



**LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY**

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SELECT COMMITTEE ON THE COVID-19 PANDEMIC RESPONSE  
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## Submission Cover Sheet

COVID-19 pandemic response

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Committee Secretary

Select Committee on the Covid-19 Pandemic Response

Legislative Assembly ACT

GPO Box 1020

CANBERRA ACT 2601

Dear Committee Secretary,

**SUBMISSION TO THE INQUIRY INTO THE COVID-19 PANDEMIC RESPONSE**

Thank you for the opportunity to provide submissions in relation to the Government's response to the current Covid-19 Pandemic Response.

DVCS take this opportunity to note the significant impacts the pandemic has had on our entire community, in particular noting it came on the back of a difficult summer of bush fires around Australia, and indeed, Canberra and the South Coast.

DVCS are grateful for the continued response of the ACT Government and the various Departments and Offices within.

**1. Communication and information provision to the community –**

Social separation and isolation are recognised impacts of DFV and an intentional strategy used by people who use violence and/or controlling behaviours and were exacerbated by restrictions requiring confinement. Consistent, clear and accessible information is essential to support people needing to prioritise their safety. Especially in relation to the legal response and the responses of services.

DVCS acknowledges the collaboration that was undertaken in the communication strategies that were put together to assist with this, and the implementation of the ACT Government's Covid-19's specific website which was also released across social media.

*In order to promote accessibility DVCS engaged the support of a translation service to translate a number of social media tiles into ten different languages, which were posted these across social media. DVCS also produced an Easy English version of safety tips on the website to promote accessibility. However that still relies on literacy and access to IT and data. Some clients with low literacy or English as a second language indicated they would have benefited from other forms of communication being utilised such as consistent*

*messaging on local radio stations that are culturally targeted in order to capture specific minority groups.*

## **2. Personal Protection Equipment (PPE) recommendations, use and provision –**

DVCS staff experienced a high level of anxiety in relation to the pandemic, one of their concerns was wanting to know what strategies were to be implemented in keeping them and the clients safe from health concerns associated with Covid-19. As people experiencing trauma and safety concerns, DVCS clients are often facing multiple challenges and as an impact of DFV engage in risk taking behaviours heightening the risk for themselves and support services.

In order to have a consistent and well informed approach DVCS, as a Government funded service, has undertaken to adhere to ACT Government recommendations, including in the use of PPE. It is understandable that these recommendations have changed over time as the health information has evolved. There has been different responses and expectations across the community sector as to the level of assistance in acquiring the equipment and appropriate use. DVCS self-sourced training on the use of PPE from ACT Health and ACT Policing. There is still inconsistency across the community sector as to which service uses PPE and in what circumstances, creating misunderstandings with staff and clients.

*DVCS recommends the ACT Government provides consistent guidelines, education and training on PPE use, infection control and hand hygiene across the Government and community sector services. Coordinating consistent messaging and providing information on training on how and when to use PPE would have resulted in consistency across the ‘essential services’ in the use and expectations of PPE.*

## **3. ACT Magistrate's Court and ACT Corrective Services Response –**

The DVCS Legal Advocacy Team and Court Advocacy Program (CAP) have been significantly affected by the COVID-19 pandemic. DVCS have been determining the service model and provision for face to face supports based on the Practice Guidelines Issued by the ACT Magistrates Court.

As a result of guidelines from the ACT Magistrates Court, DVCS ceased face to face supports at court on the 25<sup>th</sup> March 2020. This was in recognition that the Court had adjusted their practice guidelines. On the basis of this, there was no physical requirement for DVCS to be situated in the ACT Magistrates Court. Ultimately clients were no longer required to attend in person and all communication was conducted over the telephone.

The CAP team immediately focused on being pro-active in supporting clients noting that this information may not be passed to clients in a timely or clear manner by the courts. The CAP team developed a COVID-19 CAP practice guideline, to ensure that all DVCS Crisis team

members were fully aware of all the changes and therefore remained skilled in their conversations about Family Violence Orders.

