



*Final Report*

# **Home and safe? Policy and practice innovations to prevent women and children who have experienced domestic and family violence from becoming homeless**

authored by

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## ACRONYMS

ACT	Australian Capital Territory
AFM	Affected Family Members
AHURI	Australian Housing and Urban Research Institute Limited
COAG	Council of Australian Governments
DCLG	Department for Communities and Local Government (UK)
DVLO	Domestic Violence Liaison Officers
DHHS	Department for Health and Human Services (Tasmania)
EDVOS	Eastern Domestic Violence Crisis Service
FaHCSIA	Families, Housing, Community Services and Indigenous Affairs
IDC	Inter-Department Committee
MARAC	Multi-agency risk assessment committee
NSW	New South Wales
NT	Northern Territory
PILCH	Public Interest Law Clearing House
Qld	Queensland
SA	South Australia
SHLV	Staying Home Leaving Violence
Tas	Tasmania
UK	United Kingdom
Vic	Victoria
WA	Western Australia
WDVCS	Women's Domestic Violence Crisis Service Victoria
WLSV	Women's Legal Service Victoria



## EXECUTIVE SUMMARY

This report sets out the findings of a research project investigating the opportunities and challenges of preventing women and children who have experienced domestic and family violence from becoming homeless.

The project responded to the AHURI Strategic Research Issue 1: Housing and related systems that prevent homelessness and promote wellbeing and stable housing outcomes, and the challenges outlined in the White Paper, *The road home: a national approach to reducing homelessness* (Commonwealth of Australia 2008). The White Paper highlights prevention and early intervention as the most efficient and effective ways to reduce homelessness, and they are also embodied within National Affordable Housing Agreement objectives.

This is the second and Final Report from AHURI Research Project 50602–*Homelessness prevention for women and children who have experienced domestic and family violence: innovations in policy and practice*. The aim is to explore the value and implementation challenges of innovative staying at home homelessness prevention measures, such as Staying Home Leaving Violence schemes in Australia and Sanctuary Schemes in England.

The two broad research questions are:

- How and to what extent have innovative homelessness prevention measures introduced in Australia and England since the mid-1990s been successful in enabling women and children to remain in their homes and localities?
- What are the implications of these findings for policy on housing and homelessness in Australia and for improvements to practice?

### Research approach

Stage one consisted of a desk-based literature review. The Positioning Paper (Spinney & Blandy 2011) <[http://www.ahuri.edu.au/publications/download/50602\\_pp](http://www.ahuri.edu.au/publications/download/50602_pp)> is based on this stage and contains an international and national academic and policy review of the literature and details the conceptual framework developed for the study.

In stage two a comparative methodology using two case studies, England and Australia, allowed investigation of 'joined up' approaches to homelessness prevention for women and children who have experienced domestic and family violence. These consist of housing, judicial and support systems and services working together to enable the women and children to remain within their homes.

The English case study involved visiting three Sanctuary homelessness prevention schemes in order to ascertain how they work and whether there are transferable policies and practices that could work effectively in Australia.

In the Australian case study, the three embedded units of analysis were New South Wales, Tasmania and Victoria. Homelessness prevention schemes were visited in each of these states and 45 semi-structured interviews were conducted. These sought to determine the scope and effectiveness of projects, with a focus on their objectives and how they work. The author was keen to hear the views of key policy-makers and providers, including any implementation difficulties they had encountered. Documentary evidence was collected when appropriate, including policy documents and promotional materials.

Following thematic analysis of the interview findings, a series of workshops was facilitated in five state capitals with 47 policy-makers, practitioners and researchers attending presentations on the interim findings. Facilitated discussions deepened

understanding of the policy implications for successful implementation of homelessness prevention practices for women and children in each of these five states. These additional findings were analysed and incorporated into this Final Report. The workshops led to inclusion of details of the differing legislation in each state and territory in the report, because it became clear that attendees would find this information useful in assessing their future policy.

The report has been compiled based on the learning from the following:

- critical review of the literature
- primary research in the case study locales
- information obtained from workshops.

The data is reported by analytical theme in order to create a useful document for policy-makers. The report provides good practice examples and includes issues raised by the research participants concerning applicability and relevance in the Australian context. Guidance on policies implemented at home and in England and advice on how they could be implemented in Australian states is provided.

### **Companion study**

A companion study has been funded by the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) through the Homelessness Research Partnership Agreement, *Early intervention strategies to reduce the need for women and children to make repeated use of refuge and other crisis accommodation*. This research was conducted in conjunction with this AHURI project by the same researcher.

The two projects have been designed to dovetail together and, in order to aid the reader, where relevant some of the information has been replicated in the Final Reports of each project. The FaHCSIA project is intended to bring forward our knowledge more widely of the issues concerning the reasons for the decisions women who have been subject to domestic and family violence make regarding whether to leave the family home for a refuge in order to escape the abuse, whether to return to the perpetrator, and whether to leave again. It also explores the efficacy of early intervention schemes, including perpetrator behaviour change programs, in reducing women's and children's multiple experiences of refuge and other emergency accommodation. The project explores what best practice and service standards would be needed if Staying Home Leaving Violence (SHLV) models were to be implemented more widely in Australia. It is recommended that those with a particular interest in these issues should read the Final Reports of both projects.

### **Key learning**

The literature review established that the most effective homelessness prevention measures for women and children who have experienced domestic and family violence often combine legal/judicial, housing and welfare policy and practices in an integrated manner in order to improve their safety. These include:

- Legal/judicial: improving police responses to breaches of court orders, providing court-based family violence advocacy services, domestic violence courts, law reform.
- Housing: private rental brokerage programs for women who have experienced family violence, 24-hour response services by housing agencies, Staying Home Leaving Violence (SHLV) type schemes, perpetrator accommodation.

- Welfare: outreach services, 'sanctuary' type schemes, emergency support, personal development and confidence-building assistance.

Sanctuary Schemes in England and SHLV schemes in New South Wales explored for this research involve a degree of collaboration and integration between police, courts and other welfare and housing support services that are effective in enabling women and children who have experienced domestic and family violence to remain in their homes.

The key findings are as follows:

- Integrative approaches such as SHLV-type schemes have an important role to play in preventing homelessness for women and children who have experienced domestic and family violence, and that this is true for women living in very different situations in very different areas of Australia, including those previously thought not to be suitable.
- Australia should move to the provision of homelessness prevention schemes that are as extensive as the current provision of refuge and crisis accommodation.
- Schemes should use non-restrictive eligibility practices, should include an element of social marketing, and should provide both practical and emotional support for clients.

The detailed findings within the report identify how legislation, legal and judicial practices, practical and emotional support services, affordability issues, and integrated domestic and family violence programs can influence women's decisions to remain in their home following the removal of a violent partner, their confidence in their ability to do so safely, and their actual safety.

# 1 INTRODUCTION

## 1.1 Context

This Final Report sets out the opportunities and challenges of preventing women and children who have experienced domestic and family violence from having to leave their homes. The project has responded to AHURI's Strategic Research Issue No. 1: Housing and related systems that prevent homelessness and promote wellbeing and stable housing outcomes, and the challenges outlined in the White Paper, *The Road Home: A National Approach to Reducing Homelessness* (Commonwealth of Australia 2008), which highlights prevention and early intervention as the most efficient and effective ways to reduce homelessness, and which are also embodied within National Affordable Housing Agreement objectives. The White Paper altered the policy context in Australia by specifically identifying and promoting the need to expand programs that allow women and children to remain in the home once the perpetrator has been removed. It sets a specific interim target to increase by 2013 the number of families that have experienced domestic and family violence who maintain or secure safe and sustainable housing by 20 per cent.

The Positioning Paper for this project (Spinney & Blandy 2011) explored the international and Australian policy context for the prevention of homelessness for women and children who have experienced domestic and family violence. Chung et al. (2000) made explicit links between homelessness and domestic and family violence and argued that in order to live without domestic or family violence women are forced, or encouraged, to leave their homes and seek alternative accommodation. Domestic and family violence is currently the major reason for women seeking assistance from homelessness support services in Australia (Tually et al. 2008, p.13). There is, however, an emerging new orthodoxy that women and children should not be made homeless as a result of experiencing the crime of domestic and family violence, and this project seeks to fill the gaps in knowledge regarding policy and practice in this area.

The findings from the literature review conducted for the Positioning Paper for this research include:

- Staying Home/Leaving Violence homelessness prevention schemes have started to be developed in a piecemeal fashion in Australia in recent years, while Sanctuary Schemes in the UK have become mainstream policy.
- Women and children who have experienced domestic and family violence have few options: to remain in the family home with the perpetrator, to remain in the home with the perpetrator removed, to leave the home until the perpetrator is removed, or to leave the home permanently (ODPM 2004).
- Women who are undergoing the stress of a relationship break-up following domestic and family violence need to have a choice as to whether it is best for them and their children to remain in the family home or to start again somewhere else.
- Women cannot easily exercise their right to remain in their homes unless there is an understanding in the community and from professionals and policy-makers about what constitutes domestic and family violence and how it can impact on women and children, and that the historical and current links between domestic and family violence and women's and children's homelessness and the reasons for them are accepted and understood.

This Final Report goes on to identify how legislation, judicial practices, practical and emotional support services, affordability issues, and integrated domestic and family violence programs can influence women's decisions to remain in their homes following the removal of a violent partner, their confidence in their ability to do so safely, and their actual safety. It provides guidance on policies implemented here and in England and provides advice on how they could be implemented Australia-wide. The report is based on analysis from the critical review of the literature, the primary research in the England and Australia case study locales, and the information obtained from the research workshops in five states.

## 2 RESEARCH APPROACH AND METHODS

### 2.1 Introduction and research questions

This chapter explains how the research approach and methods chosen were designed to fill the gap in existing knowledge about homelessness prevention for women and children who have experienced domestic and family violence by answering the two research questions:

- How and to what extent have innovative homelessness prevention measures introduced in Australia and England since the mid-1990s been successful in enabling women and children to remain in their homes and localities?
- What are the implications of these findings for policy on housing and homelessness in Australia and for improvements to practice?

This project is specifically about exploring the value and implementation challenges of innovative staying at home homelessness prevention measures and the fieldwork was designed to achieve this. The focus was selective, and involved international collaboration between Swinburne University of Technology, Melbourne and Leeds University, UK. A comparative methodology used two case studies: England, and Australia. The latter included three embedded units of analysis, New South Wales, Tasmania and Victoria, which the literature revealed have made substantial steps towards 'joined up' approaches by housing, legal and support services in order to enable some women and children who have experienced domestic and family violence from becoming homeless as a result. The research methods used the advantages of comparative studies but were careful to avoid potential pitfalls, including not enough background information, which can threaten the validity of the research findings (Bourne 1981; Jacobs, Kemeny & Manzi 2004).

### 2.2 Methodology

The research project comprised five stages, as follows.

#### **Literature review and conceptual framework**

Stage one consisted of a very specific desk-based update review of the literature regarding homelessness prevention for women with children who have experienced domestic and family violence, in order to develop a conceptual framework (discussed in Chapter 3) for the study. International and national academic and policy literature were reviewed, with particular attention to that from the case study locales of Australia and England. AHURI Positioning Paper no. 140 *Homelessness prevention for women and children who have experienced domestic and family violence: innovations in policy and practice* (Spinney & Blandy) was based on this stage.

#### **Case studies**

The research received ethics clearance from Swinburne University of Technology where the Chief Investigator, who undertook all the fieldwork, is based. The English case study involved visiting three very different Sanctuary homelessness prevention schemes at Breckland (Norfolk), Hull and Sheffield. An international comparative approach was used in order to ascertain what transferable lessons regarding integrative homelessness prevention schemes for women and children might be useful to Australian policy-makers, particularly as such schemes are more established in England than in Australia.

This project is therefore centred on the policy context of Australia, but the use of a comparative methodology and an international case study has allowed learning from

the longer experience in England to add to our knowledge in this area. Twelve semi-structured interviews were held in England in January 2011 with practitioners, advocates and policy-makers working and involved with these schemes, with three academics and with John Bentham, a senior officer at the national Homelessness Strategy Unit at the Department for Communities and Local Government (DCLG) in central London who has been instrumental in the establishment of Sanctuary schemes at a national level.

The three embedded units of analysis in the Australian case study were New South Wales, Tasmania and Victoria. It was originally envisaged that only New South Wales and Victoria would be included, but the early stages of the research revealed that Tasmania, as the Australian originator of a jurisdiction-wide integrated justice-led approach to domestic and family violence, offered valuable learning opportunities. Tasmania was therefore incorporated into the data collection and analysis process. Each state was visited for the research.

In New South Wales, three very different Staying Home Leaving Violence (SHLV) schemes were visited at Bega, Mt Druitt and Newcastle. Fourteen semi-structured interviews were conducted, with some interviewees giving a national perspective and others speaking from their extensive experience with state-based projects. These consisted of representatives of the three SHLV schemes, officers of the New South Wales' Women's Refuge Movement, academics at the Australian Domestic and Family Violence Clearing House, officers at the Housing Assistance Unit of Housing NSW and officers at Staying Home Leaving Violence at the Department of Family and Community Services, New South Wales.

In Tasmania, nine semi-structured interviews took place, with directors of two women's refuges, a court support officer, a police domestic violence liaison sergeant, the chair of the Safe at Home Inter-Department Committee (IDC), manager and staff of the Family Violence Counselling and Support Services, DHHS, and domestic violence workers at Centacare Tasmania.

Ten semi-structured interviews were conducted in Victoria. These were with the chief executive of the Women's Legal Service Victoria (WLSV), a policy officer at Domestic Violence Victoria (DV Vic), a court support officer, the chief executive of the Women's Domestic Violence Crisis Service Victoria (WDVCS), a senior manager at the Public Interest Law Clearing House (PILCH), the project officer of Bsafe, the project officer of Tools for Change, the Loddon Campaspe regional integration coordinator, and the chief executive and a senior member of staff at the Eastern Domestic Violence Service (EDVOS).

Forty-five interviews were conducted for the research. Most interviewees are acknowledged in Appendix 3, but some preferred to remain anonymous. The interviews sought to determine the scope and effectiveness of each visited project, with a focus on their objectives and how they work, and to learn from the experiences of policies designed to address homelessness prevention for women and children. The author was keen to hear the views of key policy-makers and providers, including any implementation difficulties they had encountered. Documentary evidence was collected, including policy documents and promotional materials. Some interviews were with academics who contributed their knowledge and findings.

## **Workshops**

Following thematic analysis of the interview findings, a series of workshops was facilitated in each capital city of the three states that made up the Australian case study: Hobart, Melbourne and Sydney, and also in Adelaide and Brisbane, with 47 policy-makers, practitioners and researchers attending presentations on the interim

findings. Facilitated discussions deepened understanding of the policy implications for successful implementation of homelessness prevention practices for women and children in each of these five states. The information elicited concerning context, applicability and relevance of homelessness prevention schemes for women and children who have experienced domestic and family violence to a spread of Australian locations was then used to add to and amend the previously analysed data. The workshops led to the detailed inclusion in this Final Report of the differing legislation in each state and territory, because it became clear during the workshops that attendees would find this information useful in assessing their future policy.

## **Final Report**

This Final Report has been produced using information obtained from the analysis of both the case studies and the workshops. The data is reported by analytical theme (rather than juxtaposing the case studies), in order to create a more useful document for policy-makers. The report provides good practice examples and includes the issues raised by the participants concerning applicability and relevance in the Australian context. Guidance on policies implemented at home and in England and advice on how they could be implemented in Australian states is provided.

## **Synthesis, reporting and dissemination**

The final findings will be disseminated through academic papers and presentations to an AHURI seminar, User Group, National Homelessness Conference, Australasian Housing Researchers Conference, Australian Social Policy Conference and Australian Sociological Association conference.

## **2.3 Companion study**

A companion study has been funded by the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) through the Homelessness Research Partnership Agreement, *Early intervention strategies to reduce the need for women and children to make repeated use of refuge and other crisis accommodation*. The research was conducted in conjunction with this AHURI project by the same researcher. The research questions for the FaHCSIA project are:

- Why is it that women and children often leave home and return several times before an abusive situation of domestic and family violence ends?
- What Australian evidence is there about the number of incidents of violence and abuse experienced by a woman, and the number of separate occasions a woman may access homelessness accommodation services, prior to resolution of her domestic violence situation?
- How and to what extent have innovative early intervention schemes introduced in Australia since the mid-1990s been successful in enabling women and children to reduce their multiple experiences of violence and multiple use of refuge and other emergency accommodation?
- What best practice risk assessment processes and service standards and arrangements are needed if Safe At Home/Staying Home Leaving Violence models are to be implemented more widely?
- Do these findings have other implications for Australian policy and practice?

The two projects have been designed to dovetail together, and in order to aid the reader where relevant some of the information has been replicated in the Final Reports of each project. The FaHCSIA project is intended to bring forward our knowledge more widely of the issues concerning the reasons for the decisions women



who have been subject to domestic and family violence make regarding whether to leave the family home for a refuge in order to escape the abuse, whether to return to the perpetrator, and whether to leave again. It also explores the efficacy of early intervention schemes, including perpetrator behaviour change programs, in reducing women's and children's multiple experiences of refuge and other emergency accommodation. Finally, the project explores what best practice and service standards would be needed if Staying Home Leaving Violence models were to be implemented more widely in Australia. It is recommended that those with a particular interest in these issues should read the Final Reports of each project.

## **2.4 Conclusion**

This chapter has explained the research questions, approach and methods used for this international project. Chapter 3 goes on to explore the policy context and conceptual framework by defining domestic and family violence and exploring their links to homelessness. This is followed by an interpretation of what homelessness prevention embodies and an explanation of the conceptual framework developed for this study.

### **3 POLICY CONTEXT AND CONCEPTUAL FRAMEWORK**

The Positioning Paper for this report explored the historical policy context of domestic and family violence and their links to homelessness. We identified this context as having both shaped, and been shaped by, attitudes concerning whether women and children who have experienced domestic and family violence have the right to remain in the family home. We identified this as an important issue because homeless families in Australia are mostly made up of this group of women and children and they are one of the most overlooked and marginalised groups in society (Hulse & Spinney 2010).

Both the Positioning Paper and this report take the stance that it is in no-one's interest for women and children to either live with violence or to have no other option than to become homeless, because both are damaging to them. This chapter explores the policy context by defining domestic and family violence and exploring their links to homelessness. This is followed by an interpretation of what homelessness prevention embodies and an explanation of the conceptual framework developed for this study. This is done in order to 'set the scene' before Chapters 4–7 map the judicial, housing and welfare and support issues concerning homelessness prevention, and discuss innovative homelessness prevention approaches that address these issues in an integrated manner.

#### **3.1 Domestic and family violence**

As discussed in the Positioning Paper, the international literature reveals that domestic and family violence occurs in all cultures, races and religions. It is found in all communities and across all demographics including age, gender, socio-economic status and educational attainment. Domestic and family violence is made up of many controlling and intimidating behaviours, often much wider than physical violence alone. In some cases these behaviours can be controlled by the relationship being brought to an end and by having in place a strong judicial system that removes the perpetrator from the family home and prevents him contacting or approaching the victim of these crimes. This does not mean that homelessness prevention is the best option for all women and children, but it does mean that, for many, if the correct justice and welfare systems are in place, the abuse can be brought to an end without the women and children having to leave their current homes.

In both the Positioning Paper and this report, the following definition is used to explain what is meant for this research by the term domestic and family violence:

A pattern of coercive behaviour used to maintain control over a partner, through a combination of physical, emotional, sexual or financial abuse, enforced social isolation and intimidation. (Cunningham & Baker 2004)

In the Positioning Paper, we stated that domestic or family violence occurs when a family member, partner or ex-partner attempts to physically or psychologically control or dominate another. The term can refer to violence between spouses, but also between co-habitants and non-married intimate partners. Women who suffer such violence can experience abuse in many forms: being killed, seriously hurt, raped, isolated, frightened, depressed and kept in poverty. We explained that the term 'family violence' is preferred by many Indigenous communities because it includes all forms of violence in intimate relationships, covering a broad range of family relationships. Perpetrators and victims can include extended family such as aunts, uncles, cousins, and children of previous relationships, as the term 'family' covers a diverse range of

reciprocal ties of obligation and mutual support (Victorian Government 2004). For this reason, the term 'domestic and family violence' is used throughout the research reports from this project. We know that living with domestic and family violence, in whatever form it takes, has an extremely negative impact on women and their children. Being in a situation of fear, intimidation, isolation and subjugation, of constant worry about 'keeping a lid on things' and of keeping themselves and their children safe, can mean that women and children lose a sense of having a home (in the sense of a safe place to be, where they can relax and be themselves), even before they leave their physical dwelling (Tomas & Dittmar 1995). It is important that women and children are given enhanced choices about whether or not they should remain in the family home. For some, staying will be an empowering decision; for others, it would mean remaining somewhere that they can never feel at home in.

### **3.2 Homelessness and domestic and family violence**

The Positioning Paper explained that domestic and family violence is a reason why women and their children need to leave home (or why the perpetrator must be removed), rather than an actual cause of homelessness as these women and children do have a home. However, it is the major reason women seek assistance from homelessness support services in Australia. Since the 1970s domestic and family violence refuges have played a pivotal role in Australia in keeping women and children safe. However, an unintended impact of this has been to 'normalise' the situation where women and children were the ones who were expected to become homeless in order to leave a violent relationship. This has coloured how policy responses to domestic and family violence have been developed over the last 30 years, and it is only relatively recently that the 'inevitability' of leaving the home in order to leave a violent relationship has been questioned. Approximately half of the women and children who seek refuge or crisis accommodation are unable to obtain immediate assistance because there is insufficient accommodation available (Tually et al. 2008). The White Paper, *The Road Home: A National Approach to Reducing Homelessness* (Commonwealth of Australia 2008), acknowledges that domestic and family violence continues to be the major driver of homelessness and that escaping violence is the most common reason provided by people who seek help from specialist homelessness services (22% of all requests & 55% of women with children), and that many do not approach services for help at all.

### **3.3 Homelessness prevention**

There are several ways that homelessness prevention can be interpreted, including rapid rehousing and a planned move to permanent accommodation. The research for this project focused on measures that actually prevent 'someone who is at risk of homelessness from becoming homeless' (AHURI 2009) by enabling them to remain in their own home. However, it became clear during the fieldwork that affordability factors can impact on just how long women can remain once they separate from their violent partner. It also became clear that homelessness prevention measures such as security upgrades to properties can usefully assist women who have experienced domestic and family violence to be safer in their new home, and in fact break a cycle of having to leave once the perpetrator discovers where they are living. The Positioning Paper confirmed that there are new and emerging groups of women who have experienced domestic and family violence who are in need of assistance from homelessness prevention services. These include home owners, women with male older children, those living in rural and remote and mining communities, those in same-sex relationships, and those who have a disability or who are elderly.

### 3.4 Conceptual framework

The Positioning Paper established that the most effective homelessness prevention measures for women and children who have experienced domestic and family violence often combine legal/judicial, housing and welfare policy and practices in an integrated manner in order to improve their safety. These include:

- Legal/judicial: improving police responses to breaches of court orders, providing court-based family violence advocacy services, domestic violence courts, law reform.
- Housing: private rental brokerage programs for women who have experienced family violence, 24-hour response services by housing agencies, Staying Home Leaving Violence (SHLV) type schemes, perpetrator accommodation.
- Welfare: outreach services, 'Sanctuary' type schemes, emergency support, personal development and confidence building assistance.

These factors were developed as a conceptual framework for this study and their interrelated approaches and relationships to each other are demonstrated in Figure 1.

**Figure 1: Interrelated approaches to homelessness prevention for women and children who have experienced domestic and family violence**



Source: Spinney & Blandy 2011, p.24

This report examines homelessness prevention issues regarding housing, judicial and welfare and support issues and innovations and developments in Australia and England that demonstrate coordination and integration of the three approaches illustrated in Figure 1 (as shown at the centre of the diagram), in order to enable women and their children who have experienced domestic and family violence to remain safely in their homes after the perpetrator has been removed. Chapters 4–6 critique contemporary legal, housing and support procedures and initiatives and how the way in which they are able to integrate and work effectively together impacts on

homelessness prevention for women and children before Chapter 7 considers the value of jurisdiction-wide integrated approaches, Sanctuary Schemes from England, and the Safe at Home program from Tasmania.

### **3.5 Conclusion**

Australia has a history of normalising the ‘solving’ of domestic and family violence situations by removing the women and children from their home, and up to now policy-makers and practitioners have not had available to them large-scale research findings on the success of homelessness prevention schemes in enabling women and children to remain in their homes, and what this could mean for improvements to both policy and practice. The following chapter begins discussion of the findings of this research. Chapters 4–6 are each devoted to one of the issues detailed in the circles in Figure 1, and their interrelationship and integration with the other services. These are judicial and legal issues (Chapter 4), housing occupation issues (Chapter 5) and welfare and support issues (Chapter 6). Chapter 7 examines jurisdiction-wide integrated approaches to domestic and family violence in Tasmania and England.

## **4 JUDICIAL AND LEGAL ISSUES**

### **4.1 Introduction**

This chapter examines how judicial and legal issues have the potential to impact on preventing the homelessness of women and children who have experienced domestic and family violence. The Positioning Paper for this project introduced the concept that the attitude of the police and legislative and criminal justice responses can all impact on whether women feel able to safely remain in their home. This chapter reveals the research findings on these issues and also highlights relevant issues concerning family law and legal support including breaches of injunctions and orders, how courts can help or hinder women to remain in their homes, the role of magistrates and court welfare offices, the need for legal support and access to legal aid.

Before this, however, a detailed examination of two important areas of law takes place, which are very pertinent to issues of homelessness prevention for women and children and to those who are striving to create policy in this arena. The first of these is relevant Commonwealth and state/territory legislation that offers a response to homelessness attributed to domestic and family violence from a tenancy perspective. The second considers Australian legislation offering a response to domestic and family violence, and specifically their implications for homelessness prevention for affected women and children.

Bringing together these two issues in this report for the first time in this way enables the reader to compare the present differences among state and territories in these matters, and to evaluate the consequences of any differences. The English perspective on these matters is also considered in order to allow the reader to come to an understanding of the policy context in which Sanctuary Schemes, the innovative integrated homelessness prevention schemes for women and children detailed in Chapter 7 operate.

