



3 May 2017

Submission in response to the Parliamentary inquiry into a better family law system to support and protect those affected by family violence

Thank you for this opportunity to provide a submission in response to the Senate *Parliamentary inquiry into a better family law system to support and protect those affected by family violence*

This submission has been prepared by members of the Monash School of Social Sciences *Gender and Family Violence Research Program: New Frameworks in Prevention*. More details about the Research Program and our current research are provided in the introduction and as an appendix to this submission.

Please find our submission attached to this letter.

In our submission, we have drawn on our extensive research examining responses to intimate partner violence, law reform and women's experiences of family violence and its aftermath.

We would welcome the opportunity to discuss any aspects of this submission or our wider research on family and domestic violence further with the Government.

Kind regards,

Dr Kate Fitz-Gibbon, Professor JaneMaree Maher, Professor Jude McCulloch, Associate Professor Marie Segrave and Professor Sandra Walklate*

School of Social Sciences, Faculty of Arts
Monash University (Victoria, Australia)
Web: <http://artsonline.monash.edu.au/gender-and-family-violence/>

* Conjoint appointment with Eleanor Rathbone Chair of Sociology, Department of Sociology, Social Policy and Criminology, School of Law and Social Justice, University of Liverpool (UK).

Submission in response to the Parliamentary inquiry into a better family law system to support and protect those affected by family violence

This Parliamentary Inquiry represents an important opportunity to address the impacts of the family law system on families when family violence is involved. It offers a critical opportunity to improve the way the system supports and responds to those affected by family violence.

Our submission is structured into five sections:

1. Monash Gender and Family Violence Research Program Overview
2. Family Law System and ensuring the safety of those affected by family violence (ToR 1)
3. Arrangements in Family Courts (ToR 3)
4. Capacity of Family Law Professionals in the context of family violence responses (ToR 5)
5. A national approach to the administration and enforcement of intervention orders for personal protection (ToR 6)

Relevant recommendations are included throughout; a summary of recommendations and a list of relevant references are included at the conclusion of the submission.

Monash Gender and Family Violence Research Program Overview

The Monash School of Social Sciences *Gender and Family Violence Research Program: New Frameworks in Prevention* aims to develop an evidence base for reforms aimed at effectively implementing more risk sensitive approaches to family violence and reducing the associated harms to women and children. The *Gender and Family Violence Program* draws on two areas of strength in the Social Sciences: Criminology and the Centre for Women's Studies and Gender Research. Both areas are nationally and internationally recognised and have well-established networks amongst leading family violence practitioners and academic experts. The team has expertise in quantitative and qualitative methods and in large-scale community engagement projects.

Members of the *Gender and Family Violence Focus Program* are currently engaged in, and have recently completed, projects related to improving responses to intimate partner and family violence. These projects are listed below (further details are provided in Appendix A to this submission).

