

2019

**THE LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**GOVERNMENT RESPONSE TO
THE REPORT ON THE INQUIRY INTO
DOMESTIC AND FAMILY VIOLENCE – POLICY APPROACHES AND RESPONSES**

Presented by
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Introduction

On 30 March 2017, the Standing Committee on Justice and Community Safety (the Standing Committee) informed the ACT Legislative Assembly that, pursuant to Standing Order 216, it had resolved to inquire into domestic and family violence as it relates to policy approaches and responses.

On 11 May 2017, the Standing Committee informed the Assembly of its terms of reference for its *Inquiry into domestic and family violence—policy approaches and responses*. Specifically, its terms of reference were to inquire into and report on:

- a) the adequacy and effectiveness of current policy approaches and responses in preventing and responding to domestic and family violence in the ACT;
- b) the implementation of the ACT Government's 2016–17 funding commitments to prevent and respond to domestic and family violence in the ACT, and how outcomes are being measured;
- c) the issues and policy challenges (if any) for the ACT arising from the National funding and agenda/policy setting regime/framework—including how outcomes are measured and reported;
- d) best practice policy approaches and responses being undertaken in other jurisdictions to prevent and/or respond to domestic and family violence; and
- e) any other related matters.

The Standing Committee invited public submissions for its inquiry on 15 June 2017. The Committee also released a discussion paper on 26 July 2017 to consider and provide contextual background for each of the terms of reference to assist individuals and organisations to prepare submissions to its Inquiry. Following this, the ACT Government and 33 other organisations and individuals provided submissions to the Standing Committee in September 2017.

On 22 August 2019, the Standing Committee tabled its *Standing Committee on Justice and Community Safety Report on the Inquiry into Domestic and Family Violence – Policy Approaches and Responses* (the Standing Committee Report) in the Legislative Assembly.

Summary

The Standing Committee report made 60 recommendations to Government. The recommendations span the following topics:

- adequacy and effectiveness of current ACT policy approaches and responses;
- national funding and agenda/policy setting – issues and policy settings on DFV relevant to ACT policy approaches and responses;
- implementation of the ACT Safer Families initiatives and associated programs; and

- most effective current policy approaches and responses.

Overview of ACT Government response:

The ACT Government response agrees to 38 recommendations and agrees in principle to 12 recommendations of the Standing Committee Report. Eight recommendations of the Standing Committee Report were noted, and two recommendations were not agreed to.

Responses to Recommendations

Recommendation 1: *The Committee recommends that the current approach to addressing Domestic and Family Violence (DFV) in the ACT be the subject of an annual report to be presented as a special budget paper by the Minister to the Legislative Assembly with ACT Government's annual Budget Papers.*

Government Position: Noted

The Minister for the Prevention of Domestic and Family Violence already reports on progress on Safer Families initiatives and reform via the annual Safer Families Statement to the Legislative Assembly. The ACT Government also provides detailed reporting on Safer Families initiatives and expenditure as a standalone appendix to Budget Paper 3.

The Minister for the Prevention of Domestic and Family Violence appears before the Legislative Assembly for questions relating to Safer Families matters during both the Annual Report and Estimates Hearings.

At a national level, the ACT Government will contribute to reporting on key achievements and progress under the Fourth Action Plan of the National Plan to Prevent Violence Against Women and their Children 2010-2022.

Recommendation 2: *The Committee recommends that the Coordinator-General of Family safety prepare an annual report from that office for attachment to the annual report recommended in Recommendation 1, and that the two reports be presented to the Legislative Assembly. That these two reports be referred to the Justice and Community Safety Committee for a response to be tabled 3 months after the Minister's Report is tabled annually.*

Government position: Not Agreed

As per response to Recommendation 1. Additionally, the work of the Coordinator-General for Family Safety and her Office is reported on publicly through the Community Services Directorate Annual Report. The Coordinator-General appears with the Minister at Estimates and Annual Report hearings for questioning about safer families matters. All agencies report when required.

Recommendation 3: *The Committee recommends the use of language in the DFV context which allows for perpetrators of DFV to envisage change and to have a place of respect in society if they embrace change.*

Government position: Agreed

The ACT Government supports recommendations 3, 4, 5 and 23 regarding the need for any narrative relating to domestic and family violence to use:

- language that recognises the gendered nature of DFV, reflecting that men primarily perpetrate violence and coercion against women and children;
- language that is inclusive of different groups (both as perpetrators and victim/survivors) to reflect that men and same sex couples do experience DFV;
- language that encourages hope, healing and behaviour change while still holding perpetrators to account; and
- language and strategies that focus on motivating men and fathers by bringing them back into family and community, with supports to validate their role and identity.

The ACT Government has already been incorporating this narrative into the development of key policies, including the ACT Government Domestic and Family Violence Training Strategy and the Domestic and Family Violence Risk Assessment and Management Framework.

Recommendation 4: *The Committee recommends the use of language in the DFV context which does not exclude any male victims of DFV.*

Government position: Agreed

As per response to Recommendation 3.

Recommendation 5: *The Committee recommends that, in reflecting the need for community awareness and gender equality, several principles be adopted, namely that: (i) In discussing the issues of DFV, language used acknowledges the majority of those presenting for assistance and support are women, and (ii) due to both the importance of positive language in reinforcing the ability of many individuals to change and choose to improve themselves, but also because of the gendered nature of the current debate around violence in intimate relationships, that in all communication on this issue, language used be based on the highly motivating concepts of people becoming strong and good partners, fathers mothers and parents.*

Government position: Agreed

As per response to Recommendation 3.

Recommendation 6: *The Committee recommends that current school-based programs aimed at educating young people on recognising and combatting DFV ensure that there is a focus on violence prevention, healthy conflict resolution and anger management.*

Government Position: Agreed

ACT public schools use universal approaches such as Positive Behaviour for Learning (PBL) to assist children and young people to learn behavioural expectations that are explicitly taught for different settings across the school. PBL provides a tiered approach to support students who may need additional behavioural and academic support. In addition to PBL, the Education Directorate offers Social and Emotional Learning (SEL) in schools to positively influence students’:

- attitudes and norms to be non-supportive of violence and disrespect; and
- knowledge, attitudes, and skills to understand and manage their emotions, set and achieve positive goals, understand and show empathy for others, establish and maintain positive respectful relationships, and make responsible decisions.

SEL is an important contributor to the primary prevention of domestic and family violence. The Education Directorate continues to strengthen relationships and governance arrangements with a range of community organisations who deliver school-based programs, including those which have a prevention and/ or early support focus for students demonstrating at risk-behaviour such as issues with anger management and violence. This work will provide greater understanding of program content, uptake and effectiveness.

The Education Directorate has established an Early Intervention Team (EIT) that will deliver psychology interventions to support students experiencing mild to moderate symptoms of (or identified vulnerability to) psychological distress. Early intervention and prevention include the goal of intervening early in the life of the problem, adolescence is a time in which mental ill health can first emerge. EIT will deliver intervention to students at school in a group setting. For example, the *Flexible Minds* course can be tailored to schools’ or participants’ identified needs, such as stress management, anxiety and anger management. Other EIT programs will assist parents, for example the Supportive Parenting for Anxious Childhood Emotions (SPACE) program is developed to help parents better support their child/ young person experiencing anxiety and associated school refusal.

Recommendation 7: *The Committee also recommends that each annual report for the Education Directorate provide detail on educational programs directed at prevention of DFV and an evaluation and assessment of the performance, outcomes and success of those programs for each reporting period of that report be included.*

Government Position: Agreed in principle

Education Directorate will provide detail on educational programs directed at prevention of domestic and family violence in the annual report.

Recommendation 8: *The Committee recommends that an assessment be done of Housing ACT's categorisation of clients as needing crisis action, and that there be an evaluation and report on whether the service is too slow or inaccurate.*

Government Position: Agreed

The ACT Government is currently working with OneLink around the process for assessing clients who require crisis action. An evaluation will be carried out and an update provided in the 2019-20 Community Services Directorate Annual Report.

