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Towards a defence for
victims who kill their abusers

Facing the reality of intimate partner sexual violence

Domestic and family violence and Australian immigration law

Resource review: Mediation on children's issues in family law



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Director's message

It was great to see over 100 participants in the CDFVR forum *Putting Safety First*, held in Brisbane on 4 December. The purpose of the forum was to enable practitioners and advocates to contribute advice directly to an investigation of the interaction between domestic violence and child protection laws and practices and the family law. The investigation is being conducted jointly by the Australian Law Reform Commission (ALRC) and the NSW Law Reform Commission in consultation with other states and territories. Participants in the forum had the opportunity to hear from and engage with Professor Rosalind Croucher from the ALRC, who is leading the investigation. The joint ALRC/NSWLRC investigation arises from actions identified in *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children 2009*. The report is due in July 2010.



It is heartening for members of the National Council to Reduce Violence against Women and their Children to see this and other initiatives from its plan being advanced by the Australian Government. However, council members eagerly await the results of current negotiations between the Australian, state and territory governments, on the development of a joint government plan to reduce violence against women.

Having spoken recently at a TAVAN Institute symposium in Brisbane, it became apparent that some people mistakenly believe that *Time for Action* has been endorsed as *the* government plan. While the Australian Government has certainly responded very positively to *Time for Action*, and as suggested by its full name, *Time for Action* is the National Council's plan for Australia; not the government's. However, the National Council recommended that the Australian Government work with the states and territories, through the Council of Australian Governments (COAG) and on the basis of *Time for Action* content, to develop a joint government plan. The Prime Minister did take *Time for Action* to COAG and the development of the joint government plan to reduce violence against women is scheduled for completion by mid-2010.

The work on the government's plan is being progressed through a ministerial council, established specifically for this purpose. Reflecting the need for systems to work effectively together across portfolios and all levels of government, the ministerial council membership includes at least two representatives from the Australian Government and from each state and territory (with the exception of Tasmania which has one representative, holding multiple portfolios). Importantly, the membership is inclusive of ministers representing the portfolios of police, community services, women, justice and attorney-general, education, health and others. Queensland is represented on the ministerial council by Karen Struthers, Minister for Community Services and Housing and Minister for Women; and Cameron Dick, Attorney-General and Minister for Industrial Relations.

The COAG process will, of course, face a range of political and budgetary constraints in negotiating the governments' plan to reduce violence against women. Aware that members of the National Council to Reduce Violence against Women and their Children were relatively unconstrained in putting forward its vision, with a clear set of strategies and 117 specific actions, we await the results of the COAG process with great hope and a fair degree of trepidation!

Heather Rancarrow

Inside this issue

Centre News	2
Red Dust healing for women from Townsville region	3
Towards a defence for victims who kill their abusers	5
Domestic and Family Violence Database summary: Legal issues.....	7
Recognition of prior learning pilot: Course in Responding to Domestic and Family Violence (30629QLD)	9
Service spotlight: DVConnect Mensline court support program.....	10
Queensland's domestic violence death review panel: In brief.....	10
Facing the reality of intimate partner sexual violence	11
Domestic and family violence and Australian immigration law: A brief summary.....	14
Northern Territory experiences of Course in Responding to Domestic and Family Violence	15
Resource review: Mediation on children's issues in family law.....	17
Workshops, conferences and date claimers	18

Centre News

We welcome Lorraine Todd to the administration position at CDFVR.

Lorraine commenced work with CDFVR on 16 November. She has a background in education and worked at Mackay West State School as a teacher aide and administration assistant for the past 17 years. During her time with Education Queensland, Lorraine was involved in many projects including establishing and maintaining the school's website, producing a yearly electronic magazine and assisting with the development of the new English and Maths Program.



National Indigenous Family Violence Prevention Forum – 19 & 20 May, 2010



*L-R Back: Kim Robertson (CDU), Jill Guthrie (AIATSIS), Shirley Slann
Front: Annie Webster, Heather Nancarrow, Jackie Huggins*

On 12 November CDFVR met with its Aboriginal and Torres Strait Islander reference group and National Indigenous Family Violence Prevention Forum partners, the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and Charles Darwin University (CDU). The purpose of the meeting was to decide on speakers for next year's national forum from an impressive list of 55 expressions of interest received from across Australia.

People with a background in responding to domestic and family violence were asked to provide a brief description of their presentation and indicate the format that they would like to present in, choosing from keynote address, panel member or yarning circle leader. There were three topic choices, reflecting themes identified by the 2009 forum participants as priorities for 2010. The topic choices were domestic and family violence and children, domestic and family violence and homelessness, and abuse of older people.

The national forum team had the difficult task of choosing from the range of expressions of interest to develop a program. Expressions of interest were assessed against the forum objectives and applicants' preferred format for their presentations, while ensuring a spread of speakers from across Australia in the program. The next meeting of the 2010 national forum planning group will be in February, with the program and registrations to be available shortly after.

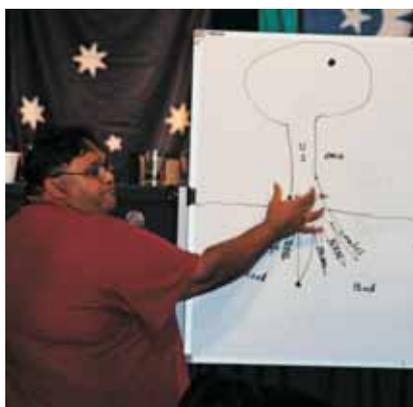
Red Dust Healing for women from Townsville region

Randal Ross and Tom Powell, guest contributors

CQUniversity, through the Queensland Centre for Domestic and Family Violence Research, engaged Red Dust Healing to facilitate a workshop for women in the Townsville region. Nine women attended and completed the program at Magani Malu Kes Torres Strait Island Information Resource Centre with some outstanding results. The program was conducted from 21 to 24 September 2009.

Program Delivery

The women were introduced to the visual modules of Red Dust Healing. These included the Family Tree, Choices (Who wins – Who loses), Pride vs Proud, the Bird and the Fish, JIG syndrome, Law vs LORE, and POUCH. Through these visual modules the participants were given an understanding of who they are, where they come from and from where and whom they get their strength.



Tom Powell demonstrating the Family Tree

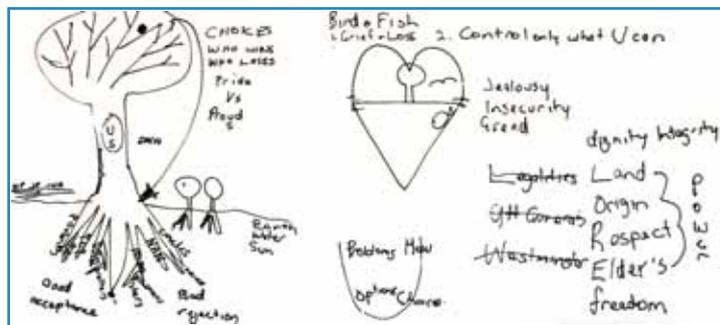
The **Family Tree** gave participants an understanding of the people who were and maybe who still are important to them in their lives. It also confirmed where they get their strength from, and gave them an understanding of where some of their rejection may have come from. It outlined through the branches, the choices

they made and the consequences of these choices, as well as who else their choices affect. The family tree also helped them to understand grief and loss.

With the **Bird and the Fish**, participants came to further understandings about dealing with grief and loss and this concept also gave them the knowledge that you can control only what you can in your element or environment. You cannot control other people or what is not within your direct control - otherwise welcome to stress! Participants acknowledged that they have all been in the situation of trying to control things they cannot and how it has stressed them.

