



PREPARED FOR
WOMEN'S HOUSING
NETWORK AND
QUEENSLAND
SHELTER

FINAL REPORT: HOUSING ISSUES FOR WOMEN ESCAPING DOMESTIC VIOLENCE

February 2009 | Emily Schindeler

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Executive Summary

Aims and Terms of Reference

The Women's Housing Network (WHN), with the support of Queensland Shelter commissioned this study, the aim of which has been to document the housing issues faced by women (and women with children) escaping domestic violence and to identify recommendations to better inform policy and program development.

The terms of reference for this study required:

- review of available evidence from national and state statistical data collections
- targeted literature review including policies, programs and models of response in Australian states and territories
- survey of Queensland magistrates
- survey of domestic violence service providers; and
- targeted interviews with relevant Queensland Government agencies.

The recommendations set out in this study have emerged specifically from these research tasks. There are many additional recommendations that could be made based on outstanding issues that the domestic violence service sector has raised for many years as well as non-housing issues faced by women. A preferred model of coordination has not been recommended as there are a variety of ways in which this can occur, which is a subject of Department of Communities consideration at this time. *In recording these limitations it is not suggested that such issues are not of critical importance – but rather to explicitly acknowledge that there remains significant additional work to be done to provide an effective response to the housing issues faced by all women escaping domestic violence.*

Critical Findings

Based upon the findings of the statistical evidence, expert studies and service reports reviewed for this paper, it is clear that the establishment of viable housing options for women escaping domestic violence needs to be an essential component of any domestic violence strategy. The high cost to women, children, and ultimately the provision of publicly funded services can only be reduced through the provision of practical housing solutions. This will require an integrated and collaborative approach which involves police, courts, housing services, income support, child safety agencies, and specialist support services.

Based on the findings of a review of current models and relevant literature, there is evidence that effective models of response for women experiencing (and escaping) domestic violence have a number of key features. These include:

- A policing and court system that enables women to remain safely in their own homes when this is preferred and achievable
- Advice and assistance (including financial) in making homes safe and secure, and reliable support in the enforcement of protection orders
- Timely access to affordable crisis, transitional and long term stable housing
- Financial assistance in meeting re-establishment costs, whether rehousing is in the private or social housing sector
- Support for women and children from the Child Support Agency which focuses on strengthening the family rather than breaking it up
- Adequate funding of services to provide outreach support; and
- Administrative and reporting systems which ensure all Government agencies operate in an integrated and client centred manner.

It is also found that each state and territory has unique features to its approach to responding to domestic violence generally and housing issues in particular. Queensland Government is now well positioned to adopt the features which best respond to the housing needs of women escaping domestic violence, taking into account individual circumstances. The recommendations set out below provide practical directions for moving forward in a manner which builds on existing experience and can effectively improve the housing options and general response to women and children escaping domestic violence.

Recommendations

The recommendations set out below have been sorted with respect to the agency considered most relevant to take responsibility for implementation.

It is recommended that the Department of Communities:

- a. Provide additional funding of the Queensland Centre for Domestic and Family Violence Research (QCDFVR) to document housing arrangements and housing needs of callers as a component of data collection.
- b. In conjunction with the Department of Premier and Cabinet actively promote the enhancement of AIHW NDCA standard reporting to include housing outcomes by specific client groups.

- c. In conjunction with the Department of Premier and Cabinet advocate for the introduction by Centrelink of additional financial support to offset the costs of relocation for women and children escaping domestic violence. This needs to take into account the additional costs for women needing to relocate from rural and remote areas and locations that offer no suitable housing options
- d. In conjunction with the Department of Justice and Attorney General undertake a review of current legislation with a view to amendments which articulate a more robust and transparent commitment to protecting the rights of women experiencing domestic violence to remain safely in their home including through the removal of the perpetrator of domestic violence.
- e. Given the level of unmet demand, it is recommended that the Department of Housing in conjunction with the Department of Communities increase the resources available to the domestic violence sector in the provision of accommodation and support.

It is recommended that the Department of Justice and Attorney General

- a. Require that the monthly reporting by the Clerk of Magistrates Court identify the number of applications for ouster orders and the outcomes of such applications. All records should be maintained on an electronic database which is accessible as a public record and for research purposes.
- b. In conjunction with the Department of Communities undertake a review of current legislation with a view to amendments which articulate a more robust and transparent commitment to protecting the right of women experiencing domestic violence to remain safely in their home, including through the removal of the perpetrator of domestic violence.
- c. Establish comprehensive practice notes with clear consistent guidelines and processes for the issue of ouster orders, including best practice examples.
- d. Review and update relevant legislation and related instruments to ensure that penalties and enforcement of penalties for breaches of protection orders, including ouster orders, provide adequate safety for women and reflect Government and community views of domestic violence

- e. Ensure that Magistrates are provided with additional training with respect to domestic violence, its impacts, and the actions that should be taken to protect the safety and well being of victims.

It is recommended that the Department of Housing

- a. Take action to increase the supply of all forms of social housing for women escaping domestic violence. This includes public housing, transitional and long term community housing.
- b. Undertake the necessary investigations to determine the capacity to provide additional options, such as the Emergency Temporary Accommodation Scheme and Private Housing Brokerage program as a means to facilitate more timely access to affordable and appropriate housing.
- c. Immediately review and amend its policies and practices which create unjust barriers to access for women escaping domestic violence. This includes exclusions based on part or shared property ownership.
- d. Advocate for and support further investigation and action to redress the level of discrimination within the private rental market. This should involve a coordinated approach which includes domestic violence services, the Residential Tenancies Authority and the Tenant Advice and Advocacy Service. Further, the Department needs to encourage the Residential Tenancies Authority to take positive action to reduce the incidence of discrimination by the private rental agencies against women who have experienced domestic violence.
- e. Provide adequate resources to enable Home Assist Secure to assist in securing the homes of women who are victims of domestic violence, irrespective of whether housing is in the private or social housing sector.
- f. Given the level of unmet demand, it is recommended that the Department of Housing in conjunction with the Department of Communities increase the resources available to the domestic violence sector in the provision of accommodation and support.

It is recommended that the Office of Child Safety and Department of Housing

Address the misalignment between Office of Child Safety requirements and Department of Housing rules with respect to permitted occupancy rates.

It is recommended that the Office of Child Safety

- a. Review and extend the role and responsibilities of Child Safety Officers to include provision of support to women and children within the Court process. This includes supporting an application for an ouster order where remaining safety in the family home is in the best interest of children. Accordingly it is recommended that steps be taken to identify and address any legal issues that may impact on the manner in which such support can be provided.
- b. Provide Child Safety Officers with additional training with respect to domestic violence, its impacts, and the actions that should be taken to protect the safety and well being of victims.

It is recommended that the Queensland Police Service

- a. Take a proactive approach to strengthening the role of QPS in responding to domestic violence. The Police Code of Conduct should better reflect a pro-arrest orientation, recognising the criminal and civil actions that can be taken.
- b. Adopt a stronger involvement of the police in the application for intervention orders from the courts, including ouster orders that ban the person using violence from the home. Further there is a need for increased enforcement of such orders as well as reliable follow up support should further violence be threatened.

In conclusion, the study has found that many of the issues identified in the literature review are evident within the Queensland environment. Further, that there are existing mechanisms for improving the way systems operate and through adequate leadership better outcomes can be achieved. Finally, although additional housing resources will make the greatest difference, programs and policies which better enable women to achieve outcomes in the current environment are priorities.

1.0 Introduction

Government at all levels, the national community, and increasingly the public media have acknowledged that there are significant housing problems in Australia. Rising costs and a decreasing supply of private rental accommodation, inadequate public or community housing stock and increasing demand has created a significant gap between supply of and demand for affordable, low cost housing. In this environment of limited resources, there has been increasing rationalization and regulation of social housing of all types. As a consequence, there are an ever-increasing number of households living in after housing poverty and at risk of homelessness.¹ Within the broader community of families experiencing housing stress, and indeed homelessness, women escaping domestic violence with children are amongst those most disadvantaged. It is in this difficult context that this study has been commissioned.

1.1 Aim and Scope of Study

The Women's Housing Network (WHN), with the support of Queensland Shelter, commissioned this study of housing issues for women escaping domestic violence. The purpose of this study has been to document the housing issues faced by women (and women with children) experiencing (and escaping) domestic and family violence and to identify recommendations to better inform policy and program development.

Family violence may involve a variety of relationships such as abuse of children, sibling or elder abuse, abuse of carers, or abuse of a person with a disability. Whilst recognising the importance of responding to such violence, this paper is concerned solely with domestic violence that is violence between spouses, including de facto relationships and people who are in an intimate partner relationship.²

The study has drawn on the following sources of information:

- Analysis of existing statistical data relevant to the study aims
- A targeted review of relevant literature

¹ The Australian Federation of Homeless Organisations states that "People live in poverty when they do not have enough resources to meet their basic needs including food, housing, heating and health care and their standard of living falls below a minimum acceptable standard." Households whose resources are inadequate to reliably meet their physical (food, housing) needs or social needs (education, transport, etc) after payment of housing costs are described as experiencing after housing poverty. www.homelessnessaustralia.org.au

² See Queensland Domestic Violence Legislation as per the Queensland Department of Communities website at http://www.communities.qld.gov.au/violenceprevention/resources/qld_dfv_legislation.html#feature.

- Documentation of relevant government policy, program and practices with particular regard to housing, justice, child safety, and support; and
- Targeted interviews with key informants in public and non government sectors as well as with domestic violence specific services.

In providing this final report, it is noted that the Review of Statistical Evidence and the Literature Review with Annotated Bibliography, are appended to this report.

Importantly, since the commissioning and conduct of this study, the Department of Communities has disseminated a Discussion Paper looking at a number of strategies for responding to domestic and family violence. However, it is noted that housing issues did not form any substantive component of the Discussion Paper. Accordingly, this study has particular relevance in raising greater awareness of these issues.

1.2 Methodology – Focus and Limitations

The two initial stages of the study were highly targeted in nature. A brief description of the parameters which were set for this research is set out below.

Statistical Review:

The Statistical Review drew from existing quantitative research to establish a general profile of the population of women escaping domestic violence, with and without children, in Queensland and indicators of their housing needs. Accordingly, priority was given to identifying data relevant to factors which are known to impact on women's housing circumstances, including potential barriers to accessing housing options. This applies to the ability of women to remain in their own home and/or to access alternative appropriate housing alternatives.

The review examined national statistics to set a context for the data found in Queensland collections. The reports were selected for their relevance. However existing data has a number of fundamental limitations. There is limited statistical data which reports on the impact of domestic violence on housing outcomes, either nationally or within Queensland. Further, the majority of data is based upon service presentation and therefore is unable to capture or provide reliable information about the circumstances for women who are unable to access such a service whether by choice or circumstance. Finally, accessible demand based data (e.g. SAAP reporting) provides only limited information about housing circumstances. Despite requests for Queensland relevant data from a number of Queensland Government sources, including Queensland Magistrates Court and

Queensland Department of Housing, no additional current data was able to be sourced. Further, the costs associated with accessing more current data from the Australian Institute of Health and Welfare were prohibitive given the funding available for this project.

Review of Literature

The aim of the targeted literature review was to draw out the lessons from recent documentation to inform the development of effective strategies for addressing the housing needs of women escaping domestic. Literature included studies which:

- Expressly address housing issues for women escaping domestic violence
- Report the findings of evaluations of relevant programs and policies
- Address specific program, policy, practice and administration related matters directly impacting on the capacity to achieve positive housing outcomes.

Accordingly, it was not intended to provide a comprehensive review of domestic violence related literature, nor the broader array of issues faced by women escaping domestic violence, but rather to focus specifically on housing related outcomes.

Survey of Queensland Magistrates

The decision to undertake a survey of Queensland Magistrates was based upon a preference by the WHN to replicate a previous survey undertaken in 2005.³ However, given the broader interests of that research, it was agreed that the survey for this project should be more focused on housing specific issues. The survey, with response addressed envelopes, was mailed to all Queensland Magistrates who are likely to preside over domestic violence related matters. Given the low level of response, further steps were taken to generate greater interest. In addition to re-sending of the surveys, a letter was sent by to the Chief Magistrate seeking his support for this the initiative. Unfortunately, the Chief Magistrate informed Queensland Shelter that he was unable to provide such support. Ultimately only 10 responses were received, that is 14% of magistrates responded.

Survey of Queensland Domestic Violence Service Providers

The decision to undertake a survey of the domestic violence service providers was the preferred methodology indicated by WHN. The survey was disseminated electronically by the WHN with the

³ Field, R and B Carpenter, Issues relating to Queensland Magistrates Understandings of Domestic Violence, Paper Presented at the Domestic Violence Court Assistance Network Conference 2003.

support of complementary domestic violence networks. There were 13 responses, which represents approximately 24% of SAAP funded domestic violence services.

Consultation with Government Agencies and Departments

Drawing from the findings of the literature review – with particular note being taken of policies, programs and practices employed interstate – consultations were undertaken with representatives of a five key Government agencies. These included Department of Housing, Department of Communities, Office of Child Safety, Office of Women and Legal Aid Queensland. Despite a number of approaches by telephone and email, it was not possible to obtain feedback from the Queensland Police Service (QPS).

1.3 Summary of Key Findings

1.3.1 Statistical Review

Focusing specifically on Queensland statistical evidence, key sources included the Queensland Centre for Domestic and Family Violence Research (QCDFVR), Supported Accommodation Assistance Program (SAAP) data and Queensland Police Reporting.

QCDFVR Data

The QCDFVR data for the period of 1st January 2007 -1 July 2008 is based upon 38,351 reports from service agencies. This provided the most current profile of women in Queensland who have contacted services for domestic violence related issues. This data showed that the majority of women escaping domestic violence and accessing reporting agencies were Australian born and approximately three quarters of women had accompanying children. Approximately one fifth of women came to the services with individual cultural and language needs, which required a sensitive understanding. This included immigrant women and refugees, Australian Aboriginal, Australian Torres Strait Islander and Australian South Sea Islander women. Although only 11% of women identified a disability that is not reflective of current indicators of the incidence of domestic violence experienced by women with disabilities; this suggests that access remains a significant issue for women with disabilities who are experiencing and wish to escape domestic violence.

Although QCDFVR maintains a database of the type of services women are seeking, it does not collect any data with respect to their housing situation or their housing needs. For example, the category 'crisis intervention' includes emergency accommodation, medical attention, financial

assistance, legal assistance and the like. However given adequate funding the QCDFVR would be willing and able to refine its current data collection to include housing related matters.

Recommendations:

1. It is recommended that the Queensland Department of Communities Domestic Violence Unit provide additional funding of the QCDFVR to document housing arrangements and housing needs of callers as a component of data collection.
2. It is recommended that the Department of Communities in conjunction with the Department of Premier and Cabinet actively promote the enhancement of AIHW NDCA standard reporting to include housing outcomes by specific client groups.

Data Accessible from Queensland Police Service and Magistrate Courts

QPS standard reporting does not identify the incidence of domestic violence specifically within its data collection. It does provide data with respect to assaults, domestic violence protection orders and breaches of such orders. QPS data records any case where a charge is made. The most frequently recorded type of assault is one which is committed by a male partner or ex-partner on a female partner.

The number of women seeking protection orders has gradually increased, with police taking a greater role in making applications on behalf of the victim. There has also been a general increase in breaches of protection orders, although the trends have varied within different regions of the state. Data does not indicate whether or to what extent QPS have applied for or supported applications for ouster orders, or the rate of success of such applications.

Although the Clerk of the Magistrates Court is required to report monthly on domestic violence matters addressed by the court, this is limited to the number of applications and the number of orders granted. It does not however identify the number of applications for ouster orders or the outcomes of such applications. Given the importance of 'staying home safely' as an option for women, this information is critical to understanding the current situation.

Recommendations:

3. It is recommended that the Queensland Government's Department of Justice and Attorney General require that the monthly reporting by the Clerk of Magistrate's Court identify the number of applications for ouster orders and the outcomes of such applications. All records should be maintained on an electronic database which is accessible as a public record and for research purposes.

Queensland SAAP Data 2005-2006 and 2006-2007

The Australian Institute of Health and Welfare (AIHW) 2005-2006 *Demand for Accommodation for Homeless People Report* indicated that nationally over half of the women with children presenting for accommodation from domestic violence services were unable to be accommodated and that the unmet need for accommodation in Queensland is of the same order. Further, given the lack of exit options and a longer stay within domestic violence services, the decline in the number of women who were able to be accommodated by SAAP services should not be interpreted as a decrease in the incidence of actual need.

There was a notable shift in the proportion of women presenting to domestic violence services with children over this two year period. The number of support periods provided to women with children increased by 8% and the percent of support periods provided to lone women decreased by 10%. This reflects a substantial increase in the number of women with children seeking assistance, in comparison with the Australia wide patterns.

Queensland SAAP Data 2005-2006 and 2006-2003-2004: Economic Circumstances

Because this data is now five years old, its numeric / percentage accuracy is not reliable. The data does however paint a broad picture of the housing and economic circumstances of women escaping domestic violence (with and without children) which is unlikely to have improved significantly. The economic circumstances of women escaping domestic violence are critical to their capacity to access secure affordable and appropriate housing. This includes both their employment status and main source of income.

Some four fifths (81.7%) of women relied upon a Government pension or benefit as their main source of income at the commencement of their SAAP support. An additional .5% was awaiting receipt of such benefits. Approximately 4.3% of women had no income and 13.5% had other

unspecified income sources. Following the support period, the proportion with no income decreased to 2% and those in receipt of federal income support increased by 5%. Given the number of women reliant on income support, affordability was likely to remain a key challenge for these women.

Female clients escaping domestic violence and presenting for support indicated a low level of participation in employment, with some 62% were not in the labour force, 25% unemployed looking for work and 12% were either in full time (4.3%) or part time/casual work (8.6%). Further, the engagement in the labour force had not significantly changed at the post support period.

It is possible to draw the conclusion that the economic circumstances of women escaping domestic violence have been insecure which has significant consequences for their housing options. Equally, given relatively low employment rates and predominantly casual or part time work, they are unlikely to have significant reserves to fall back upon.

Data on the housing outcomes for women escaping domestic violence reflects this housing vulnerability. As can be seen in the table below, the proportion of women living in private rental accommodation decreased and the number entering into short term arrangements increased. This is in direct contrast to the pattern found for other SAAP clients.

Table 1: Housing Outcomes Post SAAP Accommodation

	Female Domestic Violence Group		Other clients	
	Before	After	Before	After
SAAP or other emergency housing	21.6	25.6	20.9	13.3
Living rent free in house/flat	6.4	6.4	17.7	17
Private rental	28.7	25.9	11.3	16.5
Public or community housing	16.3	17.1	4.3	8.2
Rooming house/hostel/hotel/caravan	5.1	4.3	11.6	14.2
Boarding in a private home	8.8	11.1	13.9	13.7
Own home	8.1	6.3	1.6	1.9
Living in a car/tent/park/street/squat	2.1	0.9	12.5	7.8
Institutional	1.8	1.5	5.2	5.8
Other	1.2	0.7	1	1.6
With parent(s)	7.4	6.6	12.9	11.7
With relatives/friends short term	10	13.9	21.1	17
With relatives/friends long term	3.5	4.8	3.9	5.8
With spouse/partner with children	29.3	13.3	5.2	6.3
With spouse/partner without children	17.2	6.5	6.5	6.2
Alone with children	20.7	36.4	4	6.8
Alone	6.2	12.4	27.8	26.8
With other unrelated persons	4.6	5.2	16.1	17
Other	1	0.8	2.6	2.3

This data illustrates the disadvantage experienced by women escaping domestic violence in accessing independent, affordable and appropriate housing, including an inability to return to their previous home.

1.3.2 Literature Review

The review of contemporary literature on housing issues for women escaping domestic violence found substantial evidence linking domestic violence and homelessness. The lack of independent financial resources and poverty are critical factors for women escaping domestic violence who become homeless. With the increasing cost of private housing and declining access to social housing (both public and community) there has been a parallel risk that women and children may remain in an unsafe environment and subject to ongoing violence simply to avoid becoming homeless.

The likelihood that women will have no option but to remain in an unsafe home is even greater for women with disabilities and women living in rural and remote areas. In addition to financial and housing factors, women with disabilities often carry additional costs of their disability which in turn reduce their housing options. The need for internal and external modifications, to access services required for independent living and the inability of most crisis services to meet the woman's care needs are amongst some of the additional limitations experienced by women with disabilities.

Women living in rural and rural remote locations experience higher rates of domestic violence than their metropolitan counterparts. Yet women presenting to SAAP services for domestic violence in these areas are significantly less likely to have obtained a restraining order and are significantly more vulnerable. Research indicates that women experiencing domestic violence and living on farms or stations also face the disadvantage of little access to confidential communication and lack of access to domestic violence services. Further, although safety concerns may mean some women must relocate for anonymity, lack of housing (social or private sector) in rural communities means there are rarely any practical local options.

Women living in mining communities are similarly disadvantaged. Women experiencing domestic violence and living in such towns also find it difficult to access help. Such communities are often characterised by a lack of appropriate or accessible services, limited employment or housing opportunities and isolation from family and support networks.

Indigenous women living in rural and remote areas are significantly more likely to be a victim of domestic violence than those living in metropolitan areas (one and half times more). The Office of Women report (2008) records the view that without appropriate services many Aboriginal women remain in violent situations. Solutions to family violence and the provision of housing are best provided within the communities as Aboriginal women have strong kinship ties and in the main will not leave their community.

Women from culturally and linguistically diverse backgrounds, particularly more recent arrivals and refugees, have many similar barriers to those experienced by other women, and particularly those living in rural and remote areas. Although domestic violence has in some cases existed prior to family's migration to Australia, the additional pressures of resettlement, unemployment, changing roles of women and women's rights, lack of support and intergenerational conflicts can exacerbate the level of violence.

Women experiencing domestic violence are at risk of remaining unsafe and victims of violence in their own home simply due to a lack of housing options. Whilst the women's refuges are able to offer short term crisis responses, these are not medium or long term options. Despite the establishment of the refuge movement, it does not have the capacity to address long term housing needs nor the root cause of domestic violence. It is not able to offer secure, stable housing essential for the health and well being of women and their children. The alternatives, remaining in a violent situation or becoming homeless, appear to be the most likely outcomes in this environment.

Although the terms of reference for this review focused specifically on the issue of housing, the legal system and its operation with respect to the rights of women experiencing domestic violence impacts directly on their housing options. This includes the extent to which the act of violence is recognised as a criminal action which has punitive implications, the actions taken in laying such charges, the protections provided, and the response of the courts to both the action and the victim.

A number of studies have highlighted the significant challenge associated with the reticence of magistrates to issue an exclusion (ouster) order, except as a last resort where physical violence is present. The Partnerships Against Domestic Violence Report (PADV) *Improving Women's Safety: Legislation Review* (2003) poses a number of questions relevant to the Queensland legislation. It asks, for example, whether legislation specifies safety and accommodation as one issue that is linked to the ability of a woman to stay at home. In Queensland the *Domestic and Family Violence*

Protection Act 1989 allows the court 'may also' consider the accommodation needs of all persons but does not place clear priority on the accommodation needs of the victim and children in her care. This question is further developed by asking how such accommodation needs are viewed by the Court within the context of determining and granting interim orders. It is for this reason that any consideration of how to reduce the risk of homelessness and protect the safety of women includes not only housing options but equally how the legal system operates to protect such rights.

The literature search highlighted a number of matters that are relevant to establishing secure housing options for women escaping domestic violence. This includes examining how the legal system operates with respect to enabling women to remain safely within their own homes through to creation of affordable, appropriate and stable housing options that meet individual needs. Each of the models (outlined in section 1.3.3 below) has a variety of implications, recognising that one approach will not meet everyone's needs.

- Women who are able to stay safely at home often require outreach, and in many cases financial support.
- Where the situation makes staying at home inappropriate and re-establishment in new housing a necessity, many women require financial assistance to cope with the attendant costs. For women residing in public or community housing where rent is calculated as a percentage of income this is less problematic. However, for women living in housing in the private sector this can be highly problematic.
- For women needing to relocate, whether for reasons of safety or due to lack of options (i.e. in rural or remote areas), such problems are likely to be exacerbated not only in a financial sense, but also in context of loss of established social supports.

Irrespective of the housing solution, each model needs to offer women (and their children) the most relevant suite of assistance, which is likely to involve contributions from a variety of resources and providers.

Based upon the findings of the various studies and reports reviewed for this paper, it is clear that the establishment of viable housing options for women escaping domestic violence needs to be an essential component of any domestic violence strategy. The high cost to women, children, and ultimately the provision of publicly funded services can only be reduced through the provision of

practical housing solutions. This will require an integrated and collaborative approach which involves the police, justice system, housing services, income support, and a range of advisory and support services.

1.3.3 Models for facilitating secure housing options

There have been a number of State and local initiatives in which partnerships have been established between police, domestic violence services, children's services and the courts. The details of a range of initiatives are set out in the literature review which is appended. There is however a paucity of models which specifically and actively engage with State or Territory housing authorities. Consequently the examples précised below have been selected because they have a specific link to housing options for women escaping domestic violence.

There are six specialized Family Violence Courts in Perth. The courts operate on a case management model working with the Attorney General, Department of Corrective Services, Western Australia Police and Department of Child Protection. *It is noteworthy that accommodation is a specified criterion within the Western Australian restraining order legislation*

Within New South Wales the *Staying Home Leaving Violence Project (SHLV)* is one of the better known initiatives. The Bega SHLV Pilot project was a comprehensive initiative modelling arrangements which involved New South Wales Department of Housing, Department of Corrective Services, Police, Magistrates Court, community services and domestic violence services. The Program included risk assessment, safety planning and upgrading security in the victim's home, court support, liaison with policy and other services, referrals to legal advice and counselling to address financial and other issues. *Police are encouraged to actively seek exclusion orders and when a Vitalcall alarm has been installed, the location of the victim forms part of the SHLV project.*

New South Wales Department of Housing (ETA) enables women escaping domestic violence who are not current tenants to apply for priority housing if they meet public housing eligibility requirements. If they are not eligible, an application can be made for temporary emergency accommodation (ETA) which allows for a three month accommodation in either public housing or a headlease property. In some circumstances there is flexibility to extend this by an additional three months. An ETA will be provided where there is evidence that there are no alternatives at a refuge or with relatives/friends. For current tenants, the Department will enable priority relocation where there is a risk to the women's safety.

Victoria's Staying Home is based on the right of women to be safe in their own homes. The legal removal of the perpetrator of domestic violence was formally accepted in the 1987 enactment of the Crimes (Family Violence) Act. The Act gives victims the option of applying for intervention orders to the extent of having the perpetrator excluded. Funding for outreach support complemented this legislation.

The Victorian Safety Strategy recognises that women left in their homes need to be fully supported, legally and socially and have trust in the system in place. This has received leadership and support for addressing the impact of domestic and family violence from Victoria Police. The role of the police is essential in ensuring the successful implementation of the model. The Police Code of Conduct reflects a pro-arrest orientation, recognising the criminal and civil actions that can be taken. There is a strong focus on the police obtaining intervention orders from the courts, including orders that ban the person using violence from the home, allowing victims of family violence to remain in their homes. As the 2007 review reported, success requires that Courts be sympathetic to the aims of the *staying safe at home* model and have positive and continuing roles with those involved.

The Housing Establishment Fund (HEF) is a Victorian Government grant program providing financial assistance to households in housing crisis. The program provides funding to community-based agencies to support people to access or maintain their accommodation in the private rental market, and to secure purchased accommodation for people in crisis who are homeless or at risk of homelessness. Money from this fund may be given to women who are facing homelessness and may be used to pay for crisis accommodation where there is no alternative, to relocate into new rental housing by providing two weeks rent in advance, to remain in current housing by paying overdue rent, or to pay for removalist costs or to purchase essential furniture (e.g. refrigerator, washing machine, beds).