Recommendation 9: *The Committee recommends that the term 'internally' recognised by ACT Housing – 'Housing First' - be incorporated in all response mechanisms in order that a sense of permanency and security can be encouraged.*

Government Position: Agreed

Housing ACT already incorporates housing first principles within its policy development. This is demonstrated in the ACT Housing Strategy with a specific commitment to work with the sector to investigate and implement a model of support that draws upon the principles of housing first, particularly for those experiencing long term homelessness.

Recommendation 10: *The Committee recommends that all assessments by ACT Housing of women requiring emergency housing include keeping families together, particularly when accessing overnight temporary care.*

Government Position: Agreed in principle

Housing ACT does not provide emergency housing. OneLink is funded to link people experiencing homelessness or at risk of homelessness to specialist homelessness services and mainstream services.

An overarching principle of the homelessness sector is to keep families together where possible. However, there will be some cases when it may be necessary for partners to be accommodated separately; and teenage boys to be referred to one of the Youth Emergency Accommodation Network (managed by The Salvation Army).

Recommendation 11: *The Committee recommends that the speed of categorising people as in "crisis" or highest priority be improved, to adhere to the best practice guidelines from the Ministerial Review Council.*

Government Position: Agreed

Housing ACT is working closely with OneLink and the ACT specialist homelessness sector to quickly identify people "in crisis" by undertaking an initial needs assessment when clients first seek an accommodation response. Based on this assessment, clients will be connected

with services that address their immediate and long-term needs. This may include family case management services or other services appropriate to people's individual circumstances, as well as homelessness accommodation and housing support services.

Recommendation 12: *The Committee recommends ACT Government work with the RSPCA or similar body to develop a volunteer fostering system to allow for people with pets fleeing DFV.*

Government Position: Agreed

The ACT Government acknowledges that the safety and wellbeing of pets is a significant concern to those escaping domestic and family violence. The ACT Government supports this recommendation, noting that RSPCA ACT already offers Project SAFE (Support for Animals and Families in Emergencies) which is designed to be a safe haven and emergency short-term care for the pets of victims fleeing domestic violence. Animals that enter the Shelter under this program also receive a full vet check, vaccinations and have other immediate medical needs met.

For people fleeing domestic and family violence who require short or longer-term care for pets, Hanrob Pet Hotels offer a discounted rate for clients of DVCS. DVCS are also able to offer crisis accommodation in motels that are pet friendly, subject to availability.

For people escaping violence who need to secure a new rental property, recent reforms to tenancy law in the ACT via the *Residential Tenancies Amendment Act 2019* make it easier for tenants to keep pets in rental properties.

Recommendation 13: *The Committee recommends that systems within ACT Housing be adopted to allow for DFV victims to be able to stay in their home while the perpetrator is rehoused.*

Government Position: Agreed

Housing ACT already has processes in place to support people subjected to domestic and family violence remain in their homes, where it is safe to do so and remaining in the home is the wish of the tenant. These are outlined in the ACT Housing Domestic and Family Violence policy.

Housing ACT provides home security modifications to public housing tenants who are experiencing domestic and family violence and there is a legal framework to support victims of domestic violence to remain in their homes and have the perpetrator removed from the tenancy.

Recommendation 14: *The Committee recommends that ACT Housing investigate: (i) How to support victims of DFV living in public housing, who flee properties to avoid rental arrears;*

(ii) The implementation of a rebate/program to assist victims of DFV who need additional security at their place of residence and how reimbursement can be made.

Government Position: Agreed

The ACT Government will review current policies to look at helping prevent public housing tenants experiencing domestic and family violence falling into rental debt. The ACT Government acknowledges the financial pressures affecting people experiencing domestic and family violence.

If a person requires a housing transfer where there are issues of safety, prior debt with Housing ACT will not preclude a transfer. In addition, there is an option for a debt waiver under the *Financial Management Act 1996* where domestic and family violence is proved to have been a component in the accumulation of that debt. Where appropriate, Housing ACT seeks to have this debt waived.

Housing ACT already has a security upgrade program for public housing tenants experiencing and escaping domestic and family violence. These may include installation of window and door locks, security screen doors, lighting and landscape modifications and any site-specific alterations recommended by specialist domestic violence representatives such as DVCS. For additional modifications to public housing properties that fall outside the remit of the security upgrades provided by Housing ACT, DVCS may provide these installations using Commonwealth funding for the Staying At Home Program. Additionally, funding can be sought from ACT Victims of Crime Financial Assistance Scheme for security modifications.

Recommendation 15: *The Committee recommends that a review of services to enable contact between parents and children in relation to DFV be reviewed to ensure contact is not lost due to a lack of funded supervised visits, but safety is adhered to.*

Government Position: Agreed

Some children who are subject to Care and Protection Orders have a contact provision. The contact provision details how children will have contact with their parent/s. These decisions are made by the Children's Court.

It should be noted that funding of supervised visits is not a consideration when making these orders. For some children, supervised contact is arranged, specifically where there are safety concerns for the child.

Where supervised contact provisions are in place for children on long term Care and Protection orders, the ACT Government funds Barnardos to facilitate this contact, either directly or through another service. For children subject to short-term Care and Protection Orders, Community Services Directorate either provide the supervision directly, engage the Uniting Children and Families Program, or other service providers if supervision is required. Community Services Directorate may consider contributing some funding towards parents' costs for visits if children reside interstate.

Community Services Directorate will consider this recommendation when next reviewing existing joint policy with the service providers mentioned above.

Recommendation 16: *The Committee recommends that an analysis be done as to how many people are using hotel, motel or other itinerant accommodation indefinitely because they are unable to access public housing and to use data collected from this analysis to inform housing options and availability for vulnerable Canberrans.*

Government Position: Agreed

The ACT specialist homelessness sector already provides six monthly performance reports which include information and data about brokerage and hotel accommodation. This information is collated and analysed by Housing ACT and provides as a summary of a 'gap analysis' to discuss with the sector, providing an opportunity to work together to inform better service planning. This analysis will also inform the structure of future contracts with services during the next procurement round in 2021. The Domestic Violence Christmas Program provides short-term accommodation and support, as well as safe exit options for families and individuals at risk of homelessness due to domestic violence, over the Christmas period. The Domestic Violence Christmas Program is reported on separately, following the end of the program each year.

The ACT Government recognises that access to adequate housing is a key issue faced by people who experience domestic and family violence. The ACT Government is committed to making housing accessible and affordable to all Canberrans via the ACT Housing Strategy.

The ACT Housing Strategy has five goals, including:

- an equitable, diverse and sustainable supply of housing for the ACT community;
- reducing homelessness;
- strengthening social housing assistance;
- increasing affordable rental housing; and
- increasing affordable home ownership.

The ACT Housing Strategy will continue to prioritise young people (including young mothers) and women and children escaping domestic violence to provide early assistance to minimise the intergenerational impacts of experiencing homelessness.

Recommendation 17: *The Committee recommends that funding of programs to support young male family violence offenders—12 to 19 years—including establishment of anger management and practical plans for development of the individual.*

Government Position: Agreed

The ACT Government supports this recommendation, noting that funding is already provided for young male family violence offenders through a number of service providers.

The ACT Government funds EveryMan Australia to provide Working with the Man; a family violence prevention program. This program is an early intervention program for men aged from 18 years to improve family safety and reduce homelessness caused by domestic and family violence.

Menslink is funded by the ACT Government under the Child, Youth and Family Services Program to deliver mentoring and counselling services that aim to promote participation to allow individuals and communities to be connected, productive and supported. The target group for these funded services is young men aged 10 to 25 years who have been negatively affected by life experiences and who experience personal or social integration challenges.

