

Submission to:

The House Standing Committee on Social Policy and Legal Affairs Inquiry into Family, Domestic and Sexual Violence





Acknowledgement of Country

No to Violence acknowledges First Nations Peoples across these lands; the Traditional Custodians of the lands and waters. We pay respect to all Elders, past, present and emerging. We acknowledge a deep connection with country which has existed over 60,000 years. We acknowledge that sovereignty was never seeded, and this was and always will be First Nation's land.



Committee Secretary House of Representatives Standing Committee on Social Policy and Legal Affairs PO Box 6021 Parliament House Canberra ACT 2600

Dear Committee members

No to Violence welcomes the opportunity to provide a submission to the Inquiry into family, domestic and sexual violence.

No to Violence is Australia's largest peak body for organisations and individuals who work with men who use family violence (commonly referred to as 'perpetrators'). We also operate the Men's Referral Service, which provides telephone counselling and referral pathways for men who are using family violence, and their friends and family.

Founded in 1994, we have been at the forefront of advancing practice for addressing the abusive and violent behaviours of men who use violence.

As we write these paragraphs, we are reminded of how far there is to go to reduce and end family violence. At the time of writing, at least 34 women have been killed this year in Australia through gendered violence¹. The premature death of every single women is a tragedy. These are people with stories, experiences and lives which are no longer part of their communities.

Without working with the people who are perpetrating this violence, the rates of violence will continue to rise, and the tragic and premature deaths will continue.

Our members and colleagues across the sector work directly with men who use violence, linking in with victims and their support services to conduct risk assessment and make sure they are safe.

In contrast to the importance of this work, this is an area with historically low levels of investment. This is in part because it is a new focus and a relatively new area of practice; but also due to the apprehension of speaking about the people who are actually using family violence. We must stop this aversion if we are truly to respond and prevent the causes of family violence, in order to prevent the trauma and increasing demand for support services after the fact.

As is highlighted in this submission, one of the key things that will drive change across Australia's family violence system will be better interconnectivity and availability of services.

¹ Destroy the Joint, 10 August 2020



We are all this together; the community sector, employers, employees, community groups, individuals and importantly, government.

Governments, as the primary funders of services, must work together to ensure the system and services are enabled to work together.

Family violence does not stop at borders, or at different levels of governments.

The next National Plan needs to elevate family violence into an arena where intergovernmental cooperation, accountability and transparency is expected.

Like health, housing and education, the next National Plan should be established under the Intergovernmental Agreement of Federal Financial Relations, acknowledging family violence is core business.

Throughout this submission, we have highlighted a number of key findings and recommendations which we think are needed to improve the committee's understanding of family and domestic violence and support it formulate recommendations for your inquiry which will improve the safety of victims of family violence, and address the violent and abusive behaviour of men who use violence.

Key findings:

- Primary prevention will yield a massive return on investment in the long term, and is critical to invest. Early intervention is also essential for a shorter-term impact to immediately improve the safety of victims of family violence.
- Research into responses to men's family violence shows promising trends toward responsive, tailored programs, with emphasis on early engagement. There is an urgent need for a national evaluation framework for perpetrator interventions.
- Although there has been considerable movement towards greater coordination across jurisdictions, more is needed, including an Intergovernmental Agreement to ensure responsibilities and coordination are transparent and people and governments are held accountable.
- Shifting the burden from victims to perpetrators should occur, pending victim safety, with case management core to ensuring perpetrator behaviours and victim safety are addressed.
- The Commonwealth has important roles to play in mitigating the increased family violence risks posed by some technological innovations, including spyware.
- Arguably the benefits of the legislated offences around coercive control could be achieved by improving family violence expertise within the police and legal professions,



strengthening current risk assessments to respond appropriately to coercive control, and increasing community awareness of coercive control in the context of family violence.

- The continuation of the collection of data, such as the Personal Safety Survey and NCAS, is
 important as we transition to a new National Plan. This needs to collect data from diverse
 populations. Nationally consistent data is limited due to the state-based nature of police
 datasets, and needs to be informed by detailed insights on outcomes for victim survivors
 and perpetrators.
- It essential to work with perpetrators to prevent future cases of family violence; however, evidence needs to be generated for a suite of evidence-based interventions.
- Services must reflect the needs of people from different life experiences, regardless of background.
- The family violence sector has been highly resilient and innovative to ensure services continue during the COVID-19 pandemic; albeit at significant sacrifice. Lessons from this time period could provide opportunities to change how we work in the future.

Thank you for the opportunity to provide this submission. We welcome an opportunity to speak to the Committee regarding our submission.

Yours sincerely

Jacqui Watt Chief Executive Officer



Summary of Recommendations

- 1. Implement the recommendation of **Our Watch** that primary prevention initiatives:
 - a. Occur over the lifespan of the individual
 - b. Where appropriate, be developed and led by communities
 - c. Be widespread across all sectors and arenas of public life
 - d. Be well-evaluated
 - e. Be well-funded
 - f. Targeted at high-risk groups
 - g. Leverage existing systems and technologies, such as social media and online educational tools
 - h. Empower all people to safely challenge violence such as through bystander interventions.
- 2. Establish a **nationally coordinated telephone and online counselling** and referral service, that encompasses all jurisdictions.
- 3. Pending research and evaluation of **technology facilitated interventions** with men who use violence, consider new mechanisms for addressing violence in areas.
- 4. Move away from a one size fits all approach to perpetrator interventions, shifting to a spectrum of evidence-based programs that address individual variables leading to the choice to use abuse and violence.
- 5. Ensure programs are **able to comprehend and address different individuals' experiences and circumstances,** including specialised programs for people who do not speak English, with mental illness, and people of diverse sexuality and gender.
- 6. The Australian Government funds a **pilot focusing on use of Motivational Interviewing** to increase intervention effectiveness.
- A working group of experts with representatives from ANROWS, No to Violence, Universities and practitioner-experts is established to design and implement a national evaluation framework.
- 8. Continue **investment in the core family violence infrastructure**, including 1800RESPECT, Our Watch and ANROWS.
- 9. That the next National Plan is established under the **Intergovernmental Agreement on Federal Financial Relations**, and is an agreed 'National Agreement' or 'National Partnership'.
- 10. The Commonwealth Government requests the **Productivity Commission measure family,** domestic and sexual violence expenditure and prevalence across all jurisdictions.