The Victorian Family Violence Private Rental Brokerage Program assists women and children who have experienced domestic violence to re-establish themselves through initial rental payments. Depending on the local private rental market, financial assistance may be tailored over a limited period of time. The Family Violence Private Rental Brokerage Program is *not* a loan scheme and repayment is not required. Eligible women and children will be planning or have left an abusive situation or have the perpetrator removed, or are living in alternative transitional housing, refuge or other temporary housing as a result of family violence and are able to sustain private rental costs after assistance ceases.

Safe at Home is the Tasmanian Government's response to family violence and incorporates a range of services working together to protect and support victims of family violence and focuses on making offenders responsible for their behaviour. Police play a pivotal role as the entry point for *Safe At Home* and are responsible for evidence collection, risk assessment, crisis response, funds for transport and accommodation. The police carry out safety audits, arrange security upgrades of the home, develop safety plans with women and organise additional security patrols if necessary.

Tasmanian Police Family Violence Orders – The Family Violence Act 2004 created a Police Family Violence Order under which a violent person may be required to vacate premises and can be detained without charge for a period 'reasonably' required to secure the safety of the victim. Bail can be denied if the risk assessment concludes that the 'affected' person or children will not be safe. Police are able to extend the length of Police Family Violence Orders for up to 12 months where there is ongoing risk to safety *The Act acknowledges the potential conflict with tenancy legislation, which protects the rights of tenants and their agreements, and gives the court the power to terminate a tenancy and establish a new one benefitting the 'affected person'.*

Housing SA provides assistance to individuals affected by domestic and family violence. This may take the form of long term housing, financial assistance for emergency accommodation or to rent a home in the private sector, re-housing or establishing a separate tenancy for an existing tenant or spouse of the tenant, and provision of security items to rental properties. *Importantly, Housing SA will also assist perpetrators of domestic violence to relocate to facilitate the security of those affected by such violence.*

UK Sanctuary Scheme The sanctuary scheme provides a safe room or sanctuary within a home fitted with safety measures, including the installation of alarms, mortise locks, security lights, reinforced door frame, emergency lights and CCTV. Each safe room is recorded on computers to ensure swift response in case of emergencies. Courts can help with non molestation orders, occupation orders and transfer of tenancy. Women escaping domestic violence and who would be homeless in the absence of the scheme are eligible. Forty approved schemes set up in 2004-2005 achieved significant public cost savings as well as high levels of satisfaction. The model must be backed up by legislation to place responsibility for the violence with the perpetrator.

The Housing First (beyondshelter.org) model operates from the view that permanent housing is the essential base from which families are able to rebuild lives, develop relationships and a sense of control of their lives. This means moving into permanent housing as soon as possible – quickly. To

qualify homeless families must be referred and must have been living away from the perpetrator for at least 4 months. Within 3 months the families are housed in affordable safe rental housing (which may be in private or public housing – with public housing providing a subsidy to landlord if a private rental is chosen.) Retention rates of 84% are reported.

1.3.4 Learnings

Based on the findings from a review of current models and relevant literature, there is evidence that effective models of response for women experiencing (and escaping) domestic violence have a number of key features. These include:

- A policing and court system that enables women to remain safely in their own homes when this is preferred and achievable
- Advice and assistance (including financial) in making homes safe and secure, and reliable support in the enforcement of protection orders
- Timely access to affordable crisis, transition and long term stable housing
- Financial assistance in meeting re-establishment costs, whether rehousing is in the private or social housing sector
- Support for women and children from the Child Support Agency and which focuses on strengthening the family rather than breaking it up
- Adequate funding of services to provide outreach support; and
- Administrative and reporting systems which ensure all Government agencies operate in an integrated and client centred manner.

Accordingly, the review of arrangements in Queensland needs to consider the extent to which these features are currently in place and the steps which need to be taken to address any deficiencies or gaps.

2.0 Stakeholder Surveys

2.1 Magistrates' Survey

2.1.1 Profile of respondents

Just over 12% (10) of the 77 Queensland magistrates replied to the survey of which 70% had been in the role less than five years and 30% had between 5-10 years experience. Of the survey respondents 20% were female and 80% were male.⁴ With respect to jurisdictions, 60% respondents indicated that they worked solely in metropolitan courts or country courts and 40% work in both country and metropolitan areas. Although respondents reported differences in the amount time spent in domestic violence related issues the majority indicated that an average of 10% of time is spent addressing such matters. All but one respondent reported having a domestic violence support person operating within their court.

2.1.2 Magistrate Views Generally (Appendix 1)

Appendix 1 to this report provides a complete record of magistrate responses to the survey. There was reasonable consensus amongst respondents with respect to a number of matters. For example, most magistrates agreed that the current standard for making Domestic Violence Protection Orders on the balance of probabilities is appropriate. Similarly, respondents confirmed a belief that it is critical to protect the ability of the police and magistrates to exercise discretion in decision making. Most respondents felt that he/she was adequately trained to address domestic violence issues. Although not unanimous, the majority of magistrates held the view that domestic violence is different from other types of violence.

All respondents indicated that they 'agreed' or 'sometimes agreed' with the statement 'domestic violence protection orders are often used by applicants in Family Court proceedings as a tactic to aid their case and deprive their partner from contact with the children'.

There were also a number of matters upon which there was less agreement. For example:

- There were mixed views as to whether different issues are involved when the parties are of Aboriginal and Torres Strait Islander descent or of Non-English speaking backgrounds; and
- Approximately one third of magistrates regard Domestic Violence as essentially a civil issue requiring protection orders rather than a matter properly dealt with under criminal law.

⁴ On a state-wide basis, 33% of magistrates are female and 67% are male.

2.1.3 Magistrate Views Housing Options and Safety (Appendix 2)

Of particular relevance to this study are the specific questions seeking magistrates' views on domestic violence protection orders and more specifically ouster orders as these are critical to both safety and housing options. The three questions most relevant to this particular issue included:

- Circumstances in which the individual feels comfortable issuing a domestic violence protection order
- Circumstances in which the individual feels comfortable issuing an ouster order; and
- View of specifying accommodation as an explicit component of safety within Queensland legislation.

Analysis of responses to these questions suggest that whilst there is a shared view with respect to the issuing of domestic violence orders, magistrates have a more conservative view about the implementation of ouster orders or the incorporation of accommodation as a component of safety in making deliberations. A combination of legislative change and the issuing of complementary guidance notes for magistrates will be required to facilitate any appreciable change in current reticence to issue ouster orders.

Issuing a Domestic Violence Protection Order

Magistrates were asked to indicate the circumstances under which they would feel comfortable issuing a domestic violence order. Responses set out in the table below indicate that there is general agreement with respect to some forms of violence, but not all.

Table 2: Views on Issuing Domestic Violence Orders – Number of Respondents: 10

As a magistrate I feel comfortable making a domestic violence protection order when there are instances of:	Agree	Sometimes	Disagree
Only wilful injury	70%	10%	
Wilful damage	70%	10%	
Intimidation etc	70%	20%	
Indecent behaviour	50%	20%	10%
Threat	50%	20%	
Combination	60%	20%	

Three respondents clarified their response with further comments being:

- With acts not causing injury or damage a degree of common sense is required. The whole situation needs to be explored to ensure the aggrieved is not vexatious, rather than intimidated
- Discretionary and if one off situation, less comfortable in imposing an order; and
- If it reaches the standard required by the appeal cases.

Issuing an Ouster Order and Accommodation as a Component of Safety

Based upon the responses set out below, it is evident that the issuing of an ouster order is seen as being justified in exceptional circumstances requiring the presence of a high level of physical violence. This reticence is reflected in the comments below.

- “I make ouster orders if I am satisfied that such orders are required by reference to the facts and the legislation. My own personal comfort or discomfort is irrelevant. The safety of persons and children underpin the making of such orders.”
- “In cases where the woman is overborne by the husband and she is totally dependent on him for support & where young children are involved and no outside support. I am worried when Family Court Solicitors are involved and the home becomes a prize for the victor”
- “Depends on - who owns/rents the home, are there children & who do they live with? - who can best afford to get new accommodation - how serious is the violence”
- “Yes (a) Where the family is in danger of further DV”
- “I don't often do it - I consider all the circumstances - an ouster order is VERY serious”
- “Yes if the need arises. If continuing physical violence and risk of serious harm to applicant and/or children”
- “I will only make an ouster order by consent or if it is the only feasible option. It is different if the respondent has no claim on the property”
- “Yes Aggrieved and children at risk of violence.”

The model national legislation for Domestic Violence⁵ suggests that legislation be more supportive in assisting women to obtain ouster orders by specifying accommodation as an explicit component of safety and giving priority to a victim who wishes to remain or return to their home. Magistrates were asked to indicate the extent to which they would actively support the introduction of such amendment in the Queensland legislation. Of the ten responses received, two magistrates indicated support for such an amendment. Two magistrates offered only the view that they would comply with what the law requires, but ventured no further comment. Of those who did not support such an amendment, reasons provided were as follows:

- Each case should be judged on its merits
- I do not accept a presumption that the aggrieved should get the residence. Who stays and who leaves depends on many considerations
- Don't see the need. Sounds too one sided
- Only if this remains Discretionary!! Each situation that arises is unique
- Not really.

Given the limited number of responses to this survey it is not possible to assess the extent to which it is representative of magistrate views more generally. However it is reasonable observe that such views are in stark contrast to those adopted inter-state in which there is significant emphasis on the rights of the aggrieved rather than the perpetrator.

Recommendation:

4. It is recommended that the Department of Justice and Attorney General undertake a review of current legislation with a view to amendments which articulate a more robust and transparent commitment to protecting the right of women experiencing domestic violence to remain safely in their home, including through the removal of the perpetrator of domestic violence.
5. It is recommended that the Department of Justice and Attorney General establish comprehensive practice notes with clear consistent guidelines and processes for the issue of ouster orders, including best practice examples.

⁵Working Group of Commonwealth, State and Territories, 1999. Model Laws for Domestic Violence, Commonwealth Attorney General's Department and Partnerships Against Domestic Violence http://www.ag.gov.au/www/agd/agd.nsf/Page/Publications_Modeldomesticviolencelaws-report-April1999

2.2 Domestic Violence Service Provider Survey

The survey of service providers was intended to gather qualitative evidence with respect to the housing issues experienced by women using domestic violence services. Thirteen (13) domestic violence services returned completed surveys. This represents approximately 24% of SAAP funded domestic violence services in Queensland. The service providers articulated shared experience regarding housing options and the barriers to housing faced by women they have assisted. A record of survey responses is found in Appendix 2 of this report.

2.2.1 Women’s Housing Preferences

In describing women’s housing preferences, service providers reported that this is largely dependent upon individual circumstances. Collation of responses indicated that more than half of women would prefer to return home or relocate within the same area ‘most’ or ‘some of the time’. However a slightly higher percentage (69%) of women would prefer to relocate to another area. Services reported that 92% of women they assist prefer medium to long term housing arrangements.

Table 3: Locational Preferences of Women Escaping Domestic Violence

Returning to Family Home			Relocate within the same area			Relocate in another area		
Most of the Time	Some of the time	Rarely	Most of the Time	Some of the time	Rarely	Most of the Time	Some of the time	Rarely
2	6	2	4	4	2	6	3	3
15%	46%	15%	31%	31%	15%	46%	23%	23%

Table 4: Tenure Preferences of Women Escaping Domestic Violence

Short term			Medium/Long term		
Most of the Time	Some of the time	Rarely	Most of the Time	Some of the time	Rarely
1	4	6	12		
0.07692	0.308	0.4615	0.9231		

2.2.2 Access (and Barriers) to Housing Choice

Service providers were asked to indicate their experience with respect to housing accessed by women, and with particular regard to women’s housing preferences. The following observations reflect issues associated with both private and social housing outcomes.

Access to Private Rental Housing

When asked to describe the barriers that women face in attaining their preferred housing outcomes, service providers reported that the primary obstacles experienced by women are poverty, the cost of housing, and discrimination. Lack of tenancy history or poor tenancy records, often related to prior domestic violence issues, are common barriers to accessing private rental housing. Services also suggested that women with large families, women from culturally diverse backgrounds and Aboriginal and Torres Strait Islander women experience additional discrimination by private rental agents.

The lack of affordable rental housing and high levels of competition compounds the disadvantages experienced by women escaping domestic violence.

Access to Social Housing

The survey asked services to relate their experience with women accessing public and community housing options or being able to remain in their own homes following a crisis period. It is relevant to acknowledge that geographic location in which services operate and the locations to which women wish to move impact on the options available.

Access to Public Housing

Although a number of services indicated that they were aware of the different wait times for different locations, overwhelmingly, surveys indicated that access to public housing was very limited. There is a strong view that despite a priority classification, the characteristic long delays negated the value of such status. There is also a commonly held view that access has declined over the last few years with longer response times making public housing an extraordinary outcome rather than a common housing option for women escaping domestic violence.

Comments from domestic violence service providers:

“Wait lists for housing are very long. Having a priority listing does not seem to make much difference. Wait lists vary dependent on the areas requested by the woman. Average wait times for long term public housing is years. We currently have 2 families that have been on priority waitlists for between 12 and 18 months and have still not been housed.”

“Mostly helpful. However the changing environment makes it hard to stay on top of it all. In the last 2 year we have had 2 women move from the refuge to Department of Housing, one of those was a transfer.”

“Women may be put on the top of the priority housing list, however they still wait for a long period of time. Some of the women return home to the wait and the difficulty they face in the private market.”

“Ten years ago most women leaving the shelter would go into community housing within 6 weeks. Now women rarely go into community housing.”

“In between crisis accommodation and securing long term accommodation most women are forced to move into unsuitable and unaffordable private rentals.”

“CRS properties are helpful as Housing Qld lists are very long. Also beneficial if woman has a Housing Queensland debt as debt can be paid off whilst accommodated at CRS.”

Access to Community Housing

Domestic violence services reported that the availability of accommodation in community housing (transitional, medium or long term) has deteriorated over recent years. Access was described as being 'very poor' or 'very difficult' with 'very few clients are able to access community housing'.

Impact of One Social Housing System

A number of respondents indicated that the One Social Housing System has had a negative impact on access to both public and community housing. Increasing documentation and application demands are seen as being particularly problematic for many women. For example, public housing procedures for assessing eligibility for women who maintain an ownership in the family home should be clarified as these are currently heard on an ad hoc basis. Importantly, there is a view that the single entry system has actually reduced accessibility to social housing.

Accessing Ouster Orders – The Right to Remain At Home

Women being able to remain safely in the family home and the removal of an abusive partner has little history or precedence in Queensland. Despite moves to improve the potential for this option in other States, there has been no equivalent policy or practice changes in Queensland. As a consequence, service providers' experience of women making an application for an ouster order and the outcome of such applications was queried.

With respect to awareness of the ouster order option, service providers reported that in their experience approximately 79% of women are unlikely to be unaware of this possibility, 14% may be aware and 7% are likely to be aware of the option. Service providers indicated that they had limited experience with women being successful in being granted an ouster order. Although a small number of service providers reported being aware of some successful applications, this did not appear to be representative of the broader experience within the sector.

Some representative comments included:

"Success rate is low particularly if woman applies. Magistrates often comment 'where will the man go'? and will not issue this if he says that he does have anywhere to go."

"In our experience it is very rare that women from NESB are successful in obtaining an Ouster Order."

Ouster Orders are only effective where there is a strong coordinated response to domestic violence to ensure safety for women and children to remain at home."

"Ouster orders are very rarely applied for by women escaping domestic violence because they do not guarantee safety. Of the very few have knowledge about – the order was granted. However the perpetrator has returned to the property and woman has had to leave again. She has then chosen not to return the property due to safety".

"Have had no success with ouster orders. Find the courts are not sympathetic to the situation. Not aware of any women who have obtained such orders."

"Within the last 2 years applied for 1 and was successful. One other was going to apply but changed her mind as it all seemed a hard and uncertain process."

It is relevant to highlight that a number of services indicated that concern for personal safety is a primary barrier to women seeking a court order for occupation of the family home. This includes fear of the perpetrator returning (which has occurred in a number of cases cited) and further violence. A lack of physical security adds to such concerns, particularly where police response times may be uncertain.

The Impact of Multiple Housing Changes

The inability to access stable, affordable and appropriate long term housing often means that women escaping domestic violence with children experience the negative impacts of multiple moves. This results not only in the large costs associated with moving, but equally the inability to build up new support networks, lack of continuity in service access, and importantly significant disruption in the lives of children. Multiple changes in schools are likely to exacerbate the stress and related health problems for children in such circumstances. In short, the inability to find a stable home will exacerbate the distress experienced by women and children escaping domestic violence. As one service provider noted, “Moving around so often can be traumatic for everyone especially the children. They don’t have the understanding why they have to move again.”

2.3 Summary

In the experience of domestic violence service providers, women’s access to private or social housing is fraught with barriers. These include the inability to access public or social housing in a timely manner and the lack of available affordable and appropriate private rental housing. While the lack of affordable housing is a community wide problem, women escaping domestic violence experience the additional barriers of discrimination and poverty. There are not only limited options within the social housing network, but also a lack of effective protections against unfair discrimination experienced within the private market. When combined with the harmful personal, social, developmental and health impacts of domestic violence on women and children, the inability to access secure housing can significantly impact on the long term well being of the family.

Recommendations:

6. There is an urgent need for the Department of Housing to take action to increase the supply of all forms of social housing for women escaping domestic violence. This includes public housing, transitional and long term community housing.
7. It is recommended that the Department undertake the necessary investigations to determine the capacity to provide additional options, such as the Emergency Temporary Accommodation Scheme and Private Housing Brokerage program as a means to facilitate more timely access to affordable and appropriate housing.
8. Given the level of unmet demand, it is recommended that the Department of Housing in conjunction with the Department of Communities increase the resources available to the domestic violence sector in the provision of accommodation and support.
9. It is recommended that the Department of Housing immediately review and amend its policies and practices which create unjust barriers to access for women escaping domestic violence. This includes exclusions based on part or shared property ownership.
10. It is recommended that the Department of Housing be responsible for advocating and supporting further investigation and action to redress the level of discrimination within the private rental market. This should involve a coordinated approach which includes domestic violence services, the Residential Tenancies Authority and the Tenant Advice and Advocacy Service. Further, the Department needs to encourage the Residential Tenancies Authority to take positive action to reduce the incidence of discrimination by the private rental agencies against women who have experienced domestic violence.

2.2.3 Whole of Government Responses to Domestic Violence

Domestic Violence Service providers were asked to relate their experience with respect to the ways in which non housing Government services impact on women's housing options through the operation of current policies and practices. This included Queensland Police practices with respect to applications for domestic violence orders as well as ouster orders; Child Safety Office practices, and Centrelink practices. It is again relevant to acknowledge that there is a need to differentiate between what might be classified as 'policy' and that which is 'practice', that is how individual officers interpret and implement policy. In this context, respondents provided comment on both policy and practice matters.

QPS - Applications for Domestic Violence Orders and Ouster Orders

The role of the Queensland Police in making applications for a Domestic Violence Order is uniformly recognised as having significant advantages. These include increased credibility with the court, reduced pressure and greater safety for women. In contrast private applications often involve the need for women to produce additional evidence, a greater risk that applications will not proceed and a greatly likelihood that an order will be revoked or varied. For these reasons applications by QPS offer concrete benefits for women escaping domestic violence.

Survey respondents were only able to identify two known occasions in which QPS requested an ouster order for on a woman's behalf. However the overwhelming majority of services were not aware of any occasions in which QPS made such a request.

Child Safety Practice

Child Safety practices have direct and indirect impacts on housing outcomes for women escaping domestic violence with children. For women whose children are taken into care, the provision of an appropriate house or accommodation is an essential pre-requisite to reunification. Service providers identified the following issues:

- There is a fundamental conflict between Queensland Public and Community Housing policy and Child Safety policy. Occupancy standards require that women are only able to access a sufficiently large house when children are present, and children will not be reunited until the woman is able to demonstrate having a house of adequate size.
- If women are reliant on Australian Government income support, this is significantly reduced while children are in care which has a direct impact on the capacity of women to afford appropriate housing in the private rental market.

How do child safety practices women's housing or choice of housing and how might these be improved?

- *They are certainly better able to access housing when leaving refuge with support from child safety.*
- *There is a vicious discriminatory cycle for women in poverty – women can't afford a house for their children as they have no income support for children in Departmental care however can't get kids out of care without appropriate housing for children!*
- *Child safety say the woman must have appropriate accommodation to have children returned and housing say the woman must have children to get housing! It is a catch 22 situation*

When considering the implications for DVO made privately versus those made by police, respondents noted:

- *Historically QPS applications were highly regarded ... Private applications (not assisted) often fail due to misinterpretation of DV vs FL court.*
- *Police applicants cannot be reversed or revoked. Women do not have to appear in court. This is a safety advantage with a police application.*

- There is an unrealised potential to reduce the risk of children being taken into care or the period in care with greater support by Child Safety. This would require, it is suggested, a greater understanding of the impacts of domestic violence and its impacts.

Enhancing the Role of Centrelink Assisting Women Escaping Domestic Violence

A significant challenge confronting women escaping domestic violence with children is the cost of relocation. This often involves re-establishment of a household from the ground up. For women with children this is likely to entail additional costs for uniforms and books and the like for a new school as well as replacing much that was left behind. Service providers emphasised that additional financial support for relocation and resettlement can make a critical difference for many women who lack any other resources. Whilst acknowledging the Centrelink crisis payment which women can access, this needs to be supplemented with additional grants to assist in meeting the substantial costs of resettlement.

2.3 Summary

There are practical opportunities to enhance Government approaches to better support women escaping domestic violence, and with particular regard to housing outcomes. The role of the Queensland Police Service in supporting applications for domestic violence orders is well recognised and valued. There is a need to strengthen this role with respect to the ongoing protection of the safety of women and children against recurrent violence particularly should they wish to stay in their own home.

Child Safety practices can better contribute to the safety and longer term family well-being through enhanced support in accessing and maintaining housing arrangements. The current misalignment between Office of Child Safety requirements and Department of Housing rules with respect to occupancy rates is inherently flawed and needs to be resolved.

Although Centrelink has made some important contributions to women escaping domestic violence through crisis payments, there is a need to extend such support to help offset the substantial costs of relocation and resettlement, particularly for women with children.

Recommendations:

11. It is recommended that the Department of Justice and Attorney General in conjunction with the Department of Communities review and update relevant legislation and related instruments to ensure that penalties and enforcement of penalties for breaches of protection orders, including ouster orders, provide adequate safety for women and reflect Government and community views of domestic violence.
12. There is a need to strengthen the role of QPS in responding to domestic violence. The Police Code of Conduct should better reflect a pro-arrest orientation, recognising the criminal and civil actions that can be taken. There is a need to adopt a stronger focus on the police obtaining intervention orders from the courts, including orders that ban the person using violence from the home, allowing victims of family violence to remain in their homes. Further there is a need for increased enforcement of such orders as well as reliable follow up support should further violence be threatened.
13. There is a need to address the misalignment between Office of Child Safety requirements and Department of Housing rules with respect to permitted occupancy rates.
14. It is recommended that the Department of Communities through the Department of Premier and Cabinet advocate for the introduction by Centrelink of additional financial support to offset the costs of relocation for women and children escaping domestic violence. This needs to take into account the additional costs for women needing to relocate from rural and remote areas and locations that offer no suitable housing options.

3.0 Consultation with Queensland Government Agencies

Drawing on the issues identified in the literature review and feedback from domestic violence service providers, targeted discussions were held with Queensland Government Department of Housing, Department of Communities, Office of Child Safety, and Legal Aid Queensland.⁶ The aim of such discussions was to discuss aspects of operational practices and policy that directly impact on housing options and issues for women escaping domestic violence. Arguably, a whole of Government approach to domestic involves a number of the agencies however given the parameters for this study, discussions focused on housing matters. *It should be noted that multiple requests for discussions with QPS were unsuccessful.*

3.1 Queensland Department of Housing

Queensland Department of Housing is in the process of incrementally introducing the One Social Housing System. Under this system, access to all social housing, public and community, will ultimately be regulated through local Area Offices.

Women escaping domestic violence have historically qualified for priority housing, although the wait times are highly variable. Advice from Departmental officers is that women escaping domestic violence will receive highest priority under the new assessment process. Assistance may be provided through a number of housing and funding support arrangements and will not necessarily be in the form of access to public housing. The wait time and the options to be offered will continue to depend upon the location, housing availability and an assessment by Department officers. It was highlighted that irrespective of the level of priority which may be accorded to women escaping domestic violence, this does not alter the fact that there is limited public housing and community housing to accommodate a wide range of high need priority applicants.

Where a woman escaping domestic wishes, and is able, to remain in the family home (i.e. as an outcome of being granted an ouster order), steps to ensure her personal safety are essential. There is expertise within the Home Assist Secure program to provide advice and assistance on security related matters. This program currently offers such assistance to older people and people with disabilities residing in their own homes, whether public or private, rental or owned. The single apparent constraint to expanding this program to assist women escaping domestic violence is the allocation of funding.

⁶ As noted earlier, requests for feedback from QPS were unsuccessful.

3.2 Office of Child Safety

The Office of Child Safety recognises housing as a protective factor but acknowledged that it is only one consideration when ensuring the safety and well being of a child. If a child can be safely reunited with a parent, then both Child Safety and the Department of Housing will work to achieve a positive housing outcome. A memorandum of understanding was developed to facilitate cooperation of this nature, although again this does not necessarily mean access to public housing as an outcome.

To date Child Safety Officers have not had a role in supporting women's applications for an ouster order. Legal advice to Child Safety suggests that there does not appear to be any legal impediment, although the operational aspects will require some clarification. This might include, for example, whether a child or children would need to be named on an application for a domestic violence order to engage such support.

Both the Office of Child Safety and Legal Aid Queensland acknowledge that there is scope to further develop the role of Child Safety officers to support women as a component in protecting a child, building on her strengths and needs. This may be best advanced through enhanced training for Child Safety officers, through updating of practice notes and updating of roles and responsibilities articulated in position statements. Such changes will require a 'top down' leadership which articulates the importance of such supports.

3.3 Department of Communities

The Department of Communities has a lead role in Queensland Government responses domestic violence and in the development and implementation of associated policies, and programs. The Department's 2008 discussion paper posed a number of new approaches. However, it did not substantially address the issue of housing.

Discussions with the Department confirmed a willingness to consider new strategies and, where appropriate, updating current legislation to provide the statutory frameworks necessary to effect change. This includes the revision of current legislation to more clearly identify accommodation as an inherent component of safety, as recommended in the model laws for domestic violence.

The Department of Communities is also canvassing sector views to advise any future statutory, policy or program changes. In looking forward, it will be essential to identify the housing related issues which are absent from the matters under consideration in the discussion paper.

3.4 Legal Aid Queensland

Legal Aid Queensland (LAQ) plays a significant role in supporting women escaping domestic violence and their children through a variety of court processes. As a result of such roles, LAQ was invited to provide advice with respect to the way in which current arrangements are able to be enhanced to better support housing outcomes for women escaping domestic violence. A written response to which a number of LAQ officers contributed provided a shared view on a number of relevant issues.

Legislative Framework

It was the collective view of LAQ informants that legislative reform would make it easier for women to access more housing options including an ability to remain in the family home. It was acknowledged that ouster orders are not appropriate for all women and there is still the need to address the broader issue of limited housing choice. However a more effective use of ouster orders would assist some women and therefore should be more readily available. It was also noted that such orders should be considered more seriously when children are involved to minimise the disruption caused by relocation.

Consistent with the view of domestic violence service providers, LAQ confirmed that police seldom make use of the ouster condition and that there is considerable scope to encourage greater recognition of this option. This needs to be accompanied by improvement in penalties and the enforcement of breaches of domestic violence orders.

