



## **PRIORITY AREA**

### **HOLD VIOLENT PERPETRATORS ACCOUNTABLE AND KEEP VICTIMS SAFE**

A coalition of organisations is calling on the next Western Australian Government to commit to improving the systems that are meant to keep victims of domestic and family violence safe and hold perpetrators to account for their violence.

Inadequate systemic responses increase risk to women and children. It is imperative that in Western Australia we do not make assurances that the system will provide the safety net that women and children need and then fail to deliver because resources are spread so thin. Strong leadership and political will is instrumental to improving the system for victims of violence, holding perpetrators accountable and, in time, preventing violence from occurring.

We call on all political parties to keep women and children safe by holding perpetrators accountable.

#### **Key asks:**

- Adequately resource the WA Police, including:
  - ensure police receive adequate and ongoing multidisciplinary family violence training; and
  - ensure police are largely responsible for applying for VROs on behalf of victims.
- Increase availability and attendance of evidence-based men's behaviour change programs that meet minimum standards.
- Implement recommendations from the 2015 Ombudsman's Investigation into Issues associated with violence restraining orders and their relationship with domestic and family violence fatalities.
- Be a leader in ensuring adequate leave provisions and entitlements for victims of domestic and family violence in the public sector.

## Key issues:

In 2014, the Law Reform Commission of Western Australia concluded that a pro-arrest policy accompanied by sufficient training and supervision of police officers is the appropriate strategy to achieve a more consistent response to domestic and family violence in Western Australia. It argued that inconsistency is caused by differing levels of understanding about the nature and dynamics of domestic and family violence.

It is vital that police officers understand the nature and dynamics of domestic and family violence and respond effectively because inappropriate responses are highly likely to discourage victims from seeking assistance from police in the future. Police training is currently not sufficient to ensure that police responses to domestic and family violence are consistently appropriate and timely across the State.

The Law Reform Commission recommended that the Western Australia Police provide more regular training to all police officers in relation to domestic and family violence and that this training be delivered by a range of agencies with expert knowledge of the contemporary nature and dynamics of domestic and family violence including specific issues in relation to Aboriginal communities, multicultural communities and people with disabilities.

### Shifting the focus on to the perpetrators of domestic and family violence

Ending the ongoing perpetration of violence is the only long-term solution to keeping women and children safe. The Second Action Plan (2013-16) of the National Plan contains action items directed towards supporting governments to implement high quality and consistent responses to perpetrators across systems. In particular, it focuses on improving the evidence-base, the quality of, and access to, perpetrator interventions. It identifies that systems including police, justice, corrections, and community services need to work together in consistent and integrated ways to increase the effectiveness of perpetrator interventions and stop perpetrators reoffending.

To date, we hide women and children in refuges, transport them around the State – and the country – for their safety and hope that legal measures like intervention orders will stop the violence. Meanwhile perpetrators are largely not held to account. They often remain in the family home, use the courts to continually put financial and emotional pressure on women by contesting parenting orders, fail to provide financial support and routinely breach intervention orders, knowing the penalties are commonly not enforced.

The current system unintentionally protects perpetrators by making them invisible and providing opportunities for them to avoid responsibility. The invisibility of perpetrators is a key system fault. To improve accountability it is

necessary to link the domestic and family violence, justice, health and human services sectors to ensure perpetrators are visible and accountable. A system behaviour change is necessary to stop unintended colluding with perpetrators in a way that allows men to slip through loopholes.

The safety of victims and their children is paramount; however it is key that perpetrators of violence are held accountable. Perpetrator accountability requires all state agencies and all services providing programs for perpetrators of violence to have a nuanced understanding of domestic and family violence. Similarly, child protection workers and policy responses must have an embedded understanding of the intersections between domestic and family violence and the impacts on families and communities, particularly mothers who may fear being further victimised by a system that blames them for not leaving.

Men's Behaviour Change minimum standards must include accreditation and regular auditing for Men's Behaviour Change Programs (MBCPs); be reviewed annually; and be adapted as new research emerges. Accredited MBCPs must be funded adequately to ensure NGOs are able to deliver best practice and implement latest research recommendations.

In addition, the newly elected State Government must consider the multiplicity of perpetrator interventions beyond men's behaviour change programs, including: legal interventions by agencies such as police, justice, and corrections; and points of referral to other systems, services and programs such as mental health, drug and alcohol, housing and employment services, in recognition that these services can play a role in assisting men to stop perpetrating violence.

Ultimately, it will be up to the leaders within the system to take up the challenge and together make the system accountable. The first step is to review the current system and practices. This includes forming an expert panel to advise on the range and types of programs suitable for Western Australia and to improve monitoring and insight.

### **Preventing domestic and family violence fatalities**

The Western Australian Ombudsman's 2015 report of a major investigation into the prevention of domestic and family violence fatalities identified important further work that should be done. This work, detailed in the findings of the report, includes a range of important opportunities for improvement for state government departments and authorities, working individually and collectively, across all stages of the Violence Restraining Order process. Furthermore, the investigation identified nine key principles for state government departments and authorities to apply when responding to domestic and family violence and in administering the Restraining Orders Act 1997.

Applying these principles will enable state government departments and authorities to have the greatest impact on preventing and reducing domestic and family violence and related fatalities.

Arising from the findings of the investigation, the Ombudsman made 54 recommendations to four government agencies about ways to prevent or reduce domestic and family violence fatalities.

It is essential that state government departments and authorities implement these recommendations and that there is strong leadership to ensure that they do. The current evidence base demonstrates that for reforms to be successful they need to be adequately funded and have a clearly articulated, transparent, independent and ongoing process and outcomes evaluation, as well as timely reporting. These need to be considered not just during policy and procedure development, but also throughout implementation.

### **Domestic violence leave**

Domestic violence is a whole of society issue and that includes the workplace and employers. Domestic violence leave is an essential workplace entitlement that can help women keep their jobs and maintain financial independence as they escape violence. Staying employed is critical to staying economically independent upon leaving violence. It is essential that the newly elected Government supports domestic violence leave as a workplace entitlement to assist in the prevention of domestic and family violence and in women's recovery.

Paid domestic violence leave should be available for all workers. Having access to paid domestic violence leave means women affected have time to attend court appearances and related appointments, seek legal advice and, if necessary, to make relocation arrangements. It helps an employee experiencing family violence keep their job and maintain financial independence, which is critical for women trying to escape violence.

It is also about sending a message that domestic and family violence is a reality and a social issue that employers have a responsibility to support their workers through. This is an issue quite distinct from illness and has a distinct set of implications for women experiencing it. The workplace and employers have a very distinct role to play in supporting women through situations of domestic and family violence.

If we are truly committed to tackling domestic and family violence in Western Australia, we need to acknowledge not only the impact it has on workers, but on the role workplaces have to play in ending the stigma and supporting victims through an extraordinarily difficult time in their lives.

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