



MONASH University

2 September 2016

Submitted via email to: dvdiscussion@sa.gov.au

Submission to the Government of South Australia in response to the Domestic
Violence Discussion Paper July 2016

Thank you for this opportunity to provide a submission in response to the Domestic Violence Discussion Paper published July 2016.

This submission has been prepared by members of the Monash School of Social Sciences *Gender and Family Violence Focus Process: New Frameworks in Prevention*. More details about the Focus 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 risk, responses to intimate partner violence, law reform and policing.

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,

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Submission to the Government of South Australia in response to the Domestic Violence Discussion Paper July 2016

This Government review represents an important opportunity to take stock of current responses to family and domestic violence in South Australia and to seek improvement in prevention, policy and criminal justice intervention.

Our submission is structured into four main sections:

1. Domestic Violence Disclosure Scheme (DVDS)
2. The Family Safety Framework
3. Comprehensive collection of data
4. Men's Behaviour Change Programs

Relevant recommendations are included throughout and a summary of recommendations made is included at the conclusion of the submission.

Monash Gender and Family Violence Focus Program

The Monash School of Social Sciences *Gender and Family Violence Focus 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 a range of projects related to the topic of this submission. These projects include:

- **The Monash Review of the Common Risk Assessment Framework in Victoria**
Investigators: Jude McCulloch, JaneMaree Maher, Kate Fitz-Gibbon, Marie Segrave and James Roffee. (Status: Recently completed, Contracted research with 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)
- **Securing women's lives: Preventing intimate partner homicide**
Investigators: Professor Jude McCulloch, Dr Kate Fitz-Gibbon, Professor Sandra Walklate,

Professor JaneMaree Maher. (Status: Current. Funding application pending with Australian Research Council)

- **Changing responses to domestic violence: Is coercive control the answer?**
Investigators: Kate Fitz-Gibbon, Sandra Walklate and Jude McCulloch (Status: Current)
- **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)
- **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 The Winston Churchill Memorial Trust)

Further details about each of these projects are provided in Appendix A to this submission.

1. Domestic Violence Disclosure Scheme (DVDS)

The Discussion Paper sets out in detail the proposal to introduce a Domestic Violence Disclosure Scheme in South Australia similar to that introduced in England and Wales and the scheme currently being piloted in New South Wales (NSW). We do not support this proposal.

To date the merits of a domestic violence disclosure scheme, such as Clare's Law in England and Wales, has been the subject of very limited scholarly review and analysis. This lack of analysis is concerning and worthy of mention given that the scheme has now been introduced nationally in England, Wales and Scotland, and is now being considered in at least two Australian state jurisdictions.

To support our recommendation that a domestic violence disclosure scheme should not be introduced in South Australia, here we focus on five key issues – the data impediments to the scheme, considerations arising from the right to safety versus the right to privacy, the implications of shifting the responsibility for ensuring safety onto the victim, the cost of a domestic violence disclosure scheme and the effectiveness of a state based scheme.

The data impediments to the scheme A key limitation of any domestic violence disclosure scheme lies in the private nature of domestic violence. As the SA Government Discussion Paper (2016: 45) reaffirms 'domestic violence predominately occurs behind closed doors'. Research has consistently found that family and domestic violence is significantly underreported (see, for example, Douglas 2008; MacQueen and Norris 2016). High levels of underreporting are further compounded by cases where a crime is reported but no conviction is secured. Based on the recognised underreporting and known attrition at each stage of the justice process, it is entirely plausible that persons who make a 'Right to Ask' request under the SA Government's proposed scheme could be given a false sense of security where they are told that their partner, either current or former, does not have a recorded history of family violence. This is compounded by the failure to recognise that spent convictions, not included in any DVDS may also include acts of violence towards a partner. Problems resulting from underreporting and attrition in the legal system are also likely to impact the effectiveness of the

'Right to Know' branch of the scheme. Persons who have been serially violent to a partner or partners but who do not have an arrest, conviction or caution on record – an entirely plausible scenario - will not be the subject to a 'Right to Know' application.