Linkage with Complementary Government Agencies

It was suggested that there is scope for Child Safety Officers to play a larger role in supporting women and children to remain in their own home through letters of support for the issuing of an ouster order (again where preferred by the woman). More broadly, it was felt that there is scope for Child Safety Officers to adopt a more proactive role in supporting women with children in establishing safe, secure, and appropriate housing arrangements. This would include providing support to the court or other service providers to assist a woman to achieve the goals set for her.

The extent of homelessness among women escaping domestic violence is a reflection of the lack of housing options. Both preventative and immediate remedies are needed, including additional emergency accommodation and stable housing options. Improved linkages between the Office of Child Safety, Domestic Violence Services and the Department of Housing are seen as essential to achieve better housing outcomes.

Understanding Domestic Violence

LAQ notes that there is substantial experience suggesting that both magistrates and Child Safety officers would benefit from additional training with respect to domestic violence, its impacts and the needs of the aggrieved. Such training will support a change in practice, underpin an essential culture change and foster greater collaboration.

3.5 Summary

Although it is recognised that lack of resources is a significant constraint for Government and domestic violence services, it is also acknowledged that there are ways in which the current arrangements can be improved to enhance housing outcomes for women escaping domestic violence. There is support amongst all agencies for greater coordination in responding to domestic violence. Barriers associated with policy and practice can be addressed given a commitment from leadership to move in such directions.

Recommendations

15. It is recommended that Home Assist Secure be funded to provide assistance in securing the homes of women who are victims of domestic violence, irrespective of whether housing is in the private or social housing sector.
16. It is recommended that the Office of Child Safety review and extend the role and responsibilities of Child Safety Officers to include provision of support to women and children within the Court process. This should include support for an ouster order where remaining safety in the family home is in the best interest of children. Accordingly it is recommended that steps be taken to identify and address any legal issues that may impact on the manner in which such support can be provided.
17. It is recommended that Queensland Government ensure that Child Safety Officers and Magistrates are provided with additional training with respect to domestic violence, its impacts, and the actions that should be taken to protect the safety and well being of victims.

4.0 Recommendations

The supply of affordable, appropriate and secure housing and lack of resources remain the primary cause of homelessness amongst women escaping domestic violence, and the risk that families will be broken up. This study has identified actions that can be taken as a matter of priority to remove impediments and generate a more supportive response to the need of women experiencing (and escaping) domestic violence.

4.1 Limitations

There are many additional recommendations that could be made based on outstanding issues that the domestic violence service sector has raised for many years, some of which were identified in the literature search. For example, this study provides no substantive direction with respect to addressing the specific disadvantages experienced by women with disabilities, women from diverse cultural and linguistic backgrounds, Aboriginal and Torres Strait Islander women living in remote areas, all women living in rural areas and mining towns.

A preferred model of coordination has not been recommended as there are a variety of ways in which this can occur and it is anticipated that the Department of Communities consultation will provide more robust advice on this issue. Importantly models have been identified and can assist in developing a Queensland appropriate approach. However the survey process did not extend to addressing specific models and therefore can only reflect the strong commitment of service providers to improved coordination.

Some of the options that have been canvassed in this survey (and by the Department of Communities Discussion Paper) have not been addressed. For example, the sector responses did not provide any positive agreement about the commitment to pursuing crisis housing options for perpetrators (and indeed some respondents expressed opposition to this approach completely.)

In recording these limitations it is not suggested that such issues are not of critical importance – but rather to explicitly acknowledge that there remains significant additional work to be done to provide an effective response to the housing issues faced by all women experiencing (escaping) domestic violence.

4.2 Recommendations:

The recommendations set out below have been sorted with respect to the agency considered most relevant to take responsibility for implementation.

It is recommended that the Department of Communities:

- a. Provide additional funding of the QCDFVR to document housing arrangements and housing needs of callers as a component of data collection.
- b. In conjunction with the Department of Premier and Cabinet actively promote the enhancement of AIHW NDCA standard reporting to include housing outcomes by specific client groups.
- c. In conjunction with the Department of Premier and Cabinet advocate for the introduction by Centrelink of additional financial support to offset the costs of relocation for women and children escaping domestic violence. This needs to take into account the additional costs for women needing to relocate from rural and remote areas and locations that offer no suitable housing options
- d. In conjunction with the Department of Justice and Attorney General undertake a review of current legislation with a view to amendments which articulate a more robust and transparent commitment to protecting the right of women experiencing domestic violence to remain safely in their home, including through the removal of the perpetrator of domestic violence.
- e. Given the level of unmet demand, it is recommended that the Department of Housing in conjunction with the Department of Communities increase the resources available to the domestic violence sector in the provision of accommodation and support.

It is recommended that the Department of Justice and Attorney General

- a. Require that the monthly reporting by the Clerk of Magistrates Court identify the number of applications for ouster orders and the outcomes of such applications. All records should be maintained on an electronic database which is accessible as a public record and for research purposes.
- b. In conjunction with the Department of Communities undertake a review of current legislation with a view to amendments which articulate a more robust and transparent commitment to protecting the right of women experiencing domestic violence to remain safely in their home, including through the removal of the perpetrator of domestic violence.

- c. Establish comprehensive practice notes with clear consistent guidelines and processes for the issue of ouster orders, including best practice examples.
- d. Review and update relevant legislation and related instruments to ensure that penalties and enforcement of penalties for breaches of protection orders, including ouster orders, provide adequate safety for women and reflect Government and community views of domestic violence.
- e. Ensure that Magistrates are provided with additional training with respect to domestic violence, its impacts, and the actions that should be taken to protect the safety and well being of victims.

It is recommended that the Department of Housing

- a. Take action to increase the supply of all forms of social housing for women escaping domestic violence. This includes public housing, transitional and long term community housing.
- b. Undertake the necessary investigations to determine the capacity to provide additional options, such as the Emergency Temporary Accommodation Scheme and Private Housing Brokerage program as a means to facilitate more timely access to affordable and appropriate housing.
- c. Immediately review and amend its policies and practices which create unjust barriers to access for women escaping domestic violence. This includes exclusions based on part or shared property ownership.
- d. Advocate for and support further investigation and action to redress the level of discrimination within the private rental market. This should involve a coordinated approach which includes domestic violence services, the Residential Tenancies Authority and the Tenant Advice and Advocacy Service. Further, the Department needs to encourage the Residential Tenancies Authority to take positive action to reduce the incidence of discrimination by the private rental agencies against women who have experienced domestic violence.
- e. Provide adequate resources to enable Home Assist Secure to assist in securing the homes of women who are victims of domestic violence, irrespective of whether housing is in the private or social housing sector.

- f. Given the level of unmet demand, it is recommended that the Department of Housing, in conjunction with the Department of Communities, increase the resources available to the domestic violence sector in the provision of accommodation and support.

It is recommended that the Office of Child Safety and Department of Housing

Address the misalignment between Office of Child Safety requirements and Department of Housing rules with respect to permitted occupancy rates.

It is recommended that the Office of Child Safety

- a. Review and extend the role and responsibilities of Child Safety Officers to include provision of support to women and children within the Court process. This includes supporting an application for an ouster order where remaining safety in the family home is in the best interest of children. Accordingly, it is recommended that steps be taken to identify and address any legal issues that may impact on the manner in which such support can be provided.
- b. Provide Child Safety Officers with additional training with respect to domestic violence, its impacts, and the actions that should be taken to protect the safety and well being of victims.

It is recommended that the Queensland Police Service

- a. Take a proactive approach to strengthening the role of QPS in responding to domestic violence. The Police Code of Conduct should better reflect a pro-arrest orientation, recognising the criminal and civil actions that can be taken.
- b. Adopt a stronger involvement of the police in the application for intervention orders from the courts, including ouster orders that ban the person using violence from the home. Further, there is a need for increased enforcement of such orders as well as reliable follow up support should further violence be threatened.

In conclusion, the study has found that many of the issues identified in the literature review are evident within the Queensland environment. Further, that there are existing mechanisms for improving the way systems operate and that through adequate leadership better outcomes can be achieved. Finally, although additional housing resources will make the greatest difference, programs and policies which better enable women to achieve outcomes in the current environment are priorities.

Appendix 1: Magistrates Survey

Do you think Domestic Violence Protection Orders would be better dealt with in a forum other than the Magistrates Court?

No, but they should be specialist courts provided with appropriate adjunct services e.g. counselling programs, child minding

No. Parties are often fraught with emotional trauma during the deconstruction of the relationship. The problem is exacerbated when children are involved. The Court applying appropriate sanctions to correct dysfunctional behaviour can set clear boundaries and guidelines for the parties

No. Care needs to be exercised to identify vexatious litigants, parents using DVO's to prevent contact with children etc. Making an order should receive the same attention as any other order which renders one party liable to imprisonment

Mix of both - programs to address offending behaviour is clearly beneficial

No

I have never thought about it. In larger cities e.g. South East Qld area it could be a specialist court. But in my courts it would not be worth someone visiting especially for DV

Yes if it meant a proper tribunal was set up with support people for both applicants and respondents, should be chaired by judicial person

No. The court takes out the emotion & looks objectively at the facts and assesses the applications according to the appropriate standard of proof

Yes, they are quasi legal matters with potential serious implications and should be considered by a court

No. I can't see that any other forum would have the checks and balances that Court does.

Are there different issues involved when the parties are of ATSI decent or non-English speaking backgrounds?

Yes, cultural sensitivity, interpreter issues, support persons

There are different cultural considerations to apply. E.g. role of women, child access, role of grandparents in an extended family construct. Some citizens have a different orientation as to authority of Police, Court etc

No - the court must ensure cultural differences do not alter what constitutes domestic violence in Qld

No

No

I suppose there are but I see few ATSI DV people - probably 10% of the total and they are 'town people' not from communities

Yes, need an indigenous support person present for both app and res & a scheme to work with families - culturally appropriate scheme

Cultural and racial issues, of which there are many & of which a working knowledge is required

Cultural considerations that may explain actions & behaviour

No.

How effective do you believe Domestic Violence Protection Orders are in responding to domestic violence?

No comment

Very effective if police respond immediately and the dysfunctional behaviour can be managed and sanctioned in the context of the allegation and in the light of the DVO conditions

Somewhat effective. Probably best against harassment/intimidation style DV. More serious DV is usually not addressed until the offender faces criminal prosecution and punishment

More effective if combined with programs before breach stage

Depends on the parties - somewhat effective

To MOST people - very effective. But there will always be some who take no notice at all. E.g. disqualified from driving - most people don't, some do

Like all court orders - only to the extent fear of punishment if offend otherwise they don't necessarily provide safety to applicants, Also --> inflexibility of orders versus flexibility of human relationships means people who reconcile are often automatically in breach of their orders and suffer criminal consequences if charged

I can only tell about these orders which are breached. I cannot know about how the order deters those who do not come before the court

They are of limited effect. It is of assistance in limiting intimidation and harassment on prosecuting persons for such behaviour

Better than nothing.

Police do not have a statutory obligation to apply for DVPO in Qld as they do in some other States, for example NSW and Tas. Would it be desirable for QPS to be under such a statutory obligation? Why /Why not?

No, discretion plays a role

Generally Police have a mandatory obligation to investigate DVO and discretion to apply for an order (Sect.69) and or take a person into custody. If Police take a citizen into custody pursuant to sec.69 the officer MUST prepare the application for DVO (see sec.71)

Mandatory laws are always problematic. Discretion by Police and/or an aggrieved is best. DVO's made in circumstances where the aggrieved does not want the order lead to many problems

No - Police already apply in situations where they should not

I do not know - Police in my courts seem to do a good job, coupled with the DV service

No, any removal of discretion to assess each individual situation is an inflexible negative step

They should have discretion to apply for orders where the grounds are made out on a prima facie basis

There are pros and cons for statutory obligations

No

Do you regard DV as essentially a civil issue requiring protection orders, or a matter properly dealt with under the criminal law?

It is a civil issue. It only becomes a criminal issue if a protection order made is later breached

DV is a more insidious form of violence than the violence involving an assault of a stranger - e.g. street brawl, hotel violence etc. In a DV situation the victim is emotionally, financially, psychologically, geographically and spiritually connected to the perpetrator of the violence. After court they return home - whereas in the case of the street violence the victim and offender may never cross paths again

Under criminal- generally criminal, especially where actual violence is involved. In minor matters, especially animosity over children/content etc counselling can be effective

Under criminal & not in courts, but through private means such as counselling/mediation (Both)

Under criminal

As a civil issue - mediation can't work where there is an imbalance of power and so I don't think that mediation is the solution

Under criminal & not in courts either or depending on circumstances

As a civil issue - applications under criminal - breaches only = not in courts include as part of process of application

As civil issue: Under criminal & noting courts - The application is a civil issue. Breaches are a criminal issue. I believe that counselling/mediation should be used in conjunction with courts

No, is properly dealt with under criminal law.

Do you think it is appropriate that the current standard for making DVPO is on the balance of probabilities?

Yes. (X6 responses)

Yes. DV is a control mechanism where the A/S becomes in some cases so overborne they lose self esteem, confidence and may in some cases accept the behaviour as "acceptable". The standard beyond reasonable doubt may raise the bar too high for these citizens

Yes, as the order itself is not punitive. Obviously a breach of the order must be proved beyond reasonable doubt, as the result of a finding of guilt is punishment

Yes aggrieved needs to be protected & DV is often hidden so it is she vs. he - if criminal standard of proof many women would not be protected

Yes, but using Briginshaw test

In your experience how well does the DV Family Protection Act, 1989 dovetail with the Family Law Act 1975?

I have not encountered any problems but this is a question more properly answered by Family Care practitioners

They are comparable to a large extent however I tend to differentiate between the jurisdictions to inform citizens that the path through the Family Court is painful and emotionally draining but it encouraged them to resolve Family Law matters. DV Court however brings parties together to resolve these issues without resort to DV.

Not terribly well. Many lawyers, advocacy groups, DV centers etc seem to encourage use of DVO's to achieve Family Law settlements, especially regarding children.

Review would be beneficial

Do not see the interaction in practice so can't say

I do not think very well - I have heard two Family Court Judges say State Magistrates give DV orders too easily - but when I practiced Family Law I did NOT seek FLA orders but rather DV Orders

Satisfactory

To the extent necessary

As a magistrate I feel comfortable making a domestic violence protection order when there is instances of:

	Agree	Sometimes	Disagree
Only willful injury	7	1	
Willful damage	7	1	
Intimidation	7	2	
Indecent behaviour	5	2	1
Threat	5	3	
Combination	6	2	

Comments:

With acts not causing injury or damage a degree of common sense is required. The whole situation needs to be explored to ensure the aggrieved is not vexatious, rather than intimidated

Discretionary & if one off situation, less comfortable in imposing an order

If it reaches the standard required by the appeal cases

How do you think domestic violence differs if at all from other types of violence?

It is broader and therefore more difficult to substantiate and the categories are much wider

See 2.5 DV is a more insidious form of violence given the relationship between the perpetrator, the victim and the effect on children

Often repetitive. Often not actually 'violent' but still distressing to aggrieve

Mental stress caused as usually ongoing relationship

It doesn't - just see the effects are sometimes greater

It is at the very heart of society i.e. normally spousal - families are often torn apart --> have social cost - even if not - loss of trust in partner

Serious aspect is violence within our most important group --> family - affects all members of family unit including children even if they are mere observers

It is a misuse/abuse of trust created in an intimate relationship

It does not necessarily differ but needs to be dealt with differently to maintain relationship

Name only

Do you feel comfortable ousting a violent person from their home?

I make ouster orders if I am satisfied that such orders are required by reference to the facts and the legislation. My own personal comfort or discomfort is irrelevant. The safety of persons and children underpin the making of such orders

In cases where the woman is overborne by the husband and she is totally dependent on him for support & where young children are involved and no outside support. I am worried when Family Court Solicitors are involved and the home becomes a prize for the victor

Depends on - who owns/rents the home, are there children & who do they live with? - Who can best afford to get new accommodation - how serious is the violence

Yes

Yes (a) Where the family is in danger of further DV (b) where the family is not in danger of further DV

I don't often do it - I consider all the circumstances - an ouster order is VERY serious

Yes if the need arises. If continuing physical violence and risk of serious harm to applicant and/or children

Yes it depends on a Of issues which must be considered all together

I will only make an ouster order by consent or if it is the only feasible option. It is different if the respondent has no claimant the property

Yes Aggrieved and o children at risk of violence.

The model national legislation for Domestic Violence suggests that legislation be more supportive in assisting women to obtain ouster orders by specifying accommodation as an explicit component of safety and giving priority to a victim who wishes to remain/return to their home. To what extent would you actively support the introduction of such amendment in the Queensland Legislation?

I would support it

For reasons stated in 2.11 above each case should be judged on its merits

I do not accept a presumption that the aggrieved should get the residence. Who stays and who leaves depends on many considerations

Support

Don't see the need. Sounds too one sided

I will do what the law requires (not a good question for a magistrate)

Only if this remains Discretionary!! Each situation that crises are unique

Yes very much so

I would comply with the law

Not really.

What is your understanding of the role of Domestic Violence Court Support Scheme at your Court?

They provide support, advice, referrals and information

Primary focus is to provide support to the A/S & to inform them of any issues relating to DV. Assist the AS in negotiating as often foreign court room environment. To reinforce their confidence/self esteem in reaching out for assistance in an otherwise dysfunctional relationship. Assist the respondent if and when appropriate.

To assist both aggrieved and respondent to better understand the process, and to encourage agreement between the parties

Effective

Look after the woman

To assist aggrieved women in a wide range of associated matters

a. advise & explain court process b. refer to appropriate agencies for further support post or pre court c. refer to appropriate legal centres d. emotionally support applicants (& respondents)

Assist with general information about the court process and emotional support & offer strength to enable the parties to appear in court

To proffer advice & assistance, guidance, support & referrals to both aggrieved & respondents

Help women

Does the Domestic Violence Court support Scheme assist the process of obtaining Domestic Violence Orders?

Yes

No, I refer to previous response -ultimately the decision to proceed with an application will always rest with the A/S

Yes, many Respondents consent after some discussion and many of the aggrieved vary the application for the sake of a consent order after discussion

Yes answers phone queries and gives support

Can't say. I don't see it actively working or assisting

I often involve the workers in the process

Referrals to Legal Aid and help fill out applications for legal aid

Yes. It assists in helping applicants focus on the legislative requirements

Yes

Perceptions of Domestic Violence

Sometimes these matters are best worked out privately between the two parties			
Agree	Sometimes	Disagree	Comment
			Rarely
	1		Provide differences a skilled independent facilitator will always be of great assistance.
1			Depends on level of DV, maturity of parties etc
	1		
	1		
	1		Seldom see 2.5
	1		Would be good to have a mediator sometimes
	1		
1			If the parties have the ability to communicate effectively but this is unlikely
	1		

<i>The Procedures associated with Domestic Violence Protection Orders are not fair to men</i>			
Agree	Sometimes	Disagree	Comment
			Not True
	1		
		1	The sex of either party is largely irrelevant. Some applications concern same sex couples
	1		
	1		
		1	It depends on the Magistrate & how they perceive their role
	1		BOTH parties should have support networks available at court & pre/post court All too often DV applications are used to try to influence Family Court proceedings
		1	
		1	I think it is perceived by some men as unfair but they have adequate protection
		1	
<i>In most cases my main priority in assessing domestic violence order/applications is concern for the safety of women & children</i>			
Agree	Sometimes	Disagree	Comment
			The aggrieved can be males too!!
1			Once satisfied DV behaviour exists
1			It is more common for a male to be the problem but it is certainly not exclusive to men
1			
		1	
1			Is that not what the Act says?
			Main priority is to see justice done which includes safety of all parties
	1		Depends who is the aggrieved
1			Not just women but vulnerable males also
		1	Follow the Act

<i>Domestic Violence protection orders are often used by applicants in Family Court proceedings as a tactic to aid their case and deprive their partner from contact with the children</i>			
Agree	Sometimes	Disagree	Comment
	1		
1			Absolutely frequently when a resp gets a Family Court Order for contact the DV ceases or at lease diminishes
	1		
	1		
1			But also to the other side - we are to do justice not take sides
1			
	1		This is a common complaint but can be resolved by the court
	1		
<i>A Magistrate, in dealing with domestic violence cases, needs to be sensitive towards the person seeking protection</i>			
Agree	Sometimes	Disagree	Comment
			The magistrate needs to be sensitive towards the needs of all concerned and make orders that are justified having regard to the legislative requirements
1			He needs to also be equally sensitive towards the respondent. A presumption that the aggrieved is in the right is dangerous
1			
		1	Apply the legislation
1			
1			
1			The Magistrate needs to be sensitive to the needs of all parties
		1	

General Comments

<i>Are there any changes you would like to see in the way in which domestic violence situations are handled by either police or the court system in general? (For example, police prosecutors assisting unrepresented applicants?)</i>
No
Police need to be more proactive in responding to calls involving DV often they will avoid engaging on basis the breach is 'technical' in nature or push the A/S to apply in her own right
Police DO assist unrepresented applicants. Evidence in chief by affidavit clarifies issues and gives both parties an opportunity to gather evidence
In my courts things seem to work well considering e.g. Police Prosecutors are good, DV service is good
Prosecutors in our court do tend to assist unrepresented people but courts need more DV support staff
Better process/policy by police --> police must explain - at an early point if they are going to represent the aggrieved at the hearing (not mentors)
No
<i>Do you feel that your training has adequately prepared you for dealing with domestic violence matters?</i>
Yes
No
Yes. No more difficult/complicated than any other criminal or quasi-criminal conduct
Training??
Yes - I came from a Community Legal Centre & dealt with Family Law/DV every day
Yes
Some additional update/referees would be helpful to monitor/know what is happening here in the community
Yes
Yes
<i>: Are there any other comments you would like to make in relation to Domestic Violence Protection Orders in general and ouster orders in particular?</i>
The court needs to be satisfied that DV exists before order is granted. The above comment seeks to neutralize the magistrate turning his/her mind to the issue as to whether DV exists
"Urgent" ex parte applications are often problematic. S39D (c) is in my view quite appropriate, but is little understood by many applicants and their advisors. Urgent applications are frequently based on no more than insulting/offensive text messages/phone calls etc
There is little or no training provided - papers are delivered at conference
Please leave judicial officers with a discretion re each separate & unique application that they must determine
No
No

Appendix 2: Service Providers Survey

Q3: What are the disadvantages faced by women and their children in needing to relocate multiple times?

ID No	Response
1	<ul style="list-style-type: none"> • Disruption to education • Loss of belongings • Unable to address trauma if housing is unstable or insecure (Maslow)
2	<ul style="list-style-type: none"> • Uncertainty of tenure • Finances • Schooling/work
3	<ul style="list-style-type: none"> • Primarily the unstable situation for children regarding schooling • This is also a major issue for women who work in local area then cannot afford to live in suburb when supported accommodation ends. Therefore it can affect stability or ability to continue work in current employment
4	<ul style="list-style-type: none"> • Children needing to change schools many times as usually no car available • Cost of moving furniture • Changing areas and social support networks • Need same house – different landlord
5	<ul style="list-style-type: none"> • Monetary cost for relocation that they might not be able to afford • Finding suitable and affordable accommodation • Changing schools • leaving friends and support network behind • lots of pressure and stress • moving around so often can be traumatic for everyone especially the children. They don't have the understanding why they have to move again.
6	<ul style="list-style-type: none"> • cost – huge expense associated with moving, loss of property having to move and purchase goods again or replace goods • dislocation and upheaval from community friends. • Family court proceedings can mean residency with violent parent due to mother being seen as unstable and unable to provide stable housing for children • Negative impacts for children – changing schools, disruption to education, friends, sense of safety, security • Can make it difficult to secure future housing as women may be seen as a bad tenant. Emotional cost, isolating, social disruption
8	<ul style="list-style-type: none"> • Schooling • No continuity in lifestyle • No continuity with services • Can't establish support networks • Costs of moving
9	<ul style="list-style-type: none"> • TICA Listings • Bad rent reps • Debts to real estate and Department Housing (bond loan) • Exclusion from private rental market due to all above
10	<ul style="list-style-type: none"> • The financial burden and costs of moving households • The emotional stress and displacement associated with moving and with changing environments – of both women and their children • No security – not knowing where you will live or for how long you can live there • Social supports and networks are disrupted, fragmented or lost • Children are highly affected and stress by changing schools, losing friends etc • Children's education is disrupted.

11	<ul style="list-style-type: none"> • Cost • Human effort often unassisted • Social isolation/broken support networks • Change of schools, doctors, et
12	Relocating to new communities always requires time to reconnect with new people and services. Children often need to make new friends, adjust to new schools and child care centres with new teachers and staff. Sometimes these changes are disadvantages, but often they have positive outcomes for children, where they can finally attend school, make new friends and do homework in a violent free setting. Women make these choices because their need for safety is a priority.
13	<p>For women and children escaping domestic violence, multiple relocations heighten the experience of trauma and prolong a crisis situation. In addition it often disrupts employment for women; education for children as they may need to change schools; and places a significant financial burden on women who may have limited income support to cover expenses associated with multiple relocations and establishing a new home (e.g. purchasing furniture, white goods, linen, etc.</p> <p>For women from NESB multiple relocations can also lead to significant isolation as women may not be able to maintain contact with members of their family or community; access places of worship for important religious/spiritual practices, access preferred foods/shops, and cultural events. Many women experience difficulty in becoming familiar with a new environment, transport options, and access to essential support services particularly where communication barriers exist.</p>

In your experience what are the barriers most often faced by women seeking preferred housing?

