosed under the UK DVDS is broad, allowing not only convictions for violent offences to be disclosed but also allegations, arrests or charges where it is deemed necessary and proportionate in order to protect the victim from harm. The UK Home Office includes a non-exhaustive list of offences in Annexure A of the *Domestic Violence Disclosure Scheme Guidance* (revised March 2013) which includes offences such as battery, murder, common assault, manslaughter, kidnapping, false imprisonment, offences under the *Public Order Act 1986*, offences under the *Offences Against the Person Act 1861* and offences under the *Sexual Offences Act 2003*. The only limitation is in relation to spent convictions, as defined under the UK *Rehabilitation of Offenders Act 1974*, which cannot be disclosed.

If a decision is made to not disclose the information, and the request was triggered by a Right to Ask application, then the disclosure scheme recommends that police visit the applicant to discuss any concerns the applicant may have and offer support.

The UK Home Office completed an assessment of the pilot (which ran from July 2012 to September 2013 across four local command areas) and found that the views of those involved in the pilot were essentially positive and that “the scheme was perceived as a useful way of providing individuals with information to help them make a more informed choice about their relationship, and...encouraged multi-agency working around domestic abuse...The majority of respondents who had received a disclosure felt that the information had helped them to make a more informed choice about their relationship”.<sup>54</sup> Out of the 386 applications for a disclosure that were received by police over the course of the pilot, 111 disclosures were made. The reasons given for not making a disclosure included that “there was no pressing need to disclose information” and that “there was no information available to disclose that suggested an individual was at risk of harm from their partner”.<sup>58</sup>

More recently, the UK Home Office conducted an assessment of the operation of the DVDS since national roll-out commenced in March 2014. This assessment report was released in March 2016 and made a number of policy suggestions to improve the DVDS. For example, it recommended that the national DVDS Guidance be reviewed and updated to:

- provide greater clarity on the legal and common law powers of the police to make disclosures in order to protect the public;
- make clear that disclosures can be made regarding former partners where it is legal and proportionate to do so;
- make clear what should be included in a disclosure and the timeframe;
- consider the inclusion of a pro-forma using standard wording for non-disclosures<sup>59</sup>.

The impact of the UK DVDS on the prevalence of domestic violence is still unknown as neither of the two assessments completed by the Home Office have considered the impact the scheme may have had on domestic abuse victims.

## **The NSW Scheme**

On 6 March 2015, the NSW Government announced it would pilot a DVDS similar to the scheme introduced in the UK and released a discussion paper seeking comments on the proposed scheme. After wide public consultation, which included a roundtable and targeted workshops with government and non-government organisations, the Government announced, on 14 October 2015, that the DVDS would be piloted in four NSW Police Force Local Area Commands (Sutherland, St George, Oxley and Shoalhaven). The NSW DVDS was rolled out on 13 April 2016 and will be evaluated over two years.

NSW Police will receive and review all applications made by a person who is concerned about their partner, or a concerned third party, to find out if their partner has a history of domestic violence.

Under the NSW DVDS, a third party includes someone who has some form of contact with the primary person, e.g. family, friends or legal guardians. It also includes professionals working with a member of the family.

On receipt of an application, NSW Police will check whether a relevant conviction exists that leads to a disclosure being made to the primary person. A conviction will be disclosed where the person who is the subject of the application has a relevant offence in their criminal history. Relevant offences include personal violence offences committed in a domestic relationship and certain specific personal violence offences committed outside of a domestic relationship. Breaches of apprehended violence orders will also be disclosed as they constitute a criminal offence.

Offences and orders that will not be disclosed under the NSW scheme include spent convictions and apprehended domestic violence orders.

A disclosure will be made in person at a police station or other agreed safe place, and the person receiving the information will be required to sign an undertaking that they will not misuse any information disclosed. Also present at the time of disclosure will be an expert from a domestic and family violence support service to provide support and help plan for the person's safety. Support services will be present regardless of whether a disclosure is made or where a primary person is advised that no relevant conviction exists. This ensures that the primary person will have immediate access to the necessary support that is required when making a decision about their safety. The NSW Government also announced that it was investing \$2.3 million to assist non-government organisations provide specialist services in the four local command areas.

## A DVDS in South Australia: Issues to Consider

This Discussion Paper is seeking community and expert views on a DVDS for South Australia. Such a scheme would require a number of issues to be considered. For this reason, the NSW trial will be monitored and evaluated to determine what policies, procedures and resourcing impacts are likely to arise for South Australia and specifically for SAPOL.

### Who should be allowed to make an application for disclosure?

Under the UK Scheme, an application for disclosure can be made by an individual who is in an intimate relationship with a potentially violent individual, or a third party who has some form of contact with the person whose safety they are concerned about. The scheme does not extend to obtaining information about former partners or other types of domestic relationships such as siblings or carers.

Under the Act, what constitutes a relationship for the purposes of determining whether abuse is domestic abuse or non-domestic abuse is understandably broad. For example, two people are in a relationship if: they are married to each other; they are domestic partners; one is a child of the other; they are brother and sister; one is the carer of the other; they are related according to Aboriginal and Torres Strait Islander kinship rules, etc.

The scheme in the UK is limited to intimate relationships. In NSW, the scheme applies to both current and former intimate relationships, provided there is ongoing contact with the former partner. Similar limitations should ideally apply in South Australia.

**If a DVDS was introduced in South Australia, should it apply only to those in a current intimate relationship, as is the case in the UK, or to both current and former intimate relationships, as is the case in NSW? If yes, how should intimate relationships be defined?**

Both the NSW and the UK Scheme also allow third parties, such as friends, neighbours and relatives, to make an application to police for disclosure.

**Should a third party be entitled to make an application on behalf of someone else in South Australia?**  
**If yes, in what circumstances should it occur?**

### Setting the scene

#### Intimate Relationship



Kate



James

#### Third Parties



Grant  
Kate's brother



Mary  
Kate's neighbour

*Kate and James have been in a relationship for two years. Grant (Kate's brother) recently noticed changes in Kate's behaviour and is worried about her. Mary (Kate's neighbour) also has concerns about their relationship, having overheard loud voices.*

*We are asking you to consider who should be able to ask for information, and under what circumstances. Would it include Kate? Grant? Mary?*

## The Application Process

It is essential that any DVDS introduced in South Australia has a relatively simple application process, with appropriate support available for those who may be illiterate or not proficient in English, to ensure that everyone has access to the scheme.

In the UK, an appointment is made at a police station with a specialist officer from the Police's Community Safety Unit, who collects the applicant's details and runs a preliminary check to determine whether there are any concerns that would require immediate disclosure. Applications may only be made by people who are 16 years and over.

A similar process has been adopted in NSW. Applications are made to the NSW Police Force who undertake an assessment of the application and criminal record checks to determine whether a disclosure should be made. If police are of the view (as a result of the assessment) that there is a serious threat to the life, safety or health of a person, then the disclosure can be fast tracked.

**Should applications be made to SAPOL or some other agency?**

**Should there be an age limit for the applicant, the person identified or the subject?**

**How should an application be made and who should be the first point of contact?**

**What initial checks should be carried out?**

**What assistance should be made available for people who may need help in completing their application?**

**Should a checklist be developed to ensure that applications are assessed, and support offered, in a consistent manner?**

**What factors should be taken into account in determining whether an immediate disclosure is required?**

## Assessment of Applications

In the UK, if there is no immediate risk to the applicant and urgent disclosure is not required, the application is referred to a local decision-making forum to determine whether or not a disclosure should be made.

In most instances, cases are referred to the Multi-Agency Risk Assessment Conference (MAARC) which includes representatives from local police, child protection, housing, health and other specialists from government and non-government sectors. If it is not possible to refer a case to MAARC, the application is referred to a multi-agency body that includes, at a minimum, the police, the probation service and an independent domestic violence advisor.

In determining whether a disclosure should be made, who it should be made to and what information should be disclosed, the local decision-making forum is required to consider whether the information can be disclosed, whether there is a pressing need for such disclosure and whether it is necessary and proportionate for the prevention of a crime to disclose information about a person's previous convictions.

Following a court ruling in March 2013 on the Child Sex Offender Disclosure Scheme, the UK DVDS Guidance was amended so that, at the point where a decision is being made on whether to make a disclosure, consideration must also be given on whether to seek representations from the subject of the disclosure request before the disclosure is made. However, consideration should also be given to whether there are good reasons not to seek a representation, such as the need to disclose information in an emergency or where seeking the representation might put the potential victim at risk of harm.

In South Australia, decisions to disclose could be made by SAPOL or by a local decision-making body, for example MAPS, which currently establishes a process for multi-agency action planning to reduce risk and harm at early points of intervention and complements the Family Safety Framework.

Another option would be to link in with the Family Safety Framework meetings, which occur regularly in 19 local police service areas across the state and includes representatives from Health SA, Families SA, SAPOL, Housing SA, Community Corrections, non-government women's domestic violence services and the South Australian Victim Support Service.

**Who should have responsibility for assessing applications for disclosure and making a determination?**

**What sort of risk assessment should occur?**

**What factors should the decision-making body take into account in determining whether or not to make a disclosure?**

## **Disclosure of Information**

In the UK, police have a common law power to disclose information where it is necessary to prevent a crime. However, any disclosures must be made in accordance with existing statutory obligations, such as the *Data Protection Act 1998* and the *Human Rights Act 1998*. The UK Home Office DVDS Guidance<sup>60</sup> states that information sharing must:

- be lawful, for example, the prevention, detection, investigation and punishment of a serious crime and the prevention of abuse or serious harm will usually be sufficiently strong public interests to override the duty of confidence;
- comply with the eight Data Protection Principles set out in the *Data Protection Act 1998*;
- be necessary; and
- be proportionate.

The question of what information should be disclosed requires careful consideration. In the UK, Annex A of the DVDS Guidance sets out a non-exhaustive list of offences that may be disclosed. The only limitation is in relation to spent convictions which cannot be disclosed.

Disclosure under the NSW DVDS is limited to relevant offences which include personal violence offences committed in a domestic relationship, stalking, intimidation, breaches of Apprehended Domestic Violence Orders and specific personal violence offences, such as sexual offences, child abuse offences or murder, where they were committed outside of a domestic relationship. Offences that cannot be disclosed under the NSW scheme include offences from jurisdictions outside NSW, offences where no conviction has been recorded, spent convictions, juvenile convictions, Apprehended Domestic Violence Orders and any other offence not listed in the relevant offences list.

SAPOL is of the view that any initiative which increases awareness and safety for victims, particularly in a preventative capacity, is worthy of favourable consideration. However, SAPOL has some reservations relative to the NSW pilot model and its restricted criteria for information release. The NSW DVDS will not disclose convictions for offences which have occurred outside of NSW, offences where no conviction is recorded, spent convictions, juvenile convictions, or the presence of an order (unless there are breaches).

In the view of SAPOL, this approach leaves significant gaps in information sharing as offences which have not resulted in a conviction are not identified in this process. Similarly, other contextual factors which may place a victim at higher risk (for example, misuse of alcohol or other drugs and mental health issues) would not be revealed.

SAPOL has noted that if the disclosure parameters were broadened, it would increase victim safety but would come at a resourcing cost (noting that the model is resource intensive for police). SAPOL also noted that it is unknown, at this early stage of the NSW pilot, how many applications may be received. In addition to the work generated by the application process which includes a risk assessment process, it is highly likely that disclosures will be made to in a face-to-face meeting. This in turn would generate further work in both supporting victims and investigating offences.

The disclosure of information by Government agencies in South Australia is governed by the Information Privacy Principles and the Information Sharing Guidelines. An agency may disclose personal information about a person to a third party in a number of circumstances including where the disclosure is required or authorised by, or under, law and if the person disclosing the information believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious threat to the life, health or safety of a person.

The question of what information should be able to be disclosed requires careful consideration. Disclosure of all offences may not be necessary or proportionate and could undermine an individual's basic right to privacy. A similar issue arises in relation to the disclosure of intervention orders. An intervention order is a civil order that does not require a finding of guilt by a court that the alleged perpetrator has committed a criminal offence. Indeed, an intervention order can be made by mutual consent without any admissions by the defendant as to the matters in issue. A breach of an intervention order, on the other hand, is a criminal offence.

Careful attention should therefore be given to the question of whether the disclosure of information should be limited to prior convictions for relevant criminal offences (for example, domestic violence offences, sexual offences and some offences against the person that involve violence) or whether the threshold should be wider? Should it include intervention orders and/or charges or allegations relating to relevant offences?

In the UK, a two-stage process is adopted in the DVDS. The first step is to determine whether there is a need for the disclosure in order to prevent abuse or serious harm. The second step requires consideration of the legal principles discussed above.

**When should information be disclosed? What principles should be considered in making a determination to disclose?**

**What offences should be included? Should they relate to domestic violence convictions only or should convictions for other offences be included? Should allegations be included?**

**What offences should be excluded? For example, should spent convictions or juvenile convictions be disclosed?**

**Should current and/or prior intervention orders be included?**

**If current and/or prior intervention orders are to be included, should there be an assessment of the level of risk posed by that order before determining whether a disclosure should be made?**

**What information should be disclosed? Should a disclosure be limited to the existence of a relevant offence or an intervention order or should further details be disclosed, for example, the date of the offence, the facts of the offence and any sentence imposed?**



## **The Disclosure Process**

Once a decision is made to disclose information, a process should be put in place that provides clear guidelines for how the information should be disclosed, who it should be disclosed to and what support should be available both at the time of disclosure and after the disclosure has been made.

If a decision is made to disclose information in the UK, the multi-agency forum will determine who will receive the information and what help and support is needed to safeguard the at risk individual. Any disclosure will be made in person.

Prior to making a disclosure in the UK scheme, consideration must also be given to whether or not the subject of the disclosure request should be advised of the disclosure and invited to make representations. If the 'subject' is advised of the request, it must be done in person and they must be given information about the DVDS and, where possible, referred to relevant support services.

In NSW a disclosure is made in person at a police station or other agreed safe place to the 'primary person', i.e. the person in the intimate relationship. Present at the time of disclosure is an expert from a domestic and family violence support service who helps develop a plan for the person's safety. To further ensure the person's safety, and the safety of others, the subject of the disclosure is not advised that an application or disclosure has been made about them.

Both the UK scheme and the NSW scheme allow for disclosures to be made to third parties. In the UK a disclosure can be made to the person best placed to protect the applicant or at risk person. In NSW disclosure is only made to a third party in exceptional circumstances. However, the at risk person may invite a support person to attend the disclosure meeting who may, or may not be, a third party.

Once information has been disclosed, the UK and NSW schemes include safeguards to ensure that any information disclosed is not misused. For example, in both schemes a person who is present at disclosure is required to sign an undertaking that they will not misuse or share the information that has been disclosed. It is also an offence to provide false or misleading information in an application.

**Who should make the disclosure and where should it occur?**

**Should information be disclosed to a third party?**

**Once disclosure has occurred, what sort of support should be made available to the person?**

**Should the subject be informed of a disclosure? If so, in what circumstances? Should the subject have a right to appeal a decision to disclose?**

**Should there be safeguards in place to protect against the misuse of information once it has been disclosed? For example, should the person receiving the disclosure be required to sign an undertaking that they will not share or misuse the information provided?**

## No Disclosure

Where a decision is made not to disclose information, that decision should be communicated clearly to the applicant and processes should be developed for providing the person with appropriate advice and support.

In the UK, the applicant is advised in person that no disclosure will be made. However, advice and support is still made available to the applicant because it does not automatically follow that a decision not to disclose means there is no risk of harm. Just because a person has no prior convictions for violence does not mean that the person is not capable of violence.

In NSW, the person who may be at risk will be informed in person that there is no relevant conviction to disclose. As with the UK scheme, the person who may be at risk is still referred to appropriate support services as the absence of a relevant conviction does not mean that the person has nothing to fear.

**What should the process be if a decision is made not to disclose information?**

**Should the applicant have a right to appeal a decision not to disclose?**

**Should the at risk person be referred to appropriate support services? Should these support services be present when the at risk person is advised that no disclosure will be made?**

## A Victim's Story: Can information really make a difference?

Elizabeth, a full time working professional, experienced domestic violence at the hands of her fiancé, Michael.

When Elizabeth fell pregnant, she was shocked because Michael started to become violent and emotionally abusive. When their baby died, Michael got even worse. Prompted by a conversation with his friends, Elizabeth tried to find out more about Michael's history and began to wonder about the details of some of his stories and explanations. Michael had a son, but his son lived interstate with his mother. Michael had complained that they just up and left one day, and the Family Court didn't order them to come back. Michael had also said another ex-girlfriend had just up and left to return to her home town. Elizabeth began to question who Michael really was. Weeks later, Elizabeth thought Michael was going to kill her and called a friend, who convinced Elizabeth to drive to her parents' house. Elizabeth's parents did everything they could to keep Elizabeth safe. Her parents said they always suspected something was going on, but felt there was nothing they could do. Elizabeth was an expert in hiding what was happening, so they only had a suspicion. After she left Michael, Elizabeth discovered that there had been an intervention order taken out against Michael in the past.

**A domestic violence disclosure scheme may have made a difference to Elizabeth and her parents.**

*Names have been changed to protect people's identity.*

## Topic 2: Expiry Dates on Intervention Orders

The Act currently contains provisions whereby an intervention order placed on a person will continue without an end date. Section 11 of the Act prevents a court from fixing an expiry date for an intervention order by providing that an order is ongoing and continues in force until revoked by way of an application to the court. This position is unique to South Australia as, when the Act was drafted, the Government took the position that intervention orders would be ongoing to avoid potential situations where a person who is protected by an intervention order is re-exposed to abuse once that order has expired and the defendant is no longer subject to restraint.

An ongoing order is aimed at ensuring continued protection for a victim of abuse. Rather than requiring the victim to come back to court to show they still require the protection of an intervention order, and possibly expose themselves to unwanted contact with the perpetrator of the abuse, the Act currently places the onus on the defendant to establish, in an application to revoke the order, that the victim is no longer at risk of abuse.

However, there is also an argument that, over time, the number of intervention orders continuing in force will accumulate. These orders may no longer be necessary due to the passage of time and changed circumstances. For example, the protected person and the defendant will have reconciled and be living together, unaware of the ongoing effect of an order prohibiting their actions.

In its latest annual report the CAA stated, in relation to the number of intervention orders confirmed since the Act came into force on 9 December 2011 (over 7,000), “over time this is likely to result in a substantial number of intervention orders continuing in force which may no longer be necessary, potentially criminalising otherwise lawful behaviour”<sup>58</sup>.

Further, the high numbers of intervention orders accumulating every year must be kept active on CAA and SAPOL records. This raises practical challenges and a strain on resources that may be avoided where the orders are no longer necessary.

Questions have arisen as to how to appropriately manage this issue. A potential solution is the imposition of an expiry date on intervention orders – that is, amending the Act to allow for intervention orders to lapse after a certain period of time.

In all other jurisdictions in Australia, the relevant domestic violence order legislation gives the court the power to impose an expiry date on the order. For example, in Queensland, protection orders under the *Domestic and Family Violence Protection Act 2012* (QLD) remain in force for a maximum of two years unless the court is satisfied that special reasons exist for the imposition of a longer term. In Victoria, a family violence intervention order remains in force for the period specified in the order.

New Zealand, however, takes a similar approach to South Australia in relation to protection orders for victims of abuse. Under sections 45 and 47 of the *Domestic Violence Act 1995* (NZ) a final protection order continues in force until it is discharged by the court.

Whilst there is an argument that an intervention order may no longer be necessary because of the passage of time, there is an equal argument that, due to the nature of domestic violence, there may never be a point in time where a victim of domestic violence would feel safe from further abuse from a perpetrator. It is important that any solution does not risk the safety of victims of domestic violence and the people who rely on the protection of intervention orders.

**The community and experts are asked to consider whether the current legislation should 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 period of time is suitable?**

**Are there certain types of situations of domestic violence that should be exempt from having an expiry date placed on an intervention order (i.e. situations of physical assault)?**

**Should only those orders that are consented to by a defendant expire after a certain period of time?**

### Topic 3: Comprehensive Collection of Data

There are limitations about the way that data relating to domestic violence is collected and the fact that the data currently collected does not accurately identify domestic violence related offences.

From the data above, we know that domestic violence incidents are flagged by police, but important data on the number of domestic violence related offences and the history of perpetrators is not readily available and cannot be accessed on an ongoing basis.

Some people believe the creation of separate domestic and family violence offences would be a solution to this problem. In addition, the SDC recently recommended in the SDC Report that the Attorney-General conduct an extensive public consultation process to explore the implications of the inclusion of the crime of domestic and family violence in the *Criminal Law Consolidation Act 1935* (CLC Act) (recommendation 30). It has been suggested that creating a specific domestic violence offence would ensure access to better data that records the prevalence of domestic violence in our community. This argument is based on labelling for statistical and sentencing purposes: if a perpetrator's offences are categorised as domestic violence, rather than a general criminal offence such as assault, then their criminal record would show a pattern of behaviour.

Recent inquiries into domestic and family violence in Queensland and Victoria considered the creation of new general domestic violence offences and were not satisfied that new offences were necessary to keep victims safe and hold perpetrators to account. The Victorian Royal Commission stated that "there are many existing offences which apply to perpetrators of family violence...If these offences are not being applied properly to family violence, this may reflect the approach, attitude or expertise of those applying or prosecuting these offences. Simply changing the laws by carving out a specific response for family violence is not likely to address these underlying deficiencies"<sup>62</sup>. The Special Taskforce on Domestic and Family Violence in Queensland, in declining to recommend a new offence, noted that "the difficulties with prosecuting domestic and family violence offences relate more to problems with evidence gathering, witness cooperation, police practice and court processes...Enacting a new offence...that faced the same evidentiary and process issues, would still not achieve the goal of protecting victims or increasing accountability of perpetrators"<sup>63</sup>.

A simple and more direct solution would be to appropriately code instances of offending as being domestic violence related. This would mean flagging both relevant charges and convictions as being domestic violence related. The use of a such a 'flag' would ensure that a person's criminal record shows a pattern of behaviour so that sentencing can be tailored appropriately and better statistical data collected.

