

Strengthening practice in responding to domestic and family violence

A TOOLKIT FOR COMMUNITY HOUSING PROVIDERS





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Information about domestic and family violence

The following resources have been developed to support all staff working across a community housing provider to increase their understanding about domestic and family violence.

The Duluth Model Power and Control Wheel provides a simplified understanding of various forms of domestic and family violence from the perspective of the victim being subjected to the violence. It is included in this Toolkit to support community housing providers to understand the dynamics underpinning domestic and family violence. The information resources could be used as part of a staff induction kit and would support staff information sessions as part of building a community housing provider's housing management practice.

Definitions and forms of domestic and family violence

DEFINITION

This Toolkit distinguishes tenants and / or applicants currently experiencing domestic and family violence (DFV) and those with a history of DFV. The following language is used to provide clarity on a persons' circumstances:

- » **Victim/s** is used as a reference to a person currently experiencing DFV.
- » **Survivor/s** is used as a reference to a person that is no longer living in a DFV relationship.

Domestic violence or abuse refers to a situation where one partner in a relationship, or a family member, is using violent and/or abusive behaviours in order to control and dominate another.²

Abuse happens when one person tries to control or hurt another. Abuse may be physical, such as hitting, pushing or choking. Abuse can also be other things such as putting a victim down, making a victim feel worthless, or being possessive and jealous to prevent the person from speaking to friends or family.³

Domestic violence is any behaviour that causes physical, sexual or emotional damage, or causes someone in the relationship to live in fear. Non-physical forms of abuse can be just as damaging as physical violence.

DOMESTIC VIOLENCE IS ALSO COMMONLY KNOWN AS

- » Family violence
- » Relationship violence
- » Intimate partner violence
- » Child abuse

Domestic violence does not usually take the form of a single incident. It is ongoing behaviour that gradually undermines the victim's confidence and ability to leave the violent person. The severity and frequency of violence can escalate over time.

Useful information about domestic and family violence can be found on the 1800 RESPECT National Sexual Assault, Domestic Violence Counselling Service



www.1800respect.org.au

2. Queensland Domestic Violence Prevention Centre. Understanding domestic and family violence. www.domesticviolence.com.au

3. www.dvrcv.org.au/about-us/relationship-violence



Myths and facts about domestic and family violence

One of the challenges in seeking to address and prevent domestic and family violence is that there is a lot of misunderstanding and myths about the issue. Such misinformation not only creates further difficulties to prevent DFV but also reinforces stereotypes. The following are some of the myths and facts about DFV.⁴

MYTH Domestic and family violence happens only to poor, uneducated women and women from certain cultures.

TRUTH: People of any class, culture, religion, sexual orientation, marital status and age can be victims or perpetrators of domestic violence

MYTH Most people who commit violence are under the effects of alcohol or drugs.

TRUTH Although many abusive partners also abuse alcohol and/or drugs, and some are more likely to be physically violent or use more extreme violence when their judgement is impaired, this is not the underlying cause of the abuse. Many people who abuse alcohol or drugs are not violent and abusive. Alcohol and/or drugs do not cause domestic violence.

MYTH Some people deserve to be abused; they are responsible for the violence or they provoke it.

TRUTH No one deserves to be abused. The only person responsible for the abuse is the abuser. Abusers tend to blame the victim for their behaviour.

MYTH If the victim didn't like it, she would leave.

TRUTH There are many reasons why a woman may not leave, including fear for herself, her children and even pets. Often women face significant practical barriers to separating from their partners, including a lack of money and housing options. Due to the effects of the abuse, many women lack confidence in their own abilities and accurate information about their options. Not leaving does not mean that the situation is okay or that the victim wants to be abused. The most dangerous time for a woman who is being abused is when she tries to leave. Often a victim does not necessarily want to leave the relationship but wants the violence to stop. Providing non-judgemental support is vital.

MYTH Abusers are mentally ill, psychopathic or have a personality disorder.

TRUTH Research does not support this view. Most men who use violence against family members demonstrate acceptable behaviour in other settings. Many are considered respectable members of the community, and other people are often reluctant to believe they could be abusive.

4. www.thelookout.org.au/fact-sheet-5-family-violence-myths-and-facts



MYTH Domestic and family violence is a personal problem between a husband and wife.

TRUTH Domestic and family violence affects everyone and is everyone's business.

MYTH Stress and anger lead to violence.

TRUTH Violent behaviour is a choice. Perpetrators use it to control and dominate their victims, and their actions are very deliberate. Usually perpetrators of domestic and family violence are never violent outside the home or in public, even when under stress.

MYTH Violence is about anger and rage. The perpetrator just snapped because they were angry.

TRUTH Domestic and Family Violence is about power and control. Family violence nearly always happens in private, with no witnesses. Perpetrators do not generally abuse their workmates or bosses, regardless of the amount of stress they experience at work. Very often abusers hurt victims in parts of their bodies where the injuries won't show. Perpetrators are often highly manipulative and blame the victim when they are physically violent for making them angry. This is not acceptable.



Who is at risk?

