Royal Commission
into Family Violence

Summary and recommendations

March 2016

Royal Commission into Family Violence

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Summary

Family violence can cause terrible physical and psychological harm, particularly to women and children. It destroys families and undermines communities. Sometimes children who have directly experienced family violence or have been exposed to it go on to become victims or perpetrators of violence later in life, so that the effect of family violence is passed to the next generation.

Recognition of the harm family violence causes, and of the need to invest in family violence reforms to assure the future wellbeing and prosperity of all Victorians, resulted in the establishment of this Royal Commission into Family Violence on 22 February 2015.

In announcing the Victorian Government's intention to establish the Royal Commission, the Premier declared that family violence was 'the most urgent law and order emergency occurring in our state and the most unspeakable crime unfolding across our nation'. The Premier also acknowledged that 'more of the same policies will only mean more of the same tragedies'.

The Commission was established in the wake of a series of family violence–related deaths in Victoria—most notably the death of 11-year-old Luke Batty, who was killed by his father on 12 February 2014 after years of abusive behaviour directed at Luke's mother, Ms Rosie Batty. Since then there have been other family violence–related deaths.

The establishment of the Royal Commission is an acknowledgement of the seriousness with which the Victorian community has come to regard family violence and its consequences for individuals and families—it reflects our growing awareness of its scale, a recognition that existing policy responses have been insufficient to reduce the prevalence and severity of the violence, and the priority the community is prepared to accord it in order to address the problem.

The Commission's task

As specified in its terms of reference, the Commission's task was to identify the most effective ways to:

- prevent family violence
- improve early intervention so as to identify and protect those at risk
- support victims—particularly women and children—and address the impacts of violence on them
- make perpetrators accountable
- develop and refine systemic responses to family violence—including in the legal system and by police, corrections, child protection, legal and family violence support services
- better coordinate community and government responses to family violence
- evaluate and measure the success of strategies, frameworks, policies, programs and services introduced to put a stop family violence.

The Commission was asked to make practical recommendations to achieve these outcomes.

What is family violence?

For the purpose of the Commission's inquiry, 'family violence' is defined in section 5 of the *Family Violence Protection Act 2008* (Vic):

> **... family violence** is—
>
> (a) behaviour by a person towards a family member of that person if that behaviour—
>
> (ii) is physically or sexually abusive; or
>
> (iii) is emotionally or psychologically abusive; or
>
> (iv) is economically abusive; or
>
> (v) is threatening; or
>
> (vi) is coercive; or
>
> (vii) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or
>
> (b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a).

The Family Violence Protection Act defines 'family member' broadly. Family violence can occur in any familial relationship—for example, between current or former intimate partners who are or were married or in de facto relationships, in heterosexual and same-sex relationships, between parents (or step-parents) and children, between siblings, and between grandparents, grandchildren, uncles, aunts, nephews, nieces and cousins. It can also occur in relationships that are considered to be 'family-like'—for example, in certain cultural traditions or between a person with a disability and their unrelated carer.

The most common manifestation of family violence is intimate partner violence committed by men against their current or former female partners. This violence can also affect children. It is the form of family violence that we know most about, and it is the key focus of most services and programs.

Family violence in the context of other relationships—including in extended families, by siblings, against men and in same-sex relationships—is also covered by the Family Violence Protection Act and falls within the scope of the Commission's inquiry.

Why does family violence occur?

The terms of reference do not require the Commission to determine why family violence occurs but, by way of background, they do set out important factors that are relevant:

> The causes of family violence are complex and include gender inequality and community attitudes towards women. Contributing factors may include financial pressures, alcohol and drug abuse, mental illness and social and economic exclusion.

As part of our inquiry we studied much of the literature that discusses the social and individual factors that give rise to family violence. Understanding these factors provides a basis for making well-informed decisions about the measures that should be taken to prevent and respond to family violence.

There is no doubt that violence against women and children is deeply rooted in power imbalances that are reinforced by gender norms and stereotypes. Factors such as intergenerational abuse and trauma, exposure to violence as a child, social and economic exclusion, financial pressures, drug and alcohol misuse and mental illness can also be associated with family violence. These factors can combine in complex ways to influence the risk of an individual perpetrating family violence or becoming a victim of such violence.

There are, of course, debates about the extent to which these factors cause or exacerbate family violence, and part of this relates to the need to ensure that those who use violence take responsibility for their own behaviour and that victims are not blamed for the abuse they endure. The Commission did not seek to resolve these debates. Instead, it concluded that if we are to reduce the incidence, severity and impact of family violence in the short, medium and long-term, a multi-faceted strategy is needed to take account of the complex interactions between all relevant factors.

The challenge is to direct our attention to all the risk factors for all forms of family violence, while ensuring that people from particular communities are not stigmatised and that perpetrators are not absolved of responsibility for their conduct.

The Commission's work in context

This Commission did not operate in a vacuum. Our work comes on the back of decades of local and international research, activity and advocacy on the part of people who are experts in their fields and committed to preventing family violence and mitigating its effects. The Commission's work proceeded concurrently with other reviews and analyses covering the same and related subject matter and alongside a rapidly evolving evidence base and ongoing policy development and practice changes.

The Commission did not seek to comprehensively document or replicate the detail or breadth of all this other work or to substitute its own analysis for the work that has preceded its own. Our function was to provide advice to the Victorian Government, drawing on the literature reviewed, an examination of the current arrangements in Victoria for preventing and responding to family violence, and the views and experiences of people throughout the state. We used the existing evidence base to guide our deliberations, to document the foundational principles for a range of approaches and policies, and to explain the basis for our proposals.

This report describes the primary priorities for reform and the principles that must underpin future strategies, policies and programs aimed at dealing with family violence. The Commission also emphasises matters that require urgent attention and proposals that will take some time to implement. Detailed policy development, service design and implementation need to occur in partnership with those who work directly with individuals and families affected by family violence and those who have expertise in a range of relevant disciplines.

Active participation by all involved will be essential if we are to build a shared understanding of, and commitment to, the objectives of the reforms.

The Commission's process

The Commission informed itself in a variety of ways during the course of its inquiry—including through community consultations, written submissions, public hearings, data collection, literature reviews, commissioned research and discussions with experts.

In keeping with its terms of reference, the Commission had particular regard to the need to establish a culture of non-violence and gender equality and to shape appropriate attitudes towards women and children. Again in keeping with the terms of reference, it took account of the needs and experiences of children and young people, older people, Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds, gay, lesbian, bisexual, transgender and intersex people, people living in regional and rural communities, people with disabilities, and people with complex needs.

The Commission's involvement with individuals directly affected by family violence was especially influential. The majority of the personal accounts, in writing or in person, were from women who had experienced physical, sexual, emotional and/or financial abuse by their male partners, sometimes over years or decades. Many people also spoke of the abuse they had suffered from family members when they were children.

The Commission met with women in metropolitan, suburban and regional areas; we heard from women who were well educated and financially comfortable and from women who had struggled for their entire lives with poverty and disadvantage; we spoke with women from many cultural backgrounds and faith communities; and we met with Aboriginal and Torres Strait Islander women who had endured family violence both as children and as adults and whose sons and daughters are now in violent relationships.

The Commission heard from women whose capacity to live full and productive lives has been shattered as a result of the sustained abuse they have experienced in their relationships and families. Women who, with the support of other family, friends, peers and support services, have become empowered to lead fulfilling, violence-free lives showed us there can be hope for the future.

The Commission also heard from men with a range of different perspectives on family violence. Some of them had experienced family violence, including as children, or were close to people who had; some had perpetrated family violence; and some spoke of their experience of court proceedings in which they had been accused of being violent.

Families whose loved ones have been killed by family members told us of their experiences. The Commission was impressed and moved by the dignity, insight and conviction of these families. It is extraordinary that, having suffered such loss, they had the courage and the generosity to help us in our work—to explain their sense of what happened and why, to point to gaps and failings in systems' responses, and to suggest possible ways of preventing further deaths. The Commission is grateful to these families for their heartfelt and considered contribution.

These personal accounts were fundamental to helping the Commission reflect on measures that are needed to reduce the risk of family violence and to respond to the needs of those affected. They also helped us to critically assess current approaches and practices.

In this report we try to reflect the force and diversity of the accounts and contributions received throughout the inquiry. Inevitably, it was impossible to do complete justice to the personal experiences contributed by people in written submissions or in consultations. Many people who told us their stories—often recounting in detail the abuse they have suffered—did so on the condition that we treat those stories as confidential. As a result, the report does not specifically mention these individuals, even though their experiences helped shape the Commission's views. We trust that the quotes and witness statements included in the report go some way to conveying the authenticity of the many voices we heard. Our recommendations are based on the expectation that services and systems will be attentive to, and respectful of, the diverse experiences and needs of each person affected by family violence.

During the inquiry the Commission also met with hundreds of people who come in contact with victims and perpetrators of family violence throughout Victoria—among them police members, specialist family violence workers, lawyers, magistrates, court-based support workers, people working in crisis accommodation facilities, youth workers, counsellors, people working on the front line in child protection and family services, doctors, maternal and child health nurses, and teachers. We were struck by the commitment, knowledge and expertise they brought to the consultation process—and quite obviously to their daily work. Despite the very great pressures they work under and the complexity of that work, all came with huge optimism and vigour and a commitment to the people they assist and to the task of ending family violence. The Commission was also enormously assisted by the input of those working in peak bodies, and in the areas of policy, research and advocacy throughout the family violence system. We learnt a great deal from them.

The Commission is indebted to the Aboriginal Elders and community members who shared their insights and suggestions with us. They told us about the creative and effective early intervention and response initiatives that are being implemented by and for their communities. These practices taught the Commission much about the types of community-based family violence strategies that are needed.

The Commission heard myriad and broad-ranging—and sometimes divergent—views about how best to prevent and respond to family violence. It was our task to listen to all perspectives, to find common ground, and to identify constructive ways of improving responses to family violence in the future.

The Commission's conclusions

> There is no comparison between the response today and that of 2000. We can point to the failures today—and there are many. However, the failures of the system should not be confused with lack of progress. We have come a long way from women self-referring, women not reporting to police, from police not drawing the dots between family violence and crime and domestic murder. I acknowledge how far we have come since those dark days. The days of an isolated women's service response are gone.[1]

Victoria has been at the forefront of family violence policy development and reform in Australia for the past 15 years and has been influential in propelling reforms in other Australian and international jurisdictions. This work has been driven by and has built on decades of grassroots work and advocacy by the women's movement. Significant elements of the Victorian response to family violence remain sound. However, there are serious limitations in the existing approach. We are not responding adequately to the scale and impact of the harm caused by family violence.

Strong foundations

Victoria has strong foundations on which to build its future response to family violence, including:

- the Family Violence Protection Act, which reflects sound objectives and principles, and provides a comprehensive definition of family violence and the relationships in which it can arise
- the seriousness with which Victoria Police now regards family violence—for example, through the development of the Code of Practice for the Investigation of Family Violence, the establishment of family violence teams, and the leadership it has shown in transforming the way police respond to family violence incidents
- the Victorian Family Violence Risk Assessment and Risk Management Framework, or Common Risk Assessment Framework (the CRAF), which has been influential in building a shared understanding of family violence and in helping people working with victims of family violence to understand their roles and responsibilities
- the development of Risk Assessment and Management Panels to proactively monitor perpetrators in family violence cases identified as high risk
- the approaches adopted by the Magistrates' Court in the Family Violence Court Division and specialist courts including the provision of services to applicants and respondents in relation to family violence intervention orders
- a network of dedicated specialist family violence services across the state, including those that respond to victims from diverse communities. These services provide a range of supports to women and children, and contribute unique skills and knowledge about family violence risk that guide the broader system response
- the development of the Indigenous Family Violence 10 Year Plan: Strong Culture, Strong Peoples, Strong Families that is overseen by the Indigenous Family Violence Partnership Forum
- expertise in primary prevention programs and initiatives that has been developed under the leadership of organisations such as VicHealth, women's health services and Our Watch
- the increased focus of key universal services, such as health services, and targeted services such as Child FIRST and Integrated Family Services, in working with vulnerable families
- family violence regional integration committees that bring together key services, including family violence services, Child Protection and Victoria Police to foster a more comprehensive response to victims and perpetrators of family violence
- the Victorian Government's contribution to the national research institute ANROWS to build the evidence base for effective responses to family violence
- significant research and legislative and policy reform relevant to sexual assault, which has expanded our understanding of and improved our response to family violence.

System limitations

Despite these strong foundations, the Commission identified gaps and obstacles that are limiting the effective implementation of laws, policies, and programs:

- All parts of the system—support services, police, courts—are overwhelmed by the number of family violence incidents now reported. Services are not currently equipped to meet this high level of demand, which undermines the safety of those experiencing family violence and their potential for recovery.
- The many different forms and manifestations of family violence are insufficiently recognised, and responses are not tailored to the particular circumstances and needs of diverse victims.
- There is a lack of targeted resources to meet the specific needs of children and young people who have experienced family violence.
- The current response to family violence largely assumes that women will leave their home when family violence occurs. For those who must leave, homelessness and housing systems cannot guarantee a safe place to stay or a permanent home that is affordable. For those who remain at home, monitoring of the perpetrator is inadequate.
- Key personnel in universal systems, such as health services and schools, are not adequately equipped to recognise that family violence may be occurring and often do not know what to do when it is identified.
- The range of services a victim might need at different times, including at points of crisis and beyond, are not as well coordinated as they should be, particularly when these services are located in different systems—for example, the health and justice systems. Gaining access to support can be difficult for victims, and service responses remain inconsistent and hard to navigate.
- Efforts to hold perpetrators to account are grossly inadequate. Victims are too often left to carry the burden of managing risk. Insufficient attention is given to addressing perpetrators' individual risk factors.
- The safety of victims is undermined by inadequate methods for sharing information between agencies about perpetrator risk. This is exacerbated by outdated information technology systems.
- Too little effort is devoted to preventing the occurrence of family violence in the first place, and to intervening at the earliest possible opportunity to reduce the risk of violence or its escalation. Similarly, there is not enough focus on helping victims recover from the effects of violence and rebuild their lives.
- The Victorian Government does not have a dedicated governance mechanism in place to coordinate the system's efforts to prevent and respond to family violence or to enable an assessment of the efficacy of current efforts.
- There is inadequate investment in measures designed to prevent and respond to family violence.

Some of these problems can be addressed through improving existing approaches so that they can be responsive to new circumstances and reflect best practice. But new approaches are also required.

Transforming our response

We have an opportunity to transform the way in which we address family violence in Victoria. This will require new ways of thinking and collaborating.

> The advocates who have gone before have asked the public and policy makers to listen, and to understand the devastating prevalence and impacts of family violence.
>
> I think, as a whole, we are now listening and understanding. We understand, to a much greater extent than ever before, that family violence exists, its prevalence and impacts are devastating and shame us all, and that family violence affects individuals, the community and, ultimately, our nation. The challenge is to move forward, from this point, into a time of making changes and finding solutions.
>
> In my view, we are in the middle of a paradigm shift. To take us forward, we need to hear from voices with ideas for change and with ideas for solutions. These might be different voices from those that have gone before.[2]

The Victorian Government must strengthen innovation in the development and implementation of family violence policy and foster collaboration between different service systems. The sound foundations in Victoria's family violence system, and the numerous pockets of best practice in different settings around the state have evolved as a result of people working together in the face of significant demand. Their efforts, and the efforts of others in the community who are ready to play a greater role in addressing family violence, must be harnessed and supported.

In addition to working in partnership with family violence practitioners, the Victorian Government should facilitate input from victims, as well as from experts from a broad range of disciplines including related health and human services, risk assessment, criminology and forensic psychology, communications, information technology, program evaluation and workforce development, to ensure that family violence policy benefits from the best knowledge and expertise. Similarly, people working in other sectors and disciplines need to be supported to identify ways in which preventing family violence can be incorporated as a part of their own work.

Broadening responsibility for addressing family violence will require each sector or component part of the system to reinforce the work of others, to collaborate with and trust others, to understand the experience of family violence in all its forms, to look outwardly, and be open to new ideas and new solutions. Currently, different sectors and service systems operate according to distinct underlying principles, service delivery models and theoretical frameworks, which can create barriers to service integration, collaboration and innovation. However, just as women's services came together with police in the early 2000s to overcome scepticism about each other's roles and objectives and to forge a partnership that saw family violence become a priority for the justice system, there is great potential for progress to be made in building dialogue and partnership broadly across sectors.

New approaches to addressing family violence should be guided by and take into account the following.

Reflecting the experience of victims

The strategy to address family violence must continue to recognise that most family violence incidents occur in the context of intimate partner relationships. The significant majority of perpetrators are men, and the significant majority of victims are women and their children. This recognition has implications for prevention and response activities, which must focus on the ways in which gender inequality and community attitudes underpin family violence.

At the same time, the strategy must take into account the many other manifestations of family violence, such as violence against children, parents, siblings and older people, and violence in same–sex relationships. More work is needed to identify how best to meet the needs of these specific groups of victims.

Family violence policy and services must also take account of the particular experiences of people from Aboriginal and Torres Strait Islander communities, which are compounded by discrimination and trauma associated with historical and ongoing injustices.

They must also respond to the fact that people from different cultures and backgrounds can find it even more difficult to report family violence and locate appropriate help and support than other Victorians. They must also address barriers, both physical and attitudinal, faced by women and children with disabilities who experience family violence.

Policy makers and others responsible for the design, responsiveness and efficacy of the family violence system should hear directly from victims who have recent experience of the system so that improvements can be made.

A more sustained focus on supporting children and young people

> A child who lives with violence is forever changed, but not forever 'damaged'—and there is a lot we can do to improve their future prospects.[3]

Current policy does not pay sufficient attention to the effects of violence on children. Supporting children and young people must be central to family violence policies.

Family violence can have serious effects on children and young people but they do not always receive necessary support. There is insufficient focus on their needs and on the therapeutic and other interventions they may require to mitigate the effects of the violence. Although children are remarkably resilient, and many who experience violence and abuse go on to lead full and productive lives, there are many who will need counselling and/or other support to overcome the impacts of the abuse, which may otherwise render them vulnerable to becoming a victim of family violence as an adult, or using violence themselves. If we do not provide this support, the effects of family violence suffered by children may be carried on to the next generation.

All services must be responsive to victims' needs

Unless agencies and services are able to respond to the needs of victims in a timely and appropriate way, they can do more harm than good. This can dissuade victims from seeking help, or expose them to further risk.

When victims initially disclose family violence (or factors indicating its presence), many people do not know what to do. It is common for victims to receive advice or responses that fail to identify the level of risk they are facing or the types of expert assistance they might require, or that can be dismissive of or minimise their experience. As a first step, the experience of victims should be acknowledged. As Ms Batty remarked:

> I'd like to hear 'you're not to blame for this' not 'why didn't you leave?' If someone has come from a hateful space then the first thing they need to have reinforced is that they're not to blame, and start lifting the stigma.[4]

At present, sources of expert advice and assistance for family violence victims are not readily visible:

> I didn't know how to tell those close to me I needed help. I didn't have a language to describe what was wrong in my relationship. I didn't know who to call or who to see or which hotline to ring. I felt so stupid. It was all in my head. I wish there had been information campaigns on TV or on the radio, that told me what abuse is and what a healthy relationship isn't. I wish I had known that all of the services for women experiencing domestic violence looked after women experiencing all kinds of violence, not just physical violence. I wish my doctors and my psychologists and my psychiatrists and maternal and child health nurses had asked me about my relationship with my husband, if I had ever considered leaving, and if it was fear that prevented me from going. I wish someone had recognised the power divide between him and myself. I wish they'd recognised my depression and anxiety as a deep sense of worthlessness, and fear that had been instilled in me, by him, over years. I wish they'd said, the problem isn't you. It is his behaviour. I wish that I'd been able to protect my children from seeing what he did to me.[5]

Victims might want and need a range of different outcomes for themselves, their families and the perpetrator. Some victims might need support from services immediately after disclosing violence and will then be able to recover with the help of friends and family. Other victims will have been exposed to violence during childhood or to multiple forms of abuse over long periods. Some might have associated difficulties with alcohol or drug use, or physical and mental illness. Many victims will want to have no further contact with the perpetrator; some will continue to have contact with the perpetrator because of ongoing arrangements with children; some will want to remain in their relationship.

An individualised approach that provides tailored and specialised responses is required. This means that services need to embrace complexity and be equipped to respond nimbly to the diverse experiences of family violence. Agencies and services responding to family violence need to develop and incorporate the knowledge, skills and expertise to work with clients who experience family violence in all its forms, in a variety of relationships, and against the background of their individual circumstances.

Services must work better together

Getting help should not depend on the particular entry point chosen by the victim.

Victims of family violence might disclose the violence to family or friends or approach a range of different service providers. They might tell a teacher, a general practitioner, a dentist, a counsellor or a maternal and child health nurse about the violence. They might call the police when violence is occurring or report it later. They might approach a registrar at a local court, or a community legal service or a private legal practitioner. They might contact Child Protection, which might refer them to Child FIRST. People who make the decision to tell someone about the violence often find the responses of police, courts, government agencies and service providers inconsistent and may not receive the advice they need to obtain further support.

All services that come into contact with family violence victims should be equipped to identify, and in some cases, assess and manage risk, and to ensure that victims are supported. Mainstream services such as health services, must be able to identify risk and refer victims to services that can provide more comprehensive support, such as specialist family violence services.

Universal service systems that are available to all community members are ideally placed to play a much greater role in identifying family violence at the earliest possible stage. Associated systems such as Integrated Family Services, mental health and drug and alcohol services, aged care, and the health and education systems must play a more direct role in identifying and responding to family violence. In order to achieve this, mainstream services will need to boost their family violence capability. These workforces need to recognise signs that family violence may be occurring and know what to do next to ensure safety.

There must be clear entry points into, and pathways between, different parts of the system, to make the experience of seeking help as supportive and seamless as possible. The system should be structured to assist those with multiple and interdependent needs to navigate the services they need, and equip people with more straightforward needs to directly access the services they require.

Individual service elements needed by a victim during both the crisis and the recovery phases are often ‘siloed’, requiring victims to navigate complex systems by themselves at a time when they may be under acute stress. Those without access to a case manager are not guided or assisted in finding or using all of the services they need, for example, housing, counselling, legal services, and therapeutic programs for themselves and their children.

Siloing can reduce the effectiveness of each service or make some services totally ineffective. For example, it is unlikely that a woman can take full advantage of trauma counselling if she and her children are living in their car. Siloing also ignores the need for services to reinforce each other so that the victim has a line of sight to recovery. For example, the current approach seen in the provision of crisis, transitional and longer term housing often creates further dislocation and uncertainty for victims who are already in a state of extreme stress. This can exacerbate the effects of the violence itself and can sometimes result in victims returning to abusive relationships.

Closer relationships must be built between all the services that support victims of family violence. Agencies need to be active in co-locating and joining together with other agencies to provide services, and government should support them in doing so.

People in rural, regional and remote parts of the state must be able to have easy access to the services they need. This calls for flexibility and adaptability in the way services are delivered.

To have an effective system, all components need to be appropriately funded. Increasing funding on its own, though, without attention to operational changes and broader system design, will not sufficiently improve the situation.

A sustained focus on effective perpetrator interventions

> I ask, why is it that we have [the] responsibility for safety on the victim's shoulders? Why are we constantly talking about victims rather than the perpetrator, and not questioning his behaviour? Why is it she has to hide or move or uproot herself or her family and he is able to have a beer with his mates and no one is challenging his behaviour?[6]

> When police and other justice systems don't respond seriously and pro-actively it sends a powerful message to perpetrators that they are free to do as they wish and that there will be no consequences or accountability for their violence.[7]

Family violence policy must aim to stop violence at its source. It should never be regarded as the victim's responsibility to stop family violence: those who use violence should always be held responsible for their actions.

Efforts to keep victims safe must be strengthened through a consistent and rigorous approach to perpetrator accountability. Bringing perpetrators into view and assisting them to change behaviours is essential to reducing family violence.

