

**101**  
**WAYS**  
GREAT & SMALL  
**TO PREVENT**  
**FAMILY**  
**VIOLENCE**

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**A Victorian Resource Kit**  
Bursting with Community-based Education Projects  
to End Family Violence

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A Project of the Domestic Violence  
and Incest Resource Centre

**Moirá C.G. Finucane & Susan S. Finucane**

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# Foreword

*“We are empowered  
with the right to be heard  
and make changes  
in the world”*

*“I am so excited and proud to have been part of such a wonderful celebration of strength, spirit and beauty that was the Victorious Women’s Quilt Connection. I know that through my own personal experience of having lived with family violence that it is so important to recognise the courage and commitment that is required of anyone who attempts to break such a powerful, overwhelming cycle. I am reminded at events such as the quilt’s launch of just how much I have accomplished and how proud I can feel to be me.*

*It was then that I reflected on all the steps that I have taken in the last eighteen months in order to hide from my ex-partner. My children and I have moved several times, changed schools, left friends and family behind and started from scratch to rebuild a new life of freedom and choice.*

*Although the days are gone when I sat by the front window just waiting to see his face approaching my safe house, or laid awake at night terrified of every noise that I heard, or spent every minute looking over my shoulder every time we were out, we are effectively still hiding from this man.*

*I don’t stop to recognise the depth of courage and strength that I have drawn on to save myself and my kids often enough, and mine is only one story of many.*

*When we take the opportunity to gather together and celebrate all that we have overcome with grace, dignity and beauty we are reminded of our value, and when that value is supported by our community and our politicians we are empowered with the right to be heard and make changes in our world.*

*Eighteen months ago I walked out of a house where my children had seen me beaten and terrorised. Today they see me open new doors to new horizons every day and they see that I have a voice.”*

Excerpts from a letter to the Eastern Family Violence Network,  
from a young woman who participated in the  
*Victorious Quilt Connection*, 2001  
(you can read about the project on p. 37).

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# Introduction

**This kit was produced by the Domestic Violence and Incest Resource Centre (DVIRC). It was made possible with funds from the Victorian Government through the Community Support Fund with assistance from the Department of Human Services and Victorian Family Violence Prevention Networkers.**

**With a focus on the work of Victoria's 30 Family Violence Prevention Networks, *101 Ways* was produced to document a diversity of community-based prevention activities around Victoria. The kit also includes some notable projects conducted elsewhere in Australia and internationally. It aims to draw out the way projects work; the approaches they take; why they work; some of the key lessons learned along the way; and resources, issues and hot tips for those working in this area.**

**Created against a background of unprecedented cooperation and collaboration around family violence between government and non-government agencies in Victoria, the kit is designed as an action guide and a resource for any organisation that wants to work with the community to prevent family violence.**

**This kit is the first of its kind in Victoria. We hope it informs, educates, and inspires.**

## ABOUT DVIRC

DVIRC is a Victorian Resource Centre that provides professional development to those who work with victims of relationship violence. Working on a state-wide basis, the Centre's activities include providing training, publications and websites; a library and information service; advocacy around relationship violence; secondary consultations and telephone referrals; and policy advice to government.

## WHAT'S IN THIS KIT?

*101 Ways* contains discussions of 59 family violence prevention projects, most of which are drawn from the work of Victoria's 30 Family Violence Prevention Networks. The Family Violence Prevention Networks have been in existence for fourteen years, working on a regional level to network services and foster effective local and collaborative approaches. In addition to improving and linking service provision to victims of family violence, and evaluation and advocacy around judicial and police responses, the Networks have been the major organisers of community education activities on family violence in Victoria.

In this kit you will find:

**SECTION A    The Fundamentals** – will give you information on family violence prevention in Victoria including definitions, statistics, the legal and political context, principles, and information about Victoria's Family Violence Prevention Network.

**SECTION B-F    The Projects** – will give you 59 projects to explore. They are grouped according to whom or what they are primarily targeted at: Working with Community; Working with Women; Working with Men; Working with Children and Young People; and Changing the Rules. Many of these projects are discussed as case studies, examining in more detail project aims; strategic and philosophical

approaches; with insights into the mechanics of the project; achievements, challenges and lessons learned. Smaller **project examples** are included to demonstrate the diversity and innovation of work being done.

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**SECTION G Issues, Lessons and Hot Tips** – will draw out some of the lessons learnt by the Victorian Family Violence Prevention Network in the last fourteen years as well as lessons and issues emerging from local, national and international work being done. Issues and Hot Tips cover a range of areas from project planning and evaluation, to working with men, children, young people, Indigenous Communities, and survivors.

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**SECTION H Resources** – contains websites under key family violence themes. These are international, national and local resources for you to use.

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## WHO IS IT FOR?

*101 Ways* is designed to be used as a resource by those wanting to undertake community-based education projects on family violence. It is a tool for Family Violence Prevention Networks, community-based organisations and for government agencies working in this area. It provides clear and accessible information on community-based projects to prevent family violence.

The kit will be a valuable tool for those wanting to run a small community project, and for those considering a state-wide campaign. It will be useful for those wanting to learn from the experience of others, and those wanting assistance, guidance or access to the resources of others.

Projects that cost as little as five hundred dollars are included alongside multi-year projects that cost hundreds of thousands of dollars.