- 11. Shift the burden on leaving the home, when safe, from the victim to the perpetrator, ensuring they are supported by wrap-around support and case management.
- 12. Expand the provision of **case management to perpetrators of family violence** across Australia, with consideration of brokerage funding for case managers designed to specifically address issues that could impact the safety of their victims.
- 13. Continue **funding for critical research** around the context, motives and outcomes of technology facilitated abuse in particular the Office of the eSafety Commissioner and ANROWS.
- 14. **Continue and expand training for understanding technology facilitated abuse**, in particular in specialist men's family violence services and other sectors that intersect with perpetrators (including justice and legal sectors). Expand awareness of coercion and control and how it is a form of family violence across the community through awareness raising campaigns.
- 15. Expand training and include information about **coercion and control** in current training and qualifications around coercion and control across numerous sectors, including mental health, justice and courts, medical and family violence.
- 16. Inclusion of coercive control in legal definitions in Family Violence at both the state and federal levels
- 17. Continuation and expansion of the Personal Safety Survey (PSS) and National Community Attitudes towards Violence against Women Survey (NCAS) beyond the life of the National Plan to Reduce Violence against Women and their Children 2010-2022.
- 18. Ensure the **Australian Bureau of Statistics establish a community consultation mechanism** to improve data collection from people who have difficulties communicating their experiences of family, domestic and sexual violence through the Personal Safety Survey.
- 19. Development of an **Evaluation Framework for Perpetrator Interventions**, to support building the evidence base as well as evidence-based practice.
- 20. Noting the importance of addressing perpetrator behaviour, and building off a newly established Evaluation Framework, expand the availability of funding for researching perpetrator programs and interventions and refining and improving practice.
- 21. Fund both **community-specific organisations** (including, but not only, First Nation's controlled organisations, culturally and linguistically diverse community-led services, LGBTIQA+ led services) to deliver services; and **ensure mainstream organisations also have the cultural competency** to support experiences with diverse life experiences.
- 22. The sector's adaptation to COVID-19 should be evaluated and researched; with **opportunities to develop new and effective practice for responding to family violence**.



A. Immediate and long-term measures to prevent violence against women and their children, and improve gender equality.

Summary: Primary prevention is will yield a massive return on investment in the long term, and is critical to invest in. Early intervention is also essential for a shorter-term impact to immediately improve the safety of victims of family violence.

To use an anecdote, consider our society as a house. This house was built during a different era, primarily by men. Although we have seen some renovations to make life more equitable (for example, anti-discrimination legislation, the right to vote, the right to work) the house was still built for the men who designed it, and as such the fundamental structural issues still exist (including a power imbalance that directly contributes to the high levels of family violence experienced by women).

The early intervention and tertiary system (including counselling, case management, group work, emergency housing, and so on) are the renovators. We are patching up the issues and responding to when the house falls apart. We are responding to the trauma, and trying to prevent it happening again.

However, the fundamental structural issues are still there. Until they are addressed, structural inequalities and power imbalance will continue to exist. What is required is a rebuild which eradicates the patriarchal power imbalances that cause and contribute to family violence and creatives an equal and respectful society.

Primary prevention practitioners, and critical organisations like Our Watch, are these rebuilders.

Gender-based violence, including sexual, domestic and family violence, has huge economic costs and strains health, legal, police, community and other services. In 2016, KPMG Australia estimated the costs at \$22 billion per annum².

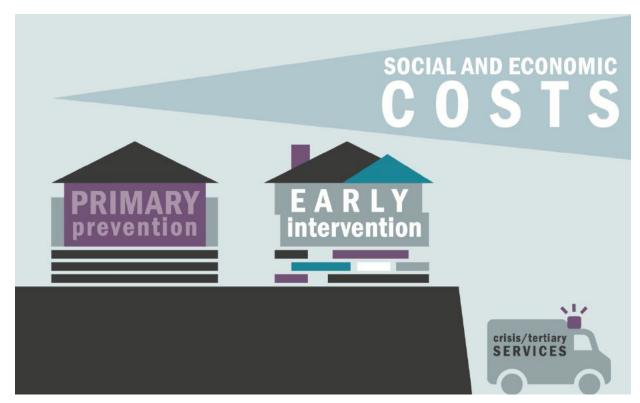
However, this cost in currency pales in comparison to the social impacts of experiences with family violence. The use of violence, abusive and coercive control restricts the agency and livelihoods of victim-survivors. The psychological and physical impacts of violence and abuse stays with many victim survivors for their whole lives. For too many, their lives are cut short.

For these reasons, sexual, domestic and family violence is a public health issue and requires a coordinated whole of community response. And this response needs to start at stopping

² KPMG Australia (2016)



violence before it happens (or happens again); rather than just focusing on the 'ambulance at the bottom of the cliff'.



Primary Prevention

Addressing the structural issues that lead to gender-based violence is a long term, but incredibly important initiative. It is critical that the focus is maintained and expanded in this area, to prevent the social and economic costs for the next generation.

The Our Watch' Change the Story Framework (2015) outlines the systemic gendered drivers of violence and provides a guide for individuals, communities and organisations to initiate and participate in primary prevention of gender-based violence.

As highlighted by Our Watch, primary prevention work should address the attitudes, practices and power differentials across the whole population to prevent gender-based violence.

It is critical that primary prevention opportunities take an intersection approach. Every single person has different experiences and backgrounds, and programs and messaging need to be able to appeal and resonate with everyone to be their most effective. These are influenced by our gender, sexuality, cultural heritage, familial background and so much more.





First Nations

Peoples



People with

disability



People from

culturally and

linguistically

diverse

backgrounds



People of

diverse

sexuality and

their families





People of People of diverse sex can be and gender results of the second second

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In doing so, primary prevention and early intervention programs should also recognise the expertise of specialist sexual, domestic and family violence services in the gendered nature and dynamics of these forms of violence and how to work in a safe and trauma-informed way.

The return on investment from investing in primary prevention will be significant, both in terms of reduced trauma but also in terms of an overall reduction in funding required to support the 'ambulance at the bottom of the cliff'.

Recommendation 1: Implement the Our Watch recommendations that primary prevention initiatives:

- Occur over the lifespan of the individual
- Where appropriate, be developed and led by communities
- Be widespread across all sectors and arenas of public life
- Be well-evaluated
- Be well-funded
- Targeted at high-risk groups
- Leverage existing systems and technologies, such as social media and online educational tools
- Empower all people to safely challenge violence such as through bystander interventions.

Early intervention and preventing repeat offences

Early intervention is focused at preventing people from needing crisis and tertiary responses due to their experiences of violence, and should be an immediate focus for preventing family violence (and the repeat offences of the men who use violence).



