

WA LABOR

Stopping Family and Domestic Violence



A Fresh Approach for WA

WA Labor Policy | January 2017

STOPPING FAMILY AND DOMESTIC VIOLENCE

A McGowan Labor Government will introduce the most comprehensive package of reforms ever contemplated in Western Australia to support people that are victims of family and domestic violence.

We will take a holistic multi-faceted approach to break the culture of violence in our families and communities including important reforms to the justice system, preventative education strategies and ensure a coordinated cross-government approach to the unacceptable rate of family violence in WA.

The current system is in crisis. It does not protect the vulnerable including women and children and is not reducing the crime and cycle of family violence.

Crisis accommodation provides a safe and secure space for women and children escaping violence. In WA, there is a need to increase crisis accommodation both in metropolitan and regional areas and increase the services that help women get back on their feet. Similarly, breathing spaces are needed for family violence perpetrators who want to change their abusive behaviour. Having a flexible range of crisis services will better support an integrated service system.

A WA Labor Government will make the reporting of domestic violence by victims easier, the investigation of Family and Domestic Violence (FDV) reports by police more thorough and robust, and better coordination between government agencies. A central databank of information for domestic violence will be created for use across agencies and integrated service hubs to provide specialist services at the one location for victims of FDV.

WA Labor will invest \$21.7 million over four years of new and existing budget allocations to maximise every opportunity to deliver services and support for victims of FDV.



STAY INFORMED:

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EXECUTIVE SUMMARY

Hold Violent Perpetrators Accountable and Keep Victims Safe

A McGowan Labor Government will:

- Establish two additional Women's Refuges to strengthen service responses and ensure that women and children can access appropriate services.
- Establish another Communicare Breathing Space Establishment for Male Perpetrators.
- Establish two "One Stop Hubs" to simplify access to support services.
- Expand sexual assault counselling and outreach services in the northern suburbs.
- Provide \$1 million over 4 years to Allambee Counselling for services in the Peel region.
- Provide \$1.6 million in additional funding to an existing NGO to provide culturally appropriate support services to Aboriginal and CaLD victims of domestic and family violence.
- Provide additional funding for financial counselling services.
- Work with the RSPCA, Local Government Authorities and animal havens to establish an easy entry pathway for victims' pets to be safely housed away from perpetrators of domestic and family violence.

A Responsive Justice System

A McGowan Labor Government will:

- Provide legal protection of the accommodation and housing rights and status of victims of family and domestic violence victims.
- Strengthen legislation by addressing the recommendations of the 'Enhancing Family and Domestic Violence Laws: Final Report' prepared by the Law Reform Commission of WA.
- Make it easier and less traumatic for victims to obtain violence restraining orders.
- Re-commission the WA Police Specialist Domestic Violence investigation unit.
- Introduce an electronic monitoring trial for violent offenders.

Preventing Violence Against Women

A McGowan Labor Government will:

- Appoint a Minister for the Prevention of Family and Domestic Violence.
- Identify evidence based respectful relationship programs suitable for delivery in schools and provide \$1 million in funding for the program to be delivered by an organisation with appropriate expertise.
- Work with the Federal and State Government to increase training for health professionals in identifying signs of family and domestic violence.
- Create a framework for information sharing and risk assessment for relevant government agencies.
- Ensure WA becomes a member of the National 'Our Watch' Program.
- Introduce Domestic Violence leave for public sector employees.

Responding to Elder Abuse

A McGowan Labor Government will:

- Expedite the enactment of amendments to the law surrounding enduring powers of attorney and guardianship.
- Identify a lead agency for overall responsibility for the coordination of the response to elder abuse.

HOLD VIOLENT PERPETRATORS ACCOUNTABLE AND KEEP VICTIMS SAFE

Additional safe places for women and children

Women and their children often find themselves in situations of homelessness when exiting an abusive relationship. As a result, family and domestic violence is the leading cause of homelessness for women and children in Australia¹.

There is a need to increase refuge accommodation in Western Australia to provide safe and secure placements for women and children fleeing violent relationships and to allow a more coordinated provision of appropriate services and support.