## HOW WERE THE PROJECTS CHOSEN?

The projects in this kit were selected by a Reference Group drawn from five Family Violence Prevention Networks across Victoria and headed by DVIRC. Projects selected focus on changing community norms, with some inclusion of those projects focused on identifying early indicators and those at risk. Project research was undertaken by consultant Sue Finucane, examining the work of the Networks in addition to a range of other government and non-government agencies in Victoria, nationally and internationally. Projects from other states in Australia and internationally have been included to demonstrate approaches or strategies yet to be taken in Victoria. These illustrate valuable lessons and approaches that could be relevant to the Victorian context.

Case studies were chosen from projects that demonstrated a clear rationale and philosophy on family violence; a community development or empowerment approach in project implementation; that were documented; and that demonstrated lessons learnt, successes and challenges. The ability to replicate the project was also considered.

Projects were also chosen to demonstrate a mix of approaches with specific target groups such as children and schools, men, women and young people. Projects were prioritised that illustrate innovation, an effective use of resources, a mix of local and state-wide approaches, and a level of engagement with the community that demonstrates best practice.

It is important to note that a key focus of this kit has been to document work that has not been widely documented elsewhere. As such, the kit does not include all of the valuable family violence prevention work to change community norms currently being undertaken in Victoria. Some projects not discussed here have been documented in a detailed way and are readily available elsewhere. Other exciting initiatives underway are not yet complete.

We value your feedback on *101 Ways*.  
Please contact DVIRC with your thoughts.  
Email us: [dvirc@dvirc.org.au](mailto:dvirc@dvirc.org.au)

## FAMILY VIOLENCE –

## SECTION

## A

## The Fundamentals

*“Although women can be violent towards their male partners and violence also occurs between partners of the same sex, the overwhelming burden of partner violence is borne by women at the hands of men. In 48 population based surveys from around the world, 10-69% of women reported being physically assaulted by an intimate male partner at some point in their lives...Around the world, the events that trigger violence in abusive relationships are remarkably consistent. They include disobeying or arguing with the man, questioning him about money or girlfriends, not having food ready on time, not caring adequately for the children or the home, refusing to have sex, and the man suspecting the woman of infidelity.” (World Health Organisation 2002)<sup>1</sup>*

*“...at a global level, the damage and costs to health from violence against women aged 15-44 years is comparable to that posed by other risk factors and diseases already high on the world agenda, including AIDS.” (World Bank)<sup>2</sup>*

**DEFINING FAMILY VIOLENCE**

The way in which ‘family’ or ‘domestic’ violence is defined is inextricably linked to the way family violence prevention work is undertaken and how effective it is. Definitions will affect community perceptions of domestic and family violence; the accuracy of research; the understanding of prevalence and incidence, and the ways in which violence is addressed. A term such as ‘wife beating’, for example, hides the impact of the ‘beating’ on children; both the impact of witnessing the violence and the fact that they may be ‘beaten’ too.

One crucial aspect of family violence is gender-based violence. Globally, gender-based violence affects one in three women.<sup>3</sup>

**Gender-based Violence**

The term **gender-based violence** recognises that particular types of violence are predominantly, although not exclusively, perpetrated by men against women. These include domestic violence, sexual assault, stalking and sexual harassment. The term gender-based violence also places violence against women within the context of women’s inequality in society and the power differences between women and men in society.

The Victorian Government, in the *Women’s Safety Strategy*, acknowledges this cultural context of violence:

*Violence against women is understood as an abuse of power that occurs in a particular social and cultural context. The power imbalance between men and women in society contributes to violence against women along with other factors such as racism, homophobia, other forms of prejudice and the dispossession of Aboriginal people from traditional lands.<sup>4</sup>*

## Family Violence

The Family Court, in its *Family Violence Strategy 2004-05* has adopted a comprehensive description of family violence:

*Family violence covers a broad range of controlling behaviours, commonly of a physical, sexual and/or psychological nature, which typically involve fear, harm, intimidation and emotional deprivation. It occurs within a variety of close interpersonal relationships, such as between spouses, partners, parents and children, siblings and in other relationships where significant others are not part of the physical household but are part of the family and/or are fulfilling the function of family.<sup>5</sup>*

The Victorian Government defines **family violence** as:

*Violent, threatening, coercive or controlling behaviour that occurs in current or past family, domestic or intimate relationships. This encompasses not only physical injury but direct or indirect threats, sexual assault, emotional and psychological torment, economic control, property damage, social isolation and behaviour which causes a person to live in fear.<sup>6</sup>*

More recently, the term **family violence** has come to replace the term 'domestic violence' in many settings. The term seeks to more accurately include the forms of violence that may occur in a 'domestic' setting – including children experiencing and witnessing violence – and the physical and psychological affects of this violence on the entire family.

