

The Pilot Domestic Violence Intervention Court Model (DVICM): Toward Evidence-led Practice in Wagga Wagga in Rural Australia¹

Elizabeth Moore²

“It’s going to be a long process but, yeah, I mean, women have got to take a stand because it’s happening far too many times to women.”³

Abstract

Like many other patriarchal societies, Australia is marked by entrenched patterns of gendered violence. Central to the New South Wales legislative reforms that commenced in the 1980s with the aim of redressing this was the introduction of civil protection orders that gave police the authority to respond to domestic violence incidents through protection and/or prosecution proceedings. In 2005, following other jurisdictions, the New South Wales Government piloted the integrated Domestic Violence Intervention Court Model (DVICM). The selection of the inland rural town of Wagga Wagga and the metropolitan Campbelltown site provided the opportunity to conduct research comparing the commencement, processes, outcomes and effectiveness of civil and criminal justice interventions across major city and rural locations, through time and for different cultural groups, the focus of this article.

Introduction: A Long Process

The opening quotation reflects the motivation for a continued dialogue about domestic violence experienced by women in inland rural New

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³ Aboriginal woman from Bourke, New South Wales, quoted in Moore, 2002.

South Wales, and in particular amongst Indigenous⁴ women who confront the highest risk. Like many other patriarchal societies, Australian society is marked by entrenched and widespread patterns of gendered violence. In the ten years since the first national victim self report survey, the *Women's Safety Survey* (Australian Bureau of Statistics, 1996), research has provided a fuller picture of the prevalence, nature and reporting by victims of such violence. From the recent Australian *Personal Safety Survey*, we know that more men than women reported experiencing violence since the age of 15 years. For both men and women, the perpetrator was three times more often a male. For women, the violence was more often sexual assault by a current or former partner (Australian Bureau of Statistics, 2006 p. 6).

Focusing on women's experience of violence, the 2004 Australian component of the *International Violence Against Women Survey* (IVAWS) (Mouzos & Makai, 2004) found that 57 per cent of the women surveyed had experienced violence in their lifetime. Thirty-four per cent of those who had ever had an intimate partner relationship reported having experienced either physical (31 per cent) or sexual (12 per cent) violence by a partner. The levels of violence, as evidenced by reported injury and fear of personal safety, were higher for former partners than current partners, and 40 per cent had been injured in the most recent incident. The Australian Institute of Criminology's *National Homicide Monitoring Program* evidences the most tragic consequences of domestic violence, 21 per cent (n=74) of 2005/06 homicides involving intimate partners, 80 per cent (n = 59) of which involved a male killing his female partner and 78 per cent (n = 58) having occurred in residential locations (Davies & Mouzos, 2006).

Another feature is low levels of reporting such violence to the police. While safety survey data shows that the number of women reporting physical assault by a male to police increased from 19 per cent in 1996 to 36 per cent in 2006 (Marcus & Braaf, 2007, p. 6), the reporting rates for intimate partner violence remain low. The 2006 data shows that only 14 per cent of women reported violence by an intimate partner to police, that 25 per cent told no one and that the rest contacted a specialised agency or told friends, neighbours or immediate family members (Mouzos & Makai, 2004).

Mouzos and Makai identify the reasons for not reporting as: dealing with it themselves (27 per cent), wanting to keep the incident private (9 per cent), fear of the offender (7 per cent), and perceiving that the police would or could not do anything (5 per cent). In keeping with findings from international research (Garcia-Moreno, Jansen, Ellsberg et al., 2006), barriers to help-seeking for Australian women

⁴ Indigenous is used here to include the Australian Aboriginal and Torres Strait Islander populations, with the term Aboriginal describing the Indigenous population of New South Wales.

include the lack of services, absence or high cost of transport, the perception that services will be unsympathetic, lack of awareness of service availability, fear of not being believed and the perception that no one can assist (Marcus & Braaf, 2007, p. 7).

In addition to providing overall evidence of gendered and intimate partner violence, the data shows an increased risk of intimate partner violence for specific population groups. Younger women aged 18-29 years and Indigenous women are at greater risk, both of gendered violence and becoming a homicide victim (Marcus & Braaf, 2007; Davies & Mouzos, 2006). Commencing in 2005-06, homicide data reports the geographic distribution of homicide incidents.

The silence in domestic violence research and policy with respect to the experiences of women in rural and remote Australia has been noted by authors of a literature review (WESNET, 2000) who described data about areas outside of metropolitan cities as patchy and incomplete. They addressed this information gap through a pastiche of indicators of domestic violence toward rural women. Using data from the Commonwealth-State funded Supported Accommodation Assistance Program (SAAP) they estimated that, in 1997-1998, the rate per 100,000 population for which domestic violence was the primary reason for seeking support was 4.39 for metropolitan women, 9.95 for women in large rural centres and 20.86 for women in remote areas (WESNET, 2000, p. 4).