Further impeding the scheme's likely effectiveness are concerns surrounding the cases that may be inadvertently captured but which do not accurately reflect histories of violence and risk. Under the UK scheme disclosure can include third-party reports of suspected violence and allegations. This is problematic when considered in light of recent research from Queensland which details the frequency with which both partners seek protection orders against each other and a cross-order application is made by a frontline officer, regardless of whether that application is then carried through (Douglas and Fitzgerald 2013). A cross-order scenario is particularly likely to occur in cases where the perpetrator indicates to the frontline police responder that the violence is mutual (Douglas and Fitzgerald 2013). Under a 'Risk to Ask' request a record would return on the part of both parties involved in a cross-order application. Beyond the context of cross-order applications, persons who use violence in self-defence against an abusive person and whom were cautioned, arrested or charged for such, would also return a record under the 'Right to Ask'. This raises questions surrounding the extent to which the scheme will inadvertently disadvantage the very category of victims for whom it is intended to protect.

Returning to the problem of underreporting the need to engage a police officer is likely to present a significant barrier for many victims who are otherwise unwilling or hesitate to communicate with a criminal justice agency. In all jurisdictions where a domestic violence disclosure scheme has been introduced to date it has required that requests are made through the police. In the event that the South Australian Government decides to implement a Domestic Violence Disclosure Scheme consideration should be given to how the avenues for making a request could be expanded or diverted to cater for victims who are unwilling to engage the police and/or how the availability of the Scheme can be best promoted by specialist and generalist services, including through the range of organisations involved in the SA Family Safety Framework.

Right to safety versus right to privacy As acknowledged in the Discussion Paper (2016) the introduction and operation of any domestic violence disclosure schemes brings into conflict the right to privacy and the right to safety. Recent reviews in other Australian state jurisdictions, including the Victorian Royal Commission into Family Violence (2016), have been clear that the right to safety and to live free from violence should be prioritised above the right to privacy. Acknowledging this re-prioritisation is important, however, there are also important legislative hurdles to consider and information sharing protocols to implement alongside any disclosure scheme. The confidentiality requirements of the UK and NSW scheme are important here as they limit the extent to which the information can be shared and used maliciously by the applicant post-disclosure.

One of the stated aims of a domestic violence disclosure scheme is to enhance women's safety and achieve better protection for an individual through the sharing of information about a person's history. What this fails to recognise however is the risk that sharing information about a request with the subject of a disclosure may pose for the applicant. Information sharing about an application with the subject of that application would likely place the applicant at heightened risk of victimisation, defeating the safety and protection aims of the scheme.

Shifting the responsibility for ensuring safety onto the victim In jurisdictions where a domestic violence disclosure scheme has been introduced, such as England and Wales, it was heralded as a reform that will empower potential victims to make informed relationship choices. There are however risks associated with this idea of women's empowerment that have been largely overlooked. By requiring a person to request access to information and to act on that information once received, a domestic violence disclosure scheme places responsibility for action directly with the applicant, who may be experiencing domestic violence already or if not, is in a relationship where the behaviour of their partner has raised a level of concern. This shifts responsibility onto the individual to ensure their own safety and to 'vet' their partner (Refuge 2012) while also detracting responsibility from the potential perpetrator (Duggan 2012). It is the person within a relationship of concern that assumes responsibility for protecting him or herself. This is a problematic reassignment of responsibility.

By assuming that persons with information about their partner's history can make informed and safe choices, a domestic violence disclosure scheme also runs the risk of encouraging victim blaming in cases where an applicant provided with information through the scheme decides not to end the relationship and is later victimised by their partner. The criminal justice system, police and courts in particular, have a long history of victim blaming and denigration in responses to violence against women, particularly through the mobilisation of problematic gendered excuses for violence such as 'she asked for it' (Fitz-Gibbon 2014; Fitz-Gibbon and Maher 2015). Any Scheme that could encourage the proliferation of such excuses should be avoided.

Research has also shown that women in abusive relationship often do not want to leave that relationship or may believe it is too dangerous to leave (Stark 2007). There is a risk that police will be less likely to intervene and assist persons post-disclosure, where the applicant has remained in the relationship and where police perceive that they have not engaged in the risk management strategies advised. It is important to recognise that for many women leaving a relationship will only be possible if the necessary supports are available and engaged and risk management and referral pathways effectively mobilised through these supports.

The risk that police and other services might be less supportive of those who remain in relationships post-disclosure are likely to have particular consequences for women requiring support and protection at the time of relationship separation. Research has consistently revealed that women leaving a relationship are at heightened risk of abuse and lethal violence (see, for example, Mahoney 1991; Wilson and Daly 1993). There is a need for greater support and more effective risk assessment and management practices for people attempting to leave an abusive relationship. A domestic violence disclosure scheme does not in itself assist people to achieve safety away from an abusive partnership but rather, by diverting police resources away from frontline case management and increasing the administrative burden, it may further strain police responses to domestic violence. Clear post-disclosure protocols and supports must be an essential component of any disclosure scheme. If adequate post-disclosure support is not put in place alongside the introduction of a Disclosure Scheme then there is a real risk that women, armed with information about their partner's history, may be placed at greater risk than before disclosure.