DVCS is funded to provide the Room4Change program, a therapeutic and residential behaviour change program for perpetrators of domestic violence who are 18 years and above. DVCS also provides the Young Peoples Outreach Program to children from 5 to 13 years of age who show signs of certain behaviours, such as re-enacting violent or abusive behaviours, disruptions at school, problems with peers, or inward behaviours (such as becoming withdrawn and problems connecting with friends and family).

Additionally, the ACT Government funds youth services such as the Salvation Army's Youth Emergency Accommodation Network, who work with young men and women (16 to 24 years) and provide a holistic case management model that would include addressing anger management and linking in with specialised services (e.g. psychologists) to assist in managing these behaviours.

Recommendation 18: *The Committee recommends that ACT Government investigate how to introduce programs such as the 'silence is deadly program' or the "anger jumpstart" program as a support for victims and as a skills development and prevention tool for young people.*

Government Position: Agreed in principle

'Silence is deadly' and 'anger jumpstart' are both programs offered by Menslink. The ACT Government provides annual funding to Menslink to deliver mentoring and counselling services but does not fund 'Silence is deadly' and 'anger jumpstart' specifically.

The target group for services provided by Menslink is young men aged 10 to 25 years who have been negatively affected by life experiences and who experience personal or social integration challenges. In 2017-18, the ACT Government funded Menslink to expand its service delivery from 12-25 years to include the 10-12 year old cohort after a service gap was identified. Menslink now includes this cohort as needed and appropriate.

While the ACT Government recognises the important work of Menslink, to ensure transparent and equitable processes, and value for money assurances, the ACT Government would need to consider the intent of Recommendations 18 and 19 separately from the recommendation to increase funding to an individual provider. In line with transparent

budget and procurement processes, the ACT Government has encouraged Menslink to lodge submissions through the Community Budget Consultation process.

As per the response to Recommendation 20, the Community Services Directorate provides funding to 27 organisations to deliver services under the Child, Youth and Family Services Program (CYFSP). The CYFSP delivers holistic, wrap-around services for children, young people and their families. Supports fostered through the CYFSP create individualised approaches which are child/young person centred and family focussed in line with the CYFSP Practice Framework. Services look to assist children, young people and their families in responding to a range of needs and concerns that span the community services sector and may require multiple supports to assist in broader development. For example, several funded providers operate an integrated family support model which includes opportunities to support children, young people and their families with access to group programs and case management activities through the therapeutic supports.

As per the response to Recommendation 6, ACT Public schools use universal approaches such as Positive Behaviour for Learning (PBL) to assist children and young people to learn behavioural expectations that are explicitly taught for different settings across the school. PBL provides a tiered approach to support students who may need additional behavioural and academic support.

The ACT Government funds DVCS to deliver the Young People's Outreach Program through the Community Development Program. The program is for children, predominately aged between 5 and 12 who have been identified as having been affected by living with domestic violence. The program is an early intervention measure that aims to assist children and their families known to DVCS who have been affected by living with domestic violence. The program will identify children and young people most at risk of experiencing social isolation, homelessness, on-going conflict and crisis, criminal behaviours and school disruption.

Additionally, the ACT Government funds Canberra Rape Crisis Centre to provide culturally appropriate counselling for members of the Aboriginal and Torres Strait Islander community who have experienced sexual assault (and their families) via the Nguru Program. The Nguru program approach is holistic and family centred, with assistance provided through discussions with professional counsellors in individual and group sessions (where appropriate). The Nguru program specifically includes resources designed for children.

Recommendation 19: *The Committee recommends that more funding should be provided for Menslink to improve access to a youth cohort who, because of their youth, can learn and adapt more successfully to new and positive modes of behaviour.*

Government Position: Agreed in principle

As per response to Recommendation 18.

Recommendation 20: *The Committee recommends that programs and responses involving children not only include counselling but other appropriate services, for example socialisation or exercise activities which can assist children in broader self-development.*

Government Position: Agreed in principle

The ACT Government supports this recommendation in principle, noting that several organisations are already funded to provide services to children in the ACT affected by domestic and family violence as per the response to Recommendation 18.

The ACT Government provide funding to Canberra Police Community Youth Club (Canberra PCYP) who offer a variety of programs to engage with children and young people in the community, with focus on socialisation and exercise. Choose Respect is an 9-week course on respectful relationships, targeting young people aged 12-25 years who are exhibiting poor attitudes towards women and/or may have been exposed to, or responsible for, domestic or family violence. The course content utilises evidence-based programming and includes a Canberra PCYC fitness component. Beyond the nine-week course, Canberra PCYC staff will provide ongoing mentoring support for participants.

Recommendation 21: *The Committee recommends that, as part of ACT Government's restorative justice work, initiated with young perpetrators, further options be promoted and included in responses including mediation for young perpetrators to enable skills development for positive change.*

Government Position: Agreed in principle

The ACT Government supports this recommendation in principle, noting that young people already receive support for positive change via their engagement with the ACT Restorative Justice Unit. The Restorative Justice Unit engages young people whose offences are referred by justice agencies including ACT Policing, the Director of Public Prosecution (DPP), the ACT Children's Court, the Supreme Court and Child and Youth Protection Services. This is a voluntary scheme.

Convenors in the Restorative Justice Unit already work with eligible young perpetrators who agree to be referred and consent to participation in restorative justice. Either as preparation or as a commitment in a Restorative Justice Agreement, young people have restorative dialogues about their responsibilities and the impact of their behaviour on others and identify appropriate supports when needed. Through the restorative process, young people are learning about the importance of positive, non-violent relationships in their families, social circles and broader community. They learn what ethical and empathic approaches to conflict look like.

When young people have significant risk factors that fuel their anti-social behaviour this becomes part of the restorative conversation. Victims of their offence may request that the young person agree to commit to programs that will develop their capacity for changing anti-social behaviours as a way for them to make amends for the harm caused and show they are serious about not harming others in the future. Young people themselves and/or

their supporters (family/friends) may show insight and understanding about the young person's need for extra support to address wellbeing and build their capacity to display pro-social behaviours. When this occurs, young people agree to be referred to relevant support agencies who can provide further guidance to develop insight and skills for positive behaviour change.

The ACT's Warrumbul Court, which will be launched later this year, will act as the Children's Court when it is sitting to provide circle sentencing. The Court aims to divert young Aboriginal and Torres Strait Islander people away from criminal behaviour by having the young person, where appropriate, engage with their culture and community, surrounded by their family and relevant support agencies to identify rehabilitation pathways or sentencing options.

This forum provides a voluntary opportunity for young Aboriginal and Torres Strait Islander people to meet with Elders and support service providers in a safe context that includes their family. Young people will be asked questions about their cultural connection, wellbeing, the offence/s and, if there is a victim involved, what the impact may have been on that person. The group will explore the young person's motivation to take more positive pathways. The Elders may request that the young person attend one or more culturally appropriate agencies to access relevant rehabilitative supports. There are incentives at the subsequent sentencing hearing for the young person to demonstrate their participation and learning in rehabilitation activities. If there is a victim involved and the young person agrees, the Elders may initiate a referral to the Restorative Justice Unit for a potential victim/offender conference where an awareness and empathy for the offence impacts on victims can be achieved.

Recommendation 22: *The Committee recommends that ACT Government look at the New Zealand Restorative Justice model for restoring relationships especially for perpetrators.*

Government Position: Agreed

The ACT Government has previously sent representatives to New Zealand to consider its restorative justice model. The Restorative Justice Unit Director attended a two-day conference entitled 'Family Violence, The Law and Restorative Justice' in May 2015. New Zealand's 'Project Restore' team was also engaged to provide training for managing adult family violence matters with Restorative Justice Unit convenors and key stakeholders, including DVCS workers in 2016. The learning from this exploration of New Zealand Restorative Justice practices has been embedded in the ACT's Crimes (Restorative Justice) Sexual and Family Violence Offences Guideline 2018.