The current response to perpetrators remains under-developed, despite the establishment of initiatives such as family violence teams within Victoria Police, and Risk Assessment and Management Panels, which aim to keep high-risk perpetrators in view.

Crime Statistics Agency analysis conducted for the Commission indicated that a relatively small number of recidivist perpetrators account for a disproportionate number of family violence incidents attended by Victoria Police. These perpetrators were more likely than others to be recorded by police as being unemployed, depressed or as having used drugs.

Many breaches of intervention orders are not prosecuted. Perpetrators are not deterred from continuing to abuse their victims if police and court responses are inconsistent, delayed and uncertain. As a consequence, victims remain responsible for managing their own safety—staying ever vigilant to breaches of intervention orders and navigating ongoing threats or contact by perpetrators—even after they have sought protection from the justice system.

Some perpetrators may be able to change their behaviour with an appropriate level of support or as a result of a particular style of behaviour change program; others will need more tailored and intensive assistance, including those with a mental illness or problems with drug and alcohol use. Other perpetrators will continue to pose unacceptable risks to their family members, requiring stricter justice system–based interventions.

A greater focus on perpetrators will require the collaboration of key agencies and experts such as Victoria Police, the courts, Corrections Victoria, Child Protection, men's behaviour change program providers, family violence services, drug and alcohol and mental health practitioners, criminologists and forensic psychologists. Key areas of attention must involve improving risk assessment and management; monitoring perpetrator behaviour; harnessing the authority of the courts; working with perpetrators in ways that help them take responsibility, change their behaviours and address any specific risk factors that contribute to their use of violence; exploring different program models; and delivering programs and other interventions that are proven to work. Exploring options for expanding perpetrator interventions must build on, and not detract from, the important work that has already been done to ensure that men take responsibility for their violence against women and their children.

Moving beyond a crisis response

The reforms introduced in the 2000s had a clear focus on improving the justice response and in connecting police, court and specialist family violence service responses in order to maximise victims' safety.

The existing focus on crisis response and justice system mechanisms must be matched by a similar focus on, and investment in, prevention, early intervention and recovery.

There are numerous examples of family violence prevention, early intervention and recovery programs around the state, but these are piecemeal and often left to small community organisations to develop and implement. Government must commit to supporting these measures on a larger scale if we are to create the conditions necessary to reduce the incidence and effects of family violence.

Family violence prevention, early intervention and recovery measures need to be reinforced by measures that support and build the capabilities and resilience of individuals, families and communities. Family violence occurs in all communities, but its incidence and severity can escalate when people do not have the social and economic conditions they need to thrive or they are deprived of the conditions that are protective against family violence risk. Family violence can result in individuals and families being stuck in cycles of trauma and dislocation, which undermines their capacity to live full lives and contribute to their communities.

Prevention

If we are to prevent family violence we must change the attitudes and social conditions that give rise to it. There is a need to implement primary prevention strategies that are designed to dismantle harmful attitudes towards women, promote gender equality and encourage respectful relationships. Because family violence takes many forms, a variety of approaches is required. Some programs should be addressed to the Victorian community as a whole, others to particular population groups and places. Educating young people about respectful relationships must be a core part of the Victorian Government's long-term prevention strategy.

Only a small amount of government funding goes to prevention. Prevention activities are often funded for short periods. But changing behaviours and attitudes is a complex and lengthy process, which requires long-term investment. Failure to give greater priority to prevention efforts risks condemning future generations to the plight of today's victims of family violence. Unless we pay serious and sustained attention to prevention initiatives, the service system will remain overwhelmed and under-resourced.

Victoria has contributed significantly to researching and testing interventions designed to prevent violence against women and children and has been recognised internationally for this work. Although research about what prevention strategies are the most effective is ongoing, there is a strong base on which Victoria can build.

Early intervention

There has also been little support for programs aimed at protecting victims before violence escalates and intervening to ensure someone does not go on to be violent. Our systems do not do enough to support individuals and families to live violence-free lives.

There has been insufficient emphasis on intervening at points where people may be willing to participate in programs that could contribute to a reduction in family violence across the community, for example programs that support new parents.

Universal service systems that are available to all community members are ideally placed to have a much greater role in identifying and effectively responding to family violence at the earliest possible stage. We also need to build the capacity of family services, housing, employment, mental health and drug and alcohol services to identify violence and provide support before the violence gets worse.

In Victoria a number of areas of good and promising practice in local communities and hospital and other health settings provide the basis for developing more widespread programs.

Recovery and resilience

Women who have experienced family violence demonstrate extraordinary resilience and strength; this is apparent in the way that they manage the risk presented by the perpetrator and in the lengths they go to protect the safety of their children and other family members.

At the same time as ensuring the safety of victims, the system should aim to promote their recovery and resilience, so that a previous experience of family violence does not shape their lives forever. Victims want to rebuild their lives, participate in economic and social life, see their children thrive and be confident about their future.

Some victims may be able to recover with the help of family and friends, while others will need additional support to achieve these goals. As is the case for most Victorians, stable housing and employment, and participation in community life, are central to the wellbeing of victims of family violence and to their ability to build a good life for themselves and their children or other family members. The Government must ensure there are individually tailored measures to support victims to recover from the effects of family violence. Depending on their circumstances, this may require support to attain economic security and independence, secure housing, and health and wellbeing.

Family violence must be a core area of responsibility for government

Government and its departments and agencies must treat family violence as a core area of responsibility, instead of a problem that can be addressed through programs that exist at the margins of portfolios or solely through small specialist units. This will require a genuine commitment to a whole-of-government approach to stop family violence, support victims and hold perpetrators accountable.

Stopping family violence requires a multi-faceted, sustained effort by government. This effort cannot be effective without strong leadership, bipartisan support and partnership with the community.

In the past, policy and funding responses to family violence have often reflected an assumption that family violence is something that affects only a relatively small number of people from certain demographic groups. The development and resourcing of responses have not kept pace with our understanding of the prevalence and pervasiveness of family violence in all sections of our community. Similarly, there has been little analysis of the impact that high rates of family violence have on the operations of, and inter-relationships between, associated systems such as Child Protection, family services, sexual assault services, and universal services such as health and education.

At present, the Victorian Government does not have a system which co-ordinates and oversees implementation of responses to family violence. There is a lack of clarity about the principles and objectives that guide our response to family violence, and around the roles, responsibilities and lines of accountability of each department, agency, organisation and sector involved in responding to family violence. We are not clear about what success looks like or how to measure it.

A whole-of-government response calls for the police, courts, human services and other relevant service providers to share information from different systems. Clear information-sharing arrangements are also vital to ensure that decision makers are fully informed about the circumstances of individual cases, so that victims' safety and wellbeing is protected.

Substantial investment

Addressing family violence requires a strategy that has short, medium, and long-term objectives. This effort will have substantial funding implications for government. Robust forecast modelling needs to be done. Although strategies aimed at preventing family violence should deliver returns on investment in the longer term, there is an immediate need to increase investment in key parts of the family violence system, both to meet current demand and to implement major reforms.

The Victorian Government does not know how much in total it spends on dealing with family violence. Nor does it collect the data necessary to understand how all parts of the system are responding to family violence. This has implications for the ways in which policies and services are developed, funded, implemented, coordinated and reviewed. It also makes it difficult to measure whether specific interventions and strategies are reducing the prevalence of family violence or its impact on victims.

The government must prioritise funding for family violence initiatives and reforms. This may require investigating options for redirecting existing revenue sources towards family violence expenditure, identifying new revenue sources, and exploring the possibility of entering into partnership agreements with the Commonwealth Government, in areas of overlapping responsibility. In the Commission's view, there is widespread support in the Victorian community for treating family violence reform as a problem that warrants an immediate and tangible response. We believe that a reconsideration of funding priorities or the identification of new revenue sources to meet this goal would be widely accepted, provided their impact is distributed broadly and equitably.

Development and use of technological solutions

Technology is becoming increasingly important in the area of family violence. Not only do we need swift solutions to combat the ways perpetrators use mobile phones, social media platforms and surveillance devices to stalk and harass their victims—we also need to identify ways in which emerging technologies and resources can be used, alongside other measures, to do the following:

- support and empower victims—for example, by increasing their personal security or by facilitating safe and secure access to advice and information, and to the courts
- deter perpetrators from further offending for example through devices that record contact with victims
- link people in remote locations to service providers
- streamline and standardise risk assessment processes
- facilitate information sharing about individual cases between police, the courts and other parts of the family violence system
- coordinate processes and share practice knowledge across different systems and sectors
- enable data collection
- educate and equip members of the community to identify and respond to family violence.

Harnessing community effort

There is an unprecedented level of commitment across the community to preventing family violence and supporting victims. This momentum to stop violence should be harnessed.

Ending family violence requires a shift in the attitudes of individuals and in community attitudes that allow violence to be excused, justified or condoned. All Victorians have a role to play in deciding what is acceptable and unacceptable in the communities we share. Together, we create the culture that has a powerful influence on the behaviour and practices of individuals.

> I think changing the culture is about raising awareness in the public domain to such a level that what we learn can't be unlearnt, and what we know can't be unknown. I think it is imperative to raise this issue to the point where everyone knows it's an issue, everyone knows the statistics and everyone understands the different forms of family violence.[8]

Leaders in the economic, social and civic spheres of the community, as well as those who have experienced family violence, need to be engaged in building community awareness and determining the initiatives that are going to work for their community and how they should be pursued. These strategies should be targeted to all the places where people live, learn, work and play.

Workplaces, sporting clubs, faith communities and other social networks need to be supported so that they know how to respond when they become aware that someone is experiencing family violence or being abusive towards their family members. These settings also need to be environments that combat violence-supporting attitudes and promote respectful relationships.

There is a growing understanding of the value of investing in education, and in our children and young people. Schools are central points of interaction between parents, educators and young people. Respectful relationships education programs offer enormous promise for transforming the attitudes and behaviours of future generations.

> I understand that a lot is asked of schools; we expect schools to fix many social problems and address all kinds of issues in their curriculum. However, I think schools do play an enormous role in terms of creating cultural norms. Further, schools are extremely relevant as they form the basis of years of social interactions and development of relationship skills. Children practise their relationship skills from a very young age, as soon as they can communicate, and spend a large proportion of their time doing so in the school environment. As a result, it is very important for schools to take an active role in addressing not only the specific issue of family violence but the broader issues of gender equity and respectful relationships.[9]

Networks and partnerships at the regional level—such as family violence regional integration committees and Indigenous Family Violence Regional Action Groups, and the work of women's health centres—have played a particularly important role in building capacity and fostering collaborative networks in local areas.

Local councils offer a key platform for supporting community action. Local and state governments should foster collaboration and innovation in the development and implementation of community strategies designed to address family violence. Efforts already being made by communities that have been shown to be effective must be supported through the provision of guidance, resources and infrastructure support, as well as the dissemination of practice knowledge.

> There is no quick fix to the prevention of family violence in our community. However, the right plan financed for the long term and supported by grass roots community campaigns and ownership will work.[10]

The way forward

The Commission makes a number of findings about the adequacy of current policies, systems and processes aimed at preventing and responding to family violence in Victoria. Drawing on all the evidence received, we outline a strategy for addressing family violence in the future and propose a set of practical recommendations—for the Victorian Government, other organisations and the community more broadly—to implement that strategy.

Our recommendations are directed at improving the foundations of the current system, seizing opportunities to transform the way that we respond to family violence, and building the structures that will guide and oversee a long-term reform program that deals with all aspects of family violence. Some of the recommendations focus on problems that can be resolved in the shorter term; others will require continued commitment and effort if they are to bring about change in the medium or longer term.

Many of the recommendations reflect an endorsement of important existing strategies that could be improved with renewed attention and oversight. The Commission also recommends a number of new approaches and structures. The full set of recommendations appears at the end of this summary. The recommendations also appear throughout the report in relevant chapters. The Commission's strategy is not reliant on one central initiative: it depends on many initiatives. It is vital that these are coordinated and integrated rather than implemented in a piecemeal manner.

New approaches: a snapshot

The Commission's recommendations for new approaches cover the following:

- Support and Safety Hubs in local communities throughout Victoria, to make it easier for victims to find help and gain access to a greater range of services
- new laws to ensure that privacy considerations do not trump victims' safety—with a Central Information Point to funnel information about perpetrators to the Hubs
- an immediate funding boost to services that support victims and families, additional resources for Aboriginal community initiatives and a dedicated funding stream for preventing family violence
- a 'blitz' to rehouse women and children forced to leave their homes, supported by expanded individual funding packages
- an expanded investigative capacity for police and mobile technology for front-line police, including a trial of body-worn cameras
- more specialist family violence courts that can deal with criminal, civil and family law matters at the same time
- stronger perpetrator programs and increased monitoring and oversight by agencies
- family violence training for all key workforces—including in hospitals and schools
- investment in future generations through expanded respectful relationships education in schools
- an independent Family Violence Agency to hold government to account.

The terms of reference asked the Commission to consider the need to identify short, medium and long-term improvements to Victoria's current response to family violence. For this reason, we have sought to identify timeframes for implementation of most of our recommendations.

In several cases the Commission has recommended implementation by a specified date. We have done this for recommendations that lay the foundations for the future of the family violence system—for example, the establishment of Support and Safety Hubs, the Central Information Point and the Family Violence Agency, as well as completion of the review of the CRAF and implementation of the revised framework.

In most other recommendations we have sought to identify timeframes within which implementation would be desirable. In many cases we have specified timeframes of 12 months, two years or five years, with some other recommendations contemplating plans lasting 10 years. Generally, we have contemplated that amendments to Victorian legislation should be achieved within 12 months.

In setting the timeframes for this latter group of recommendations, the Commission has been mindful of the urgency of the need for reform, and sensitive to the practicalities of implementing a wide range of reforms which are inter-related. However, the timeframes are not intended to be rigid prescriptions, but rather to provide a guide to government about whether the recommendations should be implemented in the short, medium or longer term. Timeframes for implementation will inevitably be influenced by a range of factors, including the need to consult with stakeholders and the community and to stage various elements of the reforms.

In some cases no timeframe has been specified because the recommendation relates to something that should be ongoing (for example, annual reporting by Victoria Police about the prosecution of family violence offences) or because it relates to a process that already has its own timeframe (for example, those that relate to existing reviews or inquiries).

The Commission received a great many proposals for reform. Some of them related to the underlying frameworks in associated areas of policy, such as housing and homelessness, child protection, family law, liquor regulation and mental health. Others related to matters specific to a particular program or a particular geographic location. The Commission took all these proposals into account in its deliberations. Its efforts, however, have been primarily directed at formulating future directions for family violence reform and policy development. For this reason it has not been possible to reflect on or resolve every issue raised during the inquiry. The Commission hopes, though, that the outcomes of the inquiry will provide opportunities for the discussion and possible resolution of many of the matters people raised with us.

The Commission was allocated a budget of $36 million for its inquiry, and expended approximately $13.5 million. In conducting its inquiry the Commission was very conscious of the significant current demand on family violence services, and has sought to carry out its functions cost efficiently. The Commission has recommended an immediate increase in funding for a range of family violence services to respond to the current crisis in demand. Although the balance of the Commission's budget will only go a small way towards addressing the current crisis, we believe its direct allocation to family violence services would be a fitting first step in implementing the Commission's recommendations.

The future: a sustained effort to find solutions

The Commission is acutely aware of the complexities associated with preventing and responding to family violence. There is no simple solution; no single source of expertise; no guarantee that solutions advanced today will continue to be the most appropriate solutions in the future. At the core of the Commission's recommendations, therefore, is a call for a long-term approach—one that is bipartisan, requires all parts of government to work together, and involves the entire community. It must include people with experience of family violence and expertise in the responses needed; it must be reflective about policy and program successes and failures; and it must be able to adapt to new knowledge and circumstances.

Preventing and responding to family violence is difficult and demanding. The attitudes and behaviours that cause and contribute to such violence are deeply embedded in our society. So, too, are the attitudes and behaviours that implicitly or expressly tolerate it. Community attitudes that misconstrue or condone family violence have powerful impacts: they compound the shame that victims feel and dissuade them from making disclosures and seeking assistance, and they give licence to perpetrators to continue their abuse. The findings of the National Community Attitudes towards Violence Against Women Survey and research commissioned by the Commonwealth Government to guide a future national campaign to prevent violence against women and their children, suggest that these attitudes are disturbingly common in our society—particularly among young people.

On the other hand, the surge of community interest in combatting family violence, the public discourse about acceptable attitudes towards women, continuing measures for preventing and responding to violence, and the confidence this gives to victims to come forward, make us optimistic that the community effort required to transform our collective attitudes to family violence can be harnessed.

Solving family violence is not a technical science. It calls for sustained human effort and a shared commitment to building a culture of non-violence and gender equality, in which all individuals are afforded dignity and respect. The Commission is confident that, through collaborative effort—on the part of government, non-government organisations and the community—the cultural change necessary to prevent family violence in the long term is possible.

Overview of the report

This section provides an overview of each of the chapters in this report. These chapters are the evidence base for the actions the Commission recommends to consolidate the foundations of our current response to family violence and to implement required changes.

Nature, dynamics and effects

Family violence can occur in a variety of contexts, the majority of which are intimate partner relationships, with the violence being perpetrated by a man against a woman. Family violence differs from other forms of violence: it is generally underpinned by a pattern of coercion, control and domination by one person over another. In the case of intimate partners, the coercion may begin immediately after a relationship begins; in others it creeps up, sometimes masked by flattery and charm. Family violence can involve emotional, psychological or financial abuse as well as physical abuse. Among the tactics used by perpetrators can be limiting access to money, isolating a woman from family and friends, threatening to publish private information, and exercising excessive control over a woman's activities or even her general appearance. These measures are designed to erode the victim's self-confidence and make them unduly dependent on the other person.

Pregnancy and separation (or attempted separation) are examples of times of heightened risk for the onset or exacerbation of intimate partner violence. Often the violence continues after separation: either directly, through continued stalking, assaults or harassment, or in more indirect ways—for example, by withholding child support, delaying a property settlement or dragging out legal proceedings. In recent times, technology-facilitated abuse—for example, surveillance and monitoring using phone apps and other software—has emerged as a new way of stalking victims even after the relationship has ended.

Children are also frequently victims of family violence, either directly or as a result of being exposed to violence against their mothers.

For most victims, family violence is part of a longer-term pattern, rather than a one-off event. The pattern often involves an escalation of the violence, so that unacceptable behaviour becomes 'normalised' over time or a person's mental wellbeing is eroded to the point that they come to believe they deserve the violence.

Family violence has long-lasting and serious effects. Physical injuries can be debilitating and lifelong. But the violence also takes an enormous toll on a person's mental health and wellbeing: it can be very difficult to recover and rebuild after being belittled, denigrated and made to feel worthless, sometimes for years.

The negative effects of family violence can be particularly profound for children, who can carry into adulthood the burden of being victimised themselves or witnessing violence in their home.

We know, of course, that some people do not have the opportunity to escape or recover from family violence: the number of family violence–related deaths is high. These victims are mourned by families, friends and communities, many of whom fight to raise awareness of the devastating impacts of family violence, to maintain the legacy of their loved ones.

We know, too, that family violence victims—including children—demonstrate enormous resilience in the face of great adversity. Many of these survivors go on to live full and happy lives, develop healthy relationships and use their experiences to help others.

Key family violence data

Although much has been done to improve our understanding of the extent to which family violence is occurring in our community, a great deal of the violence remains hidden. This is largely because many people, and some victims, do not recognise that what is happening is in fact family violence, others choose not to report it or are unable to, and sometimes incidents are not recorded as family violence or are not recorded at all.

The following are some of the main trends that emerge from existing family violence data:

- Family violence disproportionately affects women and children, and the majority of perpetrators are men.
- Female victims are more likely to be a current or former partner of the perpetrator, while men are more likely to experience violence in different familial relationships—for example, as a son or a sibling.
- Some groups are at greater risk of family violence or experience it at increased rates. This includes Aboriginal and Torres Strait Islander peoples and women with disabilities.
- These and other groups face particular barriers in seeking and obtaining help; they include people from culturally and linguistically diverse backgrounds and people living in rural, regional or remote areas.

Although it is not clear whether the prevalence of family violence (that is, the proportion of the population who have experienced such violence at least once) is increasing, we do know that there has been greater reporting of family violence, leading to an increase in incidents being recognised. In Victoria this has been evident in the increased number of reports to police and the number of family violence intervention orders being issued. The increase in incidents is also placing enormous pressure on family violence specialist services, family services, crisis accommodation and housing services, and legal and health services.

History of the family violence system

The family violence system in Victoria has developed during the past four decades, emerging from the efforts of women's groups in the 1970s to provide support to women and children experiencing family violence. Historically, family violence services have been closely linked with homelessness services, which began to emerge at about the time the first women's refuge was established. It was not until the late 1980s that measures to address family violence began to be reflected in legislation, and it took until the 2000s for there to be significant momentum in support of law and policy reform in Victoria. A key instigator of this wave of reform was Ms Christine Nixon APM, Chief Commissioner of Police, who initiated a review of all Victoria Police policies relevant to violence against women.

The decade that followed saw a range of policy reforms and initiatives aimed at developing understanding of and addressing family violence—including adult and child sexual assault. The 2005 report of the Statewide Steering Committee to Reduce Family Violence, *Reforming the Family Violence System*, led to many important reforms, and in 2008 the Family Violence Protection Act, which reflected best-practice knowledge of the nature and dynamics of family violence, was enacted. This decade also saw comprehensive work performed by the Victorian Indigenous Family Violence Task Force and Aboriginal communities. The Task Force's 2003 report was a landmark in Victorian Aboriginal policy, vividly describing the scale and impact of family violence in Aboriginal communities and establishing sound principles for prevention and response grounded in community action.

Family violence has attracted a greater degree of government attention in recent years at both the federal and state and territory levels—often as a result of tireless efforts on the part of women's services and survivors of family violence. In 2011 the Commonwealth, in partnership with the states and territories, launched the National Plan to Reduce Violence against Women and their Children 2010–2022. The National Plan continues to guide policy and service responses.

Overview of the family violence system

There is no single pathway into the family violence system. There are myriad entry points, and overlapping service systems at both the state and federal levels provide services to those experiencing family violence.

Police, justice and family violence services operate on the front line to respond to instances of violence. Specialist family violence services are integral to supporting women and children by providing crisis accommodation, casework, counselling, psychological support and dedicated family violence programs. Specialist programs and interventions designed to help perpetrators cease their violent behaviour are also provided through men's behaviour change programs.

Victoria Police is responsible for responding to family violence incidents and taking steps to ensure the safety of victims. This can extend to issuing family violence safety notices or seeking family violence intervention orders on behalf of victims, arresting perpetrators and investigating family violence–related crimes. Legal services play an important role in ensuring that all parties understand their rights and obligations. Courts are responsible for issuing intervention orders, and for sentencing family violence offenders.

Other services and systems also work with those affected by family violence. Among them are services designed to protect the welfare of children and support families at risk or in crisis—for example, Child Protection and Integrated Family Services. Many people experiencing homelessness have been victims of family violence, and in some circumstances perpetrators are required by court orders to leave the family home. In these situations housing and homelessness services might be engaged to provide crisis accommodation or support a person in their transition to long-term, stable housing. Services for victims—including specialised services for victims of sexual assault—also play a crucial role in providing support and helping people find their way through the justice and social services systems.

Over the years there have been system-wide improvements to the way family violence is dealt with. However, elements of the family violence system response remain 'siloed' and fragmented, leading to inaccessibility and complexity for people seeking help. Increased demand has placed enormous pressure on these services, limiting the scope to clarify and improve service pathways and develop collaborative efforts.

Risk assessment and management

A consistent approach to risk assessment and risk management is vital for protecting victims' safety. Risk assessment and management mechanisms help practitioners identify whether a person might be at risk of experiencing family violence, determine the risk of the violence recurring or escalating, and initiate a tailored response aimed at reducing or mitigating that risk. All parts of the service system have an important role in identifying and knowing how to respond to family violence. Because many victims do not seek support from police or family violence services, equipping health and other universal service systems to identify family violence risk and provide support to victims and their children, is essential.

