



# WESNET Inc

Women's Services Network

*Australia's peak women's organisation working to eliminate domestic and family violence*

## WESNET DOMESTIC VIOLENCE POLICY

May 2004

WESNET is the peak body for women's services within the Supported Accommodation and Assistance Program (SAAP) which is jointly funded by the Commonwealth and State/Territory Governments. There are approximately 310 such services which include:

- women's refuges/shelters,
- halfway houses,
- women's medium-term housing schemes,
- information and referral services, sexual assault services, and outreach services.

Women escaping domestic violence, single women and those who have experienced sexual assault, and their children are the main clients of SAAP women's services.

WESNET's object is to improve and promote high quality service provision to women who are victims of violence and their accompanying children, and women who are homeless for any other reason.

### Background

There is currently a new spirit of co-ordination and co-operation between Commonwealth and State/Territory governments, attempting to work together towards the common goal of preventing domestic violence across Australia. The vehicle for this approach is the Partnerships Against Domestic Violence, operating through a taskforce of Commonwealth and State/Territory government representatives.

A Commonwealth/State/Territory working group comprising representatives from various government departments is working on developing National and State/Territory domestic violence initiatives. The working group is informed by recommendations arising from the Domestic Violence Forum convened by the Federal Government in September 1996. The Forum was attended by a wide range of domestic violence and other community service providers, academics and members of the judiciary as well as officers from State/Territory and Commonwealth government departments. WESNET understand that the working group is particularly concerned with issues of preventing violence and re-victimisation, legislative reform and the response of the criminal justice system, as well as research and data collection to assist with evaluating initiatives undertaken. WESNET also understands that it is paying particular attention to the needs of non English speaking background, and Indigenous populations, and people with disabilities.

This policy is intended to provide a broad strategy for women's services and for WESNET to advocate and to build on with government and the rest of the community sector involved in domestic violence work.

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**WESNET particularly wishes to highlight the need for equitable access to services, and the need for women and children to have effective protection from violence. We believe that if the recommendations below are implemented, the lives of women and children experiencing violence could be substantially changed and improved. Many who wish to do so could remain in their own homes, whilst others could relocate in safety.**

WESNET believes the guiding principles for developing a strategy are as follows:

### **1. A co-ordinated approach**

The overall aim of any domestic violence strategy must be its elimination. Like the vast majority of those working in the domestic violence area, WESNET as an organisation subscribes to the need for a coordinated and integrated response to domestic violence. This has to be across all government and non government agencies which assist women and children experiencing domestic violence in any way, or who see the men who are abusive to their families.

Active cooperation between government and non government agencies is essential. Community organisations working with women and children experiencing violence, and those involved with men abusive to their families must be partners with government in the development of any strategy responding to domestic violence. This will enable them to own it and to continue and build on the excellent work done at local and regional level by government and non government workers in the field through domestic violence networks (Victoria), domestic violence committees (NSW), and domestic violence action groups and councils (WA).

**WESNET recommends that any future initiatives arising from the Domestic Violence Summit are developed by a working group comprising representatives from the community sector as well as Commonwealth, State and Territory government representatives in order to maximise their relevance and effectiveness.**

### **2. To assist women and children experiencing domestic violence to choose how to deal with this**

To enable this to occur, women must have a range of options available and made accessible to them, and to their partners. The options should include:

- the availability of refuge accommodation;
- alternative independent secure housing with the provision of support if necessary;
- remaining in their own home in safety, with support as necessary;
- remaining with their partner but with the availability of support as required;
- the availability of income support to sole parents and of jobs education and training options; and
- the availability of individual counseling/ 'someone to talk to'.

The crucial role for women's and other services is in assisting women in making their choices, delivering appropriate services, and in assisting them to plan for their own and their children's safety.

It is also vital that information is widely available on these issues throughout the community as so often women discuss the violence they are facing first, and sometimes only, with family and friends, who should be enabled to pass on essential information.

The purpose of this overarching approach is to provide women with choices. If these are to be realised for Indigenous women, women of non-English speaking background, women with a disability and lesbian women, they too must be consulted and listened to. Strategies can then be developed which will enable them to use existing services fully and which will facilitate the creation of services appropriate to their needs.