The costs of a domestic violence disclosure scheme Given the dearth of analysis and evidence of benefit, consideration should also be given to the costs associated with the implementation and operation of a domestic violence disclosure scheme. In England and Wales, a Pilot Assessment undertaken by the Home Office (2013) found that the average cost of processing a Right to Ask application was £690 and a Right to Know application was £810. This is an important consideration as the introduction of a domestic violence disclosure scheme would require additional funding to support frontline policing and allow for the management of the additional administrative workload. While it is understood that there is a commitment within the Government at present to increase funding where necessary, additional funding will need to be recurrent to ensure that other aspects of frontline policing are not diminished following the scheme's introduction. Regardless of this there is an opportunity cost involved in any choice to allocate any additional policing resources or funding to a disclosure scheme rather than other activities aimed at reducing the prevalence and/ or harm of domestic violence.

The effectiveness of a state-based scheme The UK domestic violence disclosure scheme, referred to as 'Clare's Law', has been introduced across England and Wales. Operationally this means that the scheme applies nationally. This is an important distinction to the Australian context where there is no national scheme and only one other state jurisdiction has begun piloting the scheme. At a national level there is also no central register of domestic violence related offences and intervention order histories. While the latter may be addressed as the National Domestic Violence Order scheme is rolled out across Australia, at present systems do not have the capacity to support national information sharing on domestic violence histories. Consideration should be given to how the Scheme will account for histories of domestic violence beyond South Australia, for example, will it be possible for histories of domestic violence committed and resolved by law in another state or territory jurisdiction to be disclosed under the scheme? If not, then it raises the question as to the accuracy of the information presented and the risk of providing women with potentially inaccurate information and a false sense of safety.

Recommendation 1: South Australia should not introduce a domestic violence disclosure scheme.

Recommendation 2: The NSW Government has announced that the Pilot Domestic Violence Disclosure Scheme will be evaluated following two years of operation. This evaluation will provide the evidence base that is currently lacking in this area and allow for informed policy discussion. If South Australia proceeds with the introduction of a domestic violence disclosure scheme, it should do so following the NSW evaluation so it can draw on the results of the pilot evaluation in deciding questions relating to the scope, operation and process of the Scheme.

While we recommend against the introduction of a domestic violence disclosure scheme, in the event that the SA government does pursue this approach we make the following observations and recommendations:

Recommendation: We recommend that a DVDS in South Australia should restrict the criteria as to which third parties can apply for information. In consultation with the specialist family violence sector consideration should be given to how the scheme can be restricted to prevent neighbours and work colleagues from applying for information.

Recommendation: Any definition of ‘intimate partner’ within a DVDS must support the evidence that intimate partner violence does not cease with the ending of a relationship. If the scheme is introduced and intended to apply to intimate partners, then this should be inclusive of current and former partners. Statistics provided in the Discussion Paper (2016) support the need to ensure that risks following relationship separation are kept in view.

Recommendation: Clear post-disclosure support protocols and responsibilities for frontline police and specialist services, working in partnership, should be established to ensure that women provided with information (or where a disclosure is not made) are well-supported during a period of likely heightened risk.

2. The Family Safety Framework

The Family Safety Framework sits at the core of responses to domestic violence in South Australia. Introduced in 2008 following the evaluation of three pilot sites, the Framework guides risk identification, assessment and management practices. Evaluations of the Family Safety Framework trial sites were completed in 2008 by the Office of Crime Statistics and Research. That evaluation was generally positive but did raise some ‘major challenges’ for the Framework including roll out of the framework to regional sites, management of the administrative burden of family safety meetings, lack of funding to support attendance at family safety meetings and limited options for dealing with perpetrators and ensuring accountability (Office of Crime Statistics and Research 2008: v).

To date, there has been no review of the statewide implementation and operation of the Family Safety Framework. We recommend that this should be undertaken as an immediate priority.