The Victorian Risk Assessment and Risk Management Framework (referred to as the Common Risk Assessment Framework, or the CRAF), introduced in 2007, was the first framework of its kind in Australia and was one of the foundational elements of the Victorian family violence reforms implemented in the mid-2000s. One of the strengths of the system to date has been that police must conduct the CRAF-based risk assessment at family violence incident scenes.

The CRAF provides a solid basis for assessing and managing the risk of family violence, but it needs to be revised in order to redress concerns about and barriers to its effective implementation. The Victorian Government has announced that the CRAF will be reviewed. This review should be completed by the end of 2017 to ensure that the foundations are laid for the introduction of the Commission's recommended Support and Safety Hubs. The next iteration of the CRAF should include weighted indicators to allow practitioners to determine whether the level of risk is low, medium or high, to help guide the risk management response. It should also include evidence-based risk indicators specific to children.

A number of factors are impeding a shared and coordinated approach to risk assessment and risk management. Among these factors are legislative and practice obstacles to information sharing, current demand levels, the need for greater guidance about identifying and managing perpetrator risk, and missed opportunities for using service agreements and standards to require CRAF implementation by service providers. The practice guidance material that forms part of the CRAF needs to be reviewed to support the assessment of risk for all victims, including children, and to place greater emphasis on monitoring perpetrator behaviour.

To support consistent and widespread use of the CRAF, or a CRAF-aligned mechanism, the Commission recommends that the Family Violence Protection Act be amended so that prescribed agencies—such as the police, Child Protection, community and health services and Integrated Family Services—are required to align their risk assessment policies and practices with the CRAF. The government will need to ensure that adequate funding is allocated to equip workforces to adopt the revised CRAF.

Among the risk management strategies adopted in Victoria has been the development of two Risk Assessment and Management Panels, or RAMPs, providing a coordinated multi-agency approach and dedicated case management to service women and children at imminent risk of serious injury or death from family violence. The proposed roll-out of the RAMPs across the state must be completed as a matter of priority. The Commission acknowledges that a major obstacle in the way of completing this process is the need for legislative change to permit and support information sharing: we make recommendations in order to overcome this obstacle.

Managing the dangers posed by perpetrators is also achieved through effective monitoring by the police, the courts and corrections agencies. A perpetrator register scheme is being considered by other jurisdictions in Australia but, because of concerns about the effectiveness of such schemes in ensuring victim safety, and pending the results of a trial in New South Wales, the Commission does not recommend the introduction of such a register.

Information sharing

Sharing information about risk within and between organisations, is crucial to keeping victims safe. It is necessary for assessing risks to a victim's safety, preventing or reducing the risk of further harm, and keeping perpetrators 'in view' and accountable.

Despite the importance of information sharing, agencies in the family violence system do not share information routinely or systematically. A number of barriers impede organisations from sharing information, among them the complex legislation that governs privacy and information sharing, current information-sharing practices, and outdated information technology systems.

The Commission recommends the introduction of a specific family violence information-sharing regime under the Family Violence Protection Act. The purpose of the regime, which would in part be based on a successful model in New South Wales and existing information-sharing provisions relating to Child Protection, would be to provide clear authority for relevant prescribed organisations to share information.

The Commission also recommends the establishment of a Central Information Point to facilitate sharing information. This will involve the co-location of relevant agencies (such as Victoria Police) that will be able to access their respective organisations' databases to obtain and collate crucial information for managing risk. The Central Information Point would provide information, primarily about perpetrators, to the proposed Support and Safety Hubs and other key agencies so that they can engage in safety planning with the victim.

It is also necessary to clarify ways of developing an information-sharing culture; this would include producing guidance material and developing an awareness campaign. Finally, there are outdated IT systems within Victoria Police, the Magistrates' Court of Victoria, Corrections Victoria and the Department of Health and Human Services. These need to be improved so that the systems can communicate with each other.

Specialist family violence services

Specialist family violence services focus on keeping women and children safe and helping them recover from violence. They are an integral part of Victoria's response to family violence. The specialist family violence services sector began as a network of community-based women's refuges established in the 1970s and has expanded to provide a range of support services for women and children. These include performing risk assessments, safety planning, case management, provision of information and referrals, and advocacy for complex matters such as legal and financial affairs and health and wellbeing needs.

Underpinning the work of specialist family violence services is an understanding of the characteristics, dynamics and impacts of family violence and expertise in risk assessment and risk management. Women told the Commission they valued the support of specialist family violence services—especially when there was continuity of contact and flexibility to adapt to needs that change with time. The Commission was also told, however, that many women found the service system difficult to navigate and did not know where to start or how to find the right service. This is partly because of the complexity of referral pathways.

Demand is one of the toughest challenges facing specialist family violence services in Victoria. The number of people reporting family violence incidents to police has grown substantially in recent years, and the consequent increase in demand has had a dramatic effect on specialist family violence services, as well as on the police and the courts. The level of funding for specialist family violence services has not kept pace with the increase in demand for these services. This has led to strained and ad hoc service responses and has had a number of effects on the way services are delivered. Services have had to divert resources from case-management support to process the increased number of police referrals. This risks referrals being heavily triaged, with only the most serious being attended to. In this way, opportunities to intervene early, before the violence escalates, are lost.

In addition to demand pressures, there are shortfalls in the provision of tailored responses to victims, after-hours support, working with families when the perpetrator remains in the home, and dealing with the longer term effects of family violence. A strong message in the evidence received by the Commission was that each person's experience of family violence differs, and that people need different services and supports to recover. The current system is, however, based on program requirements rather than having the flexibility to respond to women's and children's individual needs. People called for a broader range of options to support victims of family violence, as opposed to the current 'one-size-fits all' approach.

The capacity of specialist family violence services should be increased, so that they can move from managing demand to meeting demand. An immediate funding boost for specialist family violence services—including funding to expand after-hours responses—is required. Alleviating immediate demand pressures should allow services to focus on what they do best, which is helping women and children stay safe and rebuild their lives. At the same time it should allow services to concentrate on new and better methods of service delivery, enhancing staff capability and improving access to victims who face specific barriers.

Family members and friends are often the first to become aware of family violence. It is important that the community has ready access to information and resources about how to recognise and respond to family violence. The range of materials is currently inadequate, as information is not readily accessible or sufficiently detailed to equip people to take steps to safely address the violence. For this reason, the Commission recommends that additional information for friends and family be made available through a new or existing website.

A safe home

Family violence often disrupts victims' housing security—whether they stay in their own home or need to leave and find alternative accommodation. This exacerbates the effects of the violence, adversely affects children's education, health and wellbeing, and disrupts victims' social and economic participation. It also often results in homelessness. In many cases victims feel they have no alternative but to remain in, or return to, abusive relationships.

In the past the conventional response to family violence has been for women and their children to leave home and enter crisis accommodation. There has been a more recent move to try to keep victims safe at home (when it is their choice to stay there and it is safe to do so) and to remove the perpetrator from the home instead. This approach has been accompanied by a range of initiatives (referred to as 'safe at home measures') aimed at increasing the level of security and related supports to enable victims to stay at home safely. Evaluations of safe at home measures suggest that they are most successful when they combine technologies with case management and support services and are backed up by effective risk assessment and justice responses.

Despite the potential of these approaches, the reality is that a high proportion of victims are forced to leave their homes and seek alternative accommodation. The Commission heard consistent evidence about problems with the existing housing response to family violence. The availability of crisis accommodation is limited because of capacity restraints, eligibility requirements and other barriers to access, meaning victims end up in ad hoc emergency accommodation such as motels, caravans, rooming houses and, in some areas even tents. If they do gain access to a refuge, some older style communal refuges are not well suited to accommodating a wide range of families with varying needs.

Often victims need to leave their local communities and the things that are important to them—school, work, friends, and so on—in order to be safe and find housing. The remainder of the trajectory into transitional or longer term accommodation, or both, is beset by a range of systemic problems such as a one-size-fits-all approach, limited availability of social housing stock, long waiting lists, and discrimination and lack of affordability in the private rental market.

As a consequence, the system is clogged, and many victims become stuck at the crisis or transitional stage, with no pathways out. There is an urgent need to address the housing response to family violence. The Commission recommends a 'blitz' on rehousing family violence victims who are stuck in crisis and transitional housing, and the implementation of a substantial program of individualised packages to fund rental subsidies and other associated costs that will open up access to private rental properties for people fleeing violent relationships, and support them in sustaining ongoing tenancies. Such a process will build on existing Family Violence Flexible Support Packages to usher in a new approach—one that greatly expands the range of available housing and is tailored to victims' individual circumstances, choices and goals.

The Commission also recommends substantial expansion of 'safe at home' programs throughout Victoria, measures to improve crisis accommodation options—including moving towards 'core and cluster' style refuges, phasing out the use of ad hoc crisis accommodation, and improving responses for victims with diverse needs.

Children and young people

Children experience family violence as direct victims or through witnessing it in the home; as adolescents they can also experience violence in intimate relationships. Family violence has severe short and long-term effects on children and young people. It can sometimes result in behavioural and mental health problems, disrupted schooling, homelessness, poverty, and intergenerational family violence. However, many children and young people display resilience in the face of family violence, and a range of factors engender and support this strength.

Children and young people are often described as the 'silent victims' of family violence because family violence services have historically focused on the safety and wellbeing of women (or women and their children). The Commission was informed that, despite Victoria's legal framework recognising children's right to safety and wellbeing, and specific legislative protections for children who experience family violence, the specific needs of children and young people are often overlooked. They are rarely treated as victims in their own right.

Universal services that work with children and young people—for example, maternal and child health services, early childhood services, schools and health service providers—often lack the knowledge and expertise to identify and respond when children and young people are experiencing family violence. For Integrated Family Services (including its intake point, Child FIRST), escalating demand and lack of funding and resources, combined with difficulties with referral pathways, mean that these services are failing to provide the often intensive support required by families and children who have experienced family violence. The few child and youth-centred services that exist are at capacity and not supported in any systemic way. There is also a lack of suitable accommodation for young people who are forced to leave their home, and this includes young mothers.

The right of children and young people to live free from violence should be a fundamental element of family violence policy and practice. The current family violence system fails in responding to them despite many years of advocacy by family violence services and others. The Commission makes a series of recommendations aimed at increasing the availability of therapeutic interventions, counselling and early intervention programs for children and young people and of youth-appropriate accommodation for young people escaping family violence. Other recommendations relate to engaging and supporting young people, workforce training and development, and specifically addressing the rights and needs of children and young people in updating service standards for specialist family violence services.

Family violence and the child protection system

Doctors, nurses, teachers and some others are required to report serious concerns about a child's welfare to Child Protection, which has a statutory responsibility to take steps to protect children who have suffered or are likely to suffer significant harm. Children who are subjected to violence may not reach the threshold for protective intervention. Child Protection may refer some of these children and their parents to other services, including specialist family violence services, Child FIRST and Integrated Family Services, but this does not always occur.

Some parents approach Child Protection for help for family violence, while others do not report the violence because of fear that their children will be removed. Aboriginal and Torres Strait Islander children are over-represented in the child protection system. Policies of child removal in these communities have contributed to the mistrust that can make Aboriginal and Torres Strait Islander victims of family violence reluctant to report family violence.

Past child protection practice often required women in violent relationships to separate from a violent partner to protect their children, even though this is a time when violence often escalates. Women have borne the burden of managing risks to themselves and their children, although doing so may be impossible. Current efforts to ensure that child protection practitioners have a better understanding of family violence so that risk can be assessed and managed, and women are given appropriate support, must be strengthened. Requiring victims to make non-statutory undertakings or take other steps to monitor the behaviour of the perpetrator is misguided and ineffective. There should be no onus on victims of family violence to manage risk; it is the unacceptable nature of perpetrators' behaviour that should be the focus of attention.

Greater collaboration between Child Protection and specialist family violence services and Integrated Family Services is necessary to ensure that families experiencing family violence do not fall between the cracks. The Commission's recommendations are intended to ensure that families affected by violence are kept safe and offered appropriate support, even if the statutory threshold for Child Protection intervention is not reached.

Sexual assault and family violence

Sexual assault is a common form of family violence, recognised in the CRAF as being an indicator of heightened family violence risk. As with other forms of family violence, intra-familial sexual assault is under-reported, and women and children are overwhelmingly the victims.

Despite the fact that family violence and sexual assault often coincide, workers in the health, criminal justice and specialist family violence services often fail to ask about sexual assault, treating it as different from, and somehow separate to, other forms of family violence. There is also a 'siloing' of family violence and sexual assault service sectors, which can lead to victims having to repeat their stories multiple times, and to confusion for referral agencies and service providers as well as victims. Sexual assault service providers are experiencing high demand for their services and are inadequately resourced to help victims of sexual assault and young people displaying sexually abusive behaviours, who often have multiple and complex needs.

The Commission recommends short-term measures for encouraging a more integrated response to intra-familial sexual assault. It also recommends a comprehensive review of the family violence and sexual assault—in the longer term to consider whether these services should be fully integrated. The family violence system must take account of the co-occurrence of family violence and sexual assault. Additionally, early intervention services for children and young people displaying sexually abusive or problematic behaviours should be adequately resourced for all age groups, and the therapeutic treatment orders regime in the Children's Court should be extended to include young people aged 15 to 17 years.

Pathways to services

Victims and perpetrators of family violence gain access to and use services in many ways. The main points of entry into the system are the police, specialist family violence services, Child Protection, Child FIRST, perpetrator programs, legal services, magistrates' courts, specialist services such as sexual assault and homelessness services, and universal services such as general practitioners, maternal and child health nurses and schools. The diversity of entry points can make it difficult for people to find the full range of services that they need.

Services for people affected by family violence are not always visible to the victims or to the services that need to refer victims. The situation is made more complex by the 'siloed' nature of services that work with people affected by family violence. Although the Commission learnt of admirable examples of service collaboration and local partnerships, these relied on local relationships and initiative, rather than strong statewide and system-level arrangements. In addition, separate formal police referral pathways for victims, perpetrators and children work against a whole-of-family approach and contribute to perpetrators' lack of visibility throughout the system.

The current arrangements need to be reformed. The different pathways that victims, children and perpetrators follow should be brought together, so that the system as a whole is characterised by a much stronger eye on the perpetrator, a clearer focus on the needs of children, greater attention to the needs of the adult victim, and a simpler means for families—in all their forms—to obtain the help they need, when they need it.

In order to achieve this, the Commission recommends introducing Support and Safety Hubs in each of the 17 Department of Health and Human Services local areas. A single, area-based and highly visible intake point will make it easier for victims of family violence to find help quickly. Intake should be built around one referral for each family, accompanied by individual assessments for the perpetrator, the victim and any children. This will give services and police the information they need about the risks to, and needs of, various family members.

The hubs will replace the current 23 Child FIRST intake points, the 19 L17 contact points for specialist family violence services, and the 20 L17 contact points for men's behaviour change programs. They will not, however, replace specialist services providing casework, support and accommodation; rather, they will provide intake and initial case coordination until people are placed with those services. Specialist family violence services, Integrated Family Services and perpetrator interventions will continue to be supported to operate and deliver services in a collaborative way. Safe Steps and the Men's Referral Service will continue to receive referrals out-of-hours, and the Victims Support Agency will continue to receive police referrals for male victims.

The proposed Support and Safety Hubs build on the reforms of the mid-2000s by bringing information about the entire family to one place, ensuring that services flow according to need and that each family member receives the appropriate specialist response. For the Support and Safety Hubs to be successful, however, other reforms are essential—in particular, amending the privacy regime, reforming the CRAF, establishing a Central Information Point, rolling out the RAMPs, and undertaking comprehensive workforce planning under the recommended industry plan.

Police: front-line operations and workforce

Police are an important part of the front-line response to family violence and are often the first point of contact for family violence victims. The Commission acknowledges the enormous improvements in the Victoria Police response in the past 15 years—moving from a situation in which family violence was largely viewed as a private matter to one in which the police response is governed by the Code of Practice for the Investigation of Family Violence.

However, the police response to family violence is inconsistent in relation to, for example, risk assessment and management, charging perpetrators for contraventions of intervention orders, and data-recording and data-sharing. Problems associated with cultural norms and attitudes among some police members are also apparent.

These inconsistencies and shortcomings must be remedied by improving training and processes in relation to L17 risk assessments, reviewing and strengthening police practice in identifying the primary aggressor, and establishing a Family Violence Centre of Learning with external academic governance. A revised approach to education and training, with an emphasis on well-trained supervisors, on-the-job learning and better access to specialist family violence teams for support, advice and quality assurance, will increase members' understanding of the nature and dynamics of family violence and the importance of accurate risk assessment and risk management. It will also improve their ability to deal sensitively with family violence in the general population and among marginalised groups.

To improve compliance with the Code of Practice, Victoria Police must build capacity for pro-active, comprehensive quality assurance practices through station-level random file audits and case reviews. The Commission also recommends regular independent audits of organisation-wide compliance.

Victims will not have confidence in Victoria Police's capacity to respond to family violence if the organisation itself and individual members tolerate sexism and violence against women. For this reason, the Commission endorses Victoria Police's steps to encourage cultural change in keeping with the recommendations of the Victorian Equal Opportunity and Human Rights Commission's Independent Review into Sex Discrimination, Sexual Harassment, including Predatory Behaviour, in Victoria Police. Complementary to this, Professional Standards Command should review Victoria Police policies and procedures relating to family violence affecting its members—as both victims and perpetrators.

Police: leadership, resourcing and organisational systems

Escalating demand is placing a heavy strain on general duties police, and this is having flow-on effects for the resourcing of Victoria Police's family violence response. Recidivist family violence offenders take up a disproportionate amount of police resources, and criminal investigations often fall to general duties police. Outdated administrative and IT systems burden police with time-intensive procedures—for example, the requirement for police to personally serve intervention orders on respondents—and limit their access to vital information in the field.

While ensuring that family violence is core business for all police members, there is also a need for increased family violence specialisation, and for investigative and intelligence units and tasking and coordination committees to have a stronger focus on family violence, so that it has higher priority in resourcing decisions.

The Violence against Women and Children Strategy should be revised so that it clearly expresses the vision, strategic objectives, key actions, roles and responsibilities in Victoria Police's response to family violence. Family Violence Command should also set performance measures for policing of family violence at the regional level. The Commission recommends a stronger focus on recidivist and high-risk offenders and on improving organisational capacity for criminal family violence investigations. It also makes recommendations to strengthen family violence specialisation, provide a clear career path for police members with an interest in family violence policing, and adopt a more consistent approach to resourcing family violence teams.

Additionally, recommendations are made to lift the administrative burden on front-line police, including through deployment of mobile technology in the field. Police should continue to be tasked with undertaking personal service of intervention orders, where possible, however there might be instances where alternatives methods are appropriate.

A number of potential new powers are discussed. The Commission proposes a trial of body-worn cameras for collecting statements and other evidence from family violence incident scenes. The Commission does not recommend that police be given power to issue family violence intervention orders in the field. Instead it considers that this proposal should be revisited after five years, provided the recommendations aimed at improving the police response to family violence have been implemented and have had the desired effect.

Court-based responses to family violence in Victoria

For many victims and perpetrators of family violence, courts are central to their experience of the family violence system. Despite some improvements in recent years in the responsiveness and expertise of Victoria's state courts in responding to family violence, increases in demand have led to chronic infrastructure deficiencies and unsustainable demand on court-based professionals and services—in particular, in many of Victoria's magistrates' courts.

Many court users and court-based professionals and services expressed concern about the complexity of applying for an intervention order, access to court-based services, court safety, delays before and between hearings (which sometimes lead to serious risks to the applicant's safety and wellbeing), unevenness in magistrates' understanding of family violence, and consistency of procedures and outcomes in the courts. Additionally, some of the procedural and jurisdictional features of the courts have the potential to produce adverse consequences in family violence proceedings.

The Commission recommends that the Magistrates' Court continue its move to a more therapeutic and specialised approach to family violence that supports victims and promotes perpetrators' compliance with court orders. It proposes that within five years family violence matters should be heard in specialised courts, which should also have the ability to hear related matters involving the same family.

The Commission's recommendations seek to build on what works, and to reduce the trauma, delay and complexity of court proceedings. This will involve initiatives such as streamlining the application process and improving list management strategies, improving court infrastructure to make the court experience safer and less traumatic, increasing the use of remote witness facilities, and improving information technology so that courts are more efficient and the court workforce can focus less on throughput and manual tasks and more on serving court users and the magistracy.

Offences and sentencing

Historically, responses to family violence have been marked by a tendency to dismiss, trivialise and misunderstand family violence. In the criminal justice system this view has sometimes been manifest in a reluctance to charge or prosecute family violence–related offences and in the imposition of inadequate, inconsistent or ineffective sentences. Apart from putting women and children at risk in particular cases, these attitudes and practices, particularly when publicised, can reinforce poor community attitudes towards violence against women. There are, however, some indications that attitudes and practices are evolving.

People hold differing views about the role of sentencing in family violence crimes: some favour greater reliance on longer custodial sentences; others do not consider this a desirable or effective means of protecting the community or of punishing, deterring and rehabilitating offenders.

In the absence of comprehensive sentencing data, we do not have a clear sense of whether sentences for family violence offences are more or less severe than sentences imposed for the same offences outside the family violence context. Sentencing Advisory Council data and commentary on sentencing for breach of family violence intervention orders suggests that, despite some reported improvements in the prosecution of general and aggravated contravention offences, the Magistrates' Court continues to rely on fines and other low-end orders, even for aggravated offences.

The Commission considered potential changes to offences (including creating a distinct offence of family violence) and sentencing laws (including mandatory minimum sentences for family violence offenders), suggestions for improving bail laws, and ways of improving the collection of data on family violence–related offending, as well as the way the criminal law deals with women who commit homicide in response to family violence.

Introducing new offences and sentencing provisions often has only a symbolic effect and does not result in changes in practice. Whatever laws we have will be only as effective as those who enforce, prosecute and apply them. Improving these practices—through education, training and embedding best practice and family violence expertise in the courts—is likely to be more effective than simply creating new offences. Of course, there will be cases when a substantial term of imprisonment is necessary and appropriate. Nonetheless, evidence on the limited effectiveness of imprisonment as a means of deterring offenders, rehabilitating offenders and reducing crime is sufficient to highlight the complexity of this subject.

There is, however, scope to improve current practices and processes in relation to bail hearings and sentencing in family violence matters. The Commission recommends implementing a means to ensure that offences committed in the context of family violence are appropriately 'flagged' to inform interventions for perpetrators as well as policy and research; amending current law and practice in bail matters; and commissioning research into the improved use of existing sentencing options. Consideration should be given to the Director of Public Prosecutions identifying a suitable case in which to seek a guideline judgment from the Court of Appeal on sentencing for family violence offences.

Perpetrators

Holding perpetrators to account is a basic objective of family violence laws, policies and services. A common conceptualisation of perpetrator accountability entails keeping the perpetrator in view and responding appropriately and consistently to their conduct. This can be achieved in several ways—through rigorous risk assessment and management, through attitudinal and behaviour change interventions, or through restrictive and punitive justice system interventions and community condemnation. At a more personal level, it can also be achieved by a perpetrator gaining insight into their conduct and acknowledging its impact on their family.

The most common programmatic intervention for perpetrators in Victoria is referral to a men's behaviour change program. We do not know the extent to which existing programs are successful in changing an individual's behaviour and attitudes or in keeping victims safe. What we do know is that there are insufficient programs to cater for all men who are referred to them; there is little or no follow-up to monitor completion of a program; and there is inadequate oversight of the quality of programs or for assessing the appropriateness of the methodologies used. Existing programs do not cater for different cohorts of perpetrators and are not designed to respond to the needs of perpetrators for whom group work is unsuitable.