Law Vs LORE demonstrated that as Indigenous people we may have to live and abide by two laws but if you maintain your LORE, this being your dignity, integrity, your power and your freedom, and you abide by this LORE in a righteous way, then it makes the other Law redundant. It takes it away. But if you give up your LORE to LAW then this law will make a judgement on how you live your life.

The **JIG Syndrome** stands for Jealousy, Insecurity and Greed. All the participants understood that this is what brings down families, relationships, agencies, organisations and communities and mentioned it was rife in all communities.



Illustrations: Family Tree, Bird and the Fish, JIG Syndrome and Law Vs LORE

Pride Vs Proud is an evaluation tool to deal with self consciousness. There is an 'I' in pride that makes it about I, I, I. There is a 'U' in proud making it about US. Red Dust Healing is about US, not 'I' or 'me'.

POUCH is a solution-based, problem solving concept that allows participants to deal with the issues and difficulties in their own lives. It stands for what Problems U have, what Options U have, what Choices U have and How are U going to deal with them. This tool gets the participants to look at solving some of the concerns that they may have and is a way of putting the responsibility back on the person without being in their face or pointing the finger.

After giving the participants the visual modules, we asked them to then draw their own family tree. This clearly moved all the participants because this began the individualising and personalising of the program.

After drawing their tree, participants were asked how they felt drawing it and writing down the names there. Every single participant stated that it touched them in some way or another.

It was at times difficult having family connections in the program especially with sisters and mother from one family being there, as it was confronting for them to disclose how they felt in front of one another. But the individualising and personalising of their own trees allowed for them to share how they felt without guilt.

It was amazing to see how sharing how they felt from their own perspective gave the sisters the understanding of where they were coming from individually. It was an extremely powerful experience to see this family heal within the three days of the program. This family is now healed.

One participant stated that it made her understand that *“she came from a line of strong black women”*. Another stated that *“doing my tree was amazing”* and what she got from it was *“an understanding that she has a daughter that looks up to her and learns from her”*. Another stated that *“it gave her an understanding who was there for her in her life and those friends and family that were there at the start were still there for her now”*. There was not one single woman in the group who said that they did not get something from their trees.

Participants were then asked to do a mapping process. They were asked to identify where they believed that their Mum came from and then their Dad, Nan and Pop, and where they believed that they came from. Please note we are very respectful in this exercise especially giving that some participants may come from stolen generations, and because of this, may not know Mum or Dad or where they come from. We ask them to place them where they believe in their hearts they belong. There are no right or wrong answers in Red Dust Healing.

.....it gave her an understanding who was there for her in her life and those friends and family that were there at the start were still there for her now.

some of the hurt. Participants also spoke of lost loved ones and what the impact of losing them had had not only on themselves but also on their family. The participants were then taken on their own personal journey using the Duluth Mats (used in the program in a culturally specific way). This part of the program is delivered one-on-one and participants are given the guarantee that what happens in the



Participant Janice Henaway

room stays in the room. It is in this session that many disclosures are aired. The women then broke for Women’s Business which is none of this scribe’s business. Participants then presented one another with a certificate and a CD for completing the Red Dust Healing.



Participant Aunty Alva Pedro

The next part was the family cards where participants wrote the names of those who were a part of their roots system on cards. Each person then told their stories through their cards by going back in time. Participants were asked to place the cards with their families’ and friends’ names on them as close to themselves

as that person was to them at that time. The ages the cards were placed were at approximately five years, then 13-16 years, then upwards until the age that they are now. This really got emotional for the majority of the women but again it was embraced and it allowed them to tell their stories. It examined the relationships they shared both good and bad with people who were a part of their lives. One woman stated that she felt like a weight had been lifted from her and she felt really light. Another acknowledged the hurt and rejection she felt from her relationship with an ex-partner. She also stated she felt that by doing this exercise it gave her an understanding how her family helped her through

Follow-up

Follow-up phone calls were made to the majority of participants and the results and feedback were overwhelming. One hundred percent of the participants stated they got heaps out of the program. Many stated that they now have some tools to work with issues that are relevant to their own lives and all stated that they wanted to do the follow up three day program if further funding can be accessed. Also most of the women wanted to be able to get the program out into their respective communities. May we personally state that, as men, we feel humbly honoured, thankfully grateful, graciously inspired and personally privileged to be able to have facilitated this workshop.



Facilitators Randal Ross and Tom Powell

Towards a defence for victims who kill their abusers

Heather Nancarrow, CDFVR

This article provides a very brief overview of the development and introduction of a Bill for a partial defence for victims of serious domestic violence who kill their abusers. The proposed defence, involving amendments to the Queensland Criminal Code, follows a recommendation from the Queensland Law Reform Commission to develop a separate defence for 'battered persons', and consultation commissioned by the Queensland Government on the development of such a defence. Professors Geraldine Mackenzie and Eric Colvin of Bond University were contracted to prepare an initial discussion paper to facilitate consultation and to report, with recommendations, to the Government.

Victims who kill their abusers: A discussion paper on defences

The discussion paper provided a well researched gender analysis of domestic and family violence to contextualise the consultation. It acknowledged the general view that victims of seriously abusive relationships who kill their abusers deserve at least some mitigation of punishment; and that a conviction for murder in these cases would be grossly unjust particularly where, such as in Queensland, the penalty for murder is a mandatory life sentence. Although several other Australian jurisdictions have introduced discretionary sentencing for murder, the Queensland Government has rejected any consideration of changing the mandatory life sentence.

With this option excluded, key questions posed in the discussion paper included whether:

- victims of serious violence who respond with violence against their abusers should have access to a complete defence (that is, no penalty if certain conditions are met);
- there should be a partial defence available (a charge of murder reduced to manslaughter), where conditions for a complete defence are not met; and whether
- providing either a complete or partial defence would be best done by amending the general laws of self-defence, or creating a separate defence or defences.

Thirteen written submissions and the results of 12 oral consultations formed the basis of the professors' report and its recommendations.

Homicide in abusive relationships: A report on defences

The report noted widespread support for amendment to the Criminal Code to provide additional protection against criminal liability, or to limit such liability for victims of serious domestic violence who kill their

abusers. Other Australian jurisdictions have amended their general laws of self-defence to provide additional protection against criminal liability, or to limit such liability for victims of serious domestic violence who kill their abusers. Overall, respondents to the Queensland consultation opposed this approach. The primary concern was that reforming the general laws of self-defence could unintentionally protect unmeritorious defendants, as well as protecting those who have a legitimate claim to such a defence.

Some respondents to the discussion paper supported a separate complete defence but there "was considerable opposition to such a development within the legal community..." (Mackenzie & Colvin, 2009 p. 9). Some of those opposed to the idea of a separate complete defence believed that such a defence was already available in the general laws of self-defence and had been successfully used by some victims of serious domestic violence. A separate partial defence, however, was strongly and widely supported for cases where a victim of abuse intentionally killed their abuser in response to fear and desperation, but whose circumstances did not meet the conditions for a complete defence of self-defence.

Based on the consultation results the report recommended the introduction of a separate, partial defence to murder for victims of serious domestic violence who kill their abusers and for family members who act to protect such victims. The recommended defence would reduce the charge of murder to manslaughter and would require that the defendant acted out of fear and desperation, believing their action was necessary for self-defence, or defence of a victim of serious domestic violence. The report recommended that the belief would have to be considered reasonable, given the circumstances the victim of the abuse faced.

