



GOVERNMENT OF  
WESTERN AUSTRALIA

Department of  
Justice

# Family and Domestic Violence Strategic Framework - Overview

Department of Justice 2022-2025

## Acknowledgement of Country

The Department of Justice respectfully acknowledges the traditional custodians of the land as being the first peoples of this country. We embrace the vast Aboriginal custodial diversity throughout Western Australia and recognise their continuing connection to country, water and sky.

We pay our respects to Elders past, present and future.

The Department is committed to fostering respectful partnerships with our Aboriginal colleagues, clients and those in our care.

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The Department uses the term Aboriginal people throughout this document to refer to both Aboriginal and Torres Strait Islander peoples, acknowledging the over-representation of Aboriginal people in Western Australia in the care of the Department.

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## About the Strategic Framework

### Purpose of the Strategic Framework

The Department of Justice (the Department) has played a pivotal role in developing and implementing strategies across government with the purpose of addressing family and domestic violence, including *Path to Safety*, *Western Australia's strategy to reduce family and domestic violence 2020 – 2030* (Path to Safety).

The Department's Family and Domestic Violence Strategic Framework aims to:

- create a shared language and vision within the Department in relation to family and domestic violence
- promote and instil an evidence-based approach to reducing family and domestic violence
- establish a platform for monitoring our achievements and measuring our successes
- continually strive to reduce the incidence and impact of family and domestic violence in Western Australia.

The Family and Domestic Violence Strategic Framework details the Department's comprehensive plan for action over the next three years from 2022-2025. It has also been designed to complement the Department's forthcoming:

- **Aboriginal Family Safety Strategy** which is currently in development, and will align more broadly with the Department of Communities' WA Aboriginal Family Safety Strategy;
- **Legal Assistance Sector Strategy** for Western Australia, being developed in partnership with the Legal Aid Commission of Western Australia (Legal Aid WA), Community Legal Centres, the Aboriginal Legal Service, and Family Violence Prevention Legal Services; and
- **Victims of Crime Strategy** and **Sexual Violence Strategy** for Western Australia, being developed by the Commissioner for Victims of Crime.

This document provides an overview of the Department's Family and Domestic Violence Strategic Framework, including the priority areas, initiatives, programs and pathways provided by the Department in relation to family and domestic violence.

### The development of the Strategic Framework

Work on the Family and Domestic Violence Strategic Framework was initiated in response to a number of reviews that resulted in recommendations relating to policy and practice within the Department. These reviews, and broader inquiries into family and domestic violence in Western Australia and nationally, have directly informed initiatives under this Strategic Framework.<sup>1</sup>

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<sup>1</sup> See Ombudsman WA Annual Reports (2017-2021); Coroner's Court of Western Australia's *Inquest into the death of Andrea Louise Pickett* (2012); Law Reform Commission of Western Australia's *Enhancing Laws Concerning Family and Domestic Violence: Final Report* (2014); Ombudsman WA's *Investigation into issues associated with violence restraining orders and their relationship with family*

The Family and Domestic Violence Strategic Framework is the result of a detailed internal development process that has been overseen by the Department's Family and Domestic Violence Steering Committee. Development has drawn upon the operational and professional expertise of those working with victims, perpetrators, and young offenders across the justice system.

Significantly, development of the Family and Domestic Violence Strategic Framework was also informed by consultation with women in Western Australia's prisons. The Department undertook face to face consultation with women in Bandyup Women's Prison, Boronia Pre-Release Centre, Wandoo Rehabilitation Prison, and the former Melaleuca Remand and Reintegration Facility.

The Department heard compelling first-hand accounts of women's lived experiences as victims of family and domestic violence, their use of violence as resistance, strategies for survival, and stories of interacting with the justice and child protection systems. The themes and issues arising from this consultation are reflected in Priority 5.

The Family and Domestic Violence Strategic Framework also reflects the Department's ongoing commitments to *Path to Safety*, the Commonwealth's Fourth Action Plan 2019-2022 under the *National Plan to Reduce Violence Against Women and their Children*, the *National Agreement on Closing the Gap*, the Department's Reconciliation Action Plan, and the WA Recovery Plan.

## **Governance and implementation**

The Family and Domestic Violence Strategic Framework is overseen by the Department's Family and Domestic Violence Steering Committee, comprised of executives from each business area.

Terms of Reference hold members of the Family and Domestic Violence Steering Committee accountable for implementation, monitoring and evaluation of the Family and Domestic Violence Strategic Framework, including:

- Development of the Department's annual Family and Domestic Violence Strategic Action Plans (Action Plans), which will coordinate the implementation, monitoring, and evaluation of key initiatives under the Strategic Framework.
- Implementation of the Action Plans, including monitoring progress reports on initiatives under the Strategic Framework to ensure that timeframes are maintained, and continuous improvement is achieved.
- Determining the measures of success by which each initiative, and the overall Strategic Framework, will be evaluated.

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*and domestic violence fatalities* (2015); Report of the Community Development and Justice Standing Committee of Parliament, WA: *Opening Doors to Justice: Supporting victims by improving the management of family and domestic violence matters in the Magistrates Court of Western Australia* (2020); Australian Law Reform Commission's *Family Violence – A National Legal Response* (2010) and *Family Law for the Future: An Inquiry into the Family Law System* (2019); and Report of the Standing Committee on Social Policy and Legal Affairs of Parliament, Australia: *Inquiry into family, domestic, and sexual violence* (2021).