### **4.2 Australian legislation offering a response to homelessness prevention attributed to domestic and family violence from a tenancy perspective**

Within Australia, the states and territories have responsibility for residential tenancy legislation, and consequently there are inconsistencies and differing approaches between them, with potential implications for the national rolling out of remaining in the home initiatives for women and children who have experienced domestic and family violence. For instance, most jurisdictions permit the changing of locks (in order to exclude the perpetrator of the violence) without the consent of the tenant and/or the landlord. However, in Western Australia and the Northern Territory there is no such provision offered in law. Furthermore, and as Table 1 illustrates, across the permitting jurisdictions both the procedures that enable lock changes, and the penalties for not observing the correct procedures, vary. Similarly, while most jurisdictions have legislation that allows respondents to be excluded from the family home, only some (SA, Tas, WA & the Commonwealth *Family Law Act 1975*) allow for a replacement tenancy agreement and any other restriction deemed necessary. It is important that policy-makers are aware of these differences when considering new homelessness prevention initiatives.

**Table 1: Australian legislation offering a response to homelessness prevention from a tenancy perspective**

<b>Jurisdiction</b>	<b>Legislation and commencement date</b>	<b>Implications for homelessness prevention attributed to family/domestic violence</b>	<b>How it happens</b>	<b>Penalties</b>	<b>Comments</b>	<b>Other legislation</b>	<b>Effect</b>
New South Wales	<i>Residential Tenancies Act</i> 2010, 31 January 2011	<p>S71(2)(d) allows tenant/occupier to change locks without landlord's consent if partner has AVO</p> <p>S79(1) terminates tenancy of tenant with AVO</p> <p>S79(2) replaces tenant with victim occupier on tenancy</p> <p>S233A Replacement tenancy agreement</p>	<p>At tenant's discretion</p> <p>Automatic</p> <p>Tenant/occupier applies to tribunal</p> <p>Tenant/ occupier applies to tribunal when co-tenant is subject of a final FVIO</p>	N/A		Crimes (Domestic and Personal Violence) Act 2007	Excludes respondent from family home
Australian Capital Territory	<i>Residential Tenancies Act</i> 1997, 25 May 1998	Both lessor and tenant may change the locks in the premises (at their own cost) with the consent of the other party—S54(3) (amended 2008)		N/A		<i>Domestic Violence and Protection Orders Act</i> 2008, 30 March 2009	<p>Exclude respondent from family home</p> <p>Detain respondent</p>
South Australia	<i>Residential Tenancies Act</i> 1995	<p>Neither tenant nor landlord may add, remove or alter locks of the rented residential premises without consent of the other party unless they have a reasonable excuse—S66(1)(b)</p> <p>Tribunal can terminate the tenancy if the tenant has intentionally or recklessly caused, or is likely to cause, personal injury to a person in the</p>	By application from the landlord	If either party changes the locks without consent or reasonable excuse they could face a maximum fine of \$1000 S66(2)		Intervention Orders (Prevention of Abuse) Act 2009, 9 December 2011	<p>Exclude respondent from family home</p> <p>Any other restriction deemed necessary</p>

Jurisdiction	Legislation and commencement date	Implications for homelessness prevention attributed to family/domestic violence	How it happens	Penalties	Comments	Other legislation	Effect
Queensland	<i>Residential Tenancies and Rooming Accommodation Act</i> 2008, 1 July 2009	vicinity of the premises—S87(20)(b)(ii)					
		S211 Tenant can change locks with a 'reasonable excuse' without consent of landlord	At tenant's discretion			Domestic and Family Violence Protection Act 1989	Exclude respondent from family home
		S213(c) Tribunal can authorise change of locks—may regard risk to tenant's personal safety	Tenant/ occupier applies to tribunal				
		S245(2) allows occupier to apply to tribunal to be recognised as co-tenant instead of their domestic associate because of domestic violence	Tenant/ occupier applies to tribunal				
Tasmania	<i>Residential Tenancy Act</i> 1997, 1 July 1998	S321(1)(b) apply to terminate tenancy agreement because of DV and they want to leave the area	Tenant/ occupier applies to tribunal				
		Neither party may change the locks without consent of the other party or a court order—S57 A court will grant the order if it is satisfied it is reasonable to do so—S57(4)	Tenant applies to tribunal	N/A	Only applies if the person is a tenant; if they are just an occupier they have no recourse to the courts to change the locks	<i>Family Violence Act</i> 2004, 30 March 2005	Exclude respondent from family home  Replacement tenancy agreement



Jurisdiction	Legislation and commencement date	Implications for homelessness prevention attributed to family/domestic violence	How it happens	Penalties	Comments	Other legislation	Effect
Northern Territory	<i>Residential Tenancies Act</i> 1999, 1 March 2000	Neither party may change, add or alter locks without consent of the other party—S53(1) (tenant), S50(1) (landlord) (amended 2010)		N/A		<i>Domestic and Family Violence Act</i> 2007	Exclude respondent from family home  Replacement tenancy agreement  Any other restriction deemed necessary
Western Australia	<i>Residential Tenancies Act</i> 1987, 21 January 1988	Neither party may change the locks without consent of the other party given at or immediately before the change —S45(1)(b)		Breach without a reasonable excuse can lead to a maximum fine of \$4000—S45(2)		<i>Acts Amendment (Family and Domestic Violence) Act</i> 2004	Exclude respondent from family home  Any other restriction deemed necessary
Commonwealth					No residential tenancy legislation	<i>Family Law Act</i> 1975 as amended 4 January 2012	Exclude respondent from family home  Any other restriction that is necessary

Appendix 1 details and discusses the relevant sections of the legislation listed in Table 1. As discussed later, the research for this project revealed that, in the case study jurisdictions, schemes designed to promote women's ability to remain safely in their own home by means of risk assessment and subsequent security upgrading are limited (but not impossible) if they are not able to oversee the exclusion of the perpetrator and prevent his return by changing the locks. The differences and discrepancies in existing Australian legislation concerning both what is permitted and the relevant procedures and penalties have the potential to add confusion and complications to measures aimed at preventing homelessness. The creation of mirroring legislation on these matters would reduce confusion.

#### **4.3 Australian legislation offering a response to domestic and family violence, and its implications for homelessness prevention for affected women and children**

This section discusses the different Australian legislation regarding who can exclude perpetrators of domestic and family violence from their home, their immediacy of effect, the time span of exclusion and the penalties for breach by the respondent. As with the previous section, which looked at differing residential tenancy legislation, these matters are highly relevant to whether women feel safe to remain or deem it necessary to move out of their home, often into the homelessness system. As can be seen from Table 2, each state and territory again has its own legislation on this matter and these again have the potential to alter the ways in which women and their children can be prevented from becoming homeless.

Practitioners interviewed for this research repeatedly stressed the importance of women having immediate protection by the removal of the perpetrator. This is because if they have to leave while court procedures take place they can find it emotionally difficult to return. Appendix 2 details and discusses the relevant sections of the legislation listed in Table 2.

**Table 2: Australian legislation offering a response to domestic and family violence and their implications for homelessness prevention**

<b>Jurisdiction</b>	<b>Legislation and commencement date</b>	<b>Name of order(s)</b>	<b>How issued / who by</b>	<b>Effects of order(s)</b>	<b>Duration of order(s)</b>	<b>Penalties for breach</b>	<b>Implications for homelessness prevention</b>
Victoria	<i>Family Violence Protection Act</i> 2008, 1 October 2009	FV Safety Notices	Police officer	Exclude respondent from family home	Maximum of 72 hours or until the matter reaches Court	Fine of up to 200 penalty points, two years imprisonment or both	Immediate in effect
		FV Intervention Orders	Court		Time specified in order or until revoked		
Tasmania	<i>Family Violence Act</i> 2004, 30 March 2005	Police FV Order	Police officer	Exclude respondent from family home Replacement tenancy agreement	Up to 12 months until revoked or order replaced	Fine of up to 20 penalty points or 12 month imprisonment for first offence; up to five years imprisonment for fourth or subsequent offence	Immediate in effect
		FV Orders	Court		Specified in order		
New South Wales	<i>Crimes (Domestic and Personal Violence) Act</i> 2007	Provisional Orders	Applied for by police officer over telephone etc. to court	Exclude respondent from family home	28 days	Fine of up to 500 penalty units (\$50 000), five years imprisonment or both	Immediate in effect
		Interim court orders	Court		Up to two years		
		Final DV Orders	Court		Up to two years		

Jurisdiction	Legislation and commencement date	Name of order(s)	How issued / who by	Effects of order(s)	Duration of order(s)	Penalties for breach	Implications for homelessness prevention
South Australia	<i>Intervention Orders (Prevention of Abuse) Act 2009</i> , 9 December 2011	Interim Intervention Orders	Police officer or court	Exclude respondent from family home  Any other restriction deemed necessary	Until Intervention order decision made or revoked	Two years imprisonment	Immediate in effect
		Intervention Orders	Court		Until revoked		
Northern Territory	<i>Domestic and Family Violence Act 2007</i>	Police DV Orders	Police officer	Exclude respondent from family home  Replacement tenancy agreement  Any other restriction deemed necessary	Until court confirms, substitutes or revokes order	Fine of up to 400 penalty units or two years imprisonment	Immediate in effect
		Court DV Orders	Court		As stated in order		
Western Australia	<i>Acts Amendment (Family and Domestic Violence) Act 2004</i>	Police Orders	Police officer	Exclude respondent from family home  Any other restriction deemed necessary	24 or 72 hours	Fine of \$6000, two years imprisonment or both	Immediate in effect

Jurisdiction	Legislation and commencement date	Name of order(s)	How issued / who by	Effects of order(s)	Duration of order(s)	Penalties for breach	Implications for homelessness prevention
		Violence restraining orders	Court		As long as court specifies or two years if not specified		
Queensland	<i>Domestic and Family Violence Protection Act</i> 1989	Temporary Protection Orders	Court, possibly over the telephone.	Exclude respondent from family home.	Until Protection Order hearing, it is extended or is revoked	Two years imprisonment	Immediate in effect
		Protection Orders	Court		Two years, longer in special circumstances		
Australian Capital Territory	<i>Domestic Violence and Protection Orders Act</i> 2008, 30 March 2009	Emergency DV Orders	Judicial officer	Exclude respondent from family home Detain respondent	48 hours	Fine of 500 penalty points (\$50 000), five years imprisonment or both	Immediate in effect
		Interim DV Orders	Court		Up to two years		
		DV Orders	Court		Up to two years, longer in special circumstances		
Commonwealth	<i>Family Law Act</i> 1975 as amended 4 January 2012	S68B injunctions	Court	Exclude respondent from family home Any other restriction deemed necessary	As long as necessary	Fine of \$6600 or one year imprisonment	
		S114 injunctions	Court				

Although most jurisdictions now permit at least temporary removal of the respondent by police officers without a court hearing, this can only occur if the police have been involved in the domestic and family violence incident. Interviewees from all the case study locations noted that the police are often not involved in domestic and family violence situations. In Sydney, for instance, research participants reported that only about 10 per cent of the cases seen by refuge and outreach services have police involvement.

At the Hobart and Sydney workshops, participants expressed the view that a strong justice-led crime response to domestic violence, such as the Tasmanian 'Safe at Home' model discussed in Chapter 7, can possibly deter women from contacting the police and so mean that the perpetrator is not ordered to leave the home, or that he is prosecuted. However, interviewees from all the case study locations indicated that while a strong legislative and justice approach does in most cases deter perpetrators from continuing to commit domestic and family violence crimes, some cannot be kept away from a victim if he is determined to cause harm regardless of the penalty to himself. Although the granting of an exclusion order may stop a perpetrator from legally re-entering a property (even if he is the sole or joint owner), it is still possible that he will choose to break the law and return.

Because of the low percentage of police involvement in domestic and family violence incidents, court (rather than police) issued injunctions therefore remain important tools of homelessness prevention. In these cases, the woman will usually have to apply herself for an order, ensuring that the magistrates have enough information to make a decision. The role of court support officers in this work is discussed a little later in this chapter. In Tasmania, one of the ways in which the state has taken responsibility for the crime of domestic violence is that the police have been granted the power to issue 12-month family violence orders to perpetrators. Some jurisdictions, such as Victoria, only allow short-term on-the-spot exclusion orders to be issued, which lapse if not confirmed by a court within 72 hours. Interviewees voiced concern at the implications of this for women's safety, particularly in rural areas where courts may not sit within this time span. Research participants reported that the immediacy and length of such orders does make a difference to whether women and children feel that they have no option other than to seek refuge away from their family home.

There are wide discrepancies not only in jurisdictions' legislation concerning how and when perpetrators can be removed, but also in practice. There can also be differences in how courts, magistrates and police officers implement the law. These factors greatly influence the prevention of women and children from becoming homeless and must be therefore acknowledged and understood. If women and children are to have the confidence to feel safe to remain in their home they must feel that they have the support of society, and this is demonstrated to them most markedly by the attitude of the judicial system.

At the Brisbane workshop, participants noted that in Queensland it is very rare that a Domestic Violence Order is linked to the removal of the perpetrator from the home. One participant had conducted court support for three years and had not come across one such order. The *Family Violence Protection Act 2008* states that affected family members (AFM) will be supported to remain in the home if safe to do so. The court welfare officer at Frankston reported that although some women choose not to do so, as they do not want to return there or do not want the perpetrator to be removed, this is their decision; at Frankston, if a victim requests that the perpetrator be removed then he invariably is. Other Victorian interviewees reported that magistrates at other courts are less willing to remove the perpetrator if the women and children have already left the home. The implications of such discrepancies and differences

regarding these civil law matters (and their criminal law implications in the case of breach) are discussed in Section 4.5. First, English tenancy and domestic violence legislation and their implications for homelessness prevention are examined.

#### **4.4 English legislation as it relates to homelessness prevention concerning domestic and family violence**

English policies to reduce homelessness for women and children such as Sanctuary Schemes are discussed in Chapter 7. In order to understand to what extent they would offer a solution to Australian homelessness prevention, it is important to understand the legal context in which they operate. Table 3 demonstrates that, as in Australia, residential, family and domestic violence laws there have implications for homelessness prevention.

**Table 3: English legislation as it relates to homelessness prevention concerning domestic and family violence**

<b>Legislation and commencement date</b>	<b>Implications for homelessness prevention attributed to domestic violence</b>	<b>How it happens</b>	<b>Penalties</b>	<b>Other legislation</b>	<b>Effect</b>
<i>Domestic Violence, Crime and Victims Act 2004</i>	<p>S1 changes part 4 of the <i>Family Law Act</i> to make a breach of a non-molestation order an offence</p> <p>Repealed S41 of the <i>Family Law Act</i> that forced the court to regard the marital status of the parties and instead instructs the court to look at the level of commitment of the relationship</p> <p>The Act also makes changes allowing same-sex couples to fall under its remit</p>	Through an amendment	Breach can lead to a conviction on indictment with a prison sentence of up to five years, a summary conviction leading to a prison sentence of up to one year, a fine or both	<i>Family Law Act 1996</i>	
<i>Family Law Act 1996</i>	<p>S42 Non-molestation orders—either an associated person (i.e. victim of DV) or a child (i.e. victim's child)</p> <p>S33 Occupation Orders state who has right to occupy premises and to what extent. Can terminate and/or change rental agreements. The court must consider if any party is likely to suffer significant harm (i.e. DV) if an order is not made – S33(7)</p>	Order made by court, either on application, or if any family law proceedings are already taking place and the court feels an order is necessary it may make one at its discretion	Breach can lead to a prison sentence, fine or both (see above)	<i>Domestic Violence, Crime and Victims Act 2004</i>	Exclude respondent from family home
<i>Housing Act 1996</i>	<p>S177(1) states that it is not reasonable for a person to continue occupying accommodation if this is likely to lead to DV against either them or someone who usually resides with them</p> <p>S145 allows victims of DV to initiate proceedings to take possession of the</p>	Issued by court			This allows a perpetrator or victim to access homelessness support



Legislation and commencement date	Implications for homelessness prevention attributed to domestic violence	How it happens	Penalties	Other legislation	Effect
	secured tenancy premises and terminate and change the tenancy agreement S149 allows for the same for assured tenancies with a social housing landlord				
<i>Criminal Justice and Police Act 2001</i> , Protection from Harassment provisions	S42 allows a police officer at the scene to issue an order removing a perpetrator from the area if they are harassing a victim	Issued by police officer	Breach is an offence that can lead to a summary conviction with a maximum sentence of three months in prison, a fine up to level 4 of the standard scale or both		
<i>Homelessness Act 2002</i>	Classified homelessness as one of the causes that lead to homeless people being vulnerable Extended the causes of unreasonableness to stay in accommodation to any violence or threat of violence				DV victims given priority in re-housing  Allowed victims of non-physical DV to receive priority re-housing and homelessness support. Also meant that victims didn't have to wait until violence occurred to be able to move out—the threat of violence was enough  Allowed for early intervention

It is notable that there is a wide range of legislation, some of which explicitly allows for same-sex couples and non-traditional domestic violence (such as emotional & financial abuse) to be included within their remit. The legislation covers all of England and Wales. Scotland, which was not included in this research, is a different jurisdiction and has in many instances its own legislation on housing and homelessness matters.

The *Homelessness Act* 2002 determines that women and children who have been made homeless because of domestic and family violence are to receive priority for rehousing and homelessness support. This is important because it means that homelessness prevention schemes work in England within a very different context to those in Australia where there are no such provisions. As local authorities there have a statutory duty to provide for some of the women and children in these circumstances, they can justify spending money on preventing them from becoming homeless by channeling monies that they would otherwise have spent on temporary and permanent accommodation for them. It also means that women in many instances choose to remain at home even though they would be eligible to be rehoused elsewhere. Importantly, there must therefore be other factors influencing their decision to remain in their homes other than the prospect of not being able to access alternative accommodation. In Chapter 5 the growth of SHLV schemes in New South Wales is discussed. These are similar to Sanctuary Schemes and very popular with women who wish to remain in their home.

#### **4.5 Breaches of injunctions and orders**

Both the police and the courts were named as areas that could be improved regarding practices over breaches of injunctions. In all three Australian case studies, interviewees were critical of the police and courts for not following through on breaches. This clearly has implications for keeping women and children feeling safe enough to remain in their home and thus preventing their homelessness. One court welfare officer in Victoria said that her clients constantly complained of a lack of response to breaches: 'It is like only half the system works'. In her experience, men who breach do so to test the resolve of their ex-partners and of the system, and need to be dealt with swiftly at first breach with the full extent of the law, if they are not to continue to feel confident that they can break the terms of their order and return to their ex-partner's home without penalty. She recommended that 'monitoring bracelets' be used to track family violence perpetrators, so that there is clear evidence when a breach has occurred. Police could also quickly warn women if the perpetrator had entered the exclusion zone. In north-west Tasmania, police have used cameras hidden in roof spaces to track breaches of orders. The recording of incidents by Vital Call emergency alarm systems control rooms (discussed in Chapter 6) has also been used for this purpose in northern Victoria. Some concern was raised that repeat perpetrators were now increasingly aware of how to intimidate women without creating a technical breach of the order, especially through contact arrangements with children and through friends and associates of the perpetrator coming to the home. These issues can lead to changes in the assessed risk to women to remaining in their home, but also impact on women who have left their home.

Victorian participants considered that one of the most negative facets of the Victorian Safe at Home system (discussed in Chapter 5) is the way that it falls down over breaches of injunctions. One participant noted: 'Orders are only a piece of paper unless you enforce'. It is dependent on women reporting breaches and some interviewees considered that judicial matters are not sufficiently integrated into the Victorian system. However, participants also commented that in areas where the police do charge perpetrators who breach their orders on every possible crime, not just the breach itself, perpetrators have been receiving more serious penalties from

the court. They recommended that this practice becomes more widespread. Injunctions and occupation orders are well established in the UK, but participants noted that the numbers of applications have decreased. It costs £2500 to get an injunction and can take some time to be obtained. Some homelessness prevention schemes require their clients to get an intervention order. Bega SHLV scheme does not, but encourages women to do so because it gives the police something to act on. In all the Australian case study areas, interviewees felt that the court system was more inconsistent in dealing with breaches than the police. The following section looks at court issues that can help or hinder women and children to remain safely in their home.

## **4.6 How courts can help or hinder women to remain in their homes**

Several problems were identified that can deter women from using the present range of court systems as a mechanism to prevent them from having to leave their homes. These included the lack of separate places for men and women to wait at court (Vic), the need for increased prosecution rates (England), and the lack of interpreters for immigrant women who can find it difficult to both understand what is going on and to make themselves understood (Qld).

Not all Australian jurisdictions have established specialist family violence courts. This includes Tasmania, although the 2009 evaluation of the Safe at Home system, discussed in Chapter 7, recommended their development (SuccessWorks 2009). Interviewees from the English case studies considered that family violence courts have been over-hyped, but could generally be considered a positive service to victims of domestic and family violence. This is because specific training is provided for magistrates, and a greater consistency of outcomes is achieved because the bench becomes educated in domestic violence by being constantly exposed to cases. The conviction rate of perpetrators in these courts is 20 per cent higher than in general courts (Director, AVA Project). In the case study area in South Yorkshire, a fast-track domestic violence cluster court initiative has been established, with a target for cases to be heard in six weeks from first hearing to trial. Research participants considered this to be a positive step towards helping women to recover from their trauma as quickly as possible, and has led to more women prepared to attend court, which increases the number of guilty pleas by respondents.

In Victoria, two sites (Ballarat & Heidelberg) provide a full domestic violence service, with a court appointed respondent worker and a mandated counselling service for perpetrators. In three other court sites (Frankston, Melbourne & Sunshine) there is a lesser service with no respondent worker or mandated counselling, but with a specialist family violence worker and a specialist family violence registrar to assist victims, both funded through the court. Women who have not had any contact with family violence services or the police can be referred by the support worker. The value of court support workers to homelessness prevention of women and children is further discussed in the next section. In Victoria, legislation has been proclaimed to set up model specialist family violence courts. Elsewhere in Australia, specialist courts have been located within the magistrates' courts as adaptations of existing systems. Mirroring legislation for the provision of domestic and family courts would produce consistency, and mean that they could not easily be disbanded.

### **4.6.1 The role of court welfare officers**

Several research participants spoke of the importance of court advocacy services and how necessary it is that local domestic violence services support this through such

means as assisting at court on a seconded rota. Sometimes advocacy workers can gain permission to speak in court on behalf of their clients. The Women's Legal Service Victoria explained that if the police have not been involved, the woman has to go to court to gain an interim exclusion order. If no police are involved she is assisted by the registrar through the initial process. The court appointed support worker talks to them about the implications of the safety order. If the woman is not linked into other support services then safety planning, especially for the next 24–48 hours, takes place. Police speak to the victim and ensure that she is safe before serving the order on the perpetrator. If he is at the family home when the order is served, they normally wait until he leaves. At Frankston domestic violence court, there are usually 25–28 hearings a day, but this can be as high as 50. The day before the court listing, the support worker receives the case files and screens them for high risk factors, in order to prioritise which women she will try to see. In New South Wales, there are 18 domestic court advisory services around the state. These include a safe room where no men are allowed. Interviewees explained that some women are terrified of being at court with the perpetrator, and that early contact with victims is very important in encouraging them to go through with the process and so maximise their safety by having the perpetrator removed from their home.

#### *4.6.2 The role of magistrates*

Interviewees from all the case study jurisdictions spoke repeatedly of how lack of support from the judiciary, including the inconsistency and unevenness in the way that magistrates deal with breaches of injunctions and related issues, can impact on women's confidence to engage in the system. In Tasmania, the issue of magistrates bypassing mandatory prison sentencing for those with more than five offences (by not recording a conviction) was raised as a real concern because if women are not convinced that legislation aimed at keeping victims of domestic violence safe in their own home will be enforced, they fear the perpetrator will keep returning:

Keeping the perpetrator away is key to making victims more comfortable about staying in the home. Orders are often breached, but then that breach is thrown out in court. (Tas interviewee)

However effective a model appears, it is the reality of how it is enacted in practice that makes the real difference to women's ability to feel confident about being safe to stay in their home.

A Victorian research participant noted that magistrates can favour women who have demonstrated their fear of the perpetrator through becoming homeless:

Some magistrates think that if she hasn't left the home she cannot really be that scared, but if she is in a refuge there is no question. (Vic interviewee)

This demonstrates an attitude that obviously acts against the philosophy of enabling and encouraging women not to become homeless by entering crisis accommodation. A Victorian service agency noted that in their experience if police are not involved and the women self-refer to the court then magistrates are less likely to exclude men from the family home, and more likely to treat the case differently than if the police are involved. Bearing in mind the low percentage of police involvement in domestic violence incidents discussed a little earlier, this can act against women's ability to remain in the family home. Indeed severe opposition to the principle of women and children remaining in the home was noted by some participants. A Victorian welfare agency labeled some magistrates as punitive and stated that they had to attempt to avoid hearings by these people in order to protect their clients' best interests. A New South Wales homelessness prevention service interviewee spoke of victims being sometimes re-victimised through the courts and of inequitable service where

perpetrators are bailed and released on parole in situations where they should not be, adding: 'So much depends on the quality of the magistrate'.

The need for magistrates to receive specialist training on domestic violence, and how the courts can assist or hinder with preventing women and children from becoming homeless, was repeatedly raised in all the case study locations. In the UK a national training program for magistrates run by Sheffield Women's Aid, 'DV: An Ordinary Crime?' was praised for its work in this area. The Queensland workshop also confirmed that it is a common experience to have magistrates who are unsympathetic to victims. A Tasmanian police officer acknowledged that some women do not get a good outcome from the courts, and that this is annoying for both the police and the victim. He considered that the courts are the weak link in the Safe at Home system. In Tasmania, approximately one-third of Safe at Home clients only use the service once, but approximately two-thirds are repeat victims. He believed there was a mistaken assumption that the higher-risk offenders would be caught by the criminal justice system and would be funneled into the mandated behaviour change program, but in fact the men who end up in the criminal justice system are the ones where there is sufficient evidence to bring charges, rather than the risk they pose or the severity of their offending. Consequently, some of the highest-risk offenders are only being managed by a family violence order that is insufficient to change their behaviour. Both women and the police can lose faith in a court system that is inconsistent. A standardised response not only in each state, but preferably across the country, is needed in order to avoid a postcode lottery concerning the approaches of the judicial system.