**MORE INFO:** Domestic Violence Clearing House [www.austdvclearinghouse.unsw.edu.au](http://www.austdvclearinghouse.unsw.edu.au)

This term is also preferred by **Aboriginal and Torres Strait Islander** communities seeking to describe more broadly what is happening to families in Indigenous Communities. The Indigenous Family Violence Taskforce reports:

*From an Indigenous perspective mainstream models appear to be premised on inequality within a spousal relationship which give rise to a service response of refuges and criminal sanctions that do not fully address the complex and fundamental causes of violence in Indigenous communities ... From an Indigenous perspective the causes of family violence stem from history and impacts of white settlement and the structural violence of race relations since then.<sup>7</sup>*

In its educational materials on intimate partner violence, the Domestic Violence and Incest Resource Centre defines domestic violence as:

*Any behaviour that causes physical, sexual or emotional damage, or causes you to live in fear. Non-physical forms of abuse can be just as damaging as physical violence.*

- **Emotional** abuse is when your partner constantly puts you down or criticises you, threatens to stop you from seeing your children, or threatens to commit suicide if you leave the relationship.
- **Social** abuse may include preventing you from seeing your friends and family, making you feel guilty about going to work or socialising; constantly checking up on your whereabouts.
- **Financial** abuse is when your partner takes control of your financial affairs when you don't want him to, or prevents you from having access to money.
- **Sexual** abuse is making you do sexual things that you don't want to do. Forcing you to have sex is a criminal offence, even if you are married.
- **Stalking** is when a partner or ex-partner follows you around, or repeatedly tries to contact you, even if you've said you don't want this.
- **Physical** abuse includes pushing, hitting, throwing objects, or threatening to physically harm you, other people, or pets.<sup>8</sup>

## THE EXTENT OF FAMILY VIOLENCE

Family violence prevention work exists within the context of, and is informed by international, national, and local research on the incidence and prevalence of violence against women and children (and some men) within a relationship context. Research which includes the experience of survivors – and those of the workers assisting them – assists in understanding not only the *incidence*, but the *mechanism* of family violence. Community attitudes to violence, to diverse cultures, to masculinity and relationships, and to women and girls are also an important source of information for those seeking to change community norms. Local and regional research reveals the particular character of family violence issues in different areas, and provides a specific mandate for action.

**MORE INFO:** Domestic Violence & Incest Resource Centre [www.dvirc.org.au](http://www.dvirc.org.au)

Some of the research on the prevalence and incidence of family violence is summarised below. Note that research continues to use a range of definitions such as ‘family’, ‘domestic’ or ‘relationship’ violence. These differing terms have been used below where they are pertinent to the research conducted.

➔ **WOMEN:** According to *Women’s Safety Australia*, a national survey on the nature and extent of violence against women undertaken by the Australian Bureau of Statistics (ABS) in 1996, approximately 23% of women who have ever been married or in a de-facto relationship have experienced violence in that relationship.<sup>9</sup> This figure is supported by the 2002 Victorian Family Violence Database.<sup>10</sup>

➔ **REPORTING:** Most incidents of family violence go unreported.<sup>11</sup> The ABS survey found that 18% of women who experience violence never told anyone, however 58% told friends and 53% told family. Few women approached domestic violence services in the first instance. Only 19% of women contacted police, and less than 5% contacted services.<sup>12</sup> *Against the Odds*, a national study of the needs of women experiencing domestic violence, found that less than 20% of the women interviewed had any contact with domestic violence services while they were in the abusive relationship.<sup>13</sup>

➔ **CHILDREN:** The ABS survey found that of the women who experienced domestic violence, 61% had children in their care at the time of violence. Thirty-eight percent of these women said that their children had witnessed the violence.<sup>14</sup> A survey of young people aged between 12-20 years found that up to 25% had witnessed parental violence against their mothers or stepmothers.<sup>15</sup> Child abuse and family violence are closely connected and often occur in the same families.<sup>16</sup> Even if children are not the primary victim, witnessing violence is a form of psychological child abuse.<sup>17</sup> A 1994 survey found that one in three families in the child protection system reported domestic violence.<sup>18</sup> International studies conservatively estimate that a child is 15 times more likely to be abused in families where family violence is occurring.<sup>19</sup>

➔ **TYPES OF ABUSE WOMEN EXPERIENCE:** Family violence can include physical, sexual, psychological, emotional, social, spiritual and financial abuse. Physical abuse includes kicking, biting, strangling, burning, suffocating, and attack with weapons such as knives and guns.<sup>20</sup> Torture of family pets in front of family members may also occur. In pregnant women, physical assaults are often aimed at the abdominal and genital area.<sup>21</sup> Women interviewed in *Against the Odds* commonly identified the emotional and verbal abuse, and social and financial controls they were subjected to as worse than the physical abuse. A 1998 South Australian study showed that verbal attacks on women often focused on their intelligence, sexuality, body image and capacity as a wife or parent. Emotional abuse included long periods of silence or ‘sulking’.<sup>22</sup> Women were commonly isolated from friends and family, sometimes isolating themselves, as contact would trigger abuse. Complete control of money by perpetrators was common.<sup>23</sup>

➔ **TIMES OF GREATEST DANGER:** Women and children are often at greatest risk of violence when they are leaving or have left the perpetrator. Recently divorced and separated women are proportionally at greater risk of major violence from their former partners than those still living with their partner.<sup>24</sup>

➔ **MURDER:** The Australian Institute of Criminology (AIC) has found that domestic violence plays a significant role in the lead up to lethal violence perpetrated within the family. Domestic violence accounted for 27% of all homicides in Australia between 1989 and 1996.<sup>25</sup> Another AIC study found that of the 129 family homicides each year, 77 related to domestic disputes, and 75% of victims were women. Further, 25% of these incidents occurred after the partners had separated or divorced.<sup>26</sup>

▶ **VIOLENCE DURING PREGNANCY:** The ABS survey found that of women who had experienced family violence, 42% had experienced violence when pregnant.<sup>27</sup> Twenty percent of women who had experienced family violence stated that the onset of violence occurred during pregnancy.