Confronting the factors that make perpetrators violent, including attitudes to women and community tolerance for violence, is crucial. Factors such as childhood exposure to violence, mental illness and drug and alcohol misuse can also fuel or exacerbate family violence. The Commission was told there is emerging consensus among experts about the need for perpetrator interventions that deal with both gender-related issues and other risk factors. Closer working arrangements between men's behaviour change programs and forensic, mental health and drug and alcohol services are needed for perpetrator programs to have the best prospects for success.

The Commission has concluded that there is insufficient breadth and diversity in perpetrator interventions in Victoria. More work is needed to develop a suite of interventions and programs that are implemented according to the latest knowledge and evidence about their efficacy in managing risk, achieving behaviour and attitude change, reducing re-offending and meeting the needs of victims. The interventions and programs must also be subject to an effective compliance and oversight scheme.

The Commission makes recommendations aimed at developing a more integrated approach to perpetrators of family violence; one that fosters collective responsibility among government and non-government agencies, the community and individuals for denouncing perpetrators' use of violence and expecting and helping them to cease being violent. All organisations and agencies that have contact with perpetrators need to work towards a set of common objectives and principles and need to understand and reinforce each other's roles and responsibilities in keeping victims safe.

The Commission recommends that the Victorian Government establish an expert committee to advise on perpetrator interventions. Based on that advice it should fund, trial and evaluate a range of perpetrator interventions including options that are suitable for perpetrators from diverse communities, take account of any related criminogenic factors, and focus on helping perpetrators understand the effects of violence on their children. The minimum standards for men's behaviour change programs also need to be updated; a compliance framework and accreditation process for program providers should be established; and processes for better monitoring compliance with court orders mandating attendance at behaviour change programs should be developed and implemented.

The role of the health system

Health professionals are in a unique position to identify and respond to family violence. Some victims of family violence will not contemplate engaging with a specialist family violence service but will interact with health professionals at times of heightened risk for family violence—for example, during pregnancy or following childbirth—or seek treatment for injuries or medical conditions arising from violence they have experienced. Failing to identify signs of family violence or minimising disclosures by patients can have a profound impact on victims and deter them from seeking help in the future.

A range of health services interact with people experiencing family violence, among them hospitals, general practitioners, maternal and child health services, mental health and drug and alcohol services, pharmacists and ambulance officers. There are many reasons for health professionals failing to inquire about family violence or lacking confidence in responding to disclosures: a lack of family violence training and awareness, inadequate referral options, and time pressures, for example, can all contribute to missed opportunities to intervene and offer support to victims.

A number of programs and initiatives recognise the links between family violence and health care—for example, partnerships between health and legal services, multi-disciplinary approaches and co-location of health and family violence services, research projects examining the impact of health interventions on women experiencing violence, and other tool kits and resources designed to support health-care workers. Despite these pockets of innovation and best practice, there is a lack of overall cohesion and consistency in the way health professionals respond to family violence. There is no health system-wide approach.

Most people place considerable trust in health professionals' advice. Such advice can help victims come to recognise family violence, make safety plans and gain access to the services they need. The Commission makes a range of recommendations to improve health sector responses, through strengthened screening and risk assessment procedures, greater workforce training and development, and better coordination and information sharing between different parts of the health-care system. This should be underpinned by clear political and professional leadership to ensure that awareness of, and the ability to respond to, family violence are central components of comprehensive patient care.

Recovery: health and wellbeing, financial security

The effects of family violence are severe—reducing victims' physical and mental health and wellbeing, their capacity for social and economic participation, and their ability to live free from fear. Whether the violence first occurs during the relationship, after separation or after the relationship has ended, or throughout all these stages, its effects can be long term and can damage victims' lives in many ways.

Current responses to family violence do not sufficiently emphasise recovery and restoration and may even impede it. This may be due to the historical focus on ensuring the immediate safety and security of victims of family violence and the demand pressures services are under. However, safety is only the start—the ultimate objective of the family violence system must be that victims, including children, can recover and thrive at their own pace.

Recovery requires a broad range of mutually reinforcing interventions and strategies. Whether it is bringing up children, pursuing further education, re-establishing a career or re-connecting socially, victims should be provided with the information, support and opportunities they need to rebuild their lives.

The Commission considers that three pillars of recovery—secure and affordable housing, financial security, and health and wellbeing—are essential.

The first pillar of recovery is housing. Safe and affordable housing is central to stabilising a victim's life. Without the certainty of knowing where they will live, a victim cannot plan for the future: if they are not returning home, they need to know where their children will go to school, how they themselves will get to work, or even where they might seek work. With stable accommodation they can turn their mind to rebuilding their own and their children's lives and (re)connecting with the community. The Commission recommends expanded housing assistance in the form of private rental assistance, rental subsidies and material assistance to establish a new home. Such support should be explicitly linked to consideration of education and employment assistance to build women's economic security and resilience.

The second pillar of recovery is financial security. Women who have lived with a violent partner are more likely than other women to experience financial difficulty, and many women experience poverty as a result of family violence. The associated abuse can be financial in nature (defined by law as economic abuse) or can be characterised by other forms of family violence that affect a victim's financial wellbeing. A range of factors can exacerbate victims' experience of financial insecurity—among them difficulty obtaining child support payments, tenancy problems, a lack of control over household finances, and credit, utility and car-related debt incurred by the perpetrator.

Securing paid employment can help victims of family violence become financially secure and recover from the economic and non-economic consequences of family violence. Victims should have access to education and employment assistance through the greater use and availability of individualised funding packages. The Commission also makes recommendations to improve the understanding of economic abuse, support financial literacy, address family violence–related debt, protect personal property, reform tenancy law and support long-term economic recovery.

The third pillar of recovery is health and wellbeing. The trauma of family violence can result in poor mental and physical health outcomes, increased risk of clinically-significant depression and anxiety disorders, post-traumatic stress disorder, loss of self-confidence, isolation and, for some, the misuse of alcohol and drugs. Support is crucial in allowing victims who experience family violence to begin to regain the health and wellbeing lost amidst the trauma and violence they have experienced. Evidence provided to the Commission highlighted the importance of trauma-sensitive therapeutic interventions in assisting in victims' recovery and the ability to make use of victim schemes such as the Victims Assistance Program and the Victims of Crime Assistance Tribunal.

The Commission recommends that the Victorian Government increase the number and range of counselling services available to victims in the state, and that the program of Flexible Family Violence Packages be expanded to facilitate greater access to counselling, psychological services and opportunities to strengthen social connections, as well as other appropriate health and wellbeing supports.

By focusing on these three pillars of recovery, the Commission's vision is for a system that responds flexibly to changing needs and diverse experiences of violence and ensures that family violence no longer defines victims or their futures.

Restorative justice

The Commission learnt that some victims of family violence are dissatisfied with current court processes or find them traumatic, often because the processes fail to adequately meet victims' needs for participation, having a voice, validation, offender accountability and restoration. A number of organisations working with family violence victims urged the Commission to consider whether a restorative justice approach to family violence should be introduced in Victoria, in addition to making essential reforms to the court system. Restorative justice processes can provide opportunities for a victim to confront the perpetrator in a safe environment to describe what impact the abuse has had on them; for the perpetrator to acknowledge the harm they have caused; and for the parties to decide what action might be taken to repair the harm.

There are a number of potential benefits associated with a restorative justice approach:

- its potential to deliver better outcomes for victims than the adversarial justice system because it is able to provide a forum for victims to be heard on their own terms and offers a process that is tailored to individual women's needs, and informed by their own choices
- its particular relevance in those cases where the victim does not wish to separate from the perpetrator but wants the abuse to stop, or where violence has been used by an adolescent against their parents
- the prospect of encouraging perpetrators to acknowledge the impacts of their behaviour and to recognise its effects on the victim.

The Commission examined this matter carefully, particularly in light of concerns that such an approach might be manipulated by perpetrators and could undermine the important gains that have been made in ensuring that family violence is treated as a public concern rather than simply a private matter between individuals.

The Commission is persuaded that, with robust safeguards in place and as an additional option for (not a substitute or precondition for) pursuing action through the courts, a restorative justice process should be made available to victims who wish to pursue such an option. Restorative justice processes have the potential to meet a broad range of victims' needs that might not always be met through the courts and to help victims recover from the impact of the abuse they have suffered.

The development of a restorative justice approach should proceed cautiously. In consultation with victims' representatives and experts in restorative justice, the Department of Justice and Regulation should develop a framework and pilot program for the delivery of restorative justice options for victims of family violence that are victim-driven, incorporate robust safeguards, are guided by international best practice, and are delivered by suitably skilled and qualified facilitators.

Adolescents who use family violence

Adolescent family violence is a distinct form of family violence; it can include child-on-parent violence, sibling violence, and problem sexual behaviour. Although the reporting of adolescent family violence has increased in recent years, it still accounts for a relatively small proportion of overall family violence incidents recorded by Victoria Police.

Adolescents' use of family violence can co-exist with family violence perpetrated by a parent or other family member and can also be a manifestation of disability, including adolescent mental ill-health.

Parents are often reluctant to report their children's behaviour to the police because of feelings of shame and self-blame or because they fear their child might get a criminal record. This can leave the parents feeling isolated and helpless.

Adolescent family violence differs from that perpetrated by adults and requires a specialist response; one that is far more comprehensive than the current patchwork of supports. At present there is no systemic response to the needs of these young people and their families, although there are a number of positive initiatives operating in local areas.

Priority should be given to early intervention therapeutic and diversionary responses. The Victorian Government is trialling a community Adolescent Family Violence Program in three locations. The program aims to increase the safety of all family members by preventing the escalation of violence, supporting parents and improving the adolescent's communication and problem-solving skills. The initial evaluation findings are positive. If the final evaluation shows success in improving victim safety and changing behaviour, this program should be made available throughout Victoria. The Victorian Government is also trialling a youth diversion program in the Children's Court: if successful, this program should also be expanded throughout Victoria.

Removal of the young person from the family home should be avoided as much as possible, but if there is no other option, the young person should be offered appropriate supported accommodation.

Family violence and the family law system

Family violence is often central to the work of the federal family law courts, which are responsible for adjudicating parenting and other disputes following partners' separation. The Commission was told of the difficulties faced by family violence victims who sometimes had to go to a magistrates' court to obtain a family violence intervention order and then go to a federal family court to resolve disputes about their children.

The fragmentation between state courts and the federal family law courts was a source of considerable concern: many people commented that their experience of family violence is given insufficient weight and consideration in the federal family law courts. Some people also feel conflicted by a desire to protect children from the harmful behaviour of the other parent, without wanting to appear unfavourable or obstructionist to a judicial decision maker. Others reported that perpetrators of violence used family court proceedings to maintain previous patterns of coercion and control.

Building on the findings of a number of previous inquiries examining the intersection of family violence and family law, the Commission makes recommendations aimed at encouraging and supporting state magistrates to exercise their family law jurisdiction and helping parties and their representatives understand the interaction between the state courts and the family law system. The Commission also recommends that the Victorian Government should pursue reforms to the *Family Law Act 1975* (Cth) through the Council of Australian Governments.

Review of family violence–related deaths

Family violence–related deaths are the ultimate tragedy of family violence. They are not uncommon, and intimate partner homicide is the most common form.

Three principal mechanisms exist for investigating family violence–related deaths in Victoria: coronial investigations and inquests by the Coroners Court, the Systematic Review of Family Violence Deaths by the Coroners Court, and child death inquiries by the Commission for Children and Young People.

While there is scope to improve some aspects of the current approach to family violence–related death reviews, the Commission is of the view that the current framework is sound. We consider that the current criteria for requiring an inquest are sufficient to ensure that all family violence deaths are properly investigated and note that the Coroners Court recently published guidelines on this matter.

In the Commission's view the Victorian Systemic Review of Family Violence Deaths is a valuable way of reducing the risk of further deaths. It should be statutorily established, with funding that is sustained and adequate to ensure that the Coroners Court can expand the review.

Family violence and diversity

The Commission explored the experiences and needs of people from diverse backgrounds and communities who experience family violence. The circumstances of Aboriginal and Torres Strait Islander peoples, people living in rural, regional and remote communities, older people, people who are part of culturally and linguistically diverse communities, lesbian, gay, bisexual, transgender and intersex people, people with disabilities, male victims, women prisoners and women who work in the sex industry, make their experience of family violence different to that of other members of the Victorian community. People within these communities can face multiple and intersecting barriers to reporting family violence as well as in finding appropriate help and support.

A comprehensive family violence policy must ensure better services and responses for all people who experience family violence, regardless of their background, identity or membership of a particular community.

The Commission makes a series of recommendations aimed at building and ensuring accessible, inclusive and non-discriminatory service delivery and expanding understanding of the complexity of family violence in a range of communities. In particular, we recommend that specialist bodies—Seniors Rights Victoria, InTouch Multicultural Centre against Family Violence and Women with Disabilities Victoria—be funded to provide training and advice to family violence service providers and universal services, to enable them to respond effectively to the needs of older Victorians, people from culturally and linguistically diverse communities and people with disabilities.

Practice standards should be reviewed and updated to specify providers' obligations to provide non-discriminatory services, and family violence community awareness and prevention programs should use language, imagery and messaging that reflect the diversity of the Victorian community. The industry plan for family violence prevention and response should require agencies and service providers to engage in learning and development to achieve inclusive and non-discriminatory practices and to develop the diversity of their own workforces.

Aboriginal and Torres Strait Islander peoples

Family violence rates among Aboriginal and Torres Strait Islander peoples are higher than rates among non-Aboriginal Australians, with Aboriginal women and children at greatest risk. Not only are Aboriginal and Torres Strait Islander peoples disproportionately affected by family violence, they face unique barriers to obtaining support, whether from mainstream or from culturally appropriate services. Many Aboriginal people are apprehensive and reluctant to seek assistance from mainstream agencies, partly because of the discrimination, racism and lack of understanding some Indigenous people experience when doing so. The effects of trauma associated with dispossession, child removal and other practices also inform Aboriginal peoples' distrust of agencies such as police and Child Protection.

The Commission was informed that the family violence system—the police, the courts, specialist family violence services and men's behaviour change programs—requires a better understanding of the nature and forms of family violence in Aboriginal communities. One theme that came through strongly in the Commission's consultations was the importance of involving Aboriginal community controlled organisations and tailoring justice system responses that recognise the history and culture of Aboriginal peoples.

While progress has been made since publication of the Indigenous Family Violence Task Force in 2003 and the Indigenous Family Violence Ten Year Plan in 2008, the evidence before the Commission was that there should be more support for efforts to reduce the unacceptable levels of family violence and its devastating impacts in Aboriginal communities. Many Aboriginal people want to use Aboriginal service providers, but the full potential of Aboriginal community controlled organisations to prevent and respond to family violence has not been realised. The Commission was also told that there has been insufficient investment in culturally appropriate early intervention initiatives to strengthen families and reduce the number of Aboriginal children who are removed from their families.

Significant increased investment in these Aboriginal community controlled services—in particular, in targeted prevention and early intervention initiatives for Aboriginal communities, as well as culturally sensitive services to respond to Aboriginal families in crisis—is an urgent priority.

Older people

Older people experience various forms of family violence—intimate partner violence (which may be a continuation of earlier abuse or begin when the person is older); violence perpetrated by adult children or other family members; or violence at the hands of a carer who is in a 'family-like relationship' with them. As with people in other age groups, family violence against older people can be physical, psychological, emotional or sexual, and the majority of victims are women. Older people can, however, be at particular risk of economic or financial abuse.

Family violence against older people tends to be under-reported. Older people face particular barriers to obtaining the support they need when experiencing family violence—for example, a reluctance to report the violence because of shame, fear of not being believed, financial reliance on the perpetrator, a desire to preserve family relationships, fears about who will care for them, and problems obtaining crisis and other accommodation. Workers often have difficulty identifying and responding suitably to older people who are experiencing family violence, particularly if the person does not want to report the violence to police.

Just as prevention of family violence needs a focus on gender, prevention of family violence against older people needs to expose and respond to ageism. As long as older people are seen as less capable, dependent and not valued for their contribution to society, family violence against them will remain hidden. The Commission recommends building community and service providers' awareness about family violence against older people through targeted information campaigns and training, including consideration of risk and safety planning as part of the CRAF review, and ensuring that relevant workers complete certified training in identifying and responding to family violence. Options for a Victoria Police trial of a dedicated family violence and elder abuse response team in one local service area should also be examined.

Culturally and linguistically diverse communities

People from culturally and linguistically diverse communities are more likely than people of Anglo-Australian background to face barriers to obtaining help for family violence.

The effects of family violence experienced by people from CALD communities, including recent arrivals, are compounded by a range of factors associated with the experience of migration and resettlement, as well as systemic barriers to seeking and obtaining help. The impact of family violence on CALD victims who do not have permanent residency is particularly severe because they have very limited or no access to support and can be at greater risk of coercion and control by sponsoring spouses and other family members.

In addition to forms of family violence experienced in all communities, there are some specific forms of family violence experienced by women in some CALD communities—for example, forced marriage, female genital mutilation, and dowry-related violence. These forms of abuse are not readily recognised as constituting family violence.

Both mainstream universal services and specialist family violence services struggle to provide culturally appropriate, responsive services for CALD victims, and the services that are designed specifically for CALD victims are limited. There are also limited opportunities for men from CALD communities to participate in behaviour change programs that are culturally specific or in their own language.

The availability of professional and independent interpreting and translating services is inadequate. Professional accreditation standards for interpreters should be amended to incorporate minimum requirements relating to understanding the nature and dynamics of family violence.

The Commission makes recommendations to strengthen the capacity of mainstream and specialist services to identify and respond to the needs of family violence victims from CALD communities, to improve practices and policies relating to the use of interpreters in family violence–related cases, and to include forced marriage and dowry-related abuse as statutory examples of family violence in the Family Violence Protection Act.

Faith communities

Faith leaders and organisations have direct and influential contact with many members of the Victorian community, and their guidance and intervention are often sought when family violence is being experienced. Faith leaders can play an important role in educating communities about family violence, reinforcing community standards in relation to respect, dignity and non-violence, and providing practical advice and other assistance to people in need.

The faith leaders the Commission consulted demonstrated a strong commitment to responding to family violence that occurs in their communities. They also acknowledged, however, that they and their colleagues and communities require assistance in learning how to recognise and prevent family violence and respond appropriately. This lack of awareness and knowledge limits their ability to support those experiencing family violence.

The Commission heard that some attitudes and practices, and inadequate or ill-informed responses by faith leaders, risk exposing victims to further and sustained abuse by family members. Women experiencing family violence can face barriers to seeking help in their faith community because of particular religious beliefs—for example, about divorce or gender roles.

The Commission recommends that the Office of Multicultural Affairs and Citizenship's Multifaith Advisory Group and the Victorian Multicultural Commission, in partnership with women from faith communities and expert family violence practitioners, develop training packages on family violence and sexual assault for faith leaders and communities. This training should build on existing work, reflect leading practice in responding to family violence, and include information about referral pathways for victims and perpetrators. The Commission also acknowledges the importance of mainstream family violence services understanding and being sensitive to people's religious and cultural needs. It therefore proposes that the development of resources and revised practice standards for specialist family violence services and men's behaviour change programs be guided by advice from the Multifaith Advisory Group and from women from faith communities.

The Commission was informed about a number of initiatives led by different faith communities with the aim of preventing and responding to family violence. Building on this work, the Commission recommends that faith leaders and communities establish processes for examining the ways in which they currently respond to family violence in their communities and whether any of their practices operate as deterrents to the reporting or prevention of, or recovery from, family violence or are used by perpetrators to excuse or condone abusive behaviour.

Lesbian, gay, bisexual, transgender and intersex communities

The family violence experiences of lesbian, gay, bisexual, transgender and intersex people and the barriers they face in obtaining services are distinct from those of other victims of family violence. They also differ within these various communities. LGBTI people may also experience distinct forms of family violence, including threats to 'out' them.

Although there has been little research into family violence in LGBTI relationships, the existing research suggests that intimate partner violence may be as prevalent in LGBTI communities as it is in the general population. The level of violence against transgender and intersex people, including from parents and other family members, appears to be particularly high.

There are a variety of barriers to LGBTI people reporting and seeking help, including homophobia, transphobia and a fear of discrimination. The level of awareness of LGBTI experiences and needs is limited among police, in the courts, among service providers and in the community generally. As a result, LGBTI people can feel invisible in the family violence system.

The Commission recommends the development of LGBTI-specific resources, programs and targeted community education campaigns and identification of research priorities and effective prevention strategies. We also recommend measures to encourage service providers to adopt inclusive practices, through a review of the standards for family violence service providers. In the context of its commitment to review equal opportunity laws, the Victorian Government should also take into account concerns expressed about the potential for discrimination against LGBTI people seeking assistance in relation to family violence.

People with disabilities

Although there is no reliable data on the prevalence of family violence against people with disabilities, statistics and anecdotal evidence suggest there is a high level of violence against people with disabilities, particularly women. For some women, family violence is the direct cause of their disabilities.

People with disabilities can experience family violence from intimate partners and other family members and—as a result of the broad definition of 'family member' in the Family Violence Protection Act—non-related carers and co-residents in disability services in some circumstances. There are unique barriers to reporting family violence for people with disabilities, along with barriers to obtaining support (in particular access to crisis accommodation) and recovery. Disability workers are not always aware of the nature and dynamics of family violence and might not be in a position to identify it or respond effectively.

Effective responses to the unique experience of family violence for people with disabilities require family violence to feature in existing disability policy and practice frameworks, such as the State Disability Plan, the National Disability Insurance Scheme Quality and Safeguarding Framework, and disability service standards and protocols.

The Commission makes a number of recommendations about access to services for women and children with disabilities who are experiencing family violence—for example, that all refuge accommodation be made fully accessible within five years. The Commission supports the Ombudsman's call for mandatory training for disability workers at all levels and recommends that family violence be specifically incorporated in this training. Other recommendations include: improving oversight of the disability services sector, redesigning the Victoria Police L17 form to ensure that disability information to guide service delivery is collected, improving support and accessibility for people with disabilities in courts, improving data collection at the federal and state levels, and supporting research into acquired brain injury and family violence.

Male victims

Men and women have different experiences as victims of family violence. Men are more likely to be the perpetrators of family violence in intimate partner relationships, but can also be victims of family violence. Men can also be victims of violence when they are children or as older people, and violence can be used against them by adolescent or adult children, siblings and other family members. The data suggests that responses seeking to address the highest risks to men (including homicide) should focus on the risk posed by parents, siblings and other family members, rather than by female intimate partners.

The Commission was informed about barriers to, and shortcomings in services for, male victims of family violence and heard that complaints by men about family violence are sometimes disbelieved, not taken seriously or treated with indifference. Like all victims of family violence, male victims should have their experiences acknowledged and have access to appropriate responses. There are opportunities to improve the understanding of male victims and services for them.

The Commission concluded that, although resources should not be diverted from women and children, who constitute the majority of victims, the family violence system needs to respond more supportively to male victims of family violence. The Commission recommends that in identifying and responding to the needs of family violence victims, the Victorian Government should take steps to identify and take account of the needs of male victims—including male children, older men who are victims of elder abuse by family members, and gay, bisexual and transgender men.

Rural, regional and remote communities

Family violence is more prevalent in some rural, regional and remote communities than in metropolitan areas. The problems it presents in metropolitan Melbourne are exacerbated in the state's rural, regional and remote communities as a result of isolation, cultural factors and service limitations. Victims can be reluctant to seek help when the police, court staff and the relevant services know the perpetrator. Intertwined with this can be a fear that the victim's (or the perpetrator's) circumstances will become more widely known in their community and could result in ostracism.

There is an increasing awareness of family violence in non-urban communities and a growing commitment to seeking to prevent and respond to it. Various plans and initiatives are in progress, many of them initiated and led by the local communities themselves. The social connectedness and resilience in rural, regional and remote communities offer great potential. At the same time, these communities face significant challenges in addressing family violence that demand an active and adequately resourced response.