Recommendation 23: *The Committee recommends that in all work with perpetrators, those who do change or take up opportunities to change through our systems are encouraged so that hope is retained for those interested in bettering their approach and effecting changing behaviour in themselves.*

Government position: Agreed

As per response to Recommendation 3.

Recommendation 24: *The Committee recommends that personalised care plans be developed across the sector and that the same level of holistic service to be offered to all seeking assistance whether victims or perpetrators.*

Government Position: Agreed

The ACT has developed a Domestic and Family Violence Risk Assessment and Management Framework to improve integration across the service system. The implementation of similar frameworks in other jurisdictions has achieved improved integration and coordination resulting in more personalised responses being provided to both victims and perpetrators.

Recommendation 25: *The Committee recommends that ACT Government acknowledge the intensive assistance needed for the long term to keep victims linked in with available services.*

Government Position: Agreed

The ACT Government acknowledges that often holistic, long-term assistance is needed to keep victims linked in with available services.

A key insight discovered during the co-design phase of the Family Safety Hub is that a fragmented service system prevents the delivery of long-term, joined up holistic responses to people experiencing domestic and family violence. This is one of the key insights that inform the work of the Family Safety Hub and the Office of the Coordinator General for Family Safety towards improving service integration and coordination for people experiencing domestic and family violence.

Recommendation 26: *The Committee recommends and acknowledges that better coordination and education required in identifying DFV issues in patients who present in the medical setting including information on where they should go.*

Government Position: Agreed

The ACT Government supports an increase in coordination and education for staff across clinical service delivery areas in the public health system to better identify patients with domestic and family violence issues and provide guidance to patients on support avenues available subject to considerations of cost and normal budgetary processes. Implementation arrangements would be required to be negotiated with ACT Health Directorate's contracted providers.

Canberra Health Services has committed to address family violence through the implementation of the project Strengthening Health Responses to Family Violence (SHRFV). This project is based on the Strengthening Hospital Responses to Family Violence program which was developed in Victoria and is now being rolled out in public hospitals in Victoria. SHRFV utilises a whole-of-organisation approach to drive cultural change to create an environment where staff and consumers feel safe and confident to disclose and receive support for family violence. An important component of the program is the provision of training to educate staff in a shared understanding of family violence, how to sensitively enquire about family violence, and to increase knowledge of indicators and referral pathways for staff and consumers who disclose family violence.

The SHRFV model encourages organisations implementing SHRFV to establish a supportive environment through the development of infrastructure to support staff and consumer disclosures, prior to the delivery of training. Canberra Health Services has commenced work to develop this infrastructure, including the establishment of policies and procedures, referral pathways, data and record keeping and workforce support. It is expected these initiatives will enable staff to act on the learnings they gain through training.

Capital Health Network has a health pathway available for primary care professionals working in general practice on how to assess, manage and refer patients experiencing family violence. There is also a pathway available on domestic and family violence support services available to support people in the ACT. Capital Health Network is also undertaking a project to scope the impact of intimate partner and domestic and family violence on primary health care, and the current practice around recognising, assessing and referring in primary care settings. An aspect of this project involves capacity building for primary care professionals.

The ACT Health Justice Partnership has built a relationship between maternity services and a legal service, to assist pregnant women and new families who are experiencing domestic and family violence to access free legal services. The partnerships help identify people impacted by domestic and family violence in a medical setting by connecting them with experienced legal support that is located on site in both of the ACT hospital maternity facilities.

By providing free and confidential legal advice and support in locations where women already go for health needs and with whom they may already have established relationships, the Health Justice Partnership has supported women experiencing violence who don't normally access domestic and family violence services. This has allowed earlier intervention and better access to the supports they might need.

Recommendation 27: *The Committee recommends that ACT Government studies and identifies system gaps especially for Aboriginal and Torres Strait Islander victims in accordance with recommendations made to the Committee by the Women's Legal Centre in its submission.*

Government position: Agreed

Two Aboriginal and Torres Strait Islander community-led reports have set out priorities for action to address domestic and family violence in the ACT. They are the *We Don't Shoot Our Wounded* (2009) report and the *Change our Future - Share What You Know* report from the Aboriginal and Torres Strait Islander Community Forum on Domestic and Family Violence (2017).

The ACT Government has committed \$354,000 over four years (2019-20 to 2021-22) to work with representatives from the Aboriginal and Torres Strait Islander community, including the Elected Body and the Domestic Violence Prevention Council's new Aboriginal and Torres Strait Islander Reference Group to develop specific action in response to the recommendations of these reports and support community-designed responses.

Also underway is the *Our Booris Our Way* review, which focusses on systemic improvements needed to address the over representation of Aboriginal and Torres Strait Islander children in the child protection system in the ACT. The Interim Report from the *Our Booris Our Way* review was provided to the ACT Government on 31 August 2018, and a final report is due to be provided by the end of 2019.

Future ACT Government work on preventing and responding to family violence for the Aboriginal and Torres Strait Islander community will align with the principles of the ACT Aboriginal and Torres Strait Islander Agreement 2019-2028 and support self-determination.

Recommendation 28: *The Committee recommends the ACT Government develop a model, similar to that of "Melaleuca Place", for engaging with children and young people who suffer trauma due to Domestic and Family Violence and/or being involved in the care and protection system.*

Government Position: Agreed in principle

The ACT Government response to the DVPC Report from the Extraordinary Meeting 2018 committed to reducing the impact of DFV on children and young people by investing in prevention and early intervention. The ACT Government is committed to investing in the long-term recovery of children and young people through the provision of therapeutic services so that they may go on to lead happy and healthy lives.

The Community Services Directorate has commenced research to better understand what is meant by the term "therapeutic service/program". This work will consider current academic research and be informed by consultations with children and young people and experts in the field, including the work undertaken by the Children & Young People Commissioner and the Coordinator-General for Family Safety to put the voices of children and young people at the heart of service design and delivery so that they directly influence the development of child-centred service responses to family and domestic violence.

Consideration will be given to the full range of services required for children and young people, from early intervention to crisis and recovery support, and the role of trauma informed care. This acknowledges that the effects of DFV continue long after the violence

has ended. The research will consider the needs of children of different ages and developmental stages.

The research piece will provide a clear policy statement and direction for analysing the existing service network. This will provide greater clarity and certainty for investments in future services or programs, including consideration of a model similar to that of Melaleuca Place. Following completion of the definitional work to understand therapeutic services for children and the analysis of the existing service network by Community Services Directorate, the Community Services, Health and Education Directorates will convene to address the findings and establish a plan for addressing future requirements.

Recommendation 29: *The Committee recommends increased access to support and clinical services for children and young people who use violence, including sibling to sibling violence, as well as access and support for parents and siblings.*

Government Position: Agreed in principle

The ACT Government already provides funding to a range of organisations to support children and young people who use violence, including the programs below:

- Menslink is funded to deliver mentoring and counselling services for boys and young men. The target group for these funded services is young men aged 10 to 25 years who have been negatively affected by life experiences and who experience personal or social integration challenges.
- The Domestic Violence Crisis Service (DVCS) is funded to deliver the Young People's Outreach Program through the Community Development Program. The program is for children, predominantly aged between 5 and 12, who have been identified as having been affected by living with domestic violence (including sibling violence). The program will identify children and young people most at risk of experiencing social isolation, homelessness, on-going conflict and crisis, criminal behaviours and school disruption.
- The Canberra Police Community Youth Club (Canberra PCYP) offer a variety of programs to engage with children and young people in the community. Choose Respect is an 9-week course on respectful relationships, targeting young people aged 12-25 years who are exhibiting poor attitudes towards women and/or may have been exposed to, or responsible for, domestic or family violence. The course content utilises evidence-based programming and includes a Canberra PCYC fitness component. Beyond the nine-week course, Canberra PCYC staff will provide ongoing mentoring support for participants.
- Children and young people who use violence, including sibling to sibling violence, and their carers and/or families may receive support through the services offered at the Child at Risk Health Unit (CARHU) of Canberra Health Services. CARHU provides a comprehensive response that aims to reduce the long-term impact of the trauma of child abuse and neglect on development, health, behaviour and wellbeing.