A recent survey commissioned by No to Violence found the majority of men wouldn't know where to go to get support for their use of family violence³. We have a system that is built (importantly) to respond to people experiencing violence, without addressing the person using it and trying to prevent it from happening.

No to Violence operates the Men's Referral Service, a national telephone counselling and referral service that receives calls from men using domestic and family violence. Many of the men we work with recognise there is an issue, but are not sure where to find help – something we help them with.

Our members, the organisations that operate longer term services to support men to change their behaviours, also support men to change their behaviour before it happens again.

The accessibility of these services that work with men who use violence differs across Australia. Perpetrator programs are seldom available in large parts of the country (particularly in more regional and remote areas), and a number of jurisdictions have no access to an ongoing telephone counselling and referral service.

A nationally consistent and coordinated approach to addressing men who use violence would increase these referral pathways. However, it is important to acknowledge that many places across Australia have no services to refer to.

Recommendation 2: Establish a nationally coordinated telephone and online counselling and referral service, that encompasses all jurisdictions.

During the COVID-19 pandemic, some services have pivoted to technology facilitated interventions using blended delivery approaches (i.e. video conferencing supported with case management, family contact work, etc). Whilst there are currently limited evidence bases and potential risks associated with this, where monitoring and evaluation find this an effective mechanism it could provide a new tool in the suite of interventions across Australia to address men's use of family violence. Whilst in person services are best practice; there are key lessons from these blended delivery approaches that offer potential in addressing remote and regional accessibility to direct interventions with men using family violence.

There are also opportunities for broader applicability for technology facilitated interventions in specialist areas, such as people with limited English skills or people of diverse sex, sexuality and gender, which in many areas struggle to have a critical mass of clients to run these services. This has the potential for clients could come from across jurisdictions, enabling specialist responses in areas outside of metropolitan areas.

³ Wendy Touhy (2020)



The return on investment from increase focus on early intervention has the potential to significantly reduce trauma, and reduce more expensive tertiary responses such as crisis services, policy and justice responses.

Recommendation 3: Pending research and evaluation of technology facilitated interventions with men who use violence, assess the evidence for innovative new mechanisms for addressing family violence in remote and regional areas.



B. Best practice and lessons learnt from international experience, ranging from prevention to early intervention and response, that could be considered in an Australian context.

Summary: Research into responses to men's family violence shows promising trends toward responsive, tailored programs, with emphasis on early engagement. There is an urgent need for a national evaluation framework for perpetrator interventions.

Though No to Violence have a keen interest in the prevention of family violence and believe that the earlier interventions occur the more likely they are to be effective, the bulk of our work and the work of our members is in response to family violence after it has occurred.

It is important to note that these responses are fundamental during the current times to respond to high levels of violence; although optimally our sector would be able to shift to intervening as early as possible, in line with best practice.

The No to Violence Policy and Research team works with leading academics across Australia that research men's use of family violence, and regularly reviews and considers international research. Our submission is informed by this research, and the experience our of staff and members in working directly with men who use family violence.

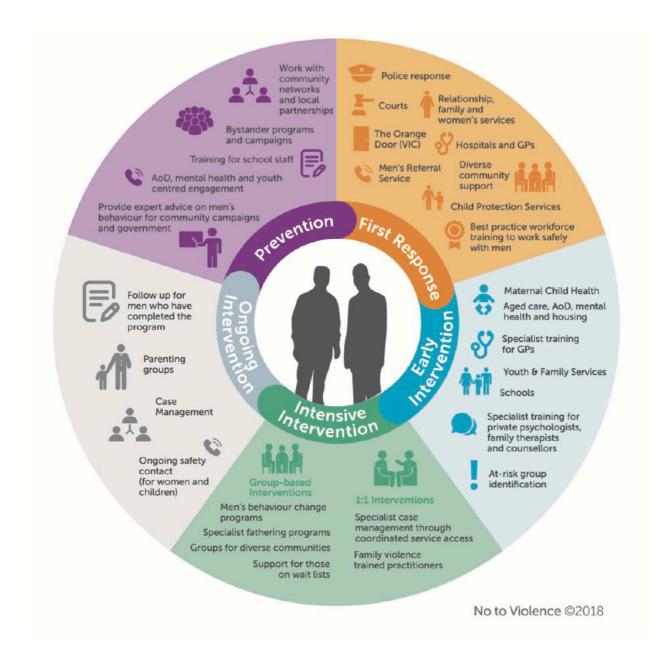
One size does not fit all

First and foremost, one-size-fits all programs in response to perpetrators of family violence are less effective than interventions that target specific needs and risks of perpetrators⁴. Historically, responses to perpetrators of family violence have been premised on single-factor explanations of family violence, most prominently gendered socialisation as the driver of family violence perpetration behaviour⁵.

⁴Karakurt, G., et al. (2019)

⁴ Devaney, J., et al. (2016).





Though there can be no doubt that power imbalances associated with gender inequality are a critical factor in the cause of family violence⁶, interventions that focus solely on this broad

⁶ Stark, E. (2007). <u>Coercive control how men entrap women in personal life</u>. New York.



socio-cultural factor without addressing more proximal factors (e.g. substance misuse) have shown only moderate reductions in violence recidivism⁷.

Responses to family violence perpetrators that include multiple factor explanations and treatment targets are beginning to demonstrate more positive outcomes.

⁷ Babcock, J., et al. (2004). "Does Batterers' Treatment Work? A Meta-Analytic Review of Domestic Violence Treatment." <u>Clinical Psychology Review</u> **23**: 1023-1053.



For example, interventions that seek to address both gendered power and socialisation as well as well as perpetrator needs, such as mental illness and ill-health, substance misuse, and housing have demonstrated greater client retention and slightly higher reductions in recidivism⁸ compared to programs that address only gendered factors.

Recommendation 4: Move away from a one size fits all approach to perpetrator interventions, shifting to a spectrum of evidence-based programs that address individual variables leading to the choice to use abuse and violence.

Recommendation 5: Ensure programs are able to comprehend and address different individuals' experiences and circumstances, including specialised programs for people who speak other languages, with mental illness, and people of diverse sexuality and gender.

Addressing attrition rates

Attrition is a major issue associated with program data indicating that approximately 40 to 60 per cent of clients are not completing programs.

There has been some progress made in addressing the first problem predominantly out of the United States. Several studies have demonstrated that either pre-intervention Motivational Interviewing sessions⁹ or a more positive motivational interviewing-type facilitation approach¹⁰ has led to both greater retention and completion of interventions, as well as reductions in recidivism (as reported by both police and victim-survivors).