The Commission heard that dispersed populations and the long distances between population centres in rural, regional and remote communities mean that in some areas specialist family violence services are available only on a part-time basis or if the victim has the ability to travel long distances. This can result in what is effectively a denial of service. No matter how desirable it might be, ensuring that there are stand-alone specialist family violence services in every non-metropolitan community would be financially prohibitive. For this reason the Commission recommends that universal services that already have good geographic coverage in these communities—such as health practitioners, maternal and child health services, hospitals, schools and other education providers—be supported to build their capacity to respond to family violence. Many of these universal services already have a broad reach across their communities and, with support from people with relevant specialist knowledge, they could build on their existing reputation and networks to improve outcomes in rural, regional and remote communities.

Effective and strategic use of technology has the potential to assist in disseminating information and providing services to victims of family violence and to communities. Government and service providers should consider funding technological solutions to better meet the specific needs of these communities, as well as ensuring that communications technology infrastructure is in place to support this.

The Statewide Family Violence Action Plan proposed by the Commission should take account of, and give priority to addressing, the particular difficulties and needs of those experiencing family violence in rural, regional and remote communities when formulating policies, planning, developing structures and allocating funding. The government should foster collaboration between services in rural, regional and remote communities through flexible contractual and funding arrangements.

Women in prison

Family violence is experienced in the childhood and early years of many women in prison and can disproportionately affect them in their adult life. Women can be imprisoned as a result of the direct and indirect effects of family violence: some women might commit crimes as a result of a history of childhood violence or other trauma or under duress or coercion from a violent partner. Their partner may pursue them while they are in prison or they may be at risk of violence when they leave. Women in these situations need support while they are in prison, to help them overcome the effects of trauma and avoid re-offending.

Understanding the circumstances that contribute to the incarceration of women who have experienced family violence is important, in part because it casts light on the specific difficulties they can face in prison. The Commission recommends that further efforts be made to identify women prisoners with a history of family violence, so that they can be offered support to deal with trauma and other effects of violence.

Serving time in prison can disrupt efforts to promote recovery from previous family violence. More therapeutic initiatives and support programs that can support victims' recovery from family violence are needed in prisons. The continued provision of a wide range of programs for female prisoners by Corrections Victoria in the prison environment requires both adequate funding and continued support.

On release from prison, victims of family violence often experience risks to their safety and recovery, in addition to the challenges experienced by all prisoners. The Commission recommends that Corrections Victoria refer women to relevant family violence services and inform post-release support services if a prisoner has a history of family violence, so that post-release accommodation arrangements do not place the prisoner at risk. Similarly, planning for the release of male perpetrators from prison should ensure that their family members are not placed at further risk of violence.

Women working in the sex industry

Women who work in the sex industry who have experienced family violence face particular challenges when seeking support, as a result of stigma and discrimination. Research and anecdotal evidence suggest that some women enter the sex industry as a consequence of experiencing family violence and are more likely to be exposed to violence while working in the industry.

The effect of family violence on sex workers' health and wellbeing can be particularly severe. These women require specific policy and practice interventions to give them access to the supports and services they need. It is important these services recognise the diversity of experience of women who work in the sex industry.

There are serious shortcomings in how police and the family violence system respond to the experience of women who work in the sex industry. In light of this, the Commission recommends that Victoria Police amend its Code of Practice for the Investigation of Family Violence to describe the additional challenges faced by women who work in the sex industry when reporting family violence to the police, and how to provide support when investigating family violence perpetrated against these women.

Prevention

Preventing family violence is essential for the health and wellbeing of our community and requires widespread cultural change. There are no 'quick fixes': a long-term perspective and sustained effort and investment are needed. This is one of the most complex and intractable problems confronting the Victorian Government and the Victorian community.

If we do not tackle the problem of family violence at its source and become better at preventing it from occurring in the first place, communities and the systems that support them—police, courts and other services—will continue to be overwhelmed. We need to give as much attention to prevention as we do to the other parts of the family violence system.

Leadership from the Victorian Government is essential, but action by the government alone will not be sufficient. To create a culture of non-violence and gender equality, ordinary Victorians must come together to change attitudes and behaviours. Everyone in the community has a role to play—individuals and all types of organisations.

One of the most consistent messages received by the Commission concerned the opportunity to use the education of children and young people to prevent family violence in the future. In all the community consultations with victims of family violence, specific communities and people who work in family violence–related fields, throughout metropolitan Melbourne and in rural, regional and remote Victoria, people stressed the value of teaching children and young people about respectful and healthy relationships.

Respectful Relationships Education in schools should be enhanced and be made a mandatory part of the curriculum in every school and at all year levels. This is a unique and important opportunity to help us move towards a family violence–free society. Done well, this will be a flagship component of the Victorian Government's family violence prevention strategy, but successful implementation will require careful phasing, substantial training and support for schools, and monitored implementation within a whole-of-school approach.

Involving communities in the task of preventing family violence is also essential. Whether communities are defined by a geographic place, a workplace, or a population group with a shared ethos and interests, the culture they establish can have a powerful influence on the behaviour of individuals. Cultural change will not happen without community-led prevention action.

Prevention strategies so far have focused mainly on dealing with addressing gender inequality by, among other things, challenging gender norms and attitudes towards women. Prevention programs also aim to develop and promote respectful relationships generally, to change broader social attitudes to the use of violence, and to create home environments that model for children non-violent and respectful behaviour. On this basis, measures that have been developed to prevent intimate partner violence against women provide the foundations for preventing other forms of family violence—such as abuse of children, older people, parents and siblings—but more work is needed to augment our understanding of how best to prevent these specific forms of violence.

Prevention programs are most effective when they form part of a coordinated approach. The Commission therefore recommends that the Victorian Government adopt a prevention strategy as a priority component of a Statewide Family Violence Action Plan. That strategy should be implemented in the 12 months following the delivery of this report. It should be aligned to the government's proposed Gender Equality Strategy. In addition, a mechanism for overseeing family violence prevention work in Victoria should be established, providing specialist advice and support to government and the community.

The workplace

Workplaces reflect the breadth and diversity of the community and offer an important opportunity to reach people who are affected by family violence, to provide support for them, and to help them take steps to secure their safety. They are also important sites for preventing and responding to family violence because the effects of violence reach into workplaces and because attitudes and cultures that prevail in workplaces can influence the level to which violence against women is supported or condoned.

The Commission supports workplace-based initiatives to prevent and respond to family violence. Much work has been done to harness workplaces' capacity to deal with such violence, including through the introduction in some workplaces of an entitlement to paid family violence leave and programs to help individual staff and managers recognise and respond to the signs that an employee might be experiencing violence at home. Such programs also offer an opportunity to build a respectful and gender-equitable workplace culture.

The Commission recommends that the Victorian Government model best-practice workplace policies. It should ensure that its plan to include family violence leave in all public sector enterprise agreements is accompanied by access to suitable support services and is supported by adequate training for managers and staff. The Victorian Government should implement policies and programs to equip staff to recognise and respond to signs of family violence and to build a respectful and equitable workplace culture. The Commission also identifies ways in which the government can encourage and support all non-government workplaces in taking action to prevent and respond to family violence. The Commission recommends that the government support moves to introduce a mandated entitlement to family violence leave in workplace relations laws, make relevant tools and resources available to workplaces through an online portal, and investigate options for using regulatory frameworks, such as those relating to occupational health and safety and equal opportunity, to support all Victorian employers in implementing best-practice family violence policies.

Sustainable and certain governance

Governance arrangements—the structures and processes designed to oversee system performance and policy development and implementation—take on particular importance in the family violence setting. Family violence is a complex problem, so there is no discrete, stand-alone system that can take responsibility for effectively preventing and responding to it. Instead, a number of overlapping systems, involving a broad range of government and non-government agencies working together in a coordinated manner, are required. If these overlapping systems are not underpinned by strong governance arrangements, family violence reforms will be ineffective. At the systemic level, family violence policy can 'fall between the gaps' and fail to attract the policy attention and investment it requires and deserves. Individuals seeking to engage with agencies or services can be confronted by unnecessary complexity, confusion, duplication, service gaps or inconsistent practices that might compromise their safety or compound the effects of the violence, or both.

In Victoria, governance arrangements underpinning the family violence system to encourage greater coordination and integration were established in the mid-2000s and have evolved both centrally and regionally since that time. Family violence is now a matter considered at various levels of government, including in Cabinet and at regular meetings of departmental secretaries. Family violence regional integration committees, consisting of people working in the broader service sector, police and others, have been established to support coordinated responses at the local level.

Despite these developments and the growing focus on family violence, the Commission was told that responsibility for family violence remains fragmented and diffused across different government departments and agencies. There is a lack of accountability, oversight and clear and shared goals for the system. The lack of collective ownership has contributed to family violence falling to the margins in policy making and investment decisions, without any means of measuring and evaluating the performance of the system as a whole. This has created uncertainty and dislocation in the service sector, which ultimately affects victims.

The Commission recommends a governance framework that makes family violence—particularly victims' views and experiences—a central consideration for all levels of government, including local councils, provides strong leadership and supports effective and coordinated strategies to address family violence. The framework should be characterised by the following:

- a bi-partisan standing parliamentary committee on family violence
- a Cabinet standing sub-committee chaired by the Premier of Victoria
- a requirement for all ministers to report regularly on the risks and opportunities in their portfolio relevant to family violence
- Victorian Secretaries Board oversight of government administration arrangements for family violence policy
- a family violence unit located in the Department of Premier and Cabinet
- a Statewide Family Violence Advisory Committee and Indigenous Family Violence Partnership Forum
- family violence regional integration committees supported by regional integration coordinators
- an independent Family Violence Agency established by statute
- mechanisms for ensuring that the voices of victims are heard and are used to guide policy development and service delivery.

The Commission recommends that the Victorian Government prepare a Statewide Family Violence Action Plan, to guide implementation of the Commission's recommendations. A new Family Violence Agency should be established to monitor and report on implementation of the recommendations in this report and of the Action Plan. The Family Violence Agency would also have functions relating to the provision of expert advice on family violence, applied research, policy and evidence reviews, and the capacity to conduct own-motion inquiries into the operation of the family violence system.

Data, research and evaluation

There are serious gaps in our knowledge about the characteristics of victims and perpetrators of family violence and about how the systems that respond to such violence are working. These gaps restrict the government's ability to respond to family violence effectively and to plan for the future, and could well result in ineffective or wasteful expenditure on some responses and insufficient expenditure on others. They also inhibit attempts to direct prevention and early intervention initiatives to areas where action is needed most.

Some of the current data gaps and deficiencies relate to individuals. These include a failure to record experiences of family violence in different settings and difficulty tracing individual journeys through the system, poor recording of demographic information and limitations in survey data, a lack of focus on children, and limited data on perpetrators of family violence. Other deficiencies relate to the departments, agencies and services that deal with family violence—a focus on outputs rather than outcomes, inconsistencies in the quality and regularity of evaluation, and difficulties measuring change, unmet demand and prevention initiatives. Collectively, shortcomings in these areas make it difficult for government and service providers to assess how many people in Victoria are experiencing family violence, what the precise nature of their experiences are, and how they can best be assisted.

The Commission recommends improved governance of data collection practices and standards, and the development of shared outcomes—among other things, to facilitate implementation of the Victorian Government's proposed Family Violence Index. The Commission also recommends the improvement of existing resources (such as the Victorian Family Violence Database), introduction of better evaluation practices, and the continuation of support for national research into family violence.

Industry planning

Family violence touches the lives of tens of thousands of Victorians, yet there has never been a comprehensive assessment of the other workforce needs of the specialist family violence system or the implications for workforces such as the police and the legal, health, human services, Child Protection and education systems.

For too long family violence has been treated as marginal to human services and other systems. If the community is serious about addressing family violence, and if the recommendations of this Commission are to be implemented, there must be investment in the people who work directly with victims and perpetrators. They are fundamental to the success of our reforms.

There are problems associated with high demand and urgent need across the system, and the Commission particularly acknowledges the commitment, knowledge and expertise of the hundreds of practitioners who respond to these demands and this need each day. To build on their work, the Commission proposes that the Victorian Government develop and implement a 10-year industry plan to deal with ongoing shortcomings. For example, in the case of specialist services, the plan should address qualifications, remuneration, career paths, and vicarious trauma. The plan should also build practice that is sensitive to diversity and rewards collaboration across sectors.

The industry plan must take account of family violence capability in the justice, health, education and human services areas in recognition that all these professions have a role to play in addressing family violence. The Commission also makes a number of recommendations about important actions that can be taken in the short term to build capability throughout legal, family violence and universal services as well as non–family violence–specific services, and to improve service delivery for both victims and perpetrators.

Investment

Although we do not know the full cost of family violence to the Victorian Government's budget, it is clear that the economic and social costs of family violence are substantial. The government advised the Commission that it allocated $80.6 million for specialist family violence services and prevention programs in 2014–15. This figure does not take into account the costs incurred by other service systems that respond to family violence—such as the courts, police, Child Protection, child and family services, hospitals and Corrections. The government does not have a method for calculating those costs.

Funding for specialist family violence and other relevant services has not kept pace with the substantial growth in demand that has arisen as a result of greater awareness and reporting of family violence. This has resulted in a system that is under great pressure—with scarce resources diverted to managing referrals and reduced capacity to provide vital assistance to victims, their children and perpetrators.

This deficiency in funding partly reflects inadequate planning to guide investment decisions. There is no routine or robust forecasting of the extent of family violence services required. The bulk of specialist family violence funding focuses on incident response: prevention and recovery are poorly funded. Adequate investment in both these areas should be viewed as offering an opportunity to create savings in the longer term.

In addition to inadequate funding, the Commission found that budget processes render family violence expenditure invisible in the state budget: there are almost no performance measures to show how the government's investment is tracking. Additionally, at the contractual level, funding arrangements are complex and fail to meet the needs of the system they are designed to serve.

The Commission proposes changes to budget structures and departmental processes to make expenditure on family violence more transparent and to facilitate measurement of the efficacy of policies and programs across government, as well as in contractual arrangements with providers.

The Commission calls for an immediate increase in funding to prevent family violence, help victims recover, and help perpetrators change their behaviour. Longer term investment should be determined by a robust modelling of demand, service and funding requirements. The funding required to adequately meet demand and implement the Commission's proposed reforms will be substantial. This might require government to reconsider its funding priorities, to explore the possibility of entering into partnership agreements with the Commonwealth Government in areas of overlapping responsibility, or to identify new revenue sources to contribute towards funding the reforms. It is the Commission's view that there would be widespread support in the Victorian community for increasing the investment in immediate and tangible family violence reforms.

Endnotes

1 Statement of Cumberland, 8 July 2015, 7 [32].
2 Ibid 10 [45]–[47].
3 Hanover Welfare Services and HomeGround Housing Services, Submission 652, 34.
4 Community consultation, Melbourne, 21 May 2015.
5 Anonymous, Submission 672, 1.
6 Statement of Batty, 6 August 2015, 2 [8.3].
7 Wendy and John Thompson, Submission 1000, 2.
8 Statement of Batty, 6 August 2015, 5 [22].
9 Ibid 4 [14].
10 Benalla Family Violence Prevention Network, Submission 131, 4.

Recommendations

Risk assessment and management

The Royal Commission recommends that:

Recommendation 1

The Victorian Government review and begin implementing the revised Family Violence Risk Assessment and Risk Management Framework (known as the Common Risk Assessment Framework, or the CRAF) [by 31 December 2017] in order to deliver a comprehensive framework that sets minimum standards and roles and responsibilities for screening, risk assessment, risk management, information sharing and referral throughout Victorian agencies. The revised framework should incorporate:

- a rating and/or weighting of risk factors to identify the risk of family violence as low, medium or high
- evidence-based risk indicators that are specific to children
- comprehensive practice guidance.

The framework should also reflect the needs of the diverse range of family violence victims and perpetrators, among them older people, people with disabilities, and people from Aboriginal and Torres Strait Islander, culturally and linguistically diverse and lesbian, gay, bisexual, transgender and intersex communities.

Recommendation 2

The Victorian Government amend the *Family Violence Protection Act 2008* (Vic) [within 12 months] so that it:

- empowers the relevant minister or secretary to approve a Family Violence Risk Assessment and Risk Management Framework (and roles and responsibilities, standards and practices under it) for family violence risk assessment in Victoria
- sets out the principle that 'prescribed organisations' and agencies contracted by the Victorian Government to provide family violence services (if not otherwise prescribed organisations) are required to align their risk assessment policies, procedures, practices and tools with the Family Violence Risk Assessment and Risk Management Framework as approved by the relevant minister or secretary.

Recommendation 3

The Victorian Government implement the revised Family Violence Risk Assessment and Risk Management Framework and develop a sustained workforce development and training strategy as part of the recommended family violence industry plan [from 1 January 2018]. The framework should provide for:

- minimum standards and core competencies to guide identifying, risk assessment and risk management practice in family violence specialist services, mainstream services and universal services
- whole-of-workforce training for priority sectors—including general practitioners and hospital, mental health, drug and alcohol, child protection, aged care and disability workers—that takes into account and aligns with their roles and standards of practice.

Recommendation 4

The Victorian Government facilitate the roll-out of the Risk Assessment and Management Panels, or RAMPs, as a priority [within 12 months], ensuring that this includes:

- adequate resourcing and support—case management and links to long-term support
- standardised referral guidance, to be used by all agencies, that is aligned to the revised Family Violence Risk Assessment and Risk Management Framework to identify high-risk cases for referral to RAMPs
- organisational and practice guidelines for effective RAMP operation, supported by a targeted workforce development and training program
- processes for supporting oversight by Regional Family Violence Integration Committees
- implementation oversight by the Cabinet Family Violence Sub-committee and the Victorian Secretaries Board Family Violence Sub-committee.

Information sharing

The Royal Commission recommends that:

Recommendation 5

The Victorian Government amend the *Family Violence Protection Act 2008* (Vic) to create a specific family violence information-sharing regime [within 12 months]. The new regime should be consistent with the guiding principles and design elements described in this report.

Recommendation 6

The Victorian Secretaries Board Family Violence Sub-committee oversee a working group consisting of representatives of 'prescribed organisations' covered by the recommended information-sharing regime and the Office of the Privacy and Data Protection Commissioner [within 12 months of the legislative amendments]. The working group should:

- identify priority areas for the development of an information-sharing culture throughout the family violence system
- develop an awareness campaign to explain the new information-sharing regime to prescribed organisations
- coordinate the production of any guidelines or guidance material created to support the new information-sharing regime and help prescribed organisations put their information-sharing arrangements into operation
- help prescribed organisations update information-sharing protocols and memorandums of understanding and deliver internal training on information sharing.

Recommendation 7

The Victorian Government establish a secure Central Information Point. Led by Victoria Police, it should consist of a co-located multi-disciplinary team with representatives from Victoria Police, the courts (registry staff), the Department of Health and Human Services and the Department of Justice and Regulation (Corrections Victoria) who are authorised to obtain information from their respective databases [by 1 July 2018]. A summary of this information should be available to the Risk Assessment and Management Panels, the recommended Support and Safety Hubs, the 24-hour crisis telephone service Safe Steps and the Men's Referral Service to permit effective assessment and management of risk in individual cases.

Recommendation 8

The Victorian Secretaries Board ensure that proposed upgrades to key Magistrates' Court of Victoria, Victoria Police, Corrections Victoria and Department of Health and Human Services information technology systems equip these systems [by 1 July 2018] to:

- share information for the purposes of risk assessment and management in individual cases of family violence
- permit the use of system data for the purpose of evaluating the effectiveness of outcomes from implementation of the Commission's recommendations and the recommended Statewide Family Violence Action Plan
- participate in the Central Information Point.

Recommendation 9

The Victorian Government examine options for the development of a single case-management data system to enable relevant agencies to view and share risk information in real time [within 12 months].

Specialist family violence services

The Royal Commission recommends that:

Recommendation 10

The Victorian Government expand an existing website or create a new website [within two years], to provide information for:

- victims of all forms of family violence—including victims who face particular barriers to obtaining help—about where and how they can seek help
- families, friends and community networks, to help them recognise family violence, support victims and support perpetrators who are seeking help to change their behaviour.

This information should relate to both help during the crisis period and recovery in the longer term.

Recommendation 11

The Victorian Government provide additional funding for specialist family violence support services to deal with the current crisis in demand and to ensure that victims of family violence receive appropriate support [within 12 months].

Recommendation 12

Pending the establishment of the recommended Support and Safety Hubs, the Victorian Government expand funding for after-hours responses—including the capacity to activate a face-to-face crisis response when required—in each of the 17 Department of Health and Human Services regions [within 12 months].

A safe home

The Royal Commission recommends that:

Recommendation 13

The Victorian Government give priority to supporting victims in safely remaining in, or returning to, their own homes and communities through the expansion of Safe at Home–type programs across Victoria [within two years]. These programs should incorporate rental and mortgage subsidies and any benefits offered by advances in safety devices, with suitable case management as well as monitoring of perpetrators by police and the justice system.

Recommendation 14

The Victorian Government increase the number and range of crisis and emergency accommodation that is available by using a wider range of service models—including head leasing of premises—with priority being given to rural, regional and remote areas [within 12 months].

Recommendation 15

The Victorian Government support service providers in phasing out the communal refuge model [by 31 December 2020] and replacing it with accommodation that promotes safety, is accessible to people with disabilities, provides private units and enables connections with the community, work and school (core and cluster model). To facilitate the transition, the Victorian Government should provide a capital fund to assist service providers with business case development, design options and implementation (including construction of redesigned accommodation) and fund interim arrangements to avoid loss in service delivery during refurbishment or redevelopment.

Recommendation 16

The Department of Health and Human Services review the contractual arrangements (including funding levels) for crisis supported accommodation to remove barriers for particular groups, such as women with no income and women and children with disabilities [within 12 months].

Recommendation 17

The Victorian Government expand the provision of Family Violence Flexible Support Packages [within 12 months]. These packages should provide to victims assistance beyond the crisis period and should include longer term rental and mortgage subsidies where required, along with assistance for costs associated with securing and maintaining counselling, wellbeing, education, employment, financial counselling and other services designed to assist housing stability and financial security.

Recommendation 18

The Victorian Government give priority to removing current blockages in refuge and crisis accommodation and transitional housing, so that victims of family violence can gain stable housing as quickly as possible and with a minimum number of relocations, are not accommodated in motels and other ad hoc accommodation, and spend on average no longer than six weeks in refuge and crisis accommodation [within two years].

Recommendation 19

The Victorian Government establish a Family Violence Housing Assistance Implementation Task Force consisting of senior representatives from the public and commercial housing sectors and family violence specialists [within 12 months]. The task force, which should report through the Minister for Housing to the Cabinet Family Violence Sub-committee, should:

- oversee a process designed to remove blockages in access to family violence crisis accommodation by rapidly rehousing family violence victims living in crisis and transitional accommodation
- design, oversee and monitor the first 18-month phase of the proposed expanded Family Violence Flexible Support Packages (including rental subsidies)
- quantify the number of additional social housing units required for family violence victims who are unable to gain access to and sustain private rental accommodation
- subject to evaluation of the proposed expanded Family Violence Flexible Support Packages, plan for the statewide roll-out of the packages (including rental subsidies) and the social housing required.

Recommendation 20

The Victorian Minister for Housing, Disability and Ageing report annually to the Parliamentary Committee on Family Violence [within two years] on:

- the extent of unmet housing demand among people affected by family violence—including the average and range of current stays by women and children in crisis and transitional accommodation
- progress in meeting the benchmark of six weeks in crisis accommodation
- proposed actions for meeting the continuing housing demand from people affected by family violence.

Children and young people's experience of family violence

The Royal Commission recommends that:

Recommendation 21

The Victorian Government ensure that all refuge and crisis accommodation services catering to families have adequate resources to meet the particular needs of the children they are accommodating, including access to expert advice and secondary consultations in supporting children [within 12 months].

Recommendation 22

The Victorian Government amend the *Family Violence Protection Act 2008* (Vic) to establish a rebuttable presumption that, if an applicant for a family violence intervention order has a child who has experienced family violence, that child should be included in the applicant's family violence intervention order or protected by their own order [within 12 months].