The recent Victorian experience and review of the Common Risk Assessment Framework (CRAF) highlights the need for comprehensive review at this stage and also the introduction of a regular review process. The CRAF was introduced in 2007 and like the SA Family Safety Framework provides a common framework for risk assessment and risk management. The CRAF review was the first recommendation of the Royal Commission into Family Violence (2016). Key findings from that review (see McCulloch et al 2016), which was completed in July 2016, included:

- That there is strong support for a common risk assessment framework across the integrated family violence system in Victoria;
- That the use of the framework is inconsistent across workforces and that there are key challenges presented by its usability for different professional groups;
- Victim/survivors indicated a lack of timely support and positive interventions to interrupt or prevent the violence they were experiencing;
- There was a widespread view that risk management practices are underdeveloped;
- That there is cautious support for a weighted actuarial tool;
- That there is overwhelming support among a range of professions for improving risk assessment and management practices for children.

- There is strong support for greater inclusivity of diverse forms of family violence and diverse communities in a common risk assessment framework.

These findings are of relevance to the Family Safety Framework in South Australia as they highlight issues for consideration and potential challenges. They also affirm the need for regular review and revision of such frameworks to reflect the growing and changing evidence base on family and domestic violence risk in Australia and internationally.

The Family Safety Framework sets out that the Domestic Violence Risk Assessment Form 'is not intended to replace agencies' existing risk assessment forms or procedures but provides a consistent, across agency tool, to be used as a reference when referring to a FSM'. This is a point of difference to the Victorian experience where the *aide memoire* provided as part of the CRAF was intended for use by all generalist and specialist services. Recognising the value and intention of a common approach to risk assessment, review of the Family Safety Framework should catalogue the number of different risk assessment tools, forms or procedures that are being operationalized alongside the framework by organisations in SA. There are two benefits of such an exercise – first, it will bring to the fore any emerging concerns surrounding inconsistency of practice and loss of a common approach, and second, it provides a basis on which some modifications to the current form can be made to reflect improvements that have already been made by individual organisations.

The recent Victorian review and the findings of the Royal Commission into Family Violence (2016) highlight the need for risk assessment and management practices catering to the needs of diverse communities. This includes Aboriginal and Torres Strait Islander (ATSI) women, CALD women and women with a disability. The CRAF review revealed that such communities face distinct risks that are currently not well captured within the Victorian approach. The need for the Framework to cater to diverse communities was evidenced in the Office of Crime Statistics and Research (2008) Report that noted that Aboriginal victims and perpetrators had been involved in cases referred to Family Safety Meetings as well as women from culturally and linguistically diverse (CALD) backgrounds.

At present, the *Frequently Asked Questions* section of the Family Safety Framework provides guidance on assessing risk for Aboriginal and Torres Strait Islander (ATSI) women, CALD women and women with a disability. This advice does not acknowledge the risks specific to these populations. There is also no reference made to risks specific to the LGBTIQ community and older persons. Consideration should be given to how the Framework, and specifically the Domestic Violence Risk Assessment Form can be modified to better account for the risks experienced in diverse communities, including for ATSI, CALD, LGBTIQ communities, disabled and older persons.

Beyond diverse communities, the evaluation of the pilot sites found that referrals received involved at least 125 children, with over 38 per cent of those children age under 5 years old (Office of Crime Statistics and Research 2008). This is a startling statistic that highlights the presence of very young children in high-risk situations of family violence. It also illuminates the need to ensure that the Framework and within it, the Domestic Violence Risk Assessment Form, are adequately capturing direct and indirect risks to children. Risk assessment and management for children in Australia is an underdeveloped area that is lacking a clear evidence base on the risks specific to children who are direct or indirect victims of family violence.

The Domestic Violence Risk Assessment Form includes seven items (listed in Section C as ‘vulnerability factors’) specific to children. A review of the Family Safety Framework should carefully review the effectiveness of these factors in capturing risk for children and the views of those within the sector as to how risk assessment and management practices for children can be improved.

Recommendation 3: A review of the Family Safety Framework should be undertaken as an immediate priority. This review should be completed in consultation or partnership with the integrated family violence sector and consider the use and usability of the framework, the need for modifications, the effectiveness of the immanency guide provided in the framework and the emergence of new evidence about family violence risk, risk assessment and management.

Recommendation 4: The SA Government should establish a regular review process for the Family Safety Framework and within it, the Domestic Violence Risk Assessment and Referral Forms. It is recommended that reviews of the Framework should be carried out every 2 years.

Recommendation 5: As part of the wider review of the Family Safety Framework, the Family Safety Meetings should be reviewed within the next 12 months to capture data and to engage stakeholders and victim/survivors as to the impact of the meetings since their implementation, including the number of cases heard, case outcomes and stakeholder experiences.