Domestic violence and abuse is not limited to one particular group – it is not limited to gender, age, or particular social groups, it occurs among married and de facto couples, couples who are dating, homosexual and heterosexual relationships, and people from all racial, cultural, religious and socio-economic backgrounds.⁵ However, statistics show that women and children are more vulnerable to domestic violence. In 2005 the Australian Bureau of Statistics conducted a survey on men and women's personal safety and exposure to violence since the age of fifteen. The survey highlighted the prevalence of domestic and family violence effecting women:

- » 1 in 5 women have experienced sexual violence
- » 1 in 6 women have experienced physical and sexual violence from a current or former partner
- » 1 in 4 women had experienced emotional abuse by a former or current partner
- » 1 in 3 women had experienced physical violence by a former or current partner
- » 1 in 5 women have been stalked

The vast majority of dangerous, abusive and violent behaviour that occurs in the privacy of people's homes is committed by men against women. Research shows that men are more likely to be the perpetrators and women the victims.⁶

IMPACTS OF DOMESTIC AND FAMILY VIOLENCE ON CHILDREN

It is important to acknowledge the long term effects of children's exposure to domestic violence. Children who live in homes where there is domestic violence grow up in an environment that is unpredictable, filled with tension and anxiety and dominated by fear. This can lead to significant emotional and psychological trauma.

Evidence suggests that children exposed to domestic violence can severely impact a child's ability to form healthy relationships, increases the likelihood of the development of mental health disorders and behavioural disorders, and increases the risk of future inter-generational violence.

MANDATORY REPORTING

In Queensland certain agencies and key roles have mandatory reporting requirements. While CHPs are not mandatory reporters under Queensland law, all community services have important responsibilities in keeping children safe.

To take action where you have concerns about a child's safety, you can make contact for assistance as follows:

- ☎ Phone **000** immediately if there is a life-threatening situation
- » A [Regional Intake Service](#) is the contact point when you have concerns for a child and suspect that a child is being harmed or may be at risk of experiencing harm in the near future.
- » Reach out to specialist DFV services such as DV Connect to talk about the situation and work out the best strategy going forward.

5. Phillips, J., & Park, M. (2006, December 12). Measuring domestic violence and sexual assault against women: A review of the literature and statistics.

6. www.domesticviolence.com.au/pages/domestic-violence-statistics.php



Types of domestic and family violence

Domestic and family violence is not limited to physical violence and can often be enacted in a combination of ways. The following describes the various types of abuse:

1. **Physical assault** physical force with the intent to injure, control or intimidate. Some forms of physical violence are: pushing, shaking, slapping, forced sexual activity against a person's will, throwing things, damaging property, hurting or killing pets.
2. **Sexual** coercive or unwanted sexual activity, such as rape or undesired and humiliating sexual acts.
3. **Financial** controlling a victim's access to money reinforces a position of power and can create barriers to accessing required support. Forcing a victim to work or limiting their access to any income is common.
4. **Emotional, cultural and psychological.** This form of violence is often unrecognised and can be very damaging. Some forms of emotional violence are verbal abuse, threatening behaviours, humiliation, blackmail and emotional manipulation. Perpetrators can also not allow a victim to participate in the religion, cultural practices or language of preference.
5. **Social.** This form of DFV isolates a victim from their family, friends and support networks. When a victim becomes socially isolated it is more difficult to access support.
6. **Stalking.** This behaviour has become more prevalent due to increased access through technology such as social media and smart phone apps which can track a persons' location.⁷
7. **Online** harassment, sending unwanted explicit messages or photos or sharing private photos or messages via **social media** is also a form of abuse.

WHICH GROUPS ARE AFFECTED BY DOMESTIC AND FAMILY VIOLENCE?

As previously stated, domestic and family violence occurs in all cultures, races and religions. It is found in all communities and across all demographics including age, gender and socio-economic status. Domestic and family violence is made up of many controlling and intimidating behaviours, often much wider than physical violence alone. While there are many similar factors across many groups it is important to highlight particular vulnerabilities in specific groups.

7. www.smartsafe.org.au/abuse-technology-domestic-violence-and-stalking



LESBIAN, GAY, BI-SEXUAL, TRANSGENDER, INTERSEX AND QUEER RELATIONSHIPS

Incidents of domestic violence in same-sex or gender alternative relationships share many of the characteristics of domestic violence as heterosexual relationships. However, there are a number of unique factors such as the following:

- » **‘Outing’**. Threatening someone who has not disclosed their sexuality to family, friends or work place can be used as a form of control and manipulation.
- » **Abuse becomes associated with sexuality**. One of the impacts of homophobia can be internalised homophobia. This can manifest by a person believing they are experiencing domestic violence due to their sexual orientation.
- » **Lack of information in the community about same-sex violence**. There is limited information available in the community about domestic violence in same sex relationships. This can increase the likelihood of isolation and limits the opportunity to access support and information.
- » **Abuse can be seen as mutual**. In a same-sex relationship there is more frequently no clearly identifiable abuser or victim and the abuser can discount the victim’s accusations by claiming that they were both violent.⁸

ABORIGINAL AND TORRES STRAIT ISLANDER COMMUNITIES

Family violence and child abuse occur in Aboriginal and Torres Strait Islander communities at a rate that is much higher than that of non-Aboriginal communities. Aboriginal and Torres Strait Islander women account for 3 percent of the population but 50 percent of domestic violence incidents reported to police. This means that an Aboriginal and Torres Strait Islander woman is 45 times more likely to experience DFV compared to other populations.⁹

Causes of domestic violence in Aboriginal and Torres Strait Islander communities, like elsewhere, are complex, and a history of violence (such as forcible removal of Aboriginal children and their subsequent treatment) has been identified as one of the key factors in the over-representation of Aboriginal Australians involved in domestic violence incidents. Other factors include:

