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New South Wales Parliament Legislative Assembly

Domestic and Personal Violence - National Domestic Violence Orders Recognition

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I support the Crimes (Domestic and Personal Violence) Amendment (National Domestic Violence Orders Recognition) Bill 2016. At no time before has there been a national dialogue occurring across our nation on the often hidden and always shameful act of domestic violence. In speaking to this bill I must first pay my respects to the women and children who have been victims of domestic violence. Domestic violence is a major betrayal of trust that has long-term psychological and physical impacts, as well as long-lasting intergenerational effects. What happens to a woman and her children is so often beyond their control. However, they can survive domestic and family violence and move on with their lives. I pay respect to the victims and survivors, and to all those who walk alongside them. By this I mean the refuge workers, the domestic violence counsellors, the women's health centres, the police and ambulance services, to name but a few.

The apparent aim of this amendment is to increase protection for victims of domestic violence not only in New South Wales but also across Australia. Whilst I support any reforms aimed at increasing the protection offered to victims of domestic violence, I believe more work is needed in this State to effect change across a number of systems that are critical to the protections offered by apprehended domestic violence orders [ADVOs] in New South Wales. It is all very well to bring in a bill that makes ADVOs portable across States and Territories; however, policing practices vary across the country. Policing practices and policies will need to be aligned so that ADVOs are enforced universally across the country.

On a practical level the police database is already antiquated. Will it cope with this change or will it need to be upgraded? I am reminded of the TAFE Learning Management Business Reform debacle. The effectiveness of ADVOs depends so much on the ability of the woman to enforce its conditions. I hear repeatedly of difficulties women have in getting their ADVO served and, once it is served, difficulties in having the perpetrator charged with a breach when he breaks the conditions of the order. The crux of this issue is the role and availability of domestic violence support services. Unless we have a network of robust and well-funded support services, women and their children will remain at risk and disempowered. The word "network" is very important

because domestic violence is most often not contained within a specific geographic boundary. Lack of capacity at the local level will most often result in the victim and her children being relocated to another area.

A strong "network" and a collaborative approach are critical because domestic violence is a complex matter requiring a variety of systems to work together. It is about safety, housing, emergency services, child welfare and child protection, emotional and physical health and wellbeing, policing and the courts, and appropriate legal advice. All of these systems and services are required to provide an appropriate response if women and children are to be kept safe from domestic and family violence.

At the recent domestic violence roundtable that I hosted in the Blue Mountains I consulted with some 50 people who work in the area of domestic violence. When I asked them what was the main barrier to women and children seeking safety from domestic violence the overwhelming message from those at the coalface was "the lack of capacity to respond". They spoke about the loss of domestic violence specific services and the lack of referral and exit points. They said that the few remaining women's refuges are being inundated with referrals.

Staying Home Leaving Violence is not available in the Blue Mountains and many other areas across the State. Unless there are adequate support services, women and their children will not be safe. Under Going Home Staying Home and the abandonment of specialist domestic violence women's refuges, the move to generic homelessness services has not catered for the needs of domestic violence victims. Under the new regime there is an over-reliance on temporary, emergency accommodation. Homelessness services are not funded to provide specialised children's support programs.

Domestic violence does not keep business hours, but so many services only operate from nine to five. How do women keep themselves and their children safe when so few services are available after 5.00 p.m.?

Of particular concern is the lack of specialist domestic violence services for Aboriginal women and their children. It is acknowledged that Aboriginal women are reluctant to use mainstream services given the history of dispossession and mistrust. Following Going Home Staying Home, very few Aboriginal women's services are left. In my area the local Aboriginal women's refuge remains unfunded. I refer to the former Governor-General Quentin Bryce, who was the guest speaker at the Jessie Street National Women's Library annual luncheon in 2015. She spoke powerfully about domestic violence. She described how in Queensland—like most other parts of Australia over the past 10 years—incidents of domestic violence have increased in prevalence and severity. She said that every day more than 175 reports of domestic violence are made. "It's not about punches, love, it's about knives and ropes", one man told her. It is absolutely shocking abuse.

Quentin Bryce spent some time referring to recommendations that came from the Queensland task force on domestic violence. Some of the recommendations include that services should be coordinated and integrated to protect victims quickly, and the justice system needs overhauling through better magistrate, police and lawyer practice and specialised domestic violence courts. In addition, perpetrators must be held to account. We not only need perpetrator intervention programs but also we desperately need

stronger penalties to be implemented.

Other recommendations include: taking into account previous domestic violence history when sentencing; adding a domestic violence weighting to all criminal offences of assault, grievous bodily harm, rape and murder; and creating a new criminal offence of non-lethal strangulation, which often precedes homicide. Destroy the Joint is running a fantastic campaign on that at the moment. As specified in the "Not Now, Not Ever" report from Queensland and referred to by Quentin Bryce, an implementation council or oversight body to audit progress on the prevention of domestic violence is required nationally. Those who work at the coalface must be involved in such a council.

Ms Bryce also reminded us:

Our most powerful advocacy is called for.

The most important tool we have is our voice.

There has never been a more critical time to use it to promote and protect the right of each and every woman to live free from violence—physical, sexual and psychological.

To be safe. To feel safe.

We cannot rest until there are no more domestic and family violence related homicides.

- Until police are no longer called to domestic and family violence incidents.*
- Until children grow up not ever having experienced violence in their homes.*

Not Now—Not Ever.