Recognising the nature of domestic violence as an ongoing pattern of abuse, rather than an isolated incident, the report recommended that the existence of an assault should not be a condition for the defence.



The Bill

On 26 November 2009, the Bill for an Act to amend the Criminal Code to provide for a manslaughter conviction in relation to killing in an abusive domestic relationship was introduced to Parliament. The Bill provides for a partial defence (reducing murder to manslaughter) where:



- the accused has suffered serious domestic violence in an abusive domestic relationship;
- the deceased had committed acts of serious domestic violence against the accused in the course of the relationship;
- the accused believed at the time of the killing that their action was necessary to avert her/his own death or grievous bodily harm; and
- having regard to the abusive relationship, and in all the circumstances, there are reasonable grounds for this belief.

The definitions of 'domestic relationship' and 'domestic violence' are to be interpreted in the same ways as they are interpreted in the *Domestic and Family Violence Protection Act 1989*. Although 'serious domestic violence' is not defined, the Bill provides that "a history of acts of serious domestic violence may include acts that appear minor or trivial when considered in isolation".

The Bill provides specific recognition of the special circumstances surrounding victims of serious domestic violence who kill their abusers and, for this, it is commendable. However, it is disappointing that victims of serious domestic violence will have, specifically, only a partial defence when they are deemed to have reasonably acted for self-preservation in taking the life of their abuser. They will need to rely on the general laws of self-defence for a complete defence to murder.

In several ways, Queensland's laws of self-defence are of limited value to victims of serious domestic violence. In general, these limitations arise because of the gendered nature of domestic violence and responses to it for self-preservation. For example, the defence of self-defence requires that an assault has occurred or is imminent, whereas

a defensive response to serious domestic violence is more typically in anticipation of an attack, or in response to a series of prior attacks. This is because such defensive action usually involves a woman defending herself against a man, with disparity in physical stature and strength and in circumstances where simply leaving is not sufficient for self-preservation; in fact leaving may increase the risk to the victim's life. Gender differences are also relevant to the use of force that exceeds the force involved in the abuse and which, in the absence of a gendered perspective, may be considered unreasonable.

While the proposed new defence is a step in the right direction, it seems there will still be gender bias in Queensland law regarding defences against murder when a defendant is deemed to have reasonably acted for self-preservation. The risk is that victims of domestic violence who kill their abusers (predominantly women abused by men) are, at best, most likely to have access to a *partial* defence, while victims of assault who kill their attackers (predominantly men assaulted by other men) have better access to a *complete* defence.

References

Criminal Code (Abusive Domestic Relationship Defence and Another Matter) Amendment Bill 2009

Mackenzie, G & Colvin, E 2009, *Victims Who Kill Their Abusers: A discussion Paper on Defence*, prepared for the Attorney-General and Minister for Industrial Relations, Brisbane

Mackenzie, G & Colvin, E 2009, *Homicide in Abusive Relationships: A Report on Defences*, prepared for the Attorney-General and Minister for Industrial Relations, Brisbane

New CDFVR resource: Are you living in a Respectful Relationship?



CDFVR is pleased to announce that its new fact sheet *Are you living in a Respectful Relationship?* is now ready for distribution. This fact sheet was developed in collaboration with the Queensland Office for Women and in response to recent research on intimate partner abuse in the Bowen Basin and Mackay region of Central Queensland. *Are you living in a Respectful Relationship?* provides women with the opportunity to self assess their relationship. It affirms that non-physical abuse has serious effects and that women experiencing such abuse should seek help.

The fact sheet has been specifically designed for distribution in the Bowen Basin/Mackay region and features information about relevant services in the region; however there is also an adapted version for state-wide distribution, which provides information about support services across Queensland. An order form for this and other CDFVR resources is available at:

<http://noviolence.com.au/factsheetorders/factsheetform.html>

Domestic and Family Violence Database summary: Legal issues

Dr Liane McDermott and Annie Webster, CDFVR

Background

Each quarter CDFVR analyses data relating to new client matters presenting at various agencies across the state that provide domestic and family violence support services, and participate in CDFVR's Domestic and Family Violence Database data collection. The participating agencies provide a range of support services, including court support, counselling and crisis intervention. Some of the participating agencies provide services to the aggrieved (victims of domestic and family violence) only, while others provide services to both the aggrieved and the respondents (perpetrators of domestic and family violence). Therefore services may be provided to people who:

- are experiencing violence in current relationship
- are experiencing violence from a past relationship
- have previously experienced violence in a relationship
- are using violence in a current relationship
- are using violence in a past relationship
- have used violence in a relationship.

In this report we have examined characteristics associated with court support from the 80 507 new client matters reported during the period 1 January 2007 to 30 June 2009.

The data do not represent the prevalence of domestic and family violence in Queensland, but provide some insights into the needs associated with domestic and family violence for new client matters, with a particular focus on legal matters, for this period of time.

Primary type of service provided

Of the 80 507 new client matters recorded for the period 1 January 2007 to 30 June 2009, the majority (43.0%, n=34 627) were for court support, followed by crisis intervention (22.7%, n=18 276), counselling (21.7%, n=17 495), 'other' (6.7%, n=5 367) and advocacy (5.1%, n=4 070).

Table 1 shows different characteristics associated with seeking court support compared to any other type of support. The primary type of service sought by both males and females was for court support. This was particularly marked for males, with two-thirds seeking court support, compared to just over one-third for females. There were also significant differences in the primary type of service sought by Indigenous clients compared to non-Indigenous clients and clients from non-Australian backgrounds. Indigenous clients were most likely to seek crisis intervention, while other clients were most likely to seek court support.

For those who were experiencing violence in a current relationship, the primary type of service sought was most likely court support. Those who had previously experienced violence in a relationship were mostly seeking counselling, while those who were currently experiencing violence from a past relationship were predominantly seeking court support. Those who were either using, or had used violence in a current or past relationship were predominantly seeking court support.

Table 1: Court support compared to other types of support by different characteristics

	Court support %	Counselling %	Crisis Intervention %	Advocacy %	Other %	Total No.
Gender						
Female	36.7	23.4	26.6	6	7.3	60 951
Male	65.6	16.8	10.7	2.2	4.8	18 369
Transgender	61.1	16.7	11.1	5.6	5.6	18
Culture						
Non-Indigenous	44.8	23.2	21	4.4	6.7	64 799
Indigenous	34.4	12.2	36.7	9.5	7.2	6 819
Other	39.3	19.6	27.3	7.3	6.6	7 720
Primary reason for contact						
Experiencing violence in current relationship	35.2	23.3	29.4	5	7.1	43 079
Previously experienced violence in a relationship	29.9	35.7	16.5	7.5	10.4	6 919
Experiencing violence from a past relationship	48.7	19.4	20.5	7	4.4	12 523
Using violence in current relationship	74.3	11.4	10	1.1	3.3	11 616
Used violence in a relationship	59.9	18	4.8	9.4	7.9	1 322
Using violence in a past relationship	67.1	13.6	11.8	2.4	5.1	1 880

Table 2 shows the primary type of service sought for the type of relationship in which the violence was experienced. For most of the relationship types, court support was the most common type of service sought by clients. However, for those who were experiencing or had experienced violence in a relationship where they were receiving informal care, the most common type of service sought was crisis intervention.