## Why the Strategic Framework is needed

Family and domestic violence cuts across multiple legal jurisdictions. Individuals impacted by family and domestic violence in Western Australia may need to navigate multiple legal jurisdictions, including:

- the civil jurisdiction of the Magistrates Court of WA for restraining orders or residential tenancy disputes
- the criminal jurisdictions of the Magistrates Court of WA and Children’s Court of WA for criminal offences
- the criminal jurisdictions of the District Court of WA or the Supreme Court of WA for indictable criminal matters
- the civil jurisdiction of the Children’s Court of WA for protection and care matters and restraining orders involving children under the age of 18
- the Family Court of Western Australia for divorce, property or parenting matters
- the Office of Criminal Injuries Compensation.

If criminal offences have been committed, then parties may have contact with the corrections system including custodial facilities, adult community corrections, and the youth justice system.

These systems engage with all individuals affected by family and domestic violence including victims, their children and families, and perpetrators. In doing so, the system needs to balance the often-competing demands of protection, punishment, rehabilitation, procedural fairness, cultural responsiveness and equality.

Decision makers impact many points along the justice trajectory, from making a parenting order to granting parole. They have the potential to affect not only the individual in question, but children at home, the safety of the family, and the wider community. Many young people who enter the criminal justice system as offenders have experienced family and domestic violence at home.<sup>2</sup>

Consultation during the development of Path to Safety identified the justice system as a critical area for improvement within the overall response to family and domestic violence in Western Australia:

*‘The justice system must be accessible, risk-informed and integrated... Wherever possible, elements of the justice system should be integrated to save families the*

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<sup>2</sup> D Bland and L Shallcross, *Children who are homeless with their family: A literature review for the Queensland Commissioner for Children and Young People*, Queensland University of Technology, Children and Youth Research Centre, Brisbane, 2015; M Campo, ‘Children’s exposure to domestic and family violence: Key issues and responses,’ Child Family Community Australia, Australian Institute of Family Studies, Melbourne, 2015; J De Maio et al., ‘Survey of recently separated parents: a study of parents who separated prior to the implementation of the Family Law Amendment (Family Violence and Other Matters),’ Australian Institute of Family Studies, Melbourne, viewed 27 January 2022 <<https://aifs.gov.au/publications/survey-recently-separated-parents>>; and S Holt et al., ‘The impact of exposure to domestic violence on children and young people: A review of the literature,’ *Child Abuse & Neglect*, 32, pp 797-810.

*trauma and inconvenience of navigating multiple courts, and to provide a consistent response to perpetrators.*<sup>3</sup>

A key impetus for the development of the Family and Domestic Violence Strategic Framework therefore was to promote a common understanding of family and domestic violence across the Department, with a particular focus on the courts and corrections systems, including the youth justice system. We want to ensure that our services and decision-makers better understand the risks associated with family and domestic violence, are informed by the best available risk information, are culturally responsive, and provide a consistently positive, joined-up response.

The Family and Domestic Violence Strategic Framework aims to address three specific problems that have been consistently identified by various inquiries into family and domestic violence and the justice system, including:

- information gaps between different parts of the justice system
- duplication of information provided to the courts for different matters in which family and domestic violence is a factor (and re-traumatisation for victims)
- inconsistent understandings of the dynamics of family and domestic violence and risk.<sup>4</sup>

## **The development of a Department of Justice Aboriginal family safety strategy**

Aboriginal women experience family and domestic violence at a higher rate than the broader Australian community<sup>5</sup> and are overrepresented as victims of the serious injuries and fatalities arising from that violence.<sup>6</sup>

The impact of family and domestic violence in the Aboriginal population is evident in indicators such as rates of Aboriginal incarceration and overrepresentation of Aboriginal children and young people in the child protection system.<sup>7</sup> Aboriginal people constitute only 3.1% of Western Australia's general population,<sup>8</sup> but comprise around

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<sup>3</sup> Department of Communities, *Path to Safety – Western Australia's strategy to reduce family and domestic violence 2020-2030*, Department of Communities, Government of Western Australia, Perth, 2020, p 47.

<sup>4</sup> Law Reform Commission of Western Australia, *Enhancing Laws Concerning Family and Domestic Violence: Final Report*, Law Reform Commission of Western Australia, Perth, 2014, pp 14-16.

<sup>5</sup> Australian National University, *The Answers Were There Before White Man Come In - Stories of strength and resilience for responding to violence in Aboriginal and Torres Strait Islander communities*, Australian National University College of Health & Medicine, Canberra, 2020.

<sup>6</sup> Our Watch, *Changing the Picture: Background paper: Understanding violence against Aboriginal and Torres Strait Islander women and their children*, Our Watch, Melbourne, 2018.

<sup>7</sup> Community Development and Justice Standing Committee, *Opening Doors To Justice: Supporting victims by improving the management of family and domestic violence matters in the Magistrates Court of Western Australia*, Community Development and Justice Standing Committee, Legislative Assembly of Western Australia, Perth, 2020.

<sup>8</sup> Australian Bureau of Statistics, '2016 Census QuickStats,' ABS, Canberra, 2017, accessed 27 January 2022  
<[https://quickstats.censusdata.abs.gov.au/census\\_services/getproduct/census/2016/quickstat/5?opendocument](https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/5?opendocument)>

39% of the adult prison population<sup>9</sup> and around 73% of young people in juvenile detention.<sup>10</sup> Given its remit, the Department has an opportunity to evaluate and identify options to work with Aboriginal people to assist in strengthening and supporting family safety with a view to decreasing the number of Aboriginal people incarcerated.

The Department is committed to developing an Aboriginal Family Safety Strategy that is Aboriginal led, culturally responsive and appropriate.

The Department's Aboriginal Family Safety Strategy will be scoped to reflect issues specific to the Department and will align more broadly with the WA Aboriginal Family Safety Strategy being developed by the Department of Communities.