▶ **YOUNG WOMEN:** Young women aged 18-24 years are more at risk of family violence than women from any other age group.<sup>28</sup>

▶ **DISABILITY:** Women who experience disability are more vulnerable to violence, and violence can also be the cause of the disability.<sup>29</sup> Perpetrators can often be carers, and, as they may not be family members, they may be outside standard definitions of family violence.

▶ **INDIGENOUS FAMILY VIOLENCE:** Indigenous women, children and young people have a higher likelihood of experiencing violence, homicide and incarceration than any other community within Australia. The rate of death from interpersonal violence is over ten times higher for Indigenous people than for the non-indigenous population.<sup>30</sup> A Western Australian study showed that Indigenous women are 45 times more likely than non-indigenous women to be victims of family violence (and they sustain more severe injuries).<sup>31</sup> Although Indigenous women comprise only about 2% of the total female population, they account for 15% of femicide victims. In Western Australia, Indigenous people account for only 3% of the state's population, but Indigenous women were almost one third of the total women's refuge population.<sup>32</sup> Lowitja O'Donoghue has said that family violence has become 'a question of survival for my people'.<sup>33</sup>

*(A note on terminology: the term Indigenous is used throughout this kit when referring to Indigenous Australians, except where specific projects utilise different terminology, such as Koori or Aboriginal).*

▶ **SAME SEX RELATIONSHIP VIOLENCE:** Violence occurs within same sex relationships, and whilst there is no reliable data on the incidence and prevalence of same sex relationship violence, studies indicate that the incidence of violence in same sex relationships is 'about the same as it is in heterosexual relationships and once it starts it is likely to get worse'.<sup>34</sup> Same sex relationship violence has been a more recent focus of concern by those working with both Indigenous and non-indigenous communities in Australia. Homophobia is a contributing factor, with victims of same sex abuse – already marginalised and discriminated against because of their sexual orientation – reluctant to identify themselves to generalist or family violence services. The threat of 'outing' is something that is often held over the victim by the perpetrator.<sup>35</sup>

▶ **RURAL WOMEN:** Women in rural areas experience higher rates of family violence. These women have more limited options, and the main issues for women on farms are the added risk of firearms and the absence of protective family violence services in isolated areas.<sup>36</sup> There are a disproportionate number of spousal homicides in rural areas.<sup>37</sup> Compounding this is the fact that most farms are inherited by male family members, which means female spouses may have come from different areas, adding to their isolation. Additional pressure on women not to break up the family unit is connected to the splitting up of a farm and the loss of the farm's livelihood.<sup>38</sup>

▶ **WOMEN FROM CULTURALLY AND LINGUISTICALLY DIVERSE BACKGROUNDS:**

Forty percent of Victorians were either born overseas, or have parents who were. Women in small and emerging ethnic communities may fear isolation from their community if they report family violence.<sup>39</sup> For women who have recently arrived in Australia there are many barriers to seeking help for family violence, which may include language and a knowledge of local services.<sup>40</sup> Women awaiting the outcome of residency applications may not be eligible to work or receive income support, and are under significant pressure to stay with their spouses lest they endanger their residency. Despite specific provisions designed to protect women in this situation, reports indicate that women do endanger their residency prospects if they leave their spouse, regardless of claims of family violence. Women asylum seekers in detention are particularly vulnerable to violence.<sup>41</sup>

## In Victoria

The Victorian Women's Domestic Violence Crisis Service takes 30,000 calls per year, but, due to lack of resources, another 30,000 calls go unanswered. Of the 30,000 calls taken in 2001-2002, the services were able to assist and refer 1,683 clients.<sup>42</sup>

21,618 family violence incidents were reported to police in the year 2000-01; approximately 80% of the victims were female.<sup>43</sup> In the same year, nearly 20,000 children were present at reported family violence incidents.<sup>44</sup>

Nearly 21,000 applications were made for Intervention Orders in 2001/02, an increase of 25% from 1995/96. Seventy-four percent of aggrieved family members (AFM) were female, and 80% of defendants were male.

## THE COST OF FAMILY VIOLENCE

It is difficult to estimate the cost of family violence, and practically impossible to measure the loss of human potential.<sup>45</sup> The World Bank estimates that on a global level, the damage and costs to health from violence against women aged 15-44 years is comparable to that posed by other risk factors and diseases already high on the world agenda, including AIDS. Gender violence, through its effects on a woman's ability to act in the world, can serve as a brake on socio-economic development.<sup>46</sup>

**MORE INFO:** Domestic Violence Clearing House [www.austdvclearinghouse.unsw.edu.au/topics.htm](http://www.austdvclearinghouse.unsw.edu.au/topics.htm)

Family violence is estimated to cost Australian businesses \$1.5 billion a year.<sup>47</sup> Staff absenteeism due to family violence alone costs Australian employers nearly \$30 million per year.<sup>48</sup> Family violence consumes a large share of legal and police resources.