This enhanced recording could also be utilised by other agencies that have interactions with either perpetrators or victims of domestic violence incidents, for example, a hospital or financial counsellor.

In order to implement such coding, a definition of 'domestic violence offence' would need to be developed to ensure it covers offences that involve non-physical behaviour, such as financial and emotional control, as well as offences of physical violence.

SAPOL notes their use of a DAR (explained earlier) to record incidents of domestic abuse that are not criminal offences.

**Which agencies of Government should be expected to enhance their databases to flag or code identified circumstances of domestic violence?**

**Who should be responsible for collecting this information? How should this information be used?**

**Should a court be able to flag circumstances of domestic violence when considering a case?**

**How should this information be used, for example, should it be used in sentencing and/or for reporting on domestic violence?**

**What behaviour should be included within a flag of domestic violence? Should it be based on the definition under the Act or broader?**

## Topic 4: Allowing Video Evidence

Recommendation 29 of the SDC Report provides as follows:

*It is recommended that the Attorney-General amend the Evidence Act 1929 (SA):*

- *to enable the potential evidence that is taken from a victim by police, using body cameras at the time of the domestic abuse incident, to be admissible as evidence when the substantive charge/s come to trial; and*
- *to improve confidentiality of client records for victims of domestic and family violence.*

The South Australian Magistrates Court in its submission to the SDC stated it was “keen to see changes to the Evidence Act which would enable material that is taken from women by police at the time of the initial incident, the assault, to be able to be used as evidence at the later trial when the substantive charge comes to court”<sup>64</sup>. This is because, although an interim intervention order may have been issued at the time of the incident, by the time the actual criminal offending is dealt with by a court, the victim may refuse to give evidence and want to withdraw the charges. According to the Deputy Chief Magistrate, “more than 50% of cases before the courts fail to end up with prosecution of the perpetrator for the aggravated domestic violence assault, not only because of pressure from the perpetrator for the victim to withdraw the charges, but also because of a range of other issues...”<sup>65</sup>. Without the evidence of the victim, there is little chance of a successful prosecution, and so the case goes nowhere. However, the option to use video evidence and avoid attending court and face the perpetrator may encourage victims to pursue with charges.

NSW aimed to address the problem of complaints being withdrawn in domestic violence cases, and reduce the stress for victims associated with the court process, by amending the *Criminal Procedure Act 1986* (NSW). The amendments came into force on 1 June 2015 and allow police to take a victim’s statement by video or audio recording (including at the scene of the incident) and use this recording as part or all of the victim’s main evidence. Under the Act, police need the consent of the victim before they can commence recording. The victim must also be consulted about whether they want the recording to be played in court but the prosecutor does not need their permission to play it.

Amending the *Evidence Act 1929* (SA) to allow police video recordings to be admissible as evidence would be a significant step, particularly in the context of criminal trials, as it goes against the principle that an accused has the right to face his or her accuser. It would also go against established legal principles against hearsay evidence court matters.

Further, a victim may not want a particular video taken by police to be shown in court. Consideration must be given to how the decision to use police video evidence of a victim can impact the victim, either positively or adversely.

At present, police video recordings are admissible in South Australia under the exception to the hearsay rule in section 21(4a) of the Act. In an application for an interim intervention order, where a police officer is the applicant, the court is not bound by the rules of evidence but may inform itself as it thinks fit. An alternative may be to amend the Act so that police video recordings can also be considered by the court in a hearing for a final intervention order.

**Community and expert views are sought on whether amendments to the *Evidence Act 1929* (SA) are warranted to allow police video recordings (using body cameras at the time of the incident) to be admissible as evidence when the substantive charge comes to trial or whether such reform should be limited to hearings for final intervention orders.**

## Topic 5: Confidentiality

As noted above, the SDC recommended the Attorney-General amend the *Evidence Act 1929 (SA)* to improve confidentiality of client records for victims of domestic and family violence.

The issue of confidentiality of client case records concerning victims of domestic violence was also raised in evidence before the SDC<sup>66</sup>. The example given was a defamation action taken in the small claims court, by an alleged perpetrator, against a domestic violence service who held sensitive and confidential case notes containing information provided by the victim. The agency settled the action at significant cost on the understanding that, if the action was defended, information contained in the case notes would be required to be released to the plaintiff (the perpetrator) in the discovery process.

Under the common law, the only relationship in which communications are protected from disclosure in court is that between a lawyer and a client. There is no general client privilege that protects counselling records from disclosure. The confidentiality of counselling records is therefore limited, as access to these records can be requested in relation to legal proceedings under subpoena. Agencies could argue that disclosure of the notes would be prejudicial to the client if revealed in court or that it would otherwise be contrary to the interests of justice to admit the document in evidence. It would then be up to the court to determine whether or not the records should be admitted into evidence.

What we have currently in South Australia is a protection for sexual assault counselling communications. Part 7, Division 9 of the *Evidence Act 1929 (SA)* provides that “a communication relating to a victim or alleged victim of a sexual offence is, if made in a therapeutic context, protected from disclosure in legal proceedings by public interest immunity”. This protection cannot be waived, even if the counsellor or the victim agree to its disclosure. Section 67F further provides that evidence of a protected communication is entirely inadmissible in committal proceedings, is not liable to discovery or any other form of pre-trial disclosure and cannot be admitted in other legal proceedings unless the court gives permission and the admission of the evidence is consistent with any limitations or restrictions fixed by the court.

There is no general privilege currently in South Australia for medical records or other records produced where there is a duty of confidentiality, or an expectation of confidentiality by the victim. Whether or not some form of client privilege should apply, either generally, or limited to domestic violence counselling records, therefore requires careful consideration.

**Community and expert views are sought on whether amendments to the *Evidence Act 1929 (SA)* are warranted to improve confidentiality for client records for domestic violence victims.**

## Topic 6: Drug and Alcohol Treatment

Under the Act, an intervention order may contain a condition that the defendant participate in an “intervention program”. The term “intervention program” is defined to mean a program that provides:

- supervised treatment; or
- supervised rehabilitation; or
- supervised behaviour management; or
- supervised access to support services; or
- a combination of any 1 or more of the above.

Under this definition, each of these services must also be designed to address behavioural problems (including problem gambling), substance abuse or mental impairment.

In order for this to occur, an assessment must be undertaken by the intervention program manager to determine if there is an intervention program that is appropriate for the defendant and whether the defendant is eligible for the services included on the program. The intervention program manager is a person employed by the CAA to have general oversight of intervention programs and coordinate the implementation of relevant court orders (and includes a delegate of such a person).

There is an intervention program that operates in through the South Australian Magistrates Court via the Family Violence Court, called the Abuse Prevention Program (explained in more detail later). If the intervention program manager advises the court that the defendant is eligible for inclusion on the Abuse Prevention Program, and those services are available to the defendant at a suitable time and place, the court may make it a condition of the defendant’s intervention order that the defendant participate. The Abuse Prevention Program is available in the metropolitan area, as well as Port Augusta, Murray Bridge and Mount Gambier.

The domestic violence prevention programs include discussions about misuse of alcohol and other drugs, and steps aimed at assisting defendants to overcome such issues.

The court has the discretion to order that a defendant be assessed for inclusion in an intervention program, for example, for treatment of drug and alcohol abuse. However, such an assessment is not mandatory. This may mean not all eligible defendants end up being referred for assessment. The court also has discretion about whether or not the defendant should be required to undertake an intervention program.

It may also be that a defendant would benefit from attending a different intervention program other than the Abuse Prevention Program, for example, treatment programs such as drug and alcohol counselling, if there is evidence to suggest that drugs and/or alcohol have played a part in a domestic violence matter.

**Should assessments for drug and alcohol abuse, for attendance at a treatment program, be mandatory as part of the intervention order process?**

**Should a court be required to refer a defendant to a program where certain factors exist in a matter?**

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

## Topic 7: Domestic Violence and Housing and Homelessness Service Priorities

The current National Partnership Agreement on Homelessness (NPAH) expires on 30 June 2017. The continuation of this agreement was discussed when housing and homelessness Ministers met in Brisbane on 31 March 2016. Ministers considered the importance of a sustainable and longer-term policy and funding approach to integrated housing and homelessness services. The Ministers also recognised the need for all Australians to have access to safe, appropriate and affordable housing and the need for a reliable and flexible service support system to meet the current and future needs of vulnerable people. They also noted the importance of ensuring funding certainty for continuity of homelessness services, that any funding should not be at the expense of existing services and discussed the important national issue of domestic and family violence (including the need for a multi-faceted approach to prevent and address homelessness caused by domestic and family violence).

Ministers agreed to commission a report (to be completed by 30 September 2016) on future policy reforms and funding options for beyond July 2017 to include a proposal for a five year funding arrangement. Commonwealth, state and territory Ministers will consider the report ahead of making recommendations to COAG by the end of 2016.

To support the Ministers in undertaking this task, Housing SA is consulting with the community and the homelessness sector to identify South Australia's service reform priorities. Questions to this end are posed below as part of this consultation.

Housing SA is committed to the continuation of an integrated specialist and generic service response to women and children experiencing domestic violence.

From a homelessness perspective, "housing first" has been a critical platform to advocate the centrality of stable long-term housing as the solution to homelessness. However, the sector also strongly advocates and practices a "safety-first" approach because services are predominantly delivered to very vulnerable and at risk people. The current model that is delivered by government and non-government providers embraces both housing and safety-first principles.

Housing SA is committed to supporting a local dialogue with the sector and community stakeholders, to deliver improvements to services currently being provided. Housing SA is committed to managing and supporting the sector as an integrated partnership, recognising that over a third of women and children experiencing domestic and family violence who access homelessness services, do so from non-specialist domestic violence services.

Recent service reforms within Housing SA has strengthened the integrated service partnerships between the delivery of social housing, private rental and bond assistance to women and their children seeking longer term housing options. The "no wrong door" approach that is currently part of our sector, provides women and children experiencing domestic violence with expanded service choices that are integrated with specialist responses. As part of future tendering processes, Housing SA will continue to treat domestic violence specialist service responses as a priority to meet the needs of women and their children.

**What are your views on the way homelessness services are currently delivered to people experiencing domestic violence?**

**Aboriginal women residing in regional and remote communities are particularly vulnerable to domestic and family violence. What are the key strengths and limitations in the way services are currently delivered?**

**How do we improve our understanding of the cultural context in which Aboriginal Domestic and Family Violence occurs in order to deliver effective service responses for Aboriginal women and children?**

**How do we better support women and children's safety in circumstances where the perpetrator is still engaged in the family? Can you identify best practice models that can support workers to assertively engage with women and children in these circumstances?**

**The evidence linking domestic and family violence and young people in statutory care or within the homelessness sector is growing. How can the homelessness sector support young people who have experienced domestic and family violence trauma to transition successfully into independent pathways?**



## Topic 8: Fostering Supportive Environments

The Australian Human Rights Commission advocates the inclusion of domestic violence as a ground of discrimination on the basis that domestic violence can, for example, impact a victim's ability to attend work or access services.

In addition, the SDC Report made the following recommendation:

*“It is recommended that the Attorney-General amend the Equal Opportunity Act 1984 to make it illegal to discriminate against a person on the grounds of domestic or family violence.”*

Discrimination against domestic violence victims in the workplace may take the form of transferring the employment of a victim, overlooking them for promotion or terminating their employment altogether, on the basis that her or his work has been adversely affected by abuse or because the abuse is adversely affecting the workplace. Discrimination against victims of domestic violence might also occur in the provision of services, including a landlord choosing not to lease a property to a person they know to be a victim of domestic violence.

Protections against many forms of discrimination already exist in South Australia, including by reason of:

- age;
- association with a child;
- caring responsibilities;
- chosen gender;
- disability;
- marital or domestic partnership status;
- pregnancy;
- race;
- religious appearance or dress (in work or study);
- sex;
- sexuality;
- spouse or partner's identity; or
- victimisation.

Given the majority of domestic violence victims are female, it is arguable that discrimination based on domestic violence may sometimes (although not necessarily) be captured in part by protections against gender discrimination.

A key issue relating to discrimination by reason of domestic violence is whether the individual can demonstrate a causal link to one of the grounds listed above. Further, victims may not disclose that domestic violence is actually a contributing factor in workplace issues, such as cases of being performance managed for being late. Many victims of domestic violence may not disclose the fact for various reasons: for instance, they may feel it is not safe to do so or they may not feel comfortable or supported in their workplace to do so.

On the other hand, the cost to business of the introduction of domestic violence as a ground of discrimination must be a consideration. It would clearly not be reasonable to expect an employer to underwrite the cost of unexplained absences of an employee where no explanation is given. The primary aim must be ensuring victims feel confident and supported in speaking up about her or his experience of domestic violence and educating workplaces in managing these circumstances.

Currently, there is no Australian state or territory that explicitly includes domestic violence as grounds for discrimination (subject to those protections listed above, in respect of gender). The question was raised in submissions made to, and considered by, the Victorian Royal Commission into Family Violence (the Victorian Royal Commission). In its March 2016 report, the Victorian Royal Commission chose not to make any recommendations concerning amendments to Victoria's equal opportunity laws. Rather, it expressed support for workplace-based initiatives, stating that the Victorian Government should model best practice in this respect in the public service (see Chapter 37 of the Report and Recommendations of the Victorian Royal Commission are available at: [www.rcfv.com.au](http://www.rcfv.com.au)).

The South Australian Government has taken positive steps in this respect. For example, we have recently introduced paid leave arrangements in the public sector (see page 74). We have also introduced workplace policies that outline the appropriate response within a workplace when an employee is a victim of domestic violence (see page 75). In addition, White Ribbon Workplace Accreditation could also assist (see page 72) by educating people about domestic violence and how to prevent it.

Such arrangements aim to achieve positive action by increasing awareness around domestic violence and reducing the perceived stigma victims may fear will arise from speaking up.

With the support of education and leave arrangements, an environment can be fostered that allows and encourages employees to speak up about domestic violence and seek the support they need from employers. Such education and policies are equally as crucial in other environments, such as housing and services providers, educational institutions and even sporting clubs.

The key aim is to empower victims to speak up about their experience of domestic violence and to provide employers and service providers with the opportunity and the knowledge to be able to support victims.

**Community 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.**

# Summary of Questions Posed

## The Corrections System

### Breaches of Intervention Orders

Community and expert views are sought as to whether police and courts should have greater discretion in considering whether a person should be granted bail for breach of an intervention order?

### Perpetrators of Domestic Violence

Community and expert feedback is sought on appropriate responses to more effectively deal with perpetrators of domestic violence. Does imprisonment deter re-offending?

Is there a way we can safely protect a victim(s) of domestic violence without sending the perpetrator to jail?

Are there more responses that address the attitudes of perpetrators and target the underlying causes of domestic violence, including within Aboriginal and CALD communities?

## Topic 1: Domestic Violence Disclosure Scheme

Who should be allowed to make an application for disclosure?

If a DVDS was introduced in South Australia should it apply only to those in a current intimate relationship, as is the case in the UK, or to both current and former intimate relationships, as is the case in NSW?

How should intimate relationships be defined?

Should a third party be entitled to make an application on behalf of someone else in South Australia? If yes, in what circumstances should it occur?

Should applications be made to SAPOL or some other agency?

Should there be an age limit for the applicant, the person identified or the subject?

How should an application be made and who should be the first point of contact?

What initial checks should be carried out?

What assistance should be made available for people who may need help in completing their application?

Should a checklist be developed to ensure that applications are assessed, and support offered, in a consistent manner?

What factors should be taken into account in determining whether an immediate disclosure is required?

Who should have responsibility for assessing applications for disclosure and making a determination?

What sort of risk assessment should occur?

What factors should the decision-making body take into account in determining whether or not to make a disclosure?

When should information be disclosed?

What principles should be considered in making a determination to disclose?

What offences should be included? Should they relate to domestic violence convictions only or should convictions for other offences be included? Should allegations be included?

What offences should be excluded? For example, should spent convictions or juvenile convictions be disclosed?

Should current and/or prior intervention orders be included?

If current and/or prior intervention orders are to be included, should there be an assessment of the level of risk posed by that order before determining whether a disclosure should be made?

What information should be disclosed? Should a disclosure be limited to the existence of a relevant offence or an intervention order or should further details be disclosed, for example, the date of the offence, the facts of the offence and any sentence imposed?

Who should make the disclosure and where should it occur?

Should information be disclosed to a third party?

Once disclosure has occurred, what sort of support should be made available to the person?

Should the subject be informed of a disclosure? If so, in what circumstances? Should the subject have a right to appeal a decision to disclose?

Should there be safeguards in place to protect against the misuse of information once it has been disclosed? For example, should the person receiving the disclosure be required to sign an undertaking that they will not share or misuse the information provided?

What should the process be if a decision is made not to disclose information?

Should the applicant have a right to appeal a decision not to disclose?

Should the at risk person be referred to appropriate support services? Should these support services be present when the at risk person is advised that no disclosure will be made?

## **Topic 2: Expiry Dates on Intervention Orders**

The community and experts are asked to consider whether the current legislation should 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 period of time is suitable?

Are there certain types of situations of domestic violence that should be exempt from having an expiry date placed on an intervention order (i.e. situations of physical assault)?

Should only those orders that are consented to by a defendant expire after a certain period of time?

## **Topic 3: Comprehensive Collection of Data**

Which agencies of Government should be expected to enhance their databases to flag or code identified circumstances of domestic violence?

Who should be responsible for collecting this information? How should this information be used?

Should a court be able to flag circumstances of domestic violence when considering a case? How should this information be used, for example, should it be used in sentencing and/or for reporting on domestic violence?

What behaviour should be included within a flag of domestic violence? Should it be based on the definition under the Act or broader?

## **Topic 4: Allowing Video Evidence**

Community and expert views are sought on whether amendments to the *Evidence Act 1929* (SA) are warranted to allow police video recordings (using body cameras at the time of the incident) to be admissible as evidence when the substantive charge comes to trial or whether such reform should be limited to hearings for final intervention orders.

## **Topic 5: Confidentiality**

Community and expert views are sought on whether amendments to the *Evidence Act 1929* (SA) are warranted to improve confidentiality for client records for domestic violence victims.

## **Topic 6: Drug and Alcohol Treatment**

Should assessments for drug and alcohol abuse, for attendance at a treatment program, be mandatory as part of the intervention order process?

Should a court be required to refer a defendant to a program where certain factors exist in a matter?

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

## **Topic 7: Domestic Violence & Housing and Homelessness Service Priorities**

What are your views on the way homelessness services are currently delivered to people experiencing domestic violence?

Aboriginal women residing in regional and remote communities are particularly vulnerable to domestic and family violence. What are the key strengths and limitations in the way services are currently delivered?

How do we improve our understanding of the cultural context in which Aboriginal Domestic and Family Violence occurs in order to deliver effective service responses for Aboriginal women and children?

How do we better support women and children's safety in circumstances where the perpetrator is still engaged in the family? Can you identify best practice models that can support workers to assertively engage with women and children in these circumstances?

The evidence linking domestic and family violence and young people in statutory care or within the homelessness sector is growing. How can the homelessness sector support young people who have experienced domestic and family violence trauma to transition successfully into independent pathways?

## **Topic 8: Fostering Supportive Environments**

Community 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.

## Update on Current Initiatives

We must continue to develop initiatives along a continuum of responses to domestic violence, from early intervention educational programs to post-crisis housing, employment support and justice responses.

As stated above, we recognise gender inequality as a root cause of domestic violence. South Australia has a long and proud history of responding to the needs of women, beginning with the Dunstan Government's appointment of the first adviser on women's issues, the establishment of the Women's Information Switchboard, the Rape Crisis Centre and women's shelters. An ongoing commitment to addressing violence against women took us from the women's shelters of the 1970s, community housing in the 1980s, 1990s policies where women and their children moved into cluster accommodation out of reach from perpetrators, to today's legislative and procedural measures emphasising common risk assessments, multi-agency responses and the removal of perpetrators from family homes.

A wide range of services are currently in place, including:

- emergency services that provide specific support and treatment services for women who have experienced violence;
- crisis response and ongoing counselling and medical services for victims of sexual assault and their families;
- ongoing counselling, information and support services for women and children who have experienced violence in their lives through community health and women's health services;
- services for victim of crime and women's refuges and domestic violence outreach support services;
- services for adult survivors of child sexual abuse and a range of non-government family support programs, focusing on families where women and children have experienced domestic violence;
- programs targeting men who use violence and sex offenders;
- crime prevention activities that specifically address violence against women;
- mental health and drug and alcohol services;
- services provided by multi-cultural and Aboriginal organisations;
- police services that respond to and prevent violent crimes against women;
- court resources for criminal and civil cases; and
- Equal Opportunity Commission initiatives to reduce discrimination and provide a complaints resolution service for unlawful discrimination, including sexual harassment.

The current initiatives of the South Australian Government span in key directions spelt out in *A Right to Safety*, being prevention, service provision and protection, together with performance<sup>67</sup>.

## Current initiatives

		<b>Performance</b> must be measured so we know what is working, so our programs are evidence-based and we remain accountable		
pg		<b>Prevention</b> is about stopping the violence before it happens	<b>Provision</b> is providing and improving services for women who have experienced violence	<b>Protection</b> means enabling women who experience or fear violence to seek protection and access to legal remedies
13	Intervention Orders Legislation		✓	✓
72	Domestic Violence Workplace Policies	✓	✓	✓
72	White Ribbon Workplace Accreditation	✓		
74	Domestic Violence Leave Entitlement		✓	✓
77	D3 Digital Challenges	✓	✓	✓
77	Health Responses	✓	✓	
78	Child Protection Response	✓	✓	
78	Safeguarding Women with Disability	✓	✓	✓
79	Cross-Border Justice Scheme		✓	✓
80	Information Sharing	✓	✓	✓
82	Domestic Violence Serial Offenders Database		✓	✓
85	Women's Domestic Violence Court Assistance Service		✓	✓
85	Family Court Support		✓	✓
86	Witness Assistance Service		✓	✓
88	Vulnerable Witness Provisions			✓
88	Safe at Home		✓	✓
89	Domestic Violence and Housing and Homelessness Support		✓	✓
92	Tenancy Assistance		✓	✓
92	Domestic Violence Response Review		✓	✓
93	Domestic Violence Courts and Perpetrator Treatment Programs		✓	
97	Coronial Domestic Violence Information System		✓	✓
97	National Domestic Violence Order Scheme			✓
98	Council of Australian Governments (COAG)	✓	✓	✓

## Domestic Violence Workplace Policies

Workplaces are key environments in which preventative action can be taken to reduce domestic violence and support people who are experiencing or escaping violence. Workplaces can play an effective role in supporting victims to remain safe, stay in work and access specialist support services.