In the short term, and while the Department's Aboriginal Safety Strategy is in development, the Family and Domestic Violence Strategic Framework includes several initiatives aimed at making the existing court and corrections systems more responsive to the particular needs of Aboriginal families experiencing violence. In the longer term, it is envisaged that the Aboriginal Family Safety Strategy will be the main vehicle for leading the Department's approach to strengthening Aboriginal family safety.<sup>11</sup>

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<sup>9</sup> Department of Justice, 'Quarterly Statistics –Custodial (Adult Prisoner), 2020 – Quarter 2: Table 1,' Department of Justice, Government of Western Australia, Perth, 2020.

<sup>10</sup> Department of Justice, 'Quarterly Statistics –Custodial (Youth Detainee), 2020 – Quarter 2: Table 1,' Department of Justice, Government of Western Australia, Perth, 2020.

<sup>11</sup> The development of a Departmental Aboriginal Family Safety Strategy is also listed as Action Item 26 of the First Action Plan under *Path to Safety*.

## The Family and Domestic Violence Strategic Framework's six priority areas

The Department has identified six priority areas for action under the Family and Domestic Violence Strategic Framework, each supported by a set of targeted initiatives.

Priority areas and initiatives of the Department's Family and Domestic Violence Strategic Framework are shown below and are detailed in the following pages.

### **Priority 1: Victims are supported to access justice and their safety is prioritised**

The Department is committed to initiatives that enhance access to justice and victim safety and for those experiencing or at risk of family and domestic violence.

### **Priority 2: Our systems are integrated to manage family and domestic violence risk**

The Department will strengthen integration across its services and collaborate with external partners to enhance responses to family and domestic violence.

### **Priority 3: Family and domestic violence perpetrators are identified, assessed, monitored and held accountable**

The Department will focus on improved approaches to identifying, assessing, and monitoring family and domestic violence offenders.

### **Priority 4: Family and domestic violence perpetrators are provided with programs to reduce their family and domestic violence offending**

The Department will focus on increasing the effectiveness of our programs and interventions.

### **Priority 5: Female offenders at risk of family and domestic violence are supported to stay safe**

The Department is committed to initiatives aimed at improving our understanding of the links between family and domestic violence and rising incarceration rates for women in Western Australia; and to providing appropriate support to help women recover from abuse, preventing further exposure to family and domestic violence upon release, and providing pathways out of re-offending.

### **Priority 6: Our work is continually improving**

The Department's work is continually informed by, and contributes to, the evolving evidence-base in relation to family and domestic violence.

## Priority 1: Victims are supported to access justice and their safety is prioritised

Access to justice is a broad concept that extends beyond access to the ‘formal justice system – for example, to lawyers and the courts,’ and includes access to ‘legal information and education, non-court based dispute resolution and law reform.’<sup>12</sup> It includes being able to understand legal outcomes and making sure a victim’s voice is heard when laws are made.

It is well recognised that victims of family and domestic violence face numerous and complex barriers to accessing justice,<sup>13</sup> including:

- the impact of ongoing violence, abuse and coercive control on physical and mental health and executive functioning, including the awareness that the behaviour constitutes family and domestic violence, and the ability to seek information about where to go for help
- a number of inter-connected legal problems faced by victims that are difficult to untangle, including civil and criminal matters
- engagement with the justice system heightening risk to the victim<sup>14</sup> or fear of retribution by a perpetrator or family members
- negative institutional responses to disclosures of violence,<sup>15</sup> which can dissuade a victim from continuing to seek help
- the actions of perpetrators in exploiting the complex and fragmented nature of the justice system to further their control and abuse.<sup>16</sup>

These barriers are further compounded for women from culturally and linguistically diverse communities,<sup>17</sup> women living in rural and regional areas,<sup>18</sup> women with a disability,<sup>19</sup> male victims, and people from LGBTQIA+ communities.<sup>20</sup> For Aboriginal women experiencing violence, barriers to accessing justice are magnified. These include intergenerational trauma associated with the threat of child removal,

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<sup>12</sup> Law Council of Australia, *The Justice Project: Final Report*, Law Council of Australia, Canberra, 2018, p 48.

<sup>13</sup> Law Council of Australia, *The Justice Project: Final Report*, Law Council of Australia, Canberra, 2018, pp. 27-29.

<sup>14</sup> C Toivonen and C Backhouse, *National Risk Assessment Principles for domestic and family violence*, Australia’s National Research Organisation for Women’s Safety, Sydney, 2018, p 14

<sup>15</sup> Ombudsman Western Australia, *Investigation into issues associated with violence restraining orders and their relationship with family and domestic violence fatalities*, Ombudsman Western Australia, Perth, 2015, pp 123-125.

<sup>16</sup> H Douglas, ‘Legal systems abuse and coercive control,’ *Criminology & Criminal Justice*, 2018, Volume 18, Issue 1, pp 84-99.

<sup>17</sup> C Vaughan et al. *Promoting community-led responses to violence against immigrant and refugee women in metropolitan and regional Australia: The ASPIRE Project: Key findings and future directions*, Australia’s National Research Organisation for Women’s Safety, Sydney, 2016, p 2.

<sup>18</sup> S Wendt et al. *Seeking Help for Domestic Violence: Exploring Rural women’s Coping Experiences: State of Knowledge Paper*, Australia’s National Research Organisation for Women’s Safety, Sydney, 2015, pp 5-6.

<sup>19</sup> J Maher et al. *Women, disability and violence: Barriers to accessing justice: Final report*, Australia’s National Research Organisation for Women’s Safety, Sydney, 2018.

<sup>20</sup> M Campo and S Tayton, ‘Intimate partner violence in lesbian, gay, bisexual, trans, intersex and queer communities,’ Australian Institute of Family Studies, Australian Government, Melbourne, 2015, pp 4-5.

homelessness and potential retribution and isolation from their family and community.<sup>21</sup>

To further enhance victim safety and access to justice for victims experiencing or at risk of family and domestic violence, the Department is committed to the initiatives outlined below. These initiatives continue to build on existing service delivery platforms across the Department.