Drawing on these findings, No to Violence and the University of Melbourne have developed a technology-facilitated motivational interviewing platform in order to enhance client motivation to engage in interventions. Although not yet published, initial pilot results have been extremely positive, with participants feeling engaged by the platform; gaining insight into their harmful behaviours, and finally enhancing participant motivation and self-efficacy in help-seeking.

Another method for reducing retention that could be considered is an enforcement approach (i.e. if there were consequences for not completing programs – in particular ones referred from Courts – this could have major impacts in reducing attrition). However, our members have found that interventions are most effective when people are willing and ready to address behaviours.

⁸ Karakurt, G., et al. (2019

⁹ Murphy, D. C. and D. R. Maiuro (2009)

¹⁰ Scott, K. L. and C. B. King (2007). "Resistance, Reluctance, and Readiness in Perpetrators of Abuse Against Women and Children." <u>Trauma, Violence, & Abuse</u> **8**(4): 401-417.



Recommendation 6: The Australian Government funds a pilot focusing on use of Motivational Interviewing to increase intervention effectiveness.

Better and more consistent evaluation to build evidence-based practice

In 2019, Australia's National Research Organisation for Women's Safety (ANROWS) published a report on *Evaluation readiness, program quality and outcomes in men's behaviour change programs*¹¹.

In their report, they highlight the range of prescriptions for Australian policymakers when it comes to interventions for perpetrators of family violence. They suggest that this is in large part because service providers lack the readiness to be able to evaluate their programs. The report found a broad of approaches across Australia to program design and delivery, for the most part, however, they found that programs lacked a clearly articulated theory of change or program logic.

In this report, ANROWS highlighted a need for government and peak body support for program providers to better and more consistently design and evaluate their programs. The authors highlight the European Project IMPACT, which has supported program providers all across Europe to evaluate the outcomes of their perpetrator intervention programs and warrants consideration by the Senate committee.

Recommendation 7: A working group of experts with representatives from ANROWS, No to Violence, Universities and practitioner-experts is established to design and implement a national evaluation framework.

¹¹ Day et al (2019)



C. The level and impact of coordination, accountability for, and access to services and policy responses across the Commonwealth, state and territory governments, local governments, non-government and community organisations, and business.

Summary: Although there has been considerable movement towards greater coordination across jurisdictions, more is needed, including an Intergovernmental Agreement to ensure responsibilities and coordination are transparent and people and governments are held accountable.

Family violence has no boundaries, no borders, it does not discriminate, it is embedded in every community across Australia and sadly in too many households. Victims of family violence who are seeking support are not wondering whether this is a state or Commonwealth funded service; they want timely support and to be safe and healthy.

Across Australia, there are major inconsistencies in the support available. This change is based on whether you are in a metropolitan, regional or remote area; which happens between states and territories; whether you are an Australian citizen or on a working or partner visa.

Issues associated with information-sharing mean that many victims of family violence are having to tell their story over and over across differing systems; potentially retraumatising them and highlighting the broken nature of the current system.

It is time for systems to properly come together – federal, state, local, business, community sector – to make sure getting support is not any more difficult than it should be.

Australia's National Research Organisation for Women's Safety (ANROWS)

There have been areas of significant progress and intergovernmental collaboration since the commencement of the National Plan to Reduce Violence against Women and their Violence 2010-2022.

Of particular note is ANROWS, which has been fundamental in building practice at an Australian level. In part as a result of the establishment of ANROWS, we no longer need to rely heavily on overseas research to drive our responses, this research can complement and inform local research to drive change.

We call on all governments to use these resource and fund appropriately organisational capacity to translate this research into evidence informed interventions that support a whole of



family approach. Interventions targeted at children, victim survivors and perpetrators that work towards a unified response to addressing family violence.

Our Watch

Australia is at the forefront of primary prevention activity and research in the domestic and family violence sector, which has been heavily driven from Our Watch. Primary prevention is not an area which can stop and start – to yield the long-term benefits, investment must be at least sustained.

1800RESPECT

Before the establishment of 1800RESPECT, there was no coordinated intake mechanism from victim support services, or universal telephone and online counselling service. The call volumes 1800RESPECT receive indicate the massive value of the service, as does their partnership with state-based crisis services.

Recommendation 8: Continue investment in the core family violence infrastructure, including 1800RESPECT, Our Watch and ANROWS.

Coordination of perpetrator services

Like the availability of services for men who use violence, intake mechanisms vary dramatically. There are a number of ways that men are referred to services, including direct referral, selfreferral and through telephone counselling and intake services.

Currently there are three telephone intake services operating across Australia:

- NSW, Victoria, Tasmania: Men's Referral Service, operated by No to Violence
- Queensland: DV Connect Mensline
- Western Australia: Western Australian Government's Men Family Violence Line

During the COVID-19 pandemic, funding from the Commonwealth Government (and South Australian Government) has enabled access to the Men's Referral Service nationally through time-limited COVID-19 funding for family violence. No to Violence is working with DV-Connect and the Western Australian Helpline to ensure coordination.

Different services will frequently receive interstate calls, noting there is no obvious intake service for men looking for support. Research commissioned by No to Violence found that most men would not know where to go if they were using family violence.

There is an opportunity to leverage the current collaboration occurring during COVID-19 to develop a more coordinated intake service for men who use violence. An opportunity for the



contrasting service to 1800RESPECT, focused on the perpetrator, which leverages the existing services that exist in some jurisdictions.

Refer to Recommendation 2.

Intergovernmental coordination:

We have seen progress through the Council of Australian Governments (COAG) for a more unified response to addressing family violence across the country. In many ways the current COVID-19 pandemic has encouraged and supported cross-border collaboration and support.

We sense the opportunity for the new National Plan to be embedded in a framework of coordination, collaboration and accountability.

In over a decade since it commenced, the National Plan has been primarily a Commonwealth policy document with limited inputs from State and Territory Governments.

States and territories have varying legislation, different definitions of family violence and different funding commitments on how family violence is resourced.

In a federalist system, differences are not necessarily bad and can lead to innovation and new areas being trialled. The Commonwealth, State and Territory Governments must reflect their varying constituencies.

However, a level of consistency in responses is essential for such an important matter – it is inequitable to not have any support for family violence – whether you are a victim or a perpetrator – depending on which state, territory, town or city you live in.

As core business for government which requires intergovernmental coordination, No to Violence strongly recommends the next National Plan is elevated to the status of similar major societal issues and areas of intergovernmental collaboration – namely an agreement established under the Intergovernmental Agreement on Federal Financial Relations.