Domestic violence can have significant impacts on the workplace. Workplaces can be used as places for perpetrators to harass victims and locate their whereabouts. The perpetrator may also harass colleagues of the victim.

Being subject to abuse, particularly of an ongoing nature, can affect an employee's work performance, cause poor physical and mental wellbeing, lead to time off work and, in some cases, result in termination of employment.

The adoption of domestic violence workplace policies is aimed at empowering victims to speak up about any abuse they are experiencing and seek support. Stability in the workplace, and in turn financial stability, is also important in assisting victims to maintain their autonomy and leave a violent situation.

Such policies also facilitate the public conversation around domestic violence and encourage all employees to think about the ongoing and widespread impacts domestic violence has on its victims. In such a way, these policies also have a role to play in the primary prevention of domestic violence by encouraging cultural change and education.

## White Ribbon Workplace Accreditation

The South Australian Government's strong leadership in responding to domestic violence and violence against women is reflected in its commitment that all South Australian Government agencies will obtain White Ribbon Workplace accreditation. This builds upon the implementation of domestic violence policies that are in place across agencies.

White Ribbon is described as "Australia's campaign to prevent men's violence against women"<sup>68</sup>. It is a national, male-led campaign with the vision that all women live safely from all forms of men's violence. White Ribbon's mission is to make women's safety a man's issue<sup>69</sup>.

White Ribbon Day is observed annually on 25 November, which is the International Day of the Elimination of Violence against Women. White Ribbon Day signals the start of the 16 Days of Activism to Stop Violence against Women, which ends on Human Rights Day (December 10)<sup>70</sup>. In acknowledgement that violence impacts women at work, White Ribbon has established the Workplace Accreditation Program which is described as follows:

*The Workplace Accreditation Program recognises workplaces that are taking active steps to prevent and respond to violence against women, accrediting them as a White Ribbon Workplace. Assessment of White Ribbon Workplaces against the criteria is undertaken by our independent Assessors. White Ribbon Workplace Assessors are specialists with expertise in organisational development, business management, organisational change, quality improvement, gender equity and accreditation.*

*White Ribbon Workplaces are centres of respect and proactivity in relation to the safety of women in the workplace, and are members of a truly leading edge cohort, both nationally and internationally. The Program is an award-winning initiative which is complementary to women's empowerment initiatives and strengthens the organisation's stance in relation to anti-bullying legislation. Key benefits:*

- *drive social change*
- *improved office safety and morale*
- *increased staff knowledge and skills to address this issue*
- *improved retention rates and lower staff turnover*
- *risk mitigation*
- *improved work productivity and reduced absenteeism*
- *improved reputation*
- *becoming an employer of choice<sup>71</sup>.*



The Accreditation process is currently underway and includes a number of elements, including training across the public sector.

Staff at AGD, for example, have shown their commitment to zero tolerance of violence against women by either signing or emailing to have their name included on AGD's *We Swear* poster.

**'we swear'**  
 never to commit, excuse or stay silent about violence against women. This is our oath.  
 Take the oath and sign your name here...

*Andrew Swanson* *David Evans* *Ian Heffernan*  
*Darren Cosovan* *Abhishek Saxena* *Christine Ray* *Scott Christie*  
*John Evangelista* *Carryn Waters* *Lauren Garcia* *Andrew Camilleri*  
*Michelle Rossette* *Ahmed El Khalidi* *Mandy Fisher* *Julie Ellerton*  
*Lauren Djakovac* *Lachlan Parker* *Joanna Martin* *Juliette Jones*  
*Joanna Hughes* *Aileen Beverley* *Lana Stappford* *David Walters*  
*Christine Ray* *Ben Painter* *Maria Kosti* *Rick Perse*  
*Marta Louva* *Margaret Cameron* *Kirsten Sweeney*

**One woman a week dies from an act of domestic violence.  
 I am committed to helping uncover Australia's dark secret. Are you?**

**1800 RESPECT (1800 737 732)**  
 24 hour, National Family & Domestic Violence Counselling Line

**Mensline Australia**  
 Supports men and boys who are dealing with family and relationship difficulties - 1300 78 99 78

**Proudly working with White Ribbon to create a safer workplace**  
 Australia's campaign to stop violence against women

**Government of South Australia**  
 Attorney-General's Department

As part of the campaign, AGD distributed 27 posters, which received more than 1,000 staff signatures. The confronting image and striking design is now instantly recognisable within AGD and has generated high levels of staff engagement and discussion. The AGD poster design was also adopted by other State Government agencies including SAPOL, who distributed an additional 40 posters and anticipated receiving 2,000 signatures.

Furthermore, business units within AGD have made their own commitments to tackle violence against women, generating an infographic that represents the stance of the Department's staff.

**AGD on Domestic Violence.**  
We believe that workplaces can make a difference in stopping violence against women. Our aim is to be accredited as a White Ribbon Workplace

**SafeWork SA** educates staff about the impact of domestic and family violence on the workplace and increases public awareness by passing this knowledge on through worksite visits and education outreach.

**Forensic Science SA** deals with sexual assault cases as high priority. Victims who have quick forensic results have the confidence in the system to support police investigation and improve the chances of a conviction.

**Human Resources Unit** promote the use of special leave with pay to staff who may be victims of domestic violence.

**Ombudsman SA** is responsible for the Information Sharing Guidelines that promote early and effective service coordination in response to risks to the safety and wellbeing of vulnerable women and children.

**Strategic Communications Group** are the design force behind the White Ribbon campaign for the department. A communication plan and online marketing initiatives that feature emotive imagery to engage staff and actively raise awareness.

**Projects and Technology** are building a system to allow intervention orders information to be shared between SAPOL and Courts to give immediate access to data to assist in preventing and responding to domestic violence.

**Fines Unit** promotes staff awareness by relating the White Ribbon campaign to the Unit's values, and working compassionately with clients who are victims of domestic violence to help them address their fines debt.

**Public Advocate** has systems to identify clients at high risk of domestic violence, develop prevention strategies and enable decision making. They are collaborating with other agencies to prevent and address issues of abuse and harm to vulnerable older people.

**Commissioner for Victims' Rights** provide advocacy and assistance to women and children subject to violence, including helping install security devices and assisting high risk victims to escape violence. The commissioner actively spreads messages about domestic violence to the community.

**Office of Crime Statistics and Research** monitors statistical trends relating to violence against women and provides a range of reports which provide information based on Australian Bureau of Statistics data.

**Equal Opportunity Commission** supports male leaders to make changes to their organisations to stop disadvantaging women. EOC promote gender equality initiatives, violence prevention programs and practices that foster respectful relationships.

**Crown Solicitors Office** assesses and pays victims of crime claims to support women who are victims of domestic violence. CSO advises on initiatives i.e. residential tenancy reforms, domestic violence Court services, and developed a standard clause on domestic violence and gender equality for SA government contracts.

**Consumer and Business Services** helped change tenancy laws to protect victims of domestic violence, and gives special consideration when a person trying to escape from a domestic violence situation applies to change their name.

**Director of Public Prosecutions,** through the Witness Assistance Service, ensure that all victims of crime and their immediate family have access to information and support services, and are aware of their rights and responsibilities when dealing with the criminal justice system.

The Women's and Children's Health Network (WCHN) joined the four other SA Health Networks, the South Australian Ambulance Services, the South Australian Metropolitan Fire Service and the Environmental Protection Authority in the November 2015 Cohort for White Ribbon Accreditation.

WCHN staff were surveyed and WCHN exceeded the requirement of a minimum of 30% of staff responding to this baseline survey. The confirmation of this achievement and the results have been forwarded to the Chief Executive Officer and WCHN is now proceeding in the gathering of evidence to obtain certification.

In June 2015, the Commissioner of Police and Chair of the South Australian Committee for White Ribbon, Grant Stevens, and the Chief Executive Officer of White Ribbon Australia, Libby Davies, signed a Statement of Commitment for SAPOL to become an accredited White Ribbon Workplace. SAPOL appointed a Senior Manager as Project Sponsor and established a White Ribbon Accreditation Implementation Working Group to undertake the work required for successful accreditation in accordance with White Ribbon Australia standards and agreed timeframes. SAPOL's support of White Ribbon Workplace Accreditation complements recent initiatives aimed at improving their response to violence against women in the workplace.

### Domestic Violence Leave Entitlement

The South Australian Government has also introduced 15 days special leave for public servants experiencing domestic and family violence.

Building upon the implementation of South Australian Government departmental domestic violence policies, in late 2015 the South Australian Government announced the development of a whole-of-government policy granting public sector employees experiencing domestic and family violence access to up to 15 days special leave with pay. This policy reflects that domestic violence is not just a private issue, but rather it is a public and workplace issue. Paid work can play a critical role in providing the financial stability to enable a woman to leave an abusive relationship and recover from that abuse.

In addition, workplaces have a key role in supporting women and providing the flexibility to enable them to take action against violence whilst maintaining employment. Being the largest employer in the state, the South Australian Government is perfectly placed to lead by example in implementing these new leave entitlements.

In addition to supporting women who are experiencing domestic violence, workplaces can also take positive action to prevent domestic violence through education, which is a powerful early intervention tool.

In 2012, SAPOL extended the special paid leave available to non-sworn staff (through the South Australian Public Sector Wages Parity Agreement: Salaried 2012) to assist employees who are victims of domestic violence, to have a general application and availability to sworn staff. The purpose of this domestic violence leave was to support employees who may need time away from the workplace to address health issues or to attend to legal, financial, childcare or other matters which arise as a consequence of domestic violence. Relevant policies were amended to reflect the availability of special paid leave for this purpose.

In 2016, further work has been undertaken by SAPOL to ensure that policies and procedures are clearly articulated and provide the necessary detail to members who need to access this leave, and to managers in appropriately managing absences and other associated needs of an affected employee.

### **Other Government Workplace Policies**

In addition, all South Australian Government Departments are implementing or have implemented domestic violence workplace policies, after endorsement from the Premier. These policies are modelled on one developed by DCSI. A copy of this policy and guidelines are available at: [www.officeforwomen.sa.gov.au](http://www.officeforwomen.sa.gov.au)

It is intended that roll out of domestic violence workplace policies throughout Government will be an example to non-government organisations to also adopt such policies.

The DCSI policy available online is suggested as a basis for non-government workplaces to use as a template for their own policies.

A further example is found within the DCS *Domestic and Family Violence Framework 2015-2017*, which outlines the approach DCS will adopt to strengthen their response to domestic violence.

The framework has the following five key areas of focus:

- prevention;
- victim support and assistance;
- collaboration and information sharing;
- control and monitoring; and
- accountability and behavioural change.

### **Organisational Cultural Change within the Department for Correctional Services**

DCS is taking active steps in creating an organisational culture that is opposed and responsive to violence against women, and to redressing gender inequity within DCS staffing and in relation to its services to women offenders. In addition to seeking White Ribbon Workplace accreditation, DCS is increasing the number of women in leadership, as well as actively acknowledging and rewarding women's achievements.

DCS is bringing greater focus to the prevalence of domestic violence in the lives of women offenders with the recently released Women Offenders Framework, designed to:

- bring a gendered response to the specific needs of women offenders in prisons, as well as in the community; and
- include trauma informed approaches to sexual, physical and psychological abuse.

DCS has also established a Domestic and Family Violence Advisory Group (DFV Advisory Group). The DFV Advisory Group, which involves a cross section of staff and external stakeholders with expertise in the area of domestic violence, provides an accountability and oversight mechanism for DCS's activity on domestic violence. The DFV Advisory Group:

- provides strategic oversight and monitors delivery of DCS's response to domestic violence;
- identifies gaps, risks, opportunities and strategies to ensure policy consistency and an integrated and coordinated departmental response to domestic violence prevention;
- ensures linkages with corporate strategy and communication with stakeholders on complex domestic violence projects and issues;
- contributes to, and supports, research activity and practice development to enhance DCS's domestic violence response; and
- reports quarterly on programme progress to DCS Executive Group.

### SA Health's Response to Domestic Violence

By way of further example, the Domestic Violence Policy Directive (which is available on the SA Health website at: [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)) represents SA Health's position in respect to support and assistance for those employees who are victims of domestic or family violence. SA Health recognises that anyone, male or female, can be a victim of domestic violence, however the overwhelming majority of people who experience domestic violence and abuse in the home are women. This Policy Directive provides employees and managers with information relating to a range of supports available in the workforce and those employees who experience domestic or family violence.

### SAPOL Response

As responding to domestic violence is part of SAPOL's core business, there are existing comprehensive policies which contain SAPOL's philosophy, procedures and instructions with respect to recognising and responding to the needs of victims, and on ensuring accountability of offenders. Victims who are employees are, in effect, a subset of victims with additional needs. Similarly, responding to incidents where a domestic violence offender is identified as a SAPOL employee brings additional complexities and places additional responsibilities upon SAPOL to manage that employee within their Code of Conduct.

### A Victim's Story: Can a workplace really make a difference?

Elizabeth experienced domestic violence at the hands of her fiancé Michael. After Elizabeth managed to leave Michael she found out that a colleague at her work, Sarah, took a phone call one day from Michael's ex-partner. The ex-partner had telephoned Elizabeth's workplace and asked to speak to her. Elizabeth was away and Sarah took the call. Sarah became distressed and upset because Michael's ex-partner told her that he was violent, that Elizabeth may be in danger and that Michael had a long history of domestic violence. Sarah spoke to her Manager who told her that it was "none of our business" and that she should not say anything to Elizabeth. Months went by and Elizabeth continued to hide the abuse. Sarah eventually left to work elsewhere. Nothing was ever said. One day in the work kitchen, Elizabeth let something slip and another colleague looked at her closely, quizzically and said "Elizabeth, you know he should not be doing that, don't you." Elizabeth laughed it off but those words helped. When Elizabeth left Michael, she had to tell her workplace, because Michael would always call. Elizabeth had to ask them to not put through his calls and in the end she asked them to not tell her he had called. She needed a safe space. It was then the Manager told her, you should go and talk to Sarah, you know, because Sarah left because of you, you need to apologise to her. Elizabeth was confused and it was then the Manager told her about the phone call from Michael's ex-partner. Elizabeth was shocked and met with Sarah to apologise. Elizabeth felt bad that Sarah had been caught up in the middle but she also felt like Sarah and her Manager were blaming her.

**A workplace policy about domestic violence could have helped both Sarah and Elizabeth, and would have guided the Manager as to how she should have dealt with the phone call.**

*Names have been changed to protect people's identity.*

## D3 Digital Challenges

The D3 Digital Challenge is a South Australian Government initiative that offers a new way of working to achieve better outcomes for our community. D3 Digital Challenges team up digital entrepreneurs with digital users to help discuss, design and deliver innovative solutions to social issues to better connect South Australians with the services they want and need.

In 2015, the South Australian Government ran a D3 Digital Challenge focused on designing innovative digital solutions to keep women safe. The challenge recognised that perpetrators of violence are increasingly using technology to facilitate their abuse of women, and that there is a need to turn this around and use technology in a positive way that aids women to be happy, healthy and safe in their environment. Information about D3 Digital Challenges is available at:

[www.yoursay.sa.gov.au](http://www.yoursay.sa.gov.au)

The D3 Digital Challenge saw teams of digital entrepreneurs brought together with women's safety experts to learn about violence against women, how technology is used to perpetrate violence and how technology could be used to keep women safe.

The D3 Digital Challenge on keeping women safe was a joint initiative between the South Australian and Commonwealth Governments and the December 2015 pitch night saw nine teams present their ideas to a judging panel. All of the teams presented inspired and practical ideas, but there could only be three winning teams.

Grant funding of \$20,000 was awarded to the following teams to fund the development of a prototype:

- ASMS Innovators (a group of year 10 and 11 students from the Australian Science and Mathematics School) with Choose Your Own Adventure pitch – an app that helps young South Australians understand the consequences of different behavioural decisions;
- Cartland Law with ALIRA (Automated Legal Information Research Assistant) – an artificial intelligence program that can empower women with information on domestic violence law; and
- Technology for Women's Safety with Snapshot – a digital toolkit to support women who are in abusive relationships and their support networks.

Teams presented their prototypes to the Office for Women, DPC and the Commonwealth Department of Social Services in early March 2016 and conversations are currently underway regarding further funding.

## Health Responses

The WCHN has realigned community based services to embed trauma-specific care practices in responding to vulnerable populations that are impacted by violence and abuse. This new alignment of services forms the Youth and Women Safety and Wellbeing Service (YWSWS) which will ensure efficient and high quality services responsive to the complex relationship between violence, criminal justice and health. For example, YWSWS is working in collaboration with SAPOL toward piloting a domestic violence forensic response whereby trauma-informed health care and injury documentation will be provided to women who have experienced domestic violence. After care support, including counselling, case management and referral, will also be provided. Services that make up YWSWS are: Yarrow Place Rape and Sexual Assault Service; the Women's Safety Strategy; MAPS; Women's Health Service; Metropolitan Youth Health Service and the SA Cervix Screening Program. All services work in partnership with each other and other government, non-government and consumer groups.

## Child Protection Response

### ***Children's Protection (Implementation of Coroner's Recommendations) Amendment Act 2016***

The *Children's Protection (Implementation of Coroner's Recommendations) Amendment Act 2016* was developed as a result of the Coroner's report on the death of Chloe Valentine, and passed Parliament on 14 April 2016.

Within these amendments are provisions that will contribute to stronger consideration of domestic violence in assessments and interventions to protect children's safety. These include:

- the consideration of cumulative harm as part of child protection assessments of risk to the child to enable greater attention to the cumulative effects of domestic violence and its impact on children, and encourage earlier intervention; and
- the provision to issue instruments of guardianship or restraining notices where a child's parent, or someone who is residing, or about to reside with a child, has been convicted of a qualifying offence.

Qualifying offences include murder, manslaughter, criminal neglect, causing serious harm and acts endangering life or creating risk of serious harm (where the victim was a child and the offender was their parent or guardian).

### **The PATRICIA Project**

Statutory child protection agencies across Australia are participating in the PATRICIA Project – a study of service responses to support the safety and wellbeing of children and young people living with, and separating from, domestic violence. PATRICIA is a loose acronym for Pathways and Research in Collaborative Inter-agency working. Its focus is on service pathways and the relationships between child protection services, domestic violence services and family law. The project is coordinated by the University of Melbourne. It is funded by ANROWS and by individual jurisdictions, including South Australia. Families SA is participating in two components of this project: Case Studies of Innovative and Promising Practice and Child Protection Interventions with Perpetrators.

## Women with Disability

International research has found that women with disability are more likely than men with disability and women without disability to experience all forms of violence, and that violence perpetrated against women with disability is more severe and committed over an extended period.

Women with disability experience multiple and intersecting forms of discrimination. While there is no agreed definition of violence against women with disability in Australia, it is recognised that violence against women with disability results from the intersection of systemic gender-based and disability-based discrimination. Examples of violence against women with disability include controlling women's access to mobility, communication or health supports, threats to withdraw care or institutionalise, and sexual activity demanded in return for required care. Violence may be perpetrated by family members, service providers, peers or co-residents.

Safeguarding women with disability is of key importance to both the Office for Women and Disability SA. In recognition of this, a working group has been established with members from both agencies to consider other opportunities for preventing and responding to violence against women with disability and enhancing the positive status of women with disability.

It is essential that women are enabled to be self-advocates and, where necessary, that they have the support of an advocate to ensure they are informed decision makers and are heard by the service responders.

It is important that resources are available that support women with disability to communicate and advocate for their rights and, if necessary, inform the required people of their concerns regarding domestic violence. These resources should take the form of alternative and augmentative communication systems (including assistive technology), AUSLAN, audio versions for those with literacy issues, Braille and ensuring information is easily understood in everyday language and not in legal language.

It is important to recognise that violence against women may mean restrictions to health services and a lack of personal choice in health decision making.

It is also recognised that animals that are intrinsically part of women's everyday functioning, including helper dogs such as Guide Dogs, or therapy/assistance dogs, are often used as a control mechanism in the abuse cycle.

The particular needs of women with disability are recognised in the National Plan and in *A Right to Safety*. In addition, the Government notes the importance of a gendered approach to rights protection and safeguarding people with disability as echoed in the *National Disability Strategy 2010-2020 – Outcome Area 2: Rights Protection, Justice and Legislation*.

The Office for Women developed a Disability Access and Inclusion Plan, as required across all State Government agencies. The plan recognises the particular needs of women with disability and that their issues and needs are often overlooked within services and programs. This can increase vulnerability, with women with disability often lacking vital information about their rights resulting in them being unaware or unable to defend and advocate for these rights. The Office for Women also committed to consider and incorporate issues affecting women with disability into policy agendas. In addition, the Women's Information Service will continue to ensure women with disability have full access to information on their rights and services available to them.

## Cross-Border Justice Scheme

Acknowledging the regional affiliations and mobility of people within the cross-border region of South Australia, Northern Territory and Western Australia known as the Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Lands, systems and service integration have been strengthened across the borders to improve the safety of Aboriginal women and children.

The Cross-Border Justice Scheme includes:

- legislation introduced in 2009 to reduce the significance of borders on criminal justice responses to offending;
- cross-border referral protocols for the Family Safety Framework between South Australia and Alice Springs, Northern Territory;
- a Cross-Border Intelligence Desk located in Alice Springs to improve the health safety and wellbeing of families and children in the NPY Lands through improved intelligence and information sharing among South Australia, Western Australia and Northern Territory police and other agencies;
- NPY Women's Council Domestic and Family Violence Service which provides crisis response, case work, advocacy and community education services to women affected by domestic violence across the region; and
- a Cross-Border Family Violence Program which provides a behaviour change program for offenders in the region.