## **4.7 Police issues**

Interviewees from both England and Australia repeatedly maintained that, however good police systems and procedures are (or are not), the quality of individual policing can also make a difference to whether or not women feel safe to remain in their home once the perpetrator has been removed. Examples were given by the Women's Legal Service Victoria of police officers saying to the perpetrator 'We'll take you to a friend's for the night', rather than taking criminal action, only to see him return the next day. Low charging rates because 'both were drunk and as bad as each other' were also criticised. Interviewees from Queensland and Tasmania also spoke of the problems of dual procedures, when both parties are seen as perpetrators and orders placed against them. This particularly happens when women fight back during assaults and abuse. They considered that the police need more training in assessing domestic and family violence situations to help with the extent of 'primary perpetrator and secondary perpetrator' decisions.

The relationship that agencies have with police Domestic Violence Liaison Officers (DVLOs) was considered very important by Newcastle agencies. This included having a client flagged on the police system as 'at risk', so that she will have priority if she makes an emergency call. Interviewees explained that this made women feel supported and that there was a wrap-around service taking care of her. This in turn made her feel more confident about remaining in her home. Local partnerships between welfare agencies and the police were considered to result in fewer instances of police taking women and children away from their home and into refuges.

Research participants from all the Australian jurisdictions expressed disappointment at the amount of training that the police have received on domestic violence issues. Queensland workshop participants stated that although domestic violence takes up a considerable amount of police time, the police receive very little training on the issue, and that sometimes their ability to assess incidents is impaired as a result.

Interviewees from Tasmania and Victoria suggested that there can be a level of difference in the service provided by frontline attending officers compared to the Safe at Home specialist DVLOs. The commencement of the Safe at Home model in Tasmania was accompanied by specialist training for the police, but this has not been maintained as new officers have been appointed.

### ***Victoria Police Code of Practice for the Investigation of Family Violence (2010)***

*The 2010 Victoria Police Code of Practice for the Investigation of Family Violence* (2nd edition) was widely praised for the specific procedural requirements it sets out. This edition reflects the changes in the Victorian integrated family violence system (discussed in Chapter 5) and specifically includes supporting affected family members to stay safely in their own homes where they wish to do so. Family Violence Safety Notices (FVSNs) can be issued by individual officers and are a means of placing temporary conditions (including exclusion from the home) on the respondent where a police member responding to an incident believes on reasonable grounds that, until an application for a Family Violence Intervention Order (FVIO) can be decided before the court, a FVSN is necessary to ensure the safety of the affected family member. In 2011, FVSNs were issued in 8 per cent of cases attended by police officers. Police can share information with specialist family services relating to such incidents.

Since the *Victoria Police Code* was first issued in 2003 the reporting of family violence to police has increased from 28 000 incidents in 2003–04 to 40 892 in 2010–11, an increase of 68 per cent. The number of intervention orders applied for by police on behalf of affected family members increased by 212 per cent, from 2627 in 2003–04 to 8203 in 2008–09 (Victoria Police 2009, pp.15–16). Interviewees from the Domestic Violence Clearing House considered that Victoria Police was a very good model because it has senior staff accountability, and is far more integrated than other police systems such as New South Wales. However, even within this improved system, interviewees still complained of disparities in terms of individual police officers' expertise, especially concerning a good understanding of the cycle of domestic violence and how it can impact on women's lives. Comprehensive training of officers not only in jurisdictional procedures but in what domestic violence entails and how it affects its victims has the potential to impact on whether women and children feel enabled to remain in their home:

Some police officers see attending domestic violence as a waste of their time because they do not feel that the hybrid system of criminalisation and civil law really works and that the justice system doesn't support police officers who act on breaches. There are no incentives to encourage police to go down the criminal route and they do not do this enough. (Victorian welfare agency interviewee)

Interviewees in all areas talked of a 'patchy' response by police, with geographical differences in the percentages of women who remain living in their home. The response in some areas, including the north-west of Tasmania, is making women feel safer and more enabled to remain than in other areas of the same jurisdiction, working to the same operational procedures. The reason given for this was that officers in the north-west are better resourced to deal with domestic violence.

What is clear is that women need to know before they make an informed decision whether to remain living in their home or to leave that police can evict perpetrators and keep them away. A variable service by individual police officers and courts has the potential to result in increased risk for women who choose to stay because they believe that the judicial system has the power and will to support their choice.

## 4.8 Family law issues

Several family law issues were linked to homelessness for women and children by participants. Some considered that the Family Law Court does not value the experience of women regarding domestic and family violence, and that this can increase their chances of becoming homeless or of having to remain in the relationship. The possibility of post-separation access to the children by the perpetrator without the mother being there to protect and intervene can deter some women from separating from the perpetrator.

These difficulties have recently been acknowledged in an amendment to family law legislation designed to improve the family law system and ensure the safety of children when parents separate. The *Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011* was passed by Parliament on 24 November 2011, and the family violence measures commenced on 7 June 2012. The changes introduce a new broader definition of family violence, which now includes physical assault, emotional manipulation, economic abuse and threatening behaviour. The Family Violence amendments do not alter the presumption of shared parental responsibility but prioritise the safety of children in parenting matters by giving greater weight to protection from harm when determining what is in a child's best interests.

Other family law issues relating to homelessness for women and children raised by research participants included:

- Perpetrators controlling the terms of property settlement.
- Repeated forced moves in order to escape the perpetrator.
- The problem of small towns where there were few law firms. If the perpetrator has previously been a client (in whatever capacity), they are unable to act for the victim who then may have to access legal services in another town. This can heighten her chances of not receiving adequate advice and of losing her home.
- Legal aid restrictions caused by mean and merit tests on family law matters, including property settlement. Although the National Partnership Agreement on Legal Assistance Services does now give priority to family law matters relating to people who have experienced, or who are at risk of, domestic and family violence.

The risk to women engaged in the family law system were not in the main lessened by them leaving their home, as continued child contact with the perpetrator, for instance, can be mandated by the courts wherever they are living. For many women, including those affected by family law issues, risk of future assaults by the ex-partner is not heightened by remaining in the home.

## 4.9 Legal support

Women need legal advice in order to make informed decisions. The Women's Legal Service Victoria reported that being able to offer a duty lawyer at Magistrates Courts can help women with intervention orders to remove the perpetrator. Such services can also offer training to domestic violence workers and magistrates on legal education and reform. Since 2008 there has been no legal aid available for property law in Victoria, and this has had a direct impact on women's ability to remain in their owner-occupied home following a relationship breakdown caused by domestic and family violence. Early intervention measures such as phone legal advice services were seen as important, especially if the perpetrator is very controlling which reduces the victim's ability to research options.

The issue of debt and fines was raised by several participants. Victims of domestic violence are particularly susceptible to a partner taking out debt in their name, and this can impact on their ability to afford to remain in their home. It is possible for such women to nominate the perpetrator as responsible for the debt, but some are reluctant to do so for fear of retribution. Fines can be cancelled by the court if the applicant has experience of homelessness, and this can act as an incentive for women and children to leave their home and become homeless. It would appear from the interviews that most women access legal support through refuge and shelter networks. We know, however, that most women at risk of homelessness due to domestic violence do not approach crisis services for assistance and therefore are likely to suffer a lack of information about their legal options, particularly women from non-English-speaking backgrounds and Indigenous Australian women. This is further compounded by the lack of legal aid available to women who have experienced domestic violence.

Australian interviewees also considered that women at risk of homelessness need better access to post-crisis legal support than is generally available. Timely assistance to resolve legal and financial issues can reduce women's vulnerability to becoming, or remaining, homeless or returning to abusive relationships. The Homeless Persons Legal Clinic (2007) has identified six post-crisis legal issues facing women that, if left unresolved, may lead to homelessness. These are:

- housing (mortgage & tenancy issues)
- credit and debt (relationship debt)
- Centrelink access (eligibility, breach & debt)
- immigration
- fines infringement
- discrimination.

#### **4.10 Access to legal aid**

Both in England and Australia there has been reducing access to legal aid for domestic and family violence issues in recent years. In England, only proven physical abuse is eligible. Furthermore, if the perpetrator accepts a police caution (as in 55% of cases in London), the victim cannot access legal aid at all, including for residency, child contact and divorce issues. Until three years ago in Victoria there was no gap in legal aid funding for family law issues eligible for legal aid, but this now has to be covered by pro bono lawyers and volunteer agencies (if available). The Sydney Homelessness Legal Service confirmed that limits placed on family law legal aid are very strict. In the 2010–11 federal budget an additional \$154 million was promised to legal services, including prioritising women and children at risk of violence as clients.

#### **4.11 Conclusion**

This chapter has examined the legislative context within which homelessness prevention schemes operate throughout Australia and in England, in order to allow the reader to begin to ascertain to what extent these will impact on the rollout and success of new policy initiatives regarding integrated homelessness prevention measures in differing jurisdictions. The influence of court and police practices and the impact of family law issues and access to legal aid and legal support have also been demonstrated to be influential on the extent to which women and children are enabled to remain in their homes. Where relevant, items for consideration for policy change in these areas are discussed in Chapter 8 of this report.



Chapter 5 goes on to look at some specific housing provision issues. These include Staying Home Leaving Violence (SHLV) schemes in New South Wales which, where available, integrate practical homelessness prevention steps with welfare and emotional support. The important roles of effective risk management, safety planning and security upgrading of properties in making women safer in their homes and in the success of SHLV schemes are discussed, and issues of information sharing and confidentiality are highlighted. This is followed by a discussion on the new Safe at Home in Victoria protocols, and issues of accessing and sustaining accommodation in the private rental, owner-occupied and social housing tenures for women leaving violent relationships.

## **5 HOUSING PROVISION ISSUES**

### **5.1 Introduction**

The previous chapter examined how legislative, judicial and police issues can relate to the prevention of homelessness for women and children who have experienced domestic and family violence.

This chapter considers housing occupation issues that impact on enabling them to remain in their home or locality. These include the upgrading of security to properties so that women feel safe to remain, and considers the benefits of differing integrated schemes designed to promote safety and emotional support to women. The findings of the research at the three case-study Staying Home Leaving Violence (SHLV) schemes in New South Wales are detailed in order to allow the reader to understand what factors influence the effectiveness of schemes in Newcastle, Mt Druitt and Bega, and therefore provide learning on what factors are important in the setting up and running of such schemes. Likewise, analysis is made of the homelessness prevention protocols falling under the banner of Safe at Home in Victoria. Matters concerning effective safety planning and risk management, confidentiality and case management are discussed because these are important to the success of schemes that seek to prevent homelessness by enabling women and children to remain in their family home.

Access to, and sustainment of, public and private rental tenancies and mortgaged owner-occupied properties are also discussed, because these again impact on whether women are able to live independently without the perpetrator and to not have to enter the homelessness service system. This is followed by consideration of the benefits of provision of accommodation for perpetrators.

In Chapter 7 statewide integrated systems (Safe at Home in Tasmania & Sanctuary Schemes in England) relevant to homelessness prevention are discussed.

### **5.2 Staying Home Leaving Violence (SHLV) schemes: New South Wales**

This section discusses the scope and effectiveness of Staying Home Leaving Violence (SHLV) schemes in New South Wales as enablers of homelessness prevention for women and children who have experienced domestic and family violence. As discussed in the Positioning Paper, these usually involve collaboration and a degree of integration between the police, courts and SHLV staff. The police role involves encouraging the victim and children to remain in the home unless there are immediate dangers preventing them from doing so, seeking exclusion orders and (in theory) offering accommodation to the perpetrator at nominated accommodation centres. The SHLV staff teams conduct risk assessments to assist the client in deciding whether to remain in the home, ensure necessary protection orders are in place and conduct safety audits (Bega Women's Refuge, 2007), as well as providing ongoing emotional support, sometimes for several years. There are now 21 of these schemes which increasingly form a network of agencies integrated into the New South Wales domestic violence service system. They are, however, not yet statewide, and many women leaving violent relationships cannot access their services.

SHLV commenced in 2007 with two pilots funded partly through federal crime prevention funding and later by the state government. The department contracts with SHLV agencies to provide their services and conducts SHLV training days in order to ensure a consistency of service standards. SHLV was not envisaged as a statewide

provision originally and has developed in a fairly ad hoc manner geographically. Participants in the Sydney workshop expressed regret at the lack of systemic development of SHLV in New South Wales, and that only recently has it become top-down state policy, coordinated into the support offered to clients through the *New South Wales Homelessness Action Plan*. The New South Wales Women's Refuge Movement has also been critical of how SHLV was developed in isolation from refuges, and that most contractors are not refuge providers. However, other interviewees were of the opinion that the skill and mindset for SHLV work can be quite different from that required to provide refuge for women in crisis accommodation.

The innovators of SHLV looked to Sanctuary Schemes in the UK, which are discussed in Chapter 7, and modified the ideas to work within an Australian setting and within the particular context of their individual location. For this AHURI research project, three Sanctuary Schemes and three very different SHLV schemes were visited. For SHLV these were Bega, one of the two pilot schemes, located in a small rural town; Mt Druitt, which is in a suburban area of Sydney; and SHLV covering the regional centre of Newcastle. The schemes each receive funding of \$150 000 per annum from the New South Wales Department of Community Services and are expected to manage around 30 clients during this period, although the schemes visited had many more clients on their books due to demand for their services. However, even at the contracted ratios, the cost per client only approximates \$5000 for the provision of security upgrading and for ongoing emotional support to enable women to remain in their homes or to move to new homes where they can feel safe.

McFerran (2007) found that the key features of good practice models to prevent homelessness for women and children by enabling them to remain in their home include:

- police removing the perpetrator
- courts granting exclusion orders
- support services providing information and resources
- risk assessment, security upgrades and safety planning
- assessment and assistance for violent partners
- leadership and legislation from government.

SHLV in New South Wales increasingly exhibits many of these criteria. The research for this project established from the interviews and workshop that what is lacking is a statewide approach so that there is no 'postcode lottery' of whether women can access SHLV services. Adequate funding so that referrals do not have to be put on hold, culturally appropriate services for Indigenous Australians and those from culturally and linguistically diverse communities, a consistency of approach regarding exclusion of the perpetrator from the home by the police and judicial services, and adequate funding so that women in private rental and owner-occupied homes can sustain their accommodation also need to be improved.

Each SHLV is different as they are auspiced by different agencies and work in different types of areas. This diversity is encouraged by the Department of Community Services which considers that different locations and types of clients need different forms of the service. Because SHLV has an objective of enabling women to live in the home of their choice, and because their target group of clients is women who are planning to separate, SHLV cannot always prevent women who become clients from becoming homeless—for example, if they are unable to afford to stay. SHLV is not a

homelessness service but, even in circumstances where women have to move, it may help to prevent them from becoming homeless in the future.

### **5.2.1 Newcastle SHLV**

Depending on the needs of the client, Newcastle SHLV carries out between three and twelve visits in their homes. The minimum number is three: to conduct the safety audit, to attend while the security upgrading features are being installed, and for a final check-up. Interviewees reported that for some clients that is enough and all they want, but others need longer-term support. Further sessions assist the women to come to terms with what has happened and how they came to be in this situation. This can help with building resilience to lessen the likelihood of any future violent relationships, either with the ex-partner or a new one. The service report that the first 48 hours back in their home following a domestic violence incident are crucial to whether women will gain the confidence to remain there in the longer term, and SHLV, the police and the court advocacy service work together to play an important role in building confidence and providing reassurance and support during this time.

#### **What works well in Newcastle**

Newcastle SHLV was in the second round of development of schemes and has been running for three years. Project workers reported that things that work really well are:

- Security upgrading, whatever the choice of house, not necessarily where the relationship was based.
- Relationship between SHLV staff and with the police DVLO—Officers of the Department of Community Services reported that senior police are supportive as they can see the advantages in breaking cycles of domestic and family violence. There is a standard protocol covering all SHLV areas, but also local partnership arrangements with police.
- Creation of a wrap-around service of support and partnership to help women to stay in their homes—for example, when a female public housing tenant fled her home as a result of a domestic violence incident, the perpetrator would not leave. SHLV contacted the police who informed the perpetrator in writing that he was trespassing. He then left and the woman returned to live in her security upgraded home.
- The fact that SHLV is an outreach service that goes to the women's homes.
- The effective co-relationship between the local refuge and SHLV staff. The refuge deals with women at the time of crisis and when appropriate then refers them onto the SHLV service. In Newcastle most clients are owner-occupiers.

#### **What doesn't work so well in Newcastle**

- Some police officers' attitudes of 'Here we go again' when dealing with repeat incidents, caused by a lack of understanding and training on the cycle of domestic violence.
- Magistrates delaying procedures because they need more evidence.
- Women refusing to make a statement or retracting it due to fear.
- Timeframe difficulties caused by only having part-time SHLV workers. Scheme officers do not feel that they are sufficiently staffed to do all the work necessary, especially as much time is spent driving to visit clients over a wide geographical area.

- Those living in their own home can be more isolated from good legal advice than those living in refuges. However, SHLV is the first service for homeowners who previously had found it very difficult to access services.
- Private landlords have to give permission for upgrades such as security doors, and it can be difficult for clients to explain to agents and landlords why these are needed.
- Implementation difficulties have been created by trying to 'shoehorn' SHLV into a service system that existed before the scheme became more widespread.

### 5.2.2 *Mt Druitt (Blacktown) SHLV*

Mt Druitt (Blacktown) SHLV started in 2007 and comprises the local police area command areas of Blacktown and Mt Druitt in Sydney. For the first two years it was federally funded through the Attorney General, for the Mt Druitt area only. The scheme still receives the same amount of funding as then but now covers the Blacktown area as well. A poster from the scheme is shown in Appendix 4. There are 1.6 FTE workers and the scheme is contracted to work with 30 client families a year. In 2010, the scheme worked with 86 clients because it was so over-subscribed, and had to close to new referrals for five months. Most referrals come from the police, and the scheme's work consists mostly of assessment of risk and liability, creation of a safety plan, ongoing case work, court support and advocacy and referral to other specialist agencies. The workers report that once women know they have the option to stay they are mostly keen to do so.

The collaborative referral protocol process at Mt Druitt works in the following way:

1. Referral (normally from police).
2. Phone contact with prospective client by SHLV agency.
3. Sometimes women are not ready for, and do not want, a SHLV service at that time, so they are sent information so that in the future when they do feel ready they know how to make contact.
4. New clients come in and visit the service for an initial assessment. This can take a couple of sessions.
5. Staff visit clients at home in order to conduct a risk assessment and safety planning. Mt Druitt gathered knowledge on safety planning by researching what was happening in the UK and Victoria, and by gaining experience on the ground of what works effectively, what is needed, and what is not so useful in their local area.
6. The client may not have an Apprehended Violence Order (AVO) at this stage. The service helps women with this and with family law regarding child custody etc. It is not a requirement in New South Wales that a client needs to have an AVO to receive SHLV services. The reason for this is that granting of an AVO by the courts is considered to be very patchy, and would not therefore be a fair requirement. It is preferred, however. As discussed in Chapter 4, AVOs are granted by the court but the police can issue interim orders which can be later ratified by the court. Interviewees considered the AVO process to be an important part of the integration between SHLV, the police and the courts. This is because SHLV staff gain detailed information on the history of the violence during the assessment process and are therefore able to communicate this back to the police who inform the courts, so making the case stronger.
7. Some clients choose to move out of their home. The Mt Druitt service continues to work with these women and regards 'planned moves' as a success, because they

do not tend to lead to the homelessness that is created by leaving at a time of crisis. Most clients do not enter refuge or other forms of crisis accommodation either before or after becoming SHLV clients.

### *5.2.3 Social marketing by SHLV schemes: Bega*

Bega SHLV, one of the original pilot schemes, is located in rural New South Wales. In addition to carrying out similar risk assessment and security upgrading work to other schemes, it was designed to change the behaviour of perpetrators, to raise community awareness concerning the links between domestic violence and women's and children's homelessness, and to encourage women not to accept abusive behaviour.

Social marketing campaigns are an integral and important feature. Cinema advertising, posters in public toilets, doctors' surgeries and other public areas, wristbands, key fobs and banners across roads have all been used to highlight the message that women do not have to put up with violent relationships and that they do not have to leave their homes in order to end the relationship. A poster from the scheme is shown in Appendix 5.

In comparison, the Eastern Sydney SHLV pilot worked much more 'behind the scenes' and concentrated on building up relationships with the police and NGOs and developing risk assessment forms etc. Newer schemes such as Mt Druitt SHLV consider that they have had less capacity to socially market their advocacy messages compared to locations such as Bega. This is because they do not geographically cover one discrete community, with one newspaper, and central point. Instead service system change has been a priority here. In Tasmania the Safe at Home statewide integrated domestic violence system (discussed in Chapter 7) had an advertising budget for the first years, but no ongoing funding. Interviewees suggested that at that time more women were willing to become clients of Safe at Home services and this was considered to be because the scheme is now not so well known, and many potential clients are unaware of the services on offer.

It would seem therefore that for women to be encouraged to use homelessness prevention measures they must firstly have an understanding that such services are on offer, that women and children are not expected to leave their home, and to have confidence that these services will effectively deter perpetrators from returning. Social marketing can play an important part in this process.

### *5.2.4 Evaluation of SHLV*

Evaluations of the pilot SHLV schemes had not been made public, but one of the original developers has published a qualitative report on their effectiveness to date (Edwards 2011). There were 18 services across New South Wales funded to provide practical and emotional support to women leaving domestic violence, with the aim to support them to remain safely in their home. In her research involving 17 clients, Edwards (2011) found that they are generally free from domestic violence in their home and remain so over time, and that they experience stability in their housing, income and education. More than half remained in their family home long-term, which suggests that they have been prevented from becoming homeless by becoming clients of a SHLV scheme. Fourteen of the women were living free from violence. Of the remaining three, one had ongoing family law issues (a situation discussed further in Chapter 4), one had mental health issues caused by having lived with violence, and one still had an ongoing fear of her ex-partner.

Most violent ex-partners of SHLV clients had not returned to the house in order to gain entry and cause further violence. Thirteen had an AVO with an exclusion condition,

and three had expired AVOs. Participants considered that the AVO had helped to keep them safe, but that the ways in which police respond to AVOs need to be improved (further discussed in Chapter 4). Most of the women felt safe with the back-up of the scheme's emotional and practical support, which included security upgrades and support with reporting breaches, and the support of neighbours etc.

Edwards concludes that SHLV schemes do prevent women from becoming homeless after leaving domestic violence through supporting them to remain in their home and assisting with re-location when this becomes necessary for whatever reason. As an outreach service, SHLV clients can continue to be supported if they move house within the locality. Edwards' research participants stated that the advantages of SHLV to them were the skills of the workers, the fact that support can be offered in the longer term rather than just at the time of crisis, and that it provides emotional as well as practical support. They also appreciated the respect and help given to them with their decision to remain or leave, and that SHLV makes up part of an integrated service network.

Officers at the Department of Community Services explained that the unpublished evaluation demonstrated that SHLV needs three things in order to be successful:

- intensive case management
- an integrated system with partnership with key agencies
- some elements of community awareness.

The department is in the process of setting up an evaluation system to systematically evaluate the 21 existing schemes.

The project has been successful because of compelling evidence that it prevents women from becoming homeless and lets them control their own future. (Senior Project Officer, SHLV)

### *5.2.5 Service integration and partnership with other agencies*

As highlighted above, SHLV schemes normally combine case management with integrated partnership with other agencies and some elements of community awareness raising. The original SHLV were founded by a mixture of academics and local practitioners, without the support of state government. As the schemes have developed, the government has taken a lead coordination, funding and contracting role. The SHLV schemes themselves are provided by different agencies and the communities they operate in are very different. SHLV relies on a network of agencies working together such as the police, courts and Centrelink but it is not a statewide integrated scheme in the way of Safe at Home (Tas). Over-riding executive agreements and protocols have been established with the NSW police, NGOs and the Attorney-General, however, and SHLV can be considered a program that now both fits in with the service system and is reliant on the other parts of that system.

It has encountered some opposition from the Women's Refuge Movement because of a feeling that it impinged on their work and because of the longstanding narrative that women cannot be safe in their own home, and that SHLV only works for the low risk or the middle class (which does not appear to be the case). There has also been some opposition to the way the Department of Community Services procured SHLV agencies via an open competitive tender, which led to some disappointment from those that were unsuccessful in their bid. The interviews revealed that the program has in the main received positive support because of its ability to break cycles of violence and welfare dependency and allows the victim to have control again by remaining in their home.

Concern about SHLV has been raised by some Koori people because of fears that the scheme will lead to greater criminalisation and homelessness of Koori men. An anticipated Aboriginal SHLV scheme has yet to be developed due to a lack of suitable agencies to become the provider. Although the scheme may be considered culturally inappropriate, this is not to say that some Indigenous Australian women will not want to remain in their home following a relationship breakdown due to domestic violence. The Department of Community Services, however, acknowledges that the SHLV program may struggle at the moment because the scheme is an interdependent, integrated system and there is a lack of other suitable domestic violence agencies to cooperate with New South Wales' Indigenous communities.

### **5.3 Risk management and safety planning to facilitate the prevention of homelessness**

If women and children are to be encouraged and enabled to remain in their own homes rather than become homeless, it is of paramount importance that their risk in staying, where the ex-partner knows where they are, is measured against the risks of moving. Walking into homelessness is an enormous step, and comes with its own risks of having to live in inappropriate (& perhaps unsafe) accommodation without security of tenure. When families do move out, as highlighted in Chapter 4, perpetrators are often aware of where they have moved to, especially if there are family law requirements for shared parenting arrangements.

The Positioning Paper for this project acknowledged that not all forms of domestic and family violence involve physical or sexual assault, and that emotional, financial and spiritual forms of control for instance are widespread. Even where physical and sexual assault has occurred, it can be that the breakdown of the relationship brings to an end these controlling behaviours. However, it can also bring about new extremes of behaviour, as the perpetrator now has 'nothing to lose' in terms of fearing that his actions may cause the woman to leave the relationship. These can be the times when women and their children are in the greatest physical danger, whether or not she remains in her home or seeks refuge elsewhere. For these reasons, SHLV schemes and other homelessness prevention services have been developed that involve both assessing and managing the risk to family members, and planning and implementing the security steps necessary to minimise this risk. Such procedures allow women to make more informed decisions about their choice of whether to remain or leave the family home.

