

COMMUNITY DEVELOPMENT AND JUSTICE STANDING COMMITTEE

**INQUIRY INTO THE MAGISTRATES COURT OF WESTERN AUSTRALIA'S
MANAGEMENT OF MATTERS INVOLVING FAMILY AND DOMESTIC VIOLENCE**



**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
MONDAY, 10 FEBRUARY 2020**

SESSION THREE

Members

Mr P.A. Katsambanis (Chairman)
Mr M.J. Folkard (Deputy Chairman)
Mr A. Krsticevic
Mr S.K. L'Estrange
Mr D.T. Punch

Hearing commenced at 11.48 am

Ms MICHELLE ANDREWS

Director General, Department of Communities, examined:

Ms TANYA ELSON

Director, Children and Families, examined:

Ms ASTRID KALDERS

Executive Director, Children and Families, examined:

The CHAIR: On behalf of the committee, I would like to thank you for agreeing to appear today to provide evidence in relation to the committee's inquiry into how the Magistrates Court manages matters involving family and domestic violence. The purpose of today's hearing is to firstly discuss your submission to the inquiry and then to ask you to comment on matters that have been raised in other evidence we may have received across the course of the inquiry. I am Peter Katsambanis; I am the chair of the committee. The other committee members are the deputy chair, Mark Folkard; the member for Churchlands, Sean L'Estrange; the member for Bunbury, Don Punch; the member for Vasse, Libby Mettam; and the member for Carine, Tony Krsticevic. It is important that you understand that any deliberate misleading of this committee may be regarded as a contempt of Parliament. Your evidence today is protected by parliamentary privilege. However, that privilege does not extend to anything you say outside of this hearing.

Before we begin our questions, do you have any questions about your attendance here today?

The WITNESSES: No.

The CHAIR: Is there any brief opening statement that you would like to make?

Ms ANDREWS: Yes, we will make a statement. Thank you.

The CHAIR: Go ahead; this is your opportunity.

Ms ANDREWS: Thank you, and thank you for the invitation to appear. I would like to begin by acknowledging the traditional owners of the land where we are meeting today, the Whadjuk people of the Noongar nation and pay my respects to elders past, present and emerging.

Family and domestic violence is a far-reaching problem in Western Australia. Reported rates of family related violence in WA have increased steadily since 2008. In 2018, around 48 000 phone calls for police assistance resulted in a domestic violence incident report and the deaths of 10 children and 18 adults were attributed to family and domestic violence. More recent statistics indicate that Western Australian women reported the third highest rate of physical and sexual violence in Australia. To turn this around, we must continue to improve our responses as individuals, agencies and as a community. Stopping family and domestic violence is everyone's business.

[11.50 am]

In 2019, my department consulted widely across this state to inform the development of a whole-of-government strategy for reducing family and domestic violence in Western Australia. Through this process, we heard from over 2 800 people across the WA community who agreed that family and domestic violence will not be tolerated. They shared their views, views also supported by expert research, that we must focus our efforts on some key priorities. The safety and wellbeing

of victims is our first priority. We need to hold perpetrators to account and support them to change their behaviour. We need to prevent violence before it starts. It is especially important that we increase our prevention efforts and change the social conditions and attitudes that enable violence against women to occur. Research has shown that almost a third of the population believes that victims are partly responsible if they do not leave. Sadly, one in five Western Australians believes that violence results from a woman making a man so angry that he hits her when he did not mean to. These are the kinds of community attitudes that condone violence and attitudes we need to change in order to stop violence from occurring in the first instance. It is imperative that we work together across government agencies and the community sector to create a safe, accountable and collaborative service system. Everyone in Western Australia should be and feel safe in their relationships and in their homes. To achieve this requires services and systems working well together. Agencies acting independently may make decisions without fully understanding the needs of the client, which can result in actions that are unhelpful at best and compromise safety at worst. We know that integrated responses are considered best practice in family and domestic violence.