<b>Initiative 1.1: We will drive collaboration and coordination between our services and leverage off technology to support safety and access to justice for victims.</b>	
The provision of court-based support services to victims and children affected by family and domestic violence	<p>The Department’s Court and Tribunal Services Division provides the following court-based support services on a free and voluntary basis:</p> <ul style="list-style-type: none"> <li>• Family Violence Service</li> <li>• Victim Support Service</li> <li>• Child Witness Service</li> <li>• Victim Support and Child Witness Service.</li> </ul> <p>These services are guided by the principles of trauma-informed practice.</p>
Provide joined-up support and advocacy for victims of family and domestic violence	<p>The Office of the Commissioner for Victims of Crime (OCVOC) advocates on behalf of all victims of crime to give them a greater voice across Government and ensures they receive the support they deserve:</p> <ul style="list-style-type: none"> <li>• as of July 2021, as part of the Department’s efforts to provide a more ‘joined-up’ approach to victims, now incorporates the Victim-Offender Mediation Unit, and the Victim Notification Register; and</li> <li>• will establish a family and domestic violence Forensic Services trial.</li> </ul> <p>The Office of Criminal Injuries Compensation (OCIC), a specialist tribunal, processes high numbers of applications from family and domestic violence victims. In 2019/2020, 47.5% of applications received for compensation by OCIC arose from offences involving family and domestic violence, reflective of similar trends in previous years.<sup>22</sup></p>
Leverage technology to further promote access to justice and safety for	At the beginning of the COVID-19 pandemic in 2020, the Department introduced online applications for Family Violence Restraining Orders (FVROs). This enabled victims to lodge applications for an FVRO remotely via

<sup>21</sup> M Langton et al, Improving family violence legal and support services for Aboriginal and Torres Strait Islander women, Australia’s National Research Organisation for Women’s Safety, Sydney, 2020.

<sup>22</sup> Office of Criminal Injuries Compensation, *Annual Report 2019-20*, Department of Justice, Government of Western Australia, Perth, 2020, p. 4.

family and domestic violence victims	an approved legal practitioner, under the <i>Family Violence Legislation Reform (COVID-19) Response Act 2020 (WA)</i> . The new online system helps to future-proof the restraining orders system against further pandemic disruptions and will be monitored as part of this Strategic Framework.
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**Initiative 1.2: We will review and expand our support services ensuring they are accessible for Aboriginal people, people with disabilities, people from LGBTQIA+, male victims, culturally and linguistically diverse communities, and children and young people.**

The Department is implementing a range of activities to raise awareness about family and domestic violence and enhance access to justice within culturally and linguistically diverse communities and refugee communities, including:

- translation of FVRO fact sheets into different languages
- production of video materials explaining the restraining order process and new Shuttle Conferencing scheme with sub-titles in languages other than English
- grant to the Ishar Multicultural Women’s Health Service Inc. to establish a Family and Domestic Violence Support program in the City of Gosnells for women from refugee and migrant backgrounds.<sup>23</sup>

The needs of Aboriginal families experiencing family and domestic violence will be further explored as part of the Aboriginal Family Safety Strategy.

Further, OCVOC are developing a plan to engage with the LGBTQIA+ community to better understand specific community needs and promote existing programs.

**Initiative 1.3: We will partner with the legal assistance sector and others to promote early access to legal information and advice, particularly in regional areas.**

Western Australia’s legal assistance sector has a critical role to play and is a key partner under the Family and Domestic Violence Strategic Framework. The Department now administers both State and Commonwealth funding to the legal assistance sector, including to Legal Aid WA, Community Legal Centres, the Aboriginal Legal Service and Family Violence Prevention Legal Services.<sup>24</sup> In partnership with the sector, the Department is currently:

- developing a Legal Assistance Sector Strategy, with a key focus on ensuring that there is an optimal mix of services for both family and domestic violence victims and perpetrators, particularly in regional areas;<sup>25</sup>
- funding for the Family Advocacy Support Service (FASS), provided by Legal Aid WA in the Family Court of Western Australia. FASS operates from several locations around the state and provides holistic legal and social support services to people with a family law problem who are affected by family violence,

<sup>23</sup> Criminal Property Confiscation Grants Program, February 2020 Funding Round.

<sup>24</sup> In Western Australia, this includes the Aboriginal Family Law Service (several offices in regional WA), Marninwarntikura Family Violence Prevention Unit (Fitzroy Crossing) and Southern Aboriginal Corporation Family Violence Prevention Legal Service (Albany).

<sup>25</sup> This project is listed as Action Item 17 in the First Action Plan under *Path to Safety*.

including dedicated men's social support workers and specific Aboriginal and Torres Strait Islander legal assistance.

**Initiative 1.4: We will strengthen protections for victims during court proceedings.**

Building upon the service delivery platform outlined under initiative 1.1 and significant amendments introduced in 2020 under the *Family Violence Legislation Reform Act 2020* (WA), the Department is progressing significant legislative reform to the *Evidence Act 1906* (WA) to further protect victims of family and domestic violence during court proceedings.