ID No	Response
1	<ul style="list-style-type: none"> • Lack of finances • Lack of rental or work history • Bad rental history • No vacancies
2	<ul style="list-style-type: none"> • No references • TICA • Coming from refuge • Large numbers of children
3	<ul style="list-style-type: none"> • Lack of knowledge & experience in accessing housing options • Lack of willingness for them to look in areas suburbs that they can afford to rent in. Our refuge is in an 'elite' suburb of Brisbane and women often want to stay in this area even when they can't afford to rent here
4	<ul style="list-style-type: none"> • The abuser may have damaged property. Woman has Housing Qld debt or on the TICA list • TICA Database • Lack of financial resources • No references
5	<ul style="list-style-type: none"> • Not having money • Being discriminated against by RE agents and landlords • High rents • High cost of living • Having children • Having pets
6	<ul style="list-style-type: none"> • Lack of affordable and appropriate housing • Financial costs associated with moving and bond money, cleaning & repairs etc • Having sufficient rent money to be paid in advance may be difficult

8	<ul style="list-style-type: none"> • Financial • Prejudice/discrimination by community – real estate • Housing lists are too long • Lack of affordable housing • Shortage of houses
9	<ul style="list-style-type: none"> • Lack of affordable housing, impacts all low income households but especially sole income women with children • Bad rental reps or TICA listings due to past tenancy problems • Discrimination, especially against CALD, ATSI and young women • Increased competition for rental housing – low income single women with kids miss out.
10	<ul style="list-style-type: none"> • Wait lists in public housing are very long. It more often than not takes years to secure long term accommodation for these women, in public housing. • Medium term housing options are also limited by the serious lack of available properties. There simply are not enough properties to meet the demand. • Private rental options are usually unaffordable. • Many women who have experienced DV has been blacklisted (TICA) due to the violence and this affects their ability to access private rental options. Or they have a poor rental history due to the DV, which affects their likelihood of securing private rentals. • There is often discrimination by landlords – around the violence, low income/welfare recipients, single mothers etc. • There is also a serious lack of affordable private rental properties and the market is highly competitive.
11	<ul style="list-style-type: none"> • Lack of affordable housing that is not an isolated farmhouse (transport issues, lack of support networks and safety issues). • Lack of references as most women have lived in family owned houses. Many indigenous women have only lived with family and have great difficulty with any form of references. If have lived in DOH house they do not give references and it is impossible to do a transfer as lack of DOH housing. • Real estate agents concern for further DV – possible property damage. Some real estate agents question the amount of rent paid, they do not seem to understand the position that these women are in ‘why aren’t you charging rental market price” I always explain the situation to deaf ears. • If a woman has more than five children they find it difficult as many real estates will not even allow a viewing of a property with less than three rooms. This limits opportunities property wise and financially.
12	<ul style="list-style-type: none"> • Poverty-most women who access our services are living in poverty. • Housing is unaffordable, real estates discriminatory • Racial discrimination and discrimination against refugees and as single parents. • Lack of public housing/community housing where “one Social Housing System” has become an ineffective, inefficient system with cumbersome red tape. • Some housing providers claim women on single parent pensions do not earn enough money to be housed with them!
13	<ul style="list-style-type: none"> • Women from NESB may not necessarily have information or knowledge regarding available housing options and their rights and responsibilities. This requires the timely use of professional interpreters by service providers to ensure accurate information is provided and understood. • Women from NESB also experience multiple barriers in accessing information and support due to communication barriers (lack of English proficiency); cultural barriers; and systemic barriers that include: <ul style="list-style-type: none"> - Unwelcoming or intimidating presentation of service or service image not reflecting cultural diversity - Lack of cross cultural awareness and sensitivity by service providers - Inappropriate and/or inconsistent use of professional interpreters by service providers - Lack of trust in authorities that may be linked to a woman’s past experience; and - Experiences of racism and discrimination when accessing services. • IWSS frequently provide direct support to women who are temporary residents of Australia

	<p>living in Queensland and who are escaping domestic violence. This includes women on Provisional Partner, Tourist, Student or temporary Skilled Visa, and those who may be applying for a Protection Visa (Refugee Claimants). For women who make the decision to leave a violent or abusive partner and are temporary visa holders the challenge of surviving independently in Australia is compounded due to reduced access to support services such as:</p> <ul style="list-style-type: none"> -limited or no income support -limited access to health care (not eligible for Medicare) - limited access to emergency accommodation and long term housing due to income status; - No access to adult education (not eligible for Adult Migrant English Programs) - limited access to education for their children as it often requires payment at an international student rate; and -limited access to employment either by having no permission to work (visa requirements) or due to difficulties in obtaining employment in Australia.
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From your experience, what specific additional barriers do indigenous women; women with children; women with disabilities and women from diverse cultural backgrounds (particularly refugees, new settlers) experience?

ID No	Response
1	<ul style="list-style-type: none"> • Familial and cultural expectations • Discrimination • Lack of stock • Lack of finances • Visa and income issues • Mental health of D&A issues
2	<ul style="list-style-type: none"> • No references • Language barrier • Coming from refuge
3	<ul style="list-style-type: none"> • Australian women are often intolerant of NESB women and their cultural practices • Refugees often have little understanding of housekeeping roles (e.g. jobs on communal house roster), thereby causing problems in a communal household • Increased time spent dealing with interpreters • Increased money spent on resources/books for NESB clients
4	<ul style="list-style-type: none"> • Some landlords – Real Estate agents will not rent to these client groups
5	<ul style="list-style-type: none"> • Same as question 4 • Not speaking English • Drug and alcohol problems • Not having permanent residency • Cultural differences
6	<ul style="list-style-type: none"> • Lack of housing support services for families in maintaining housing • Competitive rental market • Lack of understanding of CALD needs • Bigoted attitudes in property rental industry • Discrimination and negative attitudes about these particular groups • Lack of services for women with disabilities • Lack of information about housing and rights in alternative formats and other languages

8	<ul style="list-style-type: none"> • Racism • Prejudice and discrimination • Lack of knowledge of rights and law • Lack of understanding of different cultures • Lack of multicultural services –support – education
9	<ul style="list-style-type: none"> • Refugee households report high levels of discrimination and rejection of rental applications, however while most discrimination is not stated/is hidden. REA hide behind “I don’t have to give a reason, but some REA say “the owner does not want refugee/African household, even though accepting discriminatory instruction is unlawful. Discrimination is almost impossible to prove as not usually direct evidence/statement why application was rejected. In current housing market all low income earners are affected by high competition for affordable properties.
10	<p>The barriers listed above, apply to all women including Indigenous women, women with disabilities and women from diverse cultural backgrounds. Additional barriers for specific groups include:</p> <ul style="list-style-type: none"> • Lack of appropriate specialist housing options e.g. disabled supports/access, accommodation suitable for large families, support in managing housing for non English speaking people or recent immigrants • Additional discrimination by landlords in the private rental market • Housing provided is often not within easy reach of the required support networks. Many women in the above categories experience difficulties with travel. • There is an indifference and ignorance in both private and public housing sectors, of the special support needs by these women.
11	<ul style="list-style-type: none"> • Most women and children coming into the shelter do not have own transport and require housing in local area where rents are more expensive • General preconception of indigenous being poor tenants regardless of presentation • Women without children cannot afford rental unless working, those with mental health issues or a disability find it hard to afford rent • Women with residency issues are not eligible for any Centrelink benefits.
12	<ul style="list-style-type: none"> • ATSI, NESB and Refugee women often face racial discrimination. • Women with children face discrimination as single parents, particularly in private rental market. • New settlers suffer discrimination and poverty, often having a lack of income after escaping domestic violence. • And all these groups often suffer more long entrenched poverty.
13	<ul style="list-style-type: none"> • As above

In your experience, to what extent do women escaping domestic violence experience discrimination in the private rental market – on what basis?

ID No	Response
1	<ul style="list-style-type: none"> • Mostly experience discrimination • No or poor rental history • Low income • Judgmental community attitudes
2	<ul style="list-style-type: none"> • Lack of references • Being on TICA • Coming from refuge
3	<ul style="list-style-type: none"> • Lack of rental history • Often on Centrelink benefits • “single woman on benefits”

4	<ul style="list-style-type: none"> • if landlord is aware of DV (They) may fear their property will be damaged • TICA Database • No references
5	<ul style="list-style-type: none"> • TICA • Being Centrelink recipients • Woman with children • Having pets • Migrants
6	<ul style="list-style-type: none"> • Landlords reluctant to house women for fear of property damage by their partners or ex partners say they don't want any dramas or have to protect other tenants etc • Landlords reluctant to rent to single mothers and their children (as well as single mothers escaping domestic violence)
8	<ul style="list-style-type: none"> • Inability to rent – fear of perpetrator returning and causing damage • Stigma attached to domestic violence • Being on Centrelink benefits • On TICA due to perpetrator's violence • Presentation of client due to lack of funds, expectations of other • Inability to conform to society's expectations
9	<ul style="list-style-type: none"> • See previous
10	<ul style="list-style-type: none"> • Being low income/welfare recipients • Being a single mother • History of DV, possibility of future problems with the perpetrator of the violence • Poor rental history and/or TICA blacklisting – usually due to DV • There is high demand for affordable rentals – so often women applying for private rentals are one of a dozen applicants for the property. Landlord's have an obvious preference for employed, waged and childless tenants
11	<ul style="list-style-type: none"> • See previous
12	<ul style="list-style-type: none"> • Discrimination as single parents, as Centrelink recipients, with racial discrimination. There seems to be more scrutinizing of women and some places have refused to house women escaping DV as they do not want violent perpetrators around their premises.
13	<ul style="list-style-type: none"> • Private rental has become increasingly difficult for women from NESB to access due to the following factors: <ul style="list-style-type: none"> - Limited knowledge about tenancy procedures and rights in Australia - Competitive selection processes for tenancy - High rental costs' - Lack of tenancy history in Australia - Inappropriate housing for larger families; and - High levels of discrimination against women from NESB/CALD communities broadly. <p>Racial discrimination is frequently observed within the private market particularly towards people of refugee backgrounds; people who may have recently arrived in Australia; people who have limited income; people who do not have English proficiency; and people who have larger families.</p>

Please describe your experience with applications for ouster orders. Are you aware of women who have made such applications and their success rate? (a) Are you aware of the longer term outcomes for women who have obtained such orders?

ID No	Response
1	<ul style="list-style-type: none"> • Within the last 2 years – applied for 1 and was successful. 1 other was going to apply but changed her mind as it all seemed a hard and uncertain process a. No
2	<ul style="list-style-type: none"> • Yes 0 all ouster orders applied for have been granted a. Harassment by respondent
3	<ul style="list-style-type: none"> • No experience a. No
4	<ul style="list-style-type: none"> • Not many women apply to ouster orders, as they are afraid to return to their homes a. No
5	<ul style="list-style-type: none"> • Not very many a. The woman & her children are happily living in her house (the only one we know of)
6	<ul style="list-style-type: none"> • Success rate is low particularly if woman applies. Magistrates often comment ‘where will the man go’? and will not issue this if he says that he does not have anywhere to go a. One good outcome only – she was able to stay in the home with her 5 children. Not a good option for all women especially if the violence is severe and there is high risk
8	<ul style="list-style-type: none"> • Have had no success with ouster orders. Find the courts are not sympathetic to the situation. Not aware of any women who have obtained such orders.
9	<ul style="list-style-type: none"> • N/A We only deals with tenancy advice not DV orders.
10	<ul style="list-style-type: none"> • Ouster orders are very rarely applied for by women escaping domestic violence because they do not guarantee safety. Of the very few we have knowledge about – the order was granted. However the perpetrator has returned to the property and the woman has had to leave again. She has then chosen not to return to the property due to safety.
11	<ul style="list-style-type: none"> • Although women don’t know the terminology, they say they want him out, don’t know the criteria. It can be difficult to obtain an ouster clause particularly when there has not been physical violence toward the aggrieved, significant threats to the aggrieved or premises, alternative accommodation options for the respondent. Applications to vary are the most usual way that this option is discussed i.e. existing DVPO often a standard/basic order only and violence and/or threats have continued. It has been more effective to report breaches of existing DVPO to QPS with the aim of conviction/s. This supports the process i.e. she has obtained an order that restricts his behavior, he doesn’t obey it. She needs to activate the current order (by reporting). This helps to legitimise her risk of further violence. This allows Prosecution to apply for current DVPO to be varied to include ouster under sec 30 (not common). Otherwise an application to vary DVPO to include the ouster clause can be supported by QPS statements and/or charges and convictions. This is a slow process often delayed by respondents adjourning breach charges repeatedly. • It is fairly recently that our local magistrate has been willing to grant ouster orders. • There are circumstances where the respondent will continue to harass women at their home. Making it important to report to QPS. They can feel vulnerable but more often stronger and empowered.
12	<ul style="list-style-type: none"> • All our clients are women who need ‘high security’ where a risk assessment indicates that they would be unsafe in locations known to their perpetrators and their priority is to be housed in a place unknown to the perpetrator. • Not our client group, however there is always a risk for women and children to stay in homes known to the perpetrator, especially straight after separation when this is the time posing the highest risk to women and children.
13	<ul style="list-style-type: none"> • In our experience it is very rare that women from NESB are successful in obtaining an Ouster Order. • Ouster Orders are only effective where there is a strong coordinated response to domestic

	<p>violence to ensure safety for women and children to remain at home following separation where there is a history of domestic violence. These orders could be enhanced by:</p> <ul style="list-style-type: none"> - Thorough assessment processes regarding the appropriateness of an ouster order to the presenting situation with a strong framework of safety for women and children experiencing domestic violence. - Increased police applications when attending domestic violence incidents to include an ouster order condition where appropriate and with the consent of the aggrieved. - Free safety upgrades to the home and immediate police response to any breaches of an order. - More timely and expeditious procedures to enable easier access to an ouster. Currently women and children are more likely to need emergency accommodation to ensure their immediate safety as court procedures in applying for an ouster order are lengthy and delays are frequently observed. This causes significant disruption and crisis in the lives of women and children who have to leave home in order to establish their safety. - Information and community education specifically developed in consultation with Culturally and Linguistically Diverse (CALD) communities to ensure timely access to accurate information and to address specific issues, e.g. community understandings and response to domestic violence; heightened risk of domestic violence related to deaths/homicide.
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In your experience, are you aware of instances in which Police have requested an ouster order, the circumstances and the outcomes?

ID No	Response
1	<ul style="list-style-type: none"> • No
2	<ul style="list-style-type: none"> • We have not known police to request and ouster order
3	<ul style="list-style-type: none"> • No
4	<ul style="list-style-type: none"> • No
5	<ul style="list-style-type: none"> • Not aware
6	<ul style="list-style-type: none"> • Yes • Severe violence repeated call outs he kept coming back to the home 4 children with risk to children of physical and sexual abuse • Was successful to some degree in terms of the women not having to be responsible for getting him to leave
8	<ul style="list-style-type: none"> • No we have never had any experience of police requesting ouster order!
9	<ul style="list-style-type: none"> • NA
10	<ul style="list-style-type: none"> • Only in one stance. And in that case the police executing the ouster order did not remove keys from the perpetrator and he returned to the house a short time after the police left.
11	<ul style="list-style-type: none"> • Very rare, cautious about infringing on respondents rights e.g. it's his place too, he's on the lease too, and he's working to but this place, where will he go?
12	<ul style="list-style-type: none"> • No not locally
13	<ul style="list-style-type: none"> • See previous

In your experience, in practice what are the implications for Domestic Violence Orders made privately versus those made by the police?

ID No	Response
1	<ul style="list-style-type: none"> The process is much more difficult for private applications Police applications seem to have more credibility
2	<ul style="list-style-type: none"> More likely to be granted if police application Expense incurred for private application Less pressure by the respondent to drop order if police application
3	<ul style="list-style-type: none"> ??
4	<ul style="list-style-type: none"> police applications cannot be reversed/revoked women do not have to appear in court. This is a safety advantage with a police application fewer repercussions (for woman) if police action in application
5	<ul style="list-style-type: none"> no experience/knowledge
6	<ul style="list-style-type: none"> court recognizes police as official institution and usually don't doubt the content of an application private applications leave the woman open to scrutiny and more likely to be contested women can be further harassed into dropping the application whereas police won't if contested women need to get their own legal representation or self represent whereas police prosecutor will take carriage of cases where they are police applications
8	<ul style="list-style-type: none"> A lot more information is requested for private applications – evidence. Police provide evidence – process seems easier. DVO's more likely to follow through with police Fear will often stop women applying for DVO privately.
9	<ul style="list-style-type: none"> NA
10	<ul style="list-style-type: none"> Initiating an application for a domestic violence order can be empowering experience for the woman. Police orders are harder to revoke or vary. It is our experience that either form of application is well received and supported by the courts – most of the time.
11	<ul style="list-style-type: none"> Historically QPS applications were highly regarded by continuity, liaisons and good practice supported applicant's gain high approval rates. Private applications (not assisted) often fail due to misinterpretation of DV vs. FL court.
12	<ul style="list-style-type: none"> Those made by Police are given more weight and are harder to contest.
13	<ul style="list-style-type: none"> See previous

How responsive have you found our local Area Office in assisting women seeking priority housing for domestic violence? What is the usual wait time for women seeking priority housing?

ID No	Response
1	<ul style="list-style-type: none"> mostly helpful, however the changing environment makes it hard to stay on top of it all in the last 2 years we have had 2 women move from the refuge to DoH (1 of those was a transfer)
2	<ul style="list-style-type: none"> since the change in policy we have had 3 women offered a house immediately
3	<ul style="list-style-type: none"> We have to follow same process as everyone else Most of our women are low priority Not many access housing this way at all Most of ours wait so long they end up having to rent privately because SAAP accommodation runs out

4	<ul style="list-style-type: none"> The wait list is long
5	<ul style="list-style-type: none"> Very responsive By the time they are ready to move out of the refuge
6	<ul style="list-style-type: none"> Women have to jump through a lot of hoops Lots of paperwork and bureaucracy and process inconsistent and difficult to understand This varies from office to office and worker to worker It is not really a priority because of the lengthy wait times DV not seen as a priority
8	<ul style="list-style-type: none"> DV by itself does not get priority housing. A lot of other issues are required i.e. Mental Health, disability, and prison. Wait time varies – 6 months to 5 years. Can't be in private rental and on priority housing wait list.
9	<ul style="list-style-type: none"> We deal with few DV issues and most relate to private rental.
10	<p>Wait lists for housing are very long. Having a 'priority' listing does not seem to make much difference. Wait lists vary dependant on the areas requested by the woman. Average wait times for long term public housing is years. We currently have 2 families that have been on priority waitlists for between 12 and 18 months and have still not been housed.</p> <p>Women in refuge (short term crisis accommodation) very, very rarely move into Department of Housing properties of any type – straight from refuge. Those that do already had an application in for assistance prior to entering refuge.</p> <p>Domestic violence and its impact on the family, the need for the family to move on with their life within a reasonable time frame, the provision of suitable accommodation in a suitable area – are not happening.</p> <p>We have occasionally experienced from the local housing office, ignorant and uncaring staff with little concern for privacy or the emotional fragility of women escaping domestic violence, in their request for housing assistance. We have also experienced 'housing' staff who want to know a lot of irrelevant information about client's personal issues and situations.</p>
11	<p>Women may be put on the top of the priority housing list; however they still wait for a long period of time. Some of the women return home due to the wait and the difficulty they face in the private market. Some women do not wish to go into the private market due to the pressures and expectations from agents.</p>
12	<p>Poor response and getting worse with Department saying there are simply no stock and nothing available. Department of Housing is requesting more evidence, paperwork and scrutiny. Has become more inefficient under One Social Housing System – stressed staff, loosing paperwork. In one woman's case she lost housing due to the Department's inability to provide a rapid response form in time.</p> <p>The wait time for women is often longer than their three month stay in the refuge.</p>
13	<p>IWSS assists women throughout the state of Queensland and has engaged with many different area offices. We observe frequent inconsistencies in the information that is provided to women, the response of the area office and the waiting period for housing. It is very rare that women are successful in applications for priority housing even when they meet the relevant criteria.</p>

In your experience, how would you describe the quality of opportunity for women to access long term community housing options? In particular, those seeking transition from crisis to medium/long term accommodation?

ID No	Response
1	<ul style="list-style-type: none"> • Our refuge provides transitional housing as well, so it is easier for us however, still only 10% are able to access our or any other transitional housing. Long term options in CH have been nil
2	<ul style="list-style-type: none"> • Very difficult
3	<ul style="list-style-type: none"> • With recent changes to DoH & CRS application process there seems to be a lot of confusion from all sides as to how referrals are taken. In most instances now, women apply to DoH and they are supposed to allocate houses through CRS programs. Most CRS programs will not take our referrals directly.
4	<ul style="list-style-type: none"> • CRS properties are helpful as Housing Qld lists are very long. Also beneficial if woman has a housing Qld debt as debt can be paid off whilst accommodated at CRS
5	<ul style="list-style-type: none"> • Very poor
6	<ul style="list-style-type: none"> • Very poor, has to be a very extreme case to even get consideration • So competitive and housing is so scarce
8	<ul style="list-style-type: none"> • Very low. Very few clients are able to access community housing.
9	<ul style="list-style-type: none"> • Feedback from SAAP providers suggest few exit options for women, most must rely on private rental but problems due to past debts/TICA/bad reps etc.
10	<p>There is no opportunity for women to access long term community housing options. These are now managed by Department of Housing - so all assistance for public housing support goes through them.</p> <p>Women must apply for assistance, prove they need assistance more than somebody else and then wait for a very long time for housing.</p> <p>In between crisis accommodation and securing long term accommodation – most women are forced to move into unsuitable and unaffordable private rentals.</p>
11	<p>Ten years ago most women leaving the shelter would go into community housing within 6 weeks. Now women rarely go into community housing.</p>
12	<p>Poor</p>
13	<p>There are lengthy waiting periods for Community Rent Schemes and other community housing options. Community housing may also not have appropriate housing options for larger families nor offer flexibility in how a family is recognised, e.g. accompanying relatives or kinship relationships.</p> <p>Longer emergency accommodation periods are required in some circumstances where 13 weeks is insufficient to meet the specific needs of women and children escaping domestic violence. Increased resources for SAAP funded services is needed to expand service provision to include comprehensive and culturally appropriate support services to women and children from NESB, in particular women with limited or no access to income support.</p>

How do child safety practices (influence) women's housing or choice of housing and how might these be improved?

ID No	Response
1	<ul style="list-style-type: none"> They are certainly able to get better access to housing when leaving refuge with support from child safety
2	<ul style="list-style-type: none"> Can't understand question
3	<ul style="list-style-type: none"> Don't understand question
4	<ul style="list-style-type: none"> If reunification is required by woman she needs a property with sufficient bedrooms
5	<ul style="list-style-type: none"> (No response)
6	<ul style="list-style-type: none"> It is often difficult if the children are not in the woman's care for her to get housing that will accommodate the children when reunification is planned so it is a catch 22 situation. Child safety say woman must have appropriate accommodation to have children returned and housing say the woman must have children to get the housing!
8	<ul style="list-style-type: none"> Support letters are requested for women unable to return due to violence – removal of children
9	<ul style="list-style-type: none"> NA
10	<ul style="list-style-type: none"> (No response)
11	<ul style="list-style-type: none"> There is a lack of housing options, no choice. Child Safety Workers need to have an understanding of DV and the impacts and effects it has on the family.
12	<ul style="list-style-type: none"> There is a vicious discriminatory cycle for women in poverty-women can't afford a house for their children as they don't have income support for children in Departmental care however can't get kids out of Departmental care without appropriate housing for children!
13	<ul style="list-style-type: none"> Where children have been removed from women who are experiencing domestic violence, there is often little support provided to ensure that women are able to maintain a tenancy or other housing agreement for reconciliation to occur. This places women an increased risk of homelessness and often results in longer periods where children remain unnecessarily in the care of DOCS.

How might Centrelink services be more responsive in terms of assisting women (and in particular those with children) to resettle?

ID No	Response
1	<ul style="list-style-type: none"> Don't know that they can be
2	<ul style="list-style-type: none"> Responsive to Crisis Payment but have no role in resettling
3	<ul style="list-style-type: none"> Provide resettlement loan (e.g. when moving from crisis into long-term housing) Provide assistance to women in locating affordable housing & employment in those areas Provide letters of support/statements of income to prospective Real Estate Agents and recommend/promote Centrepay as guarantee of rental payments
4	<ul style="list-style-type: none"> Crisis payments are helpful as is the advance loan The Centrelink community officer is very helpful and supportive
5	<ul style="list-style-type: none"> We find Centrelink services to be responsive in assisting women

6	<ul style="list-style-type: none"> • Process payments more quickly (if new applications) • Provide more financial assistance for relocation costs
10	<ul style="list-style-type: none"> • Current crisis payments received by women are too small to be of much assistance. There needs to be available financial support for e-establishment costs. A high percentage of women leave the violence with nothing and need to replace basic needs such as clothing, furniture and household needs to reestablish themselves and their children.
11	<ul style="list-style-type: none"> • Not sure really, an integrated response is required and would benefit how this would work, unsure. The crisis payment is helpful.
12	<ul style="list-style-type: none"> • Keep exemption for women job searching while in refuge • Keep address of refuge confidential • Keep providing crisis payments but should include extra money for children need to relocate school and needs books and uniforms • For women who are forced to have shared care arrangements with perpetrators – they should not lose income based on time with children as when they do they can't afford housing for their children.
13	<ul style="list-style-type: none"> • Increased financial support • Accurate and timely information is provided to women from NESB in relation to income support and appropriate referrals are made as required; and • Ongoing provision of training to ensure that all staff are culturally competent in working with women from NESB and able to make appropriate assessments in relation to domestic violence.

To what extent would you support the provision of funding specifically for accommodation for perpetrators to enable women to remain in their own home?

ID No	Response
1	<ul style="list-style-type: none"> • To a great extent yes
2	<ul style="list-style-type: none"> • As a refuge we wouldn't oppose but our primary concern is to provide appropriate crisis accommodation and support for women and children
3	<ul style="list-style-type: none"> • Great idea, but how would this stop them from returning to the family home to threaten/injure women & children. • The reason most women flee is they are scared of the perpetrator and don't want them to know where they are
4	<ul style="list-style-type: none"> • Women from DV situations often feel unsafe if the perpetrators know where they are living
5	<ul style="list-style-type: none"> • Fully support
6	<ul style="list-style-type: none"> • This does not suit all situations but is a good idea in some cases. I think along with money for accommodation there needs to be money for intervention/support for men. This is often a very opportune time to address behaviour when forced to leave the family home, without this it is just a band aid solution. Women need the option of choices instead of always needing to leave the family home.
8	<ul style="list-style-type: none"> • Not at all – they don't fund women for accommodation – What are the consequences for the perpetrator- a more holistic approach is needed
9	<ul style="list-style-type: none"> • Can't comment but women in rental accommodation often prefer to move to get safe alternative accommodation where the perpetrator cannot find them; so be interesting to know women's concerns about safety
10	<ul style="list-style-type: none"> • It is our experience and within the current laws – perpetrator would still return to the residence where the woman is. This does nothing to ensure the woman's safety, as with ouster orders. So this would be a waste of resources and money – and would have no impact on the cycle of violence.

11	<ul style="list-style-type: none"> This would probably mean magistrates would grant more ouster orders. In the past there has been a lot of concern around “Where will he go” Need to consider how safe would the women feel regarding this. Many issues, it will only work if perpetrator respects the law and stays away.
12	<ul style="list-style-type: none"> Funding for perpetrators should not take money away from victims of domestic violence! Perpetrators are criminals and temporary accommodation in a watch house setting would be appropriate. Perpetrator housing should never occur en mass and needs monitoring to ward against the creation of violent ghettos where perpetrators can reinforce each others’ violence and put women and children at risk of homicide.
13	<ul style="list-style-type: none"> IWSS would support such initiatives providing that there remains a gendered analysis of violence against women and children that that ‘male homelessness as a result of perpetrating domestic violence ‘ recognises the need for intervention strategies with men to reduce violent behaviours. It would be insufficient to provide housing without a coordinated response to ensure the safety of women and children to remain in the home.

Would you support the Qld Government adopting a new approach similar to that used in Tasmania and the ACT with a regional domestic violence team including representatives of police, domestic violence services and housing, responsible for assisting women experiencing domestic violence?

ID No	Response
1	<ul style="list-style-type: none"> We should learn from whatever works, rather than trying to reinvent the wheel
2	<ul style="list-style-type: none"> Yes
3	<ul style="list-style-type: none"> Yes
4	<ul style="list-style-type: none"> Yes
5	<ul style="list-style-type: none"> Yes
6	<ul style="list-style-type: none"> Yes in theory would like to see what this would be like in practice – the issue of co-ordination and consistent attitudes and responses is very important and Qld lacks this. The need to liaise and meet and agree on a plan - which is a feature of the Tasmanian solution, is one of the keys to different government departments and agencies seeing how they can work together so that the women & children and the perpetrators get real benefits.
8	<ul style="list-style-type: none"> Yes
9	<ul style="list-style-type: none"> Yes but concern about women’s lack of access to tenancy advice at present. It seems some DV workers do not provide timely information or make appropriate referrals to assist women to promptly deal with existing previous rental property and minimizing potential costs/liabilities and risk of TICA listings.
10	<ul style="list-style-type: none"> Yes. These services need to work together more efficiently. The idea of special regional DV teams could only help.
11	<ul style="list-style-type: none"> Most staff say yes with a few needing more information but know that a more integrated approach is needed.
12	<ul style="list-style-type: none"> Can’t comment as would need more information on Tasmania and ACT models.
13	<ul style="list-style-type: none"> Yes. This strategy would need to be coordinated, well resourced and provide for consistent consultation with domestic violence and other specialist services.