I would like to take this opportunity to highlight that in our work we must keep future desired outcomes at the forefront of our focus. This includes having a shared understanding of what constitutes family and domestic violence. It is an ongoing pattern of behaviours that are intended to coerce, control or create fear within a family or intimate relationship. It can include physical harm, financial, emotional or psychological abuse, sexual violence or any other behaviour that causes the victim to live in fear. It is also important to understand what data tells us about family and domestic violence so that we can target our responses effectively. Although family and domestic violence affects victims of all genders and backgrounds, we know that the overwhelming majority of victims are women and children and the majority of perpetrators are men. For example, in 2018 the Australian Family and Domestic Violence Death Review Network looked at 152 cases of intimate partner homicides and found that 79.6 per cent of cases involved a male killing their female current or former intimate partner. Women are also significantly more likely than men to experience sexual assault and harassment, emotional abuse, stalking and intimate image abuse or what is often referred to in the media as revenge pornography. We know, too, that some groups are at greater risk of family and domestic violence and that they experience barriers to accessing supports. These include—and unfortunately it is a long list—Aboriginal women, women who are homeless, women experiencing financial hardship, women with disability, pregnant women, older women, young women, women living in regional and remote areas, women who have been in prison, women from culturally and linguistically diverse backgrounds, and people who experienced abuse or family and domestic violence as children.

To make a difference across government our support and prevention strategies need to respond to the unique needs and experiences of people in communities, rather than providing a one-size-fits-all approach. There is nowhere that is more critical than when it comes to the experiences of Aboriginal people. Members, you will know and have heard from others who have appeared here that Aboriginal people experience family violence at vastly disproportionate rates. As many as one in two Aboriginal women experience violence and abuse in intimate family relationships. Aboriginal women are 32 times more likely to be hospitalised from family and domestic violence—32 times. We also know that family violence is not a part of Aboriginal culture and never has been. We have listened when Aboriginal people have told us clearly that they have the solutions and we are committed to finding new ways of working alongside Aboriginal people in communities to support solutions based on strengths and culture that enable healing and safety. As the lead agency responsible for family and domestic violence policy in Western Australia, the Department of Communities has a key role in setting the strategic direction for a whole-of-community response, as

well as being a funder and provider of services related to family and domestic violence. We welcome the opportunity to contribute to the inquiry and look forward to the committee's findings.

I will briefly outline for you some of what the Department of Communities is doing and leading in this regard. One of the many practical ways Communities contributes to keeping victims safe is to support a wide range of services. We have at least 96 service agreements specifically responding to family and domestic violence, with a total value of just over \$38 million. These contracts cover counselling, accommodation, perpetrator intervention, and victim support and risk assessment. There are 20 women's refuges based in the Perth metropolitan area and 19 refuges in regional and remote locations. Our women's refuges are contracted to provide safe, supported accommodation to women with or without accompanying children. They collaborate across the broader service system with police, courts, corrective services, child protection, health, disability services and other non-government organisations. Our refuges do a fantastic job of providing coordinated person-centred support to women and children impacted by family and domestic violence.

We are working to establish two one-stop FDV hubs located in the goldfields and Mirrabooka. The hubs will offer a single location where people impacted by family and domestic violence can go to access a variety of services in one place. I believe Magistrate Hawkins spoke with you about the value of making it easier for people to be able to go to one place to get the supports they need. In establishing the hubs, we also want to reduce the number of times victims must repeat their story, which, as you will appreciate, can be highly distressing.

Expanding the Pets in Crisis program has been an important goal for our department. Some victims who may wish to escape a violent situation will instead remain because they are afraid to leave their pets behind. In the Pets in Crisis program pets are cared for in foster placement until they can be reunited with their owners.

We are building two new refuges, one in Peel and one in Kwinana, to increase capacity in the southern corridor. The Peel refuge will support women who have experienced family and domestic violence and who also experience issues in mental health or alcohol and other drugs. We heard numerous times in our consultation process that this group of women has found it difficult to access the different supports they need to achieve safety. I am delighted that we will be able to offer a service that will help to do so.

Our Safe at Home program enables victims to safely remain where they live and connects perpetrators to services. Many people have told us how important this kind of support is because it allows women and children who have experienced family and domestic violence to stay close to their own network of support as well as to their schools and places of employment.

Our commitment to holding perpetrators accountable for their behaviour and supporting them to change is reflected in our long-term funding support for services, which include Communicare's Breathing Space program, a residential facility that provides family violence perpetrators with intensive intervention to end their violent and abusive behaviour. We now also have a second Breathing Space facility, which opened in July last year.

In terms of prevention activities our department takes an active role in raising awareness about family and domestic violence in the community. For example, since 2017 we have been the lead agency supporting the WA government's 16 Days in WA to Stop Violence Against Women campaign. Some of you will have been involved in this important annual event, which gives people and communities throughout the state the opportunity to demonstrate their support for ending violence against women. Astonishingly, 16 Days in WA has reached a cumulative audience of 1.8 million people through traditional media and a further 60 000 people through our social media channels.

We were especially pleased to note that last year it was even retweeted by Jimmy Barnes, which I think highlights the reach and momentum of the campaign.