## Information Sharing

The Government plays a vital role in the provision of information and support to the victims of domestic violence.

In South Australia, the Information Privacy Principles (IPPs) regulate the way public sector agencies collect, use, store and disclose personal information. The IPPs are contained in Cabinet Administrative Instruction No.1 of 1989 entitled *PC012 Information Privacy Principles, Instructions and Privacy Committee Proclamation*, which is publicly available at:

<http://dpc.sa.gov.au/premier-and-cabinet-circulars>.

### Guidelines

Information sharing in South Australia is facilitated by the *Information Sharing Guidelines for Promoting the Safety and Wellbeing of Children, Young People and Their Families (ISG)*.

The ISG is a policy for all State Government agencies and non-government organisations funded to deliver services to children, young people and families. The ISG:

- defines a process for information sharing that promotes earlier and more effective service coordination in response to risks to the safety and wellbeing of children and young people;
- includes information sharing for all adults irrespective of their status as parents or caregivers; and
- applies to all clients and information sharing practice across both adult and child services.

In 2013, the South Australian Cabinet directed that the scope of the ISG be broadened to include information sharing for all vulnerable population groups, including all adults, irrespective of their status as parents or caregivers, where there are threats to safety and wellbeing. At that time, it was also decided to relocate responsibility for the ISG to Ombudsman SA. This decision enables service providers to apply the expanded ISG to all clients with whom they work and aligns information sharing practices across both adult and child services.

The ISG and more information is available at [www.ombudsman.sa.gov.au/isg](http://www.ombudsman.sa.gov.au/isg)

By way of example of how information sharing is facilitated, the SAPOL ISG Appendix was updated in August 2015. It provides specific operational guidance and processes for employees to facilitate and support appropriate information sharing practices in line with legislative requirements, other privacy protocols (for example, the IPPs), and organisational policy for information sharing. The SAPOL ISG Appendix includes protocols for gaining consent and for discussing limited confidentiality, lines of approval, documenting actions and record keeping, where to seek assistance in the event of a dispute over information sharing, references to legislation and policy and, importantly, a number of case studies of operational situations where information sharing is considered. Corporate training was delivered on the revised SAPOL ISG Appendix across the organisation in December 2015.

### Notification Requirements and Enhanced Information Sharing

The Act contains notification requirements that ensure all relevant public sector agencies (that is, those responsible for education, families and communities, child protection, corrections and social housing) are aware that an intervention order has been made, varied or revoked (either by the courts or police).

After the Act was implemented, an interim solution using manual processes was used to transfer information between police and courts and the other relevant public-sector agencies that were to be notified. Currently, notifications are provided to DCSI, DECD including Families SA, DCS and the South Australia Housing Trust.

The AGD Criminal Justice Information Management (CJIM) Project was tasked with assessing this interim solution and recommending an electronic solution to be implemented to address the limitations of information sharing using manual processes. Together with SAPOL and the CAA, AGD successfully implemented Phase I of the Intervention Orders Project in February 2016. As a result, intervention order and proof of service information is now exchanged electronically between SAPOL and the CAA.

Electronic exchanges have sped up the process of issue, notification and receipt of this order information considerably.



The electronic exchange of intervention order information now means:

- orders are now exchanged in a matter of seconds, instead of days;
- there is a consistent view of information across agencies;
- effort required by staff to manage intervention orders (send, manually match, data enter and update) has been significantly reduced;
- data integrity has been improved through elimination of information re-keying;
- scheduling of court hearings are now automatic;
- monitoring of transactions enables alerts if a transaction is not successful and appropriate action is taken to correct the issue; and
- order information for other legislated agencies is now system-generated.

Considering there were approximately 6,700 lodgements in court relating to an intervention order in the first two years of the legislation, the electronic exchange of intervention order information has been an important gain.

The two main procedural improvements for SAPOL have been:

- the elimination of the need to fax a copy of the PIIO to court; and
- making scanned intervention orders from courts directly accessible by SAPOL, eliminating the need for them to be 'data-entered' and making them immediately available to operational members.

The second stage implementation occurred on 23 February 2016, which eliminated the need for SAPOL to fax a copy of the Proof of Service. Planning for Phase II will begin in 2016 and will extend the implementation of information exchange to other legislated agencies.

## **Information Sharing Within Correctional Services**

DCS has in place a number of strategies designed to facilitate the provision of information and support to victims of domestic violence. DCS has put in place strategies to work with victims of domestic violence who are members of their staff, victims known to DCS in the general community (for example, where the perpetrator is known to DCS) and victims who are in DCS custody (for example, female offenders). These strategies include:

- actively supporting staff experiencing domestic violence through the provision of flexible work arrangements, workplace safety plans and access to appropriate counselling and support services;
- maintaining a formal Victims Register, including the names of victims associated with a perpetrator in DCS custody who is convicted of an offence unrelated to the domestic violence;
- informing and updating registered victims as the perpetrator progresses through the system, for example, where a perpetrator applies for parole, DCS assist the victim to make a submission to the Parole Board;
- referring victims to appropriate community-based services on release of a perpetrator from custody to maximise their safety; and
- ensuring appropriate interactions with community-based victims of domestic violence in cases where the perpetrator is undertaking DCS programs by partnering with specialist victim agencies.

DCS is improving intervention order perpetrator identification processes and systems across community and custodial operations by:

- arranging the transfer of intervention order information in relation to DCS offenders from SAPOL;
- inclusion of intervention order and domestic violence warning flags on the Justice Information System (JIS); and
- DCS incident reporting specific to domestic violence offences to monitor risk and trends.

## **Domestic Violence Serial Offender Database**

The Domestic Violence Serial Offender Database is available to domestic violence and Aboriginal family violence service providers in South Australia to enable the identification of serial offenders. The database is hosted and managed by the Domestic Violence and Aboriginal Family Violence Gateway, a state wide 24 hours service providing an entry point for all South Australians to access services to help eliminate all forms of domestic violence.

The database allows for the identification of perpetrators and the identification of patterns of abuse from those who have multiple victims or victims who have multiple perpetrators. This enhances the ability of key intervention services to assess risk and develop appropriate safety action plans with victims.

## **Family Safety Framework**

State wide implementation of the Family Safety Framework was completed in November 2013.

With a focus on the safety of women and children and the accountability of offenders, the Family Safety Framework was developed under the auspice of the Strategy and the Keeping them Safe – Child Protection Agenda, to drive the development of improved, integrated service responses to violence against women and children in South Australia.

The Family Safety Framework brings together organisations. Through regular meetings, information sharing is enhanced and it is emphasised that action to address the safety of victims must occur across many services, ensuring that perpetrators are held accountable for their use of violence.

Through these regular meetings and sharing of information, those families most at risk of violence potentially resulting in serious injury or death are dealt with in a structured and systematic way. Government and non-government agencies share information about high risk families and take responsibility for supporting these families to navigate the service system.

To facilitate SA Health staff in complying with the Family Safety Framework policy directive, YWSWS provides training to the relevant SA Health staff in all aspects required in recognising and responding to domestic and Aboriginal family violence.

Under the Family Safety Framework both government and non-government departments and agencies attend a regular family safety meeting (usually fortnightly) in 19 police local service areas across the state. The implementation of the Framework is managed by the Office for Women, in conjunction with the Family Safety Framework Implementation Committee made up of representatives from participating agencies.

The core agencies involved are: SAPOL; Families SA; Housing SA; Community Corrections; health services; Health SA (including community, YWSWS, Aboriginal health, midwifery, nursing and hospital staff); Adult Mental Health Services; Drug and Alcohol Services SA; DECD; non-government women's domestic violence services and the South Australian Victim Support Service. Additional agencies are invited to participate where they have involvement with an adult or child victim of domestic or family violence.

Prior to the meeting, participants identify cases of domestic violence assessed as imminent high risk (using a common risk assessment tool) and refer them to the local family safety meeting (through SAPOL). These case details are provided to each participant prior to the meeting. At the meeting, each participant shares information and a Positive Action Plan is implemented for each referral.

The Family Safety Framework has also been implemented in Alice Springs and work has commenced in NSW for the implementation of Safety Action Meetings, which are similar in focus to the Family Safety Framework.

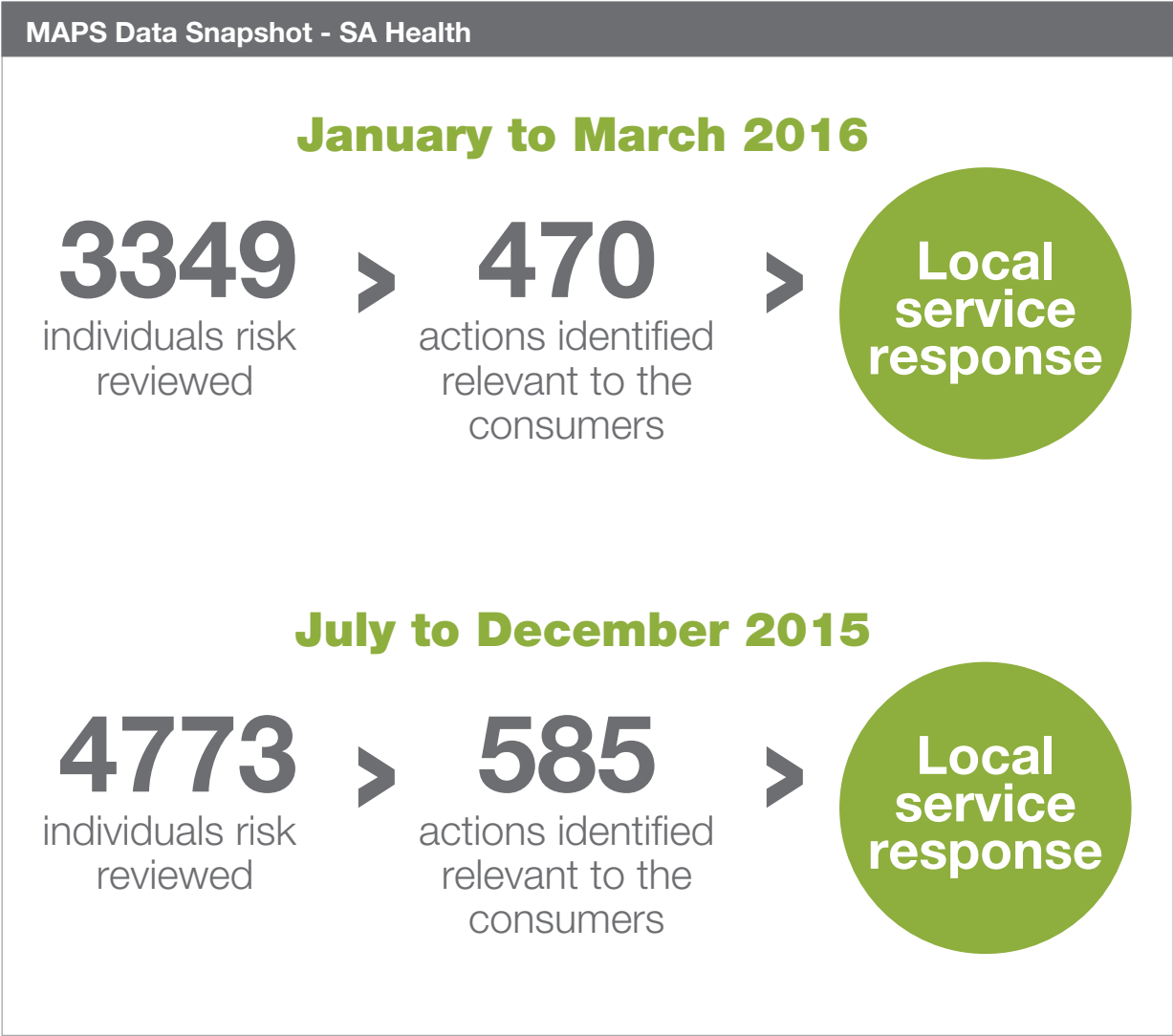
### **Multi-Agency Protection Service**

Through MAPS, staff from SAPOL, DECD (Families SA), SA Health (WCHN/YWSWS), DCSI (Housing SA) and DCS are co-located under the one roof to promote collaboration, information sharing and to provide a coordinated response to high risk domestic violence cases. MAPS enables these staff to work side-by-side and share information, triaging risk following police responses to domestic violence incidents.

It was in November 2013, in response to a proposal by the Commissioner of Police, that the State Government committed to expand its commitment to integrated responses to violence against women and children through the establishment and trial of MAPS. MAPS is an information sharing model to manage domestic violence and child protection matters for the whole of South Australia in a phased model. The aim of MAPS is to reduce the incidents and/or impact of domestic violence and child abuse in the community through information sharing and the issuing of actions to participating agencies.

MAPS commenced operation of Phase 1 in July 2014 with all agencies providing an allocation of staff from within their existing resources. Phase 1 involves examining SAPOL PIRs and DARs, reviewing and sharing information, the production of a Summary Document, which details each participating agency's relevant information holdings, and formulating and distributing actions. Work is progressing to improve the efficiency of process, systems and information technology issues utilised by MAPS.

The below snapshot reports on the work directly undertaken by the SA Health (WCHN) MAPS team in responding to the SAPOL PIRs and DARs that flow into central MAPS. Each PIR or DAR identified to be 'mapped' involves on average five individuals whose risk is reviewed. The SA Health MAPS team provide support to Local Health Networks through case discussion and providing training. It is important to note this does not reflect the response undertaken by SA Health staff at the local service site in their direct contact with victims and perpetrators of domestic violence.



## Domestic Violence Legal and Court Services

As announced in *Taking a Stand*, commencing in 2015 the Women's Domestic Violence Court Assistance Service (WDVCAS) delivered by Victim Support Services (VSS) provides a greater level of support within the court system for victims of violence by providing assistance to women to successfully deal with court systems and increase their access to justice. Legal officers provide free and confidential support and advocate on behalf of women who may have difficulty applying for an intervention order or reporting a breach of an intervention order. The WDVCAS is state wide and operates from the VSS network of metropolitan and regional service centres. The WDVCAS team is located at the VSS office in Adelaide. Women can also access the service via video-link from VSS service centres in Mount Gambier, Murray Bridge, Berri, Port Pirie, Port Augusta, Whyalla and Port Lincoln.

The WDVCAS also addresses particularly difficult circumstances, such as where there may be existing or impending Family Court orders that are at odds with the safety requirements of an intervention order.

A range of legal services support people affected by domestic violence in South Australia. Services are available through South Australia's community legal centres, the Aboriginal Legal Rights Movement, the Legal Services Commission of South Australia and the Family Violence Legal Service Aboriginal Corporation. The Women's Legal Service (SA) provides specialist legal advice and assistance to women in South Australia who experience domestic violence and family law matters.

The Legal Services Commission has assisted domestic violence victims with legal information and advice since the early 1990s. Whilst there is a necessary focus on legal matters, the first priority is a victim's safety and wellbeing. In 2015, the Legal Services Commission was one of 12 legal assistance services providers around Australia selected to receive funding from the Commonwealth to deliver the Commonwealth Government Women's Safety Package. The funding is to provide:

- a health justice partnership project that aims to link abuse victims to legal assistance when they present to healthcare facilities; and
- a specialist domestic violence unit that aims to swiftly provide assistance and advice to domestic violence victims in conjunction with other domestic violence service providers.

Domestic violence victims often first seek help from healthcare professionals. Under the health justice partnership, lawyers work with medical professionals to assist victims of domestic violence when they present to healthcare facilities. Through this partnership, healthcare workers are trained to better identify and respond to domestic violence.

The specialist domestic violence unit is a small team of lawyers, based in Adelaide's north. The lawyers are mobile and can advise victims of domestic violence at hospitals, health units and community centres as well as from a traditional office. Victims face a variety of legal issues, and advice may cover many matters including tenancy, property and debt, parenting and custody matters, intervention orders and other family law matters.

## Family Court Support

Since 2005, the Women's Information Service (part of the Office for Women) has provided a free and confidential Family Court Support Program. Trained volunteers accompany women to the Adelaide Family Court. Volunteers are able to:

- provide information about the Family Court and its processes;
- liaise with security staff at court during proceedings;
- sit with women before and during the hearing;
- offer a listening ear throughout the day at court; and
- introduce women to the Women's Information Service to provide women with information and referrals about other issues, including domestic and sexual violence, housing options, financial matters and health and wellbeing.

## Witness Assistance Service

The Office of the Directors of Public Prosecutions (ODPP) provides a range of practical services and emotional supports to victims of crime and witnesses for the prosecution in the most serious criminal matters in the state via its Witness Assistance Service (WAS).

The WAS employs a team of senior social work professionals (called Witness Assistance Officers) and targets those at increased vulnerability due to the nature of the offences involving them, and due to the nature of their personal or individual circumstances.

The ODPP has successfully piloted a number of strategies to better respond to the increased reporting, investigation and charging of criminal matters involving domestic and family violence including the establishment of:

- the Witness Assistance Service Brief Intervention Team; and
- an Integrated Model of Domestic and Family Violence Practice.

### WAS Brief Intervention Team (BIT) Pilot

In early August 2015, the WAS Team piloted the Witness Assistance Service Brief Intervention Team (the WAS BIT).

The WAS BIT specially prioritises and ‘fast-tracks’ any matter referred to the service that is likely to resolve or not proceed to a criminal trial where:

- an early plea has been entered;
- admissions by the accused have been intimated, made or recorded;
- there is an identified legal issue associated with the matter proceeding to a criminal trial;
- a matter is assessed as having no reasonable prospect of conviction;
- a victim intimates or indicates they do not want the criminal prosecution to proceed;
- a victim indicates they will not attend court or assist the prosecution in taking the matter to a criminal trial.

The WAS BIT strategy was implemented in response to the increasing volume of criminal prosecutions involving serious and high risk domestic and family violence, in circumstances where victims indicate they do not want to pursue the matter before the criminal courts and are seeking to have the criminal charges withdrawn.

Between August 2015 and April 2016, a total of 135 prosecution matters involving victims of crime were prioritised and fast-tracked through the WAS BIT Team, with the overwhelming majority of these (80%) involving domestic and family violence related charges.

The WAS BIT strategy is an important initiative that has resulted in the early triage, engagement and management of victims in serious and high risk domestic and family violence matters at a critical point in the prosecution process. The strategy is practical and preventative in its focus and aims to better manage the risk, safety and child protection outcomes for victims, children and families in domestic and family violence matters in circumstances where criminal charges are unlikely to proceed.

### An Integrated Model of Domestic and Family Violence Practice

In direct response to the increasing volume of criminal prosecutions involving domestic and family violence, the ODPP has adopted a more integrated model and approach to criminal prosecutions involving domestic and family violence that better balances:

- legal obligations to prosecuting such matters before the criminal courts;
- non-legal obligations to the risk, safety and support of victims and children;
- improved interagency collaboration and information sharing practices in prosecution matters involving serious and high risk domestic and family violence.

Despite the increased reporting, investigation and charging of criminal matters involving domestic and family violence, the ODPP continues to see significant numbers of victims (primarily women) who report threats, abuse and violence to SAPOL at the time of the criminal offending, and who later make decisions to not pursue the charges, not assist the ODPP or to withdraw from the criminal prosecution before the courts.

Many of these victims continue to be subjected to ongoing threats, violence and abuse by the offender, are involved in entrenched patterns of ongoing domestic and family violence, and make decisions to return to relationships involving imminent and high risk domestic and family violence involving them and their children.

In addition to the legal obligations and duties undertaken by legal staff in assessing the reasonable prospects of conviction, with the assistance of WAS staff the ODPP has adopted a broader practice of:

- obtaining existing domestic violence risk assessments from SAPOL prior to meeting with the victim;
- accessing information about current interventions and the involvement of domestic and family violence services;
- proactively assessing victims' current and ongoing risk of violence, and risks to others including their children or family members;
- conducting updated risk assessments and providing the outcomes of these to other key services including SAPOL, the Family Safety Framework, MAPS, Domestic and Aboriginal Family Violence Gateway Service and other domestic and family violence services (thereby closing the information sharing loop);
- having clearer discussions with victims about patterns of domestic violence, ongoing risk and the potential of further violence;
- undertaking focused discussions with victims about their ongoing safety planning and future reporting to police;
- making clearer and more direct referrals to domestic and family violence and other services based on the levels of active and imminent risk; and
- making early and timely child protection notifications to Families SA (via the Child Abuse Report Line).

This more integrated practice approach has resulted in the ODPP better attending to both legal and non-legal obligations to victims involved in serious criminal offences involving domestic and family violence, based on practices of improved risk assessment, safety management, interagency collaboration and information sharing.

## Vulnerable Witness Provisions

In South Australia, statutory provisions outlining protections available to witnesses in proceedings for intervention orders are contained in the Act.

There are also vulnerable witness provisions in the *Evidence Act 1929* (SA) and the *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA). These came into operation on 27 June 2016.

### Protections for Witnesses in Intervention Order Proceedings

Under the Act, during court proceedings relating to the making of an intervention order, special arrangements may be put in place about examination-in-chief, cross-examination or re-examination. The special arrangements can be put in place to protect a person who is a witness and against whom it is alleged the defendant has committed or might commit an act of abuse. In addition, the special arrangements can also be applied to a child who allegedly may have been exposed to the effects of an act of abuse committed by the defendant against a person. Special arrangements may include, but are not limited to:

- transmission of evidence by Closed Circuit Television (CCTV);
- replaying an audio visual record of the evidence;
- providing a screen or partition;
- preventing the defendant from seeing and hearing the vulnerable witness while giving evidence;
- allowing the witness to be accompanied by a relative, friend or other person for emotional support; and
- if the witness suffers from a physical disability or cognitive impairment, allowing evidence to be taken in a particular way to minimise embarrassment or distress.