Appendix 3: Statistical Review

1.0 Statistical Review

1.1 Introduction

The purpose of this statistical overview is to draw from existing quantitative research to establish a general profile of the population of women escaping domestic violence, with and without children, in Queensland and indicators of their housing needs. Accordingly, priority has been given to identifying data relevant to factors which are known to impact on women's housing circumstances, including potential barriers to accessing housing options. This includes the ability to remain in one's own home or to access alternative appropriate housing alternatives. Factors known to impact on housing options include disability, cultural and language needs, financial circumstances and responsibility for accompanying children.

The initial sources outlined in this review provide national statistics and set a context for the subsequent data on patterns found in Queensland. It is acknowledged that there are a large number of studies and reports not included in this review. The reports which have been included represent only a small taste of publications, but which have been selected for their specific relevance.

The Partnerships Against Domestic Violence Phase 1 research notes that women escaping domestic violence are readily disadvantaged by a failure to be able to remain in their home although they are the victims of the violence. The reticence of courts to grant exclusion orders is criticised. The report further points out that some women will return to the violence simply to avoid becoming homeless. Women escaping domestic violence who have been found to be particularly disadvantaged in accessing and / or sustaining housing include women with mental health issues, intellectual and physical disabilities and addictions. Disadvantage is also experienced by Indigenous women and women with accompanying children (particularly older boys, large number of children, and children with disabilities or challenging behaviours). Other barriers include a lack of credit and rental history or accumulated debt and property damage from a partner.

However, available data has a number of limitations. Such limitations are described below.

- Most quantitative evidence is drawn from service use reporting and sample studies as well as police and justice data. As is widely acknowledged this represents only a proportion of women experiencing domestic violence, being those women who seek help or make a report to the police.
- There is very limited statistical data which reports on the impact of domestic violence on housing outcomes either nationally or for Queensland.
- No data indicating the number of requests for ouster orders or the rate of success for such requests is available from the Queensland Magistrate Court data.⁷

⁷ It has been advised that a record is made of such applications within the reporting system, but as it occurs in a free text field that it would not be possible to provide the data to this study.

- Given the different methods of classifying and counting used by various collection agencies, data is not comparable across reporting regimes.
- Published Supported Accommodation Assistance Program (SAAP) data for 2005-2006 and 2006-2007, most recently released, has very limited information specific to women escaping domestic violence and their pre and post housing arrangements.
- The SAAP data refers only to women who have self identified domestic violence as being the reason for seeking help from a SAAP services. It excludes not only women who are unable to access a service due to such factors as geography or the capacity of services but also women who may not wish to self reveal this problem or who may not present to a SAAP service although at risk of homelessness.
- The Queensland Centre for Domestic and Family Violence Research (QCDVR) has provided the most recent demographic data for women escaping domestic violence as reported by agencies. However it does not provide any housing or accommodation specific information at this time.⁸

Additional requests for information have been sought from DV Connect, from the Australian Institute of Health and Welfare and the Queensland Government. An update of this work will be undertaken when additional data becomes available.

1.2 Recommendation

It is recommended that Queensland Shelter, in concert with the Women's Housing Network, take a proactive approach to advocating for more systematic collection and reporting of housing related information, both pre and post accessing SAAP services, for women escaping domestic and family violence. This includes Queensland specific data for accessing public housing, Magistrate Court data regarding applications for ouster orders, and SAAP data collected through the national system.

⁸ As a Queensland Government funded service, the scope of data has been determined as part of the funding arrangement. There is however a potential to suggest that the matters which are recorded should be expanded to include housing related issues.

2.0 General Statistical Reporting

2.1 Measuring domestic violence and sexual assault against women

A review of the literature and statistics, E-brief, Parliamentary Library, December 2006

This report draws from a number of Australian studies to establish a broad brush picture of violence against women. Key information sources are the ABS Personal Safety Survey 2005, the Women's Experiences of Male Violence: Findings from the Australian Component of the International Violence Against Women Survey, Australian Crime and Victim statistics and Violence Against Women in Australia: Key research and Data Issues completed in 1997.

The Access Economics report on the cost of domestic violence to the Australian Economy (2004) estimated the cost of domestic violence as being in the order of \$8.1 billion which takes into account such factors long term productivity costs, health costs and the like.⁹ The cost of domestic violence to employers was reported as costing of over \$30 million per annum as a result of absenteeism and staff replacement.

- The 2003-4 national homicide statistics indicated that 36% of homicide victims were female and of these nearly half (49%) were killed as a result of a domestic altercation (in comparison with 15% for male victims.)¹⁰
- In 2003 it was reported that 75% of intimate partner homicides involved males killing their female partners.
- The Personal Safety Survey 2005 found that in excess of one third (35.6%) of women who experienced violence by a previous partner was pregnant at the time.
- The Personal Safety Survey (2005), as with previous reporting, found a high incidence of child witnesses to domestic and family violence. Studies indicate that some 25-36% of women with accompanying children in their care report that their children had witnessed the violence.¹¹
- The 2006 Australian Health and Welfare (AIHW) report *Family Violence among Aboriginal and Torres Strait Islander Peoples* detailed the significantly greater level of family violence amongst Indigenous people. Indigenous females were 13 times more likely to seek SAAP assistance as non Indigenous females. Further Indigenous females were 35 times as likely to be hospitalised due to family violence related assaults as other Australian females.
- Quantitative data with respect to the incidence of domestic violence amongst women with disabilities and women from diverse cultural backgrounds is very limited and has yet to be systematically examined through national or state collection regimes.

⁹ Access Economics (2004) The Cost of Domestic Violence to the Australian Economic

¹⁰ Australian Institute of Criminology (2005) Homicide in Australia: 2003-2004 National Homicide Monitoring Program Annual Report

¹¹ AIC, (2001) Young Australians and Domestic Violence, Crime Facts Info No 8
<http://www.aic.gov.au/publications/cfi/cfi008.pdf>

These national statistics serve to highlight the ongoing challenge of keeping women and children safe from domestic violence. Despite efforts being made, women and children escaping domestic violence continue to pay a significant price in their physical and emotional health and well being. Equally such costs are not just borne by the individuals. Ongoing violence creates significant impacts and costs to the broader community, to the public and private sector.

2.2 Domestic and Family Violence Studies, Surveys and Statistics

Marcus, G and Braaf, R. (2007). *Pointers to Policy and Practice*, Australian Domestic and Family Violence Clearinghouse.

The aim of this paper is to provide summaries of key quantitative studies for the six year period 2000-06. These studies addressed the two principle questions: What is the incidence of domestic and family violence? What are the impacts on individuals and the wider community? The primary sources are the Personal Safety Survey (2005), the 2004 International Violence against Women Survey (IVAWS) and the World Health Organisation multinational study of women's health and domestic violence (2005). The World Health Organisation (WHO) multi country study on women's health and domestic violence against women, demonstrated that violence against women is a global problem.

2.2.1 Prevalence of Violence

The *ABS 2006 Personal Safety Survey*, undertaken in 2005 and reported in 2006 found that although men had the highest rate of involvement when considering all forms of violence, that within Queensland:

- Of the females who had been assaulted since the age of 15, over half (54%) had been assaulted by a current or previous partner
- Just under one third (31%) of women who had been assaulted in the previous year were assaulted by their current or previous partner
- Of the women who had been sexually assaulted in the previous year, 28.9% had been victims of a current or past partner
- one third of women with children in their care reported that the children had witnessed the violence; and
- approximately 38% of women who had experienced violence were pregnant at the time.

The Australian component of *International Violence against Women Survey* focused on the incidence and nature of violence which women experience. The survey reported that:

- Some 34% of women had experienced intimate partner violence and 29% of those received injuries which required medical attention, regardless of whether it was accessed or not

- A disproportionate level of violence against women occurs in Indigenous communities; and
- Women from non English Speaking Backgrounds reported lower levels of physical violence but similar levels of sexual violence to women from English speaking backgrounds.

2.2.2 Impacts of Domestic and Family Violence

The 2004 Victorian Health Study into the costs of intimate partner violence was the first attempt to quantify the health costs to the public purse as well as to women. This study showed that the cost of intimate partner violence for women in Victoria was greater than that of substance use, physical inactivity, blood pressure, cholesterol or tobacco. The Access Economics Study (2004) of the costs of family violence found that domestic violence accounted for significant individual costs to mental health including depression, anxiety disorders, suicide and self inflicted injuries and substance use. Another aspect of costs is associated with the number of children who are witnesses to domestic violence, with consequential emotional, physical, social and psychological impacts. Statistical indicators from the ABS Personal Safety Survey include:

- 49% of people who experienced violence from their current partner had children in their care of which 27% indicated that the children had witnessed the violence; and
- Of the 51% who had children in their care during previous incidents of violence, 36% indicated that this was witnessed by their children.

This was further highlighted by the Australian components of the IVAWS survey in which 36% of women with children in their care and who experienced violence reported that children were witnesses to the violence.

2.3 Access Economics Assessment of the Costs of Domestic Violence

The costs estimated by Access Economics were for the years 2002-2003. This analysis considered the individual costs in terms of health care and the broader public costs in terms of services. It was estimated that:

- The total cost health care costs for female victims of domestic violence were in the order of \$14 million of which half were hospital costs. The total life time cost of domestic violence per victim was estimated to be in the order of \$242,470.
- The total costs associated with lost productivity were estimated at \$483 million for that period. Second generation costs for services to children was estimated as \$220 million.
- The estimated annual cost associated with the legal system was some \$298 million and for temporary accommodation at \$88.1 million.

It was reasonably concluded that the costs to the community as well as the individual are significant and adequate to justify the costs of preventative and intervention activities.

3.0 Queensland Specific Studies

3.1 Queensland Centre for Domestic and Family Violence Research (QCDFVR) and Documentation

QCDFVR data for the period of 1st January 2007 -1 July 2008 is based upon 38,351 reports from service agencies. This provides the most current profile of women in Queensland who have contacted services for domestic violence related issues.

3.1.1 Demographic Profile

In general terms, the QCDFVR data shows that the majority of women escaping domestic violence and accessing reporting agencies are Australian born and have accompanying children.

Almost three quarters (72.2%) of women reported having accompanying children and just over one quarter (27/8%) were women alone. The proportion of women with children as reported in this data is significantly greater than that indicated in Supported Assistance Accommodation Program (SAAP) reporting for the annual periods of 2003-2006.

Culturally and Linguistically Diverse Communities

Women, who report a cultural identity other than Australian, and particularly those from non English speaking countries, may experience significant barriers and disadvantage due to language and culture. This may include barriers to addressing domestic violence and to understanding and accessing the legal options available to them. Complementary literature supports this assertion.

The Brisbane Women's Legal Service which notes that women from non English speaking backgrounds experience not only barriers of language and culture which can impede communication, but a lack of knowledge of the Australian legal system, isolation from supportive family and the impact of pre immigration trauma, particularly for refugees. Further, the BWLS suggests that threats of loss of residency or children have been used by Australian partners.

Raquel Aldunate, speaking at the Domestic Violence Law Conference in 1999, highlighted that in addition to these issues barriers associated with lack of access to information, fear of authority, of not being understood, of being judged or blamed, of court proceedings and of bringing dishonour to the family. These barriers may be exacerbated by a lack of understanding of services in general but counselling in particular. These barriers contribute to women remaining in an abusive environment and being subject to service based discrimination including within the court system.¹² Bonnar and Roberts (2006) reported that post resettlement stresses such as unemployment, poverty, inter-generational conflicts, social isolation and the changing role for women can contribute to an escalation of violence that may have pre-existed.¹³

¹²Aldunate, R. (1999) Presentation at the Domestic Violence Court Conference, March 1999.
<http://www.iwss.org.au/public/papers/aldunate3.pdf>

¹³Bonnar, M and D Roberts (2006) A Review of Literature Relation to Family and Domestic Violence in Culturally and Linguistically Diverse Communities in Australia, Department of Community Development, Western Australia

The QCDFVR data report indicates that 9.2% of women identified cultural and language identities associated with non English speaking backgrounds. Of those women born overseas, over one third had been resident in Australia for less than five years and over one quarter speak a language other than English at home.

Aboriginal, Torres Strait Islander and Australian South Sea Islanders

The QCDFVR reporting indicates that approximately 9% of clients reported by agencies to the Centre are Aboriginal, Torres Strait Islander or South Sea Islanders. This includes some 3005 Australian Aboriginal women, 236 Australian Torres Strait Islander women, 173 Australian Aboriginal and Torres Strait Islander women and some 133 Australian South Sea Islander women. There were a further 1500 women for whom cultural identity was not recorded, some of which are likely to have been Indigenous women. However, it is relevant to acknowledge that the proportion of Indigenous women identified in this data is limited in comparison to the indicators of actual incidence. Again this is supported by complementary reporting.

The Australian Institute of Health and Welfare 2006 report, *Family Violence Amongst Aboriginal and Torres Strait Islander Peoples* brings together a range of studies and reports which suggest that the rate of reporting of family violence is not high and that current data is inadequate to describe the extent to which such violence is occurring.

Historical, cultural, experiential and practical barriers to reporting and help seeking are well documented. Such barriers are exacerbated by a lack of access to culturally appropriate services in metropolitan, regional and rural areas. The report also acknowledges the well evidence barriers to access to the police and justice systems, both in the urban and non urban settings.

The 2003-2004 Australian Institute of Health and Welfare analysis of the hospitalisation and morbidity data found 41% of all hospitalisations for assaults on Indigenous women were related to spousal/partner violence. Further over half of all hospitalisations associated with assault on Indigenous women were a result of family violence (as compared to 19% for Indigenous men)¹⁴. This is some 38 times that for non Indigenous women.¹⁵

Difficulties in accessing affordable appropriate housing options is well documented, with increased disadvantage being experienced by Aboriginal and Torres Strait Islander women. Discrimination in the private sector exacerbates the problem of limited supply. When the additional layer of family violence is present, additional obstacles emerge, particularly outside metropolitan and regional centres.

¹⁴ The perpetrator was not identified in some 89% of other assaults and therefore it is not possible to determine the extent to which such events were a result of family violence.

¹⁵ AIHW <http://www.aihw.gov.au/publications.pdf>

Women with Disabilities

The QCDFVR reporting indicates that approximately 11% of women identified themselves as having a disability. The presence of a disability was not reported for nearly one quarter of the cases, some of whom may have had a disability. Importantly, given national estimates that approximately 20% of people have a disability, and the incidence of domestic violence is higher for women with a disability, this would suggest that a substantial number of women may not be seeking assistance.

Of the over 4,000 women with a disability included in reporting:

- 31% reported having a physical disability
- 48% a psychiatric disability
- 11% reported an intellectual or specific learning disorder
- 11% reported a sensory or speech disability, neurological disorders, autism, or acquired brain injury.

Although there is limited Australian quantitative data on the incidence of partner violence against women with disabilities, qualitative reports and international studies indicate that women with disabilities, and particularly women with intellectual disabilities, experience significantly higher rates of personal violence. This includes not only partner violence, but also violence from carers, personal care workers and other family members. Not only is the incidence of physical and sexual violence greater, women with disabilities experience physical neglect, emotional and psychological abuse, financial abuse as well as destruction of personal property as domestic violence.¹⁶ A combination of such factors as dependency, isolation, lack of information and fear are significant barriers to help seeking.

Further, as noted by the Victorian Domestic Violence Resource Centre, discrimination, lack of accessible services and lack of resources makes it significantly more difficult for women with disabilities to escape such violence.

The service system presents a number of obstacles for women with disabilities. Disability services are often not attuned to nor trained in identifying or responding to domestic violence whilst domestic violence services lack the expertise, confidence or resources needed to assist women with some forms of disabilities, particularly where high levels of physical or medical assistance is involved. Accessing legal support and assistance for women with disabilities may also be difficult, particularly where women have difficulty in obtaining information about their rights or advice on how to proceed. This combination of factors results in women with disabilities experiencing domestic violence being amongst the marginalized women in this environment.

3.1.2 Current Situation and Services Requested

The QCDFVR data provides a profile of the primary reason for contact, current domestic violence order status and the nature of services requested. It should be noted that data for males was filtered out by QCDFVR and the data below refers solely to women.

¹⁶ Salthouse, S and Frohmader, C, (2004) Double the Odds – Domestic Violence and Women with Disabilities
<http://www.wwda.org.au/odds.htm>

As can be seen in Table 1 below, two thirds of women were experiencing violence in their current relationship at the time of contact. Nearly one fifth were experiencing violence from a previous relationship. *That is, 86% of women were currently experiencing violence at the time of contact.*

Table 1: Primary Reason for Contact

Primary Reason for Contact	Number	% of Known
Experiencing violence in current relationship	24999	66.9
Previously experienced violence in a relationship	3922	10.5
Experiencing violence from past relationship	7162	19.2
Using violence in a relationship	995	2.7
Used violence in a relationship	148	0.4
Using violence in relationship	138	0.4
Subtotal – Known (a)	37364	
Did not answer question	992	2.7
Total	38356	

In considering the type of services that women are requesting, the three primary service types are counselling, court support and crisis intervention. The latter, crisis intervention, may refer to emergency accommodation, medical attention, financial assistance, legal assistance and the like. Reviewing Table 2 below, it is noteworthy that the single most frequently requested assistance is with respect to court support.

Table 2: Type of Services Requested by Women

Frequency for Type of Service Requested	Number	%
Counselling	9662	25.2%
Court support	13580	35.4%
Crisis Intervention	10375	27.0%
Advocacy	2074	5.4%
Other	2376	6.2%
Missing	289	0.8%
Total	38356	100.0%

This links then with the data describing the current status of arrangements that women have had with respect to domestic violence orders. Because the tabulation of status responses includes

multiple responses, the number of responses exceeds the total number of women included. For example, there may be a current order and an application to vary at the same time. Despite the impact of the multiple responses, marginally more women did not have a current order than did. Nonetheless with 21% of women having a current application it might be reasonable to expect that this picture was likely to change.

Table 3: Current Domestic Violence Order Status

Current DV Order Status	Number	% of known
None	11120	28.0%
Service assisting with application	2991	7.5%
Current application	8294	20.9%
Current order	9764	24.6%
Current Temporary order	4634	11.7%
Current Registered Interstate Order	122	0.3%
Unregistered Interstate Order	103	0.3%
Expired Order	908	2.3%
Applying to Vary	1608	4.0%
Multiple Current Orders	168	0.4%
Sub total	39712	100.0%
Unknown (and % Total)	2894	6.8%
Total	42606	

3.1.3 Summary of Trends from Queensland Centre for Domestic and Family Violence Research Centre

The record of descriptive data collected and tabulated by the Queensland Centre for Domestic and Family Violence Research provides a window into some of the issues that women escaping domestic violence may face in seeking safe, stable and affordable housing. Although the matter of housing itself is not canvassed in the reporting regime, it can be seen that based on the reporting carried out that:

- Just under one fifth of women bring to the services individual cultural and language needs, which require a sensitive understanding. This includes immigrant women and refugees, Australian Aboriginal, Australian Torres Strait Islander and Australian South Sea Islander women.
- Although only 11% of women identified a disability that this is not reflective of current indicators of the incidence of domestic and family violence experienced by women with

disabilities; this suggests that access remains a significant issues for women with disabilities who are experiencing and wish to escape domestic violence.

- The greatest majority (nearly three quarters) of women seeking assistance have accompanying children for whom they are responsible; and
- Ongoing support in a variety of forms remains a significant need for women escaping domestic violence over and above the resolution of an immediate crisis.

3.1.4 Recommendation

It is recommended that Queensland Shelter and the Women’s Housing Network in collaboration with the Queensland Department of Communities and the Queensland Centre for Domestic and Family Violence Research Centre explore the opportunity to expand the current data collection regime to include documentation of housing arrangements and housing needs. This will create the opportunity to begin to develop a strategic approach to monitoring and documenting housing needs.

3.2 Queensland Police Reporting

3.2.1 Offender / Victim Relationships

Crime statistics reported by the Queensland Police do not specifically identify ‘domestic violence’ as it is appropriately classified as assault. It does however provide reporting based on the relationship of the offender to the victim by sex. This can be considered an indicator that is useful. As can be seen in Table 4 below, the most relevant offence which is recorded is that of assault, whether the offender is male or female. This data demonstrates that males are offenders in 90% of the offences, with current partners being responsible for the greatest proportion of offences.

Table 4 Offender/Victim relationships by Sex 2004/2005

Crime	Partner Male	Partner Female	Ex Partner Male	Ex Partner Female
Homicide (all)	16	9	2	0
Assault	911	101	297	37
Sexual Offences	48	2	17	0
Other Offences against a person	42	4	56	5
Total	1017	116	372	42

Source: Queensland Police Service

3.2.2 Domestic and Family Violence Applications

Data with respect to the application of domestic and family violence orders provides a picture of the number of applications, the nature of applications and outcomes. In examining the pattern for domestic violence orders, there are a number of relevant trends which are relevant to future strategies for meeting the housing needs of women. This includes:

- The extent to which police have been active in seeking orders and the potential implications for extending this involvement more broadly with respect to ouster orders;
- The extent of the use of the temporary protection orders as a safe mechanism during a period in which safe, secure housing arrangements can be made.
- Patterns of refusal of orders and actions taken on breaches of orders as a potential reflection of the extent to which women are able to use this mechanism effectively, particularly to remain safe in their accommodation

The data shown in the tables following covers the period 1999-2006. Data prior to this period is not comparable due to changes in reporting arrangements. This ensures that the comparisons are genuine.

Table 5: Domestic and Family Violence Applications: Number and Type of Applications

Period	Application for Protection Orders`					Total	% Police Applications
	Aggrieved	Authorised Persons	Police	Person acting under another act			
1999-2000	7178	33	6038			13249	45.5%
2000-2001	7375	44	3772			14191	26.5
2001-2002	6813	45	7360			14218	51.7
2002-2003	6942	61	9348			16367	57.1
2003-2004	8313	150	12691	12		21203	59.8
2004-2005	7904	174	12799	49		20940	61.1
*							
2005-2006	7463	104	12667	63		20284	62.4

*Missing value = 4 not stated Source Queensland Government Department of Communities

As can be seen in Table 6, there has been a steady increase in the number and overall percent of applications for protection orders which have been lodged by Queensland Police. This would suggest an increasingly proactive role being taken by the Police, and a strong platform for garnering Police support in the promotion of applications for ouster orders.

Examination of patterns of applications for temporary protection orders shows that the number of applications has varied significantly from year to year and the number of applications as a percentage of all applications (inclusive of protection orders) has steadily declined since 1999. Given the distinct pattern of decline, this is a trend which should be subject to some further clarification.

Table 6: Domestic and Family Violence Orders: Numbers and Type of Order, Queensland

Period	Temporary Protection Orders (TPO)	Protection Orders	Total Applications	% TPO of Applications
1999-2000	8084	9513	17597	45.9
2000-2001	8851	10075	18926	46.8
2001-2002	9032	10563	19595	46.1
2002-2003	7080	11336	18416	38.4
2003-2004	8479	13316	21785	38.9
2004-2005	8275	13894	22169	37.3
2005-2006	7605	13567	21172	35.9

The third data set which can be examined is that associated with the outcomes for domestic violence applications. It appears that variations in the number of orders which have been refused is relatively minimal and may be largely a reflection in an increase in the total number of applications. Further, it is not possible to interpret the implications of variations, although it is noted that the most significant change appears to have occurred with respect to the category of 'other'.

Table 7: Domestic and Family Violence Application Outcomes: Number and Type of Application, Queensland

Period	Orders Refused	Applications Withdrawn	Other *	Orders revoked	Orders Varied
1999-2000	14	1168	2284	172	1223
2000-2001	33	1279	2333	143	1019
2001-2002	17	1573	2586	125	868
2002-2003	24	1422	2789	173	1034
2003-2004	25	1841	3363	274	1803
2004-2005	27	1982	4001	276	2058
2005-2006	21	1892	3812	285	2180

* This includes applications that were dismissed and struck out, sine die.

Source: Queensland Government Department of Communities

3.2.3 Breach of Domestic Violence Orders

The Queensland Office of Economic and Statistical Research (OESR) and the Queensland Police provide complementary data with respect to the incidence and outcomes of breaches of domestic violence protection orders. The OESR reports that in the years from 1999-2004 the number of reported breaches of domestic violence protection orders increased annually at an average rate of 13% per annum. However the expansion of the *Domestic and Family Violence Protection Act* in March 2003 to include intimate personal, familial and informal carer relationships had a practical impact on the number of breaches and the comparability of data since that time. It is still relevant to note that:

- There was a 6% increase in Breach of Domestic Violence Orders during the 2004/2005 financial year. A total of 9492 offences were reported, reflecting a rate of 239 offences per 100,000 persons, an increase of 4%.
- There was a further increase of 2% between 2004/5 and 2005/6 representing a similar 236 offences per 100,000 population
- The number of breaches in 2006/7 was some 5% less than that which had occurred the previous year and there was a 7% decrease to 217 offences per 100,000 population.

There are however regional differences. Although the north and far north regions typically had a higher rate of offences, in 2004/5 the South Eastern and Far North regions had a 7% decrease in offences. In the year between 2005/6 and 2006/7 the Far North Region recorded the largest decrease, some 23% and the largest increase was recorded in the Southern Region.

The annual statistical reporting by Queensland Police for 2006/7 provides a snapshot of the actions which were taken with respect to breaches of a domestic violence order. Data for juveniles has been excluded in this report. As can be seen in Table 8 below, the most frequent responses to breaches has been arrest and serving a notice to appear.

Table 8: Type of Action for Breach of Domestic Violence Protection Orders, 2006/7

Action	Offenders Indigenous	Offenders Non Indigenous	Total
Arrest	1379	2895	4274
Caution	0	5	5
Community Conference	0	0	0
Notice to Appear	794	2092	2886
Summons	2	19	21
Warrant	6	36	42
Other	124	728	852
Total	2305	5775	8080

3.2.4 Summary of Statistical Trends

Queensland Police reporting indicates that where a charge is made, assault by a male partner or ex-partner is the most frequent category of offender. The number of women seeking protection orders has gradually increased, with Police taking a greater role in making applications on behalf of the victim. However there has also been a general increase in breaches of protection orders, although the trends have varied within different regions of the state.

3.3 Supported Assistance Accommodation Program (SAAP)

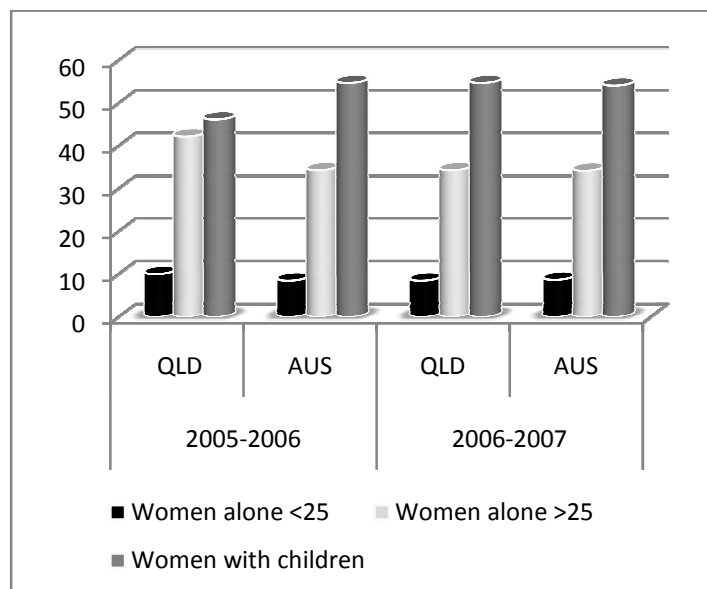
3.3.1 Comparison of SAAP Data - Queensland Data 2005-2006 and 2006-2007

Main Reason for Seeking Assistance: In examining the main reason clients sought assistance from SAAP services it is found that the percent of clients presenting for domestic violence related issues decreased from just over 20% of all contacts to 15% of contacts over the two annual reporting periods. However the *AIHW 2005-2006 Demand for Accommodation for Homeless People Report* indicates that over half of the women with children presenting for accommodation from domestic violence services were unable to be accommodated (nationally) and that the unmet need for accommodation in Queensland is of the same order. Further, given the lack of exit options and a longer stay within domestic violence services, the decline in the number of women who were able to be accommodated should not be interpreted as a decrease in the incidence of actual need.