Interviews in all four case study locations highlighted the importance of assessing the personal and individual risks to women and children in order to maximise their safety and to enable them to make informed and appropriate decisions about their next step. Several interviewees queried which the most appropriate agency to conduct risk assessments is. It can be difficult for police officers to take on a care role regarding domestic violence, especially deciding which security measures should be offered to women who wish to remain in their home. A Tasmanian DVLO argued that these decisions are often about making women feel safer rather than be safer, and that police are not trained to deal with emotional rather than practical issues. A dual assessment by police and service agencies would enable the emotional wellbeing of the women and children who wish to remain at home to be given improved consideration. At the moment in Tasmania, security upgrading is only being funded for those deemed to be at high risk.

In some Sanctuary Schemes in England further discussed in Chapter 7, risk assessments are carried out by the local authority housing department officers. Some advocacy organisations commented that this can be inappropriate in a situation where



if the woman chooses to leave her home, the local authority may have a statutory duty to house her and her children. In some Australian case study jurisdictions, assessments are conducted by police officers (Tas, Vic & some areas of NSW) and in others they are conducted by staff from domestic violence welfare organisations (parts of NSW). However, and by whom, risk assessments are conducted; several issues came to the fore during the data collection process.

For some services, assessing the financial viability of the client being able to afford to remain in their home, as well as their risk of harm, was considered important. Agencies report that conversation regarding financial risk prompts the client to think of how short-term remaining might be, and whether they need to be thinking about other options. At Bega SHLV, the answers to financial questions are not used to assess whether or not to fund security measures to the home, as they are not considered appropriate to the risk of harm assessment process. However, one of the visited English Sanctuary Schemes stated that financial and affordability considerations are an integral part of whether clients were considered suitable for the service.

### *5.3.1 Multi-agency risk assessment committees (MARACs)*

MARACs were first developed in Wales and now operate throughout the UK. They are often chaired by a senior police officer and are made up of all the welfare agencies who are involved with a woman assessed as having a high risk of repeat domestic violence. This may be as many as 15–20 professionals who meet together to discuss the case and to allocate and share resources. Interviewees in England commented that although the committee meetings are very staff intensive they can work well as a risk assessment and safety planning mechanism, particularly in smaller areas where those attending are more likely to know each other.

At the meetings, agencies talk together about the risk of serious harm to individual women and make safety plans for them. Their aim is to increase safety and wellbeing of these high risk clients and reduce the risk of them being repeat victims. Independent Domestic Violence Advocates (IDVAs) are appointed to act as advocates on behalf of the women to provide independent advice about the best options for them and attend the MARAC meeting.

In Hull in Northern England, one of the areas visited for this research, the domestic abuse MARAC meets monthly to consider the needs of new referrals and to review the needs of those whose situations have changed. Women are welcome to attend the meeting with their IDVA, who is there to represent their views. The meetings can arrange for a police officer to check on their welfare, provide extra security, help with emergency social housing transfers, ensure schools do not allow children to leave with anyone but their mother, and arrange for a health visitor to check on the family's wellbeing.

In parts of Victoria, a similar scheme named the 'Strengthening Risk Assessment Demonstration Project', which uses Risk Assessment and Management Panels (RAMPs) has recently been introduced. As discussed earlier, SHLV takes an individual case management approach. A collaborative integrated case management project was trialled in the Bega Valley that could make joint decisions about brokerage fund distribution similar to the way that MARAC operates. However, it was found to be extremely labour intensive, and organisations did not receive additional funding to work in this way.

Risk assessments are not foolproof, and inaccurate decisions may be made as to the level of risk a woman is exposed to. Women assessed as at a low level of risk can still unfortunately be injured or even murdered by their ex-partner, but there is no evidence either from the UK or Australia that those who choose to remain in their

home with security measures installed are at any greater risk than those who feel the need to leave.

### *5.3.2 Client and staff safety*

Several welfare organisations stressed the importance of involving the women closely in the risk assessment process, and of learning from them what is making them feel unsafe and what they feel needs to be done in order to make them safer in that property. SHLV Bega holds an initial meeting with the client, before going to the home to conduct the safety audit. They use the meeting to tease out issues and assess the risk to staff of conducting a home visit. This meeting can also include issues concerning who else might become involved in the situation, and how they are talking to their children about the issues. This is different from Tasmania where the police conduct the safety audit and make decisions on security upgrading (or ‘target hardening’ as it is also known in England). Their normally once-only visits take place for clients who are assessed as being at a relatively low level of risk.

In order to keep staff safe, welfare agencies generally have procedures in place whereby staff inform colleagues where they are going and leave an address. Some reported having an alarm installed in staff cars that is linked to a security firm and the office. Welfare agencies reported that they sometimes ask the police to accompany workers on home visits, but that this is not normally the case. Several organisations felt hindered from arranging for two staff to conduct the visit because of their workload. Some SHLV schemes in New South Wales, for example, have less than two FTE workers. In cases of extreme risk, where the advice is to leave and go to a refuge but the client chooses to remain, Mt Druitt SHLV continues to work with clients but workers do not go to their home. Although some perpetrators are generally violent or have mental health or drug and alcohol issues and so do pose a risk to staff, many are physically violent only to those they have control over, that is, their partners and sometimes their children.

### *5.3.3 Security upgrading and ‘target hardening’*

Workers from throughout the case study areas stressed that expenditure on relatively inexpensive items such as padlocks for manholes, meter cupboards and loft hatches, torches and rape alarms can go a long way to making women feel more secure, and that most women do not want their home to be turned into a ‘fortress’ with the provision of a panic, or safe, room.

The Bega SHLV scheme has been successful in enabling women to remain in their home even in isolated properties in the bush. While some clients have a sense of urgency and wish for both the assessment process and the security upgrades to be completed quickly, for others the risk assessment process is part of a more measured weighing up of what their next steps should be. Each individual case is different because it depends not only on the aggressiveness of the perpetrator and whether he is in custody, but also on the determination of the women not to have to leave their home. Agencies from all the researched jurisdictions tended to make few referrals from their outreach support services to refuges because the ‘client group for remaining in the home schemes is very different from refuge clients’. This was not due to differences in socio-economic status, but rather because unlike some refuge clients, their clients realised that the relationship had come to a permanent end and that a new way of living was called for.

### *5.3.4 Take-up of safety planning and security upgrading*

The court advocacy worker at Frankston in Victoria whose job is ‘to enhance safety and to enhance access to the justice system’ takes her clients through the ‘scariest

scenario' with the perpetrator that they can imagine, and then gets them to plan what they would do in that instance as part of her safety planning procedure. Some clients may temporarily leave the family home while the locks are changed and other security upgrades carried out, but only a few choose not to remain living there. Most have not been to a refuge before approaching the court and do not wish to leave their home, work and support networks. Although it is rare for a woman not to take up that option at Frankston court, the same cannot be said for all of Victoria which, as discussed in Chapter 5, has an integrated domestic violence system, although not yet fully available to the same extent in all areas. The security upgrades work arranged through the Frankston court is paid for by South East Water and managed by the Salvation Army.

Most Mt Druitt SHLV client referrals come from the police. The SHLV workers carry out assessments and safety audits of homes, put the safety plan in place, install security features and, in many cases, carry out ongoing case management with their clients in order to maximise their success of remaining in their home. Organisations conducting assessment of security upgrade needs reported that they do not budget for a fixed amount for each property, as needs vary considerably. Agencies sometimes find that they cannot contact a referral in order to conduct a risk assessment because she has changed her phone number or given the police a false mobile number. In these instances they know that she is not yet ready to consider that her relationship is over and therefore not yet ready to become a client. Ashiana Asian women's domestic violence advocacy group based in Sheffield in the UK conduct safety planning with clients so that she 'knows what to do, and who to inform'. This can include schools and other agencies. They label the risk assessment process as 'keeping safe' rather than 'reducing risk' because their clients find this more confidence-building. Clients who remain in their home, and those who wish for security upgrades and support in their new home, receive the same level of service.

### *5.3.5 Removal of safety equipment*

Agencies discussed when, and if security modifications should be removed from the home. Schemes that offer ongoing emotional support tend to leave the physical safety features in place even after they are no longer required. This is partly because the cost of removing features such as custom built security doors can outweigh any benefit from being able to potentially offer them to new clients. Even when women re-partner, the security devices are not automatically removed as ex-partners can still continue to cause trouble. It was most often when female clients were moving out of the area that security goods were reclaimed by agencies. In some cases, private landlords buy security doors off the scheme when the tenant for whom they were provided moves out. Safety upgrades to both current and new homes were almost universally regarded by interview and workshop participants as a positive and cost effective means to prevent homelessness and build confidence in women who have experienced domestic and family violence, provided the choice both to have them fitted and to remain in the home or locality rested with the victims themselves.

## **5.4 Information sharing and confidentiality issues**

The ways in which agencies share information and get around confidentiality issues in the case study jurisdictions in order to work together varied depending on which state homelessness prevention system they are operating within and its degree of integration at a local or statewide level. New South Wales workshop attendees confirmed that a policy on privacy and information sharing from NGOs and agencies often restricts coordination and information sharing, although some agencies do have sharing information consent forms for clients. They felt that their system was not as

good as the Victorian Safe at Home model (further discussed in Chapter 5) in this respect. They reported widespread misunderstanding in the state on privacy legislation and what can and cannot be shared. New South Wales reforms were implemented by the *Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009*. This established a scheme for the exchange of information between government agencies and NGOs involved in the safety, welfare or wellbeing of children and young people. A staged approach was taken to implementation to ensure that sufficient training and support was in place before the legislation took effect. Conversely, research participants considered that there is an important gap in the Safe at Home in Victoria system because there is no data base that can be shared by organisations.

This section has looked at SHLV schemes designed to physically and emotionally enable women to choose to remain in their homes. The following sections discuss issues regarding both accessing and sustaining living in private rental, public housing and owner-occupied properties following relationship breakdown attributed to domestic and family violence. The next section discusses another form of multi-agency integrated approach that can assist with homelessness prevention of women and children: Safe at Home in Victoria.

## **5.5 Safe at Home in Victoria**

Safe at Home in Victoria was established in its current format in May 2010. It is an integrated model of partnership through the police and welfare agencies working together, and its programs are now led in the main by the partnership NGOs with funding provided by the Victorian Department of Human Services. In comparison with SHLV, it is based on outreach services, which have been established for some time in Victoria.

Safe at Home in Victoria is different from the previous domestic violence work model in the state in that the responsibility for safety of women is held not only by their individual NGOs, but within the whole integrated system. This has brought about policy changes that have assisted in helping women to remain in their home post-separation. The changes in legislation and the *Police Code of Practice* which have assisted in the development and implementation of Safe at Home Victoria are discussed in Chapter 4. This section reviews the service integration elements of Safe at Home Victoria and assesses its role in preventing women and children who have experienced domestic and family violence from becoming homeless.

Most agency personnel interviewed for this research considered that Safe at Home in Victoria has brought about positive change. Some outreach services now receive brokerage funding for safety upgrading work, and can accept referrals from individuals or from agencies. Once police have issued a Safety Notice they make a referral to an appropriate agency. The referral includes the date of the court hearing, as police orders are only valid for up to 72 hours to allow the matter to reach Court (see Chapter 4). The agencies then normally endeavour to contact the women either prior to, or at, the court to explain their options about removing the perpetrator permanently.

Both interviewees and participants in the Victorian workshop considered that, although there have been some successes in local partnership programs; a program that runs consistently across all areas of the state is needed. They considered that there is too much reliance on service integration happening because of good relationships and goodwill between workers in organisations and that this needs to be formalised at a statewide level to ensure that women receive a uniform approach and do not get a different service depending on where they live.

Participants reported that homelessness prevention is a more dominant aspect of Safe at Home in Victoria than of the older Safe at Home (Tas), which are discussed in Chapter 7. This is partly because Safe at Home in Victoria was developed following the National Partnership Agreement on Homelessness, which places an emphasis on homelessness prevention of women and children following domestic and family violence. Outreach services run in tandem with homelessness prevention programs such as security upgrading, and tend to have a positive relationship with the court system. This matter was further explored in Chapter 4. At the time of the research fieldwork, Safe at Home in Victoria was newly established and therefore a full assessment of its role in preventing homelessness was not yet known. However, research participants appeared positive about the changes to date, but were uniformly concerned that agencies cannot access and share data on which individuals are in receipt of Safe at Home in Victoria services. This was considered to be to the detriment of their ability to keep women safely remaining in their family home post-separation.

## **5.6 Accessing and sustaining living in the private rental sector, public housing and owner-occupied properties**

### **5.6.1 Private rental**

Across Australia there are several schemes designed to enable women leaving violent relationships to both access and maintain private rental tenancies on their own, without their ex-partner. Women living in private rental accommodation can find this a most difficult tenure in which to remain. In New South Wales, the Start Safely rent subsidy homelessness prevention scheme is particularly designed to assist women who have experienced domestic violence by helping them to enter, or remain in, the private rental sector. Following a pilot project, private rental brokerage specialists were employed statewide in July 2010, and are now available in 24 locations. Housing and community welfare agencies can access these workers and their funding relatively speedily in order to prevent their clients from becoming homeless or at risk of homelessness. The scheme is intended to take pressure off the waiting list for public and community housing (recipients of the Start Safely funding must be eligible for NSW social housing) and to reduce the time that women spend in refuges. Applicants must also demonstrate that they can afford the property without the rent subsidy funding (although some have had to leave their home after the end of the 13-month subsidy period). Recipients must also be prepared to accept support from an appropriate service if this is deemed to be necessary. The money saved on rent can be spent on furniture, legal costs and other items and services that women leaving violent relationships need. The scheme also allows women to commence a rental history in their own name for the first time, and the private rental brokerage specialists can assist access to private rental housing through their relationships and networks with landlords. New South Wales interviewees familiar with the scheme reported that the take-up in some high rent areas has been quite low due to the necessity to prove that the rent can be afforded by the applicant without the subsidy payment.

SHLV schemes reported that Start Safely has proved useful in allowing clients to remain in their homes, at least for as long as the subsidy lasts. Teamed with security upgrading and the emotional support of SHLV schemes, a window of time for women to either find work well enough paid to be able to afford the rent themselves, or to plan to leave because they cannot afford the rent for the property, can be created.

### *5.6.2 Public housing*

Female public housing tenants who have experienced domestic violence have good reasons to wish to remain in their homes, as often they have waited many years for their properties and have previously had experiences of homelessness or inadequate living conditions. As discussed in Chapter 4, some jurisdictions now have legislative provisions for both public housing and private rental tenancy agreements to enable joint tenancies to be converted to single tenancies in the women's names, with or without the perpetrators consent. At the Mount Druitt SHLV scheme, approximately 40 per cent of the clients are living in public housing when they make contact with the service. Housing New South Wales work with SHLV clients who are living in public housing to both fund and provide some aspects of security upgrades such as new locks and repairs to broken back fences, but as SHLV is not a statewide service this means that Housing New South Wales are not able to provide a consistency of service to all tenants.

### *5.6.3 Owner occupation*

An equitable property settlement can be very important in determining whether women and children can remain in an owner-occupied home following domestic violence. The Women's Legal Service Victoria report that higher earning fathers will sometimes agree to pay the mortgage until the children have left school, but that the mother has to sell at that time unless she has increased her income so as to be able to afford to take over the mortgage payments. Practically it can be very difficult for women to raise a mortgage large enough to continue in the house as the sole owner-occupier. Whether or not a woman gets legal advice before she leaves a property can be crucial in maximising her chances of returning once the perpetrator has been excluded. Furthermore, women who go to a refuge at a time of crisis can find that exclusion orders forbid the perpetrator from coming near the refuge rather than the family home.

Although women living in private rental and community housing may be eligible for Commonwealth Rent Assistance once the perpetrator is removed, there is no similar assistance to those who are in need of mortgage support. As levels of owner occupation are very high in Australia and as domestic and family violence leads to relationship breakdown in all socio-economic backgrounds, educational levels and professional status, it is inequitable to have a subsidy scheme that assumes that all those in need of financial support are living in rented accommodation. Owner-occupiers who can no longer afford their mortgage are at risk of homelessness, and therefore should be eligible for some form of support if the ethos of homelessness prevention for women and children is to be a serious and sustained Australian policy direction. Schemes such as SHLV are not homelessness services, but are designed for women who already have a house of their choice to reside in. Low income women who are owner-occupiers but can no longer afford their accommodation can therefore find themselves more disadvantaged in sustaining their home in the long term than those in other tenures. In some SHLV schemes (such as Newcastle), a high percentage of clients are owner-occupiers, but sometimes their services can only be provided in the original family home for a short time because it has to be sold as a result of the court's property settlement. Interviewees stressed how important it is that these clients access good legal advice before signing an agreement that might disadvantage themselves and their children.

## **5.7 Conclusion**

This chapter has sought to demonstrate that SHLV schemes in particular are at the frontier of providing homelessness prevention services to women and children who

have experienced domestic and family violence in Australia. In New South Wales they have become an important tool for enabling women and children to remain in their own home, and play a valuable role in changing attitudes and showing what can be achieved. The combination of individual emotional and risk management, safety planning and security upgrading support for clients, with integrated working with the justice system and other support agencies in SHLV schemes do fulfil an effective homelessness prevention role, especially those that are able to integrate more fully with other services. SHLV offer the best outcomes because they are a site for the integration of multi-sector efforts that enable women to stay at home effectively. What is missing is that the schemes are not as yet available to all, financial issues can make it difficult for women to remain in their homes in the long term, and the judicial and legal issues raised in Chapter 4 can cause some difficulties.

In Victoria the relatively new Safe at Home integrated partnership model is also leading good practice in inter-agency working and in outreach work, which together assist with keeping women and children in their own home. Later on, in Chapter 7, Sanctuary Schemes and Safe at Home Tasmania are evaluated as examples of more fully integrated and comprehensively available models. First though, Chapter 6 examines the additional support and welfare initiatives (including those designed to increase women's financial capability and those which provide a quick response if perpetrators do return to the home) in order to assess their role in homelessness prevention.

## **6 WELFARE AND SUPPORT ISSUES**

### **6.1 Introduction**

Until recently, integrated domestic violence services response systems have tended to focus on those in housing crisis, with resources for longer-term support being relatively scarce (Healey 2009). However, the provision of extended longer-term support and tailored group and individual interventions are particularly important for those women and children who have chosen to remain in their home as they may not have access to the alternative support mechanisms that those staying in a refuge or other form of crisis accommodation would have available.

This is important because long-term issues such as loneliness and lack of confidence can be reasons why women agree to re-partner with their perpetrators. This chapter considers those additional welfare and support-related issues that can affect women's ability and choice to remain in their own home after separating from a perpetrator. These include financial confidence mentoring, emotional and practical support, emergency support during perpetrator return incidents, support for Indigenous Australians, community education, support for children, and perpetrator support and accommodation provision.

### **6.2 Support to increase financial confidence and capability**

It is known that economic dependence is a risk factor for domestic and family violence. It limits women's ability to either leave the relationship and the home, or have the perpetrator removed and remain. Financial, social and human capital issues are all important protective factors in encouraging women to feel able to live independently of their former abuser (Landvogn 2011), whether they leave or remain in their home. As discussed in Chapter 5, low income makes it much more difficult for owner-occupiers and those living in private rented accommodation to afford to stay in their home long-term post-separation. For this reason, some financial counselling services for women leaving violent relationships have begun to attempt to ameliorate these difficulties and to help increase financial confidence and capability for women who may have had these skills eroded through being in an abusive relationship.

The Tools for Change program run by Women's Health Goulburn North East in the Shepparton and Wangaratta areas of Victoria is one example. Volunteer mentors offer long-term support to help women leaving violent relationships to regain financial confidence and capability, and lessen the risks of them feeling that they have no option but to allow the perpetrator to return. Their involvement includes helping with disentangling and separating finances from the former partner, explaining bills, setting up direct debits, dealing with credit card debts, and declaring bankruptcy when appropriate. In the United Kingdom, the advocacy organisation Refuge have also recognised that financial capability is an issue and have called for the government to put women's and children's economic development at the centre of any integrated domestic violence strategies (Hopkins & Sharp 2008). Refuge has published information for women on how they can afford to leave their violent relationship. It is recommended that similar information be made widely available in Australia.

### **6.3 Personal development support**

If women and children are to successfully remain in their home, and not allow the perpetrator to return, they will not only need the financial ability to do so, but also to receive emotional and practical support. The fieldwork for this project revealed examples of good practice in providing non-residential support designed to assist



women with living independently successfully. One of these is EASE (Emergency Accommodation & Support Enterprise) based in Bendigo, Victoria, which provides a range of outreach domestic violence services. These include recovery and counselling programs, intensive case management and an Indigenous Women's Case Management Program in partnership with the Bendigo and District Aboriginal Co-operative. This work is done in close collaboration with the delivery of men's behaviour change programs that are designed to ensure that women remain safe.

Hobart Women's Shelter runs programs for residents of their safe houses and for women who remain in their own homes, plus those who are unable to access their supported accommodation because of over-subscription. These include KYSS (Keeping Yourself Safe & Sane) which is a weekly education and peer support group for women who are experiencing, or have experienced, domestic violence. They also run WISPP (Women's Integrated Support Pilot Project), an early intervention program providing one-on-one support and advocacy, and FLAVERS (Family Literacy, Adult Vocational Education Resources & Support), providing literacy and education programs, plus mother and child support groups.

Mount Druitt SHLV also provide group work and peer support opportunities as they recognise that building a network of support is an important element in enabling women to remain in their home. Newcastle SHLV provide up to 12 visits to clients' homes in order to counsel them on coming to terms with what has happened and to provide them with resilience and recognition skills to ensure that they do not re-enter an abusive relationship in the future.

## **6.4 Emergency support at times of perpetrator incidents**

The Victorian Bsafe pilot project provided personal emergency response alarms (similar to those used by the elderly) to women assessed to be at high risk of violence from their ex-partner. The project was Commonwealth funded through the national Community Crime Prevention funding and ran from 2007–11 in the Hume region. This pilot initiative was led by Women's Health Goulburn North East and was designed to reduce the incidence of domestic and family violence, reduce fear of assault and abuse, and ensure that high risk victims have the option of remaining safely in their homes. Alongside the alarm system there was an integrated multi-agency response providing emotional and practical support.

The Final Report from the project (Taylor & Mackay 2011) found that nearly 70 per cent of clients (who were all at high risk of repeat victimisation, and many of whom had had to move house to escape post-separation violence in the past) were able to remain in their own home once the alarms were installed, and that a further 20 per cent moved house but were able to stay in the local community. Some chose to tell their ex-partner about the alarm and reported that this was successful in deterring some from breaching their injunctions and returning to the property. For other women, pressing the alarm at times of breach meant that the perpetrator could be quickly apprehended, and also that there was proof because the control room could record the sounds of the incident and so increase perpetrator accountability. The Bsafe project demonstrated that women at high risk of repeat victimisation can choose to remain safely in their own homes once the perpetrator has been removed, even in rural areas where police response times may be longer than in metropolitan areas, at much less cost than relocating them to another home.

The research revealed that four key elements were important to the success of Bsafe:

- Women had to have a Family Violence Order with exclusion clauses in place and did not want ongoing contact and a relationship with the perpetrator.

- Ongoing contact and risk assessment with clients, as many had long-term needs.
- Employment of Bsafe coordinator to oversee referral process, ensure timely kit installation, monitor activations and police response, and communicate with key stakeholders.
- Training workers (police, service providers' workers) in the use of Bsafe and also women using it whenever a breach occurred, however minor.

Two types of alarm systems were used: a home-based model that works with a landline and a unit designed to work with mobile phones. The latter proved particularly useful for use out of the home, and meant that women and children could resume a more normal life. Some women gave them to their children to use to allow their children to go out alone without fear that the children would be defenceless if the perpetrator approached them.

Interviews with the project officer revealed that approximately one-quarter of the female clients had occasion to use their alarm when a breach occurred. These clients reported several advantages to using the push button alarm rather than simply phoning 000:

- The alarm service operators know immediately who is contacting them and that it is a domestic violence situation. They also know how many children are living in the household.
- If the women are unable to speak, the operator can use the loudspeaker to talk to them and ask if there is something they wish to say. Some women had an agreed password with the alarm system operatives so that they could request emergency assistance without risking the perpetrator being enraged by their request.
- The alarm system is also easy for children to use.
- There have been cases where police have arrived and apprehended the perpetrator without him even knowing that the alarm system was installed or had been activated.
- Women could also activate the alarm and then escape out of the back of the house knowing that the incident was then being recorded. In one case, the alarm service operator spoke to the perpetrator to inform him that he was being recorded in an attempt to moderate his extreme behaviour.

Twenty per cent of the clients were under 25 and 143 children were living in the homes of Bsafe clients, of whom three-quarters were aged 8 or under. The project coordinator reported that clients' children had the pressure taken off them from feeling they had to protect their mother, and the alarm helped those suffering from hyper-vigilance to relax. Children's support issues are further discussed later in this chapter.

Bsafe operated in the following way:

- Potential clients were discussed at a multi-agency meeting, including women whose ex-partners were shortly to come out of prison for their domestic violence crime.
- Victoria Police made a referral to VitalCall.
- VitalCall installed the alarm unit and trained the women how to use them.
- The quarterly monitoring fee for each installed alarm was paid by Bsafe.
- The coordinator continued to emotionally support the women.

Despite the pilot taking place in a rural area, only one client referral was unable to be processed because there was no mobile phone coverage available. The Bsafe project

officer reported that it provided a valuable service to women with disabilities and to Aboriginal women, helping them to have more positive perceptions of the police. The project received the 2010 Australian Crime and Violence Prevention award.

During the research for this project, the following advice was given by the Bsafe project officer for agencies considering using alarm systems as a homelessness prevention strategy for women and children who have experienced domestic and family violence:

- In order to be effective in building confidence to remain in the home, a coordinated approach is needed, rather than just distributing the product with no ongoing support.
- A comprehensive risk assessment needs to be completed first, and police and domestic and family violence services need to be aware that there is a unit in place.
- The project highlighted the need for inter-agency partnership working. Many clients had ongoing support needs, and some had experienced ongoing abuse from their former partner for several years. They considered that without the project they would have no choice but to just disappear out of the community and their supports, or risk being seriously injured or murdered.