*Christine Nixon Chief Commissioner of the Victoria Police has estimated that 25% of her force's resources are spent dealing with domestic violence... 'If research we have which says 80% is not reported, you can well imagine what we'd be doing if it was'.<sup>49</sup>*

In light of the strong connection between child abuse and family violence, a report commissioned by Kids First Foundation is relevant. The report estimates the annual medical bill to treat children injured by abuse is \$1.3 billion and almost \$115 million spent trying to save fatally injured children. Child protection programs, including foster care, cost Australia \$797 million per year. The cost of long-term social and human problems caused by child abuse is estimated at \$1.9 billion annually.<sup>50</sup>

## IMPACTS OF FAMILY VIOLENCE

The impacts of family violence are far reaching and devastating. Whilst individual women will have differing reactions, dependant on a range of factors, there is no doubt that the emotional, health and financial impacts for women are severe. According to a 2004 Victorian report on the health costs of violence, intimate partner violence is:

*... the leading contributor to death, disability and illness in Victorian women aged 15-44, being responsible for more of the disease burden than many well-known risk factors such as high blood pressure, smoking and obesity.<sup>51</sup>*

Health problems can include depression; suicide; increased risk of sexually transmitted infections or unplanned pregnancies; debilitating injury; and death. Women's financial wellbeing may be affected through missing significant amounts of work. Family violence also has significant impacts on children, family, friends, co-workers, and the community.<sup>52</sup>

Whilst children's reactions to family violence vary widely, they are always affected, no matter how young they are. Children who witness partner or domestic violence are at higher risk of psychological trauma, anxiety, depression and even early death.<sup>53</sup> Children both witness and experience family violence. Some children, especially older ones, may react by trying to take responsibility for the safety of their mother and siblings. Police are sometimes called by children to a family violence incident.

Many children feel that the violence is their fault. Constant anxiety, sleep problems, aggression and conversely becoming overly compliant and undemanding can be amongst the effects. Adolescent reactions can include delinquent behaviour; relationship violence; substance abuse; self-harm and suicide; and running away from home.<sup>54</sup>

Whilst most children who witness or experience family violence will not go on to perpetrate violence, exposure to family violence is an important risk factor in both becoming a future perpetrator and a future victim of violence.<sup>55</sup> A 1999 national study of young people aged 12-20 found that the *'best predictor of perpetration and victimisation in young people's relationships was found to be witnessing certain types of male to female violence in the home'*.<sup>56</sup>

## THE LEGAL CONTEXT

### International Law

Internationally, violence against women and children is seen as a violation of human rights. International law upholds the right of women and children to live free of violence. There are a number of United Nations instruments – declarations, conventions and covenants – that specify this right. These include the:

- United Nations (UN) Declaration on the Elimination of Violence Against Women (DEVAW);
- the UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW);
- UN Convention on the Rights of the Child (CRC);
- UN International Covenant on Economic, Social and Cultural Rights (ICESCR); and
- UN International Covenant on Civil and Political Rights (ICCPR).

In 1994, the United Nations also appointed a Special Rapporteur on Violence Against Women. More recently it has also been argued that family violence can be defined as torture, for which the state is accountable under the United Nations Convention Against Torture.<sup>57</sup>

**MORE INFO:** For detailed info on UN documents & links: Minnesota Stop Violence Against Women  
[www.stopvaw.org/site\\_map.html](http://www.stopvaw.org/site_map.html)

These laws, and their development and clarification over time have made it clear that the state has a specific responsibility to protect the human rights of women and children and this includes their right to live free from violence. CEDAW specifies that:

*States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.*<sup>58</sup>

The Special Rapporteur has noted that *'by failing to intervene, in particular if this failing is systematic, the government itself violates the human rights of women.'*<sup>59</sup>

Australia has ratified these international treaties. However, unlike many other countries, these instruments are not technically binding under Australian law unless they are specifically legislated for. As such, they can only place political or moral pressure on the state to ensure that its citizens can access and enforce the rights set out in these treaties.

### Australian Legislation

Australian legislation regarding family violence makes no mention of gender equality, nor of the government's commitments under international law. It also tends towards a gender-neutral definition, which distorts the reality of family violence and can dilute the usefulness of the legislation.

The 1994 report by the Australian Law Reform Commission, 'Equal Before the Law', found a significant gender bias against women, and whilst some progress has been made, this overwhelmingly remains women's experience. The fundamental issue that women and children are unequal before the law is still unresolved in this country.<sup>60</sup>

## The Family Court

In Australia, the states and territories, rather than the Commonwealth, have the law-making and enforcement responsibilities in the area of family violence. The exception to this is the Family Court, which has Commonwealth jurisdiction, and administers the *Family Law Act, 1975*.

The Family Court has recently released a *Family Violence Strategy 2004-2005* reviewing its existing family violence policy.<sup>61</sup>

**MORE INFO:** Family Court [www.familycourt.gov.au/html/family\\_violence.html](http://www.familycourt.gov.au/html/family_violence.html)

In launching the strategy, the Chief Justice of the Family Court, Alastair Nicholson, described family violence as the biggest single problem affecting family breakdown:

*Statistically the figures are horrifying and it is hard to come to terms with Australian Institute of Family Studies research that indicates that 66 per cent of separating couples point to violence as a cause of marital breakdown, with 33 per cent of the couples describing the violence as serious. The Court's own analysis reveals that violence was a factor in 68 out of 91 judicially determined cases.*<sup>62</sup>

The Strategy looks towards a comprehensive policy framework and integrated approach by the Court to the management of matters involving violence and the protection from harm of its clients, their children and staff.