Recommendation 23

The Victorian Government give priority to funding therapeutic interventions and counselling—including age-appropriate group work—for children and young people who are victims of family violence [within two years]. In particular:

- The Homeless Children's Specialist Support Service (or a program with similar features) should be extended beyond four service areas to be available statewide and be available to specialist family violence services.
- Eligibility for the Take Two program and similar intensive therapeutic programs should be introduced for children and young people affected by trauma associated with family violence who are not in the statutory child protection system.

Recommendation 24

The Victorian Government support and fund youth homelessness and other youth services providers in developing and implementing a broader range of supported accommodation options for young people experiencing family violence [within two years].

Family violence and the child protection system

The Royal Commission recommends that:

Recommendation 25

The Department of Health and Human Services, together with Victoria Police, develop and strengthen its current practice guidelines to facilitate further engagement with perpetrators of family violence [within 12 months] with the aim of:

- exhausting all efforts to interview the alleged perpetrator of the violence
- protecting the safety of child protection practitioners who must work with alleged perpetrators of family violence
- developing 'feedback loops' with Victoria Police and other relevant agencies—including the recommended Support and Safety Hubs, once established—in order to obtain and share information about family violence perpetrators and so assist with risk assessment and risk management.

Recommendation 26

The Department of Health and Human Services develop and strengthen practice guidelines and if necessary propose legislative amendments to require Child Protection—in cases where family violence is indicated in reports to Child Protection and is investigated but the statutory threshold for protective intervention is not met—[within 12 months] to:

- ensure the preparation of a comprehensive and robust safety plan, either by Child Protection or by a specialist family violence service
- make formal referrals for families to relevant services—including specialist family violence services, family and child services, perpetrator interventions, and the recommended Support and Safety Hubs, once established
- make formal referrals for children and young people to specialist services—including counselling services—if children or young people are affected by family violence or use violence.

Recommendation 27

The Department of Health and Human Services revise and strengthen its risk management practice guidelines and procedures for circumstances when a report to Child Protection has indicated the presence of family violence [within 12 months]. Practice and procedural guidelines should be updated to require the child protection practitioner to:

- without delay, obtain from Victoria Police and any specialist family violence service all police referrals (L17 forms) and the results of any risk assessments that have been performed in relation to the child who is the subject of the report and their parents or other relevant family members
- ensure that the full text of any risk assessment is recorded in the Child Protection Service's Crisis Referral Information System notes
- without delay, provide to Victoria Police the results of any risk assessment completed by the department that indicates a risk of family violence to a child or young person, so as to support Victoria Police in bringing an application for a family violence intervention order in the Magistrates' Court of Victoria. The department should ask that police provide feedback on whether an application to the court has been made.

Recommendation 28

Pending finalisation of the recommended information-sharing regime, the Department of Health and Human Services liaise with the Magistrates' Court of Victoria to develop an information-sharing protocol to ensure that, when a parent seeks a new or amended family violence intervention order or *Family Law Act 1975* (Cth) order in the Magistrates' Court of Victoria, information held by the department in relation to family violence risk is provided to the court [within 12 months]. Where necessary, a child protection practitioner should be made available to give evidence.

Recommendation 29

The Department of Health and Human Services require child protection practitioners to participate in training and professional development about the nature and dynamics of family violence and the department's practice guidelines dealing with family violence.

Recommendation 30

The Victorian Government amend section 327 of the *Crimes Act 1958* (Vic) to require the Director of Public Prosecutions to approve a prosecution for the offence in cases where the alleged offender is a victim of family violence and consider legislative amendments to reconcile section 327 of the Crimes Act and section 493 of the *Children, Youth and Families Act 2005* (Vic) [within 12 months].

Sexual assault and family violence

The Royal Commission recommends that:

Recommendation 31

The Victorian Government ensure funding of specialist family violence and sexual assault services to facilitate their collaboration [within two years] by:

- promoting and, if necessary, resourcing shared casework models
- establishing secondary consultation pathways
- participating in the recommended Support and Safety Hubs
- developing guidelines and protocols for facilitating information sharing
- participating in joint education and training.

Recommendation 32

The Victorian Government review [within five years] family violence and sexual assault services to determine whether and, if so, how family violence and sexual assault responses should be unified.

Recommendation 33

The Victorian Government ensure that the Sexually Abusive Behaviours Treatment Service and other suitable treatment programs are available for all age groups up to and including 17-year-olds and resource enhanced delivery of the programs across Victoria [within two years].

Recommendation 34

The Victorian Government amend the *Children, Youth and Families Act 2005* (Vic) to extend the therapeutic treatment order regime to young people aged 15 to 17 years, so that the Children's Court of Victoria can order attendance at appropriate programs [within two years].

Pathways to services

The Royal Commission recommends that:

Recommendation 35

Pending the establishment of the recommended Support and Safety Hubs, the Victorian Government provide additional resources to ensure that the costs of processing and responding to police referrals (L17 forms) received by women's specialist family violence service L17 referral points are fully and discretely funded [within 12 months].

Recommendation 36

Pending the establishment of the recommended Support and Safety Hubs, the Victorian Government ensure that Integrated Family Services has sufficient resources to respond to families experiencing family violence [within 12 months].

Recommendation 37

The Victorian Government introduce Support and Safety Hubs in each of the state's 17 Department of Health and Human Services regions [by 1 July 2018]. These hubs should be accessible and safe locations that:

- receive police referrals (L17 forms) for victims and perpetrators, referrals from non–family violence services and self-referrals, including from family and friends
- provide a single, area-based entry point into local specialist family violence services, perpetrator programs and Integrated Family Services and link people to other support services
- perform risk and needs assessments and safety planning using information provided by the recommended statewide Central Information Point
- provide prompt access to the local Risk Assessment and Management Panel
- provide direct assistance until the victim, perpetrator and any children are linked with services for longer term support
- book victims into emergency accommodation and facilitate their placement in crisis accommodation
- provide secondary consultation services to universal or non–family violence services
- offer a basis for co-location of other services likely to be required by victims and any children.

Recommendation 38

The Victorian Government, in establishing the Support and Safety Hubs, provide additional funding [within three years] to allow for:

- co-design of the hubs with local providers
- appropriate infrastructure, including technology
- establishment of integrated intake teams with expertise in family violence, family and children's services, and perpetrator assessment
- appointment of an advanced family violence practitioner to provide practice leadership and secondary consultation
- capacity to activate an after-hours face-to-face crisis response where required
- provision of secondary consultation by other specialist organisations, including Aboriginal community controlled organisations, to the intake team.

Recommendation 39

The Victorian Government, on the basis of demand forecasting, provide sufficient funds to specialist family violence services and Integrated Family Services to allow them to support people referred by a Support and Safety Hub, maintain their safety and help them until their situation has stabilised and they have the support necessary to rebuild and recover from family violence [by 1 July 2018].

Recommendation 40

The Victorian Government revise relevant policy frameworks and service standards in the light of the new Support and Safety Hubs and the redesigned service system. This includes revising standards for family violence service providers (including men's behaviour change programs) and key health and human services that respond to family violence, as well as the Victoria Police Code of Practice for the Investigation of Family Violence [by 1 July 2018].

Police: front-line operations and workforce

The Royal Commission recommends that:

Recommendation 41

Victoria Police amend the Victoria Police Code of Practice for the Investigation of Family Violence to ensure that it provides suitable guidance on identifying family violence primary aggressors [within 12 months]. This includes:

- procedures for amending the Law Enforcement Assistance Program (LEAP) when a service provider or a Support and Safety Hub subsequently informs Victoria Police that a person is not the primary aggressor
- provision of details of specialist support available to assist in identifying the primary aggressor.

Victoria Police should provide training at all appropriate levels on the amended requirements relating to identifying primary aggressors.

Recommendation 42

Victoria Police establish a Family Violence Centre of Learning with external academic governance to improve family violence education at all levels in the organisation [within two years].

Recommendation 43

Victoria Police ensure that specialist family violence position holders perform regular random file and case reviews in order to monitor compliance with the Victoria Police Code of Practice for the Investigation of Family Violence and other important procedural requirements relating to family violence—for example, in relation to investigations of contraventions of family violence intervention orders. Victoria Police should set timing targets for these file and case reviews [within 12 months].

Recommendation 44

The Victorian Government and Victoria Police establish a regular cycle of comprehensive and independent audits of Victoria Police's compliance with the Victoria Police Code of Practice for the Investigation of Family Violence. The results of the audits should be published, and include, among other things, any divisional variation and the measures that will be taken to resolve any concerns.

Recommendation 45

Victoria Police's Professional Standards Command review Victoria Police policies and procedures relating to police employees and family violence [within 12 months]. The review should consider:

- the adequacy of and any necessary improvements to current policies and procedures
- best-practice approaches and model policies developed in other Australian jurisdictions and internationally
- potential synergies with Victoria Police's response to the Victorian Equal Opportunity and Human Rights Commission's independent review of sex discrimination and sexual harassment in Victoria Police.

Police: leadership, resourcing and organisational systems

The Royal Commission recommends that:

Recommendation 46

Victoria Police revise its Violence Against Women and Children Strategy and amend it to cover all forms of family violence, a diverse range of victims and all areas of operations and governance [within 12 months].

Recommendation 47

Victoria Police develop a new family violence performance management and reporting framework, with a broader range of quantitative and qualitative performance measures [within 12 months] against which it reports annually and publicly, on a statewide, regional and divisional basis.

Recommendation 48

Victoria Police's Family Violence Command set performance measures for policing of family violence at regional levels, taking into account demand for family violence policing at police service area and divisional levels. Regional assistant commissioners should report to the Chief Commissioner of Police and Executive Command through the Family Violence Command against these performance measures [within 12 months].

Recommendation 49

Victoria Police adapt its career structures to reflect family violence as core business [within two years] by:

- providing an organisational structure for specialist family violence positions
- providing a clear career progression path for members who have a continuing interest in family violence policing—including through gazetting additional positions
- having positions with appropriate ranks to represent family violence policing in key operational and strategic management forums and processes
- ensuring that resourcing models and processes enable police in specialist family violence roles to perform their functions
- considering involving non-sworn employees with relevant skills in incident response
- recruiting personnel from a broader range of disciplines—such as social work, psychology or specialist family violence services.

Recommendation 50

Victoria Police's Family Violence Command develop a core set of functions to be delivered by all family violence teams in Victoria. This should form the operating model for resourcing decisions from 1 July 2017. Thereafter, Victoria Police should move towards a centralised model of resource allocation for family violence, placing family violence on a footing similar to that of road policing.

Recommendation 51

Victoria Police's Family Violence Command evaluate current localised models for family violence teams and from 1 July 2017 roll out preferable operating models in areas with similar family violence incident patterns.

Recommendation 52

Victoria Police develop a model to strengthen the investigation of family violence offences and focus additional specialist investigative and intelligence resources on serious family violence offending [within 12 months]. Victoria Police should develop performance measures for the revised approach, against which it reports annually and publicly. To improve the investigation of family violence, Victoria Police should:

- embed investigators in family violence teams where appropriate
- ensure that investigation and response teams take on or actively oversee investigations
- give tactical and divisional intelligence support to family violence teams
- give family violence team members access to the field investigator's course
- equip first responders with technology that will facilitate timely on-site evidence capture
- ensure that family violence advisors are involved with divisional tasking and coordination committees and that advisors are of an appropriate rank to participate effectively.

Recommendation 53

The Chief Commissioner of Police report in the Victoria Police annual report on the revised model(s) for and progress in strengthening the investigation of family violence offences.

Recommendation 54

The Victorian Government and Victoria Police deploy mobile technology for police members, including capability to use the Law Enforcement Assistance Program (LEAP), complete and despatch police referrals (L17 forms), take victim and witness statements, and process and issue family violence safety notices in the field—recognising that this is contingent on the adequacy of Victoria Police's broader IT environment [within three years].

Recommendation 55

In order to improve the supervision of the service of family violence intervention orders, Victoria Police [within 12 months]:

- amend the Victoria Police Manual and Code of Practice for the Investigation of Family Violence to provide clearer guidance on and increased supervision of service of family violence intervention orders
- establish procedures for giving priority to the service of family violence intervention orders on high-risk perpetrators or those suspected of avoiding service—including tasking family violence teams to effect service or seeking relevant court orders, or both
- provide training at all appropriate levels on the amended requirements relating to service of orders
- regularly and publicly report on performance in the service of family violence intervention orders.

Recommendation 56

The Victorian Government—working with Victoria Police, the courts and other relevant stakeholders—trial and evaluate the use of agencies or service providers other than Victoria Police and court registrars to effect personal service of applications for family violence intervention orders [within two years].

Recommendation 57

The Victorian Government amend the *Family Violence Protection Act 2008* (Vic) to extend the ability of the Magistrates' Court of Victoria and the Children's Court of Victoria to order service of applications for family violence intervention orders and orders in the first instance other than by personal service, if the court is satisfied that alternative service:

- is likely to be effective
- will not result in an unacceptable risk to the safety of the protected person or any other person
- is, in all the circumstances, appropriate [within 12 months].

Recommendation 58

Victoria Police conduct a trial in two divisions of the use of body-worn cameras to collect statements and other evidence from family violence incident scenes [within 12 months]. The trial should be supported by any necessary legislative amendment to ensure the admissibility of evidence collected in criminal and civil proceedings. It should also be subject to a legislative sunset period, evaluation and the use of any evidence only with the victim's consent.

Recommendation 59

The Victorian Government consider [after five years] whether Victoria Police should be given the power to issue family violence intervention orders in the field, subject to the recommended Statewide Family Violence Advisory Committee and Family Violence Agency advising that Victoria Police has made significant improvements to its response to family violence, taking into account the Commission's recommendations.

Court-based responses to family violence in Victoria

The Royal Commission recommends that:

Recommendation 60

The Victorian Government ensure that all Magistrates' Court of Victoria headquarter courts and specialist family violence courts have the functions of Family Violence Court Division courts [within two years]. These courts should therefore have:

- specialist magistrates, registrars, applicant and respondent workers to assist parties in applications for family violence intervention orders and any subsequent contravention proceedings
- dedicated police prosecutors and civil advocates
- facilities for access to specialist family violence service providers and legal representation for applicants and respondents
- power to make counselling orders under Part 5 of the *Family Violence Protection Act 2008* (Vic)
- remote witness facilities for applicants
- the jurisdictional powers of the Family Violence Court Division under section 4I of the *Magistrates' Court Act 1989* (Vic), including the power to make parenting and property orders under the *Family Law Act 1975* (Cth).

Recommendation 61

The Victorian Government legislate to ensure that, subject to exceptional circumstances and the interests of the parties, all family violence matters are heard and determined in specialist family violence courts [within five years].

Recommendation 62

The Victorian Government enact legislation and take other steps as necessary to support the capacity of the Magistrates' Court of Victoria (and, where relevant, the Children's Court of Victoria) to grant family violence intervention orders speedily and with due regard to the interests of justice and the safety of affected family members.

The Victorian Government consider [within two years]:

- transferring some of the jurisdiction of the Magistrates' Court of Victoria to another forum—for example, fines and traffic infringements
- expanding the range of matters that can be determined on the papers—that is, without an in-person hearing
- funding the appointment of a greater number of judicial registrars to deal with certain matters or classes of matters.

The Magistrates' Court of Victoria (and, where relevant, the Children's Court of Victoria) consider whether the caseload of magistrates could be better managed [within two years] by:

- re-assigning some family violence intervention order applications currently heard at the Melbourne Magistrates' Court to the Neighbourhood Justice Centre
- delegating authority to judicial registrars to deal with certain matters or classes of matters under the *Family Violence Protection Act 2008* (Vic)—for example, allowing them to grant adjournments or make interim orders and/or substituted service orders.

The Victorian Government should take any necessary action to implement these recommendations if the Magistrates' Court of Victoria advises this is desirable.

Recommendation 63

The Magistrates' Court of Victoria (and the Children's Court of Victoria) consider establishing an 'e-registry' as a central online file-management portal and an offsite contact centre for managing registry-related queries [within five years].

Recommendation 64

The Magistrates' Court of Victoria staff hold a daily coordination meeting before hearings begin in a family violence list [within 12 months]. The purpose of the meeting would be to give priority to high-risk cases, ensure that interpreters are available, liaise with legal representatives to manage conflicts, and liaise with applicant and respondent support workers.

Recommendation 65

The Magistrates' Court of Victoria develop and implement a process [within two years] of equipping court staff to actively manage the family violence list, having regard to risk assessment and management factors, and provide to magistrates the information the Commission recommends in this report.

Recommendation 66

Victoria Police ensure that before applying for a family violence intervention order the relevant magistrate receives an affidavit (prepared by the police prosecutor or civil advocate) [by 31 December 2017] specifying:

- any previous family violence intervention orders relevant to the affected family member and respondent
- whether the respondent is on bail for any offence and the conditions of any such bail
- whether any previous family violence intervention orders have been breached
- whether there are previous or forthcoming criminal proceedings, and the status of any such proceedings
- whether there have been previous family violence incident reports (L17 forms) relating to the same parties
- relevant risk factors relating to the current incident—including a status update on any risk factors described in the L17 relating to the application
- the family violence intervention orders sought by police and whether the affected family member consents to those orders.

A Victoria Police representative—for example, the police prosecutor, a civil advocate or the family violence court liaison officer—should discuss the particulars of the affidavit with the affected family member before the hearing.

Recommendation 67

The Magistrates' Court of Victoria registry, in all police-initiated applications for family violence intervention orders, provide to the magistrate a summary indicating the status of any related proceedings in the Children's Court of Victoria (or vice-versa), the Family Court of Australia and/or the Federal Circuit Court of Australia. If information is not available from other jurisdictions, this should be stated. In non-police initiated family violence intervention orders, the Magistrates' Court registry should also provide the information recommended to be provided by Victoria Police in an application initiated by it. The Magistrates' Court registry should also adopt a practice of providing risk assessments made by applicant and respondent support workers to magistrates as a matter of course [by 31 December 2017].

Recommendation 68

The Magistrates' Court of Victoria consider for each court [within 12 months]:

- capping lists of family violence matters at a level that allows magistrates sufficient time to hear each matter
- staggering family violence lists to provide greater guidance to parties as to when cases will be heard
- increasing the number of days dedicated to listing family violence matters
- introducing benchmarks for the maximum amount of time parties should wait for a listed family violence matter to be heard.

Recommendation 69

The Victorian Government, through the Council of Australian Governments Law, Crime and Community Safety Council, pursue the expansion of resourcing for legal services, including Victoria Legal Aid and community legal centres, to resolve the current under-representation by and over-burdening of duty lawyer services in family violence matters [within 12 months].

Recommendation 70

The Victorian Government fund and complete works to ensure all Magistrates' Court of Victoria headquarter courts [within five years]:

- provide safe waiting areas and rooms for co-located service providers
- provide accessibility for people with disabilities
- provide proper security staffing and equipment
- provide separate entry and exit points for applicants and respondents
- provide private interview rooms for use by registrars and service providers
- provide remote witness facilities, to allow witnesses to give evidence off site and from court-based interview rooms
- provide adequate facilities for children and ensure that courts are 'child-friendly'
- use multi-lingual and multi-format signage
- use pre-existing local facilities and structures to accommodate proceedings or associated aspects of court business—for example, for use as safe waiting areas.

Prior to all family violence matters being heard and determined in specialist family violence courts, the Victorian Government should fund and complete works to ensure that those magistrates' courts (and children's courts) that deal with a high volume of family violence–related matters have similar capacity.

Recommendation 71

The Victorian Government amend section 69 of the *Family Violence Protection Act 2008* (Vic) and section 363 of the *Criminal Procedure Act 2009* (Vic) [within three years] to provide that the court must permit a family violence victim to give evidence from a place other than the courtroom by means of remote technology that enables communication with the courtroom, unless the victim wishes to give evidence from the courtroom.

Recommendation 72

The Victorian Government consider legislative amendments to permit the use of video- and audio-recorded evidence in family violence–related criminal proceedings involving either adults or children [within 12 months].

Recommendation 73

The Magistrates' Court of Victoria (and the Children's Court of Victoria) produce multimedia information about the family violence intervention order process that can not only be viewed online but can also be shown in court waiting areas to complement the development of 'plain language' family violence intervention order forms and simplified order conditions [within 12 months].

Recommendation 74

The Magistrates' Court of Victoria roll out an online application form (based on the Neighbourhood Justice Centre's online application form) for all applicants for a family violence intervention order across Victoria [within two years].

Recommendation 75

The Victorian Government legislate to permit the County Court of Victoria to strike out an appeal in circumstances where the appellant does not appear at a pre-appeal mention, is served with notice that the appeal will be struck out if the appellant does not attend the next mention date, and the appellant does not attend the next mention date [within 12 months].

Recommendation 76

The Victorian Government amend section 31 of the *Family Violence Protection Act 2008* (Vic) to stipulate that the first mention date for a family violence safety notice must be no later than 14 days after the notice, or form of notice, is served [within 12 months].

Recommendation 77

The Department of Justice and Regulation convene a committee, including representatives of the Magistrates' Court of Victoria, Victoria Legal Aid and Women's Legal Service Victoria, to investigate how family violence intervention orders by consent are currently negotiated and develop a safe, supported negotiation process for victims [within three years].

Recommendation 78

The Victorian Government repeal the unproclaimed provisions of the F*amily Violence Protection Amendment Act 2014* (Vic) providing for interim family violence intervention orders with an automatic finalisation condition (self-executing orders) [within 12 months].

Offences and sentencing

The Royal Commission recommends that:

Recommendation 79

The Victorian Government legislate to empower courts to make interim family violence intervention orders on their own motion at any point during criminal processes—including bail proceedings and sentencing [within 12 months].

Recommendation 80

The Victorian Government [within 12 months] take the following action:

- encourage bail decision makers to seek, and prosecutors to provide, information on relevant risks of family violence in relation to a bail application
- whether by amendment to the *Bail Act 1977* (Vic) or by other means, provide that before setting or amending bail conditions, a bail decision maker must take into account:
  - whether there is a family violence safety notice or family violence intervention order in place. If so, the decision maker should ensure that the bail conditions are compatible with the notice or order conditions, unless to do so would pose a risk to the victim and/or protected person
  - in matters relating to family violence, whether there is a risk of family violence that could be managed by appropriate bail conditions or a family violence intervention order, or both
- add an avoidance of doubt provision in section 4 of the Bail Act to state that an unacceptable risk of committing an offence or endangering the safety or welfare of the public may include an unacceptable risk of perpetrating family violence whilst on bail
- enact legislation to ensure that, if a warrant for the arrest of an accused is issued, bail conditions continue to operate until the arrest warrant is executed and the person is brought before the court.

Recommendation 81

The Victorian Government ensure that offences committed in the context of family violence are appropriately 'flagged' [within two years]—for example, by:

- enhancing current links between Victoria Police's, courts' and Corrections Victoria's databases
- amending the *Family Violence Protection Act 2008* (Vic) to deem criminal offences committed in the context of family violence to be 'family violence offences' for the purposes of being recorded in relevant databases.

Recommendation 82

The Victorian Government review section 125A of the *Family Violence Protection Act 2008* (Vic) to determine whether the 28-day period within which contravention relating to the same person must occur to establish this offence should be extended [within 12 months].

Recommendation 83

The Sentencing Advisory Council report on the desirability of and methods for accommodating 'swift and certain justice' approaches to family violence offenders in Victoria's sentencing regime [within 12 months].

Recommendation 84

The Director of Public Prosecutions consider identifying a suitable case in which to seek a guideline judgment from the Court of Appeal on sentencing for family violence offences [within two years].

Perpetrators

The Royal Commission recommends that:

Recommendation 85

The Victorian Government [within 12 months]:

- map the roles and responsibilities of all government and non-government agencies and service providers that have contact with perpetrators of family violence
- confirm the principles that should inform the programs, services and initiatives required to respond to perpetrators of family violence who pose a high, medium or low risk to victims.