## **6.5 Support for Indigenous Australian women**

Indigenous Australian women are 35 times more likely to experience domestic and family violence than non-Indigenous Australian women (Council of Australian Governments (COAG) 2010). They are also much more likely to suffer socio-economic deprivation. These two factors have convinced jurisdictions of the need to provide culturally appropriate initiatives to reduce the incidence of violent relationships and the incidence of homelessness attributed to domestic and family violence.

Research by Cripps (2010) and others has demonstrated that mainstream support services and justice responses are not suitable for all Indigenous people. Furthermore, how they define domestic and family violence may be different from mainstream explanations. Cripps has identified that Indigenous people may use language that minimises the violence, such as describing it as a frequent innocuous event, in order to protect their family from the intrusion of agencies, to protect people from looking bad and from the impact that full disclosure would have on their small community. Informal support from female relatives may be sought rather than accessing mainstream services, which can result in the family becoming separated with little perceived benefit. Intervention strategies need to take into account how Indigenous Australians define and feel about domestic and family violence, and about mainstream interventions, in order to be effective. The case studies revealed that this is not always the case, and as a result some homelessness prevention strategies have not been successful. Cripps' findings indicate that this is likely to be because they have not been designed to be culturally and community appropriate and have not had input from Indigenous organisations, elders and women at the design and implementation stages.

However, there have been examples of successful programs that can both directly and indirectly promote the prevention of homelessness for Indigenous women. These include Indigenous family violence prevention legal services, Indigenous night patrols, Indigenous women's refuges and safe houses, Indigenous men's groups and the Bsafe alarm system discussed above. Outside of the case study locations, Northern Territory community safety night patrols operate in 80 communities that move around and intervene in situations such as domestic and family violence and to maintain

social order without using the judicial system (Memmott et al. 2006). Their role is to enable clients to access support services and to persuade them towards a course of action, rather than order their behaviour (Australian National Audit Office 2011).

Improving the cultural competence of mainstream and specialist services, improving services for Indigenous women and children, and creating new opportunities to improve economic outcomes for Indigenous women needs to occur (COAG 2010) if homelessness attributed to domestic and family violence for Indigenous women and children is to be prevented. Chapter 4 of this report discussed the implications of legislation and judicial practice on preventing all women and children in Australia from becoming homeless. The implications of mainstream law, legal and judicial systems and the practices of welfare agencies for Indigenous Australian women in particular need to be specifically considered if they are to effectively tackle the issue of domestic and family violence and the homelessness this can cause within Indigenous communities.

## **6.6 Community support and education**

Research participants in both the workshops and the interviews frequently considered that education of the general community about removing the perpetrator and enabling women and children to have the choice to remain is important. This is in order that women know that such an option exists and has become normalised, and for the community to support them in their wish to stay in the family home. As discussed in the previous chapter, social marketing of such messages has become an intrinsic part of some SHLV schemes, and has had the effect of normalising the ability of women to remain safely in their home. This is also true of the Bsafe campaign in rural northern Victoria. However, this can be contrasted with other similar rural areas such as in Tasmania where, as we shall see in Chapter 7, it is not yet the norm for women to feel that they have this option. The growth of Sanctuary Schemes in England to a national level, also covered in detail in Chapter 7, has been partly attributed to a central government education and awareness campaign to local government and other organisations that set up and operate the schemes. Positive work to change discourse surrounding women's rights, and abilities to remain in their own home appears therefore to be an important element of altering both the community's and individual women's views that this can be a viable option. It would appear that the deliberate creation of a new discourse concerning 'right to remain' (Spinney 2007), plus the creation of physical and emotional support mechanisms to sustain women at home, all play an equally important part in preventing homelessness attributed to domestic and family violence of women and children.

## **6.7 Support for children**

During the last decade more has become known about the impact on children of all ages of living in a violent home, even if they do not actually witness an attack (Brainwave Trust 2006). Even hearing conflict in another room or witnessing the aftermath can have a negative effect. Furthermore, their mother can have her confidence in mothering taken away from her and experience depression as a result of the abuse she is suffering (Calder 2004). Both emotional and cognitive development of children can be affected, including their social functioning and ability to learn, resulting in long-lasting unfulfilled potential (Weinreb & McAlister Groves 2007). Children who experience domestic and family violence can suffer from separation anxiety, sleep dysregulation, temper tantrums and aggression, with one in four developing serious social and behavioural problems (Jaffe et al. 1990). We also know that children who become homeless, whether through domestic violence or other events, frequently suffer the trauma of disrupted schooling and friendships

(Commonwealth of Australia 2008) and that homeless families almost always experience financial disadvantage (Chung et al. 2000). Fifty-five per cent of women with children who seek assistance from specialist homelessness services do so to escape violence (Commonwealth of Australia 2008, p.3), but not all of them are able to receive help. Many more do not access support services. Homelessness prevention schemes for these families can play an important role in alleviating the damage done to children (by enabling the women to leave the violent relationship without becoming homeless as a result) and alleviating pressure on the homelessness system.

## **6.8 Perpetrator support and accommodation**

Participants gave mixed responses to questions regarding the housing of perpetrators as a tool for preventing homelessness for women and children. Some agencies, including EASE in Victoria, reported that their provision of crisis and transitional perpetrator accommodation (funded by FaHCSIA) has been successful, partly because it is linked to participation in their men's behaviour change program. Through ongoing contact with the offender they can assess whether the women and children continue to be safe. For women whose ex-partner does not change their behaviour as a result of the program, this can be indicative that they should permanently leave the relationship. EASE always contact the female ex-partner and invite her to become a client of their services for women in her own right. Others were more negative about the impact of men's programs, especially if they centre on anger management (rather than behaviour change) and are court mandated rather than voluntary. For public housing authorities who remove perpetrators from their home in order to enable women and children to remain, the question of what to do with the now homeless male tenant has become an issue. New South Wales is looking at developing a program to address this.

In Victoria, police officers who issue a Family Violence Safety Notice must take reasonable steps to assist removed perpetrators to find somewhere to stay. They do this by contacting welfare organisations or by assisting them into motel accommodation. However, police interviewees confirmed that most perpetrators refuse offers of help and instead prefer to make their own arrangements, such as sofa surfing at friends. In Tasmania, the Safe at Home (detailed in Chapter 7) initiatives included funding for male perpetrator accommodation, although this has not been implemented. Several research participants were concerned about the limited support for offenders that is available, and that perpetrators often do not know how to access information and services. This was considered to be a pertinent issue because men who have nowhere else to go are more likely to attempt to return to the family home, often to the detriment of the women and children. Services spoke of the need for processes and systems to assist men to keep away in order for their ex-partner and children to re-establish themselves successfully.

In order to alleviate these problems, some jurisdictions (including Tas) have appointed defendant support workers to case manage those assessed as at high risk of re-offending. However, commentators generally considered that a major weakness of the Tasmanian Safe at Home system is the lack of spending on perpetrator rehabilitation projects. Safe at Home has an annual budget of over \$4.5m, but only \$250 000 of this is spent on perpetrator rehabilitation. Two-thirds of Safe at Home clients are repeat victims, highlighting the need for perpetrators to change their behaviour.

## **6.9 Conclusion**

This chapter has examined some of the support issues which are important determinants for women's success in remaining in their home and which can impact

on their ability and choice to do so. These include financial, emotional and practical support, personal development support, emergency support during perpetrator incidents, support for Indigenous Australians, community support and education, support for children, and perpetrator support and accommodation. It is not just the provision of risk management, safety planning and security upgrading that enable women to remain successfully in their homes. They also need to be emotionally supported, to be financially capable, to have self-confidence in their ability to manage without the perpetrator, to feel reassured that if they need rescuing from the perpetrator, help is at hand, and to know that the community will support and respect their decision to remain. The schemes highlighted in this chapter are examples of the kind of additional support mechanisms that are needed if SHLV-type schemes are to work effectively and to become mainstream.

The trauma experienced by children through living in situations of domestic and family violence needs to be acknowledged, and where possible minimised by not having to leave their home. The potential role of homelessness prevention schemes in benefiting children as well as women should not be discounted.

If homelessness prevention initiatives are to work for Indigenous Australian women they must be culturally competent and must respond in a way that suits the communities. More work is needed in this area, and also on consideration of the implications of mainstream law and judicial systems for Indigenous Australian women, and how these impact on their views of separating from the perpetrator but remaining in the home.

Chapters 4–6 have examined three areas—law and justice, housing, and welfare and support—that are influential in determining whether women are effectively enabled to remain in their home. This research project has found that integrated multi-sector working between agencies working in these three areas greatly extends the capacity of women to avoid homelessness and to be able to stay successfully in their own home.

The following chapter pulls these pieces together by critiquing innovative approaches in Tasmania and England that are not only working in an integrated multi-sector and multi-agency manner, but that are also available throughout their respective jurisdictions. The learning from these adds to our knowledge of what the provision of homelessness prevention schemes for women and children throughout Australia might look like in the future.

## **7 JURISDICTION-WIDE INTEGRATED APPROACHES**

### **7.1 Introduction**

So far this report has detailed the research findings of how law and justice, housing, and welfare and support issues and initiatives are influential in determining whether women are effectively enabled to remain in their home and has found that integrated multi-sector working between agencies working in these three areas greatly extends the capacity of women to avoid homelessness and to be able to stay successfully in their own home.

There are, however, international and domestic examples of approaches that not only demonstrate domestic and family violence relevant multi-sector working, but are also available throughout their jurisdiction in a state-led approach. This chapter discusses these innovative approaches from Tasmania and England that further add to our learning and growing understanding of what we might want an effective Australia-wide stay at home policy for victims of domestic and family violence to include.

This chapter examines the impact and effectiveness of Sanctuary Schemes, from which SHLV schemes in New South Wales have evolved, and which has in the last decade become the mainstream homelessness prevention scheme policy throughout England for women and children who have experienced domestic and family violence. Three case-study Sanctuary Schemes were visited for this research and the learning from this fieldwork enhances and accelerates our growing evidence base of effective practice from within Australia.

To further aid comparison, the research findings of a jurisdiction-wide series of integrated domestic and family violence programs that fall under the Safe at Home (Tas) umbrella are revealed in order to further highlight how differing strategies can influence the extent to which homelessness prevention issues regarding domestic and family violence are brought to the fore and how this in turn impacts on perceptions of feasibility and practices.

### **7.2 Sanctuary Schemes–England**

#### *7.2.1 Introduction*

The reasons for developing Sanctuary Schemes were very much the same as those for the similar SHLV schemes in New South Wales considered in Chapter 5, and include homelessness prevention, relieving pressure on housing and homelessness services, cost saving, providing more choice, and meeting the needs and preferences of households fleeing violence. Following the *Homelessness Act 2002* there was a policy shift towards preventing homelessness in England and Wales. Local governments were encouraged to develop interventions designed to enable women at risk of domestic violence to have the choice to remain in their own accommodation where it is safe for them to do so and where the perpetrator does not live (Jones et al. 2010a). The Positioning Paper for this project (Spinney & Blandy 2011) detailed how Sanctuary Schemes in England offer people who are experiencing domestic violence the prospect of staying safely in their own home through enhanced security (DCLG 2007). Our paper discussed the development, evaluations, good practice guidance, concerns and future of these schemes and found that:

There are a number of reasons why it is in the interests of local housing authorities to adopt Sanctuary Schemes, apart from the obvious one of

providing protection to vulnerable residents. Their cost is less than the cost of rehousing the same household as homeless. (Spinney & Blandy 2011, p.30)

We also stressed that the role of Sanctuary Schemes has to be understood in the context of the overlapping statutory options that are available to people at risk of domestic violence in England and Wales. The potential to transfer similar policies must be assessed in the context of the differing legislation within Australian jurisdictions that are discussed in Chapter 4 of this report.

This section reports the findings of the fieldwork carried out in England in 2011 from interviews with Sanctuary Scheme providers, policy-makers, funders and stakeholders. This is done in order to assess how these schemes compare with existing models of provision in Australia and what can be usefully learnt from their mode of operation.

A key feature of Sanctuary Schemes is that they now operate on a national basis in England and that they have been promoted by central government. In 2006, specialist domestic violence advisors were seconded to work with the Department of Community and Local Government for a year in order to help local authorities to develop their own schemes. This mode of promotion has been regarded as effective, and Sanctuary Schemes are now available in almost every local authority area. Although central government has not provided local authorities with any direct Sanctuary Scheme funding, it did provide funding for homelessness prevention measures generally which was frequently used to set up Sanctuary Schemes. Police forces, the National Health Service, registered social landlords (housing associations) and local authorities have also set up their own charities to establish and run the schemes, which (as with NSW SHLV schemes) are run by a variety of providers, and always involve multi-sector working and inter-agency cooperation.

### *7.2.2 Key findings on Sanctuary Schemes*

The findings of the English case study research regarding Sanctuary Schemes from the interviews conducted for this project that are relevant and informative to the Australian situation are:

The implementation and promotion of Sanctuary Schemes through specialist advisors working on the ground with agencies to demonstrate how it can be done, and through presentations at practitioner seminars and conferences had a positive impact on increasing the number of schemes in operation in a relatively short time span.

The gaining of cross-departmental assistance and understanding from agencies, such as the police, about what is trying to be achieved is crucial. Agencies such as fire brigades, the police and social housing providers can work together on this issue, including co-funding schemes, in order to lessen their workload caused by domestic violence.

Communication is imperative in getting the message right. Sanctuary Schemes are about safe spaces for women and children, rather than installing 'panic rooms' that have proven to be unpopular and expensive to install.

Issuing guidance and practical advice at a national level on how such schemes can be set up is necessary. Do not leave too much of a gap between issuing the national guidance and promoting the schemes in local areas. This happened in England and in hindsight was regarded as detrimental to a faster roll-out of schemes. See current good practice guidance, *Sanctuary Schemes for Households at Risk of Domestic Violence: Practice Guide for Agencies Developing and Delivering Sanctuary Schemes* <http://www.communities.gov.uk/publications/housing/sancturyschemesguide>



Schemes should not insist that an injunction is in place before allowing applicants to join a homelessness prevention scheme such as Sanctuary or Staying Home Leaving Violence. They should be open to all, especially as there are individual and structural reasons why some women cannot gain an injunction (as discussed in Chapter 4) and because women and children can still be enabled to remain in their homes safely.

Sanctuary Schemes are not an immediate response. It typically can take six to eight weeks to have the perpetrator removed, conduct the risk assessments and security upgrading, and get emotional support packages in place for women choosing to remain in the home.

The schemes can quickly become popular once they are available to women. Some Sanctuary Schemes in England are now taking on 300 new cases a month and this involves providing a risk assessment, security upgrade, and ongoing support for each one. However, this high workload also means that these women and their children have not had to find new homes.

### *7.2.3 Key advice from English providers and policy-makers*

1. The importance of women making their own informed decision about whether they stay or leave, and to where, so that they can begin to have some control over their lives as quickly as possible following the end of the abusive and controlling relationship.
2. It is not in the main clients staying in refuges who join Sanctuary Schemes; most referrals are from the women themselves or from other services.
3. These kinds of homelessness prevention schemes are not just about 'target hardening' (through installing security measures following a risk assessment). They are also about providing a means to a coordinated community response and providing emotional support.
4. Most women's advocacy groups in England now support Sanctuary Schemes, despite some initial reluctance, because it became clear that they have become popular with the women themselves.

These key findings and the advice above offer valuable insight into how SHLV-type schemes could be expanded throughout Australia. The following three sections each detail the findings from the three English Sanctuary Scheme locales that were visited for this research. Interviewees were generous in both their time and insight because they recognised that their learning experiences since commencement have much to offer the Australian situation where stay-at-home measures for women and children are more recent and not yet widespread. As with the SHLV schemes discussed in Chapter 5, comparative investigation of three very different Sanctuary schemes added to the value of the analysis of the data collected.

### *7.2.4 Norfolk Sanctuary Scheme: Breckland*

Norfolk is a rural county on the east coast of England. Eight local authorities in the county have joined forces to operate one Sanctuary Scheme with the same modus operandi, in each of their jurisdictional areas, in partnership with Norfolk police force and specialist voluntary support agencies. The scheme visited for this research is operated by Breckland District Council which covers several small market towns and their rural hinterland.

The Norfolk Sanctuary Scheme provides security upgrading to clients' property at no cost to themselves in order to make them feel safer about remaining living in their home. Both tenants (of privately rented & of social housing) and home owners are included in the scheme. Unlike some other Sanctuary Schemes visited for this project,

it is only available to those who not only wish to remain in their own home where it is safe for them to do so, but also where it is likely that they will be able to afford to remain there for a 'reasonable time'. It is not open to those who wish to move, and have target hardening put in the new home, and as such can be regarded primarily as a mechanism designed to avoid women and children presenting as statutorily homeless, rather than as a means of extending the maximum degree of choice to those leaving violent relationships. In addition, tenants or owner occupiers must have either sole rights to the property (i.e. not be joint tenants or owners) or to have excluded the perpetrator by legal means such as an exclusion order. This is not the case for all Sanctuary Schemes. Although the Norfolk scheme started in 2006, at the time of the interview in 2011 only a few security upgrades had been completed in properties, possibly as a result of these restrictive practices. An information sheet about the scheme is provided in Appendix 6. Operational staff explained that many prospective clients dropped out because of the length of the application and assessment process, especially if another violent episode occurred.

Four organisations operate the Breckland scheme. The police conduct the risk assessments, and arrange for a community organisation to fit the new security equipment. The local authority fund and coordinate the work from their homelessness prevention budget. The police in this scheme generally require a large amount of security upgrading equipment as a result of the risk assessment process. This has included safe (panic) rooms, which cost £5000 each, and some clients have been turned away because of the prospective cost of the work deemed to be needed by the police risk assessment. Clients are also turned down for the Norfolk scheme if they are in rent arrears or if they have a court order against them, as the local authority does not want Sanctuary clients who might later be evicted. Most referrals come from refuges and are not emergency presentations. A local refuge provides outreach support to clients of the scheme. Apart from its restrictive practices, one of the reasons why this particular rural scheme has not become more widely used may be because there are alternative and quicker ways of finding accommodation in the private rented sector in the area. The scheme is fairly ponderous and has several bureaucratic stages, but accessing housing benefit that fully covers the cost of renting in this area, and local authority assistance with the deposit costs, ensures that women and children can access a new privately-rented home in this area. This scheme therefore demonstrates how both internal and external factors can influence how successful a scheme becomes and its take-up with clients.

### *7.2.5 Sheffield Sanctuary Scheme*

Sheffield is a large inland city of 550 000 people in the centre of England. This Sanctuary Scheme receives an average of 10 new referrals per week from the police, domestic violence agencies and others. It is run by the local authority (Sheffield City Council) in partnership with South Yorkshire Homes and Sheffield Homes (the largest social housing providers in the area). An information sheet about the scheme is provided in Appendix 7.

As in other areas of England, the Sanctuary Scheme is just one of the options offered to women who can choose to be rehoused under the homelessness legislation if they are eligible and this is their preference. Upon referral, generic housing solution officers go through all the options available with each client. Officers reported that all forms of tenure are considered appropriate for target hardening, and that private landlords are normally receptive to having security upgrade work done on their property. Completing work on jointly-tenanted properties can be difficult as the perpetrator also has rights to the accommodation and cannot be excluded without an injunction. The Sheffield Sanctuary Scheme does not require an injunction against the perpetrator to

be in place. In such cases, unlike the Norfolk example, clients are not turned away, but similar measures to those used to deter burglars are installed, such as shock alarms to windows and motion sensitive external lighting, rather than changing the locks. Less than 10 per cent of clients have safe (panic) rooms installed as most do not consider them necessary. There is no limit on budget, and individual clients have become clients more than once following another violent relationship.

The largest social housing provider in the area, Sheffield Homes, cooperates by paying for materials and goods for the security upgrading of their tenanted properties (but not the labour costs, which the Sanctuary Scheme funds). Police domestic violence officers are also very involved. Most referrals progress very smoothly, as staff and agencies are well aware of their role in the system. Future plans to improve the scheme include developing an interview package to help to iron out the existing inconsistencies in police officers' approaches to informing women of the scheme. Once the physical work on the property is completed, the case is closed by the Sanctuary Scheme. Referrals are made to other agencies to provide ongoing support. Sheffield Sanctuary demonstrates that agencies can work together effectively to operate these kind of schemes. The research also revealed that measures designed to encourage inclusivity (such as not insisting that clients gain an injunction against the perpetrator) do not mean that no steps can be taken in order to lessen the risk of perpetrator incident in homes that remain jointly owned or rented.

#### *7.2.6 Hull Sanctuary Scheme*

Hull is a city of 250 000 people on the eastern side of England and has a low socio-economic status. The Sanctuary Scheme is coordinated by Humberside Police in conjunction with the Hull Domestic Abuse Partnership (DAP), consisting of:

- Hull Citysafe.
- Humberside Police.
- Hull City Council Children and Young People's Services.
- Hull Women's Aid.
- Hull Safeguarding Children Board.
- National Probation Service Trust.
- Crown Prosecution Service.
- National Health Service Hull.
- Children and Family Court Advisory and Support Service.
- Victim Support.
- Hull Women's Network.

Hull DAP professionals work together from the same office to provide a support service for women who have experienced domestic abuse. The team is made up of domestic abuse support workers, housing advisors, social workers, health practitioners and police domestic violence coordinators, and provides:

- emotional support
- telephone advice
- home visits
- housing advice
- legal advice and support

- support through the criminal justice system
- safety planning
- home security
- financial advice relating to pensions and benefits
- referrals to specialist health, drug and alcohol agencies and support agencies for children
- support to access emergency accommodation
- support to attend MARAC (discussed in Chapter 6) and other meetings.

This truly integrated service also includes a male perpetrator behaviour change program. Practical support to enable women to remain in their home includes free provision of a lifeline emergency alarm system, new mobile phone or SIM card, home safety repairs and provision of personal alarms, when appropriate. The multi-faceted and integrated approach within which Hull Sanctuary Scheme is embedded has demonstrated a high degree of commitment to tackle domestic violence and subsequent homelessness in an area where there is widespread domestic and family violence, and success in enabling women to remain in their own home following a decision to leave the violence.

### *7.2.7 Evaluation of Sanctuary Schemes*

As detailed in the Positioning Paper, two evaluations have been carried out in England on Sanctuary Schemes (Quilgars & Pleace 2010; Jones et al. 2010b), both of which have been overwhelmingly positive.

As in this study, Jones et al. (2010b) interviewed national stakeholders and conducted local case studies (interviews with service providers, support providers, local stakeholders & service users). Their findings showed that overall Sanctuary Schemes were thought to have been successful in meeting their main aim of providing a safe alternative for households and preventing the disruption associated with homelessness. Most service users said that they felt much safer following the installation of Sanctuary measures although there was evidence that a few households had moved from their Sanctuary because they did not feel safe.

They found that, although there are issues of variation in the way schemes operate after the installation, such as follow up or linking households to other support services:

Nevertheless, respondents in all areas reported similar outcomes and, for the most part, service users reported positive experiences. (Jones et al. 2010b, p.8)

These findings concur with the positive feedback obtained from English Sanctuary Scheme policy-makers and practitioners. The following section examines some potential transferable lessons for Australia.

### *7.2.8 Potential transferable lessons from England*

The information in this section has been gained from a review of the evaluation literature, and interviews with academics, policy-makers and practitioners in England:

1. Sanctuary Schemes can produce a reduction in homelessness attributed to domestic and family violence.
2. Sanctuary Schemes have the potential to reduce repeat victimisation of the crime of domestic and family violence both by helping women to consider that they have

options other than to return to a relationship with their violent ex-partner, and by deterring him from returning to harm her.

3. There is a cost saving to the criminal justice system and other agencies through such schemes. Cost-saving by other agencies can effectively be funnelled into funding Sanctuary Schemes. Police forces, fire brigades, the National Health System and social housing providers have all been able to justify contributing to the funding of Sanctuary Schemes because of the cost savings to their core business.
4. Children are less disrupted and the damage done to them by experiencing domestic and family violence is not worsened by having to lose their home. This can have long-term consequences for their wellbeing.
5. In some circumstances, women and children also need to be made to feel safe outside their homes. Emergency alarm systems linked to mobile phones can greatly assist with this.
6. Women generally benefit from contact with other survivors of domestic violence. Peer support and personal development groups can play an effective role in replacing the support that was traditionally found in Refuge settings.
7. Multi-agency working (such as local councils & the police) and cooperation results in a better service.
8. National good practice guidance has had a positive impact in England and it is likely that it would also in Australia.
9. Although schemes can differ significantly from each other in their mode of operation, they generally provide a good option for women. They do not have to all be identical, but the more they are integrated into domestic and family violence systems, the more they will have to offer.
10. Schemes that enable women to remain in their home can be regarded as emblematic that society deems domestic violence to be wrong. This is important because it shifts the power balance away from the perpetrator, and demonstrates to the children of the family what constitutes unacceptable behaviour. This can impact on their later ability to sustain relationships themselves.
11. Women are empowered to stay away from the violent relationship and are not condemned to return to the perpetrator in order to maintain their children's home.
12. Some refuges can be frightening places to stay, as they can be occupied by women with specialist support needs who have major problems, including but not restricted to domestic and family violence. Sanctuary Schemes can remove the need for some women to have to stay in refuges. This is one of the reasons why they have become so popular.
13. Injunctions are not necessary in order for Sanctuary Schemes to work and in many schemes they are not a requirement for service. This is important for states such as Queensland where the level of granting such orders is much lower than the Australian national average. In such areas and where there is not yet a system of working in close liaison with the police by domestic violence agencies, Sanctuary/SHLV schemes can still effectively operate and open up positive choices for women leaving violent relationships.
14. The more restrictive practices in place. For example, insisting on injunctions, requiring proof that the women can afford to remain in the property for a

reasonable time, the less likely women are to assess that remaining in the home is a viable option or to feel that society supports their wish to do so.

This section on England's Sanctuary Schemes has demonstrated that it is quite possible for attitudes concerning the rights of women to remain in their own home to become normalised in a relatively short time span. The schemes began being piloted nine years ago and are now mainstream practice. The popularity of such measures, even in a situation where many of the women would be entitled (and indeed have a statutory right) to alternative assistance in the form of the provision of another home, indicates that they play a vital role in meeting the hitherto unmet need and choice of many. Although women escaping domestic and family violence relationships are often prioritised for both temporary and permanent social housing in Australia, they do not have any rights to alternative accommodation and are frequently turned away and have to make their own arrangements with family and friends, stay in motels or boarding houses if they can afford it, sleep in the car, or return to the perpetrator as a result (Spinney 2012). It can be considered therefore that the widespread provision of homelessness prevention schemes in Australia is even more important than in England where the welfare safety net ensures that women and children who have experienced domestic and family violence are afforded a higher degree of protection.