- **A McGowan Labor Government will establish two additional Women’s Refuges to strengthen service responses and ensure that women and children can access appropriate services.**

These services would respond to increases in demand for crisis accommodation and would ensure that women’s needs are met by an appropriate service and in a timely manner, including culturally appropriate accommodation for Aboriginal and Culturally and Linguistically Diverse (CaLD) women and children.

These services will be purpose built cluster models utilising independent units allowing them to break through the barrier for women with older boys and larger families. Having a strong and flexible range of crisis services will better support an integrated service system.

More Breathing Space for male perpetrators

In some circumstances, it is easier and less burdensome for a single man to find accommodation than it is for a woman and her children. Crisis centres can provide a “cooling off period” and provide services to assist family violence perpetrators to change their abusive behaviour.

- **A McGowan Labor Government will establish another Communicare Breathing Space Establishment for Male Perpetrators.**

Communicare Breathing Space (CBS) provides a specialist service to men who have been violent in the family environment but wish to change their lives. The service provides a crisis response to domestic violence, supported case-management and a three month FDV program in a residential, therapeutic setting.

The residential nature of the CBS has the additional benefit in some cases of allowing female victims and their children to remain in the family home.

¹ Australian Institute of Health and Welfare, Homeless people in SAAP, Canberra, SAAP NDCA Report Series 12, 2008

“One Stop Hubs” where services come together

A McGowan Labor Government will initially establish two specialised “One Stop Hubs” to provide specialist family and domestic violence services at one location, making it easier for victims to access medical, police, legal, and accommodation, financial and other services.

- **A McGowan Labor Government will establish two “One Stop Hubs” to simplify access to support services.**

The location of the two hubs will be determined in consultation with stakeholders but will include one metropolitan and one regional location.

These “One Stop Hubs” will provide appropriate infrastructure and technology, integrated intake teams and specialised practitioners and after hours crisis response. It is crucial to provide integrated specialists’ services at the one location to reduce the need for victims to repeat their story numerous times, which in many cases will re-traumatise victims.

Further, a McGowan Labor Government will ensure that these “One Stop Hubs” include culturally appropriate service delivery for Aboriginal and CaLD victims.

A lack of financial independence is often a contributing factor to victims of FDV unable to leave abusive partners.¹ Indeed, financial or economic abuse is considered a form of FDV.²

A McGowan Labor Government will increase access to financial counselling services as part of the One-Stop-Hub facility model. After three years, a review will be undertaken on the effectiveness of the two “One Stop Hubs” before making decisions on possible expansions of these facilities.

¹ Australian Domestic & Family Violence Clearinghouse, Seeking Security: Promoting women’s economic wellbeing following domestic violence, March 2011, p25

² Department of Child Protection, Family and Domestic Violence Background Paper, 2012, p5

SARC Counselling and outreach services

The Sexual Assault Resource Centre (SARC) is part of the Women and Newborn Health Service and is a service that provides care for those affected by sexual assault or abuse. It provides a 24 hour emergency service for people who have been sexually assaulted.

It is primarily located on the King Edward Memorial Hospital site but provides counselling from an outreach centre in the Joondalup area. The current wait time for a person seeking counselling is 48 days.³

- **A McGowan Labor Government will expand sexual assault counselling and outreach services in the northern suburbs.**

It is vital that women (and men) in Joondalup and the northern suburbs who have been victims of sexual assault (and their partners and families) are able to access quality counselling and support services if and when they choose to reach out.

Family and Domestic Violence counselling in Mandurah

Allambee Counselling provides support for domestic violence within the Peel region. Allambee provides a continuity of services that goes beyond the time of crisis ensuring that the victims of FDV have the support they need. The current wait time to receive counselling is six months.

- **A McGowan Labor Government will provide \$1million over 4 years to Allambee Counselling for services in the Peel region.**

These funds will enable Allambee to employ two dedicated staff to domestic violence cases and the associated case management and will reduce waiting times for domestic violence victims from approximately 6 months to a month.⁴

³ Legislative Council of WA, Question Without Notice, C1455 22/11/2016

⁴ Allambee Manager, Nicole Lambert

Culturally appropriate support service for Aboriginal and CaLD women

WA Labor will ensure all victims of domestic violence are able to access a range of holistic, integrated culturally appropriate intervention and support services for Aboriginal and Culturally and Linguistically Diverse (CaLD) women and their children.