Recording of evidence is available to the evidence of a witness as a whole or to particular aspects of their evidence, such as, cross-examination and re-examination. The Act also provides that cross-examination of a witness, against whom it is alleged the defendant has committed or might commit an act of abuse, is to be conducted either by counsel, or, if the defendant is unrepresented, by submitting questions to the judge who will only ask the questions 'determined to be allowable,' or in a manner otherwise directed by the court.

These same provisions apply for children who are witnesses who it is alleged have been (or might be) exposed to the effects of an act of abuse committed by the defendant against another person.

### Protections for Witnesses in Criminal Proceedings

Appendix 3 provides details as to the provisions contained within other legislation, such as the *Evidence Act 1929* (SA), designed to protect vulnerable witnesses in criminal proceedings. These provisions apply to victims and witnesses in cases where the offence committed was also an act of domestic violence.

## Safe at Home

Responses to violence are now informed by a commitment to *Safe at Home* policy frameworks. This means that policies need to improve the safety of women who have separated from abusive partners, support women and their children to stay in their own homes when safe and appropriate, deter perpetrators from re-offending and facilitate the collection of admissible evidence to improve justice responses.

Following a recent increase in funding from the Commonwealth Government to support women and children at high risk of experiencing domestic violence, South Australia has been able to expand the services provided to women and children experiencing domestic violence. In particular, additional funding has been secured to expand the State Government funded state wide Staying Home Staying Safe (SHSS) Program, which is delivered by the VSS in partnership with Housing SA.



The SHSS Program delivered by VSS is a security upgrade program for women and children who have been affected by domestic and family violence and want to remain in their own home. The SHSS Program helps women who are at risk of homelessness because of domestic abuse by providing free home safety audits and tailored home security packages, including the installation of locks, sensor lights, and alarms. VSS also provides women and their children with safety planning assistance.

The additional Commonwealth funding of \$1.6 million over three years will enable the SHSS Program to increase the number and type of security items fitted to victims' properties to assist women and children who want to remain living safely in their home after a domestic violence incident. The additional funding will allow for increased provision of CCTV monitoring and cameras, home-based duress alarms, and the development of safety applications on smart phones.

## **Domestic Violence and Housing and Homelessness Support**

The Government is committed to empowering victims to leave violence, and when safe and appropriate, remain safely living in their homes, connected to families, schools and communities. Housing SA staff work closely with specialist homelessness service providers, SAPOL, Families SA and other key stakeholders to coordinate services and ensure victims of domestic and family violence have access to safe and secure housing and quality support.

Housing SA is increasingly working with women and children impacted by domestic and family violence. Women and children are being identified for support and safety planning through intervention order management, Housing SA's Risk Identification Tool and MAPS. As at 31 December 2015, there have been 38,808 people entered into the Intervention Order Management System and of those, 62% (23,955) are people who seek services from Housing SA, either as a tenant or those who have accessed our private rental and bond assistance. In addition, 91% of intervention orders that are responded to by Housing SA involve domestic or Aboriginal family violence.

When Housing SA identifies people who experience or are at risk of domestic violence, staff with specialist skills engage with women and children to ensure that their safety and support needs are being met. Often Housing SA will engage other specialist agencies, and for women and children at high risk and imminent danger, Housing SA works closely with SAPOL and the Family Safety Framework.

For those who are among the 40,000 tenants and at risk of domestic and family violence, Housing SA will install security items to their property to support them to remain safely within their home. Security items include security doors, security locks to front and rear doors, window locks and security screens to windows. The provision of security items aims to reduce the disruption from having to vacate a property and take up temporary accommodation or shelter.

If the lease agreement is in the perpetrator's name, Housing SA works with the South Australian Civil and Administrative Tribunal (SACAT) to place the lease into the protected person's (usually the woman's) name.

Housing SA also works within a system that includes multiple service providers working together to deliver tailored housing solutions for people impacted by domestic violence within the broader community. In emergency situations, Housing SA provides financial assistance to families to access emergency accommodation, and Housing SA funds the Specialist Homelessness Services Sector to provide accommodation, safety and risk assessments, case management, support and the supply of essential items (e.g. nappies and food). In 2014 -2015, Domestic and Aboriginal Family Violence Services supported 766 clients in emergency (motel) accommodation via financial support from Housing SA. Housing SA then prioritises women and children in crisis to access longer term accommodation through their private rental, public housing and Aboriginal housing assistance programs.

## Homelessness Services Sector

Services responding to the safety of people experiencing domestic violence in South Australia, including women and their children, are primarily funded through the National Affordable Housing Agreement (NAHA) and NPAH. For 2016-17, these agreements deliver a total of \$59.9 million dollars comprising \$41.1 million NAHA; and \$18.8 million NPAH. This funding is South Australia's primary response to reducing homelessness. In 2015-16 \$12.844 million (22.2%) of this money was provided to domestic violence specific services to support victims of domestic and family violence who were homeless or at risk of homelessness.

This funding is administered to government and non-government agencies by Housing SA.

In 2009-10, South Australia reformed the way it delivered services responding to homeless people and those at risk. This reform had a primary focus to strengthen the safety responses to women and children experiencing domestic violence. These reforms achieved increased and specialised service responses to the growing number of women and their children who were leaving their homes and becoming homeless as a direct result of domestic and Aboriginal family violence.

Whilst these reforms acknowledged and supported the need for specialist responses to domestic and Aboriginal family violence, they also recognised the fact that over a third of those women and children experiencing domestic and family violence who access homelessness services, do so from non-specialist domestic violence services. In response to this, an integrated 'no wrong door' approach to responding to women and children experiencing domestic and family violence was established in order to maximise access and improve safety.

In 2014-15, there were 22,832 people assisted by homelessness services in South Australia of which 8,075 (35%) people (6,123 women and 1,952 children 0-14 years) reported as experiencing domestic violence.

Of this group of people:

- 62% (4,983 people) only sought assistance from a domestic violence specific service, 16% (1,313 people) sought assistance from both a domestic violence specific and a non-domestic violence specific service, while 22% (1,779 people) only sought assistance from a non-domestic violence specific service;
- of the 1,952 children experiencing domestic or family violence, 74% (1,441 children) only accessed domestic violence specific services, 10% (190 children) accessed both a domestic violence specific and a non-domestic violence specific services, while 16% (312 children) only accessed assistance from non-domestic violence specific services; and
- 24% identified as Aboriginal and/or Torres Strait Islander.

In South Australia, there are 73 specialist homelessness and domestic and Aboriginal family violence programs delivered across 97 outlets in South Australia, mostly through non-government partners. These services are delivered across four specialised areas:

- domestic and Aboriginal family violence;
- young people;
- Aboriginal and/or Torres Strait Islander; and
- generic services (single adults and families, and a catch-all service in areas of smaller population).

To maximise access to these services, South Australia operates a 'no wrong door' approach to service access.

There are currently three Service Gateways:

- Domestic and Aboriginal Family Violence Gateway (9am-5pm, weekdays);
- Youth Gateway (9am-5pm, weekdays); and
- Homelessness (Generic) Gateway (24 hours, seven days per week).

These gateways provide information, support, risk assessment and counselling to victims seeking support, and directly connect people to other services for ongoing support. The Domestic and Aboriginal Family Violence Gateway also provides connection to broader services delivered through the courts and police to maximise immediate responses to protect those experiencing domestic violence and maximise their safety.

In addition to these three Service Gateways, people experiencing domestic violence can also access domestic violence specialist services by making contact with any one of the 97 service outlets state wide. All these services are connected to each other through an integrated referral and case management system called Homeless to Home. This system enables victims to only have to tell their story once to get the services they need – even if they need to access multiple services from different programs over time.

## Children

Children aged 0-14 years accounted for almost a quarter (1,952) of those who were experiencing domestic violence who were assisted by the homelessness services sector during 2014-15. To ensure each child's individual support needs are met, homelessness service providers are required to assess each child as a client in their own right and, where required, develop specialist child-focused case plans. For example, a number of homelessness agencies also provide dedicated services and support for children affected by domestic violence and homelessness through the Together 4 Kids Program. This program provides individual and group support for children aged 0-12 years who are experiencing, or at risk of, homelessness. Therapeutic interventions take place within structured playgroups for children aged 0-5 years, and in the form of specialised case management for those children aged 0-12 years with particularly high and complex needs.

South Australia also secured Commonwealth funding of \$150,000 per annum over three years for a new Local Support Coordinator (LSC) to identify and respond to homelessness and domestic violence in Southern Adelaide. The LSC will provide specialist casework support to women aged 15 to 24 years, including Aboriginal women who are victims of domestic violence and/or sexual assault, and high risk young people under the Guardianship of the Minister. The LSC will develop partnerships with service providers, and will be a part of Housing SA's Regional Response Team at the Southern Adelaide office.

## Supporting Aboriginal Family Violence Services

Housing SA, in partnership with the Office for Women and the domestic and Aboriginal family violence service sector, has undertaken significant reform of the sector. The reform process aimed to:

- create a state wide strategic response to women and their children who are victims of domestic violence; and
- complement legislative reforms and provide support to women and their children to remain in their homes whenever it is safe to do so.

With the reform came significant new investment in domestic and Aboriginal family violence support and accommodation services, including an increase in funding of \$15 million to the sector and an additional 120 stimulus properties.

Outcomes include:

- consistent services for victims of domestic and Aboriginal family violence across the state;
- the state wide Domestic and Aboriginal Family Violence Gateway Service (also discussed above) complemented by a weekend, public holiday and after hours service through the Homelessness Gateway Service to provide 24 hour, seven day a week telephone information, advice, support and assessment and referrals to regional services;
- Domestic Violence Safety Packages to provide advice and safety products to women who are victims of violence to enable them to remain safely in their own homes;
- a state wide CALD Domestic Violence service to provide specialised support to women and their children from CALD backgrounds complemented by an 8% target for women and their children from backgrounds for all regional domestic violence services; and
- 120 new stimulus housing properties for women and their children who are victims of domestic violence.

The current Specialist Homelessness Services sector comprises 40 government and non-government organisations providing 75 programs through 97 service outlets across the state. The Domestic and Aboriginal Family Violence Services account for 21 of these programs. According to Homeless 2 Home Database data from July 2013 to June 2014, 38% of people have experienced domestic and family violence across all specialist homelessness services.

Between 1 July 2015 and 31 March 2016, Specialist Homelessness Services assisted 1,698 clients who reported experiencing domestic or family violence and identified as Aboriginal or Torres Strait Islander.

In addition to the above Specialist Homelessness Services, DCSI delivers the Kurlana Tangkuinya 'New Dreams' Program, which provides Aboriginal women and children who experience family violence with safe housing and support to participate in employment, education, training and school. Housing support is integrated with economic participation outcomes, and clients are provided with a six-month lease that is extended every six months subject to their ability to actively participate in the program. Kurlana Tangkuinya is a Housing SA economic participation project.

To support the program, a number of agencies have agreed to partner with Housing SA to refer clients to the program and once accepted, work together with Kurlana Tangkuinya to support them in their participation pathway. Key partners include the University of Adelaide, Workskil SA, TAFE SA, the University of South Australia, and Tauondi Aboriginal College.

To ensure the program continues to offer a culturally appropriate service, Aboriginal people have been engaged to design and deliver project outcomes, including the participation of people from Aboriginal and/or Torres Strait Islander backgrounds in the project's management and working groups.

It is intended that the program will provide a minimum of 16 housing outcomes in metropolitan Adelaide over three years from 2015-16 to 2017-18.

## Tenancy Assistance

In 2015, new laws were put in place to protect victims of domestic violence who are renting their homes. Amendments to the *Residential Tenancies Act 1995* (SA) commenced on 10 December 2015 to assist people living with their abusive partners in rental properties to terminate rental agreements so they can leave the abusive relationship without suffering the financial hardship of continuing to be liable for rent.

The changes mean that a victim of domestic violence can apply to SACAT for an order to terminate the lease on a rental property they share with abusive partners without facing further financial penalties. Orders can also be made:

- allowing the victim to remain in the property without the perpetrator;
- stopping the landlord from listing your details on a Residential Tenancy Database (tenant 'blacklist') for damage caused by the perpetrator;
- determining how the bond will be refunded.

Without these laws there was always a chance that a victim who had left a shared rental home would continue to be liable for rental payments and liable for damage caused to a property by an abusive partner even after they had fled for their safety or the safety of their children.

## Domestic Violence Response Review

The State Government has introduced an ongoing Domestic Violence Response Review (DVRR). This enables a detailed response systems analysis in instances where a domestic violence service provider does not believe the most appropriate responses to their clients have been implemented. It is designed to increase accountability within the South Australian Government to direct services providers and facilitate an escalation of issues where there have been process flaws or gaps in the response of a Government agency to domestic violence. The DVRR may at times refer issues to the Family Safety Framework or MAPS to gather further information and facilitate positive safety action planning.

The DVRR is implemented by a Senior Policy Officer within the Office for Women, and is accountable to the DVRR Advisory Committee. The DVRR Advisory Committee consists of representatives from key agencies to discuss agency systems and examine service development to improve outcomes for victims of domestic and family violence.

## Domestic Violence Courts and Perpetrator Treatment Programs

### Court Mandated Programs

There is an intervention program that operates through the South Australian Magistrates Court via the Family Violence Court, called the Abuse Prevention Program.

The Family Violence Courts operate in every Magistrates Court in the metropolitan area and in Port Augusta, Murray Bridge and Mount Gambier. The Family Violence Courts deal with matters relating to applications for intervention orders, and a case manager from the Abuse Prevention Program attends each hearing and accepts referrals from the court.

While perpetrators of abuse can be in various different types of relationships with victims, the overwhelming majority of intervention orders are made out against men for the protection of their female partner or ex-partner and children. As part of the intergovernmental response model to enhance and ensure the safety and protection of women and children from domestic violence, the CAA established the Abuse Prevention Program for men issued with an intervention order and facing charges for domestic violence related offences. Men can also be referred to the program under the *Bail Act 1985* (SA) as an alternative to the court making participation a condition of the intervention order.

The CAA funds the community services sector to deliver a range of programs to address the different needs of the men referred by the court through the Abuse Prevention Program and these programs are called Domestic Violence Prevention Programs. There are places for approximately 300 men per 12-month period. In the Adelaide metropolitan area there is the Bringing Peace to Relationships Program which takes a minimum of 24 weeks to complete. There is also a 12-week program called Safe Relationships. There is a 12-week program run for Aboriginal men by Kornar Winmil Yunti (KWY) and 8-10 individual counselling sessions are available for men who cannot participate in the group sessions, due to language or literacy issues or other reasons. Men from CALD backgrounds can receive counselling based intervention using the assistance of accredited interpreters.

As noted above, with Family Violence Courts operating at Port Augusta, Murray Bridge and Mount Gambier, men can be referred from these courts to a Domestic Violence Prevention Program. The Women's Safety Contact Program also operates in these regions to provide support for the partners or ex-partners of the men who are referred.

At Port Augusta, a three-day intensive group program for Aboriginal men living in or around the regional centre of Port Augusta, can be run on a monthly basis if there are a minimum of four men and up to a maximum of 12. Individual counselling sessions are also available on a monthly basis for Aboriginal and non-Aboriginal men.

Men referred from the Murray Bridge and Mount Gambier Family Violence Court may be referred to individual counselling sessions and there is flexibility to run a group program in these locations if sufficient numbers of men are referred. The Safe Relationships group program commenced in Mount Gambier in April 2016.

The CAA has collated the following data concerning the Abuse Prevention Program. Up to December 2015, 1,793 men were referred to an Abuse Prevention Program, of which 861 (48%) were accepted.

Of the 861 accepted into the program, as at December 2015 there were:

- 100 still in progress; and
- 761 listed as finalised.

However, of the 761 noted as finalised participants, only 34% (296 men) had completed a program. The remaining 465 men did not complete a program.

Table 7 below lists the details of the 465 men who did not complete the program. Some were removed due to disruptive behaviour, others because they were in custody. In some cases the intervention order was dismissed or revoked, meaning the person was no longer required to attend.

**Table 7: Reasons for Non-Completion of Abuse Prevention Program**

Method of Finalisation	Number	%
REMOVED from Program for:		
Nonattendance	204	87.9
Poor performance, disruptive behaviour	9	3.9
Other (e.g. warrant issued, in custody)	19	8.2
Total REMOVED	232	100
DID NOT COMPLETE Program:		
Order dismissed/revoked/withdrawn or contested	76	32.6
No condition on interim order/condition removed by Magistrate	69	29.6
Not suitable (e.g. poor literacy, mental health issues, illness, in rehabilitation )	31	13.3
Work/study/child care commitments	27	11.6
Referred to another program/counselling	14	6.0
Moved outside of metropolitan boundary	13	5.6
Other (e.g. deported, died)	3	1.3
<b>TOTAL DID NOT COMPLETE</b>	<b>233</b>	<b>100</b>

Table 8 below indicates the number of referrals made by courts to the Abuse Prevention Program. Table 8 considered together with the data provided in Tables 5 and 6 above tends to indicate that rates of referral to the Abuse Prevention Program vary between court locations.

**Table 8: Source of referral to Abuse Prevention Program**

Court	Number
Adelaide Magistrates Court	607
Elizabeth Magistrates Court	355
Christies Beach Magistrates Court	284
Holden Hill Magistrates Court	284
Port Adelaide Magistrates Court	131
Port Augusta Magistrates Court	54
Mount Barker Magistrates Court	42
Whyalla Magistrates Court	12
Murray Bridge Magistrates Court	10
Victor Harbor Magistrates Court	10
Mt Gambier Magistrates Court	4
<b>TOTAL</b>	<b>1,793</b>

Topic 6 of this Discussion Paper asks readers to consider whether the current intervention programs available are sufficient to meet the needs of defendants. This consideration should be extended to whether the compliance rate of defendants can be improved.

Otherwise, as asked on page 43 (see 'The Corrections System'), are there more responses that address the attitudes of perpetrators and target the underlying causes of domestic violence, including within Aboriginal and CALD communities?

## Correctional Services Programs

A key element of the DCS response to domestic violence is the provision of domestic and family violence behaviour change programs to offenders.

Current programs include:

- the Domestic and Family Violence Intervention Program (DFVIP);
- the Cross Borders Indigenous Family Violence Program;
- the Violence Prevention Program (VPP); and
- the Sexual Behaviours Clinic (SBC and SBC-me) Programs.

The DFIGP is a 10-week men's behaviour change program that aims to address violent and abusive behaviours within spousal relationships, whether the victim is a current or past partner. The core philosophy underlying the program is that the safety of women and children is paramount. In addition to addressing the needs of the perpetrators of violence, a support service is provided by the Central Domestic Violence Service to the partners and ex-partners of the program participants. There are six modules to the course comprising:

- Responsibility Taking
- Dangerous Thinking
- Cycles of Abuse
- Safe Relationships
- Effects for Children
- Safety Planning

DCS also contracts the Cross Borders Indigenous Family Violence Programs (with support from the Department for Corrective Services in Western Australia and the Northern Territory Department of Correctional Services) to deliver a four-week family violence perpetrator program in the NPY Lands (the Cross Borders Program).

The central tenet of the Cross Borders Program concerns the criminality of family violence. Participants are continuously reminded that violence is a crime and unacceptable. Participant's beliefs, attitudes and behaviour are challenged in a non-threatening manner so they take responsibility for their thoughts, feelings and behaviour. The program began in 2007 and now 74 programs have been delivered in 13 communities with 449 men successfully completing the program. A further seven programs have been delivered to 65 men incarcerated in the Port Augusta and Alice Springs prisons.

The Cross Borders Program addresses Aboriginal family violence, personal values and beliefs, cultural context of violence, intergenerational aspects of violence, the law and family violence, recognising and responding appropriately to anger, violence and substance abuse, motivation to change and changing controlling behaviours, abuse of power, dynamics of family violence, functional self-talk, relationships, taking responsibility for own behaviours and resolving conflict without violence and change. The program duration is 15 four-hour sessions.

The current funding agreement with the Department of Prime Minister and Cabinet concludes on 30 June 2018.

DCS also facilitates several other rehabilitation programs that are not targeted specifically to domestic and family violence perpetrators, but may include such offenders.

The VPP is a nine-month intensive offender rehabilitation program for medium and high risk violent offenders. The VPP focuses on reducing cognitions and attitudes that are supportive of violent behaviour through cognitive behavioural therapy. The VPP comprises the following nine modules:

- Orientation
- Mindfulness
- Distress Tolerance
- Offence Mapping
- Core Beliefs
- Problem Thinking
- Emotion Regulation
- Relationships
- Safety Planning

The SBC is a nine-month intensive offender rehabilitation program for medium and high risk sexual offenders. The SBC focuses on reducing cognitions and attitudes that are supportive of sexualised offending behaviour. The SBC comprises the following eight modules:

- Self-Management Part 1 and 2
- Cognitive Distortions
- Emotion Management
- Intimacy
- Deviant Sexual Arousal
- Relationships
- Empathy
- Self-Management Part 3 and 4

The SBC-Me is tailored to meet the needs of sexual offenders who have an identified neuropsychological, cognitive or intellectual issue that would prevent them from fully engaging in the SBC.

There is a measure of complexity when considering the efficacy of perpetrator programs. To date, policy development in the violence against women space has necessarily been concerned with victims and their safety. Moving forward, there is an ongoing need to ensure that perpetrator programs are appropriate, culturally relevant and evaluated.

## **Youth Justice**

DCSI recognises the opportunity to utilise knowledge and expertise already in DCSI to develop service responses within Youth Justice, which target young people who are perpetrators of intimate partner and family violence. Service response development takes account of the fact that young people are also at higher risk of being victims of child abuse and domestic violence, in particular amongst young people from Aboriginal and CALD communities, young women, and young people who have a disability. As such, the needs of young people in the justice system are diverse and necessitate an individualised response, to best equip them to desist from future violence toward their partners, siblings, parents and other family members. Such responses are most effective when based upon accurate and timely structured risk assessment, case formulation, targeted intervention planning and collaboration with other service agencies.



## Coronial Domestic Violence Information System

Commencing in January 2011, the Office for Women, in partnership with the South Australian Coroner's Office, established a Senior Research Officer (Domestic Violence) position, to research and investigate open and closed deaths related to domestic violence in South Australia. The position identifies domestic violence issues, contexts, relevant service systems and issues while investigating the adequacy of responses and assisting the Coroner's Court to undertake relevant Coronial Inquests.