- » poverty, unemployment
- » physical illness
- » lack of education
- » parenting at an early age
- » substance misuse
- » poor or inadequate housing
- » social isolation
- » loss of identity
- » history of oppression
- » inequality between male and female roles
- » loss of land and traditional culture
- » breakdown of community kinship systems and Aboriginal law¹⁰
- » fear of not being believed or taken seriously leading to distrust in reporting to police

8. Another Closet. Unique aspects of same sex domestic violence. www.anothercloset.com.au/unique-aspects-of-same-sex-dom

9. www.childprotectioninquiry.nt.gov.au/_data/assets/pdf_file/0009/49815/Appendix_4.1_Summary_of_recent_inquiry_reports_relevant_to_Aboriginal_childrens_safety_and_wellbeing.pdf

10. www.women.nsw.gov.au/_data/assets/file/0012/300621/PDF_4_Full_Report_At_risk_groups.pdf



CULTURALLY AND LINGUISTICALLY DIVERSE COMMUNITIES

The research on the prevalence of DFV against women from Culturally and Linguistically Diverse (CALD) backgrounds is unclear, so drawing conclusions on the nature and extent of DFV in such communities is difficult.¹¹

Research indicates, that cultural values and immigration status enhance the complexities normally involved in DFV cases and women from CALD backgrounds are generally less likely than other groups of women to report cases of DFV.¹² The factors which may influence this include:

- » the limited availability of appropriate translator/interpreter services and access to support services
- » limited support networks and reluctance to confide in others
- » community isolation
- » lack of awareness about the law
- » continued abuse from the immediate family
- » cultural and/or religious shame; and religious beliefs about this

ELDER ABUSE

There are a range of factors which contribute to increased susceptibility to DFV for women over the age of 55. It is important to consider the following factors which can contribute to DFV against older women:

- » a history of long-term DFV
- » increased susceptibility to abuse due to the vulnerability of age
- » vulnerability to abuse from children, extended family, friends and neighbours
- » at greater risk of emotional and economic abuse
- » diminished cognitive and physical functioning
- » lack of awareness of what constitutes abuse
- » social isolation

Information on elder abuse support services can be found at

 <https://www.qld.gov.au/seniors/safety-protection/how-to-get-help>

WOMEN WITH A DISABILITY

Women who have a disability also experience domestic and family violence at very high rates.¹³ Women living with a disability also experience greater susceptibility to DFV due to the following contributing factors:

- » social isolation
- » limited access to services
- » reduced cognitive and physical functioning
- » lack of information on DFV
- » vulnerability of abuse and exploitation from family members and social networks

RURAL, REGIONAL, AND REMOTE COMMUNITIES

While there are many commonalities between women experiencing DFV in non-urban communities and women from other geographic locations, it is important to consider the compounding issue of isolation due to remote location:

- » limited means to leave; and societal and/or familial pressure to stay in the relationship
- » heightened concerns relating to privacy and confidentiality due to living in a small community with a limited number of service providers
- » lack of services, or a lack of appropriate services
- » delayed response times (e.g. by police) due to a lack of services and distance
- » distance to services and transport access issues
- » easy access to guns
- » rural community norms/conservative or traditional norms, especially relating to family and gender roles
- » lack of financial support or means to gain employment resulting in lack of income

11. www.aic.gov.au/media_library/publications/rip/rip07/rip07.pdf

12. www.women.nsw.gov.au/_data/assets/file/0012/300621/PDF_4_Full_Report_At_risk_groups.pdf

13. Suellen Murray & Anastasia Powell. (2008). Sexual assaults and adults with a disability: Enabling recognition, disclosure and a just response. ACSSA Issues No. 9, Australian Institute of Family Studies



MEN

While it is acknowledged that men also experience domestic and family violence the likelihood of men being a victim of DFV is significantly less compared to women. In 2012, the Australian Bureau of Statistics reported 87% of domestic violence victims were women. Where women are the perpetrators, the violence is different: studies have repeatedly shown that it's not as prolonged, and that men are far less likely to be living in fear.¹⁴

What are the indicators of domestic and family violence?

Indicators of DFV can be quite broad and some are less obvious than others. The three categories below provide a guide to some of the characteristics to the potential existence of DFV. It is important to note that these characteristics may not be evident in all DFV relationships and may be the result of an unrelated issue. Some characteristics may not be initially evident and may present over time. If an individual's emotional, social or psychological presentation becomes uncharacteristic to their usual / previous presentation it may be an indicator of DFV.

PHYSICAL

- » direct assault on the body such as scratching, bruising, biting, slapping, punching, kicking, cigarette burns
- » withholding medical care and food
- » use of weapons
- » sexual abuse
- » threats to physical safety
- » sleep deprivation
- » control over personal autonomy and choice

EMOTIONAL / PSYCHOLOGICAL / CULTURAL / RELIGIOUS

- » a lack of self-esteem resulting from negative comments
- » a lack of confidence in the ability to improve their relationship
- » extreme dependence on their partner
- » emotionally withdrawn (inconsistent with usual presentation)
- » belief that their partner can be changed and they will have an ideal relationship
- » poor communication skills in asserting their rights and feelings
- » excessive anxiety
- » threats to safety
- » manipulation and guilt
- » blaming
- » verbal abuse

SOCIAL

- » a lack of personal or financial resources
- » social isolation
- » isolation from broader family network
- » poor communication skills in asserting their rights and feelings
- » belief in stereotyped sex roles and experiences of guilt when deviating from these
- » controlling tactics such as monitoring where an individual is going or checking car mileage
- » deliberate social ridicule

Impacts of domestic and family violence

INDIVIDUAL AND COMMUNITY

Domestic and family violence has a devastating impact on an individual's emotional, psychological, physical and mental well-being. The information below provides a snapshot of the social and economic burdens impacting individual victims of DFV and the broader community.