- **A McGowan Labor Government will provide \$1.6 million in additional funding to an existing NGO to provide culturally appropriate support services to Aboriginal and CaLD victims of domestic and family violence.**

The Service will attend to the social, legal and therapeutic needs of Aboriginal and CaLD women and children, provide community wide prevention initiatives and language specific men's behaviour change programs. The Service will also provide family violence cultural competency training for Professionals (including the media) likely to come into contact with potential or possible CaLD victims of domestic and family violence.

Funding for Financial Counselling

Financial counselling is a crucial service providing financial advice and assistance when people need it most. Accessible financial counselling is also needed to assist women experiencing family and domestic violence.

- **A McGowan Labor Government will provide additional funding for financial counselling services.**

Research indicates that financial abuse is experienced in 98 per cent of abusive relationships. Family violence survivors state that concerns over their ability to provide

for themselves and their children is one of the top reason for women staying in or returning to a violent relationship.¹ Ensuring there is available assistance to help women in these circumstances is a practical way to support some of our most vulnerable.

WA Labor will work with peak bodies WACOSS and Financial Counselling WA to identify any gaps in service provision and ensure these are addressed.

Pet Referral Project

Services working with victims of domestic and family violence have identified that a lack of pet and animal safe accommodation options in some cases impede women's and children's safety from family violence.

Women accessing safe steps (a Victorian Domestic and Family Violence Service) have reported fear for the safety of their family pets from violent perpetrators and a reluctance to move to safe accommodation for fear of leaving their pets with the perpetrators.

- **A McGowan Labor Government will work with the RSPCA, Local Government Authorities and animal havens to establish an easy entry pathway for victims' pets to be safely housed away from perpetrators of domestic and family violence.**

¹ National Network to End Domestic Violence, "About Financial Abuse" Accessed online at <http://nnev.org/resources/ejresources/about-financial-abuse.html>

A RESPONSIVE JUSTICE SYSTEM

Protecting the rights to public accommodation and housing

It is also important to address the social and economic circumstances women experience as a result of FDV.

Many women are financially dependent on a perpetrator and cannot support themselves in the aftermath of violence. Often, women are not recognised as tenants of leased public accommodation, forcing them to leave a shared dwelling. These are just some of the factors which contribute to FDV being the lead cause of homelessness in women and their children.

- **A McGowan Labor Government will provide the legal protection of public accommodation and housing rights and status of victims of family and domestic violence.**

This measure will allow a lease to be transferred into the victim's name providing them with the opportunity to remain in the property. This move will help to change the common situation where victims and their children are forced to uproot their lives and leave the family home.

This project will build on existing metropolitan, regional rural services by co-ordinating these via a centralised referral process.

Strengthening our laws

The legal system has an important role to play in tackling FDV. Amendments to our laws are important and necessary measures in making it clear to perpetrators and the community that FDV will not to be tolerated.

- **A McGowan Labor Government will strengthen legislation by addressing the recommendations of the 'Enhancing Family and Domestic Violence Laws: Final Report' prepared by the Law Reform Commission of WA.**

The Law Reform Commission's (LRCWA) report was tabled in State Parliament in June 2014. However, it took the Liberal National Government more than two years to introduce legislation addressing some of the report's recommendations. It was a further two months, and in the last week of Parliament prior to the 2017 State Election, that the legislation was brought on for debate.

The Liberal National Government has dealt with only some of the reports 73 recommendations. A WA Labor amendment to allow that FDV automatically be given 'special witness' status was defeated when the Government used its numbers to vote against improving witness protections for victims of FDV.

Addressing the recommendations of the WA Law Reform Commission Final Report is a holistic response to ensuring that the victims of FDV are supported by our legal system. With only a proportion of the report's recommendations addressed by the Liberal-National Government's last minute legislation, there is clearly a need for further legislative reform.

Violence Restraining Orders will be less traumatic for the victim

A McGowan Labor Government will make it easier and less traumatic for victims of family and domestic violence to obtain violence restraining orders.

