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WOMEN'S  
HOUSING  
NETWORK AND  
QUEENSLAND  
SHELTER

## LITERATURE REVIEW: HOUSING ISSUES FOR WOMEN ESCAPING DOMESTIC VIOLENCE



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## Executive Summary

The Women's Housing Network (WHN), with the support of Queensland Shelter commissioned a study, the aim of which was 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; and
- survey of domestic violence service providers.

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. 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; and
- 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.

A review of current literature reveals the unambiguous message that underpins all the reporting and models of response with respect to domestic violence and housing. *There is a current imperative to take proactive steps to address the risk 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.

The literature review demonstrated 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 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 consider how well existing systems achieve 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; and
- 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 which is essential to the effective implementation of integrated strategies. Such training must include delivery of an explicit understanding of the nature of practice and performance expectations in all relevant system and service contexts.

## **1.0 Introduction**

The aim of this targeted literature review is to bring together current learnings from recent publications and national experience relevant to the establishment of effective strategies for addressing the housing needs of women escaping domestic violence. The findings of this review are intended to inform the subsequent examination of current Queensland approaches and to assist in identifying opportunities to enhance the quality of housing outcomes for women who are experiencing domestic violence.

Literature captured 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; and
- 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 the various reports often draw on each other and 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.

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. Environmental considerations will 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 different models of response, it is critical to consider 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. Women, often with children, are forced into homelessness simply to be safe. 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).<sup>1</sup> 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 options. Finally, given that assets are often tied

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<sup>1</sup> 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.

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: "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."<sup>2</sup>

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*

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<sup>2</sup> Tually, S. and Faulkner, D. et al. (2008) Women, Domestic and Family Violence and Homelessness: A Synthesis Report, Flinders Institute for Housing, Urban and Regional Research, Commonwealth Office of the Status of Women

*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 also found 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 perception 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 Domestic Violence Order (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.<sup>3</sup>
- Legal processes require a naming process – that is what type of harm is done 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.

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<sup>3</sup> 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.

- Importantly the 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 mitigating the risk of 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.

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. This 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) points to 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 links this 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, current 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 the 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 is 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 through the loss of established social supports. Irrespective of the nature of housing solution, strategies need to be sufficiently flexible 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.<sup>4</sup> 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 verification 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. Additional 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 additional 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. The applicant must provide documentary evidence of her claim of domestic violence as well as documentary evidence that she has tried to find accommodation in her own State prior to moving to the ACT. Anecdotal information is not acceptable.

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<sup>4</sup> ACT Department of Disability, Housing and Community Services Domestic Violence Policy  
[http://www.dhcs.act.gov.au/hcs/policies/domestic\\_violence\\_policy](http://www.dhcs.act.gov.au/hcs/policies/domestic_violence_policy)

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 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 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. With respect to 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.<sup>5</sup>

#### ***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 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.

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<sup>5</sup> 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.

***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, it did not possess some of the connotations or stigma associated with domestic violence services, and was highly accessible as there were no wait times. In addition being located 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. This 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 instrumental 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 articulates 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;

- There is a strong emphasis on full investigation of behaviour that constitutes a criminal offence; and
- All breaches of intervention orders must be 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. 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 by providing themselves with initial rental payments. Depending on the private 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 s 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. This program focuses on making offenders responsible for their behaviour. Strategic responsibility for the progress of *Safe at Home* lies with 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), developed as part of the *Safe at Home* initiative, is used to assess the likelihood of repetition or escalation of violence. It has been recognised in the 2008 Australian Crime and Violence Prevention Award. The recognition of children as victims in their own right was also recognised in this Award.

Police are 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 relies significantly on the non-Government community sector to provide support, but within a collaborative cross sector framework.

#### ***Justice Portfolio Domestic Violence Statement of Commitment***

The statement *Justice Portfolio Domestic Violence Statement of Commitment* 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 Collaboration<sup>6</sup>***

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.

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

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<sup>6</sup> There is also a Northern Violence Intervention Program which operates in a similar manner but is not managed by the Salvation Army.

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**

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.

*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. Additional funds are required to offset the cost of security modifications. This was recommended by the ADFVC and takes 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 consider how well existing systems achieve 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; and
- 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; and
- 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 Annotated Bibliography**

The final section of this report provides 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.

## 4.0 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 3<sup>rd</sup> 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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