On the matter of prevention, I will again refer to Magistrate Hawkins, who noted in her appearance before you the importance of education and early intervention to change the behaviour of people from a young age. My department has worked closely with the Department of Education to deliver the WA respectful relationships teaching support program in selected WA schools. The program is informed by a growing body of research about primary prevention in school settings and it is tailored to the WA context. Schools can play an important role in breaking the cycle of violence by teaching young people how to challenge violence-supportive attitudes and to build respectful relationships.

At the systems level Communities recognises that developing a family and domestic violence-informed workforce is essential to improving responses to both victims and perpetrators.

I understand that training needs have been raised in some of the submissions and hearings to date, and we would also strongly encourage workforce development to be considered in any of your recommendations. We fund two peak organisations—the Women’s Council for Domestic and Family Violence Services and Stopping Family Violence—to provide sector support and to lead the way in promoting best practice around both victim safety and perpetrator responses.

[12 noon]

As a department, we are also firmly committed to supporting Aboriginal community-controlled organisations. We are developing a strategy to strengthen support for those important services essential to where we are heading in the future.

Both the challenge and the opportunity for the Department of Communities is that we are increasingly bringing an FDV lens to everything we do, whether it is disabilities, child protection, child wellbeing, family support, housing and homelessness, across all of our work. I would like to thank you for hearing my opening statement and invite you to ask us any questions.

The CHAIR: Thank you, that was a lot to digest. Perhaps, in future, if we could have that prior to the hearing, it would actually give us a much, much better opportunity to inform ourselves of all that information and then be able to ask questions on it.

Coming back to our inquiry in relation to what is happening in the Magistrates Court and how you can help inform us about those relationships that are critical to making things work, which you stressed in your statement as well, what sort of information sharing occurs between your department and the Department of Justice, through both the mainstream court processes—the court processes that deal with criminal law, family violence and the like—and some of the more specialised services, including the family violence list and the Barndimalgu Court that has been operating in Geraldton quite successfully for a while? What sorts of processes do you have for information sharing? Are they automated services that happen automatically or is it a request on a needs basis—type of information sharing?

Ms ANDREWS: In broad terms, the information sharing and, standing back, the analysis around the data and what it is telling us is absolutely an area that requires focused attention across government. As the committee would be aware, there is an intention to introduce legislation to better facilitate information sharing across government agencies across jurisdictions and there are currently limitations with how that happens within a court context as well. It has been one of the topics that I have discussed when I have met with Judge Wager as well. For us, it is a priority; there is no question about it in terms of going forward. What I am going to do is look to the team that is here with me to see whether they can give you any specific information around the current—Tanya, did you want to touch on that?

Ms ELSON: Our director general is correct in that, at the moment, the way that we do share information is primarily through dialogue between court staff and our Department of Communities, generally our child protection staff. If they become aware that they have clients in common, they will share that information. But as our director general has said, this is something that we need to keep talking with our Justice colleagues about how we can do that better so that we are on the front foot when it comes to risks.

The CHAIR: So it happens on a person-by-person request and receive-type basis at the moment, with no formal process around it?

Ms ELSON: I would need to take that on notice to give you a specific answer around what is the exact nature of the process, but certainly it is initiated by court officials to our child protection colleagues.

The CHAIR: All right; we will take that on notice.

Are there any memorandums of understanding or documents of that like in relation to information sharing between the various departments, between your department and Justice?

Ms ANDREWS: It has not been brought to my attention.

Ms ELSON: I do not believe that there is.

The CHAIR: Or at any particular specific court level?

Ms ANDREWS: It has not been brought to my attention. Can we take that on notice just to confirm?

The CHAIR: Okay; we will take that on notice.

Ms KALDERS: There is a longstanding quite historical agreement between Communities' child protection area, police and Justice around sharing information around family violence, but that does not mean, as they said, that our processes are yet automated or automatic. But there is a memorandum of understanding that goes back a number of years.

Mr M.J. FOLKARD: Could we see a copy of that, if that is possible?

The CHAIR: Could we get a copy of that?

Ms ANDREWS: Absolutely.

The CHAIR: We will take that on notice as well.

There was for a while in the court system a family violence court of sorts operating. We have moved away from that to a family violence list. From the perspective of the Department of Communities, and specifically the areas of your big department that deal with these issues relating to family violence, do you have any comments to make about, firstly, the change and what the impact of that change has been, both positive, negative or indifferent?