## Victorian Legislation

The main legislative framework within which family violence is dealt with in Victoria includes the *Crimes (Family Violence) Act, 1987*, the *Crimes Act 1958*, and the *Children and Young Persons Act, 1989*.

The Crimes (Family Violence) Act was introduced in 1987 in recognition that the Crimes Act alone did not provide an adequate legal response to family violence. The shortcomings of the Crimes Act included that it was unlikely to be used by women reluctant to involve police; it did not provide ongoing protection for women and children; and it required that the violence be proved beyond reasonable doubt, which is difficult in cases of family violence as often the only available evidence is the testimony of the victim.

The Crimes (Family Violence) Act, with its new system of Intervention Orders, was intended to address these shortcomings of the criminal law. The Act enables a court to make an Intervention Order where a person has assaulted, threatened to assault, caused damage to property, harassed, molested or behaved in an offensive manner towards a family member. The Crimes (Family Violence) Act was not intended to be used instead of the criminal law. Rather, it was intended that the intervention order system would operate alongside the relevant parts of the Crimes Act, and that criminal proceedings should still be initiated where there was enough evidence to secure a conviction.<sup>63</sup>

Criticisms of the Crimes (Family Violence) Act include that it does not specifically name psychological, financial or other forms of coercive behaviours. The limitations of this legislative framework are exacerbated by problems with the administration of the legislation by the courts, and inconsistent enforcement by police.

**MORE INFO:** Victorian Law Reform Commission [www.lawreform.vic.gov.au](http://www.lawreform.vic.gov.au)

The Children and Young Persons Act continues to be the main instrument of protection for children in Victoria, although the Crimes (Family Violence) Act also allows for children to be included on a parent's Intervention Order, or for an Intervention Order to be issued for the protection of the child.

Largely as a result of advocacy by family violence services, a review of the Crimes (Family Violence) Act by the Victorian Law Reform Commission is currently underway. The Commission is also examining law and procedure in relation to sexual offences; defences and partial excuses to homicide (see Release Heather Osland Campaign for further discussion on defences to homicide as they relate to women and family violence p.76); and reform and expansion of legislation relating to stalking.

## RECENT DEVELOPMENTS IN VICTORIA

In 2002 the state government made a commitment to a whole-of-government response to family violence, with the launch of its *Women's Safety Strategy*. The strategy aims to reduce both the level and the fear of violence against women in all its forms, including family violence, by coordinating and integrating policy development and implementation across the whole community – across all government portfolios and the non-government sector.

**MORE INFO:** Women's Safety Strategy  
[www.women.vic.gov.au/owa/owasite.nsf/pages/safety\\_strategy](http://www.women.vic.gov.au/owa/owasite.nsf/pages/safety_strategy)

The *Women's Safety Strategy* incorporates a clear set of principles underpinning practice; a review of a range of key areas affecting violence against women; and complementary approaches across government to reduce violence against women.

The Strategy recognises that *'the role of the justice system in responding to violence against women is pivotal to a broad community understanding that violence against women is unacceptable'*<sup>64</sup>, and the government has committed itself to reform of law and procedure, and police procedure.

The Chief Commissioner of Police, Christine Nixon, has shown key leadership in this area, nominating family violence as a top priority for Victoria Police. In 2001, she initiated a long overdue review of police responses to family violence. Coming out of this review is a new strategy, *The Way Forward: Victoria Police Violence Against Women Strategy*. A new Code of Conduct will soon be introduced to support the Strategy.

**MORE INFO:** Victoria Police VAW Strategy / download in PDF format [www.police.vic.gov.au](http://www.police.vic.gov.au)

A **Statewide Steering Committee to Reduce Family Violence** has been established within the context of the *Women's Safety Strategy* and the *Victoria Police Violence Against Women Strategy*. The Committee, made up of representatives from non-government and government agencies, is working to guide the government in policy development to improve responses to family violence. Its initial focus is on developing a framework for an integrated justice and crisis response to family violence.

A Family Violence Division of the Magistrates' Court is being established in 2004 to allow victims to have a range of legal issues dealt with within the one court. Two demonstration courts will be set up, one in Heidelberg and one in Ballarat. These courts will also include pilots of the Family Violence Court Intervention Program, which will see Magistrates directing men to participate in mandated men's behaviour change programs under the provisions of Section 5(i)(g) of the Crimes (Family Violence) Act.

A Victorian Indigenous Family Violence Task Force was established in 2001. As Taskforce Chairperson Daphne Yarram stated, the Task Force was established to *'support, empower and enable communities to examine the issues surrounding family violence and develop solutions appropriate to local conditions and needs'*.<sup>65</sup>

The Task Force has led the development of the Indigenous Family Violence Strategy. The final report of the Task Force in 2003 made a range of recommendations addressing service responses for victims and perpetrators; new programs, activities and service responses; community education; research; and strengthening existing activities, infrastructure and service response.<sup>66</sup> Under the Task Force, Indigenous Family Violence Officers have been appointed in nine regions around the state. This initiative has been complemented by the establishment of regional Action Groups and a Community Initiative Fund.