It is not possible to determine the nature of other supports that women escaping domestic violence were provided (multiple service provision is not identified in standard reporting). Nonetheless it is reasonable to assume that the 20% of women alone and 16% of women with children who received assistance with legal issues and court support (in 2006-2007) were likely to have had domestic violence related issues, including for example support in accessing protection orders. This is consistent with the Queensland Domestic and Family Violence Research Centre data.

Changes in Family Presentations There was a notable shift in the proportion of women presenting to domestic violence services with children over this two year period. The number of support periods provided to women with children increased by some 8% and the percent of support periods provided to lone women decreased by 10%. Chart 1 below reflects this substantial increase in the number of women with children seeking assistance, and in comparison with the Australia wide patterns of demand.

Chart 1: SAAP Support periods: Client group, by primary target group of agency, Australia by Agencies with Domestic Violence as Primary Target Group 2005-2007.



Reporting of services provided to clients by client groups in Queensland over this same period indicated that:

- In 2005-2006 42.9% of women with children and 52.5% of women without children received personal support associated with domestic violence; and
- In 2006-2007 some 36.5% of all women with children and 39.2% of single women without children received personal support associated with domestic violence.

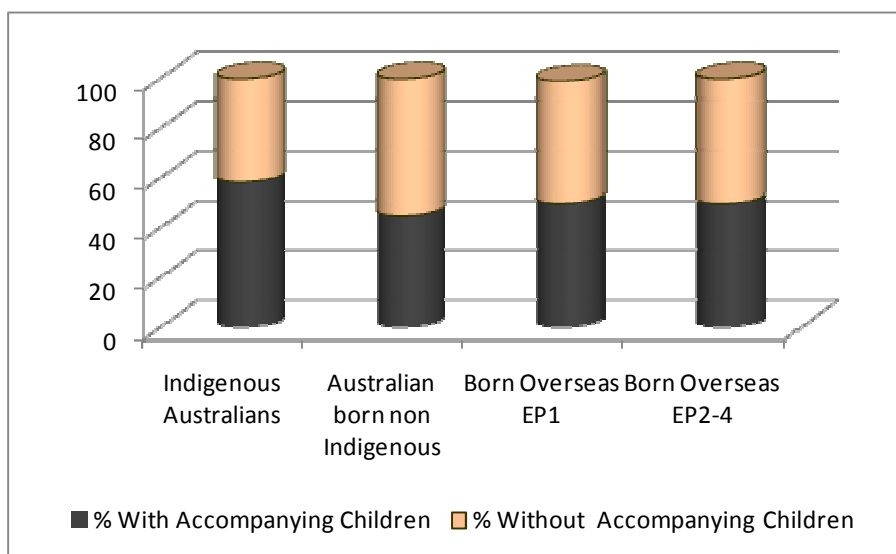
This further demonstrates the combined trend of a decline in numbers but increase in the number of women with children presenting with domestic violence issues.

The specialist study of female SAAP clients, 2003-2004, prepared by the Australian Institute of Health and Welfare provides a more detailed picture although now some five years past since the data was collected. All of the data set out in this part refers solely to female SAAP clients escaping domestic violence. It should be noted that the number of women identified in the different data sets varies significantly. It is for this reason that the number included is identified separately.

3.3.2 Female SAAP Clients Escaping Domestic Violence– Queensland 2003-2004

Cultural and Linguistic Diversity Some 5,250 women were identified through agency reporting as set out in the relevant table. Of this total, 28% were Indigenous Australians, 56.8% were Australian born non Indigenous and 15% were born outside of Australia, of which approximately 10% came from countries in which English was not their first language. Women aged 30-44 made up the largest proportion of those presenting, across all groups and ethnicities. Chart 2 below provides a comparison of female SAAP clients escaping domestic and family violence with and without accompanying children and by cultural and linguistic backgrounds.

Chart 2: Cultural Diversity of Female SAAP Clients Escaping Domestic and Family Violence 2003-2004¹⁷



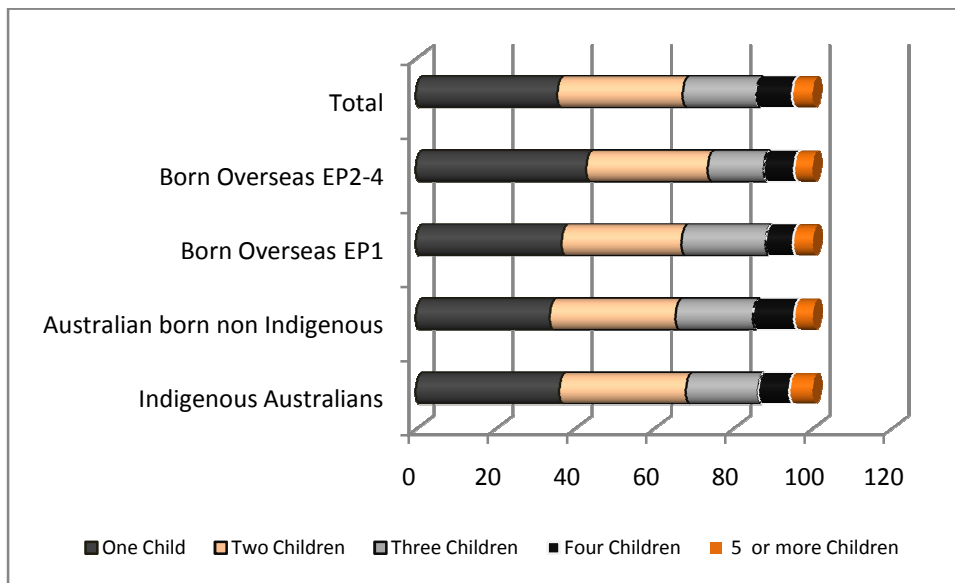
Source: Female SAAP Clients and Children Escaping Domestic and Family Violence 2003-2004, AIHW (2005)

Given the significant disadvantage that larger, low income families have in accessing private housing options, family size is a significant consideration in the options that may be available to women escaping domestic and family violence.

Data provided for this same period shows that a significantly greater proportion of Indigenous Australian women and non Indigenous Australian women had presented to SAAP with accompanying children than women born overseas, irrespective of English proficiency. In fact, only 13% of overseas born women had accompanying children compared with 47% of non-Indigenous born Australian women and 39.8% of Indigenous Australian women. Further, it is found that both Indigenous and non Indigenous Australian born women had quite similar family sizes, with non Indigenous born Australian women having a marginally greater proportion of larger families, that is having 3 or 4 children, and quite similar rates of largest families being 5 or more accompanying children, as shown in Chart 3 following.

¹⁷ EP1 refers to a high level of English proficiency, decreasing for those classified as EP2-4.

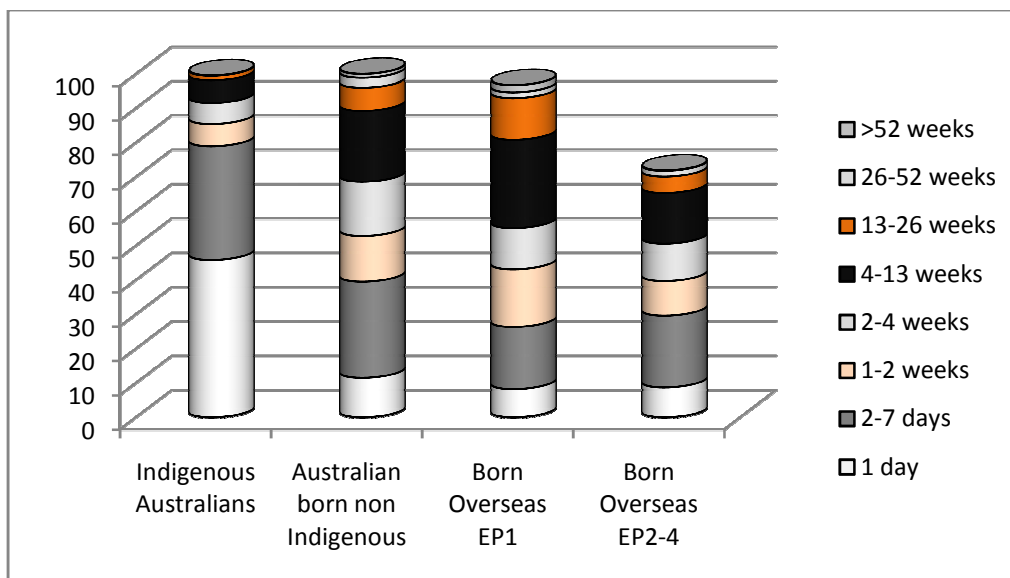
Chart 3: Female SAAP Clients Escaping Domestic Violence and Number of Accompanying Children – 2003-2004



Source: Female SAAP Clients and Children Escaping Domestic and Family Violence 2003-2004, AIHW (2005)

Examination of service data shows different patterns of use across cultural groups. Indigenous Australians had shorter accommodation stays than other women. Some 78% of Indigenous Australian women remained in accommodation for up to one week, and 48% only one day. For non Indigenous born Australians only 40% remained in the SAAP accommodation for this same period.

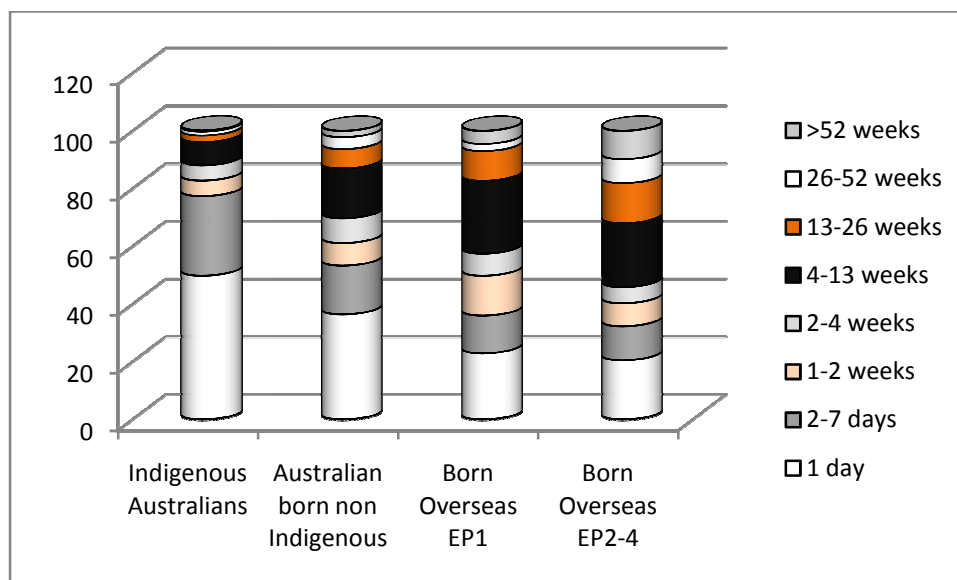
Chart 4: Female Clients Escaping Domestic Violence Length of Accommodation – 2003-2004



Source: Female SAAP Clients and Children Escaping Domestic and Family Violence 2003-2004, AIHW (2005)

Similarly, Indigenous Australians had significantly shorter support periods than any other cultural group. Overseas born women generally had longer periods of support than Australian born women, whether or not Indigenous. Chart 4 below compares support periods by cultural group for all women.

Chart 5: Female SAAP Clients Escaping Domestic Violence and Length of Support, 2003-2004



Source: Female SAAP Clients and Children Escaping Domestic and Family Violence 2003-2004, AIHW (2005)

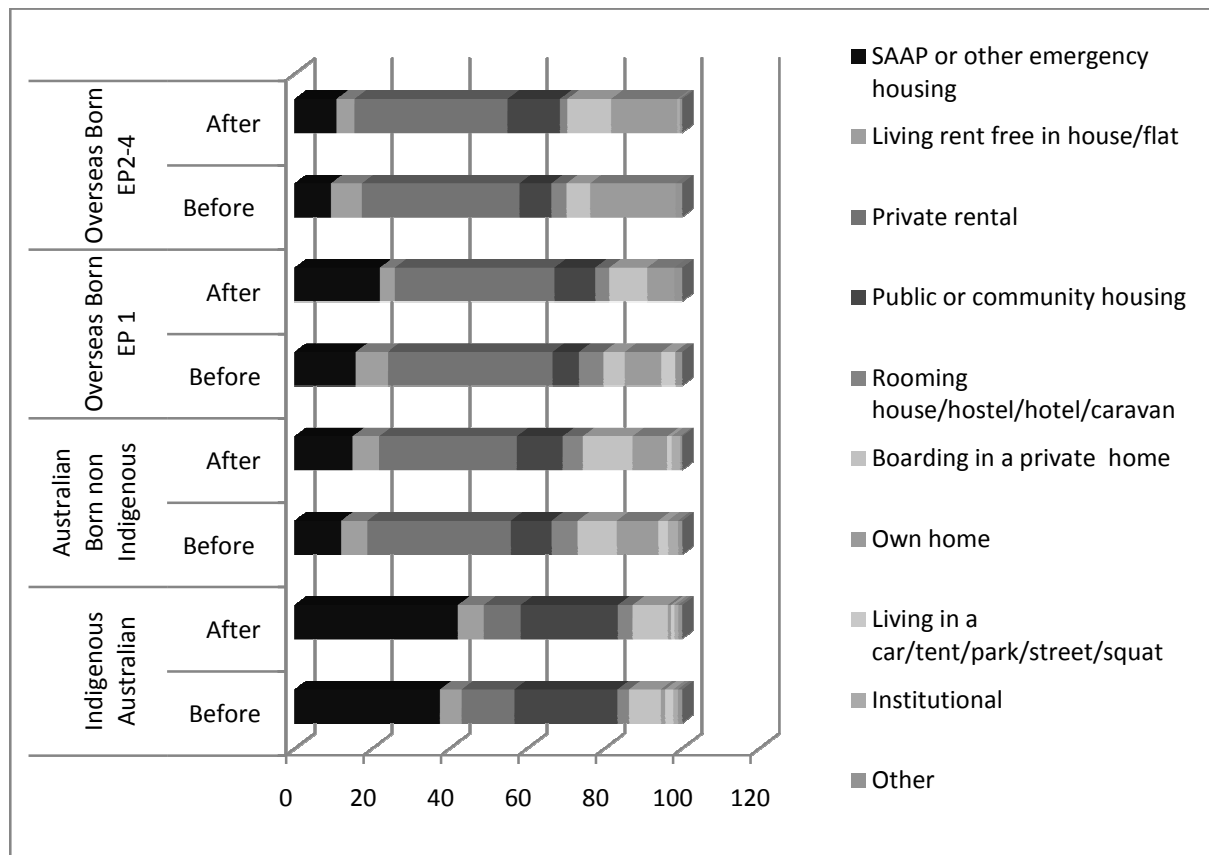
3.2.3 Housing Related Circumstances

In reporting the service requested by women with respect to housing, it is reported that:

- For those seeking SAAP/CAP accommodation, this was able to be provided 97% of the time with 1.7% being referred and 1% classified as unmet
- For those seeking assistance to obtain/maintain short term accommodation, 80% of requests were met, 11% referred and 8% unmet
- For those seeking assistance to obtain/maintain independent housing, 77% of request were met, 13% referred and 8% unmet.

Examination of the housing arrangements prior to and after support of female SAAP clients escaping domestic violence by cultural and linguistic diversity highlights the varied circumstances which women experience with respect to housing. Indigenous women were most likely to have been in a SAAP or other emergency accommodation or public and community housing. Non Indigenous Australian born women and overseas born women were more often accommodated in either private rental housing or in their own home. This pattern was consistent both prior to and after support was provided.

Chart 6: Housing Circumstances Prior to and After Support of Female SAAP Clients Escaping Domestic Violence by Cultural Diversity



Source: Female SAAP Clients and Children Escaping Domestic and Family Violence 2003-2004, AIHW (2005)

As can be seen in Table 9, females escaping domestic violence reported significantly different housing circumstances before and after support when compared with other clients. Women were far more frequently living either in private rental, their own home or public / community housing than other clients both prior to and after support. Further it can be seen that women were significantly less likely to have been living rough or in insecure arrangements.

Following the support period, a small percentage of women (2%) were no longer living in their own homes or private rental. Similarly there was a decrease of approximately 3% in the number of women residing in private rental housing. This approximates the increase in the percent of women who were reported as residing in SAAP or other emergency housing or boarding in a private home after the support period. *Together it suggests that at least in approximately half of the situations, women were not in secure, affordable and independent housing at the end of the support period.*¹⁸

¹⁸ This includes women who remain in SAAP and emergency housing, living rent free in a house / flat, rooming house, hostel, hotel or caravan or living rough in car, tent, park, street or squat.

Table 9: Housing Circumstances Prior to and After Support Period

	Female Domestic Violence Group		Other clients	
	Before	After	Before	After
SAAP or other emergency housing	21.6	25.6	20.9	13.3
Living rent free in house/flat	6.4	6.4	17.7	17
Private rental	28.7	25.9	11.3	16.5
Public or community housing	16.3	17.1	4.3	8.2
Rooming house/hostel/hotel/caravan	5.1	4.3	11.6	14.2
Boarding in a private home	8.8	11.1	13.9	13.7
Own home	8.1	6.3	1.6	1.9
Living in a car/tent/park/street/squat	2.1	0.9	12.5	7.8
Institutional	1.8	1.5	5.2	5.8
Other	1.2	0.7	1	1.6

Source: Female SAAP Clients and Children Escaping Domestic and Family Violence 2003-2004, AIHW (2005)

A comparison between the living situation of women escaping domestic violence and other SAAP clients both before and after support reveals that women have significantly different post support housing outcomes. For example, there was a 5% increase in the number of women living either short or long term with relatives or friends. As would be expected there was a significant increase in the number of women living alone or alone with children. In practical terms this would be expected to have a significant on both their immediate income and consequent capacity to meeting rising housing affordability costs.

Table 10: Living Circumstances Prior to and After Support Period

	Female Domestic Violence Group		Other clients	
	Before	After	Before	After
With parent(s)	7.4	6.6	12.9	11.7
With relatives/friends short term	10	13.9	21.1	17
With relatives/friends long term	3.5	4.8	3.9	5.8
With spouse/partner with children	29.3	13.3	5.2	6.3
With spouse/partner without children	17.2	6.5	6.5	6.2
Alone with children	20.7	36.4	4	6.8
Alone	6.2	12.4	27.8	26.8
With other unrelated persons	4.6	5.2	16.1	17
Other	1	0.8	2.6	2.3

Source: Female SAAP Clients and Children Escaping Domestic and Family Violence 2003-2004, AIHW (2005)

3.3.4 Economic Circumstances

Critical to the capacity to access secure, affordable and appropriate housing is the economic circumstances of females escaping domestic violence. This includes both their employment status and main source of income.

Sources of Income

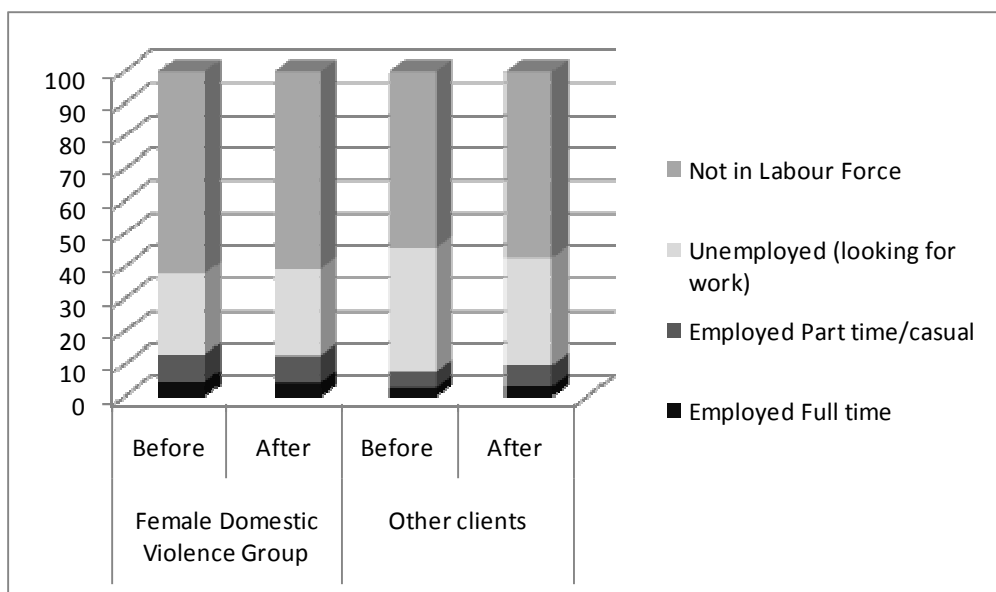
Some four fifths (81.7%) of women relied upon a Government pension or benefit as their main source of income at the commencement of their support. An additional .5% was awaiting receipt of such benefits. Of the remaining, 4.3% had no income and 13.5% other income sources (not specified). Following the support period, the proportion of women on no income decreased to approximately 2% and those in receipt of such benefits increased by approximately 5%. Given the high cost of private rental and the level of Government income support, it would be reasonable to suggest that affordability would be a key challenge to these women.

Employment Status

Female clients escaping domestic violence and presenting for support indicated a low level of engagement with employment. With some 62% not in the labour force and 25% unemployed looking for work, only 12% were either in full time (4.3%) or part time/casual work (8.6%). Post support period, the engagement in the labour force had not significantly changed in any category.

When compared with other clients, it is found that unemployment rates were slightly higher and rates of those not in the labour force are slightly lower than that found for female clients escaping domestic violence. However this is not significant given that the rates of involvement are approximately parallel across both client groups. Chart 6 below demonstrates this comparison.

Chart 7: Employment Circumstances of Female SAAP Clients Escaping Domestic Violence and in comparison with other client groups



Source: Female SAAP Clients and Children Escaping Domestic and Family Violence 2003-2004, AIHW (2005)

Implications

It is possible to draw the conclusion that the economic circumstances of women escaping domestic violence are relatively insecure and has significant consequences on their housing options. Equally given the relatively low employment rates and predominantly casual or part time work, they are unlikely to have significant reserves to fall back upon. This can be seen to relate specifically to the fact that only one quarter of women successfully transition to private rental accommodation and a continued reliance on SAAP accommodation and/or remaining with friends and relatives. This data while not definitive, certainly points to the specific constraints on women escaping domestic violence in accessing independent, affordable and appropriate housing, including an inability to return to their previous home.

4.0 Implications of this Study

The purpose of this statistical overview has been to draw from existing research to establish a general profile of the population of women escaping domestic violence, with and without children, in Queensland and indicators of their housing needs.

It has been found that the primary reporting systems, including the National SAAP system and the Queensland Domestic and Family Violence Research Centre collections (as funded by the Queensland Government) do not provide substantive information with respect to housing related issues for women escaping domestic violence. While the 2003-2004 specialist report prepared by the Australian Institute of Health and Welfare based on SAAP data provides a single point in time report, the lack of any previous or subsequent data significantly limits the utility of such data or analysis.

Similarly, specific studies which rely principally on national collections such as the Personal Safety Survey, the IWSS study and the like as well as the SAAP data, provide little additional insight into housing specific related issues.

When consideration is given to more specific housing related issues, such as the administration of applications for and outcomes of ouster orders, no public reporting is available through the Queensland Government reporting. Reporting from the Queensland Department of Housing also provides little insight into the receipt, processing or outcomes of applications from women escaping domestic violence.

The primary implication then of this exercise has been to highlight the need to take a more proactive approach to advocating for improved data collection strategies through both national and state systems. This needs to be complemented by advocacy for more effective public reporting where information is collected but not reported upon, for example with applications for ouster orders.

Acknowledging the limitations of statistical reporting, there are nonetheless a number of themes which should be noted:

- Existing national data provides no insight into the prevalence of domestic and family violence as experienced by women with disabilities.
- Most women escaping domestic and family violence are in poor economic circumstances with low employment rates and high reliance on income support programs. The consequences are significant for their future housing options.
- The lack of SAAP reporting on multiple service requirements of women escaping domestic violence significantly limits the capacity to accurately reflect the complex needs of such women.
- Women escaping domestic and family violence who are overseas born require longer support periods and longer periods of accommodation support than other women in similar circumstances.

- Of women escaping domestic violence, Indigenous women and women who are born overseas are more likely to have accompanying children. Indigenous women and non Indigenous Australian born women are likely to have large families, being three or more accompanying children. Those with larger families are likely to experience greater difficulty in accessing affordable housing options, particularly when combined with economic disadvantage.
- Private rental provides only limited options for women escaping domestic and family violence, with Indigenous women being the most disadvantaged with respect to this housing option.

The relatively limited statistical data with respect to housing needs, and the barriers that women experience, is best compensated for by qualitative reporting found in the literature review. However this should not in any way impact on the need to continue to promote more comprehensive data collection across the various relevant public and non government sector services.

Appendix 4: Literature Review

1.0 Introduction

The aim of this targeted literature review is to bring together learnings from recent documentation relevant to the establishment of effective strategies for addressing the housing needs of women escaping domestic violence. The findings of this review will inform the subsequent examination of current Queensland approaches and assist in identifying opportunities to enhance the quality of housing outcomes for women (including women with and without children) who are experiencing domestic and family violence. Family violence may involve a variety of relationships such as abuse of children, sibling or elder abuse, abuse of carers, or abuse of a person with a disability. Whilst recognising the importance of responding to such violence, this paper is concerned solely with domestic violence.

Literature in this review has included studies which:

- Expressly address housing issues for women escaping domestic violence
- Report the findings of evaluations of relevant programs and policies
- Address specific program, policy, practice and administration related matters directly impacting on the capacity to achieve positive housing outcomes.

Accordingly, this does not set out to be a comprehensive review of literature associated with domestic violence, nor the broader array of issues which impact on the long term outcomes for women escaping domestic violence.

1.1 Key Themes

In reviewing the literature four key themes emerge which are specifically relevant to the housing options available to women escaping domestic violence. In setting out these themes it is noted that to some extent the various reports draw on each other as well quite similar sources, although the specific issues and applications may be different.

The starting point is the unambiguous message that underpins all the reporting and models of response with respect to domestic and family violence and housing. There is a current imperative to take proactive steps to address the risk of homelessness and the impacts of homelessness for women escaping domestic violence, and their children. The lack of secure, affordable, appropriate located housing for women escaping domestic violence has multiple harmful effects. This includes women returning to a violent relationship to avoid making children homeless. Further the lack of housing options underpins the inability for women escaping domestic violence to:

- move from a refuge to appropriate housing, with a consequential impact the capacity of such services to accommodate women who may be in crisis
- establish stable lives and address the significant issues which they will be facing, and leading to a risk of children being taken into the state welfare system
- take action in obtaining or maintaining participation in the work force and achieving financial well being; and
- re-establish or make new social networks and effectively address in health, finance, counselling, or other problems.

Further there is ample evidence that for some women remaining safely in their own homes is the most appropriate solution. Although this solution is not always feasible, successful implementation of processes and legislation that facilitates this solution has delivered positive outcomes for many women.

Key themes:

- Housing issues faced by women escaping domestic violence and their children
- The role and impact of the justice system
- Models for facilitating secure housing options; and
- Indicators of features of effective practice.