Table 2: Court support compared to other types of support by relationship type

Type of relationship	Court support %	Counselling %	Crisis Intervention %	Advocacy %	Other %	Total No.
Spousal	42.1	22.6	23.5	5.6	6.3	62 048
Spousal (same sex)	56.5	16.1	23	1.3	3.2	317
Intimate personal	45.8	18.9	27.4	3	4.9	6 276
Intimate personal (same sex)	45.6	17.1	28.9	3.5	4.9	287
Informal care – providing care	34.6	32.1	23.1	3.8	6.4	78
Informal care – receiving care	25	17	29.5	6.8	21.6	88
Family – parent/child respondent	51.4	23.1	14.4	2.7	8.4	3 957
Family – parent respondent/ child	42.6	27.3	19	3.6	7.5	1 935
Grandparent/Grandchild respondent	44.3	12.2	18.3	5.3	19.8	131
Grandparent respondent/ Grandchild	31.5	31.5	27.8	3.7	5.6	54
Other	43.9	14.7	20.9	6.6	14	2 558

Reports to police

Over half (52.8%, n=42 473) of new client matters were reported to the police, while 28.2 percent (n=22 714) were not reported and for 13.7 percent (n=11 030), it was unknown whether or not the violence was reported to police.

Table 3 shows us that there was no real difference in the amount of reports made to police for matters involving males and those involving females, while matters involving Indigenous clients were more likely to be reported to police than those for non-Indigenous clients or clients from a non-Australian background.

A lower percentage of clients who were experiencing violence in a current relationship (53.0% n=22,019) or who were using violence in a past relationship (53.8% n = 987) stated that the violence had been reported to the police, compared to those who had contacted the service for other reasons (58.1%-60.9%

Table 3: Reports to police by different characteristics

	Yes %	No %	Unknown %	Total No.
Gender				
Female	55.1	29.9	15	58 135
Male	57.6	29.7	12.7	17 636
Transgender	73.3	6.7	20	15
Culture				
Non-Indigenous	54.6	30.8	14.6	62 065
Indigenous	65	19.6	15.5	6 639
Other	57.2	30.6	12.3	7 513
Primary reason for contact				
Experiencing violence in current relationship	53	34.5	12.5	41 541
Previously experienced violence in a relationship	58.1	18.9	23	6 704
Experiencing violence from a past relationship	60.9	21.6	17.5	12 208
Using violence in current relationship	60.3	30.5	9.2	11 371
Using violence in a relationship	59	20.6	20.4	1 284
Using violence in a past relationship	53.8	23.5	22.7	1 833

Table 4 shows the known reporting of violence to police for the type of relationship in which the violence was experienced.

Type of relationship	Yes %	No %	Total No.
Spousal	66.2	33.8	51 055
Spousal (same sex)	65	35	257
Intimate personal	63.9	36.1	5 221
Intimate personal (same sex)	64	36	228
Informal care – providing care	67.6	32.4	68
Informal care – receiving care	53.7	46.3	67
Family – parent/child respondent	62.3	37.7	3 488
Family – parent respondent/child	54.4	45.6	1 587
Grandparent/Grandchild respondent	72.1	27.9	111
Grandparent respondent/Grandchild	54.3	45.7	46
Other	56	44	1 783

The highest percentage of known reporting of violence to police was for relationships where a grandchild abused a grandparent (72.1% n=80). While it is not possible to know which cases, by age, were reported to police, it should be noted that in most cases (78.75%) of grandchild to grandparent abuse, and where the age is known, the grandchild was aged 18 years or more. The lowest percentages of known reporting of violence to the police were for relationships in which informal care was received (53.7% n = 36), parent to child abuse (54.4% n = 864) and grandparent to grandchild abuse (54.3% n =25).

In summary, the 80 507 cases analysed showed court support as the service most requested from domestic violence support agencies across Queensland which contribute data to CDFVR's database. Males were more likely than females to seek court support as the primary service required, with the most common reason for seeking court support being 'using violence in a current relationship'. Non-Indigenous clients were more likely to seek court support than Indigenous clients, who most commonly required crisis intervention; however, where known, reports to police were more likely to be made in relation to Indigenous clients than non-Indigenous clients. The highest percentage of known reports to police concerned violence perpetrated against grandparents. Informal care providers and spousal relationships were also relationships that recorded a proportionally high level of police intervention. New clients who were in spousal (same sex) relationships were the most likely to seek court support, closely followed by parents who had been abused by either their adult or adolescent child.

Recognition of prior learning pilot: Course in Responding to Domestic and Family Violence (30629QLD)

Annie Webster, CDFVR

CDFVR, in partnership with Health and Community Services Workforce Council, is pleased to announce that twelve participants have taken up the offer to gain Recognition of Prior Learning (RPL) in Course in Responding to Domestic and Family Violence (30629QLD). To be awarded this qualification through RPL, students are required to demonstrate they have the skills and knowledge equal to what they would attain by completing the three units of competency in the course. The course comprises the following units:

- Recognise and respond appropriately to domestic and family violence;
- Referring appropriately and effectively in response to domestic and family violence; and
- Reflecting on work practice when responding to domestic and family violence.

The RPL pilot will provide the assessor and RPL applicants with the opportunity to give CDFVR feedback on their experience of the step-by-step process of gathering and assessing evidence. The toolkits are designed to support trainers who purchase the course to ensure that the benchmark of skill is consistently applied, while ensuring that students who enter the RPL process have clear

instructions about the evidence they need to assemble to prove their competence and obtain their qualification for one or more units of the course.

The pilot is a one-off event to enable the RPL toolkits to be evaluated and improved. Students who enrol in future courses will have the option to RPL one or all of the units when they initially register for the course. The evaluation of the RPL pilot will be published in the March edition of the CDFVRe@der.

Additional training opportunities

CDFVR, in partnership with Health and Community Services Workforce Council Inc. will be delivering the three units of Course in Responding to Domestic and Family Violence (30629QLD) in Mt Isa in February and March 2010. Workforce Council's ISD project officer is currently circulating registration forms to eligible services. If you would like a registration form, please email Annie Webster at a.webster@cqu.edu.au.

This training will bring the total number of people who have completed the full course to approximately 130 (excluding RPL applicants). To date training has been delivered in Brisbane, Mackay, Townsville and South West Queensland (St George, Roma, Charleville). The course continues to be monitored and adjusted to ensure that the information provided to students is current, clear and appropriate to a range of learning styles.

Service spotlight: DVConnect Mensline Court Support Program

Phil Parker, DVConnect Mensline, guest contributor

DVConnect Mensline offers a range of support services to men residing in Queensland. These include telephone counselling, a court support program and a faxback pilot program. This article focuses on the Mensline court support program which offers face-to-face support, information and referral services to over 1500 men each year at five different courts in the greater Brisbane area.

The DVConnect Mensline Court Support Program began as a small self-funded three month pilot project after an approach from the Brisbane Magistrate's Court in 2005. The request was for Mensline to provide face-to-face support, information and referral to men appearing in their domestic violence courts. It had been their common experience that men often felt angry, distressed, confused, remorseful and/or depressed; both before and after court appearances. They identified that men attending domestic violence court required specialised support to address and process these strong emotions which were adding to the stresses and workload of magistrates, court staff and other court attendees. There was legitimate concern that court related stress for attendees could manifest into further expressions of violence towards their families, the wider community or themselves.

Mensline was well placed to offer face-to-face support to men in domestic violence court. Mensline counsellors are highly skilled in working with men who either use violence and other destructive patterns in their personal lives and relationships, or who are survivors of violence themselves. The interview process acts as a strategic point of referral for both respondents and aggrieved men around issues of domestic and family violence, relationship problems and other significant issues for men. Counsellors provide men with specialist professional information, support, and resources in relation to court procedures and legal processes. Information can be provided about appropriate counselling, treatment or support programs and services in the client's local community.