*There are concerns for how this impacted people who were engaged with the courts but were not DVCS clients. DVCS received feedback from clients that clients were unaware of the changes to practice. In order to promote safety and accessibility DVCS recommends there is a focus on communication by the ACT Magistrate's Court to offenders, victims and to the community more broadly that provides easily accessible information.*

A large number of clients reflected to DVCS that they preferred to attend the Return Conference's via telephone. They advised it significantly reduced the impact of stress and anxiety, clients also reflected that it eliminated the risk of them seeing the other party.

One of the benefits was for clients was they felt positive about applying over the phone. The CAP team supported some clients who had never obtained a FVO through fear of appearing in court. The COVID-19 changes provided them with an opportunity to safely apply. The Legal Advocacy Team Leader is currently encouraging the ACT Magistrates Court to keep this as an option, even when COVID-19 practice changes have ceased.

Whilst this has been a positive reflection, there have been occasions where clients have been unsafe at home or they have found the telephone conference particularly stressful due to children being at home or having to juggle working from home. The simple logistics of telephone conferencing proved difficult. It was an additional barrier for clients who had low literacy (as paperwork had to be confirmed via email), did not have access to a phone or email, had English as a second language, or was a person with a disability.

Technology proved to be an ongoing issue. An unexpected impact was the delay in obtaining iFVO's due to the complexity of applying via telephone, with matters often being delayed and put over to the next day resulting in ongoing safety concerns.

*DVCS is concerned about the barriers experienced by minority groups and vulnerable members of the community in being able to access the courts remotely to assist with their safety and would be happy to be a part of conversations with a solutions focus in order to address this.*

COVID-19 has resulted in some trends for the CJA role. DVCS saw a significant increase in the successful number of applications for Defendants applying for bail or to request to vary their bail conditions. Multiple offenders applied for bail several times during COVID-19 and named COVID-19 as the reason to be released. DVCS were advised by clients that the defendant in the matter who was subject to probation and parole conditions was not being monitored and subjected to compliance checks, which had significant safety impacts.

*CJA has also noted that more offenders were granted bail with intensive reporting conditions rather than be remanded during COVID-19 with the resulting safety concerns and safety planning. DVCS acknowledges the challenges of the pandemic and health considerations but would also advocate for prioritising the safety of those impacted by DFV.*

DVCS observed many matters were adjourned resulting in a significant backlog. Addressing the back log has understandably become a priority within the ACT Magistrate's Court. However DVCS is concerned there has been an impact on the focus on victim safety. With the bulk of matters being heard on the same day at the same court room. This has resulted in applicants and respondents being required to be outside the same courtroom and being called in at the same time. The impact on victim's sense of safety, emotional wellbeing and capacity to engage in the process is considerable.

*DVCS sees this as a huge barrier to accessibility and a grave concern relating to safety and requests that applicants/victims are not required to be in the same location while waiting to attend court as the respondent. Alternatives have been presented to the ACT Magistrate's Court but have at this time been declined.*

Please see the following client experiences in this regard:

- a. A client found the process of applying for an interim Family Violence Order distressing. She required support to de-escalate, but found this difficult with everyone on the telephone. She also had seven children around her while she was on the phone and did not want them to hear the information. She found the technology aspect of the application to be difficult. She had to use her mobile phone and had difficulty opening attachments;
- b. A client experiences extensive mental health issues and struggles with anything that is complex. She experienced problems completing the interim Family Violence Order application remotely and not being able to receive face to face support.
- c. A client is concerned bail conditions are not being adhered to and due to Covid, ACT Corrections are not ensuring they randomly drug test the person who used violence.

#### **4. Additional funding provided**

DVCS gratefully acknowledges the \$350,000 funding provided under the Covid-19 Public Health Emergency – Domestic and Family Violence Support. The majority of this funding is providing emergency accommodation as part of the Covid-19 Response Accommodation Program. This program is targeted at people experiencing DFV who are at risk of homelessness and has been key to providing sustainable accommodation for people during the pandemic.