It is also essential to be aware of the limitations of each model of response and the types of barriers or obstacles which may jeopardise the effective implementation of various approaches. For example, there are a range of environmental considerations which directly impact on the implementation of different solutions. For example, the options available for women living on stations or rural areas are necessarily quite different from those of women living in the metropolitan or large regional centres. Therefore in considering the models, it is critical to take into consideration the context in which each may be most appropriate and effective.

2.0 Key Themes

2.1 Theme 1: Housing issues faced by women escaping domestic violence and their children

As noted by the Office of Women report *Women, Domestic and Family Violence and Homelessness (2008)*, existing literature identifies close linkages between domestic violence and homelessness. Further women, often with children, are forced into homelessness simply to be safe. The lack of independent financial resources and poverty are critical factors for women escaping domestic violence becoming homeless. With the increase in the cost of all housing and the declining access to social housing, both public housing and community housing, the risk of homelessness grows; with this environment there is a parallel risk that women and children will remain in an unsafe environment, subject to ongoing violence, simply to avoid becoming homeless.

To no small extent the challenge is an historic legacy of the discourse that women and children should leave the family home to escape domestic violence. In this logic, women are viewed as victims rather than as individuals with rights (Chung, 2000).

The likelihood that women will have no option but to remain in an unsafe home is even greater for women with disabilities and women living in rural and remote areas. In addition to financial and housing factors, women with disabilities often carry additional costs of their disability which in turn reduce their housing options. The need for internal and external modifications, to access services required for independent living and the inability of most crisis services to meet the woman's care needs are amongst some of the additional limitations experienced by women with disabilities (Jennings, 2007).

Women living in rural and rural remote locations experience higher rates of domestic violence than their metropolitan counterparts (WESNET, 2000). Yet women presenting to SAAP services for domestic violence in these areas are significantly less likely to have obtained a restraining order (11% compared to 22% nationally) and are significantly more vulnerable. Research indicates that women experiencing domestic violence and living on farms or stations also face the disadvantage of little access to confidential communication, and lack of access to domestic violence services (WESNET, 2000).¹⁹ Further although safety concerns may mean some women must relocate for anonymity, lack of housing (social or private sector) in rural communities means there is no viable

¹⁹ WESNET also notes that there is a higher rate of firearm ownership in rural areas which can increase the risk experienced by women in situations in which domestic violence occurs.

options. Finally, given that assets are often tied into the property, access to any family assets is unlikely (Coalition of Women's Domestic Violence Services SA, 2003).

Women living in mining communities are similarly disadvantaged. Women experiencing domestic violence and living in such towns will also find it difficult to access help. Such communities are often characterised by a lack of appropriate or accessible services, limited employment or housing opportunities and isolation from family and support networks (WESNET, 2000).

Indigenous women living in rural and remote areas are significantly more likely to be a victim of domestic violence than those living in metropolitan areas (one and half times more) (WESNET, 2000). The Office of Women report (2008) records the view that "the levels of violence experienced in many communities are described by the South Australian Southern Domestic Violence Service (SDVS) and Nunga Mi: Minar (2007) as 'destructive to the spiritual, social, economic, physical health and cultural identity of Aboriginal women'. There is considerable need within Indigenous communities for domestic violence services and means by which women and children can seek haven in a safer environment" The report further notes that "Aboriginal women have a distrust of government services and support services (for a number of reasons including fear that their children may be taken away, fear of what will happen to the perpetrator in custody) and without appropriate services many Aboriginal women remain in violent situations. Solutions to family violence and the provision of housing are best provided within the communities as Aboriginal women have strong kinship ties and in the main will not leave their community."

It is worth noting that the Siggins Miller report to the Queensland Department of Families (2001) concluded that the 'particular geography, demographic spread, and the unique situation in the Gulf, the Cape and the isolated North West, Queensland needed to develop its own models of service delivery, or to trial and modify models developed elsewhere. (cited in WA Review, 2006)

Women from culturally and linguistically diverse backgrounds, particularly more recent arrivals and refugees, have many similar barriers to those experienced by other women, and particularly those living in rural and remote areas. Studies such as the IWDVS study, *The Right to be Safe from Domestic Violence: Immigrant and Refugee Women in Rural Victoria* (2006) and AIFS report *Identifying the woman, the client and the victim* (2006) and *Women, Domestic and Family Violence and Homelessness*(2008) highlight the unique problems that women from diverse backgrounds experience as victims of domestic violence. For example, there is considerable difference between

cultures with respect to what constitutes violence and with significant consequences with respect to women's ability to understand their rights to be safe from such abuse (AIFS, 2006). Fears of deportation, lack of understanding of the service options and fear of stigma and shame as well as language effectively reduce the ability of many CALD women to leave a violent and unsafe home. The Western Australian Government report (2006) *A Review of Literature relating to Family and Domestic Violence in Culturally and Linguistically Diverse Communities in Australia* observed that although domestic violence has in some cases existed prior to family's migration to Australia, the additional pressures of resettlement, unemployment, changing roles of women and women's rights, lack of support and intergenerational conflicts can exacerbate the level of violence. The report recommends that given the well documented settlement issues, that there is a need for new and emerging communities to be informed of Australian law and services in relation to domestic violence 'within a culturally sensitive and appropriate forum.'

There is extensive literature documenting the impact of domestic violence on children who view and/or are the direct victim of violence. The emotional, physical and developmental impacts are well documented (OFW, 2008; Jennings, 2007; Chung, 2000). Equally in the absence of secure appropriate housing, there are significant risks with respect to the potential for the State to remove children from the mother's care. This not only further victimises the victim, but also is a significant disincentive for women to report the violence or seek assistance. The Queensland Government *Department of Child Safety Practice Manual* (2006) provides extensive documentation of the types of harm arising from witnessing domestic violence as well as from direct abuse. It also highlights the Department's role in supporting women to access safe housing. The Practice Manual states,

Family members who choose to leave the perpetrator or have the perpetrator removed need to be supported by departmental officers and others so they are provided with resources to assist them to remain living safely and independently. This support can include assistance with Protection Orders, and assisting with access to housing and financial services, in conjunction with other agencies and legal interventions. Support needs to be provided that can stop the perpetrator continuing the abuse.

In summary, women experiencing domestic violence are at risk of remaining unsafe and victims of violence in their own home simply due to a lack of housing options. Whilst the women's refuges are able to offer short term crisis response, this is not a medium or long term option. Despite the establishment of the refuge movement, it does not have the capacity to address long term housing needs nor the root cause of domestic violence. It is not able to offer secure, stable housing essential for the health and well being of women and their children (Edwards, 2004; CWDVS SA, 2003; Chung,

2000). The alternative, remaining in a violent situation, or becoming homeless appear to be the most likely outcomes in this environment.

2.2 Theme 2: Domestic violence as a criminal offence – the justice system

Although the terms of reference for this review are focused on the issue of housing, the way in which the legal system operates with respect to the rights of women experiencing domestic violence directly impacts on their housing options. This includes the extent to which the act of such violence is recognised as a criminal action which has punitive implications, the actions taken in laying such charges, the protections provided and the response of the courts to both the action and the victim (PADV,2003).

As noted by Chung (2000) the basic requirements include the safety of women and children as the overarching principle, including the rights of women and children to remain safely in their homes. However the legal system, including police and courts do not traditionally operate in a manner consistent with this principle.

The Queensland Crime and Misconduct Commission (2005) investigation into policing of domestic violence found, for example, that there were a number of barriers to an effective police response. These included managing repeat victimisation, processes involved in applying for a protection order, excessive administrative requirements, dealing with breaches and the workload of prosecutors. It found also that a number of victims had wanted the offender to be arrested which did not occur, leaving women feeling unsafe despite police attendance. Very few offenders were charged with any criminal offence. This view was also presented by Weeks and Oberin (2004) in which it was observed that the lack of protection for women returning home while awaiting a public or transitional housing operation, including failure to enforce protection orders, was a particular problem in Queensland.

This problem was also highlighted in the *Safe at Home A Criminal Justice Framework for Responding to Family Violence in Tasmania* (2003) in which cites research which found that domestic violence was rarely prosecuted as a criminal offence in Queensland and was perceived as a private social issue rather than a concern for criminal law.

Based on interviews with domestic violence workers in Queensland, Douglas, H. and L Godden (2003) found that there was a general view that domestic violence is not treated as criminal

behaviour in any practical sense. Although there is an increasing use of domestic violence orders, only a relatively small number of criminal charges and prosecutions take place in relation to intimate partner violence. It is the enforcement of the orders which is the primary mechanism of regulating violence where violence falls short of major physical harm such as murder.

The limited use of the Queensland Criminal Code in situations of domestic violence was raised as a concern by the Queensland Government Taskforce on Women and the Criminal Code in 2001. This was documented from a number of perspectives.

- Police are required to file applications for a DVO when there is sufficient evidence to satisfy a civil standard of proof but also to investigate where there is reasonable suspicion that a criminal act has occurred. In investigating it was found that only 1% of court files relating to DV applications reported a police investigation into the possibility of laying criminal charges and only 3 matters had criminal charges laid. The explanation is the failure to label such violence as criminal assault and separate from other violence as 'domestic' – conceptualizing changing response by changing the name.²⁰
- Legal processes require a naming process – that is what type of harm according to a legal category which is a social construction over the notion of crime. Similarly there is the crucial influence of enforcement officers – police, prosecutors in filtering out claimants. By not seeing domestic violence as a crime, police are less likely to see it as part of their core business – which is to stop criminals. Further there is a view that while a restraining order is around future protection, it is not equivalent to responding to past criminal act.
- Importantly lack of criminal sanctions removes a disincentive for change. For example, women who have successfully remained in their own homes identified the role of police and fear of repercussions as being important in achieving successful ousters and further violence.
- Although there were different views about sanctions (from high penalties and imprisonment to compulsory men's programs) there was agreement that current minor fines were a significant disincentive for women achieving effective redress through criminal law.

²⁰ The Federal Model Domestic Violence Legislation (2003) recommended that legislation should make it an official obligation of police to investigate, to assist with obtaining an order when a crisis situation prevents victims seeking orders themselves, and to record written reasons for not making an application.

The *PADV Literature Review* (2002) similarly identified the reticence of magistrates to issue an exclusion order except as a last resort where physical violence and 'circumstances are bad enough' as a critical challenge, which is exacerbated by the lack of an exclusion order option on the pre printed form used by Magistrates in making protection orders.

In contrast the Western Australian approach is to increase *the protection of children by making family violence offences committed in the presence of children an aggravating factor*. This means that where children are involved, the order may be more severe or a penalty breach increased (Department of Justice, Tas. 2003). The notion of differentiation between first offenders and repeat offenders with respect to penalties is also raised for consideration.

McFerran (2007) also highlights a contrast with the Tasmanian legal framework in which police have a vital role in the enforcement of safety for women and children. This includes powers to reasonably detail an offender without charge reasonably required to secure the safety of the victim.

As argued by Martin (2003) the issue of homelessness has become subjugated to the issue of domestic violence. At the same time, this process has negated the legal implications which surround the issue of criminality and assault.

The *PADV Improving Women's Safety: Legislation Review* (2003) poses a number of questions which are relevant to the Queensland legislation. It asks, for example, whether legislation specifies safety and accommodation as one issue and linked to the ability of a woman to stay at home. In Queensland the *Domestic and Family Violence Protection Act 1989* provides the court 'may also' consider the accommodation needs of all persons but does not place clear priority on the accommodation needs of the victim and children in her care. This question requires one to ask how accommodation needs are considered and how this is considered within the context of interim orders.

Within this legal context, women escaping domestic violence have significant barriers to clear. This includes not only that of fear, of lack of knowledge of individual rights, or the attitudes of magistrates, but also the onus of responsibility for demonstrating the violence experienced within an essentially hostile environment (Chung, 2000). It is for this reason that any consideration of how to reduce the risk of homelessness and protect the safety of women includes not only housing options but equally how the legal system operates to protect such rights.

2.3 Theme 3: Models for facilitating secure housing options

In examining models for securing post crisis housing options for women escaping domestic violence, literature canvasses this question from different perspectives. This includes considering how the legal system operates with respect to enabling women to remain safely within their own homes to creation of affordable, appropriate and stable housing options that meet individual needs.

Each of the models offers different solutions and one approach will not meet everyone's needs. Women who are able to stay safely at home often require outreach support and in many cases financial support. Affordability of housing is critical. For women residing in public or community housing where rent is variable to income this is less problematic however for women living in housing in the private sector this can be highly challenging. Where the situation makes staying at home inappropriate, for whatever reason, and re-establishment in new housing a necessity, many women often require financial assistance to cope with the attendant costs. For women requiring to relocate, whether for reasons of safety or due to lack of options (i.e. in rural or remote areas), such problems are likely to be exacerbated not only in a financial sense, but also in context of loss of established social supports. Irrespective of the nature of housing solution, strategies need to have the flexibility to offer women (and their children) with the most relevant suite of assistance, which is likely to involve the contributions from a variety of resources and providers.

Although there have been a number of local initiatives in which partnerships have been established between police, domestic violence services, and to some extent courts, there is a paucity of models which specifically and actively engage with State / Territory public housing authorities. Further, although such authorities indicate that escaping domestic violence is deemed to be a basis for a priority allocation, there is little evidence that this translates into a differential response than might be accorded to other priority applicants, except where specific programs exist such as the New South Wales Emergency Temporary Accommodation Program and the Victorian Family Violence Private Rental Brokerage Program and Housing Establishment Fund.

The value then of the models which are summarised lies in their capacity to advise strategies for enabling women to access housing (whether public, private or community) as well as in terms of work that has been done with respect to policing and court processes and collaborative structures and systems responses.

2.3.1 Australian Capital Territory

The ACT Family Violence Intervention Project – Bottom UP Co-ordination (FVIP)

This project was based on the Duluth Model and requires a cohesive and consistent response to domestic violence by all agencies who work with domestic violence offenders and victims. The model involves two essential organisational arrangements. The first is a body responsible for the development of policy, specifically being the ACT Domestic Violence Strategy and Implementation Plan which requires a multi systems response to domestic violence. The second is a body responsible for the day to day coordination, monitoring and implementation of the multi agency response to domestic violence.

The agencies involved in the FVIP are the Australian Federal Police, Director of Public Prosecutions, Magistrates' Court, Corrective Services, Domestic Violence Crisis Services, Relationships Australia, Victims of Crime, Legal Aid, Department of Justice and Community Safety, Victims Services Scheme, Department of Family and Community Services and SAAP services.

The core components of the FVIP are:

- A pro arrest, pro charge and presumption against bail in incidents of family violence reported to police. Approximately 3500 incidents are reported each year and between 20-25% results in criminal proceedings.
- Early provision of victim support by the Domestic Violence Crisis Services working in partnership with the Australian Federal Police. This support extends throughout the criminal justice process, and in other court proceedings. Where children are involved, relevant interventions are taken to protect them.
- Pro prosecution of criminal family violence cases where there is sufficient evidence, and where the prosecution is in the public interest. A specialist team of prosecutors act for the ACT Director of Public Prosecutions.
- Coordination and case management of criminal family violence cases through case tracking and Family Violence Court Case Management hearings.

However this Strategy does not document any direct linkage with housing itself. The ACT public housing policy to accept applications for early consideration due to domestic violence has a number of significant requirements and limitations.²¹ To be eligible an applicant must:

- Provide documentation no more than 4 weeks old which verifies the 'nature of the alleged behaviour and whether it is regarded as domestic violence. Anecdotal information is not accepted. Medical reports, protection order, police or solicitor's letter, or relevant domestic violence service is needed.
- Emergency or interim protection orders may not be sufficient supporting documentation as such orders may not be progressed into a full protection order. Further documentary evidence may be necessary before early allocation can be approved.
- An applicant may not be housed according to his/her full entitlement in the first instance;
- Housing ACT would expect a tenant repeatedly requesting relocation because of domestic violence to seek further support from an appropriate agency/service prior to relocation; and
- Inter-State applicants must demonstrate a compelling need to move to the ACT before Housing ACT can waive its eligibility criteria and must provide documentary evidence of his/her claim of domestic violence. The applicant will also be required to provide documentary evidence that he/she has tried to find accommodation in his/her own State prior to moving to the ACT. Anecdotal information will not be acceptable.

In this context then, the FVIP provides a coordinated response to domestic violence from the perspective of the legal process, and the likelihood of an offender receiving a punitive outcome. It does not however appear to have any outstanding modelling with respect to meeting the housing needs of women.

2.3.2 Western Australia

The West Australian State Government provides funding for fourteen *Regional Coordination Responses to Family and Domestic Violence (RCRFDV)* located in six metropolitan and eight country regions. The purpose of the RCRFDV is to increase safety of women and children affected by family

²¹ ACT Department of Disability, Housing and Community Services Domestic Violence Policy
http://www.dhcs.act.gov.au/hcs/policies/domestic_violence_policy

and domestic violence and perpetrator accountability. The RCRFDV's do not provide direct support to people in need. RCRFDVs, which are composed of government and non-government representatives, are funded to improve the safety of women and children through improvements to interagency collaboration and service coordination. In addition to women's refuges and domestic violence counselling services, participating agencies on RCRFDVs may include the Department of the Attorney General, Department of Corrective Services, Department for Child Protection, Department of Education and Training, Department of Health, Department of Housing and Works, Disability Services Commission and Western Australian Police.

The Family and Domestic Violence Unit delivers a range of policy and community engagement programs that address family and domestic violence. Current functions include providing advice to Government, regional coordination, setting directions for funding, research and evaluation and policy development. The development of a response to domestic violence in culturally and linguistically diverse communities has been a priority for Unit. It has offered small grants of up to \$5,000 to culturally and linguistically diverse communities to support their efforts to address the issue of family violence and to enhance community functioning. This has been complemented by a major initiative being a grant for the development of a peer support network for CALD women to address issues related to domestic violence and early intervention. The Unit also worked in partnership with the Multicultural Women's Advocacy Service in producing a 6 week radio program which addressed barriers that exist for culturally and linguistically diverse women in accessing help, the legal framework that exists to support victims and counselling services that are available to both men and women.

Court Processes

There are six specialized Family Violence Courts operating in Perth's Magistrates Courts. The courts operate on a case management model working with the Attorney General, Department of Corrective Services, Western Australia Police and Department of Child Protection. The Family Violence Courts link to the RCRFDV to facilitate coordinated service provision. Information is shared on a case management model, with attention given to both the perpetrator and victim. A perpetrator who has pleaded guilty may be referred for inclusion in the Family Violence Court case management process which is overseen by the integrated case management team, with a review three months after the offender is released on bail. The Community Justice services Officer and case management team work with the Court in supporting a perpetrator's commitment to behaviour change, and ultimately any sentencing by the court.

The victim is supported a Family Violence Service (FVS) which is attached to each Family Violence Court. The FVS provides referrals for victims to counselling, crisis care, and help with restraining order applications and hearings, information on safety planning, victim support, court processes and family violence services. . *It is particularly noteworthy that accommodation is a specified criterion within the Western Australian restraining order legislation*

Housing

Homeswest sees itself has being an active participant in providing a coordinated response. In the Department's policy framework, domestic violence refuges and supported accommodation services are viewed as having a significant role. In terms of longer term housing options, as with Queensland, women escaping domestic violence are able to be assisted as priority applicants. However, the Homeswest Family and Domestic Violence Policy notes the following special provisions for applicants whose reason for applying for priority assistance is domestic or family violence.

- Previous tenant history shall not over-ride an applicant's right to priority assistance. However it may be factor in the type of assistance provided or conditions placed upon assistance. (Arrangements for payment of past debt in affordable installments may apply.)
- Assistance to remain in a current tenancy by the use of a Violence Restraining Oder and /or provision of full security
- Although Homeswest eligibility criteria exclude owners/joint owners of property of land, if domestic violence is present, ownership will not be a bar to assistance
- Homeswest will regard the applicant who has the daily care and control of the children as the legal tenant (applicants with joint tenancies with the perpetrator)
- A tenant who remains in family accommodation after the family has moved out may be required to move out or transfer due to under occupancy of family accommodation
- Tenants may not be responsible for cost of repairs to a property due to willful damage, provided that the damage has been reported to the police; and
- Victims of domestic violence may apply for additional security.

2.3.3 New South Wales

Within New South Wales there are a variety of formal and informal relationships which are relevant to the housing options for women escaping domestic violence. Although the *Staying Home Leaving Violence Project* is one of the better known initiatives, there are complementary strategies which also are noteworthy. One of which is the Accord between the Department of Housing and complementary State Government departments, are relevant to housing options.

Staying Home Leaving Violence - Bega Pilot Project

The Bega SHLV Pilot project was a comprehensive initiative modelling arrangements which involved New South Wales Department of Housing, Department of Corrective Services, Police, Magistrate's Court, community services and domestic violence services. The Program includes risk assessment, safety planning and upgrading security in the victim's home, court support, liaison with policy and other services, referrals to legal advice and counselling to address financial and other issues.

Drawing from such experience, it was agreed that the critical elements for success would be community support, close partnerships with key agencies including police, and the courts which would grant exclusion orders and ensure ramification for breaches. Agreements and Procedures that were critical to success included:

- Standard Operating Procedures (with Police)
- Provision of crisis payments to destitute violent partners removed from the home (paid by Centrelink)
- Provision of temporary accommodation in a number of hotels to homeless excluded partners (by Department of Housing)
- Funding allocated for mandated perpetrator program and supported by the local magistrate (by Department of Corrective Services); and
- Training on collaborative processes for supporting women in their homes for complementary services and police.

Despite such agreements and systems, there were some unanticipated challenges:

- Ensuring systems are not reliant on individuals
- Managing balance between supporting clients and maintaining collaborative processes.
- A coordinated response across mainstream departments, programs and services is needed given the significant demand by those choosing to stay in their homes; and
- Despite positive relationships, the discretionary powers of magistrates impacted on Pilot outcomes.²²

²² In the six months before the Pilot began, 52 final orders including exclusion conditions orders were granted and a further 47 in the first eight months of the Pilot. Following a change in magistrate, 36 final orders including exclusion were granted over the next fourteen months (to end February 2007). The issue appears to be the rate of granting of final orders not the access to exclusion, but it is a matter of concern that women will not pursue a long process to gain orders.

Memorandum of Understanding with NSW Police

The MOU between the Local Police Command, the SHLV service and other domestic violence services articulates the role of each signatory, shared roles and responsibilities and arrangements for sharing data, case management, review, monitoring, dispute resolution and confidentiality. *Police are encouraged to actively seek exclusion orders and when a Vitalcall alarm has been installed, the location of the victim will form part of the SHLV project.*

NSW Domestic Violence Intervention Court Model

The Domestic Violence Intervention Court Model (DVIC) was designed to enhance the safety of victims of domestic violence in contact with the criminal justice system and to ensure perpetrators who are charged with such offences are accountable for their actions. The model has been based on formal and collaborative arrangements between police, courts, and Attorney General's Department. The evaluation of the model found that while victims reported positive experiences with the police (though not so the court system), the model did not have any direct or indirect relationship to the issuance of exclusion orders and was concerned primarily in the criminality of the violence.

Tamworth domestic violence project (2003) Published by the Violence Against Women Specialist Unit, NSW Attorney General's Department.

This project was funded by PADV and involved placement of a civilian project officer in Tamworth Police Station to provide follow -up support, counselling and referral to victims of domestic violence who came into contact with police. Its aims were to reduce repeat victimization, to provide support to victims, and to evaluate the arrangement as a model of service provision.

The model differed from others in that it involved a proactive approach to victims rather than passively waiting for them to make contact, did not possess some of the connotations or stigma associated with domestic violence services, and was highly accessible as there were no wait times. Further, the location at the police station was seen as a vital feature because it offered safety, addressed negative perceptions of police and added credibility to the police response, and was of particular value in rural areas where police may be the only 24 hour service available. However, as the project officer was only available Monday-Friday business hours the model was unable to offer a crisis service, which was identified as a definite limitation. The support of the Tamworth Police for the project was seen as critical to its success, with at least some officers reporting it had heightened their awareness of both services available and increased their understanding of domestic violence. Practical recommendations for further development of the model are contained in the evaluation report. It should be noted that while the model did not have any specific linkage with housing issues,

as a model it offers perhaps another means by which women may be assisted to navigate through housing issues.

NSW Department of Housing Response to Women Escaping Domestic Violence

The Department of Housing has a domestic violence policy which enables women escaping domestic violence who are not current public housing tenants to apply for priority housing if able to meet the public housing eligibility requirements.

If not eligible, application can be made for temporary emergency accommodation (ETA) which allows for a three month accommodation in either public housing or a headlease property. In some circumstances there is flexibility to extend this by an additional three months. However it is relevant to note that an ETA will only be provided where there is evidence that there are no alternatives including either a refuge or with relatives/friends.

For current public housing tenants, the Department will enable priority relocation to alternative accommodation where there is a risk to the women's safety. This can occur whether the tenancy is in the woman's name, a joint tenancy or the perpetrator's tenancy.

It is relevant to note that if the woman has an outstanding debt in her own name, that this is not dissolved, but rather is integrated into a repayment arrangement. Failure to comply with such an arrangement can lead to eviction.

2.3.4 Victoria

Women's Safety Strategy The Women's Safety Strategy, a five year plan, sets out a policy framework which sets out the responsibilities of individual departments in addressing violence against women. Each department is responsible for establishing its processes for implementation, monitoring and reporting.

Staying Home: The right of women to be safe in their own homes through removal of the perpetrator of domestic violence was formally accepted in the 1987 enactment of the Crimes (Family Violence) Act. The Act gives victims the option of applying for intervention orders to the extent of having the perpetrator excluded. Funding for outreach support complemented this legislation.

The Victorian Safety Strategy was built on the recognition that women left in their homes need to be fully supported, legally and socially and have trust in the system in place. This has received leadership and support for addressing the impact of domestic and family violence from Victoria Police and particularly from the Victorian Police Commissioner. The role of the police is essential in

ensuring the successful implementation of the model. The Police Code of Conduct for family violence reflects a pro-arrest orientation, while recognising both the criminal and civil actions that can be taken. Under this Code:

- Police must take some action in all family violence situations, being a referral, initiating criminal action and/or initiating civil protective action
- There is a strong focus on the police obtaining intervention orders from the courts, including orders that ban the person using violence from the home, allowing victims of family violence to remain in their homes
- A strong emphasis on full investigation of behaviour that constitutes a criminal offence; and
- Ensuring that all breaches of intervention orders are investigated, with a police supervisor overseeing the decision as to whether there is sufficient evidence to prosecute.

Importantly police are accountable and must record reasons for any case in which such actions are not taken. However as the 2007 MacFarren Review reported, success also requires that Courts be sympathetic to the aims of the *staying safe at home* model and have positive and continuing roles with those involved. Accordingly the Family Violence Court has jurisdiction to hear all family violence related matters and has the power to order male defendants to attend special counselling programs. Specialist family violence police prosecutors, specialist court staff and referral services are expected to work collaboratively as part of the court processes.

Department of Housing

Women living in Victoria and who are escaping domestic violence are able to apply for early housing under the category of “special housing needs” which is one of three categories of priority, but importantly the lowest category amongst the three. Property ownership, in part or in whole, is a bar to eligibility although this can be waived in some cases. Women must demonstrate why private rental is not a viable option as well as provide evidence that unsuccessful efforts have been made in this regard. If the applicant has a pre-existing debt, it is required that some repayment be made over a three month period prior to receiving a housing offer. In this context then, accessing public housing is a more onerous process for women escaping domestic violence than may be the case in other states and territories that are more forthcoming in waiving these requirements.

The Housing Establishment Fund (HEF) is a Victorian Government grant program providing financial assistance to households in housing crisis. The program provides funding to community-based agencies to support people to access or maintain their accommodation in the private rental market, and to secure purchased accommodation for people in crisis who are homeless or at risk of homelessness. Money from this fund may be given to women who are facing homelessness and may be used to pay for crisis accommodation where there is no alternative, to relocate into new rental housing by providing two weeks rent in advance, to remain in current housing by paying overdue rent, or to pay for removalist costs or to purchase essential furniture (e.g. refrigerator, washing machine, beds).