The next section looks at a pioneering Australian integrated multi-sector statewide series of domestic and family violence programs, Safe at Home (Tas), in order to assess their capacity to prevent women and children from becoming homeless.

### **7.3 Safe at Home–Tasmania**

Safe at Home (Tas) is a leading Australian example of an integrated statewide response to domestic and family violence across government departments. Its goals are to reduce the level of family violence in the medium to long term, to promote the safety of people affected by family violence, and to change the offending behaviour of those responsible. Reducing the rate of homelessness experienced by women and children is not the primary aim, but the objectives and principles do include that 'wherever possible, victims should be able to choose to remain in or return (as soon as possible) to their own homes' (Department of Justice 2009, p.10). This section evaluates to what extent and in what ways Safe at Home (Tas) aids and abets women and children to do so.

Safe at Home has three levels of governance—the Statewide Steering Committee, the Inter-departmental Committee (IDC) and regional coordinating committees. The first two are made up of representatives from the Departments of Justice, Police and Emergency Management, Health and Human Services, Premier and Cabinet, and Education. At the regional committee level there are representatives primarily from the Safe at Home welfare and support provider agencies themselves. Regional committees normally discuss every new incident of family violence in their area and how it has been dealt with, including whether children were involved and the notification of child protection services.

Safe at Home was implemented in 2005 completely from scratch and the Statewide Steering Committee was most active during the development phase. It now maintains fiscal oversight and overall responsibility, and responsibility to consider review recommendations. The role of the IDC is to establish standardised policies and procedures and involves senior management from the participating government agencies. The Department of Justice is the lead agency for Safe at Home and the chair of the IDC comes from this department.

Commentators interviewed for this research agreed that statewide integration has worked well at a service level. Latterly, however, budget cuts in the police and the Department of Health and Human Services have led to unilateral decision-making, to the detriment of the integration of the system. One of the main drivers of Safe at Home was to remove the responsibility for the justice response from the victim, given that they are not always in a position to make these decisions. Safe at Home was considered by the interview participants to have lost some momentum from when it commenced seven years ago, and there was some disappointment that it had not achieved everything initially hoped for. Government and non-government domestic violence related sectors have sometimes struggled to work well together in this very government-led system. Generally, however, the model was considered to have positively changed the discourse around domestic and family violence in Tasmania in terms of making clear its unacceptability and the willingness of the justice system to demonstrate this. There do, however, remain discrepancies in practice.

Risk assessments and security upgrading are carried out as part of Safe at Home, in order for women and children to have the choice to stay in their home if they wish. The budget for this is controlled by the police and, as with the Norfolk Sanctuary Scheme, eligibility criteria are quite stringent. As discussed in Chapter 4, there is variability in the way that the police operate in Tasmania. Often a Family Violence Protection Order is placed by the police rather than charging perpetrators with every crime they have committed, and this was criticised by practitioners interviewed for this research. Police attending domestic and family violence incidents immediately assist to relocate about 13 per cent of victims, most of whom are classified as being at high risk of experiencing another incident.

Tasmania has a 'five strikes and you're out policy' incorporating mandatory prison sentencing for perpetrators of domestic and family violence with five repeat offences. However, practitioners were critical that magistrates sometimes avoid this by not recording a conviction. This is a fundamental issue because Safe at Home uses a criminal justice approach to change perpetrator behaviour. It is different in this aspect to the community projects examined and means that the justice system has an even greater influence on discourse regarding homelessness prevention of women and children in Tasmania than elsewhere in Australia. Tasmanian domestic and family violence welfare agencies interviewed considered that Safe at Home does not create an environment where women feel safe to remain, and indeed to a much greater extent than in the other case study areas of New South Wales and Victoria argued that it was not appropriate in many cases for women and children to stay following removal of the perpetrator because:

- Women fear (as do welfare agencies) that the perpetrator will return.
- Fear that breaches of orders and injunctions barring the perpetrator from returning to the family home will not be dealt with effectively.
- Courts are reluctant to remove and bar the perpetrator if he is the owner-occupier, or if his business is attached to the property.
- Victims do not feel they can recover in the property where the assaults took place and need to move home in order to start anew.
- The perpetrator's friends and family keep coming round even though the perpetrator has been removed.
- They cannot afford to stay in their homes.

Some commentators did consider that Safe at Home had made a positive difference to women's ability to stay in their home because:

- Police Family Violence Orders can be issued on the spot by police officers to exclude perpetrators.
- Pro-arrest of perpetrator policies demonstrates that the state is taking responsibility for both the crime and for removing perpetrators rather than viewing this as the victims' role, putting domestic and family violence more in the same category as other violent crimes.
- Public awareness of family violence has increased.
- There is improved legal recognition, and court support officers are in place for both perpetrators and victims.
- State-funded family violence counselling for women and children is available.

Interviewees felt that some improvements to practice would, however, enhance women's and children's ability to remain living in their home. These include more organisations to be involved in the IDC meetings, including mental health, drug and alcohol agencies as these are significant factors in many cases. This was considered to be especially important when the IDC considers applications to alter barring conditions when the victim wishes to re-partner with the perpetrator.

They also recommended that it should not be the police alone who conduct the risk assessments for women and children remaining in their home and who hold the budget for practical assistance such as security upgrading and short-term temporary accommodation. This was because the police method of assessment does not take into consideration how women feel about remaining, or how security measures can increase their confidence to do so. Not enough security upgrading work is done on homes in Tasmania, and none at all on the homes of women assessed as being at less than high risk. Consequently those not in public housing (Housing Tasmania fund some physical security upgrades for tenants) find it difficult to get such work carried out. The police cannot, and do not, take into consideration that feeling safe to remain (through security lighting etc.) can be equally as important as being safe to remain in terms of giving women the confidence to stay in the property. This is an important insight into what makes SHLV (Chapter 5) and similar measures such as Bsafe (Chapter 6) successful in preventing homelessness compared to Safe at Home.

In Tasmania both the State Housing Authority and the police are very restrictive in what they will provide for added security, compared to Safe at Home Victoria and SHLV schemes in New South Wales. The discrepancies in what preventative measures welfare agencies and public housing landlords will provide in order to prevent the homelessness of women and children will have to be addressed (perhaps through national guidance) if effective measures are to be rolled out across Australia.

Interviewees and workshop participants stated that the following changes need to be made if more women and children are to be prevented from homelessness in Tasmania:

1. Increased move-on accommodation and programs for offenders because some have a lack of ability to manage on their own which makes them more likely to try to persuade their ex-partner to let them return. All too often this leads to repeat victimisation of the women and children.
2. More money for security upgrade work, to improve safety and to improve confidence in being safe to remain. Women are not made to feel safe enough in their own home at present. As one workshop participant noted: 'It's not what you do to the house to make it safe, but what you do to make the women feel safe that matters'.



3. Increased training for police about the cycle of domestic and family violence and that women can be enabled to remain safely in their homes.
4. Development of a mandatory perpetrator behaviour change program. This was originally envisaged but never implemented.
5. More integration of non-government agencies on the IDC, especially regarding decisions about whether family and domestic violence orders can be rescinded or altered to allow the perpetrator to return.
6. Risk assessments should be conducted by police in conjunction with another agency. Such joint assessments would help in the development of effective safety planning to enable women to remain in their homes.
7. The Risk Assessment Safety Tool (RAST) used is constantly being amended and quite prescriptive. Most of those assessed are scored at low to medium risk, making them ineligible for most security upgrading work. This is not effective in encouraging women to feel able to remain in their homes.
8. More multi-agency case conferencing is needed. Although this occurs, it was not considered to be fully utilised.
9. Legal Aid in Tasmania does not fund property issues which hinders women who are owner-occupiers from receiving good legal advice concerning property settlement following relationship breakdown.
10. Women on spousal visas are especially vulnerable and do not receive enough assistance.
11. Children are sometimes removed from the home if they have experienced domestic and family violence there. As a result, their mothers lose the Centrelink payments for them and cannot afford to remain in their home. As they cannot afford to rent accommodation large enough for the children to live in, Child Protection Services do not allow the children to return to their mother following the cessation of the violence. Answers to this situation need to be found if women are not to lose their homes and be unable to have their children returned.

Safe at Home has added a level of consistency to policy approaches in Tasmania, and research participants universally thought the situation for women and children who have experienced domestic and family violence is better now than they were before its commencement. One of the main strengths is the integrated response by agencies.

Participants considered that this was easier to achieve than with the more recent Safe at Home Victoria, because a new system was created in Tasmania from scratch rather than adjustments made to an existing system. South Australia is investigating the implementation of a similar statewide system. However, Safe at Home (Tas) was not designed primarily to be a homelessness prevention intervention and this has impacted on its effectiveness in this area when compared to Sanctuary Schemes in England and SHLV from New South Wales.

## **7.4 Conclusion**

The key message of this chapter is that Sanctuary Schemes have become quickly established in the last ten years as a very effective national approach to preventing women and children who have experienced domestic and family violence in England from having to leave their homes. This is because their integrative approach has been welcomed by their clients, who have responded enthusiastically to coordinated multi-sector approaches to provide legal, emotional and physical support to remain in their

home. There are important transferrable lessons (regarding both positive & negative issues) from England's decade of experience with Sanctuary Schemes that can usefully aid policy-makers in Australia to consider how to respond to the Homeless White Paper's targets to improve and expand the policy and practice of stay-at-home homelessness prevention type initiatives.

The key findings from Chapters 4–7 demonstrated that legal, housing and welfare and support issues are all important in determining whether women will feel enabled to stay at home, and that their effectiveness is much enhanced when multi-sector approaches covering these issues are coordinated into an integrated service. The findings revealed that when such services are fully integrated and become available on a jurisdiction-wide basis to all who require them there is an enthusiastic uptake by clients, resulting in many being able to safely stay in their homes.

Chapter 8 takes the analysis a stage further by bringing the findings together and considering the implications for Australian policy and practice.

## **8 IMPLICATIONS FOR POLICY AUSTRALIA-WIDE AND FINAL CONCLUSIONS**

### **8.1 Introduction**

The findings Chapters 4–7 have identified how legislation, legal and judicial practices, practical and emotional support services, affordability issues, and multi-sector integrated domestic and family violence programs can influence women's decisions as to whether to remain in their homes following the removal of a violent partner, their confidence in their ability to do so safely, and their actual safety. This has been done in order to seek answers to the projects research questions:

1. How and to what extent have innovative homelessness prevention measures introduced in Australia and England since the mid-1990s been successful in enabling women and children to remain in their homes and localities?
2. What are the implications of these findings for policy on housing and homelessness in Australia and for improvements to practice?

International and Australian inter-related legal/judicial, housing and welfare approaches to homelessness prevention for women and children who have experienced domestic and family violence have been examined, with special regard as to how these approaches can combine and work together to provide the most effective support. The findings of the research have been reported by analytical theme throughout this report, with a view to answering these two important questions. This chapter seeks to summarise and consolidate these findings, and to come to some important conclusions for the future development and roll out of homelessness prevention services for women and children who have experienced domestic and family violence.

### **8.2 Have innovative homelessness prevention measures been successful?**

Answers to the first research question were sought by the review of the literature which was published in the Positioning Paper for this project in June 2011 (available on the AHURI website) and from fieldwork at the following case-study locales:

- Staying Home Leaving Violence (NSW).
- Safe at Home in Victoria.
- Bsafe (Victoria).
- Sanctuary Schemes (England).
- Safe at Home (Tasmania).

The research sought to come to an understanding of not only how these schemes operate but also how they coordinate their work with other multi-sector agencies, including the ways in which judicial and legal issues; including state and Commonwealth legislation, injunctions and orders and breaches, the role of the courts and police, and legal support can work to make homelessness prevention schemes such as these less or more effective.

The research has found that considerable importance must be attached to the provision of welfare and support for women and children who have experienced domestic and family violence and who seek to remain in their home following the exclusion of their perpetrator. There is a need for long-term emotional support for all

women who have experienced domestic and family violence if they are to live free from violence in the future (see the companion FaHCSIA research report for further information) SHLV schemes in New South Wales and Sanctuary Schemes in England have been able to provide a combination of emotional and physical support that has responded to the needs of women and children, and as a result has been well received by them. This report has also highlighted the need for additional programs that are designed to build confidence, increase financial capability, grow support from the community and assist perpetrators not to seek to return to the family home if the prevention of homelessness for women and children is to become effective mainstream policy in Australia.

Practical support such as risk management, safety planning and security upgrading are also important factors in enabling women to remain safely in their homes, but what has been revealed by this research is that they alone are not enough. It is the combination of physical and emotional support services that have made them so successful.

Interviewees and workshop participants in both England and Australia have been exceedingly generous in their support of this research project, and very open in sharing the advantages and disadvantages, opportunities and challenges, of schemes they have particular knowledge of. They have done this because they are aware that preventing homelessness for women and children is an important issue, and because they understand that the things that have both worked well and not so well for them can provide valuable and useful learning for others.

One of the most important findings of the research is that integrated schemes such as SHLV have an important role to play in preventing homelessness for women and children who have experienced domestic and family violence, and that this is true for women living in very different situations in very different areas of Australia, including those previously thought not to be suitable. Women living in metropolitan areas, rural isolated areas, in owner-occupied, privately-rented, public housing, jointly-owned, jointly-tenanted, with injunctions and police orders or without, have all been assisted to remain living safely in their homes through the five projects highlighted.

These types of projects can be established in areas of Australia where the use of injunctions is not yet widespread and in rural areas where police may take longer to attend an incident. It is important to note that there is no evidence to suggest that women and children are more at risk if they chose to remain in their home than if they chose to leave. It is the women who know their situation best and who must weigh up the risks of both options, ideally with the help and guidance of trained support workers. Separating from a perpetrator of domestic and family violence unfortunately carries an element of risk, whether women choose to remain or to leave their home.

Although the research has identified that greater consistency is needed in legal and judicial matters if uniform best practice is to be achieved throughout Australia, and that affordability issues for women (whether they stay or go) are real and pressing, it is clear that the time has come for women and children who have experienced domestic and family violence to always have the choice to remain living in their home with support, wherever they live in Australia and regardless of tenure. The evidence is clear that women want the opportunity to choose, and that schemes which are unrestrictive in their practices are popular and oversubscribed.

We also know that this is a cost effective approach and that providing crisis accommodation is often more expensive than providing support (AHURI 2009). At a time when women rightly expect equal opportunities in terms of education and work, it is untenable that they will continue to tolerate policy and practice arrangements that

assume that they are willing to become homeless as a result of experiencing the crime of domestic and family violence.

### **8.3 What are the implications of these findings for policy and practice?**

The key finding of this research are that Australia should move to the provision of homelessness prevention SHLV-type schemes that are as extensive as the current provision of refuge and crisis accommodation across the country; that the schemes should use non-restrictive eligibility practices<sup>7</sup> that they should include an element of social marketing, and that they should provide both practical and emotional support for clients.

No existing models of SHLV-type schemes are specifically provided for Indigenous Australians and there is a need for further research regarding the provision of culturally appropriate homelessness provision schemes for these women and children. The findings do have implications for housing and homelessness policy and practice. These have been detailed within the findings chapters of this report, and are consolidated here:

1. Creation of mirroring (matching) legislation relating to all aspects of good practice homelessness prevention attributed to domestic and family violence throughout Australia. The states and territories need to be much more uniform in their approach if women are to consistently receive good practice regardless of where they live.
2. Provision of police powers throughout Australia to offer immediate protection to women by the removal of the perpetrator. The 12-month notice used in Tasmania is recommended as an example of good practice.
3. Further development of sharing of information throughout Australia between accredited agencies on domestic and family violence victims and perpetrators.
4. Development of a national training and instructions package for magistrates in order to provide a standardised response and consistency of service throughout Australia.
5. Perpetrators to be charged on every crime, not just the breach of injunction or order conditions, as national practice.
6. The use of 'monitoring bracelets' for high risk offenders to be considered, so that their location can be tracked.
7. The provision of specialist domestic and family courts to be legislated for, and provided, throughout Australia. These would include court support workers for victims and perpetrators.
8. Consistent police training on domestic and family violence.
9. Dual risk assessments to be conducted by police and support agencies.
10. Re-provision of legal aid for property matters in family law.
11. Free telephone legal support services throughout Australia for women considering separating from the perpetrator.
12. Court fines to be cancelled if women choose to remain in their home following domestic and family violence, not just if they become homeless.
13. Provision of Staying Home Leaving Violence type schemes, using non-restrictive eligibility practices, such as not insisting on an injunction or police order and not

using long-term affordability as eligibility criteria, throughout Australia. These would include the existing services of practical and emotional support and also the provision of emergency alarm systems, peer support and personal development and financial confidence training, with social marketing as an integral part. The Commonwealth Government should take the lead in encouraging the normalisation of these schemes by providing advisors to 'teach' others how it can be done and by issuing national guidance on good practice.

14. Adequate funding for homelessness prevention schemes so that women are not turned away or kept on a waiting list.
15. Provision of culturally appropriate schemes for Indigenous Australian women. The implications of mainstream law, legal and judicial systems and the practices of mainstream welfare agencies need to be specifically considered in each jurisdiction.
16. Financial mortgage assistance for owner-occupiers, as well as those in private rented accommodation, to be available throughout Australia for low income earners who choose to remain in their home.
17. Publication and distribution of information on how women can afford to leave their violent relationship.
18. The Commonwealth Government to take the lead in negotiating with mortgage lenders on keeping owner-occupying women in their home through mortgage payment breaks, interest reductions, extending length of mortgage etc.

The fact that domestic and family violence crosses many policy domains can create barriers to changing practice regarding preventing women and children becoming homeless. However, we know that even in this environment successful schemes are operating throughout Australia. The time is right for the Commonwealth Government to take the lead in establishing national practice in order to continue the positive steps that have been achieved, and to ensure that effective homelessness prevention schemes are available throughout Australia.

## **8.4 Final conclusions**

This research has explored the value and implementation challenges of innovative staying at home homelessness prevention measures. The aim was to investigate and assess some of these innovations in policy and practice to prevent homelessness among women and children who have experienced domestic and family violence. The overall findings are that:

- Integrative approaches such as SHLV-type schemes have an important role to play in preventing homelessness for women and children who have experienced domestic and family violence, and that this is true for women living in very different situations in very different areas.
- Australia should move to the provision of homelessness prevention schemes that are as extensive as the current provision of refuge and crisis accommodation.

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## APPENDICES

### **Appendix 1: Australian residential tenancies legislation offering a response to homelessness attributed to domestic and family violence**

#### **New South Wales**

The principal legislation dealing with residential tenancies in New South Wales is the Residential Tenancies Act 2010 which commenced on 31 January 2011. The Act has provisions and sections offering a response to domestic and family violence from a tenancy perspective.

S71 is concerned with the change of locks and other security devices on residential tenancy premises. S71(1) requires a landlord to consent to a lock change unless there is a reasonable excuse. S71(2)(d) specifically states that a tenant or occupier would have a reasonable excuse where a co-tenant or co-occupier has been prohibited from having access to the residential premises by an Apprehended Violence Order (AVO).

S72(1) states that if one party changes, removes or alters a lock on the premises they must give a copy of the new key to the other party within seven days, but S72(2) goes on to say that this does not require a copy of the key to be provided to a person who is prohibited from having access to the premises by an AVO.

S79 allows for the change of tenants after an AVO has been issued. S79(1) states that on the making of a final AVO that prohibits a co-tenant or a tenant from having access to the residential premises the tenancy of that co-tenant or tenant is terminated. This termination does not affect the tenancy of any other co-tenant not subject to the order.

S79(2) goes on to state that the Consumer, Trader and Tenancy Tribunal may then, on application by a remaining occupant or co-tenant, make an order recognising the remaining occupant as a tenant under the residential tenancy agreement if a tenant or former tenant or co-tenant has been issued with a final AVO.

S79(3) Allows for an order from the tribunal that grants the new tenant exactly the same tenancy agreement as before just with the perpetrator removed and possibly with the new tenant added in their place or as the tribunal sees fit.

S79(4) states that this can be applied for at the same time as other proceedings or independently of them.

However, S79(5) states that the tribunal cannot make this order in respect of a social housing tenancy agreement unless the remaining occupant meets any applicable eligibility requirements of the social housing provider for tenancy of the premises.

#### **Victoria**

The principal legislation dealing with residential tenancies in Victoria is the *Residential Tenancies Act 1997*.

The Act has provisions and sections offering a response to domestic and family violence from a tenancy perspective.

One key section is 70A which is concerned with the changing of locks and other security devices on rented premises which are subject to a Family Violence Intervention Order or Family Violence Safety Notice. This section is for when a tenant or co-tenant has been excluded from accessing the premises as part of the Order or Safety Notice and the protected person is also a tenant or has been residing in the

rented premises as their principal place of residence but is not a party to the tenancy agreement—S70A(1).

S70A(2) states that the protected person may change any external door or window lock, including a lock in a master key system, of the rented premises.

However, as soon as practicable, the protected person must provide a copy of the key and either a certified extract of the Family Violence Safety Notice or a copy of the Order to the landlord or the landlord's agent—S70A(3).

They must also provide a key to any other tenant, except the excluded tenant—S70A(3)(b).

The landlord, or the landlord's agent, must not give a key to the excluded tenant if he or she knows that the tenant has been excluded from the premises—S70A(5). They are taken to know the tenant is excluded if they have been provided with a certified extract or a copy of the notice or order—S70A(6).

The Act also provides for a replacement tenancy agreement excluding the tenant who is subject to a final Family Violence Intervention Order—S233A.

It applies where an exclusion condition has been included in the intervention order and the protected person is either a co-tenant or has been using the premises as their principal place of residence—S233A(2).

The protected person may apply to the tribunal (Victorian Civil and Administrative Tribunal) for an order to a) terminate the existing tenancy agreement and then to b) require the landlord to enter into a new tenancy agreement with the protected person—S233A(3). This is also the case where the protected person lives in a caravan park on a long-term site agreement—S317M(2).

When deciding the application, the tribunal would need to be satisfied that the protected person could reasonably be expected to comply with the duties of a tenant under any agreement and that the protected person or their dependent children would likely suffer severe hardship (i.e. homelessness) if they were compelled to leave the premises. The tribunal would also need to be satisfied that the hardship suffered by the protected person would be greater than any hardship the landlord would suffer if the order was made and that it is reasonable to do so given the length of the exclusion order and the length of the existing tenancy agreement—S233B(1).

The new tenancy agreement must be subject to the same rent and frequency of rent payments and on the same terms and conditions—S233B(2).

During proceedings the excluded tenant cannot cross-examine the protected person without leave of the court—S233D.

## **Queensland**

The principal legislation dealing with residential tenancies in Queensland is the *Residential Tenancies and Rooming Accommodation Act 2008*.

The Act has provisions and sections offering help and respite from domestic and family violence in terms of residential tenancies.

S211 is concerned with the changing of locks on the rented premises and while it doesn't mention domestic violence it does state that the tenant can change the locks without consent of the lessor if they have a reasonable excuse—S211(2)(a) and S211(3) goes on to say that it is a reasonable excuse to change the locks in an emergency.

The Civil and Administrative Tribunal on application can authorise a change in the locks S213(1)(c) and one of the factors the tribunal may regard when making a decision is the likelihood of risk to the personal safety of the tenant.

In terms of provisions explicitly concerning domestic violence, S245(2) allows someone to apply to the tribunal for an order to be recognised as the tenant or co-tenant under the tenancy agreement instead of the person's domestic associate because the domestic associate has committed an act of Domestic Violence against them.

In deciding the application the tribunal must have regard to a) whether the person has applied for a Protection Order against the domestic associate, b) if an application was made, whether a Domestic Violence Order was made and c) if a Domestic Violence Order was made whether a condition was imposed prohibiting the domestic associate from entering or remaining on the premises—S245(4).

The party in whose favour the Order is made is then considered the tenant or co-tenant—S245(7).

The tenant can also apply to the tribunal for an order terminating the tenancy agreement because the domestic associate has committed an act of domestic violence against them and they want to leave the area—S321(1)(b).

S344 allows the tribunal to make an order of this nature. When making its decision the tribunal must have regard of the same domestic violence factors as it has to when deciding to change the name on the tenancy agreement in S245(4)—S344(2).

## **Tasmania**

Legislation relevant to residential tenancies in Tasmania are the Residential Tenancy Act 1997 and the Family Violence Act 2004

### *Residential Tenancy Act 1997*

In terms of changing or adding locks to a premises subject to a residential tenancy agreement no party to the agreement can do so without either the permission of the other party or a court order—S57(2) either party may apply to a court seeking such an order—S57(3) and a court can order it so if it is satisfied it is reasonable to do so—S57(4).

However, this only applies if the protected person is a tenant and therefore a party to the residential tenancy agreement. If they are just a resident with no tenant rights they can neither quickly change the locks nor apply for a court order to do so.

It also means that social housing bodies that act as landlords such as Housing Tasmania cannot get in quickly under this act and change the locks once a Domestic Violence incident has taken place and a Police Family Violence Order has been issued if the perpetrator is a tenant as they would need the perpetrator's permission to change the locks.

### *Family Violence Act 2004*

Conditions can include orders to vacate premises, not to enter premises, or only enter under certain conditions, whether or not the subject has a legal or equitable interest in the premises —S16(3)(a).

If the subject is a tenant of a residential property with the affected person, the court can make an order to terminate the tenancy agreement and establish a new residential tenancy agreement for the benefit of the affected person—S17(1).

## **Western Australia**

Legislation relevant to residential tenancies in Western Australia are the Residential Tenancy Act 1987 and the Acts Amendment (Family and Domestic Violence) Act 2004

### **Residential Tenancies Act 1987**

Neither the landlord nor the tenant may change, alter or add any locks or other security devices without the other's consent given at or immediately before the change—S45(1)(b). If either party breaches this term without a reasonable excuse they are liable to a maximum fine of \$4,000—S45(2).

Acts Amendment (Family and Domestic Violence) Act 2004.