This includes expanding current special witness status protections for victims of family and domestic violence, and enabling body worn camera footage to be admitted as evidence-in-chief in family and domestic violence prosecutions to reduce the prospect of re-traumatisation and increase the chance of successful prosecutions.<sup>26</sup>

In the family law system, the Department is progressing amendments to the *Family Court Act 1997* (WA) to prohibit cross-examination of victims by alleged family and domestic violence perpetrators in relevant circumstances.<sup>27</sup>

**Initiative 1.5: We will support alternative dispute resolution where it is safe to do so and perpetrators are held to account.**

Pursuant to the *Family Violence Legislation Reform Act 2020* (WA), the Department is currently piloting a registrar-facilitated Shuttle Conferencing Scheme within the restraining orders jurisdiction of the Magistrates Court. This project aims to make the restraining orders system easier and less traumatic to navigate for victims, while ensuring procedural fairness for all parties.

This initiative complements other existing forms of alternative dispute resolution operating within the Family Court of Western Australia, conducted by Legal Aid WA and funded by the Commonwealth Attorney General's Department. This includes:

- Lawyer assisted mediation services for parenting disputes
- Lawyer assisted mediation services for property disputes under \$500,000.<sup>28</sup>

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<sup>26</sup> Legislating to enable body worn camera footage to be submitted as evidence-in-chief was a recommendation made by the Coroner of Western Australia: *Inquest into the 13 Deaths of Children and Young People in the Kimberley Region* (2017)(Recommendation 18).

<sup>27</sup> *The Family Court Amendment Bill 2021* was introduced into the Legislative Assembly on 2 June 2021.

<sup>28</sup> Attorney General's Department, 'Women's Economic Security Package,' Attorney-General's Department, Australian Government, Canberra, 2018, accessed 28 January 2022, <<https://www.ag.gov.au/families-and-marriage/families/supporting-women-recover-financially-after-separation>>

## Priority 2: Our systems are integrated to manage family and domestic violence risk

Victims and perpetrators of family and domestic violence have contact with many parts of the justice system, and multiple functions within the Department. At each point of contact, there may be different sources of information available, different support services, different professional skills and different legislative and policy settings - depending on whether we are working with victims, adult offenders or young people in the Youth Justice System.

Some commentators have identified that fragmentation within the justice system (and the service system more broadly) can contribute to the secondary victimisation of victims of family and domestic violence. Victims often experience the system as confusing, disconnected and inconsistent, which can compound harm and exhaustion. Perpetrators may also exploit 'gaps' in the system to avoid accountability, and to further their abuse.<sup>29</sup>

A key priority under this Framework is therefore to strengthen Department's internal integration and coordination across our courts and corrections systems to manage family and domestic violence risk more effectively, and to collaborate with our external partners to enhance cross-agency responses to family and domestic violence.

The initiatives below aim to ensure that relevant risk information flows through our systems to keep perpetrators accountable at every point, provide a consistent response, and maximise the safety of victims and their children.

### **Initiative 2.1: We will work with the judiciary to address the family and domestic violence information sharing needs between the Children's Court, Magistrates Court and Family Court of WA, to minimise duplication and maximise victim safety**

There are a number of projects that are addressing collaboration and information sharing across the judiciary and the Department, including:

- review of the Information Sharing Protocols
- transition of the Family Court of WA from the CaseTrack record management system to the Integrated Court Management System
- the Protection and Care pilot initiative
- progressing the introduction of an Aboriginal-led Specialist Family Violence Court in Broome
- participating in the:
  - 'National Information Sharing Framework' between the family law system, child protection system and state courts dealing with family and domestic violence matters.
  - 'Federal Family Violence Orders' within the family law system to permit the Family Court of WA to issue the equivalent of an enforceable FVRO during the course of family law proceedings.

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<sup>29</sup> H Douglas, 'Legal systems abuse and coercive control,' *Criminology & Criminal Justice*, 2018, Volume 18, Issue 1, pp 84-99.

**Initiative 2.2: We will collaborate with our external partners, including WA Police Force and the Department of Communities, to enhance integrated cross-agency responses.**

The Department will prioritise the following work to enhance information sharing and coordinated responses to family and domestic violence:

- in partnership with Western Australia Police Force, the Department of Justice, and the Department of Communities, participate in the design and implementation of the new integrated Family and Domestic Violence Response Teams (FDVRT) service model
- finalise an improved information exchange process between Western Australia Police Force and the Department in relation to Family Violence Incident Reports to better support assessment, monitoring and management of family and domestic violence offenders
- support the Department of Communities' project to strengthen approaches to risk management and information sharing, including updating Western Australia's *Common Risk Assessment and Risk Management Framework: 2<sup>nd</sup> edition*
- review the *Tripartite Schedule between the Department of Child Protection and Family Support, Department of Corrective Services and Western Australia Police: Collaboration and exchange of information regarding serious domestic violence offenders* (August 2013)
- continue to improve quality assurance processes for referrals to the Department of Communities (Child Protection and Family Support division) where the Department has become aware that a child is at risk in the course of managing an offender on a community-based order.

**Initiative 2.3: Our leaders will ensure that new family and domestic violence reforms are linked and coordinated via the family and domestic violence Steering Committee.**

With executive-level representation from each business division, the Family and Domestic Violence Steering Committee will serve as a forum for monitoring the implementation of this Framework and coordinating future initiatives. The Family and Domestic Violence Steering Committee will also provide a forum for drawing on appropriate expertise across the Department and linking family and domestic violence considerations into other intersecting initiatives, including significant alcohol and other drugs, mental health and disability initiatives.

**Initiative 2.4: We will build our workforce capacity to create a shared understanding of family and domestic violence, including key risk factors and lethality indicators such as strangulation, coercive control and recent separation.**

The Department will develop a family and domestic violence training plan to support its workforce.

The Department is also providing supports to those within its workforce who are experiencing family and domestic violence through the Family and Domestic Violence Workplace Support Policy.

