

Research Brief

The Royal Commission into Family Violence

Introduction

This Research Brief reflects on the aims, findings and recommendations of the Victorian Royal Commission into Family Violence ([RCFV] 2016). The Brief also highlights some of the key recommendations that have been implemented in the five years since the Commission released its report.

Background

The Victorian Royal Commission into Family Violence, chaired by The Honourable Marcia Neave AO, was born out of a growing pressure on the Victorian Government to address key shortcomings in the state's family violence system made particularly evident by a series of highly publicised family violence related deaths. This included the death of 11-year-old Luke Batty, who was killed by his father in 2014, despite Luke's mother, Rosie Batty, having engaged with the family violence system, seeking protection, over the course of a decade prior to her son's death. The Coroner's Inquest ultimately concluded that only Luke's father was truly responsible for his death. The Inquest findings also highlighted key failings in the system which rendered perpetrator accountability and victim-survivor protection difficult to achieve (Coroners Court of Victoria 2015). In 2015, the RCFV, which would seek to examine system responses to family violence state-wide, was established with a budget of \$36 million. The findings and recommendations were delivered in early 2016.

The Commission's 'Terms of Reference'

The Commission's Terms of Reference (ToR) identified family violence as a gendered issue, whereby victim-survivors are predominantly women and children, and perpetrators are predominantly men. The Commission was responsible for seeking short, medium and long-term improvements to the family violence system in order to improve safety mechanisms for victim-survivors, as well as to better establish a system of perpetrator accountability. The ToR specifically identified four key aims which were to:

- a) examine and evaluate key strategies, frameworks, policies etc. across government and non-government sectors to establish best family violence practice,
- b) investigate key response areas such as the police, courts, child protection, corrections and support services as means to reduce re-offending,
- c) investigate how government and community organisations can improve their coordination efforts, and
- d) offer recommendations on how best to measure the success of relevant reforms emerging as a result of the Commission's findings (RCFV 2016, vol. I, p. 205- 208).

The ToR also required the Commission to pay regard to cultural factors such as gender inequality and the needs and experiences of diverse groups such as Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, LGBTIQ+ communities, children and young people, older people, and people with a disability. The Commission was tasked with an examination of system-wide issues, rather than a focus on individual cases (RCFV 2016, vol. I, p. 205- 208).

The process of the Royal Commission into Family Violence

The RCFV (2016) report and findings were informed by community consultations, written submissions, public hearings, data collection, literature reviews, commissioned research and

consultations with experts. In total, the Commission received 968 submissions, which included the accounts of a diverse group of community members, such as victim-survivors, perpetrators, and the loved ones of victim-survivors who were killed as a result of family violence. The Commission also heard 25 days of testimony, which focused on the operation of relevant family violence systems.

Key findings and recommendations

On 29 March 2016, the RCFV (2016) released its findings and handed down 227 recommendations for systematic change across all sections of Victoria's family violence responses and prevention system. The recommendations fell into 37 categories, including:

- Risk assessment and management
- Information sharing
- Children and young people's experience of family violence
- Police: front-line operations and workforce
- Court-based responses to family violence in Victoria
- Perpetrators
- The role of the health system
- Family violence and diversity
- Rural, regional and remote communities
- Prevention
- The workplace
- Sustainable and certain governance
- Data, research and evaluation
- Investment

The investigation found that Victoria's family violence system was 'not responding adequately to the scale and impact of harm caused by family violence' (RCFV 2016, vol. I, p. 5). It was highlighted that existing systems in Victoria were failing to meet the increasing demand of family violence and as a result were unable: to reduce the rates of family violence and its impact; successfully intervene to prevent family violence; support victim-survivors; establish a system of perpetrator accountability; and coordinate government and community services (Victorian Government 2020). The findings placed an emphasis on all factions of the family violence system being overwhelmed and raised concerns that a number of forms of family violence, in addition to the experiences of diverse groups, were not being addressed properly. A key finding was that the government lacks a specific governance mechanism to coordinate the system's response to family violence.

Key reforms that have been implemented in the five years since the report

Since the findings and recommendations of the Royal Commission were released in 2016, 167 of the 227 recommendations have been implemented, with many others in progress. The Victorian Government announced that it would implement all 227 recommendations. Here, this brief will discuss some of the key system reforms that have occurred in Victoria as a result of the RCFV (2016). For a full overview of recommendations and their implementation stage, visit this site: <https://www.vic.gov.au/family-violence-recommendations>

The first recommendation of the RCFV was that the Common Risk Assessment and Risk Management Framework (CRAF) undergo a review and revision. The CRAF, which had been utilised in Victoria since 2007, was used across the sector to inform family violence risk identification, assessment and management practice. The review found that the tool had a number of limitations and was not being used consistently across the sector (McCulloch et al. 2016). The CRAF has now been replaced with the Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM). *The Family Violence Act 2008 (Vic)* has been amended

to mandate relevant organisations to structure their policies and procedures in accordance with the MARAM.