14. www.domesticviolence.com.au/pages/domestic-violence-statistics.php



ECONOMIC

The economic effects of DFV can contribute to enormous psychological and emotional difficulties to a person during and after leaving DFV. These impacts include the following:

- » difficulty accessing support services due to economic isolation
- » reduced capacity to leave the abusive relationship due to limited financial access
- » long-term effect on self-confidence and ability to manage finances
- » controlled access to psychosocial well-being
- » social disadvantage of financial isolation
- » the psychological effect of enforced financial poverty
- » financial dependence on the perpetrator reinforces the power dynamic

HOUSING AND HOMELESSNESS

A key issue women and children experience in domestic and family violence is an increased risk of homelessness. Traditionally women and children experiencing DFV were forced to flee their housing due to the limited availability of effective models to increase the safety of victims. A common concern experienced by women considering leaving an abusive relationship is uncertainty about their future housing and the possibility of future homelessness. There are a range of programs designed to support women and prevent homelessness including some provisions to support women to stay at home while the perpetrator leaves.

15. www.community.nsw.gov.au/parents,-carers-and-families/domestic-and-family-violence/staying-home-leaving-violence
16. www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1415/ViolenceAust#_Toc401045314
17. www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1415/ViolenceAust#_Toc401045314
18. www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1415/ViolenceAust#_Toc401045314

HEALTH

Domestic violence has severe and persistent effects on physical and mental health. Physical injury is common as a result of domestic violence.

The health consequences of domestic violence can endure long after the violence ceases. The Australian Longitudinal Study on Women's Health found that women who have experienced domestic violence rate their health as poorer and use health services more frequently than other women, even after they are no longer exposed to the violence. The effects of domestic violence also has a cumulative impact on a person's mental health. Women who experienced gender based violence reported a higher level of severity and co-morbidity of mental disorders, increased rates of physical disorders, greater mental-health related dysfunction, general disability and impaired quality of life. Women who had experienced DFV also reported higher rates of past suicide attempts.¹⁶

HOMICIDE

The most comprehensive data collection on homicide in Australia which provides details of victims, offenders and the circumstances of incidents, comes through the National Homicide Monitoring Program (NHMP) at the Australian Institute of Criminology (AIC). Of the 185 domestic homicides recorded between July 2008 and July 2010, 66 per cent were classified as intimate partner homicides.¹⁷

Three in every five Australian homicides during this period occurred in a residential location (61 per cent)—the majority in the victim's home. Domestic homicides accounted for just over half (53 per cent) of these incidents. This suggests the most likely scenario for the homicide of an Australian woman is at home at the hands of an intimate partner.¹⁸

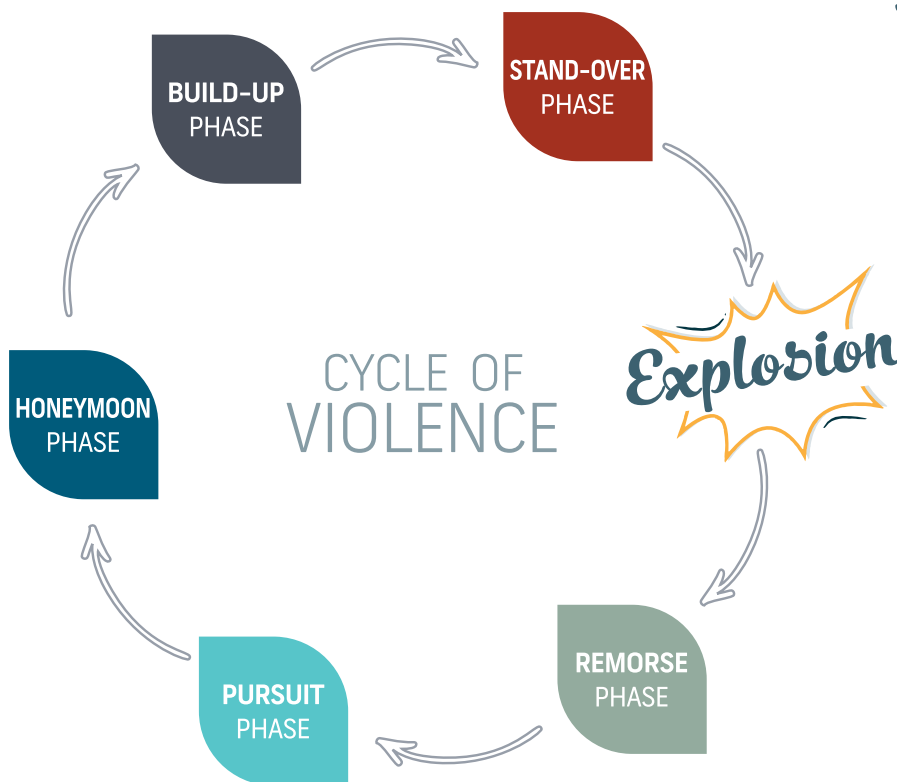



Responding to domestic and family violence

CYCLE OF VIOLENCE THEORY

On average, a victim will leave a DFV relationship seven times before she leaves permanently.¹⁹ It is important to understand the psychological reasons for this decision. The cycle of violence offers an understanding around the recidivist dynamic between perpetrators and victims.