This work provides a unique opportunity, through collaboration with the Coroner's Court, to capture a range of previously unavailable data in relation to domestic violence. This position maintains a purpose built Coronial Domestic Violence Information System (CDVIS). The CDVIS is capable of housing both incident and historic victim and perpetrator related information. The collection of this data aims to assist in identifying factors that are most prevalent or unique, to contribute to the development of a South Australian and national evidence base about deaths occurring in a domestic violence context, coronial investigations involving a death in a domestic violence context as well as those that result in an Inquest.

The development of a robust database capturing this information will also support the development of preventative strategies in South Australia. This information will be released in the Annual Report of the State Coroner.

## National Domestic Violence Order Scheme

Reducing violence against women is a priority item on the COAG agenda. At the December 2015 meeting, leaders agreed to introduce model legislation for a national domestic violence order scheme (the NDVOS) so that domestic violence orders (DVOs) issued in one state will be automatically recognised in all others.

All states and territories have legislation that allows for the issue of an order to provide protection for victims of domestic violence. Each jurisdiction's legislation also has a provision that allows DVOs from one jurisdiction to be registered and enforced in another jurisdiction. Once registered, the DVO is recognised and enforceable as if it had been made there.

This is largely an administrative process, however it is recognised that for victims this is an additional process that may be stressful as it involves some contact with the court system. Indeed, some victims may simply choose not to register their DVO in the new jurisdiction for fear of the perpetrator finding out that they have moved.

The aim of the NDVOS is to increase protection for victims of domestic violence across Australian borders by providing for the automatic recognition and enforcement of DVOs across Australia. This removes the need for individuals to register their DVO in a new jurisdiction.

Model legislation has been developed to underpin the NDVOS. States and territories (apart from NSW who has passed the *Crimes (Domestic and Personal Violence) Amendment (National Domestic Violence Orders Recognition) Act 2016*) are in the process of drafting this legislation for introduction into their respective parliaments.

The South Australian Intervention Orders (Prevention of Abuse) (Recognition of National Domestic Violence Orders) Amendment Bill 2016, which seeks to give effect to the model legislation in South Australia, is currently before the South Australian Parliament.

States and territories are also working with the Commonwealth to develop a comprehensive national DVO information sharing system that police and courts will be able to use for evidentiary purposes or to enforce DVOs. This national system will take several years to develop and implement across Australia. In the meantime, an interim information sharing system is currently being established to provide police and courts with information on all DVOs that have been issued.

## Council of Australian Governments

The work in South Australia must be placed within the context of work being done through COAG and elsewhere on a national level including the interaction between the Commonwealth family law system and the state and territory systems for making family violence orders (being intervention orders in South Australia).

Reducing violence against women and their children has been on the COAG agenda since April 2015 and in this time, COAG has taken action to:

- consider national outcome standards for perpetrator interventions;
- consider actions to limit technology-facilitated abuse;
- implement the NDVOS so DVOs issued in one state will be recognised nationally;
- implement a comprehensive national DVO information sharing system that police and courts will be able to use for evidentiary purposes or to enforce DVOs;
- develop a \$30 million national campaign to reduce violence against women and their children; and
- organise a national summit on preventing violence against women and their children in the last quarter of 2016 to profile best practice and review progress.

COAG established an 11-member Advisory Panel on Reducing Violence against Women and their Children to:

- provide a high level assessment of current Commonwealth, state and territory approaches and identify areas for further national leadership to COAG;
- provide further advice on the implementation of the three COAG priority work areas: the NDVOS model laws and information sharing system, the national outcome standards on perpetrator interventions to hold perpetrators to account, and strategies to keep women safe from technology facilitated abuse;
- deliver advice to COAG in relation to the future direction of the National Plan.

The Advisory Panel identified six areas for further joint action by Commonwealth and state and territory action:

- national leadership to challenge gender inequality and transform community attitudes;
- empowering women who experience violence to make informed choices;
- recognising children and young people as victims of violence against women;
- holding perpetrators to account for their actions and supporting them to change;
- providing trauma-informed responses to violence for Aboriginal and/or Torres Strait Islander communities; and
- providing integrated responses to keep women and their children safe.

Jurisdictions will consider the recommendations in each of these areas in developing the Third Action Plan of the National Plan throughout 2016.

Under the National Plan, all jurisdictions are committed to reporting on progress against the National Outcomes of the Action Plans. Public reporting is an opportunity to highlight engagement, collaborative efforts and progress across all jurisdictions and the non-government sector in reducing violence against women and their children and to communicate with the community more broadly about commitment and progress under the National Plan.

# Appendix 1: Extract from Intervention Orders (Prevention of Abuse) Act 2009 (SA)

## Section 8 Meaning of abuse – domestic and non-domestic

(1) Abuse may take many forms including physical, sexual, emotional, psychological or economic abuse.

(2) An act is an act of abuse against a person if it results in or is intended to result in—

- (a) physical injury; or
- (b) emotional or psychological harm; or
- (c) an unreasonable and non-consensual denial of financial, social or personal autonomy; or
- (d) damage to property in the ownership or possession of the person or used or otherwise enjoyed by the person.

(3) Emotional or psychological harm includes—

- (a) mental illness; and
- (b) nervous shock; and
- (c) distress, anxiety, or fear, that is more than trivial.

(4) Emotional or psychological harm—examples

Without limiting subsection (2)(b), an act of abuse against a person resulting in emotional or psychological harm may be comprised of any of the following:

- (a) sexually assaulting the person or engaging in behaviour designed to coerce the person to engage in sexual activity;
- (b) unlawfully depriving the person of his or her liberty;
- (c) driving a vehicle in a reckless or dangerous manner while the person is a passenger in the vehicle;
- (d) causing the death of, or injury to, an animal;
- (e) following the person;
- (f) loitering outside the place of residence of the person or some other place frequented by the person;
- (g) entering or interfering with property in the possession of the person;
- (h) giving or sending offensive material to the person, or leaving offensive material where it will be found by, given to or brought to the attention of the person;
- (i) publishing or transmitting offensive material by means of the Internet or some other form of electronic communication in such a way that the offensive material will be found by, or brought to the attention of, the person;
- (j) communicating with the person, or to others about the person, by way of mail, telephone (including associated technology), fax or the Internet or some other form of electronic communication in a manner that could reasonably be expected to cause emotional or psychological harm to the person;
- (k) keeping the person under surveillance;
- (l) directing racial or other derogatory taunts at the person;
- (m) threatening to withhold the person's medication or prevent the person accessing necessary medical equipment or treatment;
- (n) threatening to institutionalise the person;
- (o) threatening to withdraw care on which the person is dependent;
- (p) otherwise threatening to cause the person physical injury, emotional or psychological harm or an unreasonable and non-consensual denial of financial, social or domestic autonomy or to cause damage to property in the ownership or possession of the person or used or otherwise enjoyed by the person.

(5) Unreasonable and non-consensual denial of financial, social or personal autonomy—examples

Without limiting subsection (2)(c), an act of abuse against a person resulting in an unreasonable and non-consensual denial of financial, social or personal autonomy may be comprised of any of the following:

- (a) denying the person the financial autonomy that the person would have had but for the act of abuse;
- (b) withholding the financial support necessary for meeting the reasonable living expenses of the person (or any other person living with, or dependent on, the person) in circumstances in which the person is dependent on the financial support to meet those living expenses;
- (c) without lawful excuse, preventing the person from having access to joint financial assets for the purposes of meeting normal household expenses;
- (d) preventing the person from seeking or keeping employment;
- (e) causing the person through coercion or deception to—
  - (i) relinquish control over assets or income; or
  - (ii) claim social security payments; or
  - (iii) sign a power of attorney enabling the person's finances to be managed by another person; or
  - (iv) sign a contract for the purchase of goods or services; or
  - (v) sign a contract for the provision of finance; or
  - (vi) sign a contract of guarantee; or
  - (vii) sign any legal document for the establishment or operation of a business;
- (f) without permission, removing or keeping property that is in the ownership or possession of the person or used or otherwise enjoyed by the person;
- (g) disposing of property owned by the person, or owned jointly with the person, against the person's wishes and without lawful excuse;
- (h) preventing the person from making or keeping connections with the person's family, friends or cultural group, from participating in cultural or spiritual ceremonies or practices, or from expressing the person's cultural identity;
- (i) exercising an unreasonable level of control and domination over the daily life of the person.

(6) If a defendant commits an act of abuse against a person, or threatens to do so, in order to cause emotional or psychological harm to another person or to deny another person financial, social or personal autonomy, the defendant commits an act of abuse against that other person.

(7) A defendant may commit an act of abuse by causing or allowing another person to commit the act or to take part in the commission of the act.

(8) If the act of abuse is committed by a defendant against a person with whom the defendant is or was formerly in a relationship, it is referred to in this Act as an act of domestic abuse; and for that purpose, 2 persons are in a relationship if—

- (a) they are married to each other; or
- (b) they are domestic partners; or
- (c) they are in some other form of intimate personal relationship in which their lives are interrelated and the actions of 1 affects the other; or
- (d) 1 is the child, stepchild or grandchild, or is under the guardianship, of the other (regardless of age); or
- (e) 1 is a child, stepchild or grandchild, or is under the guardianship, of a person who is or was formerly in a relationship with the other under paragraph (a), (b) or (c) (regardless of age); or
- (f) 1 is a child and the other is a person who acts in loco parentis in relation to the child; or
- (g) 1 is a child who normally or regularly resides or stays with the other; or

- (h) they are brothers or sisters or brother and sister; or
- (i) they are otherwise related to each other by or through blood, marriage, a domestic partnership or adoption; or
- (j) they are related according to Aboriginal or Torres Strait Islander kinship rules or are both members of some other culturally recognised family group; or
- (k) 1 is the carer (within the meaning of the Carers Recognition Act 2005) of the other.

(9) An act of abuse may be committed by a defendant against a person with whom the defendant is not, and was not formerly, in a relationship (including in circumstances where the defendant imagines such a relationship) and such an act of abuse is referred to in this Act as an act of non-domestic abuse.

## Appendix 2: ANROWS Fast Facts



**Violence against women: key statistics**

Research from the 2012 ABS Personal Safety Survey and Australian Institute of Criminology shows that both men and women in Australia experience substantial levels of violence.

Domestic and sexual violence is overwhelmingly committed by men against women.

89 women were killed by their current or former partner between 2008-10. *This equates to nearly one woman every week.*

**Rates of violence against women and men**

Since the age of 15:

Statistic	Women	Men
Sexual violence	1 in 5	1 in 22
Physical or sexual violence from a current or former partner	1 in 6	1 in 19
Emotional abuse by a current or former partner	1 in 4	1 in 7
Physical violence	1 in 3	1 in 2

**It is more likely for a person to experience violence from a male rather than a female perpetrator.**

Over 3 times as many people experienced violence from a male.

For more information on how to prevent violence against women, or for media comment visit [www.preventviolence.org.au](http://www.preventviolence.org.au)

For more information and research about violence against women visit [www.anrows.org.au](http://www.anrows.org.au)

If you are experiencing domestic and family violence, or have experienced sexual assault, seek support, call 1800 RESPECT (1800 737 732).

**FOUNDATION TO PREVENT VIOLENCE**  
against women and their children

**ANROWS** AUSTRALIA'S NATIONAL RESEARCH ORGANISATION FOR WOMEN'S SAFETY  
*to Reduce Violence against Women & their Children*

# Violence against women: key statistics

## RATES OF VIOLENCE AGAINST WOMEN & MEN

SINCE THE AGE OF 15:



**1 in 5**

Australian women had experienced **sexual violence**



**1 in 6**

Australian women had experienced **physical or sexual violence** from a current or former partner



**1 in 4**

Australian women had experienced **emotional abuse** by a current or former partner



**1 in 3**

Australian women had experienced **physical violence**

**1 in 22**

Australian men had experienced **sexual violence**



**1 in 19**

Australian men had experienced **physical or sexual violence** from a current or former partner



**1 in 7**

Australian men had experienced **emotional abuse** by a current or former partner



**1 in 2**

Australian men had experienced **physical violence**



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Information has been sourced from the ABS. Produced by The Foundation to Prevent Violence Against Women and their Children ([www.preventviolence.org.au](http://www.preventviolence.org.au)) and ANROWS ([www.anrows.org.au](http://www.anrows.org.au)).

FOUNDATION TO PREVENT VIOLENCE  
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AUSTRALIA'S NATIONAL RESEARCH  
ORGANISATION FOR WOMEN'S SAFETY  
to Reduce Violence against Women & their Children

## Violence against women: key statistics

Research from the 2012 ABS Personal Safety Survey shows that both men and women in Australia experience substantial levels of violence.

Australian women are most likely to experience physical and sexual violence in their home, at the hands of a male current or ex-partner.



36% of women had experienced physical or sexual violence from someone they knew.



15% of women had experienced physical or sexual violence from an ex-partner (the most likely type of known perpetrator for a female victim).



For 62% of the women who had experienced physical assault by a male perpetrator, the most recent incident was in their home.

## Women's experiences of violence

Australian women are most likely to experience physical and sexual violence in their home, at the hands of a male current or ex-partner. Of women who had experienced violence from an ex-partner:



73% had experienced more than one incident of violence.



61% had children in their care when the violence occurred, including 48% who stated the children had seen and heard the violence.



58% had never contacted the police.



24% had never sought advice or support.



Australian women are more likely to be sexually assaulted by a person they know than a stranger. Young women are particularly vulnerable to sexual assault.

Of all Australian women, 15% had been sexually assaulted by a person they knew, since the age of 15. 3.8% had been sexually assaulted by a stranger.

For more information on how to prevent violence against women, or for media comment visit [www.preventviolence.org.au](http://www.preventviolence.org.au)

For more information and research about violence against women visit [www.anrows.org.au](http://www.anrows.org.au)  
If you are experiencing domestic and family violence, or have experienced sexual assault, seek support, call 1800 RESPECT (1800 737 732).

FOUNDATION TO PREVENT VIOLENCE  
against women and their children

ANROWS

AUSTRALIA'S NATIONAL RESEARCH  
ORGANISATION FOR WOMEN'S SAFETY  
*to Better Protect against Women of their Children*



# Violence against women: key statistics

## WOMEN'S EXPERIENCES OF VIOLENCE



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15% of women had experienced physical or sexual violence from an ex-partner (the most likely type of known perpetrator for a female victim).

For 62% of the women who had experienced physical assault by a male perpetrator, the most recent incident was in their home.



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FOUNDATION TO PREVENT VIOLENCE  
against women and their children

ANROWS

AUSTRALIA'S NATIONAL RESEARCH  
ORGANISATION FOR WOMEN'S SAFETY  
to Better Protect against Women and their Children

# Violence against women: key statistics

## WOMEN'S EXPERIENCES OF VIOLENCE



It is most common for women to experience violence from a *male ex-partner*.

Of women who had experienced violence from an ex-partner:



**61%** had children in their care when the violence occurred.

**+1**

**73%** had experienced more than one incident of violence.



**58%** had never contacted the police.



**24%** had never sought advice or support.

For more information on how to prevent violence against women, or for media comment visit [www.preventviolence.org.au](http://www.preventviolence.org.au)

For more information and research about violence against women visit [www.anrows.org.au](http://www.anrows.org.au)

If you are experiencing domestic and family violence, or have experienced sexual assault, seek support, call **1800 RESPECT (1800 737 732)**.

Information has been sourced from the ABS. Produced by The Foundation to Prevent Violence Against Women and their Children ([www.preventviolence.org.au](http://www.preventviolence.org.au)) and ANROWS ([anrows.org.au](http://anrows.org.au)).

FOUNDATION TO PREVENT VIOLENCE  
against women and their children

ANROWS

AUSTRALIA'S NATIONAL RESEARCH  
ORGANISATION FOR WOMEN'S SAFETY  
to Better Protect against Women and their Children

# Violence against women: key statistics

## WOMEN'S EXPERIENCES OF VIOLENCE



Australian women are more likely to be sexually assaulted by a *person they know* than a stranger.

Young women are particularly vulnerable to sexual assault.



Of all Australian women, **15%** had been sexually assaulted by a person they knew, since the age of 15.

**3.8%** had been sexually assaulted by a stranger.

# 23,584

Of all Australian women aged 18 to 24, **23,584** reported they had experienced sexual assault in the 12 months prior to the survey.

# X2

*Twice as many* women in this 18 to 24 age bracket experience sexual assault, compared to all women.

For more information on how to prevent violence against women, or for media comment visit [www.preventviolence.org.au](http://www.preventviolence.org.au)

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*to Reduce Violence against Women & their Children*

## Fast Facts – Indigenous family violence

Various enquiries link over-representation of Aboriginal and Torres Strait Islander peoples in statistics on interpersonal violence to the impacts of colonisation,<sup>1</sup> including inter-generational trauma, dispossession of land, forced removal of children, interrupted cultural practices that mitigate against interpersonal violence, removal of children and economic exclusion. In the case of Aboriginal and Torres Strait Islander women, it is the intersection of gender and racial inequality that creates the conditions for such high rates of violence against them.

- Indigenous people are between two and five times more likely than non-Indigenous people to experience violence as victims or offenders.<sup>2</sup>
- Indigenous females are five times more likely to be victims of homicide than non-Indigenous females: 55% (n=33) of the 60 Indigenous homicide victims were killed in a domestic homicide; which includes 42% (n=25) that were intimate partner homicides.<sup>3</sup>
- Indigenous females were 35 times as likely to be hospitalised due to family violence related assaults, and Indigenous males 21.4 times as likely, than non-Indigenous females and males.<sup>4</sup>
- Based on the results of the Australian component of the 2002 International Violence against Women Survey:<sup>5</sup>
  - 20% of Indigenous women, compared to 7% of non-Indigenous women, had experienced physical violence in the previous year
  - 12% of Indigenous women, compared to 4% of non-Indigenous women had experienced sexual violence in the previous year; and
  - 25% of Indigenous women, compared to 10% of non-Indigenous women, experienced some kind of violence in the previous year.

Artist: Luke Maile

<sup>1</sup> Day, A., Francisco, A. & Jones, R. (2015). Programs to improve personal safety in Indigenous communities: Evidence and bases. Issue Paper No. 4. Canberra: Closing the Gap Clearinghouse, Australian Institute of Health and Welfare, Australian Government.

<sup>2</sup> Willis, M. (2011). Non-disclosure of violence in Australian Indigenous communities. *Trends & Issues in Crime and Criminal Justice* No. 405. Canberra: Australian Institute of Criminology.

<sup>3</sup> Chan, A. & Payne, J. (2015). Homicide in Australia: 2008–09 to 2009–10 National homicide monitoring program annual report. *AIC Reports, Monitoring Reports 21*. Canberra: Australian Institute of Criminology.

<sup>4</sup> Steering Committee for the Review of Government Services (2009). *Overcoming Indigenous Disadvantage: Key Indicators 2009*. Canberra: Productivity Commission.

<sup>5</sup> Mousas, J. & Makkai, T. (2004, p. 30). Women's experiences of male violence: Findings from the Australian component of the international violence against women survey (IVAWS). *Research and Public Policy Series 56*. Canberra: Australian Institute of Criminology. NB: due to small sample sizes, these results must be viewed with caution, although they are consistent with findings from other research.

[anrows.org.au](http://anrows.org.au)

## Appendix 3: Vulnerable Witness Laws in South Australia

In South Australia, statutory provisions outlining protections available to vulnerable witnesses are included in the *Evidence Act 1929* (SA) (the Evidence Act), the *Intervention Orders (Prevention of Abuse) Act 2009* (SA) and the *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA), which came into operation on 27 June 2016.

The *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) amends the *District Court Act 1991* (SA), the *Evidence Act*, the *Magistrates Court Act 1991* (SA), the *Summary Offences Act 1953* (SA), the *Summary Procedure Act 1921* (SA), the *Supreme Court Act 1935* (SA), and the *Victims of Crime Act 2001* (SA).

### Definition of Vulnerable Witness

Under the Evidence Act, a ‘vulnerable witness’ is defined as:

- (a) A witness under 16 years of age; or
- (b) A witness who suffers from a cognitive impairment; or
  - (i) Further defined as including:
    - (ii) Developmental disability.
    - (iii) Acquired disability due to illness or injury.
    - (iv) A mental illness.
- (c) A witness who is the alleged victim of an offence to which the proceedings relate:
  - (i) Where the offence is a serious offence against the person; or
  - (ii) In any other case where, due to the circumstances of the witness or the case, the witness would be specially disadvantaged if not treated as a vulnerable witness; or
- (d) A witness who has been subjected to threats of violence or retribution, or has reasonable grounds to fear violence or retribution; or
- (e) In the case of proceedings for a serious organised crime offence, where a person will only consent to being a witness if he or she is treated as a vulnerable witness<sup>72</sup>.

### Special Arrangements

#### Vulnerable Witnesses

The court must on application, where the facilities are readily available and the special arrangements will not prejudice any party, order special arrangements be put in place for the taking of evidence, including examination-in-chief, cross-examination and re-examination, by vulnerable witnesses in criminal trials.

This section does not operate to relieve the witness of the obligation to give evidence or submit to cross-examination. The court may also dispense with special arrangements for vulnerable witnesses if the witness is an adult and the court is satisfied that it is not reasonably practicable and that the facilities necessary are not readily available, and the court must give reasons for its decision, ensuring additional protection for vulnerable child witnesses.

Special arrangements may include, but are not limited to:

- Transmission of evidence by CCTV.
- Replay an audio visual record of the evidence.
- Screen or partition.
- Prevent defendant from seeing and hearing the vulnerable witness while giving evidence (i.e. removing defendant from the courtroom).
- The witness may be accompanied by a relative, friend or other person for emotional support.
- Communication assistance.
- Extra time and breaks.
- Judge and lawyers may not wear wig or gown<sup>73</sup>.

Although the list of special arrangements provided in the legislation is non-exhaustive, our understanding is that in practice, courts tend only to use the measures specifically mentioned<sup>74</sup>.