Male court attendees can also be provided with support and information to address immediate issues such as homelessness, addictions and mental health issues.

It is a priority of Mensline that men have access to professional support and information that allows them to be heard and valued, but does not condone or support their offending behaviour. Mensline actively encourages men to take responsibility for their destructive patterns in relationships and promotes options for therapeutic change.

In three short years, the court support program has grown enormously. Currently, Mensline provides domestic violence court support at five Magistrate's Courts. These are in Brisbane, Ipswich, Richlands, Beenleigh, and Holland Park. These locations were identified as the busiest courts in the greater Brisbane area and areas of high need. Court support services provided to men are free, confidential and without obligation.

Feedback from male court attendees about Mensline's court support is consistently positive. Many clients voice surprise that there is a support service for men who are going through domestic violence court. Men also report they feel relieved that they have choices in the court process and appreciate information on options that are available to assist them make positive changes in their lives and relationships.



Queensland's domestic violence death review panel: In brief

Heather Nancarrow, CDFVR

The establishment of a domestic violence death review panel in Queensland was announced on 25 May 2009 by the Premier, Anna Bligh, and the Minister for Community Services and Housing and Minister for Women, Karen Struthers. The panel has been established as the first phase of an ongoing domestic violence death review process. It will identify systemic gaps and barriers and provide advice to Government, including advice on models for an ongoing death review process in Queensland. The panel's work will be informed by research on domestic violence-related homicides in Queensland, as well as the work of other jurisdictions.

This initiative follows a four-year campaign by Queensland's Domestic Violence Death Review Action Group for the establishment of an ongoing review process. The panel is chaired by Marg O'Donnell, who also chairs the Board of Legal Aid Queensland and is a former Director-General of both the Office of Women's Policy and the Department of Aboriginal and Torres Strait Islander Policy and Development.

Facing the reality of intimate partner sexual violence

Di Macleod, Director, Gold Coast Centre Against Sexual Violence, guest contributor

“Not everything that is faced can be changed, but nothing can be changed until it is faced.” James Baldwin, author.

Now is the time for our society to face intimate partner sexual violence (IPSV) and change our individual and systems' responses to the crime, to acknowledge the lived experience of victim/survivors and to take effective action to ensure their current and future safety.

When we as a community collectively think about domestic violence, physical violence tends to be thought of first because it is visible and hard to ignore. Psychological violence is not visible and therefore it is harder to talk about. Sexual violence is something that society is particularly uncomfortable talking about and most women do not disclose this aspect of domestic violence when seeking support. In addition, support workers, counsellors, doctors, and police often are not as comfortable exploring whether this form of abuse has occurred in the same way as they are willing to explore physical and psychological violence. This absence from work practice assists to maintain IPSV as a non-issue. It is behaviour that often goes un-named; something horrific that is part of the domestic violence pattern victim/survivors live in. Nevertheless, this nameless, intrusive and dangerous behaviour has a significant impact on their lives.

Definition of IPSV

IPSV is the recognised term used for sexual violence in a wide range of intimate relationships, including married and unmarried partners and people in dating relationships regardless of gender, sexual orientation and age. IPSV is a part of the wider context of violence where sexual violence is used as another dimension of abuse and control. Some victims experience both physical and sexual violence in the relationship and for others sexual violence may be experienced without physical violence (Winters 2008).

Incidence

A generally accepted though conservative estimate is that between 10 – 14 percent of women experience IPSV (Finkelhor & Yllo 1985; Russell 1990; Australian Bureau of Statistics [ABS] 1996). Bergen (1996) reports that 70 percent of the women in her sample experienced brutal “battering rapes” (*i.e.*, where rape follows a physically violent attack.) Victim/survivors often say that they end up “giving in” to sex with their partners, not by choice, but to avoid physical violence. When physical violence accompanies rape within an intimate relationship, the injuries can be very severe.

In fact, there is evidence to suggest that women are more likely to be killed by male partners who are

both physically and sexually violent towards them. These women are in greater danger of being killed than women who are physically abused but not raped by their partners (Campbell 1989; Bergen 1996). This is a critical piece of information for all service providers to take on board, to recognise that identification and effective responses to IPSV could save lives.

Victim /survivor perspective

Most women minimise the seriousness of male partner violence and have difficulty in identifying and speaking about their experiences as rape. Apart from the capacity to speak the English language, culture, background, belief structures based in religion, political ideology, economic background, sexual orientation and gender identity also have a significant impact on the way that women interpret their partner's behaviour (Winters 2008).

Women who are fearful or distrusting of authority are unlikely to disclose, anyway...if the behaviour perpetrated against them has no name then what are they seeking assistance for and where would they go for support? Women who do not identify as domestic violence victims because they are not being physically hit, or whose sexual assaults are more coercive than physically violent may continue to fall through the cracks when the issue of IPSV is not clearly defined and given a prominence of its own (McOrmond-Plummer 2008).



Silent witness

Impact

Finkelhor & Yllo (1985) powerfully stated the reality that when you are raped by a stranger you live with the memory, but when you are raped by your husband you live with the rapist. Victims/survivors of IPSV often experience the full impact of BOTH domestic violence and sexual violence. Even when they do not identify as victims of sexual violence, they experience the same emotions, whilst at the same time dealing with their ongoing physical and emotional safety. Whilst their partner may rape them repeatedly, it is rare that the perpetrator will ever be named as a serial rapist. Society denies the crime; offenders continue to offend; victims are confused and many experience a disconnect between what they feel and what they understand to be happening to them (Winters 2008).

Eastal and McOrmond-Plummer (2006) contend that IPSV is sexual assault AND domestic violence that is “both/and” rather than “either/or”. The

recognition of the duality of this experience is crucial if victim/survivors are to be aided effectively.

History

The women's movement in the 1970s broke the silence on issues surrounding women's oppression and exploitation, and began to publicly highlight issues such as rape and domestic violence. Spousal rape, (as it was known) only began to be recognised as a crime through amendments in Australian jurisdictions from the 1980s onwards. In August 1989 married women in Queensland were finally afforded the same legal protection as other women in relation to rape, not by enacting new legislation, but rather by removing a husband's immunity and striking out the words "not his wife" from that section of the criminal code. This was seen as a great step towards equality for women and I remember celebrating at the time with other refuge workers. I guess we believed that this statutory protection would be the end of the marriage license as a license to rape and the beginning of both dismantling the legal framework and the societal perception of ongoing consent after marriage.

Twenty years later I accept that we were rather naïve and in 2009 I recognise that we still have a long way to go to name and effectively respond to IPSV, not only within a legal context but also in the broader social context. Yllö (1999, p.225) suggests that at "the community level, as well as in the culture at large, efforts to challenge the taken-for-granted 'right' of husbands to coerce their wives sexually lag at least two decades behind our work on physical violence". That continues to ring true for Australia and indeed the Queensland context.

Legal systems perspective

The criminal justice system is a critical piece of the coordinated response to sexual violence. If its response is indifferent or ineffective, sexual violence victims are left vulnerable; offenders are not held accountable; communities are less safe; and justice is not accomplished (Long 2008).

Despite initiatives to encourage the reporting to police of sexual assault generally, women who experience sexual violence by intimate partners are least likely to seek support or legal redress. This leaves them at high risk of repeat victimisation (Coumarelos & Allen 1999, p.1).