- **A McGowan Labor Government will make it easier and less traumatic for victims to obtain violence restraining orders.**

Changes will be made to the process by which victims give evidence in confirmation hearings. Upon the return of the Restraining Order to the Court for a confirmation hearing there will be capacity for the victim to give their evidence by pre-recorded video evidence.

The victim will only have to appear for cross examination by the perpetrator or his legal counsel, if the perpetrator or legal counsel has first obtained leave from the Court to conduct the cross examination and sets out to the Court the basis upon which the cross examination will be conducted and the facts set out in the video evidence they wish to challenge.

Similarly, the alleged perpetrator's children, if they have evidence of corroboration to offer, may do so via video evidence and will only be able to be cross examined with the leave of the Court. This would only be granted on similar terms to those required in cross examining a victim's spouse as set out above.

A McGowan Labor Government will expand the jurisdiction of the WA Family Court to permit judges of the Family Court to issue violence restraining orders against an alleged perpetrator during the course of any proceeding in the Family Court. Whilst it is true that a Family Court Judge can currently make a non molestation order, enforcement of the non-molestation order is by cumbersome and time expensive contempt proceedings whereas a breach of a violence restraining order can result in the arrest of the alleged offender.

The family court will be given the same jurisdiction in relation to DV Restraining Orders as is exercised by Magistrates in WA courts and they will have the power to make Restraining Orders ex parte.

The jurisdiction of judges and magistrates in Western Australian Courts will be extended to enable them, in the hearing of any case against a defendant alleged to have committed an act of violence or threatened violence or deprivation of liberty, to make a violence restraining order against the defendant whether or not criminal charges against the defendant have been concluded or not.

Domestic Violence Restraint Orders should not be seen as an alternative to the prosecution of domestic violence offences but as something additional available to victims to attempt to secure their safety going forward.

WA Police FDV Specialist Unit

A McGowan Labor Government will re-commission the WA Police Specialist Domestic Violence Investigation Unit in the same manner as other specialist units within Police.

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As recommended by the LCRWA Report, A McGowan Labor Government will ensure that police undertake comprehensive FDV training which will be reported on the WA Police annual report. This training is imperative as police are often the first service provider that a victim of FDV will turn to for help.

WA Police will create a code of practice for the investigation of all reports of domestic violence.

Given that half of all domestic violence deaths involve indigenous women, a McGowan Labor Government will require WA Police to develop specific policies and codes of practice for the investigation of offence reports involving indigenous victims.

It will be mandatory for WA Police to create an offence report for all reports made to them of domestic violence and to enter the offence report number on an inter-departmental database.

Electronic monitoring trial

Electronic monitoring can be a powerful tool in reducing the risk of family and domestic violence assaults and breaches of violence restraining orders (VROs). The State Government currently uses a program for monitoring the movements of dangerous sex offenders under court orders as a condition of release.

WA Labor will introduce an electronic monitoring program which will focus on those violent offenders who have breached a VRO and are considered “high risk”, in terms of risk of death or serious physical harm.

- **A McGowan Labor Government will introduce an electronic monitoring trial program for violent offenders.**

At the end of the two-year trial period, the success of the trial program will be evaluated before making a decision on its continued operation. It is important for policy development to be appropriately evaluated and reviewed.

Amending the Sentencing Act

A McGowan Labor Government will amend the Sentencing Act to provide that any person who is convicted of a breach of a Domestic Violence Restraining Order by having committed any conduct that itself would have constituted domestic violence, if not imprisoned, will mandatorily be required, to submit to a two year supervision order or if imprisoned a two year supervision order commencing from the date of release.

The two year supervision order will include the following additional requirements:

- Submitting to regular urine testing for drugs;
- Satisfactorily completing anger management courses;
- Satisfactorily completing respectful relationship courses;
- To refrain from committing any act or threat of violence;
- Where available wearing a GPS monitoring device throughout the period of supervision; and
- To advise any authority of a change of residential address and employment.