This is particularly important in Indigenous communities where different programs, based on the needs of individual communities, have to be developed if such strategies are to be effective.

This approach combines early intervention strategies, strategies for preventing re-victimisation and crisis intervention strategies.

### 3. To promote the development of a broad range of early intervention programs

WESNET supports the development and practical implementation of appropriate personal development and anti-violence strategies and programs at all stages of children's development from early childhood on. These should be delivered in a range of situations and by a variety of methods.

To work towards implementing these principles, WESNET makes the following recommendations:

#### 3.1 The justice system

Police, legal representatives, and the courts play a pivotal role in ensuring the safety of women and children, preventing re-victimisation, and enabling women to choose how to deal with the violence they experience.

The criminal justice approach to domestic violence involving the arrest, charge, prosecution and sentencing of offenders is supported by WESNET, subject to its appropriate and sensitive application to individual women. Indigenous women too must be able to access such protection, but much consultation and practical work remains to be done to ensure that culturally appropriate responses are made to domestic violence experienced by Indigenous women and children. To make legal protection a reality, the concerns Indigenous women feel for the safety of Indigenous men in custody, must be addressed.

The criminal justice system works in tandem with the quasi-criminal protection orders which work to protect women against future abusive behavior. These protection orders impose conditions on defendants which try to ensure the future safety of women and children. The ability to do this is not generally available as a sentencing option in criminal matters. For example, protection orders can require the defendant

to remain away/vacate the home, not to ring/write to his partner, to remain away from her work/the children's schools.

**Potentially one of the most significant aspects of protection orders is the sole occupancy or exclusion order where a violent partner can be removed from the family home. This order is, WESNET believes, grossly underused.**

Women, and police and lawyers on their behalf do not seek it very often. Anecdotally WESNET understands women are discouraged from seeking it on the basis that it is never granted; it is difficult to obtain data on the extent that such orders are being sought or made, but in 1987, only 3.2% of NSW protection orders excluded the offender from the family home (some partners and some women will of course have already left the family home and not intend to return).

Courts appear reluctant to grant them; this reluctance amongst magistrates has been noted in several States and Territories. Training magistrates, the legal profession and the police about the purpose and value of this legislation needs to be implemented to make it a realistic choice for women.

WESNET also considers that where sole occupancy orders are sought but refused by the court, magistrates should be required to give reasons for the refusal as in NSW. Sole occupancy orders should be evaluated through qualitative and quantitative research and any problems with their effectiveness and availability tackled constructively.

The effectiveness of the above proposals for women of non-English Speaking background and the Indigenous women in many communities who would use police or court protection if its availability was a reality, depends on the thoroughness of cross cultural training of the police, court staff, legal representatives and the magistracy, as well as the genuine availability of interpreting services in court and when dealing with these other personnel.

**WESNET recommends that the Commonwealth should work with the States and Territories and the community sector to develop:**

- 1. model domestic violence and related legislation**
- 2. strategies for ensuring effective police and court response to domestic violence, including:**

- provision of training to magistrates and other personnel in the justice system including cross cultural training, training in issues for women with other specific needs, training in using and accessing interpreters, and' training about the value and purpose of domestic violence legislation;
- to ensure that where magistrates refuse applications for sole occupancy orders, they have to give reasons, and that avenues of appeal against their decisions are made available;
- to develop model databases to provide publicly annual statistics on a range of indicators to provide a picture of what sorts of orders are being sought, granted, refused and their terms; complaints and enforcement of breaches; and levels of arrest, charge, conviction and the nature of penalties imposed for domestic violence offences.

This development is essential in order to monitor the effectiveness of the legal response to domestic violence. But it must be supplemented by imaginative, qualitative research particularly into the availability and effectiveness of sole occupancy orders:

- to examine how accessibility to the court system for women of non English speaking background, Indigenous women, and women with disabilities can be substantially improved;
- to make funding available for these developments to the States and Territories, provided they meet certain criteria. The approach taken by the federal U.S. government in its 1994 Violence Against Women Act could be examined as a model for this.

### 3.2 Women's services

A variety of programs are often delivered from services which have a primary focus such as crisis accommodation, or referrals, or outreach work, but include elements of each of these services and may also include information giving, counseling, community education and many other roles.