The behaviour of the person who commits domestic and family violence is likely to change significantly over time, and to change in a cyclical pattern. The cycle of violence theory explains how and why the behaviour of a person who commits domestic violence may change so dramatically over time, and why victims of domestic violence often remain in the abusive relationship for so long.



 www.communities.qld.gov.au/resources/childsafety/practice-manual/prac-paper-domestic-violence.pdf

¹⁹ www.domesticabuseshelter.org/infodomesticviolence.htm



As illustrated in the diagram, the behaviour of those who commit domestic violence is likely to move through a number of stages. It is acknowledged that not everyone in domestic violence situations experiences the same stages and some may not relate to these at all, but many do. The phases of the cycle are understood as follows:

The build-up phase This phase may begin with normal relations between the people in the relationship, but involves escalating tension marked by increased verbal, emotional or financial abuse. In non-violent relationships these issues can normally be resolved between the people in the relationship.

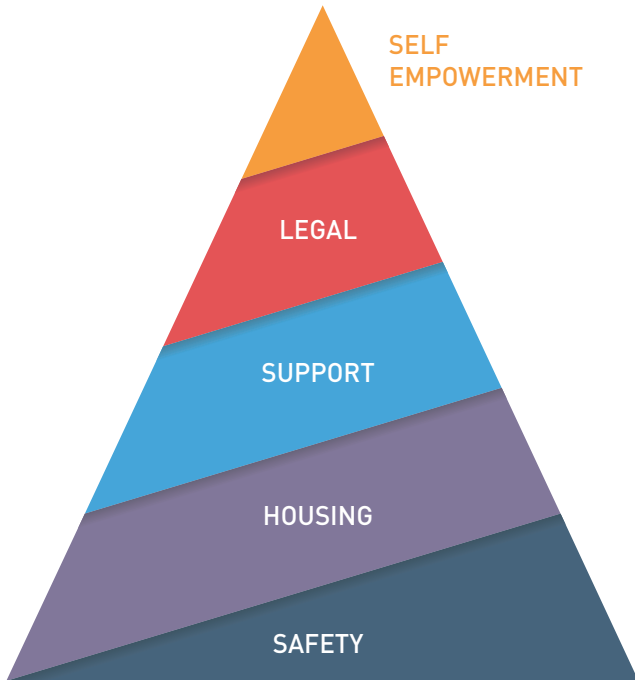
The stand over phase This phase can be extremely frightening for people affected by domestic and family violence. The behaviour of the person who uses violence in relationships escalates to the point that a release of tension is inevitable. The person affected may feel that they are 'walking on egg shells' and fear that anything they do will exacerbate the situation.

Explosion The explosion stage marks the peak of violence in the relationship and can involve criminal assault, terrorising, serious threats and property damage. The person who commits domestic and family violence experiences a release of tension during an explosion phase, which may become an entrenched behaviour.

The remorse phase At the remorse stage, the person who uses domestic and family violence in their relationship feels ashamed of their behaviour or they may be afraid of the consequences. They may retreat and become withdrawn from the relationship. They may also try to justify or minimise their actions to themselves and to others by blaming the victim.

The pursuit phase At this stage, the person who uses domestic and family violence in relationships promises to the other person never to be violent again and the violent offender may go through a dramatic personality change. The person who uses domestic violence may try to make up for their past behaviour during this period and say that other factors have caused them to be violent, for example, work stress, drugs, or alcohol. They may try to win back their partner with gifts and promises and attention, or they may act helpless, saying such things as "I can't live without you" or "I'll kill myself".

The honeymoon phase During the honeymoon phase of the cycle of violence, both people in the relationship may be in denial as to how bad the abuse and violence was. Both people do not want the relationship to end, so ignore the possibility that the violence could occur again. After a period of time the violence reoccurs.



UNDERSTANDING THE NEEDS OF A PERSON EXPERIENCING DOMESTIC AND FAMILY VIOLENCE.

It is beyond the scope of this Toolkit to articulate and understand the myriad of needs a person may require. However, while it is important to be mindful of individual differences and circumstances, it is reasonable to assume there are some common needs a person experiencing DFV requires.

(There are similarities between Maslow's Hierarchy of Needs and the needs of victims and survivors of DFV)

Safety – the primary need a person experiencing DFV will require is the need to feel safe from harm (including children). Feeling safe from harm includes emotional, physical, mental and psychological safety.

Housing – the need for feeling safe includes housing. Uncertainty and fear about future housing is a common concern shared by people contemplating leaving a DFV relationship.

Support – people leaving violent relationship are often emotionally and socially isolated. It is imperative the person feels they (and their children) will be provided with appropriate support and they understand the support is not dependent on whether they return to the abusive

relationship. Support includes emotional, counselling, relocation, child care and financial.

Legal – it is essential that a person experiencing DFV be provided with the correct legal information about the legal process and what support and protection is available. Often victims are not only concerned about their own safety, but are also preoccupied with concern about what will happen to the perpetrator. Referring the person to the appropriate legal advisors can potentially reduce recidivism.