Recommendation 9: That the next National Plan is established under the Intergovernmental Agreement on Federal Financial Relations, and is an agreed 'National Agreement' or 'National Partnership'.

As highlighted above, many lessons can be drawn from different jurisdictions who have differing laws and policies.



However, there is limited transparency or measurement about the efficacy on a macro level. To learn from the lessons of the Commonwealth, State and Territory Governments, the Productivity Commission should report on family violence expenditure and rates in the Report on Government Services.

Recommendation 10: The Commonwealth Government requests the Productivity Commission measure family, domestic and sexual violence expenditure and rates across all jurisdictions.



D. The way that health, housing, access to services, including legal services, and women's economic independence impact on the ability of women to escape domestic violence.

Summary: Shifting the burden from victims to perpetrators should occur, pending victim safety, with case management core to ensuring perpetrator behaviours and victim safety are addressed.

No to Violence endorses the recommendations of the submissions from Domestic Violence Victoria, Women's Legal Services Victoria and Domestic Violence New South Wales.

Housing

No to Violence would also like to draw attention to the importance of access to health and housing services for perpetrators in order to reduce the barriers to them addressing their use of violence.

Across the country, there is a dependence on victims of family violence leaving their homes to escape violence. Whilst this is critical, this adds a substantial burden on the victim.

Accommodation with wrap around support, including case management, can support perpetrators to link in with such services to address their use of violence and increase safety for women and children.

On 17 August 2020, the Victorian Government announced funding for No to Violence to pilot a Perpetrator Accommodation and Support Program. Lessons from this program, if successful, should be used to inform a broader roll out of services that takes the burden off victims of family violence.

Recommendation 11: Shift the burden on leaving the home, when safe, from the victim to the perpetrator, ensuring they are supported by wrap-around support and case management.

Case management

No to Violence welcomed the addition of perpetrator case management to the integrated family violence service system in Victoria, with ongoing funding allocated to this service type. Victorian No to Violence members have reported that this service offering has been integral to their work and their capacity to offer men additional support outside a group-based model.



Work is currently underway in one region in Victoria to trial the use of case management brokerage through an integrated response and collaboration between men's and women's specialist family violence services and Victoria Police.

The region has identified that men are being engaged in case management responses after the point of crisis, with no referrals directly from police, who had been identified as a key referral pathway in the policy design. This partnership is attempting to address the impact of immediate and after-hours homelessness and recidivism by providing police with motel and food vouchers for use at the point of contact, and for a warm referral and follow-up with the perpetrator the next business day.

Recommendation 12: Expand the provision of case management to perpetrators of family violence across Australia, with consideration of brokerage funding for case managers designed to specifically address issues that could impact the safety of their victims.



E. All forms of violence against women, including, but not limited to, coercive control and technology-facilitated abuse.

Technology facilitated abuse

Summary: The Commonwealth has important roles to play in mitigating the increased family violence risks posed by some technological innovations, including spyware.

Technology facilitated abuse is a significant emerging issue in perpetrator behaviours, in particular men who use violence control, coerce, stalk and harass victim survivors¹².

In 2013, as a response to concern from family violence professionals and victim survivors of technology facilitated abuse, the Domestic Violence Resource Centre Victoria (DVRCV) conducted the first study into the prevalence, nature and impact of technology facilitated abuse in Australia¹³ The research found that technology facilitated abuse is common with 98% of family violence sector professionals having clients who had experienced technology-facilitated abuse.

Research has also found that when expressing a formal concern to Police about technology facilitated abuse, victim survivors commonly encounter perceptions that technology-facilitated abuse is less serious than other types of abuse¹⁴.

One growing area of concern in technology-facilitated abuse is the use of spyware. Victim survivors are increasingly reporting that spyware is being used by current or previous partners to monitor their locations and communications¹⁵. Spyware allows a victim's sense of safety, privacy, control and security to be taken away and permits a situation where a victim may feel like everything they do and say is known to the perpetrator. A lack of understanding of the capacity of spyware from service providers or friends and family of the victim can also deepen feelings of not being believed¹⁶.

No to Violence is supporting of the work of the Office of the eSafety Commissioner and WESNET in raising awareness of technology facilitated abuse, and providing training the sector to be able to address and mitigate it.

¹² Woodlock (2017)

¹³ Woodlock (2013)

¹⁴ George and Harris (2014)

¹⁵ Chatterjee et al. (2018)

¹⁶ ibid



Recommendation 13: Continue funding for critical research around the context, motives and outcomes of technology facilitated abuse – in particular the Office of the eSafety Commissioner and ANROWS.

Recommendation 14: Continue and expand training for understanding technology facilitated abuse, in particular in specialist men's family violence services and other sectors that intersect with perpetrators.

Coercive control

Summary: Arguably the benefits of the legislated offences around coercive control could be achieved by improving family violence expertise within the police and legal professions, strengthening current risk assessments to respond appropriately to coercive control, and increasing community awareness of coercive control in the context of family violence.

No to Violence endorses the recommendations of the submissions from Women's Legal Service Victoria on this complex legal matter.

Victim survivors have long reported that the most damaging part of family violence is the psychological abuse – manipulation, isolation and humiliation.

Professor Evan Stark, described as world's leading authority on coercive control, developed the concept of coercive control to describe the behaviour of the perpetrator as a 'pattern of domination that includes tactics to isolate, degrade, exploit and control' victims, 'as well as to frighten them or hurt them physically'¹⁷

Understanding family violence as coercive control helps to move away from conceptions of family violence as solely physical acts of violence which still exist. An incident-based conceptions of family violence as translates into the way that police, prosecutors and judges see and respond to family violence, which is often an incident-based focus.

Recognising, understanding and responding appropriately to coercive control supports a shift away from incident-based policing towards assessing family violence as a pattern of behaviour that is cumulative, which is how victim survivors describe experiencing it.

Example: England and Wales

England and Wales introduced the new office of 'controlling or coercive behaviour' in 2015 (*Serious Crimes Act (England and Wales) 2015 UK*). The offence is defined in gender neutral

¹⁷ Stark (2007: 8)



terms and limited to behaviour that occurs within an intimate relationship and/or between people who live together.

Evidence around the offence includes the following:

- There has been a consistently low number of prosecutions and convictions. By December 2018 there had been 7034 arrest recorded and only 1157 charges.
- Evaluations points to issues around the ability of police to recognise coercive control and issues with being able to provide evidence of this offence^{18 19}
- Statistics published by the UK Ministry of Justice show that 97 per cent of offenders that were sentenced for the offence in the year 2017 were male²⁰
- Research shows that a large range of behaviours were being prosecuted under the offence include threats to kill or suicide, isolating the victim and controlling the victim's use of technology²¹
- An analysis of media cases showed that most cases the perpetrator had also used physical or sexual violence²².