Ms ANDREWS: A broad comment would be that our direct interface with the court around those matters is relatively limited, but what we may have is some information for you on the feedback on the consultation process. We have run an extensive consultation process around the FDV strategy that we have been developing—the whole-of-government strategy. There may be some feedback that we have received in that. Tanya?

Ms ELSON: Michelle, we have not necessarily had specific feedback on the change from the family violence court to the family violence list. I think that in hearing from Department of Communities staff there is a perception that that has resulted in better information sharing, which is very pleasing to us.

The CHAIR: In your submission, you talked about the funding that you provide for various services, very important services, including women's refuges and the like. We have heard evidence that many applicants in family violence restraining orders matters attend court without a support worker, whether that support worker is from a refuge if they are resident at one of those refuges or from one of the department's family violence services or victim support service. Have you identified that that is an area of unmet need? Have you perhaps measured what percentage of people are utilising that service? Is there any work that you are doing to make sure that more people are accessing those services before or whilst attending court in these family violence matters?

Ms ANDREWS: In commissioning those services we certainly require and receive information from the organisations that we are commissioning around the utilisation of the services and the effectiveness of those services, so there is reporting back to us on that front. But more specifically, I think you are talking about people attending the courts.

The CHAIR: We are getting anecdotal reports that very few people are actually attending court having availed themselves of a support worker from a refuge. Effectively, we were told people are too busy in the refuges to offer that come-to-court support service and that very few people are able to access some of the other services. It may be anecdotal and it may be in various locations, but we are trying to get a handle on what that unmet demand is.

Ms ANDREWS: It is probably a good example that it is the sort of data and analysis that sits around the system that would absolutely strengthen us and our ability to respond to where unmet needs might be. The extent to which the court is already collecting that data, for them to be able to make that available to us would be incredibly valuable. Again, it is a case of where we would receive information anecdotally and there might be individual circumstances that would be taken up with our regional executive directors. Under the Department of Communities' new model, we have regional executive directors now appointed across the state, who are there to absolutely address these sorts of issues when they arise at a regional level. But the extent to which there is some growing data that is pointing to some emerging issues across the state, we would be very interested in receiving that.

The CHAIR: This is not a criticism in any way of your department, but it is your department that funds the service. It delivers the service inside the building of another department and here we are not in a position for the funding body to determine what level of demand is being met by the funds they are making available, let alone the efficiency of the process or anything else. How long are we going to keep working in these silos that do not talk to each other?

[12.10 pm]

Ms ANDREWS: Yes, the silos are absolutely one of the big challenges that need to be confronted through this new strategy going forward. There is no question around that. As we are seeing from other jurisdictions and from expert research that is being undertaken, one of the biggest issues to be confronted is exactly that. It is certainly a determination of mine, personally, because having been a long-term public servant, I have seen it in every part of government that I have worked in. Welcoming the possibility and prospects of data sharing—both privacy and data sharing legislation being introduced sooner rather than later, I think that is an enabler of what we are talking about here, but it will not of itself be the solution. It will also need to be supported both through leadership, change of culture and good systems sitting around it as well.

The CHAIR: Is there that desire?

Ms ANDREWS: Absolutely.

The CHAIR: I know your desire is there. Is there an across-government-services desire to do it?

Ms ANDREWS: Yes. I am trying to remember what day it was last week, but for the first time the executives of justice, police and my department met last week and the issue of family and domestic violence was one of the key topics we discussed. The challenge and opportunity of better data sharing, of course, came up in that, so the commitment and desire across the sector—no question.

The CHAIR: That strategy you have spoken about a few times now—when are we likely to see that? When is that going to end up at a point where it is released?

Ms ANDREWS: As you will all appreciate, the timing around releasing these strategies is with the government and our ministers, but we are expecting it will be very soon.

The CHAIR: When will it be ready to be released?

Ms ANDREWS: We feel like we have done the hard work, so it is really up to the government on the timing of the release of it. Hard work on the strategy, I should say. The challenge is really in the implementation.

Mr M.J. FOLKARD: Previous submissions that were put in by people who have come before us and given testimony were concerned, particularly in the youth space, about children making applications through the VRA with no support, either legal or through community services. That evidence was given to the committee. I am interested in your thoughts in that space, particularly when we are looking at the efficiencies of the court, but more importantly, there is evidence that maybe there is a breakdown in the support services particularly for our younger participants in the domestic violence space. We also heard that later on in relation to other victims, I suppose, for want of a better word, in that space. I would be interested in your thoughts.