The court can impose such restrictions as necessary—S13(1), for example, excluding the respondent from the home.

A Police Order may restrain a person from entering or remaining in a place, or restrict their access to a place, even if the person has a legal or equitable right to be at the place—S30C(4), i.e. the family home.

## **Northern Territory**

Legislation relevant to residential tenancies in the Northern Territory are the Residential Tenancies Act 1999 and the *Domestic and Family Violence Act 2007*

### ***Residential Tenancies Act 1999***

In terms of changing, altering or adding locks, neither party can do so without the permission of the other party—S53(1) (tenant), S50(1) (landlord).

If they do have permission, they must provide a copy of the key for any new locks or security devices to the other party within two business days—S53(2) (tenant), S50(2) (landlord).

### ***Domestic and Family Violence Act 2007***

The court can impose any restriction it feels is necessary or desirable, this may include a premise access order which requires the defendant to vacate premises or restrain from entering premises except on stated conditions—S22(1). This applies regardless of whether the defendant has a legal or equitable interest in the premises—S22(3).

If the defendant and the protected person live or previously lived together and one or both of them are tenants in rented accommodation and either the court DVO includes a premises order or the protected person no longer wishes to live there, then the DVO can order the tenancy agreement terminated and install a replacement tenancy agreement in its place. This can be for the benefit of the protected person and any other tenant on the lease except the defendant, or if the protected person consents, for the benefit of the defendant. This can only be done if the court is satisfied that the relationship between the parties has irrevocably broken down and there is no reasonable chance the parties could live together without domestic violence—S23.

There is a presumption in favour of a protected person with child remaining in the home which the court must take into consideration—S20(1)(a).

## **South Australia**

Legislation relevant to residential tenancies in the South Australia are the *Residential Tenancies Act 1995* and the *Intervention Orders (Prevention of Abuse) Act 2009*

### ***Residential Tenancies Act 1995***

Neither the tenant nor the landlord may add, remove or alter the locks of the rented residential premises without consent of the other party unless they have a reasonable excuse—S66(1)(b). If either party change the locks without consent or a reasonable excuse they could face a maximum fine of \$1,000—S66(2).

The tribunal may, on application from the landlord, terminate the tenancy and make an order for immediate possession of the premises if the tenant has intentionally or recklessly caused or permitted, or is likely to cause or permit personal injury to a person in the vicinity of the premises (i.e. co-tenant, co-resident)—S87(20)(b)(ii).

#### *Intervention Orders (Prevention of Abuse) Act 2009*

An IO (Intervention Order) can prohibit the defendant from being on the premises at which a protected person resides, works or frequents and can prohibit the defendant from being in a specific locality (i.e. the protected person's neighbourhood)—S12(1)(a-c). It can also impose any other requirement on the defendant to take, or refrain from taking, a specified action—S12(1)(l).

An IO may be issued against the defendant in relation to premises or property despite the fact that the defendant has a legal or equitable interest in the premises or property—S12(5)(a). If it contains such a condition then the protected person may, despite any other law, change any external window or door lock on the premises—S12(6)(a).

If the defendant is a party to a tenancy agreement for the premises then they may not, despite any other law, take any action to terminate the tenancy agreement before the determination of the proceedings—S12(6)(b).

If the defendant is a party to a tenancy agreement for the premises then they may not, despite any other law, take any action to terminate the tenancy agreement before the determination of the proceedings—S12(6)(b).

If the court confirms an interim IO or issues a substitute IO that prohibits the defendant from being on a premises that a protected person resides and that the premises are subject to a tenancy agreement then the court can make a tenancy order that removes the defendant for the benefit of the protected person—S25(1). This can only be done, however, if the protected person consents, meets all the criteria for the residency and could reasonably be expected to comply with the obligations of the tenancy agreement—S25(2). The existing security deposit will act as the deposit for the new agreement, regardless of whether the defendant originally provided it—S25(4)(c).

The landlord is not to provide a key to the defendant or provide them with access into the premises and faces a maximum penalty of a \$10,000 fine if they do so.

#### **Australian Capital Territory**

Legislation relevant to residential tenancies in the Australian Capital Territory are the Residential Tenancies Act 1997 and the Domestic Violence and Protection Orders Act 2008.

##### **Residential Tenancies Act 1997**

Both the lessor and the tenant may change the locks (at their own cost) with the consent of the other party—S54(3).

##### **Domestic Violence and Protection Orders Act 2008**

Interim and final Domestic Violence Orders may prohibit the respondent from being on premises where the aggrieved person lives—S35(1) and S48(2)(a).

## **Commonwealth**

The principal legislation dealing with residential tenancies under the Commonwealth jurisdiction is the Family Law Act 1975, injunctions - S114 and S68.

Family Law Act 1975

### *S114 injunctions*

These only apply where there is a matrimonial relationship between the parties.

S114 gives a court the power to grant such injunctions as it considers proper with respect to the matter to which the proceedings relate, including an injunction for the personal protection of a party to the marriage; an injunction restraining a party to the marriage from entering or remaining in the matrimonial home or the premises in which the other party to the marriage resides. It can also restrain a party to the marriage from entering or remaining in a specified area, being in an area in which the matrimonial home is, an injunction in relation to the property of a party to the marriage; or an injunction relating to the use or occupancy of the matrimonial home.

### *S68 injunctions*

S68B(c)(1) allows an injunction restraining a person from entering or remaining in a place of residence, employment or education of the child and S68B(d) allows an injunction restraining a person from entering or remaining in a place of residence, employment or education of a parent/guardian, i.e. the family home.

## **Appendix 2: Australian domestic violence legislation: provisions for homelessness prevention**

### **Victoria**

The main legislation in Victoria is the Family Violence Protection Act 2008 which has been in operation since 1 October 2009.

The Act contains two legislative instruments to combat family violence and homelessness of the victim(s) as a result:

- Family Violence Safety Notices
- Family Violence Intervention Orders.

#### *Family Violence Safety Notices*

These are immediate in effect and act as an interim measure until a Family Violence Intervention Order hearing can be held.

They serve as an application for a Family Violence Intervention Order—S31(a).

A police officer of rank sergeant or higher can issue a Safety Notice—S26.

A police officer who responds in person to an incident can apply for a Safety Notice either in person or via fax, email or other electronic device.

A Family Violence Intervention Order takes precedence over a Safety Notice and the hearing of first mention must occur within 72 hours of the respondent being summoned or on the next working day if the third day falls on a weekend or public holiday.

Safety Notices can contain any restrictions likely to be made in a Family Violence Intervention Order including excluding the respondent from the shared property

regardless of property legal and equitable rights and excluding the respondent from a specific place or a specific distance from the victim S29(1), S81(2)(a-f).

### *Family Violence Intervention Orders*

Family Violence Intervention Orders can only be granted by the Magistrates Court or Children's Court.

The respondent and the affected family member, if they are not the applicant, must be informed as soon as practicable once an application has been made.

Application can be made by phone, fax or other electronic device if done outside of business hours.

Can be appealed to the County Court, or if original decision made in the Children's Court then the Supreme Court. No further appeal is then permissible.

Safety of affected person and children is paramount in deciding conditions—S80.

Respondent can be excluded from residence—S81(2)(b), S82.

The court must regard the desirability of the least disruption to the affected person's (victim's) life—S82(2)(a).

If a Family Violence Safety Notice or Family Violence Intervention order is breached, the punishment can be a fine not exceeding 200 penalty points or a prison sentence not exceeding two years.

## **Tasmania**

The main legislation in Tasmania is the Family Violence Act 2004. The object of the Act is that in its administration the safety, psychological wellbeing and interests of people affected by family violence are the paramount considerations.

The Act contains two legislative instruments to combat family violence and homelessness of the victim(s) as a result:

- Police Family Violence Orders (PFVOs).
- Family Violence Orders (FVOs) and Interim Family Violence Orders.

### *Police Family Violence Orders*

A police officer of the rank of sergeant or higher can issue a PFVO—S14(1).

Conditions may be included in the PFVO that requires the subject to vacate any premises, whether or not that person has a legal or equitable interest in the premises—S14(3)(a). They can also be required to not enter any premises, or only enter under certain conditions—S14(3)(b).

A PFVO, without extension or variation, operates from the date of service for a period not to exceed 12 months—S14(6).

A police officer of the rank of inspector or above may vary a PFVO where both parties consent and where it will not affect the victim's safety and interests—S17.

A PFVO is revoked by issue and service of an FVO or interim FVO.

### *Family Violence Orders*

FVOs are issued by a court.

A police officer, an affected person or child, if the court is satisfied that the child is capable of understanding the nature of the proceedings or any other person to whom leave to apply is granted by a court can apply for a PVO—S15(2)(a-d).



Conditions can include orders to vacate premises, not to enter premises, or only enter under certain conditions, whether or not the subject has a legal or equitable interest in the premises—S16(3)(a).

If the subject is a tenant of a residential property with the affected person the court can make an order to (a) terminate the tenancy agreement and (b) establish a new residential tenancy agreement for the benefit of the affected person—S17(1).

The original safety deposit can then be used as the deposit for the new agreement, regardless of which party provided it—S17(3)(a).

An FVO lasts as long as the court sees it as necessary or until it is revoked—S19.

The court can make an interim FVO at any stage in the proceedings—S23(1).

An interim FVO is revoked when a regular FVO takes effect or on a date ordered by the court—S23(2)(a-b).

If the respondent is in court when the FVO is issued then it takes effect straight away, if not it only takes effect once it has been served on the respondent—S25(1)(a-b).

Punishment for contravention of an FVO or PFVO range from a fine of 20 penalty units or a prison sentence not exceeding 12 months for a first offence to a prison sentence of up to five years for a fourth or subsequent offence—S35(1)(a-d).

#### Western Australia

Western Australia has taken a slightly different approach, using the Acts Amendment (Family and Domestic Violence) Act 2004 to amend several other Acts to provide a legislative framework to combat Family Violence and resultant homelessness. The three Acts amended were the Restraining Orders Act 1997, the Bail Act 1982 and the Criminal Code. The main effect of the amendments was to tighten up definitions of abuse and relate them more centrally around family and domestic violence.

The overall effect, however, is very similar to other states with two legislative instruments to combat family violence and homelessness:

- Police Orders (POs).
- Violence Restraining Orders (VROs).

#### *Police Orders*

A police officer can issue a PO if, like a VRO, they reasonably believe an act of family and domestic violence has been committed and is likely to be again or they reasonably believe that a child has been exposed to an act of family and domestic violence and is likely to be again—S30a. Or the police officer reasonably fears, or reasonably believes that another person reasonably fears that a person will have an act of family and domestic violence committed against them in the immediate future or reasonably fears a child will be exposed to family and domestic violence in the immediate future and that making a PO is necessary to ensure the safety of a person—S30(1).

A police officer can make an order whether or not an application for an order has been made—S30(2).

Any appropriate restraints can be imposed to prevent family and domestic violence—S30C(1).

A PO may restrain a person from entering or remaining in a place, or restrict a person's access to a place, even if the person has a legal or equitable right to be at the place—S30C(4), i.e. the family home.

Police Orders can take two forms: 24-hour orders and 72-hour orders. 24-hour orders lapse after two hours if they have not been served on the respondent, and 72-hour orders (or less time if appropriate) lapse after 24 hours if not served—S30F(1).

72-hour orders require consent from the person to be protected or guardian, where appropriate—S30g(a-b).

POs cannot be extended or varied, nor can another one be issued arising from the same facts—S30H.

### *Violence Restraining Orders*

Can only be issued by the Magistrates Court or Children's Court where appropriate.

Can be issued over the telephone by a magistrate if time, location, urgency or other factors necessitate it—S20(a-b).

They can be applied for by the person seeking protection or a police officer on behalf of the person seeking protection.

The court can impose such restrictions as necessary—S13(1), including excluding the respondent from the home.

Interim orders can be made at any point in the proceedings.

Interim orders end when a final order decision is made or at a time specified by the court.

Final Violence Restraining Orders last for as long as the court specifies or for two years. The maximum duration for a telephone order is three months.

A breach of a VRO or a PO can result in a \$6,000 fine, up to two years imprisonment or both.

One effect of the Act Amendments (Family and Domestic Violence) Act 2004 is that the Misconduct Restraining Order is no longer available to those in a family or domestic relationship—S35A.

### **Queensland**

The principal legislation in Queensland is the Domestic and Family Violence Protection Act 1989. This provides two main tools to combat domestic and family violence and resultant homelessness:

- Temporary protection Orders (TPOs).
- Protection Orders (POs).

However, there are some key differences to how an aggrieved party or police officer can apply for these than in other states.

The first is that there is no provision for the police to issue Temporary Protection Orders; they have to be applied for to a magistrate.

Another key difference is that, although applications are usually heard in either the Magistrates Court or Children's Court, any court dealing with a case with a domestic and family violence element can make a Domestic Violence Order (as TPOs and POs are collectively known).

The only real differences between temporary and permanent Protection Orders are the length of their duration and the fact that, if the circumstances demand it, temporary Protection Orders can be applied for and issued over the phone or similar device—S54(1).

TPOs act as an application for a permanent Protection Order as they must state when the Order is returnable to court—S39(b)(2).

TPOs continue until the first of the following happen: a) the order is returnable before a court unless the court extends the Order or b) the order is revoked by the court—S34(b)(1).

Protection Orders, however, last for two years; in special circumstances, they can stay in effect for as long as ordered by the court unless revoked or varied—S34A.

A Domestic Violence Order can be applied for and issued even though the person against whom the order is made is a) not notified about the application, and b) does not appear in court—S13(4).

An aggrieved person, an authorised person or a police officer can apply for a Domestic Violence Order—S14(1).

A court can make a Domestic Violence Order if satisfied that the respondent has committed an act of domestic violence and a domestic relationship exists between themselves and the aggrieved, and that the respondent is likely to commit domestic violence again, or if the first act of domestic violence was a threat that they are likely to carry out—S20(1).

In terms of helping to prevent homelessness for the aggrieved party, the court can include conditions in the order prohibiting the respondent from remaining in the premises, entering or attempting to enter the premises or approaching within a stated distance of the premises even if the respondent has a legal or equitable interest in the premises—S25(3).

S25A (2) goes on to state that these premises can include the home where the respondent and aggrieved live or used to live or premises where the aggrieved lives works or frequents.

Domestic Violence orders can be appealed to the District Court—S63.

The penalties for breach of a Domestic Violence Order are two years imprisonment if the respondent has previously been convicted on at least two different occasions of this offence and at least two of these offences were in the last three years. Otherwise the penalty is a fine 40 penalty units, a year imprisonment or both.

## **Northern Territory**

The principal Act in the Northern Territory to combat domestic and family violence and resultant homelessness is the Domestic and Family Violence Act 2007.

There are two main types of orders that can be issued to prevent family violence:

- Police Domestic Violence Orders (DVOs).
- Court Domestic Violence Orders.

### *Police DVOs*

Can be issued by an authorised police officer if they are satisfied it is necessary to protect a person's safety either because of urgent circumstances or it is not otherwise practicable to apply for a Court of Summary Justice (CSJ) DVO and a CSJ DVO would have reasonably been issued had it been practicable to apply for one—S41.

Must state when the order is returnable to court and act as a summons to a hearing on a court DVO.

### *Court DVOs*

These can be considered under three subheadings:

- CSJ DVO—S28 and consent DVOs—S38
- DVOs arising out of other court proceedings—S45
- Police DVOs that have been confirmed by the CSJ—S82.

DVOs can only be issued where the issuing authority is satisfied that the protected person has a reasonable fear of domestic violence being committed against them by the defendant—S18(1).

A DVO may include any restraint that the issuing authority considers are necessary or desirable to prevent Domestic Violence against the protected person—S21(1)(a).

This may include a premise access order which requires the defendant to vacate premises or restrain from entering premises except on stated conditions—S22(1). This applies regardless of whether the defendant has a legal or equitable interest in the premises—S22(3).

If the defendant and the protected person live or previously lived together and one or both of them are tenants in rented accommodation and either the court DVO includes a premises order or the protected person no longer wishes to live there, then the DVO can order the tenancy agreement terminated and install a replacement tenancy agreement in its place. This can be for the benefit of the protected person and any other tenant on the lease except the defendant, or if the protected person consents, for the benefit of the defendant. This can only be done if the court is satisfied that the relationship between the parties has irrevocably broken down and there is no reasonable chance the parties could live together without Domestic Violence—S23.

There is a presumption in favour of a protected person with child remaining in the home which the court must take into consideration—S20(1)(a).

A DVO (other than an interim DVO) has the duration stated in the order—S27.

An interim DVO can be made at any time in the application for a CSJ DVO—S35(1), and stays in effect until the defendant is in court or has received the CSJ DVO—S35(3), although the interim DVO can also be revoked at any time.

In terms of DVOs arising out of other court proceedings, a court before which a person pleads guilty to, or is found guilty of, an offence that involves domestic violence may make a domestic violence order against the person if it is satisfied that a CSJ DVO could be made against the person—S45(1).

The court may do this on its own initiative or via an application from the Prosecutor—S45(2).

Consent DVOs are where the DVO is consented to by both parties, even if the defendant denies the allegations and hasn't had an opportunity to refute the evidence—S38.

#### Penalties for breach of a DVO

An adult or young person found guilty of a breach of a DVO is liable to a fine of 400 penalty points or imprisonment for two years—S121(1), S122(1).

The court must record a conviction and sentence the person to imprisonment for at least seven days if they have previously been found guilty of a DVO contravention offence—S121(2), S122(2).

## South Australia

The principal Act dealing with domestic and family violence in South Australia is the Intervention Orders (Prevention of Abuse) Act 2009. This Act only commenced on 9 December 2011.

It provides two main categories of Intervention Orders to protect people from domestic and family violence:

- Interim Intervention Orders—both police issued interim orders—S18 and court issued interim orders.
- Intervention Orders (IOs) always issued by a court.

The Act states that proceedings relating to IOs involving domestic violence must, as far as practicable, be dealt with as a matter of urgency—S9.

### Interim IOs

Interim IOs by the police can be issued if it appears to the police officer that there are grounds for issuing the order and the defendant is present before the officer in custody—S18(1).

If the police officer is not of the rank of sergeant or above then they must receive authorisation (either verbally or written) before they can issue the order.

The interim order must specify when the defendant is to appear before court, it must be no later than eight days from the issuing of the order— S18(3)(d). The interim order acts as a summons for the hearing of a full Intervention order.

### *Intervention Orders*

A police officer, the person seeking protection (including a child with special permission of the court and is above the age of 14—S20(2)(a)) or the legal guardian can apply to the court for an IO—S20(1)(a-c).

If an interim IO has not already been issued by the police then the court must schedule a preliminary hearing as soon as practicable and without summoning the defendant—S21(1). This can be done over the telephone or like device—S21(2)(a) if the court deems it appropriate in the circumstances, if they don't then the court may adjourn the hearing to a time and place more suitable—S21(2)(b).

At the preliminary hearing the court can either issue an interim IO or dismiss the application—S21(3).

In determining the outcome of the application the court can either confirm the interim IO into a full IO, issue an IO in substitution of the interim IO or dismiss the application and revoke the interim IO in place against the defendant—S23(1)(a-c).

An IO is ongoing and continues in force (subject to any variation or substitution of the order under the Act) until it is revoked—S11(1). Consequently an issuing authority (either a court or a police officer) may not fix a date for the expiry of an IO or otherwise limit the duration of an IO—S11(2).

An IO can prohibit the defendant from being on the premises at which a protected person resides, works or frequents and can prohibit the defendant from being in a specific locality (i.e. the protected person's neighbourhood)—S12(1)(a-c). It can also impose any other requirement on the defendant to take, or refrain from taking, a specified action—S12(1)(l).

An IO may be issued against the defendant in relation to premises or property despite the fact that the defendant has a legal or equitable interest in the premises or

property—S12(5)(a). If it contains such a condition then the protected person may, despite any other law, change any external window or door lock on the premises—S12(6)(a).

If the defendant is a party to a tenancy agreement for the premises then they may not, despite any other law, take any action to terminate the tenancy agreement before the determination of the proceedings—S12(6)(b).

If the court confirms an interim IO or issues a substitute IO that prohibits the defendant from being on a premises that a protected person resides and that premises are subject to a tenancy agreement then the court can make a tenancy order that removes the defendant for the benefit of the protected person—S25(1). This can only be done, however, if the protected person consents, meets all the criteria for the residency and could reasonably be expected to comply with the obligations of the tenancy agreement—S25(2). The existing security deposit will act as the deposit for the new agreement, regardless of whether the defendant originally provided it—S25(4)(c).

The landlord is not to provide a key to the defendant or provide them with access into the premises and faces a maximum penalty of a \$10,000 fine if they do so.

A court can revoke or vary an IO on application from a police officer, the protected person (or representative) or the defendant—S26(1).

Contravention of an IO has a maximum penalty of two years imprisonment.

### **Australian Capital Territory**

The principal Act dealing with domestic violence and resultant homelessness in the ACT is the Domestic Violence and Protection Orders Act 2008. While this Act doesn't deal exclusively with domestic violence, it does provide protection to aggrieved people.

The Act states that its primary consideration when deciding a Domestic Violence application is the need to ensure that the aggrieved person and any children at risk of exposure to domestic violence are protected from domestic violence—S7(1)(a). However, it also states that the restrictions placed on the respondent must be the minimum they can be while still achieving the objects of the Act—S7(2).

The Act has three main legislative tools to combat domestic violence:

- Emergency Domestic Violence Orders.
- Interim domestic Violence Orders.
- (Final) Domestic Violence Orders (DVOs).

These are generally issued by the Magistrates Court or Children's Court where applicable.

Many features of all three categories are the same. These include the fact that the order can exclude the respondent from the premises of the aggrieved person.

#### *Emergency Domestic Violence Orders*

Only a police officer can apply for an emergency DVO—S68.

These can be issued by a Judicial officer where they are satisfied the respondent has behaved in such a way that it is reasonable to believe the respondent will cause physical injury to, or cause significant damage to property of the aggrieved person or child, that the aggrieved person is a relevant person to the respondent (i.e. they have

or had a domestic relationship) and that it is not practicable to arrest the respondent or there are no grounds to arrest the respondent—S69.

An application for an emergency DVO can be made and issued over the telephone—S70(1).

If it is proposed to apply for an emergency order a police officer may, if appropriate, remove the respondent to another place and detain them until the application for the order has been dealt with and a copy of any order given to the respondent—S75(1). However, no person must be detained in this way for more than four hours—S75(2).

An emergency order remains in force until the earliest of either a) the second day after the day when the order is made (ignoring any day where the Magistrates Court is not open for business), the order is revoked or a final DVO or interim DVO is made and served against the respondent—S77(1). An emergency DVO cannot be renewed or extended—S77(2). It can, however, be amended and revoked outside business hours by a judicial officer by an application from a police officer—S78(1).

### *Interim Orders*

An aggrieved person or a police officer may apply to the court for an interim DVO.

The Magistrates Court may make an interim order if satisfied that it is necessary to make the interim order to either ensure the safety of the aggrieved person or a child of the aggrieved person and/or prevent substantial damage to the property of the aggrieved person or a child of the aggrieved person—S29.

Interim DVOs can only be issued on application for a final DVO—S30(1).

The court must consider if contact between the aggrieved person or the respondent and any child is relevant—S31(1).

The Magistrates Court may make an interim DVO even if a copy of the application and a notice about the proceeding stating the date for the application's return before the court have not been served on the respondent—S33.

Interim DVOs can be done by consent of both parties—S43(1), this applies whether or not one or both of the parties have attended the court hearing, whether or not a reason to issue the order has been made out and without proof or admission of guilt—S43(2).

Interim and final DVOs may prohibit the respondent from being on premises where the aggrieved person lives—S35(1) and S48(2)(a).

Interim DVOs (other than by consent) cannot be in place for longer than two years—S37. An interim DVO made by consent can be in force for up to 16 weeks—S45(1).

If the interim order would finish before the final DVO can be served on the respondent then the interim order is taken to continue until the final order is served.

### *Final DVOs*

The registrar of the Magistrates Court must hold a preliminary conference on application for a DVO; if at any time they feel that mediation would be better for the parties than the hearing then they must recommend mediation, give information and adjourn the preliminary conference to allow mediation to take place.

A final DVO lasts for two years unless a shorter period is stated in the order. However, the court may make the order for longer if they are satisfied that there are special or exceptional circumstances that justify the longer period—S55(2).

A final DVO cannot be longer than two years if made by consent—S55(3).

DVOs cover conduct outside as well as inside the ACT—S12.

### *Breach of DVOs*

Maximum fine of 500 penalty units (currently \$50,000) or five years imprisonment or both.

### **New South Wales**

The principal Act dealing with Domestic and Family Violence and resultant homelessness in New South Wales is the Crimes (Domestic and Personal Violence) Act 2007. The Act provides for Apprehended Domestic Violence Orders (ADVOs) to be issued against the defendant for the protection of a specific person or persons.

There are three main categories of ADVOs:

- Provisional Orders.
- Interim Court Orders.
- Final ADVOs.

The three categories are largely the same, with the only differences being who can apply for them, how you can apply for them and how long they last.

All Orders require a domestic relationship between the parties.

#### **Provisional Orders**

These can only be applied for by a police officer—S27(2).

Can be applied for over the telephone, facsimile or other communication device to an authorised officer (including Court Registrar)—S25(1).

They may be made at the request of the person seeking protection or on the police officers own initiative—S25(3)(a).

Can be made when a Domestic Violence (DV) incident has taken place and a police officer has good reason to believe a provisional order needs to be made immediately to ensure the safety of the person or to prevent substantial damage to the person's property—S26(1).

Police officers are obliged to apply for a Provisional Order when they are investigating an incident and they suspect or believe a domestic violence offence has recently been or is being committed against the person needing protection or is imminent or likely to be committed—S27(1).

Or if proceedings have commenced against the defendant for a DV offence against the person seeking protection and the police officer has good reason to believe an order needs to be made immediately to ensure the safety of the person or to prevent significant damage to their property—S27(1)(iii).

They don't need to be made if the person intends to apply for a ADVO or there is a good reason not to apply but in that case the police officer must record the reasons.

Provisional Orders are taken to be an application for a final ADVO—S29(1) and they must contain a direction for the defendant to appear at a hearing specified by the court (must not be more than 28 days after issue of provisional Order)—S29(2).