Self-empowerment – given the abusive dynamic of DFV it is important that a person not feel pressured to leave an abusive relationship but rather be provided with the correct information and supported to make their own decision.



How might you start a conversation with a person experiencing domestic and family violence?

It is important to understand the intensely emotional nature of DFV and that a victim may feel a sense of shame, guilt and fear about the situation. Such feelings can create communication barriers and it is helpful wherever possible to build a sense of rapport with the person.

While this may be difficult to achieve due to limited opportunity, the following questions can assist to create a space for dialogue:

ARE YOU OK?

Sometimes asking a simple question such as 'Are you OK' can provide an opportunity for the person to talk about the situation.

YOU APPEAR TO BE STRESSED. IS THERE ANYTHING HAPPENING THAT IS STRESSING YOU?

Sometimes asking an open question by using descriptive words such as 'stressed' instead of asking directly about DFV can assist the person to disclose. It also provides a supportive non-judgemental environment that promotes self-empowerment.

YOU SEEM TO BE HURT. CAN I ASK WHAT HAPPENED?

Such a question is more often used if a person displays physical signs of being harmed. Wherever possible it is important to let the person know you have noticed they are hurt as often victims of DFV feel isolated and silenced.

WOULD YOU LIKE SOME SUPPORT?

Due to the psychological effects of DFV a victim may not know how or where to ask for support. At this stage it is important that the person be reassured that support is available and that they do not need to organise this alone.

ARE YOU SAFE? YOU HAVE A RIGHT TO BE SAFE.

Regardless of which of the above questions is used it is crucial that the message of 'a right to safety' is reinforced. In doing so, the language of abuse is challenged by introducing a sense of hope and empowerment.

Partnerships

It is acknowledged the core business of community housing providers (CHP's) is to provide safe affordable social housing by successfully sustaining and managing tenancies. While community housing providers are committed to preventing and responding to DFV it is important that the separation between tenancy management and support is maintained.

In developing this Toolkit, it is hoped the tools will enhance the capabilities of CHP's to recognise and respond to DFV. However, effective responses will require efficient collaborative arrangements and partnerships between CHP's and DFV support providers.

While there are existing partnership arrangements; it is critical for CHP's to continue to forge new relationships in order to refer tenants / applicants when DFV is recognised. An appropriate response may require a range of partnerships, such as:

- » referral to outreach services
- » specialist homelessness services
- » pathways between transitional housing and CHP's
- » facilitating priority transfers when DFV is identified
- » referral pathways to government mainstream organisations
- » access to Women's Health Centres.



Domestic and family violence: the legal framework and obligations

Information for this section has been sourced from Women's Legal Services NSW.

THE LAW

The *Family Law Act 1975* is a federal law that covers:

- » Divorce
- » Financial matters (property and maintenance) of separated couples. The Family Law Act covers de facto couples (including same sex de facto relationships) and married couples; and
- » Issues about children after separation of their parents (except child welfare issues which are dealt with by the Children's Court). The Family Law Act covers children whose parents were married or in a de facto relationship (including a same sex de facto relationship) and children whose parents have never lived together.

The ***Child Support (Registration and Collection) Act 1988*** and ***Child Support Assessment Act 1989*** are federal laws that set up Child Support. These laws cover child support in most circumstances.

The ***Domestic and Family Violence Protection Act (2012)*** is a state law. It enables local courts to make Domestic Violence Orders (DVOs) to prevent violence, abuse and harassment in domestic relationships.

This Act gives Police Officers scope to issue a Police Protection Order in certain situations and also includes provisions regarding Temporary Protection Orders where certain conditions are met. Ouster orders can also be issued by Police.

In Queensland, there is also legislation to support information sharing practices aimed at increasing safety and risk. This also includes certain provisions relating to

information sharing between agencies where there are concerns about safety and the threat of violence. These provisions should be clearly understood by CHPs and written into guiding policies and procedures.

In some jurisdictions such as NSW, the ***NSW Crimes Amendment (Provocation) Act 2014*** amends the ***NSW Crimes Act 1900***. Provocation can be used as a partial defense to murder. If it is accepted it means a conviction of manslaughter instead of murder. This section was repealed and replaced by the ***Crimes Amendment (Provocation) Act 2014*** following the matter of *Singh v R* [2012] NSWSC 637 (7 June 2012). The offender, Chamanjot Singh, was charged with the murder of his wife, Manpreet Kaur, on 29 December 2009. He pleaded not guilty to murder but guilty to manslaughter, on the grounds of provocation. The Crown did not accept that plea and the matter proceeded to a trial with a jury. The jury acquitted the offender of murder but convicted him of manslaughter.

In Queensland, provocation laws remain. Law reform in other jurisdictions has in part been driven by the intention to prevent a murder charge being reduced to manslaughter because perpetrators of DFV argue they were provoked.

The ***Criminal Law (Domestic Violence) Amendment Act 2016*** aims to simplify and modernise the existing offence of strangulation. This Act intends to help victims of domestic violence.

The terms ***domestic violence*** and ***family violence*** are often interchanged. They both generally refer to violence between two or more people who are connected by a domestic relationship.

In Queensland, the terms ***domestic violence*** and ***family violence*** are used in the Domestic and Family Violence Protection Act (2012). However, the federal Family Law Act 1975 refers to ***family violence***. This definition of family violence changed in 2012 and acknowledges more types of abuse.