Ms ANDREWS: Certainly one of the issues coming through the consultation we have done on the FDV strategy, but also more broadly in the data we collect, is in terms of youth and the services that are required there. If I was going to flag one aspect of that, of course, FASD is a subset of that that particularly needs to be shaping our thinking and services going forward. If the basis of your question is whether this is an area where we need to strengthen that whole-of-government commitment and focus on, I would quite simply say yes. There is a program we have been rolling out for some years now, the Target 120 program, which is particularly directed at that group, and it has been progressively rolled out in different regions across the state. Through that program we are actually getting some really good early information coming through around what is effective and what is not, and what wraparound services look like for that group, because they are some of the toughest kids and toughest families that government needs to serve. The Target 120 program is giving us some really good early information in that space.

Mr A. KRSTICEVIC: You mentioned there were 96 contracts. Is that in the family and domestic violence space?

Ms ANDREWS: That is right.

Mr A. KRSTICEVIC: Is it possible to get a list of all the organisations that make up that 96, and also the funding they are given by the department for each area over, say, the last five years?

The CHAIR: And perhaps the term of the funding going forward as well.

Ms ANDREWS: Yes, all of those elements: who we are currently funding, a look back over the last five years, and then be clear about what the status of the current funding is.

Mr A. KRSTICEVIC: With those 96, have they all been adjusted for the ERO?

Ms ANDREWS: I would not expect all of them would have, because there has not been a blanket —

Mr A. KRSTICEVIC: Maybe if you could tell us which ones have and have not had the ERO contract adjustments.

Ms ANDREWS: We will come back to you with the information we can—as you know, there is movement in that area at the moment.

Mr A. KRSTICEVIC: Yes, of course. Just the last point. In terms of available beds, obviously some of them provide accommodation.

Ms ANDREWS: Yes, in the refuges.

Mr A. KRSTICEVIC: In refuges, yes. Is it possible to get a breakdown of the amount of beds available per refuge over the last five years as well?

Ms ANDREWS: I would expect so, yes, certainly.

The CHAIR: I am conscious of how I ask this: can you break those beds down by local government area in the metro area, and by regional development commission area in the non-metro areas, or is that not able to be done?

Ms ANDREWS: You would like to get a feel, in broad terms, of where the refuges are located?

The CHAIR: Where they are in broad terms. I am thinking of a neat way to get the information that obviously meets all the requirements of nondisclosure. For instance, a local government area means something different where I come from to the western suburbs. Give us a flavour, if you can.

Ms ANDREWS: We will certainly come back to you and give you information to the extent that we —

The CHAIR: In the regions, I guess, by the same regions as where the regional development commissions are; that is broad enough.

Ms ANDREWS: Absolutely.

The CHAIR: I am from Joondalup. It is easy to say, “In Joondalup we have X number of beds”. Saying in the Town of Cottesloe “We have X number of beds” might be a bit more problematic. I will leave that to your discretion.

Ms ANDREWS: We will come back with something that is useful for the committee, absolutely.

The CHAIR: But also preserves all the important protocols that need to be preserved.

You mentioned the one-stop, or one-stop hub—two of them. How far away are we from them being implemented?

Ms ANDREWS: This year. Tanya, would you like to speak directly to the time line around them?

Ms ELSON: You may be aware from what has been in the media that at the moment we are in a co-design process. We have a service model that we use as our starting point, but now we are working in both the goldfields region and Mirrabooka, to work out what that actually needs to look like locally. We anticipate wrapping that up in the next month or so. That will then mean we can go and procure a provider. We hope we will have a provider in place later this year. I would like to just make a point based on our lessons learnt from Victoria. I know we talk a lot about Victoria in this space, but we have been to Victoria and looked at their Orange Door program. The thing they have really stressed to us is that this is a really long road, and they cannot overemphasise the importance of taking the time to get it right. Key to that is establishing sound, solid relationships within the hub to make sure that we get it right.

The CHAIR: In your design process have you had any involvement of the Department of Justice, specifically with the Magistrates Court or the Children’s Court, in designing what those hubs are going to look like, or have they not been involved in the process?

Ms ELSON: We have invited our colleagues across government to have involvement in that. We have had specific sessions with our colleagues in government agencies to have input into that. I would have to have a look at the participant list to tell you whether we had any representation from the Magistrates Court, and I am happy to come back to you on that.

The CHAIR: If you could, yes. We will make a note of that and write back to you later. That would be helpful for us. How long is the Kimberley Family Violence Service funded for?

Ms ELSON: I will have to come back to you with the specifics.