### **Priority 3: Family and domestic violence perpetrators are identified, assessed, monitored and held accountable**

The justice system has a critical role in holding perpetrators of family and domestic violence to account and in working with them to reduce reoffending:

- The **criminal justice system** responds to criminal offences committed by family and domestic violence perpetrators. It can assist in the prevention of family and domestic violence through incarceration of the perpetrator (e.g. via a custodial sentence), rehabilitation (e.g. mandating attendance at a criminogenic behaviour change program) and/or judicial monitoring (e.g. as part of specialist court model). Corrective Services' role within the criminal justice system is to administer sentences imposed by the court and to provide rehabilitation opportunities. This is reflected in Corrective Services' overarching mission: '*A safe, secure and decent Corrective Services which contributes to community safety and reduces offenders' involvement in the justice system.*'<sup>30</sup>
- The **civil law system** holds perpetrators of family and domestic violence to account through restraining orders that aim to prevent future acts of family and domestic violence from being committed; a breach of which constitutes a criminal offence. The family law and child protection systems also have a critical role to play, for example, through the imposition of orders limiting access to children due to concerns about the risk of family and domestic violence.

The justice system can be seen as part of the 'web of accountability' around perpetrators of family and domestic violence. Each component of the justice system has a role to play in keeping the perpetrator's use of violence in view, providing a consistent message that the perpetrator's use of violence is not acceptable, imposing just consequences for contraventions, and in supporting opportunities for change without colluding.

Priorities 3 and 4 of this Framework set out the Department's approach to working with perpetrators of family and domestic violence. Priority 3 focuses on improved approaches to the identification, assessment and monitoring of family and domestic violence offenders. Priority 4 focuses on increasing the effectiveness of our programs and interventions.

#### **Initiative 3.1: We will increase the identification of serious high-risk family and domestic violence offenders within the criminal justice system and hold them to account.**

The new Serial Family Violence Offender declaration process (SFVO declaration) aims to improve the identification and accountability of high-risk offenders who repeatedly commit family and domestic violence against a single partner or multiple victims.

The Department will continue to work with the judiciary, the Director of Public Prosecutions and other stakeholders to embed the SFVO declaration process, and new offences.

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<sup>30</sup> Department of Justice, *Annual Report 2019/20*, Department of Justice, Government of Western Australia, Perth, 2020, p 12.

**Initiative 3.2: We will use evidence based family and domestic violence screening and assessment tools to assess risk and determine treatment needs.**

The Department is rolling-out a specific family and domestic violence risk assessment tool, the Domestic Violence Screening Instrument – Revised (DVSI-R).

Used to identify the likelihood of persistence in family and domestic violence related behaviour, the DVSI-R is applied to male and female adult offenders, and informs case management, case formulation and, coupled with the use of other comprehensive assessment tools, contributes to treatment decisions in managing and reducing the risk of further recidivist family and domestic violence.

**Initiative 3.3: We will improve specialist staff skills in mapping perpetrator patterns of behaviour and coercive control.**

The Department will support specialist staff to strengthen skills in analysing perpetrator patterned-based behaviour.

**Initiative 3.4: We will leverage technology and trial expanded GPS Tracking for family and domestic violence offenders who have breached an FVRO and committed further family and domestic violence offences.**

The Department will continue to implement a two-year Family and Domestic Violence GPS Tracking trial for high-risk family and domestic violence offenders, specifically targeting those that have breached an FVRO and committed further family violence offences.

The trial includes ongoing partner contact and engagement with the victim, provided by the OCVOC.

**Initiative 3.5: We will increase family and domestic violence perpetrators' access to legal information and advice to improve compliance with FVROs and court orders, including from custody.**

The Department will explore options to increase education about FVROs and court orders for both offenders in custody and prison staff, including information in accessible formats about common conditions and the consequences of breaching an order.

## **Priority 4: Family and domestic violence perpetrators are provided with programs to reduce their family and domestic violence offending**

A further critical function of the justice system in the context of family and domestic violence is the rehabilitation of perpetrators to reduce further offending.

To assist in meeting this objective, Corrective Services works within a Risk-Need-Responsivity framework and delivers a suite of family and domestic violence criminogenic programs to offenders in custody and on community based orders (both internally or via external service providers); as well as providing individualised psychological services; education and wellbeing programs; and reintegration services.

As a key initiative under this Family and Domestic Violence Strategic Framework, the Department is currently reviewing its existing suite of family and domestic violence criminogenic programs to ensure they are contemporary and effective.

It is important to recognise, however, that criminogenic family and domestic violence programs cannot provide a solution on their own, as 'Men's Behaviour Change Programs cannot be effectively assessed independently of the coordinated response in which they are offered.'<sup>31</sup>

Perpetrator behaviour change and victim safety requires system-level coordination including information sharing, risk assessment, treatment assessment, timely intervention, monitoring and support. Criminogenic family and domestic violence programs are one strand in the web of accountability required to keep family and domestic violence perpetrators accountable across the justice system (and within the community more broadly) to achieve meaningful, long-term behavioural change.<sup>32</sup>

### **Initiative 4.1: We will review our current suite of family and domestic violence criminogenic programs to ensure they are evidence-based, culturally responsive and effective.**

A key consideration for the review is whether existing family and domestic violence programs are effective in meeting broader Departmental objectives, such as whether they improve community safety, reduce imprisonment and rates of Aboriginal over-representation, and are cost effective.

### **Initiative 4.2: We will prioritise trauma-informed programs for offenders with co-occurring family and domestic violence and alcohol and other drugs needs, including for young people.**

Based on a similar model to that employed at Wandoo Rehabilitation Prison for women, at Mallee Rehabilitation Centre at Casuarina Prison the Palmerston Association and Wungening Aboriginal Corporation have been contracted to deliver the 'Solid Steps AOD Recovery Program' to male offenders.