## All Witnesses

The court also has a discretion to order special arrangements be put in place for the taking of evidence of all other witnesses to protect from embarrassment, distress or intimidation, or any other proper reason, where the facilities are readily available and arrangements would not prejudice any party.

Special arrangements may include, but are not limited to:

- Transmission of evidence by CCTV.
- Replay an audio visual record of the evidence.
- Screen or partition.
- Prevent defendant from seeing and hearing the vulnerable witness while giving evidence.
- The witness may be accompanied by a relative, friend or other person for emotional support.
- If the witness suffers from a physical disability or cognitive impairment, evidence may be taken in a particular way to minimise embarrassment or distress.
- May give evidence through an interpreter if the native language is not English and witness is not fluent in English<sup>75</sup>.

## Children

Child witnesses under the age of 14 are permitted to have present and within reasonable proximity a support person of his or her choosing<sup>76</sup>.

## Witnesses with complex communication needs

Witnesses with complex communication needs are entitled to communication assistance when giving evidence during the trial<sup>77</sup> and in pre-trial special hearings<sup>78</sup> if the facilities are available and it is otherwise practicable to do so. Communication assistance may include a communication partner or the use of a device, such as a 'speak-and-spell' communication device<sup>79</sup>. Communication assistance is available under these sections to all witnesses, victims, suspects and defendants.

'Communication partner' is defined as a person approved by the Minister for the purposes of providing assistance to witnesses with complex communication needs,<sup>80</sup> and the legislation provides for making of regulations to this effect<sup>81</sup>.

A communication partner must be approved by the court, take an oath or make an affirmation that he or she will communicate accurately with the witness and the court, and, if the communication partner is challenged by a party, the judge must be satisfied with the person's ability and impartiality before proceeding<sup>82</sup>.

## Pre-Trial Special Hearings

Pre-trial special hearings are available upon application for a witness who is a young child, defined as a child of or under the age of 14 years, or a witness who has a disability that adversely affects his or her ability to give a coherent account of events or provide rational responses to questions. Pre-trial special hearings are only available in proceedings for serious offences against the person, or a charge of contravening or failing to comply with an intervention order or restraining order. The hearing must be conducted prior to trial and may be convened for the purposes of examination-in-chief, cross-examination and re-examination, but an order for a pre-trial special hearing must not be made if the effect would be to relieve a witness from the obligation to give evidence or submit to cross-examination.

An order for a pre-trial special hearing must make provision for:

- A hearing as a proceeding preliminary to the trial in any setting the court sees fit (i.e. an informal setting).
- If the witness has a physical disability or cognitive impairment, evidence to be taken in a particular way to minimise embarrassment or distress (i.e. with communication assistance).
- Audio visual record of evidence.
- Evidence transmitted to defendant by CCTV.
- If the defendant attends the hearing in person, appropriate measures may be taken to prevent the witness and defendant from directly seeing or hearing each other.

An order for a pre-trial special hearing may:

- Provide for use of a support person to accompany the witness.
- Specify that the pre-trial special hearing is convened for examination, cross-examination and/or re-examination of the witness.
- Make provision for any other matter the court thinks fit<sup>83</sup>.

## Protections for Witnesses in Intervention Order Proceedings

### Special arrangements

Special arrangements may also be put in place when conducting examination-in-chief, cross-examination or re-examination in proceedings relating to an intervention order of a person against whom it is alleged the defendant has committed or might commit an act of abuse, or a child who allegedly may have been exposed to the effects of an act of abuse committed by the defendant against a person.

Special arrangements may include, but are not limited to:

- Transmission of evidence by CCTV.
- Replay an audio visual record of the evidence.
- Screen or partition.
- Prevent defendant from seeing and hearing the vulnerable witness while giving evidence.
- The witness may be accompanied by a relative, friend or other person for emotional support.
- If the witness suffers from a physical disability or cognitive impairment, evidence may be taken in a particular way to minimise embarrassment or distress<sup>84</sup>.

### **Pre-recorded evidence**

Section 29(2)(b) of the *Intervention Orders (Prevention of Abuse) Act 2009* (SA) provides that evidence in proceedings relating to an intervention order may be taken outside the courtroom and that an audio visual record of the evidence be replayed in the court.

This is available where the witness is a person against whom it is alleged the defendant has committed or might commit an act of abuse or a child who allegedly has been or might have been exposed to the effects of an act of abuse committed by the defendant against a person.

Recording of evidence under this section is available to evidence as a whole or particular aspects, including cross-examination and re-examination<sup>85</sup>.

### **Cross-examination by unrepresented defendant**

Cross-examination in proceedings relating to an intervention order of a witness against whom it is alleged the defendant has committed or might commit an act of abuse or a child who allegedly might be exposed to the effects of an act of abuse committed by the defendant against a person is to be conducted either by counsel, or, if the defendant is unrepresented, by submitting questions to the judge who will only ask the questions 'determined to be allowable,' or in a manner otherwise directed by the court<sup>86</sup>.

## **Recorded Evidence**

### **Evidence Act s 12AB:**

Testimony of a witness at a pre-trial special hearing must be recorded, as noted above. A pre-trial special hearing is available on application under s 12AB of the Evidence Act, in the trial of a charge of a serious offence against the person, or of contravening or failing to comply with an intervention order or restraining order.

This is available to a witness who is a young child of or under the age of 14 years or who is a person with a disability that adversely affects his or her ability to give a coherent account of events or provide rational responses to questions.

The hearing may be convened to conduct examination-in-chief, cross-examination or re-examination of the witness, and is convened as a proceeding preliminary to the trial. However, an order for a pre-trial special hearing may not relieve a witness from the obligation to give evidence or submit to cross-examination.

Subject to s 13BA, the audio visual record of testimony from a pre-trial special hearing is admissible as evidence of the witness in a trial.<sup>87</sup> For a discussion of s 13BA, see below.

### **Evidence Act s 13:**

The court may order of its own initiative that a witness's evidence be taken outside the trial court and replayed in the trial court via audio visual recording if it is desirable to protect the witness from embarrassment, distress or intimidation where the facilities are available and it is otherwise practicable to make an order without prejudice to any party. This appears to be available to any witness in any proceeding.

The order may relate to the witness's evidence as a whole or may be limited to particular aspects, such as cross-examination or re-examination. However, an order under this section may not be granted if the effect would be to relieve the witness of the obligation to give sworn testimony or submit to cross-examination<sup>88</sup>.



### **Evidence Act s 13A:**

The court must order upon application that evidence of a vulnerable witness be taken outside the trial court and replayed in the trial court via audio visual recording. This is available to vulnerable witnesses in criminal proceedings, where the facilities are available and it is otherwise practicable to make an order without prejudice to any party. In contrast to s 13, s 13A is phrased as a positive duty and so the court must order special arrangements upon a successful application.

The order may relate to the witness's evidence as a whole or may be limited to particular aspects, such as cross-examination or re-examination. However, an order under this section may not be granted if the effect would be to relieve the witness of the obligation to give sworn testimony or submit to cross-examination<sup>89</sup>.

### **Evidence Act s 13C:**

The court must make an audio visual record of the witness's evidence 'before the court' of a vulnerable witness under the age of 16 who is the alleged victim of a sexual offence unless an order has already been made under s 12AB(2)(a) [pre-trial special hearing] or s 13A(2)(b) [special arrangements for vulnerable witnesses], or may on application in the case of any other vulnerable witness if the facilities are available and it is otherwise practicable<sup>90</sup>. This section appears to deal only with recording of testimony delivered in person during trial proceedings, rather than pre-recorded testimony.

### **Summary Offences Act s 74EB:**

Interviews with certain vulnerable witnesses must be recorded under the new s 74EB of the *Summary Offences Act 1953* (SA)<sup>91</sup>.

An audio visual recording of an interview with a prescribed interviewer meeting prescribed requirements must be made where a child aged 14 years or under or a person with a disability affecting his or her capacity to give a coherent account of his or her experiences is being interviewed as a potential witness to a serious offence against the person<sup>92</sup>. This is a positive duty; it is not necessary for a party to the proceedings to apply for the interview to be recorded.

'Serious offence against the person' is extensively defined to include attempted murder, attempted manslaughter, a sexual offence, stalking, causing serious harm, unlawful threat to kill or endanger life, abduction, blackmail, attempted offences of the above, and contravening or failing to comply with an intervention order or restraining order<sup>93</sup>.

This section applies to 'investigative interviews' with a prescribed interviewer, which may include police officers and psychologists,<sup>94</sup> but specific persons or classes of persons have not yet been prescribed by regulations.

## **Admissibility of Pre-Recorded Evidence**

### **Evidence Act s 13BA:**

Section 13BA of the Evidence Act provides that the evidence of a witness may be admitted in the form of an audio visual record upon application by a party to the proceeding<sup>95</sup>.

The audio visual recording may be admitted if the witness is available during the course of the trial for further examination, cross-examination and re-examination, but the witness may not be examined further without the permission of the court in certain circumstances, such as where a party has become aware of a matter that they could not have reasonably been aware of at the time the record was made, or if it is otherwise in the interests of justice to allow further examination<sup>96</sup>. This allows most of the witness's evidence, including cross-examination and re-examination, to be taken as soon as possible after charges are laid and replayed as an audio visual recording.

However, this section appears to be limited to audio visual recordings made pursuant to the Evidence Act s 12AB [pre-trial special hearing] or Summary Offences Act 1953 (SA) Part 17 Div 3<sup>97</sup>. The effect of this limitation is that only witnesses who are young children or people with a disability affecting their ability to give a coherent account or rational answers to questions are able to have the entirety of their evidence admitted as a pre-recorded audio visual record<sup>98</sup>.

### **Evidence Act s 13D:**

The court may also, on application, admit an official record of evidence provided by a vulnerable witness in earlier criminal proceedings in later civil or criminal proceedings, which includes a written transcript and an audio visual record<sup>99</sup>.

This applies to all vulnerable witnesses, but may not relieve the witness of the obligation to submit to examination-in-chief, cross-examination and re-examination in person in the earlier criminal proceedings.

### **Summary Offences Act s 74EC:**

Audio visual recordings of interviews made pursuant to Part 17 Division 3 of the Summary Offences Act may also be admissible as evidence under s 74EC of the Summary Offences Act if the interviewer complied with all requirements in relation to conduct and recording, or the court is satisfied the recording should be admitted in the interests of justice despite the interviewer's non-compliance<sup>100</sup>. This is available in proceedings for a charge of a serious offence against the person.

## **Inappropriate Questions**

In South Australia, inappropriate questions put to a witness during cross-examination must be disallowed by the court. This duty is not specific to vulnerable witnesses.

There are several criteria that the court may take into account when determining if the question is inappropriate, which include the age, personality and education level of the witness, any mental or physical disability, the witness's ethnic and cultural background, any other relevant characteristics of the witness, the context of the question, including the nature of the proceedings and offence and the relationship between the witness and a party to the proceedings, and any other relevant factor<sup>101</sup>.

## **Cross-Examination by the Defendant**

An unrepresented defendant is not permitted to cross-examine a witness who is the alleged victim of<sup>102</sup> a:

- serious offence against the person;
- an offence of failing to comply with an intervention or restraining order or;
- aggravated assault (s 20 CLCA) where the aggravating factor is that the victim is:
  - > a spouse/former spouse, domestic partner/former domestic partner;
  - > a child in the custody of the offender, spouse/former spouse or domestic partner/former domestic partner; or
  - > a child normally residing with the offender, spouse/former spouse or domestic partner/former domestic partner.

If the defendant is unrepresented in criminal proceedings, the defendant must be informed that the right to cross-examination is limited and reminded of the entitlement to legal assistance. If the defendant is unrepresented in civil proceedings, the defendant may submit questions to the judge who will only ask questions 'determined to be allowable', or the questioning may be as otherwise directed by the judge.

## **Protections for Victims in Sexual Offence Matters**

### **Priority**

Amendments to the *Supreme Court Act 1935* (SA) s 126A, *District Court Act 1991* (SA) s 50B and *Magistrates Court Act 1991* (SA) s 48B extend priority hearing of sexual assault cases where the alleged victim is a child to cases where the alleged victim has a disability.

### **Admissibility of Out-of-Court Statements**

Out of court statements of a victim of a sexual offence who was either a child or had a disability at the time of the offence may be admissible as evidence<sup>103</sup>. This section is only intended to apply where the maker of the statement is not to be called as a witness<sup>104</sup>.

## Appendix 4: SAPOL Data and Counting Rules

### Overview

This information and data was prepared by SAPOL based on PIR data and the South Australian Computer Aided Dispatch System (SACAD).

A PIR is a report taken by a member of SAPOL, by various means from a victim or on behalf of a victim. The report is taken in response to an event that a citizen wishes to report to police. When Police are called to respond to an incident or a citizen presents to a police station to report an incident the PIR is flagged as domestic violence related by the person taking the report. This can generate two types of reports, a PIR (where a substantive criminal offence is prima-facie committed) or a DAR (where a substantive criminal offence is prima-facie not committed).

To ensure SAPOL can efficiently record all incidents falling within the definition of domestic abuse, police are required to either submit a PIR (where a substantive criminal offence is apparent) or the DAR (where a substantive criminal offence is not apparent).

When flagging a report, SAPOL relies upon the definition of domestic abuse as contained in the Act, which captures a broad range of behaviours that reflect domestic violence abuse, some of which may not constitute a criminal offence.

All police officers receive training specific to the complexities of policing domestic violence – and operate under strict policy guidelines to ensure appropriate responses to domestic violence victims and their families.

### South Australian Computer Aided Dispatch System (SACAD)

SACAD began operating on 7 November 2011, with the first full year of available data in 2012-13. Police taskings are the result of a citizen calling 000 or 131444 or attending a police station to report an event that requires police assistance, resulting in the dispatch of a police patrol to the incident.

Taskings can also be proactively generated by police through either investigations, observations or directed patrolling activities. In relation to domestic violence SACAD data is based on the final event code of 106, with duplicate and cancelled events excluded from the results.

### Counting Rules

In common with other police jurisdictions, SAPOL has adopted the ANZSOC rules for classifying offences. ANZSOC underpins a uniform national statistical framework for classifying criminal behaviour in the production and analysis of crime and justice statistics.

The ANZSOC is used in ABS statistical collections, New Zealand statistical collections, Australian police agencies crime reports, criminal courts and corrective services agencies and New Zealand police and justice agencies.

Under SAPOL's ANZSOC framework, offences reported to, or becoming known to police are recorded and extracted from SAPOL systems at the state and Local Service Area (LSA) levels.

The number of offences recorded in a period is determined by the date the offences were reported, not by the date the offences were committed. Thus, offences reported may not have been committed during the reporting period and some data may be affected by the reporting of historical offences, such as historic sexual offences.

## Appendix 5: Acronyms

Acronym	Expansion
AAR	Aboriginal Affairs and Reconciliation
ABS	Australian Bureau of Statistics
Act	Intervention Orders (Prevention of Abuse) Act 2009
AGD	Attorney-General's Department
AHRC	Australian Human Rights Commission
AIC	Australian Institute of Criminology
AIFS	Australian Government Australian Institute of Family Studies
ALIRA	Automated Legal Information Research Assistant
ANROWS	Australian National Research Organisation for Women's Safety
ANZSOC	Australia and New Zealand Standard Offence Classification
APY Lands	The Anangu Pitjantjatjara Yankunytjatjara Lands
ASMS Innovators	A group of year 10 and 11 students from the Australian Science and Mathematics School
AUSLAN	Australian Sign Language
BIT	Brief Intervention Team
CAA	Courts Administration Authority
CALD	Culturally and linguistically diverse
CBT	Cognitive behaviour therapy
CCTV	Closed Circuit Television
CDVIS	Coronial Domestic Violence Information System
CE Group	Women's Safety Strategy Chief Executives Group
CJIM	Criminal Justice Information Management
CLC Act	Criminal Law Consolidation Act
COAG	Council of Australian Governments
Cth	Commonwealth
DAR	Domestic Abuse Report
DCS	Department for Correctional Services
DCSI	Department for Communities and Social Inclusion
DECD	Department for Education and Childhood Development
DFV Advisory Group	Domestic and Family Violence Advisory Group
DFVIP	Domestic and Family Violence Intervention Program
DPC	Department of the Premier and Cabinet
DSD	Department of State Development
DVDS	Domestic Violence Disclosure Scheme
DVO	Domestic Violence Order
DVRR	Domestic Violence Response Review
IPPs	Information Privacy Principles
ISG	Information Sharing Guidelines
KWY	Kornar Winmil Yunti
LSA	Local Service Area

<b>Acronym</b>	<b>Expansion</b>
LSC	Local Support Coordinator
MAARC	Multi-agency Risk Assessment Conference
MAPS	Multi-agency Protection Service
NAHA	National Affordable Housing Agreement
National Council	The National Council to Reduce Violence against Women and their Children
National Plan	National Plan to Reduce Violence against Women and their Children 2010-2022
NDVOS	National Domestic Violence Order Scheme
NHMP	AIC National Homicide Monitoring Program
NPAH	National Partnership Agreement on Homelessness
NPY	Ngaanyatjarra Pitjantjatjara Yankunytjatjara
NSW	New South Wales
ODPP	Office of the Directors of Public Prosecutions
PATRICIA	Loose acronym for Pathways and Research in Collaborative Inter-Agency working
PATRICIA Project	A study of service responses to support the safety and wellbeing of children and young people living with, and separating from domestic/family violence.
PIIO	Police issued intervention orders
PIR	Police Incident Report
Plan of Action	Time for Action: the National Council's Plan for Australia to Reduce Violence Against Women and Children
PSS	The Australian Bureau of Statistics Personal Safety Survey
SA	South Australia
SACAD	South Australian Computer Aided Dispatch System
SACAT	South Australian Civil and Administrative Tribunal
SAPOL	South Australia Police
SBC	Sexual Behaviours Clinic
SDC	Social Development Committee
SDC recommendations	Recommendations from the SDC Report
SDC report	Report into Domestic and Family Violence
SHSS	Staying Home Staying Safe
the Strategy	South Australia's Women's Safety Strategy
UK	United Kingdom
U.N. Definition	The definition of violence against women contained in the United Nations Declaration on the Elimination of Violence against Women (1993)
the Victorian Royal Commission	The Victorian Royal Commission into Family Violence
VPP	Violence Prevention Program
VSS	Victim Support Service
WAS	Witness Assistance Service
WCHN	Women's and Children's Health Network
WDVCAS	Women's Domestic Violence Court Assistance Service
YWSWS	Youth and Women Safety and Wellbeing Service

## Appendix 6: Links and Legislation

### Links:

[www.abs.gov.au/ausstats/abs@.nsf/mf/4510.0](http://www.abs.gov.au/ausstats/abs@.nsf/mf/4510.0)

[www.anrows.org.au](http://www.anrows.org.au)

[www.aic.gov.au/media\\_library/publications/rip/rip38/rip38.pdf](http://www.aic.gov.au/media_library/publications/rip/rip38/rip38.pdf)

<http://aic.gov.au/publications/current%20series/tandi/401-420/tandi419.html>

<https://aifs.gov.au/cfca/publications/issues-safety-and-wellbeing-children-families>

<https://aifs.gov.au/cfca/publications/domestic-and-family-violence-regional-rural-and-remote-communities>

[www.aihw.gov.au/publication-detail/?id=60129550762](http://www.aihw.gov.au/publication-detail/?id=60129550762)

<http://anrows.org.au/about/who-we-are>

<http://anrows.org.au/publications/fast-facts/violence-against-women-key-statistics>

<http://anrows.org.au/publications/landscapes/perpetrator-interventions-in-australia>

[www.austlii.edu.au/cgi-bin/sinodisp/au/journals/MelbULawRw/2014/1.html](http://www.austlii.edu.au/cgi-bin/sinodisp/au/journals/MelbULawRw/2014/1.html)

[www.courts.sa.gov.au/OurCourts/CourtsAdministrationAuthority/Lists/CAA%20Annual%20Reports/Attachments/20/CAA%20Annual%20Report%202014-15.pdf](http://www.courts.sa.gov.au/OurCourts/CourtsAdministrationAuthority/Lists/CAA%20Annual%20Reports/Attachments/20/CAA%20Annual%20Report%202014-15.pdf)

<http://dpc.sa.gov.au/premier-and-cabinet-circulars>

[www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022](http://www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022)

[www.dss.gov.au/our-responsibilities/women/publications-articles/reducing-violence/national-plan-to-reduce-violence-against-women-and-their-children/economic-cost-of-violence-against-women-and-their-children](http://www.dss.gov.au/our-responsibilities/women/publications-articles/reducing-violence/national-plan-to-reduce-violence-against-women-and-their-children/economic-cost-of-violence-against-women-and-their-children)

[www.dss.gov.au/our-responsibilities/women/publications-articles/reducing-violence/the-cost-of-domestic-violence-to-the-australian-economy](http://www.dss.gov.au/our-responsibilities/women/publications-articles/reducing-violence/the-cost-of-domestic-violence-to-the-australian-economy)

<http://hansardpublic.parliament.sa.gov.au/Pages/HansardResult.aspx#/docid/HANSARD-11-19527>

[www.humanrights.gov.au/sites/default/files/AHRC\\_ChildrensRights\\_Report\\_2015\\_0.pdf](http://www.humanrights.gov.au/sites/default/files/AHRC_ChildrensRights_Report_2015_0.pdf)

<http://officeforwomen.sa.gov.au/womens-policy/womens-safety>

[www.officeforwomen.sa.gov.au/womens-policy/womenssafety#work](http://www.officeforwomen.sa.gov.au/womens-policy/womenssafety#work)

[www.ombudsman.sa.gov.au/isg/](http://www.ombudsman.sa.gov.au/isg/)

[www.ourwatch.org.au/General/%E2%80%8BChange-the-story-Questions-and-answers](http://www.ourwatch.org.au/General/%E2%80%8BChange-the-story-Questions-and-answers)

[www.ourwatch.org.au/News-media/Latest-news/Let-s-bust-some-myths-about-what-drives-violence](http://www.ourwatch.org.au/News-media/Latest-news/Let-s-bust-some-myths-about-what-drives-violence)