Ms ANDREWS: My recollection is that the current funding commitment is to the middle of the year. Have you got information on that, Astrid? Do you want to speak to it?

Ms KALDERS: My understanding is that it is to the end of the current financial year.

The CHAIR: There is no commitment to funding beyond that?

Ms ANDREWS: Not right now, but there is certainly a process underway.

The CHAIR: All right. There was an independent evaluation made of that service in 2018, I believe. Are you able to provide us a copy of that evaluation?

Ms ANDREWS: I am not familiar with the evaluation; can we take that one on notice?

The CHAIR: If you could, please.

Ms ANDREWS: There is a broad commitment for me to make information available, and so I will just need to confirm what the details of that are.

The CHAIR: Sure. Okay.

Ms ANDREWS: We will come back to you on that.

The CHAIR: Now, you spoke about some refuges in the southern suburbs, although a former member of this committee would take issue with Peel being called a suburb. I think you said it was in Kwinana and in Peel. Will those services and those refuges include funding for advocacy workers to assist women in the preparation of FVROs?

[12.20 pm]

Ms ELSON: Yes, it goes to point that you made before, Mr Chair, around the support that workers in refuges can provide. If a woman is in a refuge and she needs support to access a service such as a court, she can request that from the refuge. There is nothing to exclude that, potentially.

The CHAIR: Except that as the systems have progressed and as the court system in particular has progressed, there needs to be some level of specialist-like knowledge. It does not necessarily need to be a legal practitioner, but people develop knowledge in various areas. A support worker can be a support worker in social work; a support worker in education; a support worker in employment; a support worker in providing basic levels of care for children and the like and a support worker who has expertise in dealing with family violence issues. Are these services funded in a way where there is a specific funding allocation to provide for workers who can do this sort of work, both in the preparation of the family violence application and also perhaps in the court attendance—not necessarily in the advocacy but at least in the attendance? Because what we are getting anecdotally is that there is a big gap there. That service, if it is done, really, someone else has taken it on board on top of all the other duties that they have. In these contracts or in these service agreements, is there any focus paid to providing financial support for that sort of service to be available within these refuges?

Ms ANDREWS: As a matter of principle, the way in which we are approaching the contracting of these services is improving the information coming back to us and the service provider if there is a gap. The extent to which that service is best provided through that particular contract or if it is an issue that we would take up with the Department of Justice, that would be something that we would definitely want to have a look at. So, the principle of what you are talking about is that I would say it is not overtly built into what is currently being considered. If that becomes obvious through the process—that there is a real gap there—then that would trigger us intervening and looking at the services as we have contracted or taking the issue up with another agency.

The CHAIR: Yes. I mean, again, it goes to the silo approach.

Ms ANDREWS: That is right.

The CHAIR: Because, obviously, agencies we speak to in your space, let us call it—because we are dealing with silos—say, “I don’t have one of these bodies.” But perhaps the real issue is there needs to be a service funded through justice that can create outreach into these places and pick up this lack of demand. The specialty really lies over there, because the services are not talking to each other, they are all working in isolation.

Ms ANDREWS: Yes.

The CHAIR: To be fair, I do not want to be too pointed, but I do not think that sort of service exists in justice at the moment, and if it does exist, I do not think it has the spare capacity to offer anything more than it is already doing. So it is a little bit chicken and egg there.

Mr A. KRSTICEVIC: Can I ask a question on that point? With the shelters, when they are full, for example, we know that people are finding themselves in backpacker lodges as temporary accommodation. If they are put there by the government, the department or some other agency, what services are they given to support them in this process? Obviously, you indicated that the service provider may well have that ability potentially, but if it is the actual government that provides this accommodation, putting them in backpacker lodges, then who provides the services to support them in the next stage of the process?

Ms ANDREWS: There is always going to be a mix of short-term arrangements we might have to find, and our teams on the ground are providing those supports and those services, so those short-term arrangements, which might be about placements in backpacker lodges and so on, would still happen with some other services being provided to those people. It does not mean the services are not being provided, even though the location might be an interim one because there are no beds available in the short term. Our teams in the regions, in our service delivery area, across the metro area, are incredibly good at having various options available to them to deal with different circumstances, and they will always be maximising the wraparound services—the support that they need. Is that what you are getting at?

Mr A. KRSTICEVIC: Yes, is that provided by the department or is it provided by one of the 96 contractors?