In an Australian context, Tasmania is the only jurisdiction to have legislation around coercion and control. In 2005 Tasmania introduced two new offences; economic and of emotional abuse and intimidation (*Family Violence Act 2004 Tas*). Both of these offences fall under the definition of coercive control, however to date, neither has generated many prosecutions²³.

Several inquiries in Australia have considered the issue, including the Australian Law Reform Commission (ALRC) in 2010, Queensland's Special Taskforce on family violence in 2015 and Victoria's Royal Commission into Family Violence (RCFV) in 2016 (Australian Law Reform Commission 2010; Queensland's Special Taskforce 2015; Royal Commission into Family Violence Report Recommendations 2016).

However, all have recommended against this course of action. Queensland's Special Taskforce found that there was not a consensus of how it would be applied and mentioned the difficulties of proving such an offence in court. The ALRC stated that it would be too hard to define what behaviour should be captured and the RCFV concluded that there was not enough evidence on the effectiveness of the offence to recommend new laws. Both the ALRC and the RCFV have

¹⁸ Bishop & Bettinson (2018)

¹⁹ Cowling (2018)

²⁰ UK Government (2018)

²¹ McGorrery & McMahon (2019)

²² ibid

²³ Walklate & Fitz-Gibbon (2019)



also communicated that criminal laws to address family violence should not be introduced on a superficial or symbolic basis²⁴.

Potential benefits	Challenges
 Symbolic shift towards family violence as a pattern of behaviour Enabled authorities to punish behaviour that would otherwise have been difficult to prosecute 	 The assumption that the threat of imprisonment equals deterrence Reliance on victim's engagement with the police Limits of a criminal response to family violence Financial costs Potential unintended consequences, including misidentification, abuse of systems, risks for vulnerable groups

The attention given to the seriousness of coercive control and the desire to address it is welcomed among family violence professionals. Behaviour that interferes substantially with a person's liberty and autonomy requires action, however careful consideration of how that action will achieve what it intends to is required.

With this recognition, there has been calls for legislation across Australia which will specifically focus prosecuting these forms of domestic and family violence.

Arguably the benefits of the offence could be achieved by improving family violence expertise within the police and legal professions and strengthening current risk assessments to respond appropriately to coercive control. Awareness of coercive control as a form of family violence in the legal system and also the wider public is possible through training and awareness raising campaigns that do not also carry the potential harms of a criminal justice response.

No to Violence, in partnership with Swinburne University of Technology, delivers a Graduate Certificate in Client Assessment and Case Management, focused on men who use violence. This, as well as other training offerings by No to Violence, embed current understandings of coercion and control into the curriculum.

Recommendation 15: Expand awareness of coercion and control and how it is a form of family violence across the community through awareness raising campaigns.

Recommendation 16: Expand training and include information about coercion and control in current training and qualifications around coercion and control across numerous sectors, including mental health, justice and courts, medical and family violence.

²⁴ McGorrery & McMahon (2016)



Recommendation 17: Inclusion of coercive control in legal definitions in Family Violence at both the state and federal levels



F. The adequacy of the qualitative and quantitative evidence base around the prevalence of domestic and family violence and how to overcome limitations in the collection of nationally consistent and timely qualitative and quantitative data including, but not limited to, court, police, hospitalisation and housing.

Summary: The continuation of collection of data, such as the Personal Safety Survey and NCAS, is important as we transition to a new National Plan. This needs to better collect data from diverse populations. Nationally consistent data is limited due to the state-based nature of police datasets, and needs to be informed by detailed insights on outcomes for victim survivors and perpetrators.

Personal Safety Survey and National Community Attitudes Survey

Police data around family violence only indicates interactions with police – we know that most cases go unreported.

The Personal Safety Survey, funded under the National Plan to and delivered by the Australian Bureau of Statistics, is an excellent resource for providing indicative information about actual rates of family violence in our community. This should continue beyond the life the current National Plan.

However, this is also collected every four years – which is difficult for monitoring and evaluation of programs, and designing programs. A more frequent collection of information, turned around in a faster time frame, would be of great benefit to the sector and policy makers.

The National Community Attitudes towards Violence against Women Survey (NCAS), delivered by ANROWS, is also an excellent report for measuring community attitudes and acceptance of domestic, family and sexual violence. It is important that this important work continues after the National Plan expired.

Recommendation 18: Continuation and expansion of the Personal Safety Survey (PSS) and National Community Attitudes towards Violence against Women Survey (NCAS) beyond the life of the National Plan to Reduce Violence against Women and their Children 2010-2022.

Measuring prevalence outside of 'mainstream communities':

It is predicted that current Personal Safety Survey data collections provide inaccurate depictions of family violence across many communities, in particular <u>people from culturally and</u> <u>linguistically diverse communities</u>.



As highlighted in the Department of Social Services' Background and Evidence Paper²⁵ for the Fourth Action Plan consultation:

"Given the diversity of women from CALD backgrounds in Australia, understanding their experiences of DV is difficult and little Australian research on the topic exists. Moreover, cultural and social norms are unique to particular cultural groups and, in some cases, violence against women is tolerated or accepted.

"The 2013 NCAS found that people born overseas in a country in which English is not the main language spoken (compared with those born in Australia) have a lower level of understanding of violence, a greater propensity to endorse violence supportive attitudes and a lower level of attitudinal support for gender equality (page 4, NCAS Technical Report).

"...The proportion of women who had experienced violence since the age of 15 was estimated at 41 per cent for women born in Australia or an English-speaking country, compared with 23 per cent of those born in a non-English speaking country."

The paper suggests that the methodology for collection of data from people from culturally and linguistically diverse backgrounds, attitudes and acceptance of violence, and a number of other difficulties are indicative of why *"We cannot say conclusively that CALD women experience more or less domestic and/or sexual violence than non-CALD women in Australia"*.

The experience of the sector, in particular organisations that work with women from culturally and linguistically diverse backgrounds, indicates that more work is required on refining the methodology to be more inclusive of all people across our community.

This is similar for <u>women with disability</u>, who are only reported only a mild increase in the level of violence compared to those with no disability. Other research has suggested that the prevalence for violence towards women with disability is considerably higher, with the barriers to reporting substantially greater.

There are also hugely problematic issues when collecting data from people of diverse sex, sexuality and gender (or LGBTIQA+). We draw your attention to Recommendations F1 and F2 of the ACON submission.