A relevant relationship is defined in the Domestic and Family Violence Protection Act 2012 as follows:

A relevant relationship is:

- » an intimate personal relationships or
- » a family relationship or
- » an informal care relationship.

An intimate personal relationship is:

- » a spousal relationship or
- » an engagement relationship or
- » a couple relationship.

THE *Family Law Act*

Family Violence means violent, threatening or other behaviour by a person that coerces or controls a member of the person's family, or causes the family member to be fearful.

Examples of behaviour that may constitute family violence include (but are not limited to):

- a) an assault; or
- b) a sexual assault or other sexually abusive behaviour; or
- c) stalking; or
- d) repeated name-calling; or
- e) intentionally damaging or destroying property; or
- f) intentionally causing death or injury to an animal; or
- g) unreasonably stopping a family member from having access to and control of money; or
- h) unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or his or her child, at a time when the family member is entirely or predominantly dependent on the person for financial support; or
- i) preventing the family member from making or keeping connections with his or her family, friends or culture; or

- j) unlawfully depriving the family member, or any member of the family member's family, of his or her liberty.

WHAT IS A DOMESTIC VIOLENCE ORDER?

Domestic violence is a crime and should be reported to the police. The police may charge the violent person with assault and/or apply for a DVO for protection of the victim. If the victim would like to remain in their house, police have the power to exclude the violent person from the house.

An DVO is a court order that places restrictions on the person who is violent or abusive towards the victim. In DVO matters this person is referred to as the defendant. A DVO can be tailored to meet the circumstances of each victim so that it provides the best possible protection.

Police have the power to issue Police Protection Orders or Temporary Protection Orders and make film recordings that can be used in evidence.

IS IT A CRIMINAL OFFENCE FOR A PERSON TO HAVE A DVO AGAINST THEM?

The purpose of a DVO is to protect the victim from the future behaviour of the violent person. Having a DVO against a person is not a criminal offence and is not listed on the defendant's criminal record.

If the defendant breaches the DVO issued against them it can lead to a criminal offence, because it is a breach of a court order. If a breach occurs, the police will investigate the incident and where there is sufficient evidence, charge the violent person. If that person is found guilty of the charge, a criminal conviction can be recorded



WHICH COURTS DEAL WITH FAMILY LAW MATTERS?

There are three courts that deal with family law matters:

- » the Family Court
- » the Federal Circuit Court
- » the Local Court

The Family Court and the Federal Circuit Court are often referred to as the Family Law Courts.

PROTECTING CHILDREN

The *Child Protection Act 1999* is the legal framework guiding the Department of Child Safety in child protection.

Core principles of the Act in relation to child protection are:

- » the welfare and best interests of the child are paramount
- » the preferred way of ensuring a child's welfare is through support of the child's family
- » intervention is not to exceed the level necessary to protect the child
- » family participation in planning and decision making for children
- » consultation with Aboriginal and Torres Strait Islander agencies in decision-making regarding Aboriginal and Torres Strait Islander children
- » children and families have a right to information
- » services are to be culturally appropriate
- » coordination, consultation and collaboration with families, other professionals, agencies and the community
- » accountability of the department.

Various professionals in contact with children are required by law to report child abuse. This is known as **mandatory reporting**.

While CHPs are not mandatory reporters, during the course of their work, staff may have reasonable suspicion that a child or young person is at risk of significant harm. It is important to have organisational protocols, policies and procedures to ensure that appropriate steps are taken to protect children suspected of being at harm.

Forging effective partnerships with specialist and other support agencies who can work collaboratively with CHPs on child protection matters is very important.

Children who live in homes where there is domestic violence grow up in an environment that is unpredictable, filled with tension and anxiety and dominated by fear. This can lead to significant emotional and psychological trauma, similar to that experienced by children who are victims of child abuse. Witnessing adverse events in childhood can lead to longer term, permanent cognitive changes that impact negatively on language development and learning capacity.



The Duluth Model: Understanding Power and Control

The central element of domestic and family violence is an ongoing pattern of behaviour aimed at controlling a partner through fear. The power and control wheel was developed in Duluth, Minnesota, following interviews with women who had experienced domestic and family violence, who were asked to identify ways in which they felt they were controlled.

The power and control wheel provides a simplified understanding of various forms of domestic and family violence from the perspective of the victim being subjected to the violence.

THE POWER AND CONTROL WHEEL

At the centre of the wheel is the purpose of all violent tactics in the relationship, which is the intention of one party to exercise and establish power and control over another.



A person who uses violence believes he or she has a right to control their partner and may use some or more of the tactics found in the power and control wheel by:

- » Telling them what to do and expecting obedience
- » Using force to maintain power and control over partners
- » Feeling their partners have no right to challenge their desire for power and control
- » Feeling justified in making the person subjected to domestic and family violence comply
- » Blaming the abuse on the partner and not accepting responsibility for wrongful acts.