Family Violence Private Rental Brokerage Program was established to assist women and children who have experienced domestic violence to re-establish themselves through initial rental payments. Depending on the private rental market in each local area, financial assistance may be tailored over a limited period of time. The Family Violence Private Rental Brokerage Program is *not* a loan scheme, so repayment of assistance under this scheme is not required. Eligible women and children will be planning or have left an abusive situation or have the perpetrator removed, or are living in alternative transitional housing, refuge or other temporary housing as a result of family violence and are able to sustain private rental costs after assistance ceases. The service model is not intended to provide:

- A crisis response
- An income supplement
- Another Housing Establishment Fund product
- A transitional housing measure pending a public housing offer; or
- A duplicate domestic violence service.

2.3.5 Tasmania

Safe at Home is the Tasmanian Government's response to family violence and incorporates a range of services working together to protect and support victims of family violence and focuses on making offenders responsible for their behaviour. Overall responsibility for the progress of Safe at Home is a steering committee with representatives from the Department of Premier and Cabinet (Chair), Department of Justice, Department of Police and Public Safety, Department of Health and Human Services, and the Department of Education. Regional committees coordinate service delivery.

Police play a pivotal role as the entry point for *Safe At Home*, managing not only evidence collection but also the crisis response line, funds for transport and accommodation and risk assessment. The

police carry out safety audits, arrange security upgrades of the home, develop safety plans with women and organise additional security patrols if necessary.

Tasmanian Police respond to family violence in accordance with the Family Violence Act, 2004, which provides the authority to for police to intervene. The Act 2002 created a Police Family Violence Order that can require a violent person to vacate premises and allows detention without charge for a period 'reasonably' required to secure the safety of the victim. Bail can be denied if the risk assessment concludes that the 'affected' person or children will not be safe. Police are to extend the length of Police Family Violence Orders for up to 12 months where there is ongoing risk to safety. The Act recognises the potential conflict with tenancy legislation, which protects the rights of tenants and their agreements, and gives the court the power to terminate a tenancy and establish a new one benefiting the 'affected person'.

The Risk Assessment Screening Tool (RAST) which was developed as part of the *Safe at Home* initiative and is used to assess the likelihood of repetition or escalation of violence has been recognised in the 2008 Australian Crime and Violence Prevention Award. In addition, the recognition of children as victims in their own right, with specialist services was also recognised in this Award.

Police are also the key members of the Tasmanian Victim Safety Response Teams (VSRT). The VSRT are concerned primarily with victim safety, particularly at a time of crisis. The VSRT are responsible for risk assessment, gathering evidence relevant to and assisting in the preparation of a Family Violence Order, undertaking safety audits, arranging security of the victim's home, providing a safety plan, and investigating breaches of Family Violence Orders. They may also order additional security checks where circumstances indicate that this is important to the victim's safety.

Family Violence Counselling and Support Service is a Tasmanian Government service which is part of the Safe at Home initiative. Individual and group support programs are provided for adults, young people and children affected by family violence. Children are most often referred by police, the court support and liaison service, the child witness program or by a family violence worker. The Tasmanian Child Protection Advice and Referral Service is also a referral agent.

2.3.6 South Australia

The South Australian model for responding to domestic violence has a strong reliance on the non Government community sector in the provision of support, but within a collaborative cross sector framework.

Justice Portfolio Domestic Violence Statement of Commitment

This statement sets out the roles of agencies within the Justice Portfolio in responding to domestic violence. This includes providing access to justice and increasing safety for victims as well as intervening effectively with offenders to stop violence. Priority on victim safety and accountability of offenders are priorities.

The Statement commits Justice Agencies to work collaboratively with other agencies, and is aligned to other Government domestic violence strategies. The Family Violence Court works cooperatively with the Central and Northern Violence Intervention Programs. The aim of the Violence Intervention Programs (VIP) is to establish and maintain an integrated interagency and criminal justice response that promotes safety and challenges the use of violence against significant family others. The VIP worker attends the Family Violence Court and provides information pertinent to the case.

Perpetrators who are charged with criminal offences are remanded on bail for 6 weeks to enable assessment and where suitable may be referred to a violence intervention program. Again, the VIP participates with the Department of Corrective Services in the assessment process.

Central Violence Intervention Program – A Model of Collaboration²³

The Central Violence Intervention Program is a multiple agency initiative which includes the Department of Correctional Services, Department of Human Services, South Australian Police, Courts' Administration Authority, Salvation Army and complementary agencies and interest groups. The memorandum of understanding which underpins this initiative was established by the Department of Human Services and Department for Correctional Services.

A team approach is taken with respect to interventions with both victims and perpetrators. Integrated and coordinated case plans involve all relevant agencies and supports. Children's workers form part of the team and work closely with women to promote child protection strategies which avoid the need for state intervention.

²³ There is also a Northern Violence Intervention Program which operates in a similar manner but is not managed by the Salvation Army.

A proactive approach is taken to assist men to take responsibility and to develop the skills to cease re-offending. Referrals may be made by not only the Family Violence but also the Child and Family Investigation Unit within the South Australia Police the conduct of “Stopping Violence Groups” for perpetrators is an important part of the overall approach; the Courts may make attendance a condition of bail.

Housing SA

Housing SA provides assistance to individuals affected by domestic and family violence. This may take the form of:

- Long term housing
- Financial assistance for emergency accommodation or to rent a home in the private sector
- Re-housing or establishing a separate tenancy for an existing tenant or spouse of the tenant; and
- Provision of security items to its rental properties. This may include security screen doors, security screens to windows, and window locks if appropriate.

Seeking Housing SA assistance does not require extensive substantiation (any reputable third party) except in the case of installation of security items which requires evidence of a Restraining Order. *Importantly Housing SA will also assist perpetrators of domestic violence to relocate to facilitate the security of those affected by such violence.*

2.3.6 International Model: UK Sanctuary Scheme

A sanctuary scheme provides a safe room or sanctuary within a home fitted with safety measures, including the installation of alarms, mortise locks, security lights, reinforced door frame, emergency lights and CCTV. Each safe room is recorded on computers to ensure swift response in case of emergencies. Courts can help with non molestation orders, occupation orders and transfer of tenancy.

Eligibility is based upon the sole principle that the women would be homeless in the absence of the scheme. Average costs in 2006 were estimated to be between 750 and 1000 pounds. Forty of forty five approved schemes were set up in 2004-2005 with benefits including significant cost savings as compared with providing housing in temporary housing as well as high levels of satisfaction, ability to main social networks and accessing relevant services.

Implementation requires the provision of outreach support, safety plans, community education, and ongoing program development. However additional funds are required to offset the cost of security modifications. This was recommended by the ADFVC in the form of an Australian Home Security Fund. There is also need to increase brokerage funds available for outreach and other support for women staying at home.

The model must also be backed up by meaningful legislation which allows removal, support by police and courts with respect to the aims of the model and a willingness to remain involved. The aim is to place responsibility for the violence with the perpetrator.

However the models are only successful if the woman can afford the rent or mortgage payments which may not be possible In this context social housing is an easier option, but alternatively there is an argument for Federal Government assistance for a fixed period of time to enable a readjustment to be made, e.g. seek employment etc.

2.3.7 Supportive Housing and Housing First Model (beyondshelter.org)

The *Housing First* model operates from the view that permanent housing is the essential base from which families are able to rebuild lives, develop relationships and a sense of control of their lives. This means moving into permanent housing as soon as possible – quickly.

To qualify homeless families must be referred and must have been living away from the perpetrator for at least 4 months. Within 3 months the families are housed in affordable safe rental housing (which may be in private or public housing – with public housing providing a subsidy to landlord if a private rental is chosen.) A case manager maintains weekly contact, as a minimum, for up to 12 months (but extendable to 18 months.) The retention rates of 84% are reported – and model works equally well with chronic homeless.

Consultations with the sector called for some caution with these models because it was thought that only a small proportion of women were likely to benefit and would effectively reduce the resources available from other options.

3.0 Summary

3.1 Lessons in Essential Practice

Based upon the findings of the various studies and reports reviewed in this paper, it is clear that the establishment of viable housing options for women escaping domestic violence needs to be an essential component of any domestic violence strategy. The high cost to women, children and ultimately the provision of publicly funded services can only be reduced through housing solutions. This will require an integrated and collaborative approach which involves the police, justice system, housing services, income support and the range of advisory and support services. Analysis of the Queensland systems will need then to be based upon a comparison of existing arrangements with respect to the following features:

- A policing and court system that enable women to remain safely in their own homes where this is both desired and achievable
- The provision of assistance in making homes safe and secure, including the provision of follow up support in enforcement
- Enhanced and timely access to affordable crisis, transitional and longer term stable housing and financial assistance with re-establishment in both the private and public sector
- Funding support for the delivery of outreach support which is both immediate and transitional, and focused on supporting children as well as women
- Strong support for women and children by the Child Support Agency which focuses on strengthening family functions rather than family break-up
- An overarching management, administrative and accountable system that enables and requires all agencies to operate in an integrated and client based manner.

There is significant evidence that to achieve these outcomes there is a need to establish and support a cultural change in which all agencies share a common set of understandings of the rights of women and children and the role of each agency in protecting them. Correlated to this cultural framework is the need to ensure that systems are designed to ensure perpetrators are accountable and supported in making behavioural change. This in turn requires systems which:

- Recognise and require effective responses to the criminality of such violence
- Provide perpetrator programs to foster and support change strategies; and
- Ensure strategies are in place for the emergency accommodation of perpetrators excluded from the family home.

Because one strategy will not meet the needs of all women, domestic violence response strategies need to be designed to be able to respond to quite diverse environments, client backgrounds, culture and values, as well as disabilities.

Finally the literature review informs the importance of enabling change through the provision of professional development and training both in the implementation of collaboration and integrated strategies, but equally in identifying and understanding the nature of practice expectations with respect to performance in all relevant system and service contexts.

3.2 Final Research Stage

The final stage of this project will involve:

- Description of current Queensland Government policy, programs and practices relevant to responding to the housing needs of women escaping domestic violence
- Comparison of such practices with elements of responsive performance
- Identification of recommendations which will contribute to a more effective housing response for women escaping domestic violence.

Preparation of this final report will include documentation of feedback from Queensland Magistrates, Queensland Domestic Violence Services, and relevant Queensland Government agencies.

3.3 Appended to this Review

Appended to this review is an annotated bibliography of the texts cited in this review. The reference list which follows includes a wider range of resources which have advised the preparation of this paper and will continue to inform the field work of the final stage of this project.

3.4 Annotated Bibliography

Australian Government Office for Women. (2008). *Women, Domestic and Family Violence and Homelessness: A Synthesis Report*. Canberra, Australia: Department of Families, Housing Community Services and Indigenous Affairs.

This report provides an overview of the incidence of domestic and family violence, drawing on a combination of survey data, including the limitations of existing data. It highlights linkages between family violence and homelessness and other documented short and long term impacts on children and adults. It also detailed a number of support programs from Australia and overseas, including *Safe at Home: NSW Staying Home Leaving Violence Project*, a program which includes risk assessment, safety planning and home security, court support, liaison and referral; *UK Sanctuary Scheme*, a sanctuary scheme provide a safe room or sanctuary within a home fitted with safety measures; *Supportive Housing and Housing First Model*, a model embraced by the Victorian Women's Safety Strategy, ACT Family Violence Intervention Project and Tasmania's Safe at Home Strategy, which take the view that permanent housing is the base for families to rebuild lives.

Bega Women's Refuge 2007, *Bega staying home leaving violence pilot executive summary 2004-2007*, Bega Women's Refuge, <http://www.stayinghomeleavingviolence.org.au>

Staying Home Leaving Violence' (Edwards, 2004), published by the Australian Domestic and Family Violence Clearinghouse, focused on strategies for women leaving violent relationships to remain safely in the family home. Based on the recommendations of this report, funding of a number of funding was provided for the Bega Staying Home Leaving Violence Pilot Project (SHLV), with funding from the NSW Department of Community Services. This report outlines the successes, challenges and lessons that can be learned from the project. The ability of the project to bring police, Centrelink Department of Housing, Magistrate, Department of Corrective Services and the domestic violence support service into an integrated client response system was the key feature of the project. Management of competing roles, ensuring systems keep the arrangements intact and the discretionary powers of the court all provided challenges. This project provides a number of 'nuts and bolts' recommendations with respect to processes and relationships which should be used to inform any future Queensland initiative.

Bell, K (2002). *Family Homelessness – A Story of Exclusion and Violence*, Australian Federation of Homeless Organisations, Canberra.

This article is concerned with family homelessness generally but notes the statistical evidence from SAAP as the high proportion of women with children accessing services due to domestic violence. It highlights the evidence that poverty and the lack of low cost housing are primary factors in family homelessness, including for women with children escaping domestic violence.

Breckenridge, J. & Mulroney, M. (2007). *Leaving violent relationships and avoiding homelessness - providing a choice for women and their children*, NSW Public Health Bulletin, 18(5-6), pp.90-93.

This report draws from the Staying Home/Leaving Violence Study and draws out some key themes with respect to successful examples of women able to remain in their home and the perpetrator leaving. In terms of costs staying a home diminished the negative impacts with respect to post traumatic stress for victims and children, mental health issues of depression, anxiety and phobias, self harming, physical disorders and substance abuse. From a financial cost to the health care, housing support and the like, this is a more effective strategy.

Chung, D., Kennedy, R., O'Brien, B. & Wendt, S. (2000). *Home Safe Home, The link between domestic and family violence and women's homelessness*. Canberra, Australia: Partnerships Against Domestic Violence.

This report was coordinated by the Australian Department of Family and Community Services in partnership with Women's Emergency Services Network. This study includes a literature review which details the psycho/social issues of homelessness, including financial and physical dependencies, impacts on children, as well as limitations of the current refuge system. The report also details a short history of housing and support in Australia, including legal issues; the prevailing orthodoxies that need to be challenged; and the fundamental aims of the sector and challenges faced. Particular attention is paid to issues surrounding the legal system, police, men's services and outreach, refuges and shelters, long term housing, services for children and supportive interagency approaches.

Coalition of Women's Domestic Violence Services South Australia. (2003). *Housing Issues for Rural Women Affected by Domestic Violence*. Adelaide, Australia: South Australia Department for Families and Communities.

This report describes critical issues apparent within the crisis accommodation sector of the Coalition, typified by the fact that women are turned away every day and often placed in motels in the short term because of their situation. Not only does this exacerbate the women's and children's issues but often causes them to return to violent relationships rather than facing homelessness. Key points

raised include the lack of subsidized accommodation in rural areas; the high costs associated with re-establishing an independent family unit; and general issues of access to services and accommodation for women in regional and rural areas.

Commonwealth Advisory Committee on Homelessness (2001). *Working Towards a National Homelessness Strategy, A Consultation Paper*, Department of Families and Community Services

The CACH notes that most common reason women with children give for accessing SAAP services is domestic and family violence. In most instances, the woman and her children are forced to leave the family home. Financial and legal constraints — and considerations of personal safety — often make it difficult to find stable and affordable alternative accommodation, particularly in rural and remote communities. Accordingly it makes a number of recommendations to address these issues taking into account financial arrangements, integrated government responses, expanded service capacity, education for legal practitioners including court / magistrates, and through services working more flexibly to meet individual needs.

Crime and Misconduct Commission Queensland. (2005). *Policing domestic violence in Queensland: Meeting the challenges*. Brisbane, Australia.

This report details a number of concerns regarding the policing of domestic violence in Queensland, including indications by police officers that the time-consuming administrative aspects of policing domestic violence are frustrating and tend breed a hesitancy to take action. A number of recommendations for the Queensland are put forward, pertaining to the development of policies and procedures and case management approaches to domestic violence. The report also details a number of legislative models for the issuing of protection orders.

Department of Justice and Industrial Relations (2003) *Safe at Home A Criminal Justice Framework for Responding to Family Violence in Tasmania*, Options Paper Tasmanian Government

This paper reports on the Tasmanian Government development of a domestic violence response strategy. The proposed model is aimed at achieving safety for victims with a strong pro arrest and pro prosecution response, recognising the criminal nature of such violence. The model also is based on a commitment to ensuring that exclusion orders are available to enable the victim to remain at home if desired. To achieve these outcomes, the report recognises a number of barriers by policing methods and within the justice system, and proposes new approaches by police and courts in facilitating more appropriate responses to victims and accountability by perpetrators.

Department of Human Services (2004). *Women's Journey Away from Family Violence*, Victorian Government, Melbourne Vic.

This study reports on the characteristics of the service system experienced by women from crisis through transition. This includes Family Violence and Support Services, Justice, Housing and Income Support. It notes that throughout women's narratives, the need for secure and appropriate housing was evident. The right to remain in their own home, to be safe and to afford to do this emerged as an essential element that would have significantly maximised their journey. Ongoing safe and high quality housing were also identified as a key ingredient in supporting women's movement away from violence. The report outlines the key elements of effective responses and which are both practical and measurable in character.

Douglas, H. and L Godden (2003). *Intimate Partner Violence: Transforming Harm into a Crime.* Murdoch University Electronic Journal of Law, 10(2), June 2003

This article draws on material gathered through interviews with domestic violence workers in Queensland. It highlights a number of systemic and procedural problems which create barriers to effective responses for women who are victims of domestic violence. This includes, for example, the lack of treatment of such violence as criminal behaviour by police or the courts. Douglas and Godden argue that keeping domestic violence under the law is critical to labeling it as illegitimate and socially disapproved. Further it is then a public issue not just a private issue, and to act as a deterrent. Finally it is also about access to justice for the victim. Importantly: lack of criminal sanctions removes a disincentive. For example, women who have successfully remained in their own homes identified the role of police and fear of repercussions as being important in achieving successful ousters and further violence.

Edwards, Robyn (2004). *Violence Excluded: A study into exclusion orders South East Sydney Final Report, Attorney General's Department of NSW*

This report sets out the findings of a study into exclusion orders in South East Sydney. Barriers to accessing exclusion orders were found to include procedural and administrative processes, the invisibility of exclusion orders within the criminal justice system, a focus on property rights and the accommodation needs of defendants and lack of support from police or magistrates. Further it was found that there was a lack of documented consideration of the interests of children or protection of women.

Edwards, Robyn (2004). *Staying Home Leaving Violence, Promoting choices for women leaving abusive partners*, Australian Domestic and Family Violence Clearinghouse

This report drew on the experience of women who had remained in their homes and those who had not to identify factors which enabled some to remain whilst others who would have preferred to, did not. It was found that women who remained had a strong attachment to their homes, felt they had a right to remain, were not overwhelmed by fear given the safety measures that were put in place, and the removal of the violent partner by the authorities (or who went voluntarily). The use of telephone technologies, security devices and court exclusion orders were common to women who remained. Of those who did not, fear for safety, the need for the removal of the perpetrator and improved police and court responses would have made a difference.

Jennings, C. (2007). *The Use of Sole Occupancy Orders in Supporting Women with Disabilities*. *Domestic Violence & Incest Resource Centre quarterly*, 4, pp.16-18.

Exclusion orders are particularly valuable for women and children, for whom the disruption of emergency accommodation and a series of subsequent relocations are especially traumatic. Likewise, the orders are an essential requirement for those who cannot leave their homes due to financial dependency or reliance on disability-modified premises and proximity to support services. This report outlines a number of issues experienced by women generally and impacts specifically on women with disabilities, such as a decline in the supply of low cost housing; an increase in unemployment; the level of poverty; dependency on support services and/carers; discrimination in accessing housing; access to legal aid; access to court facilities that are sensitive to the needs of victims of violence; and inadequate or inappropriately-used interpreting facilities.

Jennings, C. (2003). *Triple Disadvantage – Out of Sight, Out of Mind*, Domestic Violence and Incest Resource Centre, Victorian Government Department of Human Services

Despite the high incidence of violence experienced by women with disabilities, services are frequently non-existent, inaccessible or inadequate to meet the needs of these victim/survivors. Disability service providers frequently fail to screen clients for abuse histories. Service pathways can be complex for women with disabilities who experience violence. For example, lack of personal care available at SAAP services, lack of mobility impedes accessing refuge or other crisis accommodation and the need for disability supports can all act as barriers to accessing assistance. Jennings argues that considerably more commitment and resources need to be directed towards training disability professionals, to assist them to identify and respond to violence more skillfully and appropriately

Kearney, V (2004). "The Option of Staying at Home" presented at Home Truths Conference

This report presents the learnings from the Eastern Domestic Violence Outreach Service (EDVOS) in Melbourne, which focused on assisting women to remain at home. It identifies both issues that are likely to impact on the option being available as well as steps that need to be taken to ensure that women are safe and that there are adequate responses to breaches and abuse.

McFerran, Ludo (2007). *Taking back the castle: how Australia is making the home safer for women and children*, Issues Paper 14, Australian Domestic and Family Violence Clearing House

McFerran documents the historic responses by the law and its practitioners to women experiencing domestic violence, and a marked disinclination to take action against the offender. '*Leave the relationship and find a safe place*' was the solution for the seventies. In documenting the various work undertaken to change the processes, attitudes and outcomes for women, the study provides a useful overview of the models and strategies developed over the last seven years, across states and territories and at the local level. It identifies good practice models which ensure that risk is managed and women are able to remain at home safely. Finally it acknowledges key challenges yet to be resolved such as the accommodation needs of the excluded and financial viability for women remaining at home and being responsible for rent/mortgage costs.

Martin, R (2003) *is this Homelessness? Women and Children Affected by Domestic and Family Violence*, Paper presented at the 3rd National Homelessness Conference, April 2003.

This paper argues that the issue of homelessness has become subjugated to the issue of domestic violence. At the same time by consigning domestic violence to homelessness it negates the legal implications which surround the issue of criminality and assault.

Partnership Against Domestic Violence (2000). *Attitudes to Domestic and Family Violence in the Diverse Australian Community*, A Commonwealth Government Initiative

This research sought the views of Indigenous and culturally diverse participants with respect to domestic violence. The findings indicated some common views, as well as cultural differences. The research supported the targeted communication strategies to address the specific needs of the diverse Australian community. However in the development of these strategies, care needed to be taken to ensure that no particular group was stigmatised as 'having a problem'. Further it will be important adopt strategies that will overcome the obstacles of shame and fear which victims experience and prevent help seeking.

Partnerships Against Domestic Violence. (2000). *Partnerships Against Domestic Violence Summary Findings from Phase 1: For Policy Makers - Implications of PADV Findings for Housing and Accommodation*. Canberra, Australia: Commonwealth Office of the Status of Women.

This report draws from the Home Safe Home report and the Domestic Violence in Regional Australia Report prepared for *Partnerships Against Domestic Violence*. It highlights the disadvantage outlined in these reports and makes a number of recommendations, including that the safety of women and children should continue to be the overarching principle in all service responses related to domestic and family violence; the need to maintain the provision of high security options but complemented by alternative models of safe emergency accommodation and support for women and children; the development of policies and procedures that enable women and children to safely remain in the home while the perpetrator is removed; and examination of the effectiveness and ongoing feasibility of sole occupancy and exclusion orders for women to remain the home.

Partnerships Against Domestic Violence. (2003). *Improving Women's Safety: Legislation Review*. Canberra, Australia: Australian Government Publishing Service.

This report aims to identify legislation necessary to support women and children who are victims of domestic violence to remain safely in their homes, explore potential for model legislation and identify challenges for each jurisdiction in change. These pertain to legislation which supports the victim being able to remain in the home, including ouster orders; as well as legislation pertaining to policing and the court, including information regarding various Australian state and New Zealand models.

Partnerships Against Domestic Violence. (2002). *Improving Women's Safety: Legislation Review*. Canberra, Australia: Australian Government Publishing Service.

This report aims to identify legislation necessary to support women and children who are victims of domestic violence to remain safely in their homes. This includes legislation pertaining to accommodation-related and support needs; risks arising from economic and social circumstances as well as the perpetrator; and issues within the legal system, including knowledge of rights and language difficulties. Importantly, it also notes that in separating police intervention at crisis, safety, financial matters, counselling for perpetrator are often the greater priorities, whereas consideration should be given to the victim's goals rather than simply deterrence.

Stockley, C and Woollorton, N (2004). "Navigating the Family Court and Understanding the new Family Violence Strategy" - Home Truths Conference 2004

The aim of this report is to clarify the nexus between the Family Court and its Family Violence Strategy. It notes that the strategy does not significantly impact on the law or the juridical discretion of the judge. It does however establish the eight guiding principles which judges are expected to consider. This includes the primacy of safety, the impact of violence on the capacity of the victim to participate in court processes, the impact on children, the importance of risk assessment and collaboration with community agencies amongst others.

The Community Law Reform Committee of the Australian Capital Territory. (1995). *Domestic Violence*. Canberra, Australia: The Committee.

The ACT Domestic Violence Intervention Project is based on the "Duluth Model" and requires a cohesive and consistent response to domestic violence by all agencies who deal with domestic violence victims and offenders. The project involves two essential components:

- A body responsible for the development of policy, and specifically an ACT Domestic Violence Strategy and Implementation Plan for a multi systems response to domestic violence.
- A body responsible for the day to day coordination, monitoring and implementation of the multi-agency response to domestic violence - a Domestic Violence Project Coordinator, discussed below.

The model does not appear to have any direct links to housing strategies and is best suited to 'closed system' environments.

Victoria. Office of Women's Policy. (2005). *Victorian Women's Safety Strategy 2002-07: Progress Report*. Melbourne, Australia: Office of Women's Policy, Department for Victorian Communities.

The 2005 progress review of the Women's Safety Strategy identified a number of housing related recommendations that did not form part of the initial strategy. Historically, in Victoria, the right of women to be safe in their own homes through removal of the perpetrator of domestic violence was formally accepted in the 1987 enactment of the Crimes (Family Violence) Act which gave victims the option of applying for intervention orders to the extent of having the perpetrator excluded. Funding for outreach support complemented this legislation.

Violence Against Women Specialist Unit (2003). *Tamworth domestic violence project*, Attorney General's Department, Sydney NSW

This report describes the Tamworth PADV funded project which involved placement of a civilian project officer in Tamworth Police Station to provide follow-up support, counselling and referral to victims of domestic violence who came into contact with police. Its aims were to reduce repeat victimization, to provide support to victims, and to evaluate the arrangement as a model of service provision. A positive evaluation identifies the positive outcomes that this model achieved for women who were victims and requiring police support, for police involved in responding to domestic violence and enabled the identification of practical recommendations for further development of the model.

Weeks, W. & Oberin, J. (2004). *Women's Refuges, Shelters, Outreach and Support Services in Australia: From Sydney Squat to complex services Challenging Domestic and Family Services*. Canberra, Australia: Department of Family and Community Services.

This report provides an assessment of progress made in expanding accommodation and support options available to victims of domestic violence and specifically progress made towards the implementation of recommendations which have been made by Partnerships Against Domestic Violence. It explores a range of models of service within Australia, including single communal shelters and multi-building cluster models of self-contained units with counselling rooms. Within Queensland a particular issue raised was the lack of protection for women returning home while waiting for public or transitional housing and failure to enforce protection orders.

Women's Services Network. (2000). *Domestic violence in Regional Australia: a literature review*. Canberra, Australia: Commonwealth Department of Transport and Regional Services.

In August 1999 the Commonwealth Department of Transport and Regional Services commissioned the Women's Services Network (WESNET) to undertake a literature review on the issue of domestic violence in regional Australian communities. The report draws from national and international research with some SAAP data analysis. The research confirmed that the overwhelming majority of victims in regional communities are women and that this is a significant problem within rural and remote communities. It also identified particular needs groups and detailed two specific sector responses: *Victorian Housing Establishment Fund* and *NW Medium Term Women's Housing Program*.

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