Cohabiting women are more likely to be sexually assaulted by a partner than by strangers or any other known male, and victims who have intimate relationships with offenders are at particular risk of repeat victimisation (Lievore 2002).

It remains extremely difficult both within the criminal justice system and generally within the community's collective imagination to differentiate between consenting and non-consenting sex where there is, or has been an intimate relationship between the parties. Rape charges are more likely to be laid if partners are separated or living apart; a past partner rather than current partner as it is still problematic to construct rape within a cohabiting relationship. As Easteal, (1998, p.115) maintains there is a premise that if consent was given the day or week before, then subsequent acts are not likely to be interpreted as rape. Not many prosecutions proceed where this is the case unless combined with a high level of physical violence and injuries have been sustained. Even then, convictions are more likely to be for physical violence than for rape.

As Mel Heenan (2004, p.8) says "The reluctance of the law and of jurors to criminalise men's sexually violent behaviour is further complicated by broader cultural conditions that allow for the majority of women's unwanted sexual experiences to be considered as *not rape*".

Despite initiatives to encourage the reporting to police of sexual assault, generally, women who experience sexual violence by intimate partners are least likely to seek support or legal redress. This leaves them at high risk of repeat victimisation (Coumarelos & Allen 1999, p.1).

In addition, community-based and corrections-based offender programs for men who are domestically violent tend to give more focus to physical, emotional or psychological violence but

few specifically explore and address the sexual violence component.

Health systems perspective

Within the health system, doctors, nurses and other health workers have become better skilled at asking about broken bones, bruises, cuts and black eyes. However, women living with violent male partners may present with other symptoms which should be cause for concern such as repeated urinary tract infections, vaginal and/or anal lacerations or tearing, sexually transmitted infections and unwanted pregnancy (Campbell 1989, p.345). Longer-term physical and mental health issues are likely to emerge when immediate issues are ignored or misdiagnosed.

Research systems perspective

There is a paucity of Australian research on the specific issue of IPSV. The subject of sexual violence is rarely present in studies of intimate partner violence. Generally speaking IPSV remains hidden within the physical dimension of domestic violence or within the continuum of sexual violence. In research which is well placed to include questions about IPSV the subject is often avoided or ignored. Even when IPSV is included, numbers may be seriously underestimated depending on the questions posed and the reluctance of women to name their partners as rapists.

In an Australian study, one in ten women who had ever been in a relationship disclosed an incident of sexual violence and over 40,000 women disclosed an incident of sexual violence by their current partner (ABS, 1996). However, in Australian large scale studies such as this, it is generally accepted that these numbers are very conservative, especially when it is taken into account that vulnerable populations are often excluded due to research design and sampling methods. No doubt the appropriate inclusion of Indigenous women, women from culturally and linguistically diverse backgrounds, rural and remote women; women with disabilities, women in refuges and women in prison would increase the number of disclosures (Heenan 2004, p.11).

Support systems' perspective

Just as the victim/survivors have difficulty in naming the behaviour, funding bodies and support services have difficulty in naming who should respond to IPSV. If domestic violence services view IPSV as a rape issue and sexual assault services view it as a domestic violence issue, where does that leave the victim/survivor? A number of women who sought support felt that their experience was somehow different and did not fit the agenda of either a domestic violence or sexual assault service (Easteal & McOrmond-Plummer 2006).

By not explicitly naming IPSV and offering appropriate responses, support services are contributing to the status of IPSV as a "non issue" and compounding the difficulty for victim/survivors. Where a woman seeks support will depend on whether she identifies herself as a victim of domestic violence, or as a victim of rape. However, if the service point she accesses does not see the issue as their core business she, and women like her, are likely to fall through the safety nets of the very services that were created to assist.

Strategies for future change

To increase the effectiveness of the criminal justice system's response to IPSV, police and legal professionals must recognise the serious impact of IPSV on the victim as well as the community, understand the contexts in which IPSV occurs, and the range of individual responses of victim/survivors. Prosecutors must overcome cultural bias, victim blaming, and domestic and sexual violence myth acceptance, develop strategies to overcome jurors' beliefs in the mythology which often becomes a barrier to the successful prosecution of IPSV and educate about the reality in which IPSV occurs (Long 2008).

There is a need to move away from the "don't ask - just mend and send" approach and the provision of a pharmacological solution. Health systems must

find ways of engaging women, eliciting disclosures and responding appropriately to their lived experiences. Doctors and health practitioners must be aware of and willing to refer to identified local support agencies.

In order for research to reflect the reality of women's lived experience the most appropriate and respectful ways of speaking to all women about their experiences must be explored and sampling methods reviewed. Information on IPSV must be included in the coursework of social work, psychology, medicine, nursing, law disciplines and in our high school curricula on healthy relationships education.

Support services must end the silo effect of funding and service provision by meaningful collaboration. Funding bodies, domestic violence services, women's refuges and sexual assault services must collaborate, understand the nature, dynamics, impact and appropriate responses to IPSV as only then can safety and healing be effectively addressed. Cross-sector training must occur between these sectors and the development of specific IPSV resources and supports for victims is necessary. Workers must develop and ask behavioural questions about experiences of both domestic and sexual violence on intake to facilitate disclosure and effectively plan for safety. Essentially, refuge and domestic violence workers must learn how the experience of sexual violence impacts efforts to build safety for victim/survivors of domestic violence and sexual assault workers must learn how the risk for ongoing physical violence impacts efforts to seek justice and address healing (Winters 2008).

Conclusion

It is said that law is a reflection of community attitudes and values. If that statement is accepted as being correct, there must be efforts to educate and effect change in the collective consciousness of the community before meaningful changes in the legal system can be expected. IPSV is the place where the movements to end and address domestic violence and sexual violence intersect. Domestic violence and sexual assault services evolved from grassroots activism in the area of violence against women; now it is time for grassroots service providers to again take a lead role, this time specifically in relation to IPSV. Beginning with an audit of our own agencies, critically examining the mission statement, principles and practice, assessment and intake tools, education programs and workforce development, we must ensure that we are explicit in naming and responding to IPSV. We need to model the changes needed and issue the challenge to researchers, policy makers and the health and legal systems to acknowledge their collective responsibility to address and respond appropriately and effectively to the lived experience of women sexually violated by their intimate partners.

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Domestic and family violence and Australian immigration law: A brief summary

Annie Webster, CDFVR and Lesley Hunt, Lecturer, Australian Migration Law and Practice, Griffith University, guest contributor

On 15 October 2007 the Department of Immigration and Citizenship (DIAC) amended the wording of its Migration Regulation 1.23(2)(b) from *relevant domestic violence* to *relevant family violence* to provide consistency with the definition of family violence under the Commonwealth Family Law Act of 1975. Their definition of family violence is as follows:



Family violence means conduct, whether actual or threatened, by a person toward or towards the property of, a member of the person's family that causes that or any other member of the person's family reasonably to fear for, or reasonably to be apprehensive about, his or her personal wellbeing or safety.

There have been two significant decisions of the Full Federal Court of Australia which have impacted on the interpretation of legislation about the family violence provisions. The first was the judgement in the *Cakmak v MIMIA* case (2003) which rejected a definition of domestic violence that incorporated emotional or psychological violence. In that case the court decided that the definition of *relevant*

domestic violence did not offer the scope required to incorporate cases where the applicant had clearly been psychologically abused, but not subjected to physical violence or threats of physical violence.