Recommendation 30: *The Committee recommends that ACT Government analyse availability and need for accommodation for the escaping parent with male children over 10 years who are not always allowed in women's refuges and fund alternate solutions.*

Government Position: Agreed

The ACT Government through Housing ACT provides funding to four services to accommodate families (in all their diversity) who are at risk of or are experiencing homelessness. In addition, women escaping violence with male children up to 12 years of age are accepted in the women's shared 'refuge' accommodation. For women with male children between 12 and 18 years, women's services have alternative accommodation places available, external to the shared site, in which they can be accommodated, where possible, to keep families together.

Housing ACT will analyse the six-monthly performance report provided by the ACT specialist homelessness sector to inform the need for additional service planning as part of future contracts with services during the next procurement round in 2021.

Recommendation 31: *The Committee recommends that ACT Government ensure that at all levels of response, whether as government services or court proceedings, interpreters are available to ensure all involved fully comprehend their options, rights and outcomes.*

Government Position: Agreed

Safer Families - Enhancing access to justice for non-English speakers supports people of non-English speaking backgrounds experiencing domestic and family violence by providing increased access to translating and interpreting services (TIS). The Safer Families TIS initiative is administered by the Justice and Community Safety Directorate and funds specific resources for translating and interpreting in Legal Aid, community legal centres, domestic violence specialist services and for Family Violence Order processes in the Courts.

The ACT Language Services Policy (the Policy) was tabled in the Assembly on 30 October 2018. The Policy provides an overarching framework for the ACT Government's key directions and priorities in relation to addressing language barriers for Canberrans who communicate in a language other than English.

The Policy is being delivered by the ACT Government through:

- funding for the 24-Hour Emergency Interpreter Service for Auslan speakers;
- funding for the National Accreditation Authority for Translators and Interpreters (NAATI);
- engagement of certified interpreters and translators in individual circumstances for people who experience difficulties communicating effectively in English;

- provision of translated information on ACT Government policies, services and guidance;
- training for ACT public service staff on working with interpreters; and
- adoption of the National Interpreter Symbol, to indicate where a person with low English proficiency can ask for help to communicate in their own language.

The Community Services Directorate has commenced work to support all directorates to deliver on their language plans and ensure across the ACT Government baseline requirements for language service delivery meet the needs of all Canberrans. The Policy ensures the ACT Government has a consistent and effective approach to language services including procedures and guidance on the use and delivery of language services for all services and programs.

Recommendation 32: *The Committee recommends that thought be given to those with disabilities, in particular women with disabilities to ensure they are able to access services, such as escaping from abusive carers.*

Government Position: Agreed

The ACT Government recognises that people with disabilities require support to ensure they are able to access domestic and family violence services. During the co-design of the Family Safety Hub, key research insights were collected to better understand how services can be more accessible, responsive and effective to provide better support, earlier. During this process, women with disability were identified as being one of the least likely groups to access domestic and family violence services.

People with disability who are experiencing domestic and family violence can seek support or referral from a small number of organisations in the ACT. Some of these organisations also provide advocacy for people with disability across a range of experiences that include domestic and family violence.

These organisations include:

- DVCS, who provide 24 hour a day crisis intervention, legal advice, safety planning and advocacy;
- Advocacy for Inclusion, a disability advocacy group that provides independent individual and self-advocacy for people with disability;
- ACT Disability, Aged and Carer Advocacy Service, an independent advocacy organisation supporting people with disabilities, older people and their carers; and
- The Integrated Service Response Program provided through the Office for Disability in the Community Services Directorate, which provides short-term coordination support for National Disability Insurance Scheme (NDIS) participants who have high or complex support needs.

The ACT Government Disability Justice Strategy 2019–2029 aims to achieve equity and inclusion for people with disability in the justice system. In doing so, it recognises that

equality before the law is not the current reality for many ACT residents with disability. This work has a focus on the safety and rights of people with disability, the responsiveness of the justice system and how we can achieve and measure change. The Disability Justice Strategy also aims to help the justice system to build capability to provide a better response to people with disability, including through the provision of reasonable adjustments. Finally, it aims to assist the service sector identify the needs of people with disability, recognise that early support can prevent future contact with the justice system, and promote the creation of services which prevent, reduce and break the cycle of contact with the justice system.

Recommendation 33: *The Committee recommends that such changes be made to allow police to make the application for Domestic Family Orders so that the victim is removed from making those decisions where permission is granted to this course by the victim.*

Government Position: Agreed in principle

While section 16 (2) (a) of the *Family Violence Act 2016* already provides standing for Police Officers to apply for orders on behalf of affected person, the ACT government support any further mechanism that may support affected persons accessing protections from family violence.

This issue has been referred to the consultants undertaking a holistic review of the Family Violence Act. Any recommendations that arise from that review will be considered for future policy development at the conclusion of that review.

Recommendation 34: *The Committee recommends that the ACT Policing Family Violence Unit be sufficiently staffed with all appropriately trained personnel.*

Government Position: Agreed

The ACT Government announced additional funding in the 2019-20 Budget for ACT Policing to transition towards a community-focused services model that will deliver a more visible, more connected and more efficient police service. This includes recruiting more than 60 new ACT Policing personnel, while investing in better tools and technology so that all police can be more mobile, agile and engaged with the community.

ACT Policing employs an intelligence-led, flexible resourcing model to ensure appropriate resourcing across all portfolios, including the Family Violence Coordination Unit (FVCU). At present, the FVCU is staffed by one Sergeant, six Constables and two Professional members, inclusive of two Family Violence Order Liaison Officers. All members of the FVCU are experienced members of ACT Policing and receive training in holistically responding to Family Violence. ACTP officers also have general training.

Recommendation 35: *The Committee recommends that a police risk assessment tool be developed as a decision-making tool for an interim measure or safety notice or family violence order.*

Government Position: Agreed

ACT Policing have employed a risk assessment tool since 1 March 2017 for all relevant Family Violence investigations. The tool is used to help guide decision making processes, including to help assess the need for a Family Violence Order.

The ACT Policing Family Violence Risk Assessment Tool was recently reviewed by the Australian Institute of Criminology to ensure the tool delivers effective and efficient outcomes. ACT Policing have used the outcomes of this review to make significant changes to their risk assessment tool to improve its efficacy.

In addition, the ACT Government is developing a draft Domestic and Family Violence Common Risk Assessment Framework for use across the ACT. The framework is being designed in partnership with key domestic and family violence stakeholders including police and has a set of common key risk factors that are aligned and consistent with the risk factors in the revised police tool.

The issue relating to safety notices is an issue that is being considered as part of a holistic review of the Family Violence Act and any recommendations that arise from that review will be considered for future policy development at the conclusion of that review.

Recommendation 36: *The Committee recommends that police procedures be revised in consultation with victims who have previously called police to ensure barriers do not exist which prevent people calling police.*

Government Position: Agreed in principle

The ACT Government, and ACT Policing, is committed to ensuring a holistic response to family violence and ensuring that those affected have access to the protections and support services needed. ACT Policing's Family Violence Coordination Unit (FVCU) and Victims of Crime Team (VOCT) work with Government agencies and non-government organisations to ensure a collaborative approach in combating family violence and providing ongoing support to victims.

ACT Policing's Victim Liaison Officers (VLO) and Family Violence Order Liaison Officers (FV-OLOs) provide dedicated and essential support to those affected by crime, including family violence. The FV-OLO is a specialised role within the FVCU which serves to provide a connection between the policing response to family violence and the application for court issued FVOs. The function is designed to address the issue of victim safety and provide improved support to victims of family violence.