Recommendation 6: Consideration should be given to how the Framework, and specifically the Domestic Violence Risk Assessment Form can be modified to better account for the risks experienced by children and within diverse communities, including for ATSI, CALD, LGBTIQ communities, disabled and older persons. This work should be undertaken in close consultation with family violence specialists working with children and in close contact with diverse communities.

3. Comprehensive collection of data

The Discussion Paper (2016) clearly sets out the diverse range of criminal offences for which perpetrators of domestic violence can fall under and the need to collect more comprehensive data on domestic violence related offences and the history of perpetrators beyond that collated and flagged at the police investigation stage of the justice process. We support the Government’s commitment to introducing improved data collection processes.

We agree with the Government’s appraisal of the limited merits of introducing a separate domestic and family violence offence. While the need for additional offences in criminal law has been debated as part of recent reviews in Australia (Royal Commission into Family Violence, 2016; Taskforce on Domestic and Family Violence) there is limited evidence at present to suggest that *more law* will improve justice responses for victims and/or enhance perpetrator accountability. Within the context of this submission and the Government’s focus in the Discussion Paper, there are more effective ways in which comprehensive offence data can be collected from the courts.

Recommendation 7: South Australia should not introduce a new offence of family and domestic violence.

We support the Government's proposal to introduce a system whereby family and domestic violence related offences are 'flagged' or 'coded' at the charging and conviction stages of the justice process. This would provide invaluable data to inform future practice, prevention initiatives and system responses. It would also allow for more accurate histories of violence to be gleaned in cases where the perpetrator reoffends and comes into contact with the police and/or courts for a subsequent domestic violence related offence.

Responsibility for 'flagging' or 'coding' offences as domestic violence related should be undertaken by justice professionals – be it police at the charging stage and magistrates/judges at the conviction stage. Data systems should be introduced to support the attachment of a 'flag' to the case file and consideration should be given to whom will have access to those flags ie. whether they will feed into risk assessment and management processes, specifically the system of Family Safety Meetings.

Recommendation 8: Options for 'flagging' or 'coding' of offences as domestic violence related should be investigated. Flagging should occur at the charging stage (facilitated by police) and at the conviction stage (facilitated by magistrates/judges). All behaviour constituting domestic violence as defined under the Act should be flagged through this process.

We support the Government's proposal to introduce a more comprehensive approach to collecting data on domestic violence perpetrators. Such data is invaluable to understanding risk, informing prevention initiatives and system responses.

More comprehensive data collection on perpetrators could also feed into a future review of the Family Safety Framework and contribute to the development of a perpetrator profile within the current risk assessment practices in SA. Risk management of perpetrators is a relatively new field of study, however the inclusion of a perpetrator profile within a risk assessment framework can assist in measuring levels of risk posed to victim/survivors and understanding how perpetrator risk can be best responded to and managed (McCulloch et al 2016).

In addition to improving the collection of data on perpetrators, we recommend that through the Family Safety Framework systematic and targeted data collection and processes are established to facilitate greater opportunities for research, risk assessment review and system improvement. Systematic collection of data collated as part of the Family Safety Framework will be pivotal to improve SA's family violence system. Information should be collated from:

- Domestic Violence Risk Assessment and Referral Forms;
- Family Safety Meeting Forms;
- Court Information Forms.

Such data is invaluable to developing a more in depth understanding of violence both within and beyond intimate partner relationships. At present in Australia (and indeed internationally) there is a building bank of evidence documenting risks common to intimate partner violence. Robust empirical knowledge of risks beyond the context of a heterosexual intimate partner relationship, however, is lacking. The provision of family violence services to children and diverse communities will need to

occur in conjunction with systematic data collection and sector engagement. The current review of SA's response to domestic violence provides the SA Government with the opportunity to establish improved data collection processes.

Recommendation 9: Systematic data collection processes should be established to support the Family Safety Framework, including to monitor the implementation and use of the Domestic Violence Risk Assessment and Referral Forms across workforces and organisations, and to collate information on family violence related risks.

4. Men's behaviour change programs

Men's behaviour change programs are increasingly recognised as a vital aspect of prevention in the context of family violence, but there is very limited evidence as to the efficacy and impact of such programs. To date in Australia there have been no systematic evaluations of such programs. Organisations such as *No to Violence* (nd) provide minimum standards for good group practice, including conditions of participation, safety of female partners and training and experience of facilitators, but program content is not specified. The Victorian Royal Commission into Family Violence (2016) and the recent ANROWS landscape assessment of perpetrator interventions (Mackay et al 2015) reinforce the value of support for such programs but acknowledge the pressing need for robust empirical evidence of the best format and approaches.