The tactics shown in the wheel are examples of how power and control are exercised against the person subjected to violence:

ISOLATION

- » Limiting outside involvement
- » Making a partner avoid people / friends / family by embarrassing them or humiliating them in front of others
- » Expecting a partner to report every move and activity
- » Restricting use of the car
- » Moving residences

INTIMIDATION

- » Driving recklessly to make the partner feel threatened or endangered
- » Destroying property or cherished possessions
- » Making the partner feel afraid by using looks / actions / gestures
- » Displaying weapons

Resource: Power and Control Wheel

www.theduluthmodel.org/pdf/PowerandControl.pdf



EMOTIONAL AND MENTAL ABUSE

- » Putting the partner down or name calling
- » Ignoring or discounting their activities and accomplishments
- » Withholding approval or affection
- » Unreasonable jealousy or suspicion
- » Playing mind games

USING PETS OR CHILDREN

- » Threatening to take the children away
- » Making the partner feel guilty about the children
- » Abusing children or pets to punish the partner

ECONOMIC AND FINANCIAL ABUSE

- » Preventing the partner from getting or keeping a job
- » Withholding funds
- » Spending family income without mutual consent and / or making the partner struggle to pay bills
- » Not letting the partner know of or have access to family / personal income
- » Forcing the partner to ask for basic necessities

PHYSICAL ABUSE

- » Biting / scratching
- » Slapping / punching
- » Kicking / stomping
- » Throwing objects
- » Locking another in a closet or utilising other confinement
- » Deprivation of heat or food
- » Assaults with weapons such as knives / guns / other objects

SEXUAL ABUSE

- » Sex on demand or sexual withholding
- » Physical assaults during sexual intercourse
- » Spousal rapes or non-consensual sex
- » Sexually degrading language
- » Denying reproductive freedom

THREATS

- » Threats of violence against significant third parties
- » Threats to commit physical or sexual harm
- » Threats to commit property destruction
- » Threats to commit suicide or murder

USING PRIVILEGES (PERCEIVED OR CULTURED)

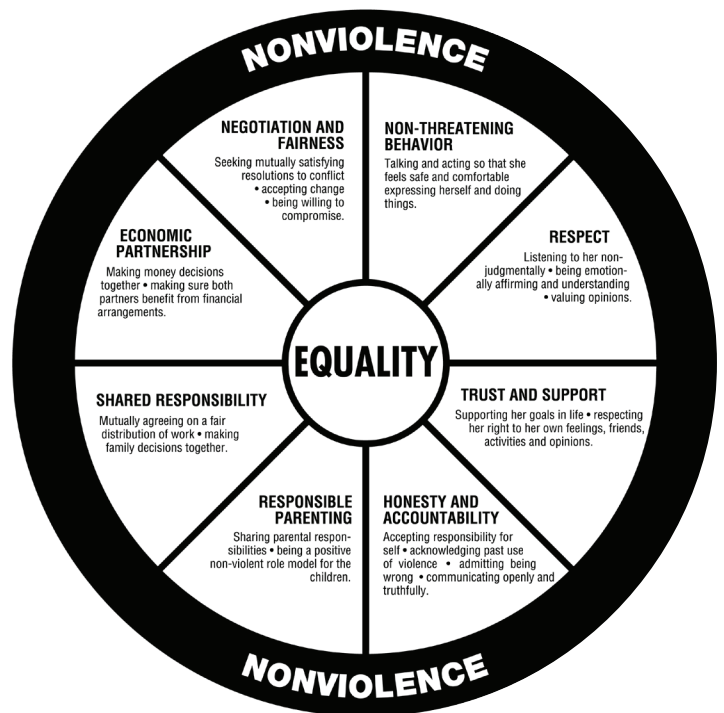
- » Treating another like a servant
- » Making all the big decisions
- » Being the one to define male and female roles
- » Acting like the master or queen of the castle



THE EQUALITY WHEEL

The Equality Wheel was developed in consultation with women who have experienced domestic and family violence and is designed to be used with the power and control wheel. It aims to describe the changes needed to move from a violent relationship to a respectful relationship.²⁰

In a respectful relationship, power is shared between both parties; neither party has power or control over the other. Respect is the foundation of the relationship, and trust and love stem from this mutual respect. Arguments and disagreements are possible and likely, even in a respectful relationship, but it is possible to acknowledge and resolve differing understandings and perspectives in a considerate, non-threatening and non-violent manner. It is possible for a violent relationship to become a respectful relationship.



 **Resource: Equality Wheel**

www.theduluthmodel.org/pdf/Equality.pdf

20. www.theduluthmodel.org/training/wheels.html



Queensland Government Policy and Practice Initiatives

Domestic and Family Violence

The following information is available at:

 <https://www.communities.qld.gov.au/gateway/end-domestic-family-violence/home>

The Queensland Government has made a commitment to taking action to end domestic and family violence.

On 18 August 2015, the Premier released the Queensland Government response to the [Not Now, Not Ever: Putting an end to domestic and family violence in Queensland](#) report, accepting all 121 of the Special Taskforce's recommendations directed at government, and supporting the 19 recommendations directed at non-government bodies.

[Read the Queensland Government Response to the Report and Implementation Plan.](#)

[The Domestic and Family Violence Prevention Strategy 2016-2026](#) and [supporting action plans](#) provide the framework for taking strong, positive and coordinated action to better support people affected by domestic and family violence and collaborate with the community to ensure sustainable changes are made.

The Queensland Government has put in place a [Special Taskforce on Domestic and Family Violence in Queensland](#), chaired by the Honourable Quentin Bryce AD CVO, former Governor-General of Australia. This taskforce was established on 10 September 2014.

The Domestic and Family Violence Implementation Council has now been established to monitor and champion the implementation of the

- » recommendations from the Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland report and the Queensland Domestic and Family Violence Prevention Strategy.

The Taskforce was requested to examine Queensland's domestic and family violence support systems and make recommendations to the Premier on how the system could be improved and future incidents of domestic violence could be prevented.



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