## RECENT FEDERAL DEVELOPMENTS

The major family violence prevention initiative to emerge at the federal level in the last decade is 'Partnerships Against Domestic Violence' (PADV). PADV was launched by the federal government in 1997 to find better ways of preventing and responding to family violence, and a commitment was made to a \$50 million program, delivered over five years. The program has produced a wealth of information on family violence, and has funded significant initiatives around Australia, particularly in Indigenous family violence prevention. The PADV Meta-evaluations across all funded projects have provided valuable insights into working with different groups including young people, children, women, men and Indigenous Communities.

**MORE INFO:** Partnerships Against Domestic Violence [www.padv.dpvc.gov.au](http://www.padv.dpvc.gov.au)

Despite the undoubtedly good work being done under the PADV program, there has been a consistent underspending of budget allocations, which amounted to over \$10 million by 2003.<sup>67</sup> Grave concerns have been expressed by community organisations as to whether the program's expenditure commitment will be delivered within the planned timeframe, and whether PADV will follow up its promising start with the adequate allocation of resources to ongoing project development.

Federal government policy development in direct conflict with the lessons learnt internationally and from PADV is of further concern. This includes the recent government proposal for an automatic presumption of shared custody after separation: a 'rebuttable presumption of joint custody'.<sup>68</sup> Whilst the parliamentary inquiry established to examine the matter rejected the proposal, recognising that where families are separating due to family violence, shared care is not safe,<sup>69</sup> the apparent lack of understanding of family violence inherent in this proposal is particularly concerning.

In June 2004, the federal government launched its most recent family violence prevention initiative, a mass media campaign called 'Violence Against Women: Australia Says No'. This national community awareness campaign will focus on physical and sexual forms of violence against women. Activities and materials will include television and print ads; a booklet; a website; a video for schools; and materials for Indigenous people and people from non-English speaking backgrounds.

**MORE INFO:** Violence Against Women: Australia Says No [www.australiasaysno.gov.au](http://www.australiasaysno.gov.au)

## FAMILY VIOLENCE PREVENTION

Violence against women, particularly within the context of marriage and the family, became a concern of the Women's Liberation Movement in the late 1960s. As the Movement began to incorporate domestic violence within its political analysis of the oppression of women, individual women's groups saw the need to take action. In 1974, the first women's refuge, Elsie, was set up in Sydney and in 1975 Women's Liberation Halfway House opened in Melbourne.<sup>70</sup>

For a long time, the crisis system was the only source of prevention work in Australia, with workers supporting women through information and advocacy to prevent the recurrence of violence.<sup>71</sup> Broader prevention initiatives emerged in the 1980s, including the establishment in 1986 of the state-wide Domestic Violence and Incest Resource Centre. In the 1990s men's behaviour change programs were developed as another way to stop the recurrence of violence. Family Violence Prevention Networks have been funded by the Victorian Government since the early 1990s to coordinate regional prevention activities and community education.

The *Women's Safety Strategy* defines prevention of violence against women as including:

*... any law, policy, program or activity aimed at reducing the level, fear and impact of violence against women or changing community perceptions of violence against women. Prevention is about individuals, communities and governments taking responsibility for creating a safer environment for women, and for all members of the community.*<sup>72</sup>

The Statewide Steering Committee to Reduce Family Violence describes family violence prevention as having the following core elements:

- Changing community norms around violence;
- Identifying early indicators and those at risk;
- Responding to disclosures of violence; and
- Moving on: physical and emotional safety after violence.<sup>73</sup>

A holistic approach is required. Successful family violence prevention must address the ‘*underlying factors that facilitate and/or perpetuate violence in families*’.<sup>74</sup> These can include poverty, gender inequality, racism and dispossession.

## VICTORIA’S FAMILY VIOLENCE PREVENTION NETWORKS

Government support for Family Violence Prevention Networks, based on models in NSW and Canada, was first suggested in a 1989 issues paper produced by the Community Education Taskforce on Family Violence.<sup>75</sup>

The Taskforce, made up of government and community agencies, saw Family Violence Prevention Networks as a potential mechanism to strengthen both the provision of non-specialist services for women experiencing violence and to change community attitudes. This strategy, to ‘*pool and put to good use the intimate knowledge that people gain from living in communities*’ gained strong support from service providers.<sup>76</sup> The development of Networks was designed to:

*... improve understanding, communication and referral between agencies, lead to earlier interventions, promote recognition of violence as a criminal offence, assist in the identification of service gaps and advocacy for new services, as well as monitor the implementation of government policies and legislation.*<sup>77</sup>

The Family Violence Community Networking Program was launched in 1989. Funding was later made available for part-time Family Violence Prevention Networkers in nine regions. In some regions the Networkers tapped into already established networks and in others Networkers approached a diversity of organisations including domestic violence outreach services; community health services; police; housing services; child protection; Centres Against Sexual Assault; and local government.

Each Networker is auspiced by a local organisation working on family violence prevention in the region. In 2002 additional funding from the Community Support Fund enabled the nine Networker positions to become full-time for a period of three years. There are now 30 Family Violence Prevention Networks in Victoria working with a diversity of groups and organisations within communities, including schools; local councils; businesses; community groups; sporting clubs; faith groups and churches. Their state-wide logo is ‘Victorian Family Violence Prevention Networks: Communities Working Together’.