Recommendation 10: The South Australian Government should provide funding to support systematic evaluation of men's behaviour change programs as well as the development of minimum standards for best practice, and a framework to guide the use, monitoring and management of behaviour change programs in court settings.

Summary of Recommendations

The last five years has seen a plethora of law reform, policy change and innovation in improving responses to and the prevention of family and domestic violence. In undertaking this consultation and review, the South Australian government should take into account recent experiences in other Australian state and territories as well as comparable international jurisdictions.

This submission has made the following recommendations:

Recommendation 1. South Australia should not introduce a domestic violence disclosure scheme.

Recommendation 2. The NSW Government has announced that the Pilot Domestic Violence Disclosure Scheme will be evaluated following two years of operation. This evaluation will provide the evidence base that is currently lacking in this area and allow for informed policy discussion. If South Australia proceeds with the introduction of a domestic violence disclosure scheme, it should do so following the NSW evaluation so it can draw on the results of the pilot evaluation in deciding questions relating to the scope, operation and process of the Scheme

In the event that the SA government does pursue this approach we make the following observations and recommendations:

Recommendation: We recommend that a DVDS in South Australia should restrict the criteria as to which third parties can apply for information. In consultation with the specialist family violence sector consideration should be given to how the scheme can be restricted to prevent neighbours and work colleagues from applying for information.

Recommendation: Any definition of 'intimate partner' within a DVDS must support the evidence that intimate partner violence does not cease with the ending of a relationship. If the scheme is introduced and intended to apply to intimate partners, then this should be inclusive of current and former partners. Statistics provided in the Discussion Paper (2016) support the need to ensure that risks following relationship separation are kept in view.

Recommendation: Clear post-disclosure support protocols and responsibilities for frontline police and specialist services, working in partnership, should be established to ensure that women provided with information (or where a disclosure is not made) are well-supported during a period of likely heightened risk.

Recommendation 3. A review of the Family Safety Framework should be undertaken as an immediate priority. This review should be completed in consultation or partnership with the integrated family violence sector and consider the use and usability of the framework, the need for modifications, the effectiveness of the imminency guide provided in the framework and the emergence of new evidence about family violence risk, risk assessment and management.

Recommendation 4. The SA Government should establish a regular review process for the Family Safety Framework and within it, the Domestic Violence Risk Assessment and Referral Forms. It is recommended that reviews of the Framework should be carried out every 2 years.

Recommendation 5. As part of the wider review of the Family Safety Framework, the Family Safety Meetings should be reviewed within the next 12 months to capture data and to engage stakeholders and victim survivors as to the impact of the meetings since their implementation, including the number of cases heard, case outcomes and stakeholder experiences.

Recommendation 6. Consideration should be given to how the Framework, and specifically the Domestic Violence Risk Assessment Form can be modified to better account for the risks experienced by children and within diverse communities, including for ATSI, CALD, LGBTIQ communities, disabled and older persons. This work should be undertaken in close consultation with family violence specialists working with children and in close contact with diverse communities.

Recommendation 7. South Australia should not introduce a new offence of family and domestic violence.

Recommendation 8. Options for ‘flagging’ or ‘coding’ of offences as domestic violence related should be investigated. Flagging should occur at the charging stage (facilitated by police) and at the conviction stage (facilitated by magistrates/judges). All behaviour constituting domestic violence as defined under the Act should be flagged through this process.

Recommendation 9. Systematic data collection processes should be established to support the Family Safety Framework, including to monitor the implementation and use of the Domestic Violence Risk Assessment and Referral Forms across workforces and organisations, and to collate information on family violence related risks.

Recommendation 10. **Recommendation 10:** The South Australian Government should provide funding to support systematic evaluation of men’s behaviour change programs as well as the development of minimum standards for best practice, and a framework to guide the use, monitoring and management of behaviour change programs in court settings.

Beyond these specific recommendations, it is recommended that any 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.

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APPENDIX A: CURRENT AND RECENTLY COMPLETED RESEARCH

The Monash Review of the 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.

(Status: Recently completed, Contracted research with 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)

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)

Securing women's lives: Preventing intimate partner homicide

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

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)

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 arise 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)

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.

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