However, subsequent to that was the judgement in the case of *Sok v Minister for Immigration and Multicultural and Indigenous Affairs [2005] FCAFC 56*. The judgement states in part:

"Australian legislatures can also be seen to understand the expression 'domestic violence' to encompass more than acts of physical violence (see, for example, Domestic and Family Violence Protection Act (Qld) (1)(c); (SA) s 4(2); Domestic Violence Act 1992 (NT) s 4; Protection Orders Act 2001 (ACT) s 9)...Further, I agree with Hely J that the inclusion of registered psychologists (and I would add social workers and those involved in positions of responsibility in women's shelters and crisis and counselling services that specialise in domestic violence) within the class of persons who may provide statutory declarations as evidence that the alleged victim has suffered relevant domestic violence points towards the word 'violence' being used in regulation 1.23(2)(b) in a sense that extends beyond physical violence."

(continued p. 15)

The family violence provisions are intended to enable applicants for prescribed visas who are subjected to domestic/family violence to pursue permanent residence without having to rely on an abusive partner or remain in an abusive relationship until a permanent visa is granted.

Family violence provisions apply to a range of spousal relationships including married and *de facto* couples. The term *de facto* has recently been amended to include same-sex relationships. Couples in Australia under labour agreements, employer nomination schemes and other temporary skilled and business visas may also access the family violence provisions. However, partner visas are the most common visas under which domestic/family violence claims are made in Australian immigration law. Partner visas are generally a two, three or, in limited cases, a one-step process. The three step process commences with a fiancé visa which requires the visa holder to enter Australia and marry the sponsor within nine months. After marriage the visa holder applies for an onshore spouse visa and is usually granted a temporary visa which lasts for two years. After two years DIAC assesses the relationship on which the visa was based and if it remains ongoing, a permanent visa is granted. If the relationship should end prior to attainment of a permanent visa, applicants in limited circumstances may still be able to obtain permanent residence. The prescribed circumstances include incidence of domestic/family violence committed by their sponsor; death of the sponsoring spouse; or that there is a child from the relationship both parties have ongoing commitments towards.

However, a great deal of evidence that domestic/family violence has occurred is required by DIAC in order for the case to fall within the required provisions. Firstly the alleged victim can be only one of the following: a spouse of the perpetrator; a member of the family unit of the spouse of the alleged perpetrator; or a dependent child of either the alleged perpetrator, the alleged perpetrator's spouse, or person in an interdependent relationship with the alleged

perpetrator. Additionally, in partner visa cases the domestic/family violence must have been perpetrated by either the sponsoring spouse or the sponsoring interdependent partner.

Family violence means conduct, whether actual or threatened, by a person toward or towards the property of, a member of the person's family that causes that or any other member of the person's family reasonably to fear for, or reasonably to be apprehensive about, his or her personal wellbeing or safety.

Once these requirements are satisfied, an additional two categories of either *judicial* or *non-judicial* evidence must be provided. Judicial evidence includes either: the granting of an injunction against the perpetrator granted by the

court; a domestic violence protection order; or a conviction of assault against the spouse/sponsor. Non-judicial evidence includes either: a joint undertaking by both parties filed in court; the production of statutory declarations by the applicant and two 'competent' people; or a police report and a statutory declaration provided by the applicant and one 'competent' person. If domestic/family violence is proven and the applicant meets health, public interest and character requirements they will be granted a permanent visa. If, however, domestic/family violence is not proven, the case may be sent for independent assessment by a Centrelink social worker, who makes the final decision.

In 2007/8 DIAC reported 502 claims of immigration related domestic/family violence nationally. This figure is very small in relation to Australia's overall migration program and can either be interpreted as indicating minimal incidence of abuse, or lack of awareness that the domestic/family violence provision exists. However, practitioners should be aware that immigration law is complex and professional advice should only be delivered by competent registered migration agents. Further information and free legal assistance on immigration and refugee cases can be accessed from the Refugee Immigration Legal Service (RAILS) website <http://www.rails.org.au/>

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Northern Territory experiences of Course in Responding to Domestic and Family Violence (30629QLD)

Megan Brown, Acting Coordinator, Future Parents Program, Save the Children, guest contributor

At the end of September, Save the Children delivered accredited training on behalf of Red Cross for Indigenous professionals and community members from remote communities in Darwin. The training provided was Course in Responding to Domestic and Family Violence (30629QLD), developed by the Queensland Centre for Domestic and Family Violence Research. This was the first time this course had been delivered outside of Queensland and the first time it had been delivered to predominantly Indigenous participants.



'Don't hit our children' created by the women and male Elder from the Nguiu community

L to R: Stacey Dodd, Narelle Calma and Natasha Pratt, from the Palmerston Community discussing the Family Fun Day they organized.

The training was held in Darwin and delivered to ten participants from Nguiu and Milikapiti-Tiwi Islands, and four from Palmerston. Thirteen of the participants were Indigenous and one participant non-Indigenous. There were 12 females and two males including a traditional owner and elder. For ten of the participants, English was their second language with the use of Tiwi being their main language of communication. Half of the participants already worked within the community services field with at least 30 percent of them working within the new safe house models that have been rolled out in the Northern Territory (NT) as a result of the NT intervention. The remaining participants were strong community members, who have vital roles within their communities, many supporting the safe house staff in their work.

The training was delivered using adult learning principles and taking into consideration that for the majority of the participants English was their second language. This presented its challenges for both the participants and the trainers. The training was done over two five-day blocks with a week in between. This style of delivery was in response to previous learning that Save the Children had about meeting needs of training participants from remote communities.

The week in between the two training blocks allowed participants to return home and attend to their families and responsibilities in their communities. It also provided a fantastic opportunity for participants to practise some of their new knowledge back in their communities. This was enabled by having each participant prepare a community campaign activity to run at home. Participants were given time during the training to prepare something that would enable them to discuss issues of domestic and family violence and receive community responses. The participants worked together to design creative initiatives that would appeal to their community and promote collective community action.

Some of the Nguiu participants used stories from their dreamtime to discuss issues of violence and had these displayed in both language and English to ensure the whole community could be reached. The report back from both professionals who visited

their communities and from the participants was that this was a very empowering exercise. It also provided the participants with further experiences and learning about how best to educate and influence positive change in communities. One of the participants reported that the first week of the training had given her the confidence and language to be able to talk about domestic violence to family members experiencing violence. This on its own was a very powerful outcome of the training.

Throughout the training we did a mixture of small group and large group activities, making sure that we used both inside and outside space as participants were more comfortable with this modality. The additional benefit of being outside to deliver some of the training was that the local public of Darwin took an interest in what we were doing. This gave a lot of the participants a great sense of pride.

Reflecting on this training I would say we had a group of very passionate participants who discovered that they already had enormous amounts of knowledge themselves and enjoyed the opportunity to cement this knowledge and learn more. The feedback that participants continuously gave us was that domestic and family violence was a major issue in their communities and something they wanted to continue to learn about and get more support with. The isolation that some of the domestic and family violence workers experience in these communities is significant. They often have no real avenue for supervision and limited access to professional development. This is something that Save the Children has addressed in past partnerships with community members employed by us to deliver programs.

Overall this training enabled participants to understand and learn more about responding to domestic violence while keeping themselves safe. This safety aspect included self care strategies needed to live in an isolated community – not always easy to achieve. The training allowed a community team to train together to strengthen the support offered to each other and facilitated the development of a language of safety and empowerment.