FV-OLOs directly engage with family violence victims in cases of identified risk and provide

direct assistance in the application for an FVO. Police officers also engage with parties seeking an FVO unrelated to a police response, and assess incidents for criminality, risk, and provide assistance as required.

Additionally, all Family Violence reports received by Police and subsequently attended by ACT Policing are reviewed by the Family Violence Coordination Unit (FVCU). This provides a high-level review of investigations and ensures ACT Policing employ best-practice initiatives in combating family violence. Victims are not ordinarily involved in this review, as doing so may unnecessarily re-traumatise those affected by family violence.

Family Violence matters that are before the court are reviewed each week in a 'case tracking' meeting. This is attended by key stakeholders including DVCS, ACT Policing, ACT Corrective Services and Victims Support ACT.

It is important to note that all Family Violence victims are contacted regularly by Victim Liaison Officers to provide support and advice throughout the investigation processes. Feedback provided by Victims to Victim Liaison Officers is fed into FVCU reviews and case tracking meetings.

Recommendation 37: *The Committee recommends that, in the development of DFV policies, recognition be clear that the choice to leave is one option and that for those who prefer another option, not to leave is another distinct and supported option for families where it is safe to do so.*

Government Position: Agreed

The ACT Government is committed to providing non-police options for people experiencing domestic and family violence. During the co-design process for the Family Safety Hub, a key insight learned was that many victims of domestic and family violence do not want the relationship to end - they just want the violence to stop. The Family Safety Hub is guided by insights such as these to identify priority changes and opportunities for change to address domestic and family violence in the ACT.

The ACT Government funds DVCS to provide the Room4Change program, a therapeutic residential behaviour change program for perpetrators of domestic violence. This innovative program provides a non-police option for families dealing with domestic and family violence who want the violence to stop but want the family to remain living together. Room4Change offers support for the perpetrator to change his behaviour while providing wrap-around support for all partners, ex-partners and children. The residential aspect of the program supports victims of violence to remain in the family home by providing accommodation to the perpetrator during (or for part of) the program.

This is an issue that has been referred to the consultants undertaking a holistic review of the Family Violence Act. Any recommendations that arise from that review will be considered for future policy development at the conclusion of that review.

Recommendation 38: *The Committee recommends that a non-police option should be available and that this option be developed and supported out of respect for those who prefer to seek an alternative.*

Government Position: Agreed

As per the response to recommendation 37, the ACT Government is committed to providing non-police options for people experiencing domestic and family violence via the work of the Family Safety Hub, including through the Room4Change program, a therapeutic residential behaviour change program for families that seek a non-police option when addressing domestic and family violence.

This is an issue that has been referred to the consultants undertaking a holistic review of the Family Violence Act. Any recommendations that arise from that review will be considered for future policy development at the conclusion of that review.

Recommendation 39: *The Committee recommends that police to be able to issue ‘on-the-spot’ protection orders as is currently possible in Tasmania which can help while waiting for a family violence order to be issued.*

Government Position: Noted

ACT Police can already seek after-hours orders from the duty magistrate, which may have the same effect as an ‘on-the-spot’ protection order.

The After-Hours Family Violence Order (AHFVO) framework has improved the protections afforded to victims of domestic and family violence. These protections may be further increased through a system of police-issued Family Violence Safety Notices (FVSNs) that serve as a summons and application for an interim Family Violence Order (FVO).

The issue relating to ‘on-the-spot’ protection orders, or safety notices, is an issue that is being considered as part of holistic review of the Family Violence Act. Any recommendations that arise from that review will be considered for future policy development at the conclusion of that review.

Recommendation 40: *The Committee recommends that ACT legal aid centres work on enhancing information for the community at large, including the publication of suggestions for how to have open conversations with people who may think they are, or who are, experiencing domestic, family and intimate partner violence.*

Government Position: Agreed

The ACT Government supports enhancing community access to information about family violence dynamics, and regularly works in partnership with community organisations to ensure there is consistent messaging provided through a range of service providers.

Within ACT Government services, this education is being delivered through the ACT Government Domestic and Family Violence Training strategy. Through a staged implementation from 2018-19, domestic and family violence training is being made available to 21,000 ACT Public Service and ACT Policing employees. This includes foundation training for all public service employees and specific training for managers. The ACT Government will deliver more intensive domestic and family violence training for ACT Government staff in frontline roles from 2019-20, complementing the specialist training already delivered to Child and Youth Protective Services case workers and frontline police officers.

Important work is also being done through the legal assistance sector by Legal Aid and the Women's Legal Centre. Legal Aid is committed to improving outcomes of people experiencing domestic, family and intimate partner violence and is working in partnership with other service providers to ensure a holistic approach is taken to this issue.

The Community Legal Education program delivered by Legal Aid provides information in relation to family violence and Legal Aid work closely with a range of non-Government organisations to ensure that people receive the right information at the right time. Legal Aid also produces and disseminates information about the legal processes and responses to family violence in addition to working in partnership with other organisations to deliver a consistent and holistic message about domestic and family violence.

Women's Legal Centre ACT have developed two free handbooks relating to family violence and the legal system, funded by an ACT Government Women's Safety Grant. These handbooks are *Your Court, Your Safety – A Guide to getting a Family Violence Order in the ACT* and *Handbook on responding to Domestic and Family Violence in the Workplace*. The first is an update of the 2012 version *Your Court, Your Safety* to reflect recent changes to legislation, practice and procedures. The second is a handbook for employers on how to support employees experiencing family violence and develop a domestic and family violence policy for their workplace.

Recommendation 41: *The Committee recommends that included in an educational and information package should be means of identifying someone who may be experiencing domestic, family and/or intimate partner violence.*

Government Position: Agreed

As per the response to recommendation 40, the ACT Government supports enhancing community access to information about family violence dynamics and is committed to delivering the ACT Government Domestic and Family Violence Training Strategy.

Recommendation 42: *The Committee recommends that currently provided and identified extra funding for legal aid in the area of DFV be maintained.*

Government Position: Agreed

The ACT Government Safer Families package funds Legal Aid ACT to assist more victims of family violence (and their children) to apply for family violence orders.

From 2020-21, Legal Aid funding will transition out of the Safer Families funding package. The government has allocated funding for these extra services in the 2019-20 Budget Review.

Recommendation 43: *The Committee recommends that access to low-cost legal representation be publicised or made available through DFV support and resources services as an alternative to the use of legal aid services.*

Government Position: Noted

This is an issue that has been referred to the consultants undertaking a holistic review of the Family Violence Act. Any recommendations that arise from that review will be considered for future policy development at the conclusion of that review.

Recommendation 44: *The Committee recommends that identifiable resources be available to assist the elderly while ensuring they retain their ability to make decisions about their lives as a means of ensuring support in addressing elder abuse issues.*

Government Position: Agreed

The ACT Government funds the Older Persons ACT Legal Service (OPALS), which is provided by Legal Aid ACT, since July 2018. In addition to providing face to face and telephone advice, OPALS has developed and published a range of information resources to assist older people who may be vulnerable to, or experiencing, elder abuse. Fact sheets and resources include information on identifying elder abuse, decision-making and capacity, looking after assets and personal safety.

OPALS also regularly deliver free community legal education to older members of the ACT community and other stakeholders and support organisations to provide legal education in regard to elder abuse and develop professional networks to better assist vulnerable clients within the ACT.