- **Securing women's lives: Preventing intimate partner homicide**
Investigators: Jude McCulloch, Kate Fitz-Gibbon, Sandra Walklate, JaneMaree Maher (**Status:** Current. Funded by Australian Research Council)
- **Perpetrator interventions in Australia: A national study of judicial views and sentencing practice for domestic violence offenders**
Investigators: Kate Fitz-Gibbon, JaneMaree Maher, Jude McCulloch. Partner Investigators: Victorian Sentencing Advisory Council, Australasian Institute of Judicial Administration (**Status:** Current, Funded by Australia's National Research Organisation for Women's Safety)
- **Review of Minimum Standards for Men's Behaviour Change Programs**
Investigators: Jude McCulloch, Kate Fitz-Gibbon, JaneMaree Maher, Marie Segrave and Kathryn Benier (**Status:** Current, Contracted research, Victorian Department of Health and Human Services)
- **Women, disability and violence: Creating access to justice**
Investigators: JaneMaree Maher, Claire Spivakovsky, Jude McCulloch, Jessica Cadwallader (People with Disability Australia) (**Status:** Current, Funded by Australia's National Research Organisation for Women's Safety)
- **Investigating Adolescent Family Violence**
Investigators: Kate Fitz-Gibbon, JaneMaree Maher, Jude McCulloch, Jan Coles and Deborah Western (**Status:** Current, Funded by Monash University Faculties of Art and Medicine)
- **The killing of women in Victoria: Examining risks of violence and points of intervention**
Investigators: Kate Fitz-Gibbon (**Status:** Current, Funded by The Victorian Women's Trust)
- **The Monash Review of the Family Violence Common Risk Assessment Framework in Victoria**
Investigators: Jude McCulloch, JaneMaree Maher, Kate Fitz-Gibbon, Marie Segrave and James Roffee. (**Status:** Recently completed, Contracted research, Victorian Department of Health and Human Services)
- **Innovative legal responses to the prevention of intimate partner homicide in the UK, US and Canada.**
Investigators: Kate Fitz-Gibbon (**Status:** Recently completed, Fellowship awarded by The Winston Churchill Memorial Trust)

- **Temporary migration and family violence: An analysis of victimisation, support and vulnerability**

Investigators: Marie Segrave and InTouch Multicultural Centre Against Family Violence. (**Status:** Current, Funded by Monash University Faculty of Arts and InTouch Multicultural Centre Against Family Violence)

The Family Law System and ensuring the safety of those affected by family violence including early interventions, both legal and non-legal (ToR 1)

Our recent research examining the Victorian family violence risk assessment and risk management framework ('the CRAF') highlighted the importance of consistent, integrated and informed risk assessment practices across all agencies and organisations working with persons experiencing family violence (McCulloch et al 2016). The family law system was one area, among several, identified as holding particular risks for women and their children, and requiring enhanced risk assessment and management practices.

The research included a series of interviews conducted with women victim/survivors of family violence. These women indicated that early reports to many different types of specialist and generalist services, including police, did not result in responses that worked towards achieving women's and children's safety. Failures to effectively share and respond to risk assessment compounded the likelihood of harms. In the majority of cases, women described a lack of response to their initial disclosures of violence and were deeply distressed that an escalation of the violence was necessary before concrete steps towards stopping violence could be taken by relevant agencies and services. It was clear that for many early disclosures did not result in referral to relevant legal services and supports. As illustrated in the following excerpts from interviews completed in 2016 with women victim/survivors:

Well one of the things I definitely thought about was at times when maybe the police were needed to be called and that there was never any follow-up. You know in my situation it was my dad and they would come and nothing would really happen. They'd leave and no-one would ever come and check in or make sure anyone was okay. (Experienced abuse as a child; reflecting on this experience in early adulthood)

No, in the beginning absolutely not, especially from services such as GPs [general practitioners] and things like that. There was no support there. I was quite stigmatised actually. I felt like that often at times and especially when it came to my children also being able to access services through GPs. (Left the relationship around eight years ago)

I was seeing a gynaecologist and a GP and there were tell-tale signs of bruising, unexplained passing out and severe changes in sleep patterns. But nobody wanted to discuss it, especially my GP who was from my own ethnic background. (Left the relationship around 10 years ago)

The importance of the response of all types of services that may come into contact with those affected by family violence, and the importance of effective risk assessment and risk management is highlighted in these quotes. It is also important to note, as findings from our recent research indicate (McCulloch et al 2016), that diversity must be built into risk assessment and these process must be tailored to and informed by diversity (for example, the specificity of experiences for women from CALD communities as discussed below, and including, but not limited to, women with disability and those from the LGBTIQ community).