Recommendation 5 called for a family violence information sharing scheme (FVISS) in Victoria, in order to address one of the key issues identified in the report – the lack of communication between organisations and practitioners working across Victoria’s family violence system. Whilst the FVISS has been marked as ‘implemented’, it is still in phase one of its development. Initial evaluations have yielded positive results, however, a number of barriers have been identified that should be addressed before phase 2 is implemented. Specifically, women victim-survivors have voiced concerns about the role of child protection in the FVISS, and whether the sharing of important information about risk may jeopardise women’s access to their children (McCulloch et al. 2020).

Whilst recommendation 37 is marked as ‘in progress’, the establishment of Support and Safety Hubs across the state is well underway. The hubs are part of The Orange Door Network and have been set up in seven locations across Victoria: Geelong, Frankston, Ballarat, Morwell, Bendigo, Mildura/Swan Hill and Heidelberg. The Orange Door is intended to be a ‘one-stop-shop’, where practitioners can link victim-survivors and perpetrators with relevant services and provide immediate support (including booking in emergency accommodation) until those services have been engaged with. They also receive police referrals and perform risk assessments. The Orange Door seeks to address a key identified shortcoming of the family violence system, being the disconnect between relevant services which is often confusing and disadvantageous to victim-survivors and perpetrators.

Recommendation 42 of the RCFV advised that Victoria Police establish a Family Violence Centre of Learning, aimed at providing improved and dedicated training to police officers – training which is to be overseen by a panel of external academics. A key area of concern in the Commission’s report was the role of police in family violence. The report highlighted systemic problems within Victoria Police’s family violence response and identified that current police family violence training was inadequate. The Centre for Learning focuses on four education packages, including education on family violence dynamics and understanding family violence in the Aboriginal community. The Centre of Learning also uses simulation technology, provides education on the use of body-worn cameras and provides a strong focus on correctly identifying the predominant aggressor – an issue also highlighted in the Commission’s final report.

The Royal Commission sought to pay specific attention to the experiences and needs of Aboriginal and Torres Strait Islander persons, who are overrepresented as both victim-survivors and perpetrators of family violence in Australia (Australian Institute of Health and Welfare 2019). Recommendation 145 advised that the government work in partnership with Aboriginal Communities in order to develop a strategic response to provide support to Aboriginal parents and address the needs of Aboriginal children and young people. A key aim is to reduce the number of Aboriginal children being removed from their families and placed in state care. Whilst the effectiveness of initiatives born out of this recommendation are yet to be systematically evaluated, key initiatives, such as the Wungurilwil Gapgapduir: Aboriginal Children and Families Agreement has received significant support, both in terms of government funding and support and sign-off from

the Aboriginal community. Additionally, the Aboriginal Maternal and Child Health Initiative (AMCHI) was trialled in nine locations, with results being used to inform future culturally-appropriate and integrated service delivery.

Under-resourcing was identified as key shortcoming to the family violence system. Reflecting this, a number of recommendations were funding related. For example, the Commission called for:

- additional funding for specialist family violence support services (rec. 11);
- expanded resourcing for legal services in family violence matters (rec. 69);
- sufficient funding for men’s behaviour change programs to meet new demand (rec. 92) and;
- the establishment of legislation for the Victorian Systemic Review of Family Violence Deaths and providing adequate funding to the Coroners Court (rec. 138).

These recommendations have all been implemented, however, it is important to note that one-off funding initiatives may not be sufficient to address the long-term under-resourcing in the system.

Significantly, recommendation 199 advised that an independent statutory Family Violence Agency be established. In accordance with this, Family Safety Victoria was established in 2017, and oversees a number of family violence reforms, including The Orange Door Network. Additionally, under recommendation 199, the Family Violence Reform Implementation Monitor, which is an independent body operating within the Department of Premier and Cabinet, commenced operation in 2017, and is currently headed by Jan Shuard PSM. This role entails monitoring and reporting on how the government and relevant agencies are implementing family violence reforms following the RCFV. The Family Violence Reform Implementation Monitor seeks submissions from the family violence sector and reports annually on the progress of the Victorian Government in its reform agenda, identifying potential flaws in the system, as well as holding relevant bodies accountable for un-implemented reforms.

References

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- Victorian Government 2020. *About the Royal Commission into Family Violence*. <<https://www.vic.gov.au/about-royal-commission-family-violence>>

Legislation

The Family Violence Act 2008 (Vic)

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