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<sup>31</sup> A Day et al., *Evaluation readiness, program quality and outcomes in men's behaviour change programs*, Australia's National Research Organisation for Women's Safety, Sydney, 2019.

<sup>32</sup> See Chapter 1 in Chung et al, *Improved accountability: The role of perpetrator intervention systems*, Australia's National Research Organisation for Women's Safety, Sydney, 2020, p. 13

The Department is currently exploring the provision of a criminogenic family and domestic violence program as a follow-on program after Solid Steps.

**Initiative 4.3: We will develop and offer suitable family and domestic violence programs for offenders on short sentences and remand, including young people.**

The Department will implement the Metropolitan Parole in-reach Program pilot for family and domestic violence offenders (PiP FDV stream) in three pilot locations.

The PiP FDV stream aims to increase suitability for parole by enabling access to family and domestic violence treatment intervention programs within a throughcare model designed to support offenders transitioning from custody to community on parole orders, including offering opportunity for offenders on short sentences, starting in custody and continuing in the community.

In addition, the Department will explore possible intervention options for prisoners on remand alleged to have committed family and domestic violence offences.

**Initiative 4.4: We will work to ensure that our criminogenic family and domestic violence programs include partner contact, where safe and appropriate to maximise effectiveness.**

A strategic and long-term objective under the Family and Domestic Violence Strategic Framework is to develop options for partner contact as a standard feature (where appropriate and agreed by the victim) of facilitating Men's Behaviour Change programs, from custody or while on community-based orders. This will be considered during the planning stages for any future perpetrator program initiatives.

**Initiative 4.5: We will support young family and domestic violence perpetrators to change their behaviour through culturally responsive programs, recognising intersecting trauma, Fetal Alcohol Spectrum Disorder, mental health and alcohol and other drug needs.**

The Department is committed to providing enhanced treatment opportunities for young family and domestic violence offenders, within an over-arching philosophy of trauma-informed care.

The Department is implementing the following new initiatives under this Framework:

- a new process and referral criteria for young people accessing Youth Justice Psychological Services that have committed violent offences in a family context or intimate relationship;
- expansion of the 'Healthy Relationships' program (8 session program for lower-risk young people) from Banksia Hill to young people on community based supervision orders, targeting young people that have an exposure to family and domestic violence or unhealthy relationships. Further work is being done to evaluate the program
- engagement of an Aboriginal Psychologist to work in collaboration with Youth Justice Psychological Services to co-design, develop and trial a family and domestic violence program that meets the identified needs of young people that require a more intensive intervention than Healthy Relationships, however, cannot participate in the Disrupting Family Violence program

- reviewing the Youth Justice Services' 'Reporting and Collaborative Practices Alleged Assault, Harm and/or Neglect Procedure' to improve referral processes to the Department of Communities (Child Protection and Family Support) and Western Australia Police Force for young people that disclose being the victim of, or witnessing, family and domestic violence within their family or home environment.

## Priority 5: Female offenders at risk of family and domestic violence are supported to stay safe

Women are the fastest growing cohort within the Australian prison system. Despite making up only 8% of prisoners across Australia, female imprisonment rates have increased by 64% in a ten-year period. In comparison, male imprisonment rates have increased by 45% in the same period<sup>33</sup>.

Family and domestic violence is recognised as a key driver of female incarceration.<sup>34</sup> Studies consistently report that a high proportion (around 70–90%) of women in custody are victims of physical and/or sexual abuse, with key perpetrators being spouses or partners.<sup>35</sup> One 2017 study identified that up to 90% of Aboriginal women incarcerated in Western Australia are survivors of family and domestic violence.<sup>36</sup>

Research shows that a woman's experiences of violence can be a pathway into the criminal legal system for lower-level criminalised activity (e.g. substance use), as well as crimes of higher severity (e.g. violent offences).<sup>37</sup> Alongside trauma, mental health and housing issues precipitated by experiences of violence, trying to get away from violence (e.g. driving without a licence) or fighting back in self-defence can also be a key factor in women's incarceration.<sup>38</sup>

Many of these issues were reflected in the consultations with Aboriginal and non-Aboriginal women prisoners conducted by the Department, as a joint initiative with the Department of Communities. Many women related stories of violence prior to prison, of feeling that they had been incorrectly targeted by police when they were not the primary aggressor, of losing their children to the child protection system due to ongoing violence, of using drugs and alcohol as a coping strategy, and using violent resistance as a survival mechanism. One woman explained that she had used prison as a safety strategy during years of long-term abuse, noting that as soon as her partner was released from prison, she would commit a crime to 'go back in'.

The Department is committed to a range of initiatives under this Framework aimed at improving our understanding of the links between family and domestic violence and rising incarceration rates for women in Western Australia. These include providing appropriate support to help women recover from abuse, preventing further exposure to family and domestic violence upon release, and providing pathways out of re-offending.

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<sup>33</sup> National figures, between 2008 and 2019, noting that some variation is expected in 2020 due to the impact of COVID-19 measures. Source: Australian Institute of Health and Welfare, *The health and welfare of women in Australia's prisons*, AIHW, Australian Government, Canberra, 2020.

<sup>34</sup> Australia's National Research Organisation for Women's Safety, *Research synthesis: Interventions for perpetrators of domestic, family and sexual violence in Australia*, Australia's National Research Organisation for Women's Safety, Sydney, 2021, p.4.

<sup>35</sup> Ibid.

<sup>36</sup> M Wilson et al., 'Violence in the Lives of Incarcerated Aboriginal Mothers in Western Australia,' *Criminology and Criminal Justice*, Sage Open, 2017, accessed 28 January 2022 <<https://doi.org/10.1177/2158244016686814>>

<sup>37</sup> A Day et al., *The forgotten victims: Prisoner experience of victimisation and engagement with the criminal justice system*, Australia's National Research Organisation for Women's Safety, Sydney, 2018, p 40.