Recommendation 45: *The Committee recommends that criteria for assistance for legal aid be clarified to ensure that aid is available to people whose personal wealth is tied up in assets which may be effectively frozen or unavailable to use for funding legal services.*

Government Position: Agreed

The Chief Executive Officer (CEO) of Legal Aid has a discretion (Clause 2.5, p44, Legal Aid Guidelines 17 August 2017) whether or not to treat Contingent Assets as an asset of an applicant for assistance, until the applicant's entitlement to the assets has been established. The CEO also has a 'General Discretion' in Clause 3 (p44) to grant legal assistance where the

applicant's income and/or assets otherwise make them ineligible. In sub clauses (a) and (b) income considerations are set out to guide the exercise of the discretion. Legal Aid supports adding a further sub-clause so that the general discretion is also applied to frozen or unavailable assets, on the proviso that once they are available to the applicant they are assessed in the usual way.

The Commission is currently exploring reviewing the Legal Aid Assistance Guidelines dated 17 August 2017 and whether any other amendments also need to be made to the Guidelines in the current 2019-20 financial year.

The ACT Government supports Legal Aid adding a further sub-clause so that the general discretion is also applied to a client's frozen or unavailable assets as detailed in Recommendation 45. Legal Aid is supportive of this approach.

It is envisaged that this general discretion may be exercised in relation to clients who have frozen or unavailable assets but also present with other vulnerabilities, including being the victims of family violence, older persons that are victims of elder abuse and clients that identify as Aboriginal and Torres Strait Islander or from a culturally and linguistically diverse background, and due to these vulnerabilities and the nature of their legal matters it warrants the granting of assistance by the Commission for the broader interests of justice and the community.

Recommendation 46: *The Committee recommends that, in systems development, we acknowledge and adopt case management and ongoing support to those experiencing abuse via the legal system.*

Government Position: Noted

The ACT Government acknowledges that the criminal justice system can compound the trauma experienced by domestic and family violence victims. The ACT Government is committed to introducing a Charter for Rights for Victims of Crime to ensure that victims have a clear understanding of their rights, are treated with respect and consistently in their interactions with the criminal justice system, and have access to complaints resolution and remedy if their rights are breached.

Where there is a criminal offence before the courts, the needs of victims of domestic and family violence in the ACT are considered and discussed via weekly case-tracking meetings with multiple agencies through the Family Violence Intervention Program (FVIP). The FVIP provides an interagency response that includes ACT Policing, Child and Youth Protective Services, Victims Support, the Director of Public Prosecutions, Corrective Services and DVCS. Victim Support also provides case coordination for domestic and family violence victims, including access to specialist trauma counselling services and a range of advice and assistance that includes safety planning, support navigating government services, court support and linking the victim to other appropriate community-based supports. Victims Support also administers financial assistance to eligible domestic and family violence victims.

This is an issue that has been referred to the consultants undertaking a holistic review of the Family Violence Act. Any recommendations that arise from that review will be considered for future policy development at the conclusion of that review.

Recommendation 47: *The Committee recommends that the Minister or Co-ordinator General for Family Safety represent to the Federal Government the need for interim orders via the Magistrates Court, as a part of any changes the Federal Government is planning to make in relation to DFV matters.*

Government Position: Agreed in principle

Interim orders can already be sought in the Magistrates Court for a family violence matter.

Work is ongoing on the national level to establish a scheme to allow Personal Protection Injunctions (PPIs) granted by a Federal Court under the Family Law Act 1975 (Cth) for the personal protection of a child and a parent to be criminally enforceable. PPIs are useful for persons who have family law proceedings on foot at the time that issues of violence come to the fore, and do not have an existing state or territory family or domestic violence order, however currently they can only be enforced by a protected person applying to the Family Law Court where a breach occurs.

The ACT Government is working with other jurisdictions on these issues. On 19 May 2017, a Family Violence Working Group of senior officials was established by the now Council of Attorneys-General. A sub-working group, the National Personal Protection Injunction Working group was then established to identify and report on necessary actions to ensure that PPIs are criminalised and enforceable by state and territory police. The ACT Government and ACT Policing actively participate in the Working Group, and associated sub-groups, on this project.

Criminalising PPIs will provide additional protection for victims of family violence by ensuring local police can take action in circumstances where a PPI has been breached. This brings the treatment of PPIs in line with other protection order schemes around the country, where criminal sanctions for breach of orders apply. Both the Victorian Royal Commission and the Australian and New South Wales Law Reform Commission in *Report 114: Family Violence – A National Legal Response (2010)* recommended legislative changes to the Family Law Act to provide that a breach of an injunction for personal protection is a criminal offence.

Recommendation 48: *The Committee recommends that ACT Government assess service of Family Violence Orders to ensure appropriate timeliness.*

Government Position: Agreed in principle

All court issued orders, including Family Violence Orders (FVOs), are served by ACT Policing's Service & Process Team who are a centralised team. While any sworn policing member can

serve an order, the majority are served by members of this team.

The importance of timely service of FVOs is recognised and built into the service framework within ACT Policing. Service of FVOs is prioritised over any other service document to ensure they are served as promptly as possible. The Service and Process Team work with the Director of Public Prosecutions, Legal Aid and the Domestic Violence Crisis Service to ensure that any order requiring urgent service is identified early and quickly for expedited service. Through the Police Real-time Online Reporting System (PROMIS) all policing members are alerted to active or outstanding orders which affords greater opportunities to affect promptly.

Additionally, applicants are kept up to date on the progress of service. ACT Policing contact applicants by either a phone call or text message to notify them of the service and answer any questions that they may have.

In relation to any part of the recommendation that may indicate further service improvements, this is an issue that has been referred to the consultants undertaking a holistic review of the Family Violence Act. Any recommendations that arise from that review will be considered for future policy development at the conclusion of that review.

Recommendation 49: *The Committee recommends that more information sharing between the Federal Circuit Court and ACT Child and Youth Protection Services be implemented to avoid a child being returned to violent parents.*

Government Position: Agreed

The ACT Government supports enhancing information sharing between agencies, noting that the Federal Circuit Court does not fall within the jurisdiction of the ACT Government.

Child and Youth Protection Services provides information to the Federal Circuit Court about families where family violence has been identified, upon request from the Federal Circuit Court through a section 6ZW request. Child and Youth Protection Services continues to engage in conversations with the Federal Circuit Court about ways the two services can work more closely together.

A project is currently being progressed by the Commonwealth Attorney General's Family Safety Branch that relates to the co-location of state and territory child protection staff in family law courts. As part of this project there is also funding for an IT solution for information sharing between child protection agencies, domestic violence organisations and the courts. The ACT is in the early stages of participating in this initiative.

The ACT Community Services Directorate is also participating with NSW Families and Justice and the Department of Social Services in the Business Research and Innovation Initiative (BRII) project *Share Information Nationally to Ensure Child Safety* to develop improvements to inter-jurisdictional information sharing.

Recommendation 50: *The Committee recommends more cross jurisdictional communication between the Federal Circuit Court and the ACT Children’s Court.*

Government Position: Agreed

See response to recommendation 49.

Recommendation 51: *The Committee recommends that ACT Government consider that if Family Violence Orders have been made with consent where evidence is not contested but settled it could be considered that it not impact Working With Vulnerable People and other ACT Government controlled matters.*

Government Position: Noted

The Working with Vulnerable People (Background Checking) Act 2011 (the Act) requires that anyone who applies for a registration be subject to a risk assessment. The risk assessment process includes the consideration of criminal history information, and other information that may be relevant in determining the level of risk a person may pose to a vulnerable person.

The premise of the Act is that the past behaviour of an individual can provide an indication of the possible future behaviour of that individual. Patterns of abusive or inappropriate behaviour can be drawn by the assessment of an individual’s criminal record, (both conviction and non-conviction matters) as well as from other sources, including Family Violence Orders.

Ignoring a Family Violence Order is not possible under the Act and is captured under Section 31 which speaks to the assessment of other information. The ACT Government considers that the creation of a checking system with appropriate safeguards for people who work with, or who want to work with vulnerable people is consistent with section 28 of the [Human Rights Act 2004](#).