[www.ourwatch.org.au/Who-We-Are](http://www.ourwatch.org.au/Who-We-Are)

[www.parliament.sa.gov.au/HouseofAssembly/BusinessoftheAssembly/RecordsandPapers/TabledPapersandPetitions/Pages/TabledPapersandPetitions.aspx](http://www.parliament.sa.gov.au/HouseofAssembly/BusinessoftheAssembly/RecordsandPapers/TabledPapersandPetitions/Pages/TabledPapersandPetitions.aspx)

[www.researchgate.net/publication/23219462\\_The\\_impact\\_of\\_exposure\\_to\\_domestic\\_violence\\_on\\_children\\_and\\_young\\_people\\_A\\_review\\_of\\_the\\_literature](http://www.researchgate.net/publication/23219462_The_impact_of_exposure_to_domestic_violence_on_children_and_young_people_A_review_of_the_literature)

[www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)

[www.whiteribbon.org.au](http://www.whiteribbon.org.au)

[www.whiteribbon.org.au/what-is-white-ribbon](http://www.whiteribbon.org.au/what-is-white-ribbon)

[www.whiteribbon.org.au/workplaces](http://www.whiteribbon.org.au/workplaces)

[zahrafoundation.org.au/](http://zahrafoundation.org.au/)

**Legislation:**

*Bail Act 1985 (SA)*

*Children's Protection Act 1993 (SA)*

*Crimes (Domestic and Personal Violence) Amendment (National Domestic Violence Orders Recognition) Act 2016 (NSW)*

*Criminal Law Consolidation Act 1935 (SA)*

*Criminal Procedure Act 1985 (NSW)*

*District Court Act 1991 (SA)*

*Domestic and Family Violence Protection Act 2012 (QLD)*

*Domestic Violence Act 1994 (SA)*

*Evidence Act 1929 (SA)*

*Family Law Act 1974 (Cth)*

*Family Violence Act 2004 (TAS)*

*Intervention Orders (Prevention of Abuse Act) 2009 (SA)*

*Magistrates Court Act 1991 (SA)*

*Parliamentary Committee Act 1991 (SA)*

*Residential Tenancies Act 1995 (SA)*

*Statutes Amendment (Vulnerable Witnesses) Act 2015 (SA)*

*Summary Offences Act 1953 (SA)*

*Summary Procedure Act 1921 (SA)*

*Supreme Court Act 1935 (SA)*

*Victims of Crime Act 2001 (SA)*

**New Zealand**

*Domestic Violence Act 1995*

**United Kingdom**

*Data Protection Act 1998*

*Human Rights Act 1998*

*Offences Against the Person Act 1861*

*Public Order Act 1986*

*Rehabilitation of Offenders Act 1974*

*Serious Crime Act 2015*

*Sexual Offences Act 2003*



## Appendix 7: Citations

- <sup>1</sup> A copy of *A Right to Safety* is available at: <http://officeforwomen.sa.gov.au/womens-policy/womens-safety>
- <sup>2</sup> The Parliament of South Australia Social Development Committee Report into Domestic and Family Violence is available on the Parliament of South Australia website at:  
[www.parliament.sa.gov.au/HouseofAssembly/BusinessoftheAssembly/RecordsandPapers/TabledPapersandPetitions/Pages/TabledPapersandPetitions.aspx](http://www.parliament.sa.gov.au/HouseofAssembly/BusinessoftheAssembly/RecordsandPapers/TabledPapersandPetitions/Pages/TabledPapersandPetitions.aspx)
- <sup>3</sup> See Council of Australian Governments (COAG) *National Plan to Reduce Violence against Women and their Children 2010-2022* available at: [www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022](http://www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022)
- <sup>4</sup> Readers are advised this results in different figures.
- <sup>5</sup> Source: South Australia Police. See Appendix 4 for further detail.
- <sup>6</sup> See Appendix 4 for Counting Rules.
- <sup>7</sup> Includes *murder, attempted murder and manslaughter*. Excludes *death by dangerous driving*.
- <sup>8</sup> Source: Australian Bureau of Statistics (2016), *Recorded Crime – Victims, Australia, 2015*, (Experimental Family and Domestic Violence data), Cat. no. 4510.0.
- <sup>9</sup> These statistics do not enumerate the total number of unique persons or organisations. A person who is the victim of two different offence types will be recorded against each offence type. Aggregating the number of victimisations in each category will therefore overcount the total number of unique victims.
- <sup>10</sup> Includes *murder, attempted murder and manslaughter*. Excludes *death by dangerous driving*.
- <sup>11</sup> Source: Australian Bureau of Statistics (2015), *Recorded Crime -Victims, Australia, 2014*, (Experimental Family and Domestic Violence data), Cat. no. 4510.0.
- <sup>12</sup> These statistics do not enumerate the total number of unique persons or organisations. A person who is the victim of two different offence types will be recorded against each offence type. Aggregating the number of victimisations in each category will therefore overcount the total number of unique victims.
- <sup>13</sup> Australian Bureau of Statistics (2016), *Recorded Crime - Victims, Australia, 2015*, (Experimental Family and Domestic Violence data), Cat. no. 4510.0.
- <sup>14</sup> See above no 13.
- <sup>15</sup> See above no 13.
- <sup>16</sup> Intimate partner includes partners, ex-partners, boyfriends/girlfriends and ex-boyfriends/girlfriends.
- <sup>17</sup> Other family member includes child, sibling, uncle, aunt, nephew, niece, cousins and grandparents.
- <sup>18</sup> Residential setting includes dwelling, outbuilding/residential land and residential location not further defined.
- <sup>19</sup> See *The Cost of Domestic Violence to the Australian Economy: Part I* available at [www.dss.gov.au/our-responsibilities/women/publications-articles/reducing-violence/the-cost-of-domestic-violence-to-the-australian-economy](http://www.dss.gov.au/our-responsibilities/women/publications-articles/reducing-violence/the-cost-of-domestic-violence-to-the-australian-economy)
- <sup>20</sup> A copy of *Access Economics The Cost of Domestic Violence to the Australian Economy: Part I and Part 2* is available at: [www.dss.gov.au/our-responsibilities/women/publications-articles/reducing-violence/the-cost-of-domestic-violence-to-the-australian-economy](http://www.dss.gov.au/our-responsibilities/women/publications-articles/reducing-violence/the-cost-of-domestic-violence-to-the-australian-economy)
- <sup>21</sup> See above no 19.
- <sup>22</sup> See above no 19.

- <sup>23</sup> See the *National Council to Reduce Violence against Women and their Children March 2009* report prepared by KPMG entitled *The Cost of Violence against Women and their Children* is available at: [www.dss.gov.au/our-responsibilities/women/publications-articles/reducing-violence/national-plan-to-reduce-violence-against-women-and-their-children/economic-cost-of-violence-against-women-and-their-children](http://www.dss.gov.au/our-responsibilities/women/publications-articles/reducing-violence/national-plan-to-reduce-violence-against-women-and-their-children/economic-cost-of-violence-against-women-and-their-children)
- <sup>24</sup> Violence against women and their children includes domestic (intimate and ex-intimate partner) and non-domestic violence. Importantly (as with most studies in this field), the estimate captures reported violence only – in other words, unreported violence is not included.
- <sup>25</sup> Violence against women and their children includes domestic and non-domestic violence.
- <sup>26</sup> Includes domestic violence and non-domestic sexual assault and is comprised of \$7.6 billion in non-financial costs (pain, suffering and premature death) and \$8 billion in financial costs.
- <sup>27</sup> See above no 23.
- <sup>28</sup> Under the (former) *Domestic Violence Act 1994*.
- <sup>29</sup> Available at: [www.bocsar.nsw.gov.au/Pages/bocsar\\_news/Does-a-prison-sentence-affect-future-domestic-violence-reoffending.aspx](http://www.bocsar.nsw.gov.au/Pages/bocsar_news/Does-a-prison-sentence-affect-future-domestic-violence-reoffending.aspx)
- <sup>30</sup> Australian Institute of Health and Welfare 2015 *Australia's welfare 2015* Australia's welfare series no. 12. Cat. no. AUS 189 Canberra: AIHW available at: [www.aihw.gov.au](http://www.aihw.gov.au)
- <sup>31</sup> Australian Institute of Health and Welfare 2016 *Child protection Australia 2014–15* Child welfare series no. 63. Cat. no. CWS 57 Canberra: AIHW available at: [www.aihw.gov.au](http://www.aihw.gov.au)
- <sup>32</sup> Campo, M and Tayton, S *Domestic and family violence in regional, rural and remote communities: An overview of key issues* Practitioner Resource Australian Institute of Family Studies, December 2015, available at: <https://aifs.gov.au/cfca/publications/domestic-and-family-violence-regional-rural-and-remote-communities>
- <sup>33</sup> See above no 32.
- <sup>34</sup> Australia's National Research Organisation for Women's Safety to Reduce Violence against Women and their Children Compass Research to policy and practice Issue 02 *Violence against women in Australia: Additional analysis of the Australian Bureau of Statistics' Personal Safety Survey 2012: Key findings and future directions* October 2015. Research and data is made available by ANROWS on their website at: [www.anrows.org.au](http://www.anrows.org.au)
- <sup>35</sup> Australian Human Rights Commission *Children's Rights Report 2015* available at: [www.humanrights.gov.au/sites/default/files/AHRC\\_ChildrensRights\\_Report\\_2015\\_0.pdf](http://www.humanrights.gov.au/sites/default/files/AHRC_ChildrensRights_Report_2015_0.pdf)
- <sup>36</sup> Extract from above no. 35.
- <sup>37</sup> K Richards, 'Children's exposure to domestic violence in Australia' (Research Paper No 419, Trends and Issues in Crime and Criminal Justice, Australian Institute of Criminology, 2011) 3. <http://aic.gov.au/publications/current%20series/tandi/401-420/tandi419.html>
- <sup>38</sup> S Holt, H Buckley and S Whelan, 'The impact of exposure to domestic violence on children and young people: a review of the literature' (2008) 32 *Child Abuse and Neglect* 797, 810. [www.researchgate.net/publication/23219462\\_The\\_impact\\_of\\_exposure\\_to\\_domestic\\_violence\\_on\\_children\\_and\\_young\\_people\\_A\\_review\\_of\\_the\\_literature](http://www.researchgate.net/publication/23219462_The_impact_of_exposure_to_domestic_violence_on_children_and_young_people_A_review_of_the_literature)
- <sup>39</sup> K Richards, 'Children's exposure to domestic violence in Australia' (Research Paper No 419, Trends and Issues in Crime and Criminal Justice, Australian Institute of Criminology, 2011) 3. <http://aic.gov.au/publications/current%20series/tandi/401-420/tandi419.html>
- <sup>40</sup> K Richards, 'Children's exposure to domestic violence in Australia' (Research Paper No 419, Trends and Issues in Crime and Criminal Justice, Australian Institute of Criminology, 2011) 2. <http://aic.gov.au/publications/current%20series/tandi/401-420/tandi419.html>

- <sup>41</sup> Australian Institute of Health and Welfare, *Child Protection 2013-14* (2015), 22. [www.aihw.gov.au/publication-detail/?id=60129550762](http://www.aihw.gov.au/publication-detail/?id=60129550762)
- <sup>42</sup> Cussen, T and Bryant, W *Domestic/family homicide in Australia* Research Paper No 38, Research in Practice Report, Australian Institute of Criminology, 2015 available at: [www.aic.gov.au/media\\_library/publications/rip/rip38/rip38.pdf](http://www.aic.gov.au/media_library/publications/rip/rip38/rip38.pdf)
- <sup>43</sup> See above no 42.
- <sup>44</sup> See above no 34.
- <sup>45</sup> Australia's National Research Organisation for Women's Safety to Reduce Violence against Women and their Children *Landscapes Perpetrator interventions in Australia: Part one - Literature review* State of knowledge paper November 2015 available at: <http://anrows.org.au/publications/landscapes/perpetrator-interventions-in-australia>
- <sup>46</sup> See above no 45 and referencing: Bennett, L., & Bland, P. (2008). *Substance abuse and intimate partner violence*. Harrisburg, PA: National Resource Centre on Domestic Violence.
- <sup>47</sup> See above no 45 and referencing: Gondolf, E. W. (1999). A comparison of four batterer intervention programs: Do court referral program length, and services matter? *Journal of Interpersonal Violence*, 14(1), 41-46. Fals-Stewart, W., & Kennedy, C. (2005). Addressing intimate partner violence in substance-abuse treatment. *Journal of Substance Abuse Treatment*, 29(1), 5-17. Bennett, L., & Bland, P. (2008). *Substance abuse and intimate partner violence*. Harrisburg, PA: National Resource Centre on Domestic Violence.
- <sup>48</sup> See above no 45 and referencing: Gondolf, E. W. (2002). *Batterer intervention systems: Issues, outcomes and recommendations*. Thousand Oaks, CA: Sage. Murphy, C., & Ting, L. (2010). The effects of treatment for substance use problems on intimate partner violence: A review of empirical data. *Aggression and Violent Behavior*, 15(5), 325-333.
- <sup>49</sup> See above no 45 referencing Fals-Stewart, W., & Kennedy, C. (2005). Addressing intimate partner violence in substance-abuse treatment. *Journal of Substance Abuse Treatment*, 29(1), 5-17. Bennett, L., & Bland, P. (2008). *Substance abuse and intimate partner violence*. Harrisburg, PA: National Resource Centre on Domestic Violence.
- <sup>50</sup> See above no 49.
- <sup>51</sup> Leah Bromfield, Alister Lamont, Robyn Parker and Briony Horsfall *Issues for the safety and wellbeing of children in families with multiple and complex problems: The co-occurrence of domestic violence, parental substance misuse, and mental health problems* National Child Protection Clearinghouse Issue No. 33 — December 2010 available at: <https://aifs.gov.au/cfca/publications/issues-safety-and-wellbeing-children-families>
- <sup>52</sup> See above no 51.
- <sup>53</sup> See above no 45 extracted from page 29-30 referencing:  
 Bennett, L., & Williams, O. J. (2003). Substance abuse and men who batter: Issues in theory and practice. *Violence Against Women*, 9(5), 558-575. Easton, C. J., Mandel, D. L., Hunkele, K. A., Nich, C., Rounsaville, B. J., & Carroll, K. M. (2007). A cognitive behavioral therapy for alcohol-dependent domestic violence offenders: An integrated substance abuse-domestic violence treatment approach (SADV). *The American Journal on Addictions*, 16(1), 24-31. Farmer, E., & Callan, S. (2012). *Beyond violence: Breaking cycles of domestic abuse. A policy report for the Centre for Social Justice*. London: Centre for Social Justice. Laslett, A. M., Mugavin, J., Jiang, H., Callinan, S., MacLean, S., & Room, R. (2015). *The hidden harm: Alcohol's impact on families and children*. Canberra: Foundation for Alcohol Research and Education. Murphy, C., & Ting, L. (2010). The effects of treatment for substance use problems on intimate partner violence: A review of empirical data. *Aggression and Violent Behavior*, 15(5), 325-333. Nancarrow, H., Lockie, S., & Sharma, S. (2009). *Intimate partner abuse of women in a Central Queensland mining region*. Canberra: Australian Institute of Criminology.
- <sup>54</sup> See: [www.ourwatch.org.au/Who-We-Are](http://www.ourwatch.org.au/Who-We-Are)

- <sup>55</sup> Information extracted from: [www.ourwatch.org.au/News-media/Latest-news/Let-s-bust-some-myths-about-what-drives-violence](http://www.ourwatch.org.au/News-media/Latest-news/Let-s-bust-some-myths-about-what-drives-violence)
- <sup>56</sup> Information extracted from Our Watch Questions and Answers about *Change the Story* available at: [www.ourwatch.org.au/General/%E2%80%8BChange-the-story-Questions-and-answers](http://www.ourwatch.org.au/General/%E2%80%8BChange-the-story-Questions-and-answers)
- <sup>57</sup> Home Office, *Domestic Violence Disclosure Scheme (DVDS) Pilot Assessment*, London: Home Office, pages 3-4.
- <sup>58</sup> See above no 48 at page 3.
- <sup>59</sup> Home Office, *Domestic Violence Disclosure Scheme: One year on – Home Office Assessment of National Roll-Out*, March 2016 London: Home Office, page 5.
- <sup>60</sup> UK Home Office, *Domestic Violence Disclosure Scheme Guidance* (Revised March 2013), London, Home Office, page 10.
- <sup>61</sup> See CAA Annual Report 2014-15 available at: [www.courts.sa.gov.au/OurCourts/CourtsAdministrationAuthority/Lists/CAA%20Annual%20Reports/Attachments/20/CAA%20Annual%20Report%202014-15.pdf](http://www.courts.sa.gov.au/OurCourts/CourtsAdministrationAuthority/Lists/CAA%20Annual%20Reports/Attachments/20/CAA%20Annual%20Report%202014-15.pdf)
- <sup>62</sup> Victorian Royal Commission into Family Violence, *Summary and Recommendations March 2016*, Volume 3, Chapter 17, page 228.
- <sup>63</sup> Special Taskforce on Domestic and Family Violence in Queensland, *Not Now, Not Ever: Putting an end to Domestic and Family Violence in Queensland*, pages 14-15.
- <sup>64</sup> Social Development Committee Report into Domestic and Family Violence, at page 144.
- <sup>65</sup> See above no 64 at page 145.
- <sup>66</sup> See above no 64 at page 146.
- <sup>67</sup> A copy of *A Right to Safety* is available at: <http://officeforwomen.sa.gov.au/womens-policy/womens-safety>.
- <sup>68</sup> [www.whiteribbon.org.au](http://www.whiteribbon.org.au)
- <sup>69</sup> [www.whiteribbon.org.au/what-is-white-ribbon](http://www.whiteribbon.org.au/what-is-white-ribbon)
- <sup>70</sup> See above no 69.
- <sup>71</sup> [www.whiteribbon.org.au/workplaces](http://www.whiteribbon.org.au/workplaces)
- <sup>72</sup> See *Evidence Act 1929* (SA) s 4 [as amended by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 5].
- <sup>73</sup> See *Evidence Act 1929* (SA) ss 13A(1), (4), (11) and (2)(a) to (e) [as amended by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 9(1)].
- <sup>74</sup> Bowden, Henning and Plater, 'Balancing fairness to victims, society and defendants in the cross-examination of vulnerable witnesses: an impossible triangulation?' [www.austlii.edu.au/cgi-bin/sinodisp/au/journals/MelbULawRw/2014/1.html?](http://www.austlii.edu.au/cgi-bin/sinodisp/au/journals/MelbULawRw/2014/1.html?)
- <sup>75</sup> *Evidence Act 1929* (SA) ss 13(1),(2)(a) to (f) and (3) ) [as amended by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 8].
- <sup>76</sup> *Evidence Act 1929* (SA) s 12(4).
- <sup>77</sup> *Evidence Act 1929* (SA) s 13A(e)(ii) [as amended by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 9], *Evidence Act 1929* (SA) s 14A [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 12].
- <sup>78</sup> *Evidence Act 1929* (SA) s 12AB(2)(a)(ii) [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 7].
- <sup>79</sup> *Evidence Act 1929* (SA) s 14A(3) [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 12].
- <sup>80</sup> *Evidence Act 1929* (SA) s 4 [as amended by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 5(1)].
- <sup>81</sup> *Evidence Act 1929* (SA) s 74H(2)(b) [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 29].

- <sup>82</sup> *Evidence Act 1929* (SA) s 14A(4) [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 12].
- <sup>83</sup> *Evidence Act 1929* (SA) s 12AB [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 7]
- <sup>84</sup> *Intervention Orders (Prevention of Abuse) Act 2009* (SA)ss 29 (1) and (2).
- <sup>85</sup> *Intervention Orders (Prevention of Abuse) Act 2009* (SA) ss 29(1) and (3).
- <sup>86</sup> *Intervention Orders (Prevention of Abuse) Act 2009* (SA) s 29(4).
- <sup>87</sup> *Evidence Act 1929* (SA) ss 12AB (1), (2), (3), (13) and (14) [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 7].
- <sup>88</sup> *Evidence Act 1929* (SA) s 13.
- <sup>89</sup> *Evidence Act 1929* (SA) s 13A.
- <sup>90</sup> *Evidence Act 1929* (SA) s 13C.
- <sup>91</sup> As inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 26.
- <sup>92</sup> *Summary Offences Act 1953* (SA) ss 74EA(1) and 74EB. [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 26]
- <sup>93</sup> *Summary Offences Act 1953* (SA) s 74EA(2). [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 26]
- <sup>94</sup> Second Reading Speech of the *Statutes Amendment (Vulnerable Witnesses) Bill* <http://hansardpublic.parliament.sa.gov.au/Pages/HansardResult.aspx#/docid/HANSARD-11-19527>
- <sup>95</sup> *Evidence Act 1929* (SA) s 13BA(1). [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 10]
- <sup>96</sup> *Evidence Act 1929* (SA) ss 13BA(3)(d) and (5). [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 10]
- <sup>97</sup> *Evidence Act 1929* (SA) s 13BA(3)(a). [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 10]
- <sup>98</sup> *Summary Offences Act 1953* (SA) s 74EA(1) [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 26]; *Evidence Act 1929* (SA) s 12AB(14) [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 7].
- <sup>99</sup> *Evidence Act 1929* (SA) s 13D(1).
- <sup>100</sup> *Summary Offences Act 1953* (SA) s 74EC(1). [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 26].
- <sup>101</sup> *Evidence Act 1929* (SA) s 25(3) and (4) [[as amended by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 14(5)].
- <sup>102</sup> *Evidence Act 1929* (SA) s 13B.
- <sup>103</sup> *Evidence Act 1929* (SA) s 34LA. [inserted by *Statutes Amendment (Vulnerable Witnesses) Act 2015* (SA) s 16]
- <sup>104</sup> Second Reading Speech of the *Statutes Amendment (Vulnerable Witnesses) Bill* <http://hansardpublic.parliament.sa.gov.au/Pages/HansardResult.aspx#/docid/HANSARD-11-19527>