The 2009 murder of Andrea Pickett by her estranged husband while on parole brings into sharp focus the need for this option for appropriate parolees. Andrea’s husband was on parole after being imprisoned for threatening to kill her and was in breach of a VRO when he broke into her home and stabbed her to death as she tried to escape.

PREVENTING VIOLENCE AGAINST WOMEN

A Minister for the Prevention of Family and Domestic Violence

- **A McGowan Labor Government will appoint a Minister for the Prevention of Family and Domestic Violence**

The Minister will be responsible for co-ordinating a whole-of-government approach to FDV and will have a cross government role in coordinating policy and be responsible for all funding currently being spent by every agency on domestic and family violence, including crisis support lines.

The Minister will be responsible for ensuring that the prevention of FDV remains at the forefront of a McGowan Labor Government.

Evidence based respectful relationship primary prevention

Addressing FDV requires cultural and attitudinal change. There is a need to address cultural norms or core values that allow FDV to continue in our communities. One important area where primary prevention strategies need to be implemented is within the school system.

Pilot education programs have been launched in Victoria to reduce violence against women and their children. The programs are based on the premise of other behaviour change campaigns, that the prevention of violence against women requires the development of multiple and reinforcing strategies. It took a long time for community attitudes and behaviours about smoking, seat-belts and drink driving to change, but

the health promotion approach did work.¹

Research suggests that a culture of gender inequality and disrespect among young people is a significant risk factor for gender based violence.² Primary prevention programs that are provided through schools could help to challenge and shift such cultural norms.

- **A McGowan Labor Government will identify evidence based respectful relationship programs suitable for delivery in schools and provide \$1m in funding for the program to be delivered by organisations with appropriate expertise.**

By strengthening the primary prevention responses to domestic violence a McGowan Labor Government will help shift attitudes towards violence against women and children.

Training for Health Professionals

Health professionals are in a unique position to identify and respond to FDV as victims will often interact or seek treatment. Failure to identify signs of FDV or minimising disclosure can have a profound impact on victims.

- **A McGowan Labor Government will work with the Federal and State Government to increase training for health professionals in identifying signs of family and domestic violence.**

This will include advocating that the Australian Health Workforce Ministerial Council approve standards that

¹ Dew, Christine, "We Can Do It respectful relationships in schools project: Evaluation report." Good Samaritan Inn Ltd, Melbourne, Australia 2015

² A. A Boswell and J.Z. Spade, "Fraternities and Collegiate Rape Culture", Gender and Society, (1996) 10(2), pp.133-147.

facilitate mandatory requirement that GPs complete FDV training as part of their continued professional development and consider a Medicare item number for FDV services.

Investigate the introduction of routine screening for FDV in all public antenatal settings.

Improved information sharing will reduce risk of FDV

Information sharing is crucial to managing risk and holding perpetrators to account in the FDV system. However legal and bureaucratic barriers and silo mentality has blocked the necessary and important sharing of FDV risk information.

A McGowan Labor Government will ensure that the Department of Health, Department of Local Government and Communities, Department of Child Protection and Family Support, the West Australian Police Department, the Magistrate's Court and the Family Court closely integrate their efforts against family violence.

- **A McGowan Labor Government will create a framework for information sharing and risk assessment for relevant government agencies.**

A McGowan Labor Government will create a central secure database accessible by WA Police, the Departments of Health, Local Government and Communities, Child Protection and Family Support and the law courts. The database will record the perpetrator's name, all allegations of domestic violence and action taken upon them, so that agencies are fully informed of where the other agencies are up to in dealing with any given allegation against any perpetrator.

Amendments to legislation and a more uniform approach to data sharing will assist with identifying and tracking perpetrators of FDV.

Nationwide change to stop violence against women

OurWatch was established to drive nationwide change in the culture, behaviours and power imbalances that leads to violence against women and their children.

It is a National Plan, endorsed by COAG, the Commonwealth and Victorian Governments who identified the need for a national body to be established to address the issue of preventing violence against women and their children by motivating community action.

The purpose of OurWatch is to provide national leadership to prevent all forms of violence against women and their children based on sound research and strong and diverse partnerships.

- **A McGowan Government will ensure WA becomes a member of the national OurWatch program.**

Currently NSW and WA are the only States that are not partners of OurWatch despite being invited to become members.