The decision to grant a WWVP registration is not determined by the fact of conviction, non-conviction or other relevant information alone. Rather, it is determined with due consideration of the various circumstance and factors giving rise to that information and associated behaviours that may present an unacceptable risk to a vulnerable person. To that end, it follows that a Family Violence Order will not, on its own, exclude a person from holding a WWVP registration, particularly where circumstantial factors support the order being entered by consent.

Recommendation 52: *The Committee recommends that forensic accounting services be made available to victims to assist in ascertaining the full picture of their own and/partner or spouse’s financial situation.*

Government Position: Noted

The ACT Government supports enhancing fair and reasonable property settlement, noting the ACT Government does not have jurisdiction over the Family Court where financial settlement matters are heard.

In the ACT, there are supports available to victims of family violence to settle property matters. At Legal Aid ACT, the Family Advocacy and Support Services (FASS) is a free service aiding families with family law matters who have also been affected by family violence. At Women's Legal Centre ACT, solicitors and social workers provide assistance to women who cannot afford a private lawyer but do not qualify for Legal Aid.

Financial support for victims of family violence is available that could assist with the cost of legal matters. Safer Families Assistance provides financial assistance to people affected by domestic and family violence. It is the provision of \$2,000 worth of assistance to help with costs associated with maintaining or establishing a home in the ACT. This includes accessing legal services in relation to family violence or sustaining or re-establishing a family home after family violence has occurred.

The Justice and Community Safety Directorate currently funds CARE Financial to provide the Reach Out Program and to provide financial counselling to persons who have experienced domestic and family violence. In providing these services, CARE undertakes a thorough analysis of the client's financial situation – which includes consideration of the client's income, expenses, assets and debts – to build a holistic understanding of their circumstances and needs. This is a free service which is provided as a part of all programs run by CARE.

Recommendation 53: *The Committee recommends that more be done to ensure fair and reasonable property settlement for a reasonable future be achieved for all parties.*

Government Position: Noted

The ACT Government supports enhancing fair and reasonable property settlement, noting the ACT Government does not have jurisdiction over the Family Court where financial settlement matters are heard.

Recommendation 54: *The Committee recommends that ACT Government extend provisions to allow for cross examination of witnesses in DFV matters in accordance with changes that have been made in court procedures in relation to sexual assault matters to allow video link evidence and using a statement taken at the time of reporting a DFV incident.*

Government Position: Agreed

Recent amendments to Chapter 4 of the *Evidence (Miscellaneous Provisions) Act 1991* extending the availability of special measures to a broader class of witnesses, as well as the prior amendments allowing for the use of Family Violence Evidence in Chief Interviews, address this recommendation.

This is also an issue that has been referred to the consultants undertaking a holistic review of the Family Violence Act. Any recommendations that arise from that review will be considered for future policy development at the conclusion of that review.

Recommendation 55: *The Committee recommends that children have a voice in proceedings in a similar manner to Canada's 'speak for themselves' clinician involved program.*

Government Position: Noted

It is assumed that this recommendation refers the Canada's *Speaking For Themselves* pilot program which sought to enhance safety of children exposed to domestic and family violence in high conflict custody and access disputes. In Australia, custody and access disputes fall within the jurisdiction of the Family Court.

The ACT supports enhanced safety for children, and notes that the Family Court does not fall within the jurisdiction of the ACT Government.

Recommendation 56: *The Committee recommends that ACT Government consider instigating an intermediaries program (similar to programs in England and Wales) to ensure age-appropriate questioning during children's evidence utilising psychologist's advice, as currently being trialled in NSW and via remote location.*

Government Position: Agreed

In June 2018, the Chief Minister and Attorney-General released the ACT Government Response to the four reports issued by the Royal Commission into Institutional Child Sexual Abuse. In its response, the ACT Government agreed in principle to the recommendation to establish an intermediary scheme, noting consultation had commenced on the introduction of an intermediary scheme in the ACT.

The 2019-20 ACT Government Budget allocated \$2.302 million over two years to introduce an intermediary scheme. Legislation to establish the scheme was introduced in the Legislative Assembly in September 2019. The scheme, once operational, will ensure that the needs and vulnerabilities of a witness with access to an intermediary are clearly communicated and considered from the point of police interview to giving evidence at trial.

Intermediaries play a valuable role in reducing stress and trauma potentially experienced by vulnerable witnesses. Whilst the intermediary scheme relates to child sexual abuse matters rather than family violence matters, it is important to note that a significant proportion of child sexual abuse matters relate to abuse that has occurred within a domestic and family violence context. Evaluation of any intermediary scheme could consider how to expand the scheme to apply to domestic and family violence matters without any element of child sexual abuse.

Recommendation 57: *The Committee recommends that assessment of success of outcomes must include victims and families own views on their own circumstances—not only the views of support, officials, or social workers.*

Government position: Agreed

Through listening and co-design, the ACT Government is committed to putting the needs of victims and families at the centre of domestic and family violence reform. Examples of this kind of work include:

- the Insights phase of the Family Safety Hub was directly informed by working with people who have lived experience of domestic and family violence in order to improve our understanding of their needs and to identify priority changes and opportunities for change;
- the Family Safety Hub is currently engaging with *Voices for Change*, a joint partnership between DVCS and YWCA Canberra that connects those who have lived experience of domestic and family violence with organisations interested in creating change and building awareness within the ACT community; and
- the Children and Young People's Commissioner and the Family Safety Hub are working together to design and deliver the *Listening and Learning* project. This work is being guided by an expert reference group who have a wealth of experience in children's experience of trauma, child-centred practice and research ethics. By listening to and understanding children and young people's experiences, the *Listening and Learning* project will provide a new knowledge base to improve the ACT service system's capacity to respond to children and young people's needs.

Recommendation 58: *The Committee recommends that current policy challenges for the ACT arising from the current National Plan to Reduce Violence Against Women and Their Children, through the structure and mechanism of the National Partnerships Program, under the National Plan continue.*

Government position: Agreed

The National Plan to Reduce Violence against Women and their Children 2010-2022 (the National Plan) is a joint commitment made by the Council of Australian Governments (COAG) to make a significant and sustained reduction in violence against women and their children. The National Plan is being implemented through four three-year action plans, with the Fourth (and final) Action Plan jointly developed between the Commonwealth and state/territory governments for implementation from 2019 to 2022. The National Fourth Action Plan (4AP) has been endorsed by COAG and was publicly released on 9 August 2019. The ACT will have its own implementation plan to deliver the 4AP priorities.

The ACT was an active advocate for national domestic and family violence policy change through the development of the 4AP and continues this role through the inter-jurisdictional senior officials and Minister forums. For example, the ACT has strongly advocated through

these forums for more effective responses for women on temporary visas experience domestic and family violence. The ACT will also continue to advocate that the priorities of the National Plan be upheld in other National Partnership Agreement processes.

Recommendation 59: *The Committee recommends that the term Family Safety Hub be reconsidered given the changes in direction to planning and programs, rather than a 'one-stop-shop' as originally envisaged.*

Government position: Noted

The ACT Government acknowledges that the final form of the Family Safety Hub, as a domestic and family violence policy and program design hub, differs from some original expectations that it would deliver a physical service delivery hub. However, this model was developed through an extensive co-design process that took into consideration the experience and needs of people with lived experience and the community sector.

The Family Safety Hub team is working to actively and widely communicate the purpose, work and outcomes the Hub is delivering to the ACT Government and the community. It uses a range of communication channels, including online, newsletters and in-person presentations.

The ACT Government will consider whether a change of name is necessary.

Recommendation 60: *The Committee recommends that progress of the Family Safety Hub, its developing role and any measurable outcomes, be the subject of regular reporting.*

Government position: Agreed

Progress of the Family Safety Hub is already reported through the mechanisms outlined in the responses to Recommendation 1 and 2. Additionally, the Family Safety Hub regularly reports on the progress of Hub work online at <https://www.communityservices.act.gov.au/safer-families/family-safety-hub>.