*The impacts of isolation significantly limited alternate accommodation options for people who may have otherwise accessed family and/or friends. This barrier was experienced particularly during the height of restrictions. In order to address safety, DVCS recommends that if lockdown restrictions are to be reinstated it would be key for an accommodation program to be available at that time.*

#### **5. Medical and mental health providers**

There is a recognition of the significant impact of Covid-19 on the mental health of the community. The changes in access to medical and mental health providers with a primary focus on preserving health was understandable. However with many services utilising tele-health and virtual options, was felt keenly by the Canberra community.

People who are experiencing DFV are already experiencing trauma, and potentially dealing with the mental health impacts adding to the impacts of the pandemic. DVCS has experienced a significant increase in clients presenting with mental health concerns and suicidality.

DVCS received feedback from clients between March and August 2020:

- a. A client was not able to access her regular counsellor face to face at Women's Health Service and therefore mental health deteriorated;
- b. A client was not able to access her regular counsellor at ACT Health and therefore mental health deteriorated;
- c. A client was not able to access medical supports to have her heart murmur checked;
- d. A client was strangled by her partner and an ambulance was called. Despite her injuries she was advised not to go to hospital due to her having asthma and risk of Covid at hospital;
- e. A client wanted to engage with her counsellor face to face, but was unable to and her mental health deteriorated;
- f. A client was in hospital for an extended period of time (not Covid related). Her children were kept from seeing her for this time due to the one visitor per day requirement;
- g. Due to a client's high level of trauma, there are only limited therapists in the ACT and there were long waiting lists. She was not able to access interstate therapists due to Covid.

*In acknowledgement that the impacts of the pandemic are exacerbating and escalating existing mental health issues for an already overloaded mental health system, DVCS highly recommends that additional resources are targeted at mental health supports.*

## 6. Client Experiences

The following is a snapshot of a cross section of client experiences from March to August 2020. It is based on 106 of DVCS clients who shared experiences as a direct result of Covid-19:

- a. 32% of clients experienced an increase in the frequency and/or severity of violence at the hands of their current or former partner;
- b. 12% of clients were concerned about the changes to bail conditions, release from remand, delay of court or no ability to apply for a Family Violence Order in person;
- c. 7% of clients had additional negative experiences in relation to parenting with their current or former partner;
- d. 11% of clients or their current partner or a client lost employment during the pandemic;
- e. 9% of clients experienced an increase or decrease in their consumption of alcohol or drugs or their current or former partner increased/decreased their use of alcohol or drugs;
- f. 15% of clients experienced some type of homelessness. This was mostly due to no longer being able to couch surf, find a rental property, move to family or friends interstate;
- g. 8% of clients experienced difficulty in accessing medical help and/or mental health supports in their preferred medium, or at all;
- h. 6% of clients who made the decision to leave the violent relationship also experienced difficult and further barriers in leaving;
- i. 13% of clients experienced greater mental health impacts, including increased anxiety, depression and PTSD triggers; and

#### DVCS Data

- a. A 38% increase in online engagement from January to July 2019 compared to January to July 2020 indicating a change in help seeking behaviours with a 47% increase in contacts via email, text message, online chat and social media from March to August 2020;
- b. A 23% increase in overall contacts from the week of 14 March to the week of 21 March 2020 (this is the week Prime Minister Scott Morrison started talking about increasing restrictions and lock downs);
- c. A 32% increase in overall contacts from the week 6 June to 13 June 2020 (this is the week of the second wave in Victoria);
- d. A 310% increase in anonymous clients from March to April 2020. Anonymous clients tend to be first time callers who have not accessed the service before;
- e. From March to July 2020 DVCS engaged in 29,608 contacts compared to 26,850 during the same period in 2019. This is an increase of 10%.



Thank you for the opportunity to provide feedback on what has been a rapidly changing landscape, and to contribute to improving future responses. If you require further information please don't hesitate to make contact.

Kind regards



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