**MORE INFO:** Victorian Family Violence Prevention Network [www.vfvpn.org.au](http://www.vfvpn.org.au)

The Role of the Networker is to

- Support the work of their regional Family Violence Prevention Networks;
- Encourage and facilitate links between service providers to improve service delivery to those affected by family violence;
- Enhance the capacity of generalist services to identify and respond to family violence through: identifying and responding to training needs of workers, assisting with evaluation of programs and identifying gaps in service delivery;
- Coordinate and resource local community education and community development activities;
- Provide information about regional and state-wide initiatives and resources relating to family violence; and
- Produce a regional Family Violence Newsletter to highlight current issues and advertise local services and groups for survivors of family violence.

Networkers are the major organisers of community education activities in Victoria, many of which take place in October during the annual Week Without Violence. Networkers have also been active in the improvement of services; input to regional policy; the development of regional family violence prevention strategies; strategic partnerships with local government, police, health services and courts to improve responses to family violence; advocacy; and more recently, the development of regional workplace prevention strategies. State-wide, the Networkers are linked by the DVIRC, where they meet quarterly to share information and strategies.

## THE PRINCIPLES THAT UNDERPIN FAMILY VIOLENCE PREVENTION

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*“... in a relatively short time, women and their advocates have transformed the way gender-based violence is understood ... the achievements of all those who have worked in this area are monumental. Violence against women has been recognised as a human rights violation; international and regional agreements call for laws and awareness-raising programs; and services are available to women that did not exist 15 or even 10 years ago. Yet we are also confronted with a paradox ... the efforts so far have brought results; nevertheless, women do not appear to be substantively safer from the ravages of violence than they were when the work began. Why does gender-based violence continue, seemingly unabated?*

*The answer is deceptively simple, but the solution is deeply complex: gender inequality fuels violence against women and the power imbalances it creates are not easily rectified. As long as women in diverse countries do not have access to property and employment and equal wages, to the seats of power and to education, the violence that is perpetuated in their lives is viewed as a private rather than a public issue.”* (Noeleen Heyzer, Executive Director, United Nations Fund for Women, 2003)<sup>78</sup>

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The Domestic Violence and Incest Resource Centre and the Victorian Family Violence Prevention Networks work to a common set of family violence prevention principles. These principles have been developed and reviewed over time to reflect new information and understanding, and have recently been reviewed using the valuable principles outlined in the *Te Rito New Zealand Family Violence Prevention Strategy*, and the *Victorian Women's Safety Strategy*:

**1. All people have a fundamental right to be safe and to live free from violence.**

Government has a responsibility to ensure that all people remain safe and free from violence. Consequently, family violence prevention initiatives must ensure that the safety and well-being of all victims are given paramount consideration.

**2. Family violence prevention approaches must recognise and address the power imbalance and gender inequality.**

Most often, violence in relationships and families is perpetrated by men against women, or by adults against children. Sexual violence against women and children is almost always perpetrated by men.

- 3. The diverse needs of specific populations must be recognised and provided for when developing and implementing family violence prevention initiatives.** Effective family violence prevention initiatives need to take into account and be responsive to the diverse needs and particular vulnerabilities of specific population groups (for example, according to age, gender, ethnicity, mental and/or physical health, disability, and social and/or cultural background). These groups, and/or advocates on their behalf, should be encouraged, guided and supported to develop their own solutions to family violence prevention.
- 4. Preventing family violence is the responsibility of the whole community.** It requires a shared community understanding of what constitutes violence and that violence in all its forms is unacceptable.
- 5. Government has a responsibility to show leadership in preventing family violence** through policy development, legislative reforms and adequate resourcing of programs including planning, monitoring, and evaluation.
- 6. Perpetrators of violence in families must be held accountable for their violent behaviour.** Perpetrators of violence in families are ultimately responsible for their violent actions. Family violence prevention initiatives should therefore encourage perpetrators to accept responsibility for their violent behaviour and for changing their behaviour. Family violence prevention initiatives must be consistent with criminal responses to family violence.
- 7. Family violence prevention needs to be approached in a broad and holistic manner.** Family violence prevention must address all forms and types of violence in families. It needs to be aimed at all levels of prevention:
  - Changing community norms and attitudes to violence through education (primary) – preventing violence from occurring in the first place;
  - Recognising indicators of violence (secondary) – identifying violence early and intervening immediately;
  - Responding to incidents or disclosures of violence and establishing safety (tertiary) – preventing violence from recurring.
- 8. There must be a strong emphasis on prevention and early intervention with a specific focus on the needs of children and young people.** Strategies targeted at children and young people should be a priority in order to address the underlying factors that facilitate and/or perpetuate violence in families.
- 9. The most effective approaches to family violence prevention are integrated, co-ordinated and collaborative.** Cross-sectoral co-ordination, collaboration and communication are essential to providing a comprehensive approach to family violence prevention.
- 10. Initiatives to address family violence in Indigenous Communities must be led by Indigenous people.**
- 11. Prevention efforts must build on existing good practice and focus on what has been shown to be effective through research, evaluation and data collection.**