The most recent death review of intimate partner homicides in NSW (NSW DVDRT, 2015) indicates that it was more common for victims to have an initial interaction with a health or legal professional than with police prior to their death, emphasising the importance of the role of non-specialist services in identifying family violence. Fitz-Gibbon's current research funded by the Victorian Women's Trust has found that those experiencing family violence, which later resulted in an intimate partner homicide, had contact with multiple services but effective interventions to secure safety did not result. In the Inquest into the Death of Luke Geoffrey Batty (Gray 2015), particular attention was paid to the need to develop effective risk assessment and information sharing protocols as a basis for effective early interventions. Once family violence is identified, State Coroner Ian Gray recommended that risk assessments need to be:

dynamic, collaborative, comprehensive and up-to date. That is, once commenced, a risk assessment considers all the information available to all relevant agencies, is updated and maintained for a family where family violence has been indicated or reported.

The Coroner recommended that risk assessments are accessible and maintained by all relevant legal officers involved in identifying and coordinating the support given and safety planning provided to victims of family violence. The Victorian Royal Commission into Family Violence (2016) similarly found that dynamic risk assessment and information sharing was a critical aspect of early responses that supported safety. This body of evidence highlights the importance of effective risk assessment and information sharing.

It is vitally important that reforms to the Family Law system specify protocols for information sharing and risk assessment that create accountability for all relevant legal and non-legal actors.

Recommendation 1 We recommend that all professionals working with those affected by family violence, including Family Law court staff, judicial officers and legal practitioners, should ensure dynamic risk assessment forms part of required responses to family violence disclosures. These should be tailored to capture general and particular risk, reflecting the specific situations members of diverse communities may experience. This knowledge and expectation should be reflected in position descriptions and protocols within the courts.

Recommendation 2 To support effective risk assessment and management practice within the Federal family law system, we recommend that appropriate information sharing protocols and obligations should be developed to ensure the safety of, and support for, those affected.

Family access orders that recognise family violence risks and impacts

In our recent research (McCulloch et al 2016), women considered that family court access orders in relation to children, granted through the Family Law system, appeared to ignore, or fail to take sufficient account of, intervention orders around family violence, creating a new and critical area of risk for women and their children. In addition, prior criminal histories of violence and imprisonment were not linked with initial family violence risk assessments, resulting in extremely risky situations for women and their children engaged in family court proceedings. As illustrated in the following two interview excerpts:

Unexpected risks? There has been a lot, to be honest. As a result of the Family Court Orders themselves, having to exchange at access points and things like that, there was times when I was put at risk. Again, I have to go back and make the orders for the exchange to occur at police stations, *which still happens to this day*. I think most of it stems from what's occurred through the Family Court and overriding the intervention orders that were in place, which has allowed for me to be put at risk, because their dad was allowed to attend sporting events and things like that, where I obviously am. (Left the relationship around 12 years ago)

I think that it's a community responsibility, so I don't know whether that's Family Court that need to do a bit more or we need to have some alerts where there's intervention orders that are being changed to give him contact with children. Family services will be doing some of that when they're involved with the perpetrator and his parent, men's behaviour change. I think there's a number of – possibly police, I don't know. I think there's a number of services that need to be able to keep that in mind. (Service Provider)

Recommendation 3 We recommend that a systematic examination of the multiple points of interactions between Intervention Orders and Family Court proceedings be undertaken to ensure that the safety and security of those affected by family violence is prioritised in all legal proceedings. Findings should be used to inform improved risk assessment and case management practices within and beyond the family law system.

Specific issues for women from CALD communities: particularly recently arrived migrant women

Women who migrate to Australia and experience family violence face particular insecurities and barriers in accessing assistance. This is further heightened for women who do not have permanent residency. Women are often unable to access information about legal rights (or may be provided with misinformation by their abusive partner). When initial disclosures to police or other services do not result in an effective response, women may be concerned that they have no legal rights in Australia over their children, their own safety or their residency.