They cannot be renewed or further provisional order granted unless as an interim Order by the court—S34(1), S34(2)(a).

#### *Interim Court Orders*



Must be issued on guilty plea to a DV offence (other than murder or manslaughter)—S39.

Interim Order ceases when final ADVO is made or served on the defendant—S24.

Courts can make interim orders pending a further hearing of the matter. An interim ADVO can be made, on application, if it appears to the court that it is necessary or appropriate to do so in the circumstances (S22(1)). Interim ADVOS can also be made by a court registrar, pending a further hearing of the matter by the court. An interim ADVO, while it remains in force, has the same effect as a final ADVO—S22(6).

A registrar can issue an interim order if both parties consent to the making of the order—S23(1) The order must require the defendant to face a further hearing before a court as soon as practicable—S23(3)(a). The court can then confirm, revoke or vary the Interim Order as it sees fit—S23(3)(b).

The person seeking protection or a police officer may apply for an Interim Order.

An Interim Order can contain any restriction or prohibition the court sees as necessary and desirable to ensure the safety of the person or to prevent significant damage to their property.

#### *Final ADVOS*

All ADVOS can restrict or prohibit the defendant from certain premises, including the family home.

In deciding whether or not to make an Apprehended Domestic Violence Order, the court must consider the safety and protection of the protected person and any child affected by the conduct of the defendant alleged in the application for the order—S17(1).

The issues the court has to take into consideration are as follows: in the case of an order that would prohibit or restrict access to the defendant's residence—the effects and consequences on the safety and protection of the protected person and any children living or ordinarily living at the residence if an order prohibiting or restricting access to the residence is not made, and any hardship that may be caused by making or not making the order, particularly to the protected person and any children. The accommodation needs of all parties, in particular, the protected person and any children, are also an important consideration along with any other relevant matter—S17(2).

When making an Apprehended Domestic Violence Order, the court is to ensure that the order imposes only those prohibitions and restrictions on the defendant that, in the opinion of the court, are necessary for the safety and protection of the protected person, and the protected person's property—S17(3).

If an application is made for an Apprehended Domestic Violence Order that prohibits or restricts access by the defendant to any premises (including the family home) or place and the court hearing proceedings in respect of the application decides to make an order without the prohibition or restriction sought, the court has to give reasons for that decision—S17(4).

Orders can be appealed to the District Court—S84(2).

If application made for a final ADVO an authorised officer may issue a warrant for the arrest of the defendant even if the defendant is not alleged to have committed an offence—S88(2).

## **Commonwealth**

The principal legislation dealing with domestic and family violence at a Commonwealth level is the Family Law Act 1975 although this has recently been amended to fit more closely with family violence by the Family Law Legislation Amendment (Family Violence and other measures) Act 2011 which commenced on 4 January 2012.

The Act allows courts to impose injunctions where there is, or there is a reasonable risk, of domestic and family violence.

There are two categories of injunctions that can be obtained to prevent the respondent from remaining or entering the family home:

- S68B injunctions concerning children.
- S114 injunctions arising out of a matrimonial relationship.

### *S68B injunctions concerning children*

The main aim of these injunctions is the protection of any children in family violence situations; however, they can also provide protection to the parent or guardian of the child.

S69C(2) provides that an application for an injunction in relation to a child under S68B may be made by a parent of a child, the child themselves, a grandparent of the child or any other person concerned with their care, welfare or development.

If proceedings are instituted in court for an injunction in relation to a child, the court may grant such injunction as it considers appropriate for their welfare (S68B). These include an injunction for the personal protection of the child or an injunction for the personal protection of a parent of the child or a person with whom the child is to live under a parenting order.

S68B(c)(1) allows an injunction restraining a person from entering or remaining in a place of residence, employment or education of the child and S68B(d) allows an injunction restraining a person from entering or remaining in a place of residence, employment or education of a parent/guardian, i.e. the family home.

### *S114 injunctions*

These only apply where there is a matrimonial relationship between the parties. S114 gives a court the power to grant such injunctions as it considers proper with respect to the matter to which the proceedings relate, including an injunction for the personal protection of a party to the marriage; an injunction restraining a party to the marriage from entering or remaining in the matrimonial home or the premises in which the other party to the marriage resides. It can also restrain a party to the marriage from entering or remaining in a specified area, being in an area in which the matrimonial home is, an injunction in relation to the property of a party to the marriage; or an injunction relating to the use or occupancy of the matrimonial home.

### *Breach of injunctions*

For breaches of S68B injunctions involving children, S70NFB(2) sets out the penalties which can range from the respondent having to pay a bond, a fine not exceeding 60 penalty units (currently \$6,600) or receiving a prison sentence of up to 12 months. S112AD(2) sets out very similar penalties for a breach of a S114 injunction.

The Act, in both cases allows a police officer to arrest the respondent without a warrant if they reasonably believe them to have breached an injunction—S68C(1),

S114AA(1). They can then be kept in custody until they are brought before the court and a decision is made or until the court adjourns for more than 24 hours.

Possible conflict with state and territory legislation

S114AB(1) states that S68B and S114 do not limit or exclude state or territory legislation. S114AB(2) states that an applicant cannot take proceedings under both jurisdictions.

## **Appendix 3: Research participants**

The following people participated in this research project. The author would like to wholeheartedly thank those who are listed and also those who preferred to remain anonymous and/or unacknowledged.

### **UNITED KINGDOM**

#### **Interviewees**

There were fourteen interviewees, all of whom agreed to be acknowledged:

- Andrea Dennis, Breckland District Council
- Darryl Smith, Breckland District Council
- John Bentham, Homelessness Strategy, CLG
- Davina James Hanman, Director, AVA Project
- Karen Ann Hockney, Sheffield Sanctuary Scheme
- Sanha Bokhury, Volunteer coordinator, Ashiana Network
- Maureen Storey, Director, Sheffield Domestic Abuse Forum
- Jane McCracken, Domestic Abuse Floating Support Service Manager
- Louise Robinson, Hull Primary Care Trust, NHS
- Professor Hal Pawson, Heriot-Watt University
- Professor Suzanne Fitzpatrick, Heriot-Watt University
- Cathy Sharp, Heriot-Watt University
- Hull Sanctuary Scheme personnel
- Clare and Team, Sheffield Sanctuary Scheme

### **NEW SOUTH WALES**

#### **Interviewees**

There were fourteen interviewees, twelve of whom agreed to be acknowledged:

- Catharine White, The Wash House, Mt Druitt (and team)
- Caroline Long, Bega Women's Refuge
- Cat Gander, NSW Women's Refuge Movement
- Taryn Champion, NSW Women's Refuge Movement
- Ludo McFerran, Australian Domestic and Family Violence Clearing House
- Gaby Marcus, Director Australian Domestic and Family Violence Clearing House

- Racquel Smith, Acting Principal Policy Analyst, Housing NSW, Department of Family and Community Services
- Judith Atkinson, Housing Assistance Unit, Service Development Strategy Branch, Housing NSW, Department of Family and Community Services
- Catherine Dobbins, Principal Policy Analyst, Housing NSW, Department of Family and Community Services
- Janet Schoer, Director, Staying Home Leaving Violence, Department of Family and Community Services
- Maria Kissouri, Senior Project Officer, Staying Home Leaving Violence, Department of Family and Community Services
- Tracie Richards, Newcastle SHLV

### **Research Workshop**

Twelve people attended the Research Workshop, all of whom agreed to be acknowledged:

- Maria Kissouri, SHLV, Family and community Services, NSW
- Mary Sullivan, Street Care Hunter
- Adrienne Lucey, Coordinator, Homelessness Health, Randwick, South Eastern Sydney Local Health District
- Karla Fritis, DV worker, Bondi Beach Cottage
- Madelaine Berry, Manager, Bondi Beach Cottage
- Tracy Howe, Manager, Domestic Violence Support, Western Sydney Service
- Gillian Cohen, Domestic Violence Support, Western Sydney Service
- Louis Schetzer, Homeless Persons Legal Service, NSW
- Dougie Wells, ICIS Project Officer, Homelessness NSW
- Susan Barnes, People with Disability Australia
- Baria Bodzak, Homelessness Unit, Housing NSW
- Anoop Johar, South Eastern Sydney Local Health District

## **TASMANIA**

### **Interviewees**

There were nine interviewees, seven of whom agreed to be acknowledged:

- Jenny Bertram, CEO Magnolia Place, Launceston Women's Shelter
- Sgt Darren Hill, VSRT Sergeant, Tasmania Police North
- Sabine Wagner, CEO, Hobart Women's Shelter
- Jane Fleming, Manager, Family Violence Counselling and Support Service North, North West, and the Family Violence Counselling and Support Service Team
- Ruth Bamford, Specialised Family Violence Coordinator, Centacare Tasmania Family Service

- Robin Yaxley, Senior Consultant, Strategic Policy and Projects Branch, Department of Justice
- Kathleen Kerr, Family Violence Counselling and Support Service, Team Leader, Adults and Children Team

### **Research Workshop**

Seven people attended the Research Workshop, all of whom agreed to be acknowledged:

- Bev Marchant, Centacare, CTSS
- Debbie Dunn, Hobart Women's Shelter
- Lynette Sikkema, Jireh House
- Nancy Roldan, Hobart Women's Shelter
- Mary Paterson, Women's Legal Service Victoria
- Sabine Wagner, Hobart Women's Shelter
- Ruth Bamford, Centacare, CTSS

## **VICTORIA**

### **Interviewees**

There were fourteen interviewees, all of whom agreed to be acknowledged:

- Joanna Fletcher, Women's Legal Service Victoria and Family Law Legal Service
- James Farrell, Homeless Persons, Legal Clinic, PILCH
- Maryclare Machen, EDVOS
- Jill Faulkner, EDVOS
- Sandy King, Tools for Change Project Officer, Women's Health Goulburn North East
- Robyn Trainor, Loddon Campaspe Regional Integration Coordinator, Family Violence Court Welfare Officer, Department of Justice, Victoria
- Rose Soleman, CEO, WDVCS
- Sue Thomas, Acting Detective Inspector and Officer in Charge of Violence Against Women and Children Strategy Group (VAWC)
- Fiona Stubbs, Senior Policy Officer, VAWC
- Sergeant Charlie McIntyre, VAWC
- Sergeant Peter Benjamin, VAWC
- Detective Senior Sergeant Campbell Davis, VAWC
- Rachel McKay, Bsafe Project Officer, Women's Health Goulburn North East

## **Research Workshop**

Seven people attended the Research Workshop, all of whom agreed to be acknowledged:

- Alison McDonald, Policy Officer, DV Vic
- Jacky Tucker, Women's Health West
- Marita Nyhuis, DH Project Leader, Family Violence Accommodation and Support Unit, Client Services and Programs, Housing and Community Building Division, Department of Human Services
- Yvonne James, DHS, Housing and Community Building
- Danny Blay, Executive Officer, No to Violence, Men's Referral Service
- Wendy Austin, Brenda House and Maroondah Halfway House
- Lahitha Nair, Australian Institute of Family Studies

## **SOUTH AUSTRALIA**

### **Research Workshop**

Eight people attended the Research Workshop, all of whom agreed to be acknowledged:

- Georgia Williams, Acting manager Offender Development, Adelaide Women's Prison, Dept for Correctional Services
- Maria Hagias (Executive Director) and Ginny Cisneros, Central Domestic Violence Service
- Ryan Harber, Principal Policy Officer Offender Development Directorate, Department for Correctional Services
- Dr Carole Zuffery, Program Director, School of Psychology, Social Work and Social Policy, University of South Australia
- Professor Donna Chung, University of WA
- Fiona Mort, Manager, Policy Office for Women SA
- Ingrid Sciclina, DFC Housing SA Homelessness Strategy
- Danielle Bament, Senior Project Officer, Homelessness Strategy Division, Housing SA, Department for Families and Communities, Housing SA Homelessness Strategy

## **QUEENSLAND**

### **Research Workshop**

Ten people attended the Research Workshop, eight of whom agreed to be acknowledged:

- Diane Mangan, CEO, DV Connect
- Yasmine Hassan, Practice Manager, DV Connect
- Chantal Eastweu, Gold Coast Domestic Violence Integrated Response
- Barb Crossing, Women's House

- Leanne Williams, Helping Out Families Program Coordinator, Senior Practitioner Domestic and Family Violence Team, Youth and Family Services (Logan City)
- Annette Fuller, Acting Principal Policy Officer, Domestic Violence Policy, Department of Communities
- Temi Oladapo, Manager Major Projects and Review, Strategic Policy and Performance, Department of Communities
- Cecilia Barassi-Rubio, Director, Immigrant Women's Support Service

## Appendix 4: Poster–Mt Druiitt SHLV

**DOMESTIC VIOLENCE IS A PATTERN OF ABUSE AND CONTROL THAT CAN INCLUDE:**

- Physical violence
- Threats of violence
- Verbal/emotional abuse & put downs
- Social isolation
- Controlling your money
- Forcing you to have sex
- Stalking, including by phone, text and internet



*Take him away officer, there's no room in my home for violence.*

**FAMILY VIOLENCE AFFECTS KIDS TOO**

Children live in a small world made up of their family, friends, school and home.

Children are traumatised when they see someone they love being harmed. They are also at risk of becoming victims and/or perpetrators of violence themselves.

Children have the right to live in their own home safely.

**For more Information Contact**  
**WASH House**  
 Lot 5 Kelly Close  
 Mt Druiitt NSW 2770  
 Phone 9677 1962

Police/Ambulance ..... 000  
 Domestic Violence Line.....1800 65 64 63  
 NSW Rape Crisis Centre.....1800 424 017  
 DoCS Help Line .....132 111  
 Indigenous Women's  
 Legal Contact Line.....1800 639 784  
 Wirringa Baiya Aboriginal Women's  
 Legal Centre.....1800 686 587  
 Domestic Violence Advocacy Service  
 Sydney .....(02) 8745 6999  
 Outside Sydney .....1800 810 784  
 Kids Helpline .....1800 55 1800  
 Financial Assistance Centrelink.....13 10 21  
 Mount Druiitt Local Court.....9881 9100  
 Mount Druiitt Police Station.....9675 0699  
 Blacktown Local Court.....9672 2610  
 Blacktown Police Station.....9671 9199

**STAYING HOME  
LEAVING VIOLENCE**

**supporting women and children  
to stay in their home safely  
after ending a  
violent relationship**

**W.A.S.H. HOUSE**  
**PH: 9677 1962**

*We would like to thank the  
 NSW Strategy to Reduce Violence Against Women and  
 The Australian Domestic and Family Violence Clearinghouse  
 for their contributions.*

*Artworks inspired by Maria Ponti.*  
*Funded by Community Services NSW*

*Supported by Family Violence Response and Support Strategy.*



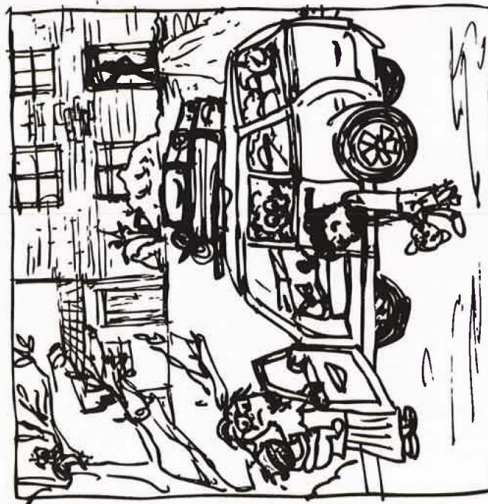
## You HAVE THE RIGHT TO STAY AT HOME

If you have suffered from domestic/family violence why should you and your children suffer the trauma of leaving your home, your routine, your support networks and all that is familiar to you?

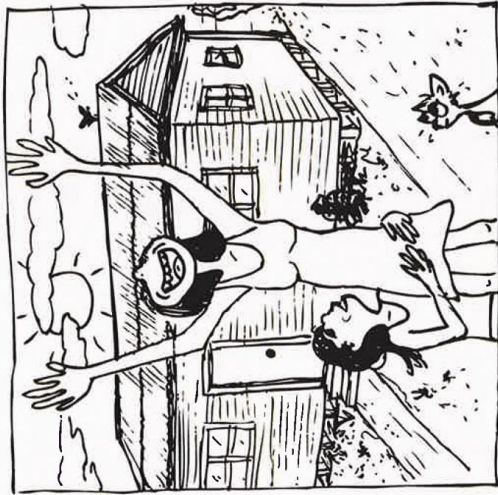
## Do You Wish TO REMAIN IN YOUR HOME WITHOUT THE PERPETRATOR OF VIOLENCE?

Do you need some support or assistance to be able to do so?

Has the perpetrator of violence left or been removed from the family home?



**Why should I leave with my kids, and let him stay when he's committed the crime? It would be a lot easier for him to go.**



**YIPPEE! I've got my life back, my kids and I are living without violence!**

## THE STAYING HOME LEAVING VIOLENCE PROGRAM CAN ASSIST YOU AND YOUR CHILDREN IN THE FOLLOWING WAYS:

- Carry out safety assessment and help you to develop a safety plan,
- Provide security equipment such as monitored alarms, new locks and improved lighting to make your family home safer,
- Provide advice and support about Apprehended Violence Orders, including exclusion orders,
- Provide practical and emotional support so you can remain in your home.



If you think we can help you, or you would like more information;

- Come in to the WASH House to see us,
- Call us

**Lot 5, Kelly Close  
Mount Druitt 2770  
Ph 9677 1962**



**My child just pretends to smile, the violence has hurt her too.**

**THERE'S NO EXCUSE FOR ABUSE; EXPECT RESPECT**

# **Staying Home Leaving**

# **violence**

**Whoever you are,  
you have the right  
to live safely in  
your own home!**

**Phone 6492 6239**

Funded by NSW Department of Human Services, Community Services  
Supported by the Bega Valley Domestic Violence Committee & BVSC

## Appendix 6: Information sheet–Norfolk Sanctuary Scheme

### NORFOLK SANCTUARY SCHEME

## SANCTUARY

The organisations represented here have been involved in the development of, or are participating in, the Norfolk Sanctuary Scheme.



Se necessitar de ajuda relacionado com o abuso ou a violência doméstica, contacte um dos números de telefone neste folheto.

Potrzebna pomoc związana z przemocą w rodzinie; w takim wypadku, należy zadzwonić pod jeden z numerów w niniejszej ulotce.

Если вам нужна помощь в связи с тем, что вы стали жертвой насильственного преступления или жестокого обращения в семье, звоните нам по любому из телефонов, перечисленных в настоящем буклете.

Jei jums reikalinga pagalba dėl patiriamos buitinio smurto ar išnaudojimo namuose, skambinkite vienu iš šiame buklete nurodytų numerių.

### NORFOLK SANCTUARY SCHEME

## SANCTUARY

**Are you a survivor of violence or domestic abuse? Do you want to stay living in your own home but don't feel safe?**

**The Norfolk Sanctuary Scheme can help to make your home more secure and provide ongoing support from specialist organisations**

PRINTED SEPTEMBER 2006

**THE NORFOLK SANCTUARY SCHEME** can provide additional security measures to your property at no cost to yourself to make you feel safer about staying there. You could be a tenant or homeowner.

The scheme is not means-tested, but will only be available to those who wish to remain in their own home, and where it would be safe for them to do so.

If you would like to speak to someone in confidence about the project please call one of the numbers shown here. You can choose which organisation you speak to initially but it is important you know that this a joint project between the local councils, Norfolk Constabulary and specialist voluntary support agencies.

'Sanctuary' is available as one of a range of options for survivors of violence or domestic abuse. If the project is not for you, any of the agencies shown here can help you look at other solutions.

#### LOCAL COUNCILS

##### **Breckland District Council**

Housing Advice and Homelessness Service  
Elizabeth House, Walpole Loke, Dereham, Norfolk NR19 1EE  
Tel: 01362 656870  
Email: [housingadvice@breckland.gov.uk](mailto:housingadvice@breckland.gov.uk)

##### **Broadland District Council**

Housing Services, Thorpe Lodge, 1 Yarmouth Road  
Thorpe St Andrew, Norwich, Norfolk NR7 0DU  
Tel: 01603 431133  
Email: [housingadvice@broadland.gov.uk](mailto:housingadvice@broadland.gov.uk)

##### **Great Yarmouth Borough Council**

Advice and Homelessness Service  
Greyfriars House, Greyfriars Way, Great Yarmouth  
Norfolk NR30 2QE  
Tel: 01493 846476 / 846398  
Email: [tcc@great-yarmouth.gov.uk](mailto:tcc@great-yarmouth.gov.uk)

##### **Kings Lynn & West Norfolk Borough Council**

Homelessness Service, Kings Court, Chapel Street  
Kings Lynn, Norfolk PE30 1EX  
Tel: 01553 616675  
Email: [homelessness-services@west-norfolk.gov.uk](mailto:homelessness-services@west-norfolk.gov.uk)

##### **North Norfolk District Council**

Housing Advice Team  
Holt Road, Cromer, Norfolk NR27 9EN  
Tel: 08000 855889 (freephone)  
Email: [housingoptions@north-norfolk.gov.uk](mailto:housingoptions@north-norfolk.gov.uk)

##### **Norwich City Council**

Homelessness Prevention Team, City Hall  
Norwich, Norfolk NR2 1NH  
Tel: 01603 212856  
Email: [housingneeds@norwich.gov.uk](mailto:housingneeds@norwich.gov.uk)

##### **South Norfolk District Council**

Homeless and Housing Advice Section  
South Norfolk House, Swan Lane, Long Stratton  
Norfolk NR15 2XE  
Tel: 01508 533633  
Email: [housingadvice@s-norfolk.gov.uk](mailto:housingadvice@s-norfolk.gov.uk)

#### **POLICE DOMESTIC VIOLENCE UNITS**

Call 0845 456 4567 and ask to be put through to the Domestic Violence Unit for your area

#### **SPECIALIST SUPPORT AGENCIES**

##### **Leeway Women's Aid**

(for Norwich, Broadland, Great Yarmouth and North Norfolk Council areas)  
01603 623745

##### **Olive Tree Project**

(for Breckland and West Norfolk Council areas)  
01760 722669

##### **Haven Project**

(for South Norfolk Council area)  
01379 642300

##### **Victim Support**

(For male victims of domestic violence in Leeway area, and all victims of violence other than domestic abuse)  
01603 629577

**NORFOLK SANCTUARY SCHEME**

**SANCTUARY**



## Appendix 7: Information sheet–Sheffield Sanctuary Scheme

### Contact Information



For further information about the Sanctuary Scheme, please call 0114 205 3114.

If you require emergency accommodation, either call into First Point at Howden House, 1 Union Street, or call housing solutions on 0114 27 35142 between 8.30am and 5.30pm, Monday to Friday. For emergency accommodation out of hours, or at weekends, call 0800 7311 689.

In an emergency, always telephone 999 (Police, Ambulance and Fire Service).

### Translations

Copies of the wording of this leaflet can be made available on request in braille, large print and on audio tape and also in Arabic, Bengali, Chinese, Somali and Urdu. Please telephone 0114 205 3114.

يمكن توفير نسخة لهذا المنشور بناء عن الطلب وذلك بتكلفة 'برائل' للمكفوفين، وطباعة حروف كبيرة وعلى شريط كاسيت وبملفة الصوتية أو البصيرية أو للصوتية أو الأثرية. رجاء الاتصال هاتفيا بالرقم: 0114 205 3114

এই প্রচার পত্রটির সকল কপিগুলি আপনি অনুরোধ করলে ব্রেইল, বড় অক্ষরে লিখা, অডিও টেপ এবং ই-বইয়ের অনুরোধ উদ্ভূত, আরবী, বাংলা, সূমালি ও চাইনিজ ভাষায় সংগ্রহ করে পাঠান। দয়া করে 0114 205 3114 নম্বরে ফোন করুন।

如要索取本單張內容以盲人點字版、大字體版、錄音帶或阿拉伯文、孟加拉文、中文、索馬利文和烏爾都文版的副本，請電 0114 205 3114

Erayanta koobiga waraacadan waxa diyaarinya codsiga (Braille) - iyada oo daabacan iyo, iyadoo caajalad duubanda. Waxaad kuhele luuqadahan kala, ah arabic (arabi), Bengali, Chinese, Somali (Soomaali), iyo Urdu. Fadlan lasoo xidhiidh talefoonkan 0114 205 3114.

اس پمچلک میں درج معلومات درخواست کرنے پر عمل پیرے ہوں گے۔ آڈیو ٹیپ، بڑا لکھنا، پانچیز، عربی اور صومالی زبانوں میں دستیاب ہو سکتی ہے۔ براۓ مہربانی اس نمبر: 0114 205 3114 پر ٹیلیفون کریں۔

### Neighbourhoods & Community Care

Tel: 0114 2053114

[www.sheffield.gov.uk](http://www.sheffield.gov.uk)

DP4493A

### Sheffield Sanctuary Scheme

Helping domestic abuse survivors to live at home in safety.



### Introduction

Sanctuary is a customer-centred scheme. It helps domestic abuse survivors to continue living in their own homes if they prefer, rather than move away.

The Scheme provides a range of safety measures to improve the security of survivors' homes.

Sanctuary is available **free of charge** to council tenants, housing association tenants, homeowners and private tenants alike.



## What is Sanctuary?

### Sanctuary includes:



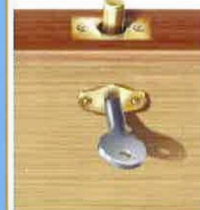
## Can the Sanctuary Scheme help me?

## What happens if I apply?

## What will a Sanctuary be like?



**Hinge Bolts**  
Additional security for the hinge side of the door.



**Mortice Bolt**  
Fitted to the top and bottom of the door, providing a high level of security.



**Door Viewer**  
Enables vision at the door without having to open it.



## **AHURI Research Centres**

AHURI Queensland Research Centre

AHURI RMIT Research Centre

AHURI Southern Research Centre

AHURI Swinburne-Monash Research Centre

AHURI UNSW-UWS Research Centre

AHURI Western Australia Research Centre

Australian Housing and Urban Research Institute

Level 1, 114 Flinders Street, Melbourne Victoria 3000

Phone +61 3 9660 2300 Fax +61 3 9663 5488

Email [information@ahuri.edu.au](mailto:information@ahuri.edu.au) Web [www.ahuri.edu.au](http://www.ahuri.edu.au)