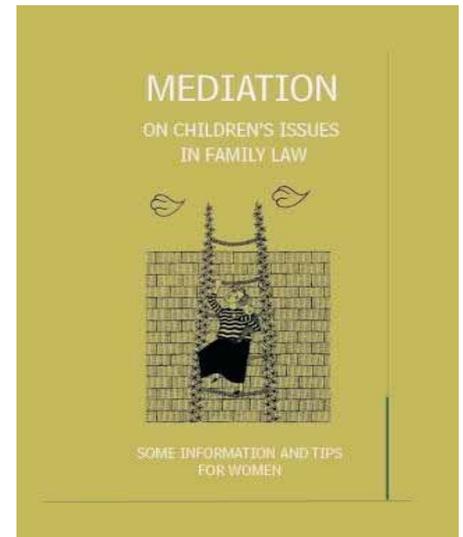
Resource review: Mediation on children's issues in family law, some information and tips for women

Women's Legal Service Inc.

Summary by Heather Nancarrow and Lynne O'Keefe Daly, CDFVR

The interaction between family law, domestic violence and child protection law and practices is a complex matter, fraught with difficulty in achieving just outcomes that serve 'the best interests' of the child. Recent reforms to the *Family Law Act 1975* and the establishment of an ancillary service system to implement those reforms has added to that complexity.

Since 1 July 2008, separated parents who cannot reach an agreement about the care of their children must attend mediation and make a genuine effort to negotiate an agreement before they may apply to the family courts to have a matter resolved. It is possible to gain an exemption to this requirement in particular circumstances. An exemption can be obtained by going directly to the court, or by attending a mediation intake interview and being granted an 'exemption certificate', if deemed to have met the relevant criteria to be 'screened out' of mediation. This may include cases of domestic and family violence and child abuse. Only registered family dispute resolution practitioners can issue an exemption certificate. Family Relationship Centres (FRCs), funded by the Commonwealth Attorney-General's Department, have been established to provide mediation services delivered by registered family dispute resolution practitioners. Alternatively, Legal Aid offers a family dispute resolution conference, also facilitated by registered family dispute resolution practitioners, which enable the involvement of legal aid appointed lawyers to represent their clients' interests.



Navigating this complex system provokes many questions, including the following: What is mediation and what does a mediator do? How much does it cost? How do they decide if my ex-partner or I have made a 'genuine effort' to reach an agreement? Under what circumstances may I be exempt from mediation? What evidence do I need? How do I know where to find a registered family dispute resolution practitioner? Would mediation through an FRC, or a Legal Aid family dispute resolution conference, be better for my situation? Will my children be required to participate in mediation? If an agreement is reached through mediation am I legally bound to it?

These questions, and many more, are answered in the Women's Legal Service Inc. resource *Mediation on children's issues in family law: Some information and tips for women*. Women, and those who support them, will find it is a comprehensive and easy to follow guide, written in plain English. The 48 page booklet uses everyday language and its question and answer style is accompanied by helpful definitions.

It explains key concepts used in family law and mediation, including 'equal time' and 'substantial and significant' time arrangements for the care of children, and different types of mediation. It provides information and tips for women about planning for mediation to get the best possible outcome for themselves and their children, and then explains what will happen at the intake session. In this section, the resource provides additional information for cases where there is a history of domestic violence, including safety planning and giving specific information about the abuse. This is followed by detailed discussion of the seven steps of mediation; from the mediator's opening statement to the making of an agreement.

In the closing section, the resource provides a summary of the key things to do in preparing for mediation. It includes a mediation flow chart for cases where there is domestic violence or other issues that may make mediation unfair. This helps to explain the process of applying for an exemption, and what happens when mediation fails, although a genuine attempt to reach an agreement was made. This excellent resource concludes with details on how to access mediation, legal advice, and related information and support services.

For this resource contact Women's Legal Service

<http://www.wlsq.org.au/sub%20webs/Publ%20pages/mediation.html>

Telephone: 073392 0670

Email: admin@wlsq.org.au

Workshops, conferences and date claimers

15-18 February 2010

Training: Indigenous Offenders: General, Family and Sexual Violence Risk Assessment and Risk Management Workshop

Cairns, Queensland

http://www.austdvclearinghouse.unsw.edu.au/indigenous_res.html#training

18-20 February 2010

International Conference for Infant, Toddler and Preschool Mental Health

Auckland, New Zealand

http://www.conferenceonline.co.nz/index.cfm?page=details_conference&pg=2&id=14156

22-24 February 2010

Unit 1 - Course in Responding to Domestic and Family Violence (30629QLD)

Red Earth Hotel, Mt Isa

For further information email Annie Webster:

a.webster@cqu.edu.au

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International Summer School of Narrative Practice

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8-10 March 2010

2010 Conference on Crimes Against Women

Dallas, Texas, USA

http://www.ccawonline.org/2010_Conference.html

11 March 2010

First International Online Child Sexual Abuse Prevention Conference

Australia

<http://childsexualabuseprevention.wikispaces.com/page/pdf/Online+Conference>

16-19 March 2010

Units 2 & 3 - Course in Responding to Domestic and Family Violence (30629QLD)

Red Earth Hotel, Mt Isa

For further information email Annie Webster:

a.webster@cqu.edu.au

17-20 March 2010

XVIII World International Family Therapy Association (IFTA) Congress

Buenos Aires, Argentina

http://www.paragon-conventions.net/IFTA2010/index.php?option=com_content&view=article&id=17&Itemid=14

18-21 May 2010

6th Australian Women's Health Conference

Hobart, Tasmania

<http://www.leishman-associates.com.au/awhn2010/>

19 & 20 May 2010

National Indigenous Family Violence Prevention Forum

Mackay Qld

www.noviolence.com.au

11-13 July 2010

International Family Violence and Child Victimization Research Conference

Call for Abstracts (Deadline 27 February 2010)

Portsmouth, New Hampshire, USA

<http://www.unh.edu/fri/conferences>

27-29 July 2010

2010 SNAICC National Conference - For Our Children: Local Strengths, National Challenges

Alice Springs, NT

http://www.snaicc.asn.au/news/view_article.cfm?id=166&loadref=8

1-3 September 2010

The 6th National Homelessness Conference Many Ways Home: Ending Homelessness by 2020

Brisbane

<http://www.homelessnessaustralia.org.au/site/6th%20National%20Homelessness%20Conference.php>

7-9 September 2010

10th National Mediation Conference

Adelaide, South Australia

<http://www.mediationconference.com.au/ADELAIDE-2010.PDF>

We encourage readers to contribute to the CDFVRe@der. If you have any information or articles you wish to publish, please contact Centre staff.

HAVE YOUR CONTACT DETAILS CHANGED?

We have become aware that some recipients of the CDFVRe@der have relocated or changed contact details, including email address. To enable us to update our records and ensure that you receive our quarterly publication, please contact us at the listed phone, fax or email address with your change of details. Please be assured that the Centre does not release your details to any third parties without your permission.

If you would like to be included on, or removed from, the Centre's mailing list, please ring us on (07) 4940 7834.



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CDFVR receives triennial funding from the Queensland Department of Communities to undertake research, evaluation, sector development and community engagement on issues pertaining to the prevention of domestic and family violence in Queensland.

Disclaimer: The Queensland Centre for Domestic and Family Violence Research welcomes articles from guest contributors. Publication of the articles will be at the discretion of the Director of the Centre. Views expressed in published guest contributions are not necessarily the views of the Centre, CQUniversity or the Queensland Government. Whilst all reasonable care has been taken in the preparation of this publication, no liability is assumed for any errors or omissions.