Visa issues are critical in addressing the safety of those experiencing family violence. The *ALRC Family Violence and Commonwealth Laws— Improving Legal Frameworks Final Report* (November 2011) was particularly alert to the impacts of family violence for women from CALD communities. That Report concluded:

The ALRC reiterates its view expressed in *Equality Before the Law*, that the 'Australian government has a special responsibility to immigrant women who are particularly vulnerable to abuse and the consequences of abuse' (p100). Rather than instituting a separate criterion for sponsorship, the ALRC considers that the safety of victims of family violence can be promoted through targeted education and information dissemination.

Access to accurate and timely legal information is important for all victim/survivors of family violence. It is likely to be particularly important for women from CALD communities who might believe or be told that they have no legal rights in relation to family violence and who may fear that disclosure will impact on their pathway to permanent residency and citizenship.

Recommendation 4 We recommend that readily available and accessible resources be developed to ensure the provision of accessible information about the family law system to women from CALD communities. These resources should be developed and disseminated in consultation with members of the CALD community.

Arrangements in Family Courts (ToR 3)

In the Federal family law system, cross examination of a person by their alleged family violence abuser is permitted in some cases, including those involving self-represented parties. While Victoria and other state jurisdictions have introduced reform to ensure that witnesses in a criminal proceeding arising out of family violence can avoid this occurring, such protections are not in place in the Federal family law courts. The Victorian Royal Commission (2016) uncovered numerous stories of this type of trauma with women routinely re-victimised by the very person from whom they were seeking protection. To date, and despite mounting evidence and advocacy against such practice, the Commonwealth Government has failed to enact reforms to ensure that victims who seek protection from the Federal Family Law are not worse off for having done so.

Recommendation 5 Legislative reform should be introduced to expressly prohibit cross examination of a person by an alleged abuser. The drafting of this legislation should take into consideration the language and impact of similar reforms introduced at the state level to prohibit witnesses in a criminal proceeding arising out of family violence from being cross examined by their alleged perpetrator.

The present Inquiry also offers an opportunity to reconsider the traditional boundaries between the *Federal* family court system and state-based criminal justice and civil systems. All of these hold responsibilities for responding to cases occurring in the context of family violence. This results in a situation where a person experiencing family violence may be required to move between a number of courts to have their matters heard, including a state magistrate's court, a district (County) court, a state supreme court, state children's court and/or federal family court (ALRC/NSWLRC 2010: 132). As noted in Fitz-Gibbon's (2016: 27) Churchill Fellowship report 'for most persons the court environment is a foreign and confusing setting, complexities which are further exacerbated when a person is required to navigate multiple jurisdictions and courtrooms'. Similarly, the Victorian Royal Commission (2016: Summary – 26) found 'procedural and jurisdictional features of the courts have the potential to produce adverse consequences in family violence proceedings'. Similar conclusions were reached in the Luke Batty Inquest (Gray 2015: 105).

In recognition of the need to minimise complexities and fragmentation in legal processes, internationally specialist court approaches have been developed which bring together multiple areas of law within the one court setting. This was also a key recommendation in the Coroner's report on Luke Batty (Gray 2015: 105), where critical opportunities for information sharing with the police were lost. For example, in the United States, the integrated domestic violence court model allows for criminal, civil and family law matters to be dealt with in the one courtroom (for further details on this model, see Fitz-Gibbon 2016). The 'one court' model was considered by the ALRC/NSWLRC (2010: 145) which concluded that it would be plausible in the Australian context albeit that implementation would give rise to 'significant' challenges in terms of the constitutional division of power between the Commonwealth and the states, and the cost of establishing a national specialist family violence court framework.