Recommendation 86

The Victorian Government convene a committee of experts on perpetrator interventions and behaviour change programs [within 12 months] to advise the government on the spectrum of programs, services and initiatives that should be available in Victoria—in the justice system and in the community—to respond to all perpetrators across varying forms and risk levels of family violence. The committee should consider men's behaviour change programs, clinical models such as cognitive behaviour therapy, strengths-based programs and fathering-specific models, online programs, and services for perpetrators from diverse communities. The expert advisory committee should consist of members with expertise in a variety of disciplines and practice approaches and with experience in working directly with perpetrators and victims of family violence, including those from diverse communities.

Recommendation 87

The Victorian Government, subject to advice from the recommended expert advisory committee and relevant ANROWS (Australia's National Organisation for Women's Safety) research, trial and evaluate interventions for perpetrators [within three years] that:

- provide individual case management where required
- deliver programs to perpetrators from diverse communities and to those with complex needs
- focus on helping perpetrators understand the effects of violence on their children and to become better fathers
- adopt practice models that build coordinated interventions, including cross-sector workforce development between the men's behaviour change, mental health, drug and alcohol and forensic sectors.

Recommendation 88

The Victorian Government provide dedicated funding for future perpetrator programs. These should include evaluation studies to establish longer term effectiveness and assist in improving program design in the long term [within three years].

Recommendation 89

The Secretary of the Department of Justice and Regulation approve a broader range of service providers to provide counselling services to perpetrators who are subject to a counselling order issued by the Magistrates' Court of Victoria under section 130 of the *Family Violence Protection Act 2008* (Vic). Such service providers should have expertise in the interplay between family violence and drug and alcohol misuse or mental illness, provided the purpose of the counselling remains within the scope of the statutory objectives of Part 5 of the Act [within three years].

Recommendation 90

The Victorian Government, working with the courts and providers of men's behaviour change programs, establish an improved process for monitoring the attendance of perpetrators who are ordered to participate in behaviour change programs and the outcomes of their participation in those programs [within 12 months].

Recommendation 91

The Victorian Government, in consultation with No To Violence [within 12 months]:

- review and update the Men's Behaviour Change Programs Minimum Standards to reflect research findings, national and international best practice, and the central importance of partner contact work
- develop a compliance framework, incorporating an accreditation process, for providers of men's behaviour change programs.

Recommendation 92

The Victorian Government ensure that, pending the implementation of an expanded range of perpetrator interventions, funding for men's behaviour change programs is sufficient to meet demand from those required to attend under a counselling order issued under Part 5 of the *Family Violence Protection Act 2008* (Vic) and those who volunteer to attend such programs [within 12 months].

Recommendation 93

The Victorian Government ensure that the terms of reference of the current review of the *Liquor Control Reform Act 1998* (Vic) consider family violence and alcohol-related harms. The review should involve consultation with people who have expertise in the inter-relationship between family violence and alcohol use.

The role of the health system

The Royal Commission recommends that:

Recommendation 94

The Victorian Government amend section 26 of the *Public Health and Wellbeing Act 2008* (Vic)—which requires that councils prepare a municipal public health and wellbeing plan—to require councils to report on the measures the council proposes to take to reduce family violence and respond to the needs of victims. Alternatively, the Victorian Government could amend section 125 of the *Local Government Act 1989* (Vic)—which requires each council to prepare a council plan—to require councils to include these measures in their council plan (rather than their health and wellbeing plans) [within 12 months].

Recommendation 95

The Victorian Government resource public hospitals to implement a whole-of-hospital model for responding to family violence, drawing on evaluated approaches in Victoria and elsewhere [within three to five years].

Recommendation 96

The Department of Health and Human Services require routine screening for family violence in all public antenatal settings. The screening guidance should be aligned with the revised Family Violence Risk Assessment and Risk Management Framework. Implementation will require targeted and continued training, the development of specific guidelines, and clinical support [by 31 December 2017].

Recommendation 97

The Chief Psychiatrist issue a guideline relating to family violence—including that family violence risk should be assessed when considering discharging or transferring care of a person receiving mental health services and when consulting with families or carers in relation to treatment planning [within two years].

Recommendation 98

The Victorian Government fund the establishment of specialist family violence advisor positions to be located in major mental health and drug and alcohol services. The advisors' expertise should be available to practitioners in these sectors across Victoria [within 12 months].

Recommendation 99

The Victorian Government encourage and facilitate mental health, drug and alcohol and family violence services to collaborate [within 12 months] by:

- resourcing and promoting shared casework models
- ensuring that mental health and drug and alcohol services are represented on Risk Assessment and Management Panels and other multi-agency risk management models at the local level.

Recommendation 100

The Royal Australian College of General Practitioners, the Royal Australian and New Zealand College of Psychiatrists, and psychologist and drug and alcohol service peak bodies collaborate to develop a database of psychiatrists, psychologists, drug and alcohol practitioners and any other professionals with expertise in family violence to help general practitioners when making referrals [within 12 months].

Recommendation 101

Victoria Police actively seek access to forensic medical examinations in family violence matters from the Victorian Institute of Forensic Medicine [within two years].

Recommendation 102

The Chief Psychiatrist—in consultation with the Royal Australian College of General Practitioners, the Royal Australian and New Zealand College of Psychiatrists and psychologists' peak bodies—coordinate the development of a family violence learning agenda [within two years] that includes:

- undergraduate and graduate training in relation to family violence
- continuing professional development in relation to family violence
- guidance on appropriate responses to people with mental illness who have also suffered family violence.

Recommendation 103

The Victorian Government, through its membership of the Australian Health Workforce Ministerial Council, encourage the Ministerial Council to approve standards that facilitate a mandatory requirement that general practitioners complete family violence training as part of their continuing professional development [within 12 months].

Recovery: health and wellbeing

The Royal Commission recommends that:

Recommendation 104

The Victorian Government increase investment in programs to ensure that people who have been affected by family violence have timely access to group-based or individual counselling for as long as they need. The counselling should be delivered by practitioners with appropriate training [within 12 months].

Recommendation 105

The Victorian Government, through the Council of Australian Governments, encourage the Commonwealth Government to consider a Medicare item number for family violence counselling and therapeutic services distinct from a general practitioner mental health treatment plan. In the longer term consideration should be given to establishing a Medicare item number or a similar mechanism that will allow medical practitioners to record a family violence–related consultation or procedure and so more accurately ascertain the public cost of family violence [within 12 months].

Recommendation 106

The Victorian Law Reform Commission consider the matters the Commission raised in this report in relation to the Victims of Crime Assistance Tribunal and the Victim Assistance Program in its Victims of Crime in the Criminal Trial Process review. To the extent that these matters do not fall within the terms of reference for that review, the Attorney-General should amend the terms of reference or ensure that a separate review of these matters is carried out.

Recovery: Financial security

The Royal Commission recommends that:

Recommendation 107

The Victorian Government encourage the Financial and Consumer Rights Council to require that its members receive family violence and economic abuse training as part of continuing professional development and in order to remain members. The council should also work with other financial counselling member organisations to encourage them to do the same [from 1 January 2017].

Recommendation 108

The Victorian Government, through the Council of Australian Governments, encourage the Commonwealth Government [within 12 months] to:

- amend the National Credit Code to include family violence as a ground for financial hardship and develop an awareness campaign to ensure that both consumers and credit providers are aware of their rights and responsibilities
- work with the Australian Communications and Media Authority and its related representative bodies and associations to amend the Telecommunications Consumer Protections Code to:
  - list minimum eligibility criteria for access to hardship programs
  - make family violence an express eligibility criterion
  - incorporate a requirement for specific policies for customers experiencing family violence to clarify consent requirements for payment plans when an account is jointly held
  - include grounds for splitting jointly held debt and removing an account holder's name if family violence has occurred.

Recommendation 109

The Victorian Government work with the Essential Services Commission [within 12 months] to:

- amend the Energy Retail Code and Customer Service Code—Urban Water Businesses to:
  - list minimum eligibility criteria for access to hardship programs
  - include family violence as an explicit eligibility criterion
- develop industry guidelines for energy and water retailers to require comprehensive and ongoing training of customer service staff to help them identify customers experiencing family violence and financial hardship
- publicise the availability of dispute resolution mechanisms for people affected by family violence.

Recommendation 110

The Victorian Government encourage the Victorian Energy and Water Ombudsman and the Commonwealth Financial Services Ombudsman and Telecommunications Ombudsman to publicise the availability of their dispute-resolution processes to help victims of family violence resolve disputes with service providers in relation to debts and liabilities incurred in the context of family violence [within 12 months].

Recommendation 111

The Victorian Government encourage the Australian Bankers' Association, through its Financial Abuse Prevention Working Group, to develop a family violence–specific industry guideline [within 12 months]. This should be supported by training and education for relevant banking staff, to help them understand, identify and deal with economic abuse associated with family violence.

Recommendation 112

The Department of Justice and Regulation investigate whether the *Road Safety Act 1986* (Vic) should be amended so that, if a perpetrator of family violence incurs traffic fines while driving a car registered in the name of the victim, the victim is able to have the fines revoked [within 12 months] by declaring:

- They were not the driver of the vehicle at the time of the offending.
- They are a victim of family violence—as evidenced by a statutory declaration, a copy of a family violence safety notice or family violence intervention order, or a support letter from a family violence worker, general practitioner or other appropriate professional.
- They are unable to identify the person in control of the vehicle at the time for safety reasons.

Recommendation 113

The Victorian Government amend the *Infringements Act 2006* (Vic) to provide that the experience of family violence may be a special circumstance entitling a person to have a traffic infringement withdrawn or revoked [within 12 months].

Recommendation 114

The Magistrates' Court of Victoria consider [within 12 months]:

- issuing a practice direction to encourage the use of personal property conditions in family violence intervention orders
- including specific questions about personal property conditions in the information form that precedes the application for a family violence intervention order (FVIO1 form).

Recommendation 115

Victoria Police amend the Victoria Police Code of Practice for the Investigation of Family Violence to provide guidance and examples in relation to when it is appropriate to seek personal property conditions in family violence intervention orders [within 12 months].

Recommendation 116

The Department of Justice and Regulation's review of the *Residential Tenancies Act 2006* (Vic) consider amending the Act to:

- empower Victorian Civil and Administrative Tribunal members to make an order under section 233A of the Act if a member is satisfied that family violence has occurred after considering certain criteria—but without requiring a final family violence intervention order containing an exclusionary condition
- provide a clear mechanism for apportionment of liability arising out of the tenancy in situations of family violence, to ensure that victims of family violence are not held liable for rent (or other tenancy-related debts) that are properly attributable to perpetrators of family violence
- enable victims of family violence to prevent their personal details from being listed on residential tenancy databases, and to remove existing listings, where the breach of the Act or the tenancy agreement occurred in the context of family violence
- enable victims of family violence wishing to leave a tenancy to apply to the Victorian Civil and Administrative Tribunal for an order terminating a co-tenancy if the co-tenant is the perpetrator of that violence—including, where relevant, an order dealing with apportionment of liability for rent (or other tenancy-related debts) between the co-tenants
- prevent a landlord from unreasonably withholding consent to a request from a tenant who is a victim of family violence for approval to reasonably modify the rental property in order to improve the security of that property.

Recommendation 117

The Victorian Government encourage the use of applications under section 233A of the *Residential Tenancies Act 2006* (Vic) [within 12 months], including by means of training and education for family violence support workers, Victoria Police and other relevant support staff in relation to the existence and operation of the provision.

Recommendation 118

The Magistrates' Court of Victoria consider issuing a practice direction to encourage magistrates hearing family violence intervention order applications to inquire as early as possible about whether the applicant and respondent are in shared rental accommodation and, if so, ensure that the protected person is notified of the right to apply for a new tenancy agreement and receives information about how to do so [within 12 months].

Recommendation 119

The Victorian Government consider any legislative reform that would limit as far as possible the necessity for individuals affected by family violence with proceedings in the Magistrates' Court of Victoria to bring separate proceedings in the Victorian Civil and Administrative Tribunal in connection with any tenancy related to the family violence [within two years].

Recommendation 120

The Victorian Government ensure that Victorian Civil and Administrative Tribunal members receive training and education to ensure that they have adequate expertise in the *Family Violence Protection Act 2008* (Vic) and family violence matters [within 12 months].

Recommendation 121

The Victorian Government support the expansion of initiatives that deliver financial literacy training and education for victims of family violence [within two years].

Restorative justice for victims of family violence

The Royal Commission recommends that:

Recommendation 122

The Department of Justice and Regulation, in consultation with victims' representatives and experts in restorative justice, develop a framework and pilot program for the delivery of restorative justice options for victims of family violence. The framework and pilot program should have victims at their centre, incorporate strong safeguards, be based on international best practice, and be delivered by appropriately skilled and qualified facilitators [within two years].

Adolescents who use family violence

The Royal Commission recommends that:

Recommendation 123

The Victorian Government, subject to successful evaluation of the Adolescent Family Violence Program, extend the program across Victoria [within two years].

Recommendation 124

The Victorian Government develop additional crisis and longer term supported accommodation options for adolescents who use violence in the home. This should be combined with therapeutic support provided to end the young person's use of violence in the family [within two years].

Recommendation 125

Victoria Police determine its baseline model for family violence teams and consider appointing dedicated youth resource officers to provide support to young people and their families following police attendance at an incident in which an adolescent has used violence in the home [within 12 months].

Recommendation 126

The Melbourne Children's Court establish family violence applicant and respondent worker positions to assist young people and families in situations where adolescents are using violence in the home [within 12 months].

Recommendation 127

The Victorian Government, subject to successful evaluation of the Youth Diversion Program Pilot, establish a statutory youth diversion scheme [within two years].

Recommendation 128

The Victorian Government trial and evaluate a model of linking Youth Justice Group Conferencing with an Adolescent Family Violence Program to provide an individual and family therapeutic intervention for young people who are using violence in the home and are at risk of entering the youth justice system [within two years].

Family violence and the family law system

The Royal Commission recommends that:

Recommendation 129

The Secretary of the Department of Justice and Regulation liaise with the Secretary of the Commonwealth Attorney-General's Department on a continuing basis to advocate for the adoption of family law reforms that reduce fragmentation of jurisdictions in cases involving family violence.

Recommendation 130

Victoria Police amend the Victoria Police Code of Practice for the Investigation of Family Violence to refer to the existence of the Victoria Police power to arrest for breach of an injunction for personal protection under the *Family Law Act 1975* (Cth) and to encourage police to exercise that power. Victoria Police should provide training in relation to the existence of that power [within 12 months].

Recommendation 131

The Victorian Government, through the Council of Australian Governments Law, Crime and Community Safety Council, pursue amendments to the *Family Law Act 1975* (Cth) [within 12 months] to:

- provide that a breach of an injunction for personal protection is a criminal offence
- increase the monetary limit on the jurisdiction of the Magistrates' Court of Victoria to divide the property of parties to a marriage or a de facto relationship (section 46)
- make it clear that the Children's Court of Victoria can make orders under Part VII of the Family Law Act in the same circumstances as the Magistrates' Court of Victoria (sections 69J and 69N).

Recommendation 132

The Victorian Government amend sections 57 and 96 of the *Family Violence Protection Act 2008* (Vic) [within 12 months] to:

- require magistrates to give an applicant, and a respondent if the respondent appears before the court, an explanation of how a family violence intervention order interacts with any existing or new *Family Law Act 1975* (Cth) order or an order under the *Children, Youth and Families Act 2005* (Vic). This explanation should be given on the making of both an interim family violence intervention order and a final family violence intervention order
- if the court has varied, suspended, revoked or revived a Family Law Act order, require magistrates to explain the purpose, terms and effect on the family violence intervention order
- permit the court to request that the legal practitioner provide the requisite explanations when a person to whom the family violence intervention order is directed is legally represented
- if the parties do not appear before a magistrate, require the relevant court registrar to provide information in writing on the interaction between either an interim or final family violence intervention order and any applicable orders under the Family Law Act or the Children, Youth and Families Act.

Recommendation 133

The Victorian Government amend the *Children, Youth and Families Act 2005* (Vic) to clarify that the Children's Court of Victoria has the same jurisdiction to make *Family Law Act 1975* (Cth) parenting orders as the Magistrates' Court of Victoria [within 12 months].

Recommendation 134

The Victorian Government, through the Council of Australian Governments Law, Crime and Community Safety Council, pursue [within two years]:

- the creation of a single database for family violence, child protection and family law orders, judgments, transcripts and other relevant court documentation that is accessible to each of the relevant state, territory and Commonwealth courts and other agencies as necessary
- the development of a national family violence risk assessment framework and tool and consistent use of such a framework or tool by state, territory and Commonwealth courts, lawyers, government and non-government service providers.

Recommendation 135

The Magistrates' Court of Victoria consider revising the form and content of family violence intervention order court applications and documentation [within 12 months] to:

- ensure that when proceedings are filed with the court both the affected person and the respondent are informed of the Magistrates' Court's jurisdiction under the *Family Law Act 1975* (Cth). Such information should be available to parties in self-initiated applications and in proceedings initiated by a police family violence safety notice
- inform the applicant that the court may revive, vary, discharge or suspend a parenting order pursuant to section 68R of the Family Law Act.

Recommendation 136

The Magistrates' Court of Victoria and the Children's Court of Victoria consider pursuing a formal information-sharing arrangement or protocol with the Family Court of Australia and the Federal Circuit Court of Australia that is consistent with the new information-sharing regime in the *Family Violence Protection Act 2008* (Vic), as recommended by the Commission [within 18 months]. The protocol should clearly set out the purpose of and principles for information exchange and allow communication between the jurisdictions in relation to process. Among the information to be exchanged between courts should be relevant court documents such as court orders, judgments, court reports and transcripts. The protocol should be regularly reviewed.

Recommendation 137

The Department of Health and Human Services support on a continuing basis the co-located child protection practitioner initiative in the Victorian registries of the Family Court of Australia and the Federal Circuit Court of Australia.

Review of family violence–related deaths

The Royal Commission recommends that:

Recommendation 138

The Victorian Government establish a legislative basis for the Victorian Systemic Review of Family Violence Deaths and provide adequate funding to enable the Coroners Court of Victoria to perform this function [within 12 months].

Family violence and diversity

The Royal Commission recommends that:

Recommendation 139

The Victorian Government fund Seniors Rights Victoria, InTouch Multicultural Centre Against Family Violence and Women with Disabilities Victoria [within 12 months] to:

- provide training to equip specialist family violence service providers and providers of universal services to recognise and provide appropriate services to older Victorians, people from culturally and linguistically diverse communities and people with disabilities who experience family violence
- build partnerships with and provide advice to specialist family violence service providers and providers of universal services to enable them to respond effectively to the needs of people in these communities.

Recommendation 140

The Department of Health and Human Services review and update standards for family violence service providers (including men's behaviour change programs) [within two years]. The standards should specify providers' obligation to develop suitable services for diverse communities, consistent with their obligation to provide non-discriminatory services under the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and the *Equal Opportunity Act 2010* (Vic).

Recommendation 141

The Victorian Equal Opportunity and Human Rights Commission issue a guideline under section 148 of the *Equal Opportunity Act 2010* (Vic) to guide service providers in meeting their obligation to act inclusively and avoid discrimination when delivering services to all people who are affected by family violence. The guideline should apply to family violence service providers (including men's behaviour change programs), as well as to universal and mainstream organisations [within 12 months].

Recommendation 142

The Victorian Government ensure that family violence community awareness and prevention programs and activities use language, imagery and messaging that reflect the diversity of the Victorian community [within two years]. Prevention work should be developed in consultation with relevant communities and be evaluated in order to refine future practice. Inclusiveness of diversity should also be an important consideration for corporate and philanthropic funders of such programs and activities.

Recommendation 143

The Victorian Government ensure that the proposed Victorian Family Violence Index measures, as far as possible, the extent of and response to family violence in different communities.

Aboriginal and Torres Strait Islander peoples

The Royal Commission recommends that:

Recommendation 144

The Victorian Government implement the recommendations of the mid-term evaluation of the Indigenous Family Violence Ten Year Plan [within two years].

Recommendation 145

The Victorian Government [within two years]:

- continue to work in partnership with Aboriginal communities to develop a statewide strategic response to improving the lives of vulnerable Aboriginal children and young people
- increase investment in programs that provide 'wrap-around' support to parents and children, especially in the first five years of life, so that the trajectory into child protection for these vulnerable families is interrupted and reversed
- expand the Aboriginal component of Child FIRST to reduce the high rates of removal of Aboriginal children and provide consistency across Victoria
- examine factors that influenced the decline in admissions into out-of-home care in Outer Gippsland, Mallee, Goulburn and North Eastern Melbourne so that lessons can be learnt and applied to future policy and practice.

Recommendation 146

The Victorian Government give priority to providing adequate funding to Aboriginal community controlled organisations [within 12 months] for:

- culturally appropriate family violence services for Aboriginal women and children
- family-centred services and programs—including programs that focus on cultural strengthening—therapeutic child-centred programs, and one-door integrated services where family members can obtain a range of supports
- culturally appropriate legal services for victims and perpetrators, to meet the increased demand for services and the need for statewide coverage
- crisis accommodation and support options for Aboriginal women and children based on core and cluster-style and best-practice models with access to longer term housing
- culturally appropriate services for Aboriginal men who perpetrate family violence—including access to suitable accommodation
- early intervention and prevention actions in Aboriginal communities—including whole-of-community activities and targeted programs.

Recommendation 147

The Victorian Government, on the basis of the advice of the Indigenous Family Violence Partnership Forum, give priority to major service models for evaluation using culturally appropriate outcome measures, methodologies and providers [within three years]. The Victorian Government should also ensure that all Aboriginal family violence interventions are evaluated in a culturally appropriate manner and that this is adequately resourced to ensure that Aboriginal service providers have the capacity to support such an evaluation [within 12 months].

Recommendation 148

The Victorian Government ensure that funding agreements for mainstream family violence organisations incorporate a requirement for services to conduct cultural safety reviews and action plans in all areas of operations, governance, workforce and relationships with the community. Investment in Aboriginal service providers will be necessary to support this [within 12 months].

Recommendation 149

The Melbourne Magistrates' Court resume the Koori Family Violence and Victims Support Program [within 12 months].

Recommendation 150

The Victorian Government, subject to the approval of the Aboriginal Justice Forum and inclusion of any necessary safeguards, extend the jurisdiction of the Koori Magistrates and County Courts to include offences where it is alleged that the defendant has contravened a family violence intervention order [within 12 months].

Recommendation 151

The Victorian Government ensure that Koori Family Violence Police Protocols are implemented in the remaining identified sites, with adequate resources and support provided to Elders and other community members providing cultural education to police in all sites (including those where protocols currently operate) [within two years].

Recommendation 152

Victoria Police, the Department of Health and Human Services, the Department of Justice and Regulation and the Department of Education and Training improve the collection of Indigenous-specific data relating to family violence so that this can be shared with communities, organisations and governance forums to inform local, regional and statewide responses [within 12 months].

Older people

The Royal Commission recommends that:

Recommendation 153

The Victorian Government resource the development and delivery of information on family violence using channels such as seniorsonline, information distributed with Victorian Seniors Cards, Seniors Week and the Seniors Information Centre [within 12 months].

Recommendation 154

The Victorian Government, through the Council of Australian Governments, encourage the Commonwealth Government [within 12 months] to:

- ensure that the Human Resource Management Standard in the Community Care Common Standards Guide specifies that workers delivering services must have successfully completed certified training in identifying family violence and responding to it
- review the existing Community Services Training Package courses relevant to providing ageing support to ensure that each course has a core, rather than elective, unit that adequately covers all manifestations of family violence.

Recommendation 155

Victoria Police, with advice from the Priority Community Division, scope options for a trial of a dedicated family violence and elder abuse response team in one Victoria Police local service area. The team should have the capacity to investigate financial abuse [within two years].