Ms ANDREWS: The way we think about it, we have various levers we can pull, and one of the levers we can pull are the organisations that we have contracted to deliver services. Understanding when they have capacity to step in and provide different support is part of what I can say is the value that has come from the new Department of Communities, because we have brought together many of the mechanisms that are important. You would appreciate the options that are increasingly becoming available around housing, some announcements by the government towards the end of last year around homelessness, and we know that housing first has to be a principle. We know there are strong links between domestic violence and homelessness. So isolating what the Department of

Communities does as a sort of—and the FDV program is, for us, quite deliberately—as I said, we are bringing an FDV lens to all of our work. So part of what we are moving towards is actually increasing the options that are available in response to those circumstances that women, families and others can find themselves in.

Mr A. KRSTICEVIC: In terms of one or more of these 96 contracted groups, you said you had levers to pull. Does that mean that you can actually mandate them to offer support services to the people in the hostels? Are they required under the contract to do what you tell them to do? Secondly, obviously, I know, when you talk to the people in this sector, they will all tell you that they are completely underfunded, they cannot cope, they are cutting resources and capacity. I am just wondering, firstly, can you mandate it? Two, then what is not being done, and are you then being informed of what is falling through the cracks?

Ms ANDREWS: Yes, you are really pointing to the broader commissioning reform program that we have been implementing, which is tackling all the things that you are touching on, to get better outcomes from what is a significant part of our business, because we outsource a lot of activities. We are looking to improve all the things you are pointing out. I am not going to sit here today and say we have got it perfected across all of those contracts, but, absolutely, that is the intention, that we have built into those contracts the ability. I do not know if I want to use the language of mandating, but the whole thing is about outcomes, not about maximising comfort levels for those services providers. Really, all of us want to be seeing better outcomes, and that is about building those contracts in a more effective way in the beginning, getting better data and real-time data coming through, getting better analysis sitting around that, knowing where there are spaces available or unspent service capacity which can be redirected. Right now, we do not have the visibility around all of that, but that is where we want to get to. It is for the Department of Communities to see that as being part of the future for us and how we pull those levers to get better outcomes.

The CHAIR: Can I ask a matter that came up today. We met with the head of the Children's Court and one of the magistrates. Clearly, your department, through children and families, is a primary participant in the Children's Court process, including in the family and domestic violence space.

Is there anything that you wanted to speak about on the issues that are emerging in that space and what you confront both as a participant and often as just simply a lead agency in that Children's Court space?

[12.30 pm]

Ms ANDREWS: I am just looking to my team. Is there anything coming through from our lawyers and our case managers?

Ms ELSON: Thanks, Michelle. A key thing we are hearing, and it has been noted in this forum previously, is increasing numbers and changes around the patterns of violence that are occurring. We are seeing increasing numbers of children affected by FASD, as Michelle has mentioned. We are seeing the impacts of co-occurring factors—factors that do not cause in and of themselves family and domestic violence but have an impact on how it is experienced. I think we are seeing an increase. What I am really talking about there is drug and alcohol use and, in particular, meth. We are seeing changes in the nature and patterns of violence. We are also hearing—I turn to our strategy consultation again—we are very mindful of thinking about the children's role in that space and really thinking about children as victims in and of themselves as well as being the children of victims of violence. That is a focus that we really want to highlight in our work going forward.

Ms ANDREWS: There are also the more vulnerable groups that I listed in my opening comments and the extent to which the system is well set up to support and serve them, particularly cultural competency, cultural safety, cultural respect through the processes and the challenges of English not being a first language for some Aboriginal people as well as other linguistically diverse community groups. We are certainly picking that up through the FDV consultations and also the feedback that we get from our lawyers and case managers participating in courts more generally.

The CHAIR: Obviously you are picking that up. You have a lot of expertise and knowledge in that space. The Department of Justice, meanwhile, is bringing in magistrates, new registrars and staff. They are undertaking training. What sorts of programs do you have in their training? What level of involvement do you have in the training of new magistrates, judges or registrars for that matter?

Ms ANDREWS: I am not aware that we participate in the training of judges and magistrates. I am not aware that we have an active role in that. We would welcome a discussion around it.

Ms KALDERS: We have a strong working relationship with Justice, particularly with how we are moving forward on the new legislation and how we train our respective staff about the requirements, which is more around the knowledge of working in the family and domestic violence area rather than specifically —

The CHAIR: Even there you would hope there would be some consistency in the level of training because there would be nothing worse than, with all the will in the world, the Department of Communities going off and engaging in a training package for their staff, the courts engaging in a training package for their staff and police engaging in a training package for their staff but them not talking to each other. Unfortunately, from experience, we know that has happened in the past across many jurisdictions across many departments.