Recommendation 6 We recommend that a review be undertaken at the Commonwealth level to develop an Australian integrated family violence court model. The developed model should consider what legislative amendments are required to facilitate the inclusion and resolution of family law matters at the state level for cases involving family violence. This model should propose a way forward in accommodating the constitutional division of powers between Commonwealth and State laws with the aim of minimising the fragmented and complex web of court processes that persons experiencing family violence are presently expected to navigate. *Note: This recommendation was previously made in Fitz-Gibbon (2016).*

Capacity of Family Law Professionals in the context of family violence responses (ToR 5)

In our recent review of risk assessment in relation to family violence (McCulloch et al, 2016), many service providers including those from courts and legal services, indicated that they had insufficient training and guidance on 'when to do a risk assessment; how often to do it; how to document the assessment and when and with whom to share the information' (see also Plunkett 2015: para 44). It is vital that professionals working in the family law system be supported to understand and assess family violence risk, in order that early disclosures, and escalating situations, can be identified and appropriate responses ensue.

In the Victorian context, the need for enhanced training and targeted guidance around risk assessment and management is recognised as a core need for those working with those affected by family violence. As one participant in our Victorian study on family violence risk assessment commented:

More specific and tailored risk management guidance/practice framework that suits the range of risk management options currently available – Safe At Home, RAMP, refuge, outreach, sexual assault support – particularly a shared understanding of when it is unsafe for women to remain in their area and need to relocate for safety. (Service Provider)

Training that supports family law professionals to respond effectively to family violence disclosures is currently not embedded in standard professional training (such as degrees) and becomes extremely difficult to implement once graduates become private practitioners. Limited time is devoted to professional training in key workforces, such as for lawyers, that are on the frontline of family violence responses. Changes in educational structures to build in knowledge about the prevalence, impacts and presentation of family violence need to be provided for practitioners. This view is supported by the findings and recommendations of the Victorian Royal Commission into Family Violence (2016) and the Special Taskforce on Domestic and Family Violence in Queensland (2015).

Recommendation 7 We recommend that workforce training for family law professionals be reviewed to ensure that training in relation to family violence risk assessment and management is effectively embedded. Professional development for family law professionals should ensure responses to family violence are part of mandated ongoing professional development.

A key issue identified in our research by generalist services (including family law professionals) who are likely to be exposed to family violence was the lack of current knowledge and information about appropriate pathways and referrals for those who have experienced family violence. For non-specialist professionals to feel confident about identifying and responding to disclosures of family violence, information about what to do subsequent to a disclosure is paramount. Such information should be clear, regularly updated to ensure currency and readily available. Agencies should be confident that they are able to share knowledge that impacts on the safety and security of those who experience family violence.

Recommendation 8 We recommend that Information about referral pathways should be developed and made readily available and current to support family violence workforce training initiatives for family law professionals.

A national approach to the administration and enforcement of intervention orders for personal protection (ToR 6)

Recent research and a series of state based inquiries, specifically the *Victorian Royal Commission into Family Violence* (2016) and the *Queensland Not Now Not Ever Report* (2015) have made it clear that the enforcement of intervention orders is a critical aspect of ensuring safety for those affected by family violence. Too often, multiple breaches are tolerated; sometimes as in the case of Kelly Thompson (Gray 2016) and Luke Batty (Gray 2015) in Victoria, the results are tragic and fatal. Persistent contraventions of a family violence order(s) is a clear indicator of a person's risk of escalating and/or repeated family violence.

At times, women's fears of accessorial liability for breaches of a family violence protection order, as examined by the Australian Law Reform Commission (ALRC) and New South Wales Law Reform Commission (NSWLRC) in their 2010 review, and in the recent Tasmanian Department of Justice Review (2016) may dissuade women from seeking an order in the first instance or reporting a subsequent breach (ALRC/NSWLRC 2010). This clearly increases risk and is a dilemma of which the family law system must be cognisant.

Achieving a national approach to the administration and enforcement of intervention orders for personal protection is an important goal towards which all Australian state and territories jurisdictions should be moving. However, it is equally important to recognise that *effective* administration and enforcement of intervention orders cannot be achieved purely through legislative reform and in isolation of a wider framework to support consistency and integration of differential state and territory approaches to the use and enforcement of intervention orders.