People from culturally and linguistically diverse communities

The Royal Commission recommends that:

Recommendation 156

The Victorian Government amend section 6 of the *Family Violence Protection Act 2008* (Vic) to expand the statutory examples of family violence to include forced marriage and dowry-related abuse [within 12 months].

Recommendation 157

The Victorian Government update its guidelines on policy and procedures in using interpretative services to specifically deal with family violence—in particular, the risks of using perpetrators, children and other family members as interpreters, as well as using the same interpreter for both perpetrator and victim [within 12 months].

Recommendation 158

The Magistrates' Court of Victoria allocate specific funding for family violence interpreters and develop court guidelines for booking interpreters in family violence matters [within 12 months]. Among other things, the guidelines should take account of the following:

- an early process for checking whether parties require an interpreter
- a practice of booking two interpreters if both parties require an interpreter
- a presumption that wherever possible a female interpreter will be booked for a female party.

Recommendation 159

Victoria Police [within 12 months]:

- amend the Code of Practice for the Investigation of Family Violence to emphasise the risks associated with using children as interpreters and using the same interpreter for both perpetrator and victim, as well as to provide practical guidance to officers on the use of interpreters
- provide training at all appropriate levels on the amended Code of Practice requirements relating to interpreters.

Recommendation 160

The Victorian Government, as a member of the National Accreditation Authority for Translators and Interpreters Ltd, work with the other members of the authority to ensure that accreditation and testing processes and approval of translator and interpreter courses require an understanding of the nature and dynamics of family violence [within two years].

Recommendation 161

The Department of Health and Human Services, in collaboration with the Victorian Multicultural Commission, community organisations and other relevant bodies, develop a strategy for informing service providers, specialist family violence services and other community organisations about the health impacts of female genital mutilation, emphasising that it can be a form of family violence and a criminal offence [within 12 months].

Recommendation 162

The Victorian Government, through the Council of Australian Governments, encourage the Commonwealth Government to broaden the definition of family violence in the *Migrations Regulations 1994* (Cth) so that it is consistent with the *Family Violence Protection Act 2008* (Vic) and to ensure that people seeking to escape violence are entitled to crisis payments (regardless of their visa status) [within 12 months].

Faith communities

The Royal Commission recommends that:

Recommendation 163

The Office of Multicultural Affairs and Citizenship Multifaith Advisory Group and the Victorian Multicultural Commission, in partnership with expert family violence practitioners, develop training packages on family violence and sexual assault for faith leaders and communities [within three years]. These packages should build on existing work, reflect leading practice in responding to family violence, and include information about referral pathways for victims and perpetrators. The training should be suitable for inclusion as part of the pre-service learning in various faith training institutes, as well as the ongoing professional development of faith leaders.

Recommendation 164

The Department of Health and Human Services consult with the Office of Multicultural Affairs and Citizenship Multifaith Advisory Group, the Victorian Multicultural Commission and women from faith communities as part of its review of standards for specialist family violence service providers (including men's behaviour change programs), to ensure that these standards and the associated services take account of the needs of people in faith communities who experience family violence [within two years].

Recommendation 165

Faith leaders and communities establish processes for examining the ways in which they currently respond to family violence in their communities and whether any of their practices operate as deterrents to the prevention or reporting of, or recovery from, family violence or are used by perpetrators to excuse or condone abusive behaviour.

Lesbian, gay, bisexual, transgender and intersex communities

The Royal Commission recommends that:

Recommendation 166

The Victorian LGBTI Taskforce, supported by relevant experts, provide advice [within two years] on the following:

- research priorities relating to the nature and prevalence of and the most effective responses to family violence in LGBTI communities
- effective prevention strategies
- the review of the standards for family violence service providers—including men's behaviour change programs
- intersections between family violence and health and wellbeing initiatives.

Recommendation 167

The Victorian Government require all funded family violence services to achieve Rainbow Tick accreditation [by 31 December 2018]. This should be achieved by means of a staged approach, using workforce training and LGBTI equity auditing followed by full accreditation. An evaluation should be conducted to determine whether all family violence services are suitably responsive to and inclusive of LGBTI people [by 31 December 2019].

Recommendation 168

The Victorian Government provide funding [within 12 months] for the following:

- development and maintenance of legal and other resources for lesbian, gay, bisexual, transgender and intersex communities to support the identification and reporting of family violence, along with information about safe, accessible sources of support
- shared community education campaigns via LGBTI and family violence services to encourage LGBTI people who are experiencing family violence to seek help
- provision of training and advice to specialist family violence services
- for those LGBTI victims who cannot remain in their home, assistance with obtaining safe accommodation.

Recommendation 169

The Victorian Government, in the context of its commitment to review equal opportunity and birth certificate laws, examine the need to clarify relevant provisions of the *Equal Opportunity Act 2010* (Vic) to remove any capacity for family violence accommodation and service providers to discriminate against lesbian, gay, bisexual, transgender and intersex Victorians [within 12 months].

People with disabilities

The Royal Commission recommends that:

Recommendation 170

The Victorian Government adopt a consistent and comprehensive approach to the collection of data on people with disabilities who experience or perpetrate family violence. This should include collecting data from relevant services—for example, incident reports made to the Department of Health and Human Services by disability services when family violence has occurred [within two years].

Recommendation 171

The Victorian Government fund research into the prevalence of acquired brain injury among family violence victims and perpetrators [within two years].

Recommendation 172

The Victorian Government fund training and education programs for disability workers—including residential workers, home and community care workers, interpreters and communication assistants and attendant carers—to encourage identification and reporting of family violence among people with disabilities [within two years].

Recommendation 173

The Victorian Government, through the Council of Australian Governments Disability Reform Council, encourage the Commonwealth Government and the National Disability Insurance Agency to ensure that all disability services workers involved in assessing needs and delivering services have successfully completed certified training in identifying family violence and responding to it. This could include further developing and mandating the units on family violence and responding to suspected abuse in the Community Service Training Package [within five years].

Recommendation 174

Victoria Police, in the redesign of the police referral (L17) form, ensure that disability data is collected, including on the type of disability and the support required. Training should be provided to help police members identify how and when to make adjustments for people with disabilities [within 12 months].

Recommendation 175

The Judicial College of Victoria provide training to judicial officers in order to raise awareness and encourage consistent application of section 31 of the *Evidence Act 2008* (Vic), which allows courts to make adjustments to the way people with disabilities may be questioned and give evidence [within 12 months].

Recommendation 176

The Department of Health and Human Services review the funding model for crisis supported accommodation to remove barriers for women and children with disabilities [within 12 months].

Recommendation 177

The Victorian Government, in phasing out communal refuges, ensure that replacement accommodation contains disability-accessible units (universal design), where carers can be accommodated as needed and adaptions for children with disabilities are made [within five years].

Recommendation 178

The Victorian Government extend eligibility for the Victorian Disability Family Violence Crisis Response to assist people with disabilities who are victims of family violence and are not eligible for services under the *Disability Act 2006* (Vic) but who nevertheless require assistance. Such eligibility should apply when these individuals do not have access to alternative supports [within 12 months].

Recommendation 179

The Victorian Government encourage the National Disability Insurance Agency, in the transition to the National Disability Insurance Scheme, to provide flexible packages that are responsive to people with disabilities experiencing family violence. These packages should incorporate crisis supports and assistance for rebuilding and recovering from family violence [within two years].

Male victims

The Royal Commission recommends that:

Recommendation 180

The Victorian Government publicise and promote the Victims Support Agency in any information campaign relating to family violence as the primary source of assistance for male victims. The agency should also provide appropriate online resources for male victims [within 12 months].

Recommendation 181

The Victims Support Agency continue to receive all police referrals (L17 forms) relating to male victims, including after the establishment of the Support and Safety Hubs. The agency and all other relevant support services should develop joint arrangements to ensure that male victims of family violence are supported in obtaining the help they need [within two years].

Rural, regional and remote communities

The Royal Commission recommends that:

Recommendation 182

The Victorian Government and other relevant parties, in designing the recommended Statewide Family Violence Action Plan and implementing the Commission's other recommendations:

- give priority to reducing family violence in rural, regional and remote communities
- improve access to services by victims and perpetrators of family violence in such communities
- investigate and fund the use of technological solutions to provide access to service providers—among them those with experience in safety planning and counselling
- when contracting for and funding services in these communities, recognise:
  - the importance of building the capacity of universal services to deliver family violence services in order to facilitate an effective, locally based response
  - the need for flexibility in contracting and funding arrangements in order to facilitate collaboration between different services and providers.

Women in prison

The Royal Commission recommends that:

Recommendation 183

Corrections Victoria review the current processes for identifying female offenders at risk of or with a history of family violence and respond through therapeutic interventions and education programs [within 12 months].

Recommendation 184

Corrections Victoria ensure that therapeutic interventions such as individual counselling and group-based programs such as Out of the Dark are available for all women in prison who have experienced family violence [within 12 months].

Recommendation 185

Corrections Victoria [within 12 months]:

- inform post-release support services if a prisoner has a history of family violence victimisation to ensure that post-release accommodation arrangements do not place the prisoner at increased risk
- refer prisoners who have been victims of family violence to family violence services when they are being released.

Women working in the sex industry

The Royal Commission recommends that:

Recommendation 186

Victoria Police amend the Victoria Police Code of Practice for the Investigation of Family Violence to describe the difficulties women in the sex industry face in reporting family violence to police and how to take those difficulties into account when investigating family violence perpetrated against these victims [within 12 months].

Prevention

The Royal Commission recommends that:

Recommendation 187

The Victorian Government ensure that the Commission's recommended Statewide Family Violence Action Plan includes a primary prevention strategy [within 12 months] that should:

- be implemented through a series of three-year action cycles
- refer to actions to be taken and be accompanied by performance measures
- guide and be guided by the Victorian Government's Gender Equality Strategy
- be supported by dedicated funding for family violence primary prevention.

Recommendation 188

The Victorian Government resource an initiative (either inside or outside government) [within 18 months] to:

- oversee prevention of family violence activities in Victoria
- provide policy and technical advice to policy makers—including government—on primary prevention
- provide to organisations technical advice and expertise on building primary prevention in their organisations and within communities
- coordinate research that builds evidence around the primary prevention of all forms of family violence
- ensure that accredited workforce development training in primary prevention is available through registered training organisations.

This Victorian initiative should be undertaken in close collaboration with Our Watch, ANROWS (Australia's National Organisation for Women's Safety) and other relevant bodies.

Recommendation 189

The Victorian Government mandate the introduction of respectful relationships education into every government school in Victoria from prep to year 12. Implementation should be staged to ensure school readiness and to allow for ongoing evaluation and adaptation. It should be delivered through a whole-of-school approach and be consistent with best practice, building on the evaluation of the model being tested by the Department of Education and Training through Our Watch [within five years].

The workplace

The Royal Commission recommends that:

Recommendation 190

The Victorian Government ensure that the inclusion of family violence leave in all public sector enterprise agreements is accompanied by access to suitable support services and referrals, as well as adequate planning, training and resources to equip managers and human resources staff to communicate and implement the leave entitlements.

Recommendation 191

The Victorian Government, through the Council of Australian Governments, encourage the Commonwealth Government to amend the National Employment Standards in Part 2-2 of the *Fair Work Act 2009* (Cth) to include an entitlement to paid family violence leave for employees (other than casual employees) and an entitlement to unpaid family violence leave for casual employees [within 12 months].

Recommendation 192

On receipt of Our Watch's Workplace Equality and Respect Project final report, the Victorian Government should:

- begin implementing best-practice workplace programs in all public sector workplaces in order to:
  - enable them to build respectful and gender equitable cultures
  - ensure that they have suitable policies for family violence victims
  - provide adequate responses to and not allow for collusion with family violence perpetrators
  - build skills and support staff in taking bystander action
- support the maintenance of the project's proposed web-based portal or database of program models, tool kits, training resources and packages for application and use in all workplaces
- review and report on options for using existing regulatory frameworks and government procurement policies to support all Victorian employers in implementing best-practice family violence policies [within 12 months of receipt of the final report].

Sustainable and certain governance

The Royal Commission recommends that:

Recommendation 193

The Victorian Government establish a governance structure for implementing the Commission's recommendations and overseeing systemic improvements in family violence policy [within two years]. The structure should consist of:

- a bipartisan standing parliamentary committee on family violence
- a Cabinet standing sub-committee chaired by the Premier of Victoria
- a family violence unit located in the Department of Premier and Cabinet
- a Statewide Family Violence Advisory Committee
- Family Violence Regional Integration Committees, supported by Regional Integration Coordinators
- an independent Family Violence Agency established by statute.

Recommendation 194

The Cabinet Family Violence Sub-committee advise Cabinet on the Statewide Family Violence Action Plan based on the Commission's recommendations and be responsible for:

- specifying outcomes for achievement relating to prevention, early intervention and responses to family violence, supporting victims (including in their long-term recovery), and holding perpetrators to account
- proposing priorities for expenditure
- setting performance targets.

The sub-committee should report regularly to Cabinet on progress in implementing the plan [within 18 months].

Recommendation 195

The Victorian Government require all ministers to report regularly on the risks and opportunities in their portfolio relevant to family violence. The charter letters of all ministers should require them to consider the effect of proposed policies or legislation in their portfolios on the Statewide Family Violence Action Plan and family violence [within 12 months].

Recommendation 196

The Victorian Secretaries Board institute working arrangements—for example, the establishment of a sub-committee—to support effective oversight of family violence prevention and responses. Membership of the sub-committee should include the Secretaries of Treasury and Finance, Justice and Regulation, Health and Human Services, and Education and Training, the Chief Commissioner of Police and the Chief Executive Officer of Court Services Victoria. The sub-committee should be chaired by the Secretary of the Department of Premier and Cabinet [within 12 months].

Recommendation 197

The Victorian Secretaries Board advise the government [within 12 months] on all measures to be taken to develop, implement and coordinate the Statewide Family Violence Action Plan (including any adaptations that should be made to the plan in the future), among them:

- preparation of a 10-year industry plan for family violence prevention and response
- areas where joint budget bids should be made in order to give effect to new proposals
- collection, sharing and use of information to enhance system performance
- means of ensuring aligned policy development and implementation, as well as avoiding gaps and overlaps in departmental service provision
- oversight, development and adaptation of regional structures to give effect to the Statewide Family Violence Action Plan
- development of processes for identifying Commonwealth and state and territory funding expended on matters relevant to family violence—including funding expended on universal services that are relevant to family violence and the cost of grants made for family violence–related projects
- a strategy for purchasing or modifying data collection systems relevant to family violence—including systems used by Victoria Police, the Magistrates' Court of Victoria, the Children's Court of Victoria and the Department of Health and Human Services—to ensure there is capability to link information relevant to the safety of victims of family violence and their children.

Recommendation 198

The Victorian Government establish a family violence unit within the Department of Premier and Cabinet to support the work of the Cabinet Family Violence Sub-committee, the Victorian Secretaries Board, and the Statewide Family Violence Advisory Committee. The unit will lead whole-of-government work with other departments and policy units with family violence responsibilities (including the Office for Women) and should be responsible for ensuring that Victoria meets its obligations under the National Plan to Reduce Violence against Women and their Children [within 12 months].

Recommendation 199

The Victorian Government establish an independent statutory Family Violence Agency [by 1 July 2017] to:

- monitor and report on implementation of the Commission's recommendations and of the Statewide Family Violence Action Plan
- provide expert policy advice on family violence at the request of Cabinet, the Premier or the Victorian Secretaries Board
- undertake and commission applied research, policy and evidence reviews and conduct own-motion inquiries into the operation of the family violence system
- liaise with relevant Commonwealth government and national agencies in developing policy and practice to enhance primary prevention efforts and improve responses to family violence
- establish a means by which service providers can share information about programs
- liaise with the Crime Statistics Agency and other agencies to coordinate data collection and sharing for the purposes of assessing the overall performance of systems that respond to family violence.

Recommendation 200

The Victorian Government re-establish the Violence against Women and Children Forum as the Statewide Family Violence Advisory Committee to advise the government on family violence policy and service provision [within 12 months]. The committee should include representation from experts, victims of family violence and system advocates with perspectives on both prevention of and support for victims of family violence. Consultation with the committee should inform the evolution and implementation of the Statewide Family Violence Action Plan.

Recommendation 201

The Victorian Government and agencies that respond to family violence identify and develop safe and constructive ways to ensure that the voices of victims are heard and inform policy development and service delivery [within two years].

Recommendation 202

With the advice of the Family Violence Agency, the Victorian Secretaries Board Family Violence Sub-committee consider how to ensure that local council performance measures are used to encourage local council activities designed to prevent family violence and to assess the outcomes of any services they provide to victims and perpetrators of family violence [by 1 July 2018].

Data, research and evaluation

The Royal Commission recommends that:

Recommendation 203

The Victorian Government work with organisations it funds to provide family violence services, to improve evaluation standards [within 12 months] by, among other things:

- ensuring that where an evaluation is anticipated or expected, resources are provided to allow for the evaluation, including funding for the evaluation itself and for the design and/or implementation of processes and systems to support data collection
- ensuring that the initial period for which a program is funded contains a period of service delivery that is long enough to support a thorough evaluation of the program
- resourcing those delivering initiatives to conduct 'action research' during the life of the program, so that adaptations can be made to improve data collection and service delivery
- publishing evaluation outcomes where appropriate.

Recommendation 204

The Victorian Government work with the recommended Family Violence Agency and the Crime Statistics Agency to improve statewide family violence data collection and research [by 1 July 2018], including through:

- setting a strategic direction and addressing recurrent data gaps
- developing a statewide data framework, informed by relevant Commonwealth standards—for example, relevant Australian Bureau of Statistics frameworks such as the National Data Collection and Reporting Framework guidelines and ANROWS (Australia's National Research Organisation for Women's Safety) guidance. This should include shared data definitions and performance indicators, guidelines on the collection of demographic information—in particular, on older people, people with disabilities and people from Aboriginal and Torres Strait Islander, culturally and linguistically diverse and lesbian, gay, bisexual, transgender and intersex communities—and shared best-practice and auditing standards and procedures to foster consistency and quality among Victorian data sets
- exploring opportunities for data linkage between existing data sets and other enhancements to increase the relevance and accessibility of existing data
- holding regular stakeholder meetings to review the function and quality of the Victorian Family Violence Database.

Recommendation 205

The Crime Statistics Agency maintain and develop the Victorian Family Violence Database and consider what additional data sets should be incorporated in the database, how links between all relevant data sets can be created, and how the database can otherwise be developed [within 18 months].

Recommendation 206

The Victorian Government continue to fund ANROWS (Australia's National Organisation for Women's Safety) to do research in relation to preventing and responding to family violence.

Industry planning

The Royal Commission recommends that:

Recommendation 207

The Victorian Government develop or commission the development of a 10-year industry plan for family violence prevention and response in Victoria, to be delivered by 31 December 2017, with commensurate funding for workforce transition and enhancement to begin from that date. The plan should cover:

- the workforce requirements of all government and non-government agencies and services that have or will have responsibility for preventing or responding to family violence—among them specialist family violence services, perpetrator interventions, police, legal and justice services, and universal and secondary service systems
- remuneration, capability and qualifications, workforce diversity, professional development needs, career development and workforce health.

Recommendation 208

The Australian Association of Social Workers amend the Australian Social Work Education and Accreditation Standards to require that a 'working with family violence' subject be required as a component of the core curriculum in all social work undergraduate degrees [within two years].

Recommendation 209

The Victorian Government include in the 10-year industry plan for family violence prevention and response a staged process for the introduction of mandatory qualifications for specialist family violence practitioners, so that no later than 31 December 2020 all funded services must require family violence practitioners to hold a social work or equivalent degree [within five years].

Recommendation 210

The Victorian Government encourage the Commonwealth Government to extend the HECS–HELP benefit scheme to graduates employed in specialist family violence services and associated services (such as community legal services that provide legal services to victims of family violence) [within 12 months].

Recommendation 211

The Victorian Government ensure that advanced family violence practitioner positions are established at each of the 17 recommended Support and Safety Hubs [by 1 July 2018]. As an immediate measure, additional resources should be provided to existing services, so that they can provide additional secondary consultation to universal services until the practitioner positions are established.

Recommendation 212

The Victorian Government determine the best means of delivering comprehensive workforce development and interdisciplinary learning about family violence across the health, human services and justice sectors. This should include consideration of the New South Wales Education Centre Against Violence model [within two years].

Recommendation 213

The Victorian Government establish family violence principal practitioner positions in the Department of Health and Human Services, the Department of Education and Training and the Department of Justice and Regulation [by 31 December 2016].

Recommendation 214

The Victorian Attorney-General consider, when recommending appointments to the magistracy, potential appointees' knowledge, experience, skills and aptitude for hearing cases involving family violence, including their knowledge of relevant aspects of federal family law [within 12 months].

Recommendation 215

The Judicial College of Victoria include material on the dynamics and complexities of family violence in other general programs offered to all judicial officers and Victorian Civil and Administrative Tribunal members, in addition to the specific family violence programs and resources provided to date [within 12 months].

Recommendation 216

The Victorian Government provide funding to continue the development of comprehensive family violence learning and development training covering family violence, family law and child protection for court staff and judicial officers [within 12 months].

Investment

The Royal Commission recommends that:

Recommendation 217

The Victorian Government introduce in the 2017–18 State Budget additional output performance measures relating to the prevention of family violence and the assistance provided to victims and perpetrators in order to increase the visibility of family violence in budgetary processes.

Recommendation 218

The Victorian Government, in preparing the Statewide Family Violence Action Plan, consider whether further changes should be made to budget systems to better reflect the central role of government in preventing and responding to family violence [within 12 months].

Recommendation 219

The Victorian Government [within 12 months]:

- commission or itself perform rigorous and consistent measurement of the cost of family violence to government, the community and individuals
- require departments and agencies to establish consistent methods of collecting data—including data on costs incurred by generalist services—on activities relating to family violence prevention and response and include that information in their annual reports.

Recommendation 220

The Victorian Government ensure that the recommended Statewide Family Violence Action Plan emphasises prevention, early intervention and supporting the long-term recovery of victims. It should also identify the funding that will be required to pursue these goals [within 18 months].

Recommendation 221

In the 2016–17 State Budget the Victorian Government give priority to:

- providing an immediate funding boost to increase the capacity of specialist family violence services and Integrated Family Services to respond to existing demand
- implementation of the Commission's recommendations that relate to that budget period.

Recommendation 222

The Victorian Government treat the extension of the National Partnership Agreement on Homelessness as a matter of urgency and pursue it immediately with the Commonwealth Government [within 12 months].

Recommendation 223

The Victorian Government develop a demand-modelling tool or set of indicators to be used for planning how government as a whole and relevant departments and agencies themselves (including those providing or funding universal services) respond to family violence [within two years]. Budget processes should take account of the cost of forecast demand.

Recommendation 224

The Victorian Secretaries Board develop and promulgate principles for purchasing services that will contribute to achieving the goals of the Statewide Family Violence Action Plan [within 18 months]. These principles should include:

- measures to encourage service providers to collaborate in order to enable clients to receive a broader range of services
- ways of simplifying pathways of support
- ensuring victims and their children have access to a comprehensive range of services, regardless of where they live in Victoria
- allowing sufficient time for piloting, evaluation and adaptive management of new programs.

Recommendation 225

The Victorian Government require departments and agencies to introduce measures of contractual performance by service providers that more accurately reflect the objectives of ensuring victims' safety, preventing family violence and supporting those affected by it, and keeping perpetrators accountable [within 12 months].

Recommendation 226

Victorian government departments and agencies establish processes for regular overview and evaluation of funded services and programs, based on the recommended principles adopted by the Victorian Secretaries Board. The processes should involve independent experts as well as departmental staff [within 12 months].

Recommendation 227

The Victorian Government investigate options for increasing its capacity to invest in preventing and responding to family violence, including by:

- redirecting existing revenue sources towards family violence expenditure
- identifying new revenue sources
- exploring the possibility of entering into a partnership agreement with the Commonwealth Government in areas of overlapping responsibility.

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