<sup>38</sup> M Bevis et al., *Kunga's trauma experiences and effects on behaviour in Central Australia*, Australia's National Research Organisation for Women's Safety, Sydney, 2020.

**Initiative 5.1: For women in custody at risk from family and domestic violence, we will improve access to legal advice and safety planning prior to release, to maximise safety for themselves and their children.**

The Department is progressing the Government's election commitment to introduce a family and domestic violence-focused pilot program for women in prison to support a safe transition back into the community. This will include legal assistance in relation to restraining orders, child protection, family law and housing issues, as well as safety planning assistance.

The Boronia Women's Pre-release Centre is also currently partnering with Western Australia Police Force in the Cannington District to pilot the 'Police Prison Release Initiative' to improve cross-agency collaboration and reduce the risk of further family and domestic violence occurring after release.

**Initiative 5.2: We will increase access to trauma-informed programs for female offenders with co-occurring family and domestic violence and alcohol and other drugs needs, including those who use violence as resistance.**

The Department will continue to support the trial of the 'Beyond Violence' program for Aboriginal women at Bandyup Women's Prison. Further programs may also be explored through the Aboriginal Family Safety Strategy.

**Initiative 5.3: We will support our people to adopt family and domestic violence and trauma-informed approaches to working with female offenders.**

The Department is progressing a comprehensive 'Online Training' program to be delivered through the Corrective Services Academy and subsequently to all staff. The training module utilises a trauma-informed approach, including the impacts of family and domestic violence, and builds on the extensive in-person training that has been conducted across the metropolitan Women's Estate for officers in family and domestic violence trauma-informed care<sup>39</sup>. The Correctional Officer Foundation Program also includes topics on Trauma Informed Practice, Victim Awareness, Child Protection and family and domestic violence, including use of assessment tools.

The Department will also continue to support research to further our understanding of the nature of female offending and the role of family and domestic violence through the Department's Research Applications and Advisory Committee.

**Initiative 5.4: We will prioritise training for women in custody that increases financial independence and economic empowerment.**

The Department will continue to support training opportunities and financial education for women in custody that provide meaningful pathways out of poverty, to help build financial autonomy, and guard against economic abuse and coercive control by future partners.

The Beauty Spot salon, for example, was established at Bandyup Women's Prison to train prisoners in hair and beauty skills that not only improve self-esteem but also provide them with industry qualifications. Bandyup Prison now also offers a 12 month

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<sup>39</sup> Department of Justice. *Annual Report 2019/2020*, Department of Justice, Government of Western Australia, Perth, 2020, p 33.

traineeship to become a salon assistant through a course facilitated by North Metro TAFE.<sup>40</sup>

Boronia Pre-release Centre for Women also provides residents with the opportunity to obtain a range of qualifications in hospitality and other fields.

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<sup>40</sup> Department of Justice Annual Report 2019-2020

## Priority 6: Our work is continually improving

Australia has benefited from significant investment in building the family and domestic violence evidence-base over the past decade. This includes the establishment of Australia's National Research Organisation for Women's Safety, and the implementation of dedicated family and domestic violence research streams within the Australian Institute of Criminology and the Australian Institute of Family Studies.

Notwithstanding the invaluable and prolific output of these organisations - including significant leadership by academics in Western Australia - the evidence in relation to effective justice system responses to family and domestic violence is still evolving, particularly with respect to perpetrator interventions.

A key priority under the Family and Domestic Violence Strategic Framework is therefore to ensure that our work is continually informed by, and contributes to, the evolving evidence-base in relation to family and domestic violence.

### **Initiative 6.1: We will continue to improve our data collection in relation to family and domestic violence offenders and victims.**

Opportunities exist to improve the Department's data collection capabilities to support the monitoring of family and domestic violence risk across our system, and to support evaluation processes.

There are a range of projects being undertaken across the department to support improvements in both the collection of data and collaborative use of data.

### **Initiative 6.2: We will explore the development of a Family and Domestic Violence Specialist Unit and Community of Practice to provide expert advice, ensure training materials are contemporary, and support continuing professional development.**

The Department will explore the development of a Family and Domestic Violence Specialist Unit to provide expert advice across the Department in relation to family and domestic violence.

## Monitoring and evaluation

The Family and Domestic Violence Strategic Framework is intended to be an evolving document that may be adjusted or revised over time as evidence about 'what works, for whom, and in what circumstances' continues to emerge in relation to family and domestic violence in Western Australia.

Measuring the effectiveness of family and domestic violence reform is not without challenges. Stakeholders, including lawmakers, highlight the need for more quantitative indicators to measure achievement, and for commitment to ongoing independent and transparent evaluation.<sup>41</sup>

The Department is committed to an outcomes-driven approach to our family and domestic violence initiatives, and to strengthening our capacity to measure results in this area. To this end, the Western Australian Office of Crime Statistics and Research will undertake evaluations of five key projects detailed in the Family and Domestic Violence Strategic Framework. Further, ongoing monitoring by the Family and Domestic Violence Steering Committee will track the progress of all initiatives.

It is anticipated that these processes will identify any significant gaps in the current measures and data sources, and will allow the Family and Domestic Violence Steering Committee to consider how these may be addressed going forward.

Accounting for evaluations of key initiatives and ongoing consultation, future directions for the Family and Domestic Violence Strategic Framework will be considered upon its review, after three years of operation.

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<sup>41</sup> House Standing Committee on Social Policy and Legal Affairs, *Inquiry into Family, Domestic and Sexual Violence*, House Standing Committee on Social Policy and Legal Affairs, Parliament of Australia, Canberra, 2021, p xxi and xxvii (Recommendations 2 and 20).