Recommendation 9 We recommend that a wider review be undertaken to examine what framework, beyond legislative reform, should be developed and embedded to support an effective and integrated national approach to the administration and enforcement of intervention orders for personal protection.

Summary of Recommendations

This submission makes the following recommendations:

Recommendation 1 We recommend that all professionals working with those affected by family violence, including Family Law court staff, judicial officers and legal practitioners, should ensure dynamic risk assessment forms part of required responses to family violence disclosures. These should be tailored to capture general and particular risk, reflecting the specific situations members of diverse communities may experience. This knowledge and expectation should be reflected in position descriptions and protocols within the courts.

Recommendation 2 To support effective risk assessment and management practice within the Federal family law system, we recommend that appropriate information sharing protocols and obligations should be developed to ensure the safety of, and support for, those affected.

Recommendation 3 We recommend that a systematic examination of the multiple points of interactions between Intervention Orders and Family Court proceedings be undertaken to ensure that the safety and security of those affected by family violence is prioritised in all legal proceedings. Findings should be used to inform improved risk assessment and case management practices within and beyond the family law system.

Recommendation 4 We recommend that readily available and accessible resources be developed to ensure the provision of accessible information about the family law system to women from CALD communities. These resources should be developed and disseminated in consultation with members of the CALD community.

Recommendation 5 Legislative reform should be introduced to expressly prohibit cross examination of a person by an alleged abuser. The drafting of this legislation should take into consideration the language and impact of similar reforms introduced at the state level to prohibit witnesses in a criminal proceeding arising out of family violence from being cross examined by their alleged perpetrator.

Recommendation 6 We recommend that a review be undertaken at the Commonwealth level to develop an Australian integrated family violence court model. The developed model should consider what legislative amendments are required to facilitate the inclusion and resolution of family law matters at the state level for cases involving family violence. This model should propose a way forward in accommodating the constitutional division of powers between Commonwealth and State laws with the aim of minimising the fragmented and complex web of court processes that persons experiencing family violence are presently expected to navigate. *Note: This recommendation was previously made in Fitz-Gibbon (2016).*

Recommendation 7 We recommend that workforce training for family law professionals be reviewed to ensure that training in relation to family violence risk assessment and management is effectively embedded. Professional development for family law professionals should ensure responses to family violence are part of mandated ongoing professional development.

Recommendation 8 We recommend that Information about referral pathways should be developed and made readily available and current to support family violence workforce training initiatives for family law professionals.

Recommendation 9 We recommend that a wider review be undertaken to examine what framework, beyond legislative reform, should be developed and embedded to support an effective and integrated national approach to the administration and enforcement of intervention orders for personal protection.

Beyond these specific recommendations, it is recommended that any further law reform, policy change or prevention initiatives in this area must be evidence based and informed by consultation with those working within the integrated family violence sector and expert advisors.

References

- Australian Law Reform Commission and New South Wales Law Reform Commission (2010) *Family Violence – A National Legal Response*, Volume 1. Commonwealth of Australia, Canberra.
- Fitz-Gibbon K (2016) *The Peter Mitchell Churchill Fellowship to examine innovative legal responses to intimate partner homicide*. Winston Churchill Memorial Trust: Canberra.
- Gray, I. (2015) Finding – Inquest into the Death of Luke Geoffrey Batty. 28 September. Coroners Court of Victoria: Victoria.
- Gray, I. (2016) Finding – Inquest into the Death of Kelly Ann Thompson. 21 April. Coroners Court of Victoria: Victoria.
- McCulloch J., Maher, JMM., Fitz-Gibbon, K., Segrave, M. and Roffee, J (2016) *Review of the Common Risk Assessment and Management Framework (CRAF): Final Report*. Department of Health and Human Services, Victoria. Available online: http://artsonline.monash.edu.au/gender-and-family-violence/files/2016/10/SOSS_CRAF_Final_Report_links.pdf
- New South Wales Domestic Violence Death Review Team (NSW DVDRT) (2015) Annual Report: 2013-2015. NSW Government: Sydney.
- New South Wales Law Reform Commission. (2003) Apprehended Violence Orders, Report 103. New South Wales Law Reform Commission, Sydney.
- Royal Commission into Family Violence. (2016) Report and Recommendations. Royal Commission into Family Violence, Victoria.
- Special Taskforce on Domestic and Family Violence in Queensland. (2015) *Not now, Not Ever: Putting an End to Domestic and Family Violence in Queensland*. Queensland Government: Queensland. Available online: <https://www.communities.qld.gov.au/gateway/end-domestic-family-violence/about/not-now-not-ever-report>
- Tasmanian Government Department of Justice - Family Violence: Strengthening our Legal Response Consultation Paper October 2016
- Victorian Law Reform Commission. (2006) *Review of Family Violence Laws*. Victorian Law Reform Commission, Melbourne.