The Australian Bureau of Statistics should establish an intersectionality working group, or groups, to improve the collection of data from people with difficulties in communicating their experiences of violence, whether it be through language, cultural lenses or communicative disability (physical and intellectual).

²⁵ Department of Social Services (2018)



Recommendation 19: Ensure the Australian Bureau of Statistics establish a community consultation mechanism to improve data collection from people who have difficulties communicating their experiences of family, domestic and sexual violence through the Personal Safety Survey.

Crime statistics as a source of information on prevalence

Within each state, incidence (i.e. the rate of new cases) can be monitored through crime statistics, primarily police incident reports. Statistics based on police databases are publicly available and police practices have improved over time so that family violence incidents have become more visible in police reporting.

Prevalence (i.e. total open cases at a particular time) can also be inferred from this data because police trace repeat incidents to unique individuals, so it is possible to view how many times an individual perpetrator or affected family member (AFM) has been involved in reported incidents. Additional crime statistics are available from the State-based courts (i.e. Magistrates Courts) in the form of intervention order applications.

In relation to the question of nationally consistent data, the most obvious limitation of these datasets is their state-based nature. Each state's dataset reports on the activities of a different legal system. Each state has its own criminal code and family violence legislation; codes of police conduct for investigation and reporting; Magistrates Court and Legal Aid system.

The Men's Referral Service has firsthand experience of the inconsistency of police reporting practices and procedures between states, as well as the different systems for legal aid referrals.

While the police and courts are well-equipped to collect data about cases as they respond to them, most interventions are delivered in the community sector. Therefore, services that provide specialist family violence interventions are able to provide the most direct and detailed insight into progress on outcomes for victim survivors and perpetrators.

Proper resourcing for the development of program evaluation standards and practices would go a long way toward improving the consistency and timeliness of national family violence prevalence statistics.

Consistent, or at least comparable, data from different jurisdictions will be of great benefit in the ongoing monitoring of family violence incidence and prevalence, and should be integrated into a regular annual report (**see Recommendation 9**).



G. The efficacy of perpetrator intervention programs and support services for men to help them change their behaviour.

Summary: It essential to work with perpetrators to prevent future cases of family violence; however, evidence needs to be generated for a suite of evidence-based interventions.

We endorse and draw the Committee's attention to submission from the Monash Gender and Family Violence Prevention Centre and ACON's submission on this matter.

Globally, public policy to address family violence can be broken into three complimentary objectives:

Prevent family violence from	Ensure, where family	Ensure that those who
occurring and reduce its	violence does occur, that	perpetrate family violence
reoccurrence	victim-survivors receive	are held to account
	timely and effective	
	supports	

Perpetrator intervention and support services are primarily concerned with the objective of holding perpetrators to account.

Much of the discourse exploring perpetrator accountability has focused on the justice response to perpetrators of family violence. Justice responses have long been assumed to produce both individual and general deterrence, however, it is increasingly clear that justice responses alone do not deter family violence.^[1]

While justice responses play an important part of definition what is and is not acceptable across our society and managing risk, it is essential to work with the men who use violence and abuse to prevent it happening again.

Without addressing the perpetrator's use of family violence, they will likely do it again. Without addressing the perpetrators use of family violence, you are not addressing the fundamental causes of family violence.

Evidence-informed intervention programs and services are crucial for supporting perpetrators to take responsibility for their violent behaviour, and supporting perpetrators to develop skills in order to practice and sustain non-violence^[2]. They are also essential for monitoring the safety of victim survivors, and risks associated with the perpetrator's behaviour.

No to Violence, and our member organisations and colleagues across Australia, work every day with men who use violence. We have seen success across our programs, but also note additional assistance is required to refine and improve practice.



Research

There is a contentious debate within the published research about which outcome measures are meaningful in the evaluation of perpetrator programs.

Broadly, the variables of focus tend to fall into two categories; *violence reduction* and *victim-survivor safety*. It is the position of No to Violence that both measures are essential.

Violence cessation that does not support the safety of victim survivors is meaningless and conversely, measuring the safety of individual victim survivors does not preclude a perpetrator from victimising other community or family members if a program does not support a perpetrator to end their use of violence.

The following components are taken from the international literature and have been found to increase either the safety of victim-survivors or the reduction of family violence perpetration.

- Ongoing case-management work with victim-survivors in order to support their safety, wellbeing and autonomy
- Mixed group and individual sessions with perpetrators of family violence
- Programs that run for at least 40 weeks
- Culturally sensitive and trauma-informed interventions
- Enhancement of program attendance and engagement through pre-group Motivational Interviewing sessions
- Evidence-informed program design. Including the use of a theory of change, program logic, and evaluation protocol
- Case management with perpetrators that support them to address co-occurring issues such as mental ill-health, homelessness, and alcohol and drug use

Through our close engagement with the practitioners and service providers among our membership, we are well-placed to observe that Australian practice is abreast of international trends. In many cases, Australian practitioners have led the world in developing intervention strategies and approaches to working with men who use family violence.

Unfortunately, these robust and decades-long practice traditions have not, until very recently, enjoyed a corresponding research culture. One of the main legacies of this neglect has been a dearth of evaluation-based evidence. Only in recent years, with the advent of a dedicated ANROWS stream of research into perpetrator interventions, has this need begun to be addressed.



Importance formative pieces of research in perpetrator interventions

Mackay et al (2015), "Perpetrator interventions in Australia: State of knowledge"

This study identified the dearth of published outcome studies of Australian-based programs. As the researchers note, the small pool of candidate studies, combined with variable methodological approaches and quality have rendered impossible evidence synthesis about Australian programs' efficacy.

Day et al (2019) "Evaluation readiness, program quality and outcomes in men's behaviour change programs", ANROWS

The need for more, rigorous evaluation research is highlighted and recommendations for pathways forward detailed in this paper. Among the study's key implications for policy makers, are the full implementation of the National Outcome Standards for Perpetrator Interventions; flexible interventions that engage a diverse perpetrator cohort; all of which should be situated within a "broader system of support that aims to maximise quality of practice, encouraging reflective practice and not just adherence".

Nicholas and colleagues' (2020) ANROWS publication of "The Evaluation guide: A guide for evaluating behaviour change programs for men who use domestic and family violence" Adoption of the Evaluation Guide at the local service level promises to enhance evaluation practices and lead to an enriched dataset for researchers to draw on. However, coordinated policy and funding commitment is required to build significantly on the advances made in recent years by practitioners and researchers.