Supporting public sector employees

FDV also has negative impacts on productivity through employee absenteeism, permanent loss of labour and employee deaths. As Western Australia's largest employer, the State Government must play a leading role in supporting victims of FDV by ensuring that employees have access to special leave entitlements and support services during their time of crisis.

A McGowan Labor Government will provide State Government employees who are affected by FDV with access to 10 days per year of paid leave. Leave may be extended as required to deal with a crisis situation.

State Government agencies will also be supported to adapt performance requirements and working arrangements that will allow employees who are victims of FDV to deal with crisis situations. Workplace Safety Plan Agreements will be introduced to address employees' individual safety needs and enable agencies to implement these requirements. Additional access will be provided to counselling services through an Employee Assistance Program.

- **A McGowan Labor Government will introduce Domestic Violence leave for public sector employees.**

These initiatives aim to allow victims to come forward and be adequately supported in dealing with their crisis situation.

The WA Ombudsman has stated that in the 18 month period from 1 July 2012 (investigation period), WA Police (WAPOL) "reported they responded to 1,055,414 calls for assistance from the Western Australia public, and that 688,998 of these calls required police to attend to provide assistance. Of the 688,988 incidents attended by WAPOL, 75,983 incidents (11 per cent) were recorded by WAPOL as FDV incidents."¹

Further, the WA Ombudsman reported that of the 24,479 victims of FDV over the investigation period, 72 per cent were recorded as being female and 33 per cent as being Indigenous.²

More recently, ABS stats show there has been a 20 per cent jump in the number of women assaulted in 2015, the equivalent of 47 women and girls assaulted every day in WA. Eight out of every 10 of those attacked were victims of domestic violence.

The continuing increase in FDV assaults is one of our State's most serious law and order issues. WA Labor understands there is no quick fix, band-aid solutions to ending the harm of FDV. The challenge to reduce FDV is enormous and requires a new approach and new solutions. It requires our singular resolve.

¹ Ombudsman Western Australia, Investigation into Issues Associated with Violence Restraining Orders and their Relationship with Family and Domestic Violence Fatalities (Perth, Ombudsman Western Australia, 2015) p16

² Ombudsman Western Australia, Investigation into Issues Associated with Violence Restraining Orders and their Relationship with Family and Domestic Violence Fatalities (Perth, Ombudsman Western Australia, 2015) p16

RESPONDING TO ELDER ABUSE

A practical response to reduce Elder Abuse

The issue of elder abuse forms part of family violence since many abusers are, although not exclusively, family members or relatives.

The dynamics around elder abuse are complex and require a multi-faceted approach. But a multi-faceted approach does not mean a fragmented response.

Elder abuse is substantially under reported yet despite this, the prevalence of elder abuse is alarmingly high. In the case of elder abuse, investigation and/or prosecution after the event, after injuries have been sustained or after assets have been misappropriated never restores the elderly person either emotionally or financially. The victim may lack the capacity to give evidence or be ashamed because the perpetrator is a close family member.

For this reason every effort must be put into prevention.

WA Labor wants to ensure that senior Western Australians have the ability to make a positive contribution to the community without being at risk of becoming victims of abuse.

A McGowan Labor Government will expedite the enactment of amendments set out in the recommendations of the Statutory Review of the Guardianship and Administration Act 1990 into the law surrounding enduring powers of attorney and guardianship.

Further to this, A McGowan Labor Government will identify a lead agency for overall responsibility for the coordination of the response to elder abuse to:

- Establish a register of enduring powers of attorney and guardianship.
- Conduct an educational program for professionals who frequently come into contact with the elderly such as GPs, lawyers, police and banking staff, so they can better identify possible abuse.
- Implement measures to assist isolated elderly persons' connection to the broader community.

Such a lead agency would also take a key role in negotiations with State and federal governments to develop a national strategy and a funding model to enable services to be delivered equitably

A McGowan Labor Government will:

- **Expedite the enactment of amendments to the law surrounding enduring powers of attorney and guardianship.**
- **Identify a lead agency for overall responsibility for the coordination of the response to elder abuse.**

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