Cases Cited

- Inquest into the Death of Luke Geoffrey Batty* [2015] COR 2014 0855, Coroners Court of Victoria at Melbourne (28 September 2015). Available online: <http://www.coronerscourt.vic.gov.au/home/findings+-inquest+into+the+death+of+luke+geoffrey+batty>
- Inquest into the Death of Kelly Ann Thompson* [2006] COR 2014 0824, Coroner's Court of Victoria at Melbourne (21 April 2016). Available online: <http://www.coronerscourt.vic.gov.au/home/coroners+written+findings/finding+-inquest+into+the+death+of+kelly+ann+thompson>

APPENDIX A: CURRENT AND RECENTLY COMPLETED RESEARCH

Securing women's lives: Preventing intimate partner homicide

Investigators: Jude McCulloch, Kate Fitz-Gibbon, JaneMaree Maher, Sandra Walklate

This project aims to develop a framework for a new systematic preventive approach to intimate partner homicide. Intimate partner violence is the most common type of violence against women worldwide and the leading cause of death amongst Australian women aged between 15 and 44. The project intends to review a decade of intimate partner homicides in Australia to identify potential points of intervention that might have provided opportunities to prevent such killings. This new knowledge is intended to inform and assist in developing a more risk sensitive preventive approach to intimate partner homicides in Australia and overseas, enhancing women's security and preventing their deaths.

(Status: Current, Funded by the Australian Research Council)

Women, disability and violence: Creating access to justice

Investigators: JaneMaree Maher, Claire Spivakovsky, Jude McCulloch, Jessica Cadwallader (People with Disability Australia)

This project explores the experiences of women with disability in seeking access to justice when they have faced violence and/or sexual assault either inside or outside their relationships. The research team's approach will centre women's voices and experiences, and their insights will be explored in relation to those of service providers and other justice sector stakeholders.

(Status: Current, Funded by Australia's National Research Organisation for Women's Safety)

Perpetrator interventions in Australia: A national study of judicial views and sentencing practice for domestic violence offenders

Investigators: Kate Fitz-Gibbon, JaneMaree Maher, Jude McCulloch

Partner Investigators: Victorian Sentencing Advisory Council, Australasian Institute of Judicial Administration

This qualitative mixed method study will utilise case analysis of sentencing remarks (homicide and breach convictions), interviews with judicial officers, and documentary and policy analysis to examine the use, influence and management of perpetrator interventions in sentencing of recidivist and high risk DV offenders. The project aims to document the extent to which histories of perpetrator interventions are present, and the influence of these on sentencing, including an exploration of the views of magistrates and judicial officers on their use.

(Status: Current, Funded by Australia's National Research Organisation for Women's Safety)

Investigating adolescent family violence

Investigators: Kate Fitz-Gibbon, Sandra Walklate and Jude McCulloch, Jan Coles (Medicine Monash), Deborah Western (Social Work Monash)

This project will explore attitudes towards, patterns of, and the impact of adolescent family violence in Victoria. This is a pilot project, which will build knowledge in this complex area, and form the basis of a national project. The project will explore the views of service providers about key needs in responding effectively to adolescent violence, and via an anonymous survey option, seek out the views of those who have experienced this violence.