Ms ANDREWS: I think you are hitting on something where there have been informal discussions around. You are absolutely right about the opportunity, certainly around cultural competency and cultural safety. It is a recurring theme across many government agencies where Aboriginal people are over-represented in the people we are serving, and for us to not be taking a joint or shared approach is a missed opportunity. Justice has been doing work on FASD and training their officers. They are now sharing the results of some work they were doing with the Telethon Kids Institute with other organisations to look at how our frontline service support officers are well-trained to manage and support children with FASD in particular, but also adults. There will be other areas as well.

Mr A. KRSTICEVIC: In terms of the global discussion we have had, what additional resources or funding do you think would be needed, or what areas would you like to see have more funding provided, to better achieve outcomes in this area? Are there any initiatives at the moment that you are working on?

Ms ANDREWS: For me, my approach in my role is really getting better value for the funding we have committed. We have touched on some of those. It is more about how we deliver services, how we co-design them, how we work more appropriately with Aboriginal communities. For me, the great opportunity sits in changing the way we work to get better outcomes at this point in time. You have already highlighted where some of those opportunities are and we will be looking forward to your report that will give us some pretty strong signals about where that exists. It is about redirecting our effort and getting better value out of our effort rather than looking for more money at this time. That is our focus.

Mr A. KRSTICEVIC: In terms of the better value, what is the plan to do that?

Ms ANDREWS: “Commissioning for Outcomes” is a reform program underway in our department that commenced a year and a half or two years ago which will make complete sense—rather than set and forget by contracting a service and not looking at it for five years, it is much more deliberate from the get-go on what outcomes we are chasing, what data will we collect, what the integration is, where the opportunity is to remove duplication, what the obligations are on those service providers and so on. “Commissioning for Outcomes” introduces a much more proactive and informed approach about how we commission those services. That is one of the ways and having better data to tell us where there are emerging issues that we are not dealing with is another. You have touched on some of those. Data sharing, collection and analysis is a significant opportunity in that space. We are also looking to co-locate an increasing number of staff across our agencies. Wherever we have done that, we have got great value from it and I think there is an opportunity in doing that, particularly around some of the more challenging areas. FDV is one of those, as is youth and so on. I have recently moved to co-locate some staff out at the police centre, for example. There is opportunity there. Again, it is getting better outcomes by looking at how we direct the resourcing capacity we have at the moment.

The CHAIR: Talking about your resourced co-location with police, has there been any assessment done on the FDV response team model?

Ms ANDREWS: My understanding is that there is. Tanya, do you want to speak to that one?

Ms ELSON: We are in the process of looking at that as we speak. We have had our response teams up and running for several years now. That has given us an opportunity to look at how they are working. We have made changes to how they work along that journey. We are in the process of looking at how they work to see if, as Michelle said, we can do things differently to achieve better outcomes.

The CHAIR: Who is looking at it?

Ms ELSON: The Department of Communities is leading that work and we are working with our colleagues in police to ensure we are working together well on that, and, of course, on the services on the ground.

The CHAIR: Is anything coming out of that work that you would like to share with us?

Ms ELSON: We are not at the stage where we can share anything.

The CHAIR: Is that a formal process?

Ms ELSON: The department is reviewing it. In terms of what product will come out of that, we are still in the process of determining what that will be.

Ms ANDREWS: We can take that on notice and come back to the committee, if you are interested in this, with some of the details around the time line of the evaluation and what the process looks like, if that would be useful.

The CHAIR: That would be great and really useful. Obviously, some of the issues we have had raised with us—it is probably not for discussion with you today—are that the teams are working well but the information flow from those teams into the rest of the process, particularly the court process, may not necessarily be something that teams are focused on and therefore the information flow might be restricted.

Ms ANDREWS: That is a great example of the sort of thing that will come out of an evaluation. From past experience in other areas, in some ways it would not be surprising if that is where the opportunity is not being grabbed at the moment.

The CHAIR: Perhaps if you are looking at the evaluation it will be broader than those two stakeholders and go into the other recipient stakeholders.

Ms ANDREWS: That is a great prompt for us, so thank you.

The CHAIR: Thank you for your evidence today. We will send a transcript of the evidence for the correction of any transcription errors. You can send that back and if you do not send it back, we will deem it as being correct. You cannot use the corrections to change the nature of evidence or introduce new evidence, but we are always happy to hear new evidence, so you can make a submission to us if you like as a supplementary submission. We will also write to you with the questions that we have taken on board today, and await your response to those. Once again, thank you.

Hearing concluded at 12.40 pm