Building new areas of evidence-based practice

Evidence gathering infrastructure for perpetrator interventions

Development of an evaluation framework so evaluation can be conducted consistently, supporting the sector to build and inform evidence-based practice. This was highlighted by ANROWS in 2019 as a critical need.

Technology facilitated interventions

Noting current COVID-19 context and potential broader applicability in spectrum of interventions, research, monitoring and evaluation of technology-facilitated perpetrator interventions.

Action Research to expand evidence based practice

Development and action research around new interventions for specific communities, including:

- Adolescents that use violenceElder abuse
- LGBTQA+ perpetrators
- People from culturally and linguistically divers backgrounds

Perpetrator attitudes

Noting the fundamental structural causes of family violence, research is needed to look at broader societal attitudes and compare to attitudes of perpetrators of family violence. This research would benefit primary prevention, early intervention and tertiary practice.

As highlighted in these above examples, research in these areas has been only recently been of an increased focus. There is a need to further build the evidence base for the suite of



perpetrator interventions, and this must use consistent frameworks to make sure they are comparable and build evidence-based practice.

Noting the diversity of Australian communities, there is also a need to investigate new way of intervening. This includes, but is not limited to, adolescent family violence, working with men from culturally and linguistically diverse backgrounds, elder abuse, First Nation's men. These projects are best conducted when they are led by, or in partnership with, organisations which are representative of the communities they service.

Noting the spectrum of services that respond to family violence, there is also a need for a research piece which works with perpetrator attitudes and compares with the broader community – this could have impacts for primary prevention to tertiary practice.

Recommendation 20: Development of an Evaluation Framework for Perpetrator Interventions, to support building the evidence base as well as evidence-based practice.

Recommendation 21: Noting the importance of addressing perpetrator behaviour, and building off a newly established Evaluation Framework, expand the availability of funding for researching perpetrator programs and interventions and refining and improving practice.



H. The experiences of all women, including Aboriginal and Torres Strait Islander women, rural women, culturally and linguistically diverse women, LGBTQI women, women with a disability, and women on temporary visas.

Summary: Services must reflect the needs of people from different life experiences, regardless of background.

We endorse and draw the Committee's attention to submissions by organisations that represent the views and experiences of a diverse range of communities and ages including:

- Djirra
- National Family Violence Prevention and Legal Services
- ACON
- CREATE Foundation
- Harmony Alliance
- Muslim Women Australia

Every person is unique. A person's life is made up of a range of experiences, which is influenced by background, culture, religious-status, sexuality, sex, gender, disability, country of origin, whether they come from the city of country, whether they grew up wealthy or more. It is also important to acknowledge the intersection between high incidences of trauma and other aspects of systemic disadvantage. Violence can impact anybody, regardless of their life experience and background.

What is important is that when someone needs help, the services are able to support them regardless of their experiences. It is also important to acknowledge that people should have choice in who helps them.

Existing consultation, including for the Fourth Action Plan of the National Plan, showed that people are generally more comfortable being supported by people who understand and share some of their experiences (i.e. culturally specific services), but some are more comfortable not disclosing violence to people within their communities (i.e. would rather go to mainstream services).

Recommendation 22: Fund both community-specific organisations (including, but not only, First Nation's controlled organisations, culturally and linguistically diverse community-led services, LGBTIQA+ led services) to deliver services; and ensure mainstream organisations also have the cultural competency to support experiences with diverse life experiences.



I. The impact of natural disasters and other significant events such as COVID19, including health requirements such as staying at home, on the prevalence of domestic violence and provision of support services.

AND

J. The views and experiences of frontline services, advocacy groups and others throughout this unprecedented time.

Summary: The family violence sector has been highly resilient and innovative to ensure services continue; albeit at significant person sacrifice. Lessons from this time period could provide opportunities to change how we work in the future.

Experience

In the face of the devastating 2019-20 summer bushfires and the global pandemic, the Australian community sector has performed well; buoyed by a strong willingness to collaborate between community and government stakeholders and to innovate to ensure services continue.

But it has not been easy. Workers and services, particularly working in family and domestic violence, are overwhelmed by demands and increasing resources required in operating differently.

As reported by the Australian Institute of Criminology²⁶, almost one in 10 Australian women in a relationship have experienced domestic violence during the coronavirus crisis, with two-thirds saying the attacks started or became worse during the pandemic.

From the earliest days of the pandemic, NTV has provided a central rallying point where frontline workers, service managers and government representatives have come together to learn from each other. Where needed, NTV has provided guidance and advocacy for our members.

In addition to demonstrating our members' capacity for adaptation in the face of change, COVID-19 has also foregrounded several key issues – some pre-existing, some arising specifically from COVID-19 - which need addressing going forward.

²⁶ Boxall et al (2020)



The pandemic has underscored the necessity of boosting sector capacity. Members found there was a need to rapidly upskill staff in delivering change-oriented and active holding work with men over the telephone. Furthermore, the increase in more labour-intensive individual phone-based work has stretched services to capacity. A shallow pool of ready-trained specialists has added to the pressure of services aiming to meet their targets.

This context of rapid change has required services to adapt their approaches to program delivery. No to Violence has provided the forum for dialogue between service providers and government bodies on an evolving set of service and practice guidelines, as well as modifications to funding arrangements. We have approached this as an opportunity to improve our sector's capacity for developing new, sophisticated program theories to meet a range of challenges.

Opportunities arising

The COVID-19 pandemic has meant that a number of organisations are delivering services differently.

In Victoria, whereas of writing was under Stage 4 restrictions, many providers of perpetrator programs are unable to deliver in-person due to physical distancing and risks to staff. Some providers have 'pivoted' to technology-facilitated interventions (i.e. video conferencing). Whilst this presents risk as it deviates from existing practice, it also provides an opportunity to delivery programs in a new way which could have implications beyond the COVID-19 pandemic.

For example, if, pending evaluation, online-programs were found to be suitable within the suite of perpetrator interventions, there could be broader applicability across more remote areas, or working within specific communities (such as LGBTIQA+, language-specific, etc).

No to Violence has also been funded to facilitate accommodation and support services to perpetrators, to reduce the burden on victims of family violence from leaving the home (when safe). Perpetrators will be found alternative accommodation, providing ongoing telephone counselling, and linked into other services such as men's behaviour change programs, drug and alcohol services and mental health services.

These innovations come at a difficult time; but also, present opportunities for a world once this pandemic is over.

Recommendation 23: The sector's adaptation to COVID-19 should be evaluated and researched; with opportunities to develop new and effective practice for responding to family violence.



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