(Status: Current)

Changing responses to domestic violence: Is coercive control the answer?

Investigators: Kate Fitz-Gibbon, Sandra Walklate and Jude McCulloch

This project brings together leading criminologist, social-legal and feminist legal scholars from England, Scotland, New Zealand, Australia and the United States to examine the need and merits of a new offence of coercive and controlling behaviour (as introduced in England and Wales). It considers the extent to which legislating for new offences can improve legal responses to family violence, what challenges and unintended

outcomes may vary in jurisdictions that have introduced a new offence and to what extent an understanding of coercive control can inform and improve practitioner practice.

(Status: Current)

The killing of women in Victoria: Examining risks of violence and points of intervention

Investigators: Kate Fitz-Gibbon

This project examines the killing of women in Victoria over a ten-year period. Using case analysis and interviews with family violence practitioners and relevant stakeholders, the project will generate an in-depth understanding of the risks of violence and points of intervention common to cases of lethal violence against women in Victoria. The findings will provide an evidence base to illuminate women's experiences of lethal violence and to inform support services, prevention initiatives and justice system responses in Victoria.

(Status: Current, Funded by The Victorian Women's Trust)

Monash Review of the Family Violence Common Risk Assessment Framework in Victoria

Investigators: Jude McCulloch, JaneMaree Maher, Kate Fitz-Gibbon, Marie Segrave and James Roffee

In April 2016 the Monash team were contracted by the Department of Health and Human Services (DHHS) to undertake a comprehensive review of the Victorian Family Violence Common Risk Assessment and Risk Management Framework (the CRAF). The CRAF is widely recognised as the core component of Victoria's integrated family violence system. The tender to review the CRAF was a direct response to the Victorian Royal Commission into Family Violence's recommendation to urgently review the CRAF in order to improve Victoria's response to family violence. The Review completed by Monash in July 2017 examines the use, usability, strength and limitations of the CRAF.

The research included focus groups, victim/survivor interviews, expert interviews, a survey, an advisory group, project website and stakeholder forum. More than 1100 people and over 125 organisations from all over Victoria participated in the Review. The project produced a research brief, extensive literature review, two interim reports, a series of policy recommendations and an in-depth Final Report (it can be accessed at: <http://artsonline.monash.edu.au/gender-and-family-violence/craf-review/>).

(Status: Recently completed, Contracted research with Victorian Department of Health and Human Services)

Innovative legal responses to the prevention of intimate partner homicide in the UK, US and Canada

Investigators: Kate Fitz-Gibbon

This project investigated the effectiveness of innovative and recently introduced legal responses to intimate homicide in the UK, USA and Canada. The project examined the merits of the offence of coercive control in England, the proposed offence of domestic abuse in Scotland, the New York integrated domestic violence court model and domestic violence death review committees internationally.

The Report can be accessed at: <https://www.churchilltrust.com.au/fellows/detail/4013/Kate+Fitz-Gibbon>

(Status: Recently completed, Fellowship awarded by The Winston Churchill Memorial Trust)

Temporary migration and family violence: An analysis of victimisation, support and vulnerability

Investigators: Marie Segrave and InTouch Multicultural Centre Against Family Violence.

The aim of this project is to undertake a comprehensive review of family violence cases managed by inTouch that involve women (victims) who have or are experiencing family violence whose migration status is temporary. The project will document the ways in which migration status is connected to and impacts both vulnerabilities to family violence and access to support. The project will also document the breadth of situations of violence and exploitation, identifying, for example, the extent to which some cases may better be identified as cases of human trafficking and in so doing contribute towards the development of a risk assessment tool to enhance both data gathering and improved access to the appropriate legal and welfare-related support.

(Status: current)