#### 3.2.1 Refuges

The need for crisis refuge will exist for the foreseeable future, to society's shame. Either women are in too much danger to remain in their own homes, or they need respite from the violence they face there, before returning to it. This may occur many times before women can resolve their situation, and may for some women, notably Indigenous women in some communities, be the best or only way of coping with family violence.

The nature and quality of the refuge *accommodation* available has an effect on how well a service can provide support and assistance to its residents. Moves to provide self-contained two or three bedroom units in cluster accommodation also with communal meeting rooms, and play areas and counseling, support and office facilities, are to be welcomed where appropriate. But some services cannot access Commonwealth funded capital funds through their State/Territory housing authority to upgrade their facilities to an appropriate standard, whilst others can and do, but then find they cannot obtain sufficient SAAP operational funds to meet the extra costs in providing better accommodation.

**WESNET recommends that:**

- **CAP funds be available to upgrade crisis accommodation for women and children escaping domestic violence, and**
- **SAAP operational costs be made available to run such upgraded facilities.**

#### 3.2.2 Outreach Services

WESNET envisages these as flexible services able to be an early intervention and crime prevention strategy, providing practical and emotional support to enable women experiencing violence to seek information and support at any stage of the relationship.

Such services should promote women's choices in seeking to deal with the violence they face. To do this they can offer:

- support to a woman whilst she remains with her partner;

- support to her if she decides to reunite with him;
- support to her in her decision to separate from him, and by providing emotional and practical help in negotiating the systems necessary to ensure she can do this safely and securely, e.g. the justice and income support systems. They should also be able to provide or access funds to meet the costs of, for example, changing locks on premises, paying for removal expenses and providing bonds for rental accommodation;
- an accessible source of information about domestic violence and the services available to assist women facing it, to the range of people, from whom women experiencing violence frequently seek help, such as family, friends, and health services personnel;
- the support which is essential to any strategy seeking to leave women and children in their family homes after the removal of an abusive partner. In such situations, support services may often be required of varying degrees of intensity to give emotional and practical help e.g. if the offender breaches court orders, as well as someone to talk to about the difficulties women may be facing in establishing a new life by herself and/or as a sole parent;
- in rural and remote areas, access to brokerage funds to assist clients.

**WESNET recommends that the Commonwealth undertakes jointly with the relevant State and Territory governments and women's services, an evaluation of the 22 outreach services in Victoria and of a number of those provided in other states such as Queensland, NSW and ACT.**

The purpose of the evaluation would be to recommend whether a flexible and accessible model for outreach services capable of being adapted to local circumstances, can be devised. This would include investigating the use of brokerage monies to assist services in providing outreach support in rural and remote areas, as well as how to provide culturally appropriate outreach services.

### **3.2.3 Children**

Large numbers of children experience or witness domestic violence. Services for women experiencing domestic violence are also services for children who often are in need of their own source of support. In providing this, it must be recognised that children, like women, are not a homogeneous group

**WESNET recommends that services whether provided through refuges or outreach must include children as clients in their own right, and cater appropriately for their needs.**

### **3.3 Rural and remote services**

WESNET is strongly committed to the need to improve services for women and children experiencing violence in rural and remote areas. Distance and living in small communities with few appropriate services and little privacy, can make accessing assistance virtually impossible. Innovative and flexible services, and formal and informal networks, need to be devised to overcome these problems.

A commitment to improving these services is also a commitment to improving services to Indigenous women experiencing domestic violence, and to women of non English speaking background and women with disabilities who are particularly isolated when living in rural or remote areas.

The services referred to above as necessary for an effective domestic violence strategy need to be adapted by a range of methods to enable them to be made available in rural and remote areas. Obtaining court orders by telephone is one example, the use of brokerage monies to provide transport for women to leave remote areas or to buy in expertise such as counseling, must be examined. Other mainstream services also need to look at their service delivery, especially legal aid, health, social security, and children's services.

**WESNET recommends that the Commonwealth and State/Territory governments in partnership with the community sector, pilot, evaluate and publicise the results of further pilot projects aimed at developing innovative service provision designed to make help a reality to women and children in rural and remote areas.**