Studies show that a higher proportion of homicide victims in rural areas are women killed by spouses in domestic violence incidents (WESNET, 2000, p. 8). These authors concluded that domestic violence is a significant problem in rural areas, more highly reported than in metropolitan communities, predominantly perpetrated by men against women, and occurs at higher rates amongst Indigenous women and those in remote communities (WESNET, 2000, p. 3).

The research inattention to rural women's experiences perhaps arises from 20th century rural population decline. Urbanisation has meant that since 1976 the rural⁵ population has approximated 13 per cent, around 2.5 million of the 20.3 million national population (Australian Bureau of Statistics, 2007, p. 121). Close to half of Australia's Indigenous population, estimated at 2.4 per cent, lives in rural or remote locations (Australian Bureau of Statistics, 2007, p. 121). Further, there is increasing evidence of high and entrenched rates of serious violence amongst Indigenous people, affecting women and children and, in some places, entire rural and remote communities (Australian Institute of Health and Welfare, 2006).

⁵ Here rural refers to the population living outside areas classified by the Australian Bureau of Statistics as major cities and inner regional areas, in those areas described outer regional, remote and very remote (ABS, 2007, p. 121)

Australia's Eight Jurisdictions: The Emergence of Specialist Courts

In Australia, criminal law and legal protection from violence are the responsibility of each of the eight State and Territory jurisdictions. In regard to gendered violence, consistent with international trends, the 1980s saw a wave of legislative reform in these jurisdictions. In common was the aim of increasing the effectiveness of criminal law in relation to assaults against women in the public and private spheres of their lives and providing legal protection from future violence and harassment through civil restraining orders (Laing, 2000, p. 4). Criminal laws were strengthened, civil remedies introduced and government funds committed to social support services for women seeking safety. Social support services included crisis and medium term accommodation and support during court proceedings to women who pursued legal action. Jurisdictional differences resulted in a lack of national consistency in the legal and social response to domestic violence and a lack of portability of civil and criminal orders.

While some provisions of the national *Family Law Act 1975* (Cth) address family violence and are enforceable in all jurisdictions (Alexander, 2002, p. v-vi), they have limited reach. Thus, the main avenue for women seeking legal protection from family violence is within each State or Territory jurisdiction. A proposal to pursue national consistency through the introduction of *Model Domestic Violence Laws* (Domestic Violence Legislation Working Group or DVLWG, 1999) did not achieve consensus, some commentators having dubbed this initiative as a 'missed opportunity' due to a failure to reach consensus on key issues of:

...the prevalence of domestic violence in all sections of the Australian community; the fact that the majority of domestic violence is perpetrated by men against women and children; and the need for perpetrators of violence to take responsibility for their actions and for stopping the violence (Hunter & Stubbs, 1999, p. 12).

Another consequence of jurisdictional differences in the legal and social response to domestic violence is that it precludes research that might make meaningful comparisons of the utilisation and outcomes of the justice response to domestic violence. As both the criminal laws and the social support programs are the responsibility of each State and Territory they have evolved separately, with differences in laws, policies, programs and data collection presenting challenges in achieving consistency in approach and comparability of data. With the exception of the Australian Capital Territory, unique in its relatively small geographic and population size, resource allocation and

infrastructure, there are also inconsistencies in the response to domestic violence within each State and Territory (Stewart 2005, p. 24). Intra jurisdictional reviews have identified systemic failings. Concerns about the police response focused on a substantial increase in the initial response and prosecution workloads of police that followed the implementation of the civil legislation; deficiencies in the police initial response to reported violence incidents and response to reported breaches of civil orders; and, the problematic interface of civil and criminal jurisdictions.

While not tested by research, another concern is inconsistencies and limitations of generalist courts in providing effective justice processes and outcomes in domestic violence cases. Stewart identifies the independence of magistrates and their individual styles (2005, p. 24) as sources of intra-jurisdictional inconsistency, the scope for variation being substantial when access to justice involves vast distances. For example, in New South Wales decisions are made by Magistrates sitting in a total of 161 Local Court locations (NSW Ombudsman, 2006, p. 23). Thus, two common themes in discussion about an improved justice response are the pursuit of better integration of the law enforcement, justice and social support systems and specialisation in the justice system.

In 1995, the Australian Capital Territory became the first Australian jurisdiction to commit to a specialist domestic violence court (Holder, 2001; 2004). An outcome of law reform and a government policy commitment, the Family Violence Intervention Program aimed to address critics' concerns through a comprehensive and integrated justice response. Here 'comprehensiveness' refers to a response that embraces criminal and civil legal provisions. 'Integration' refers to the involvement of, and communication between, all contributors to the justice response with the aim of enhancing its effectiveness.

Stewart (2005) has written in some detail about the emergence of specialist domestic violence courts in Australia, in particular those in South Australia, Western Australia, Victoria and New South Wales. In 1999, the Northern and Central Violence Intervention Programs were established in the South Australian capital, Adelaide. Informed by the South Australian experience, the Western Australian government established the Joondalup Family Violence Court in an outer suburb of the capital, Perth.

In 2005, the Victorian and New South Wales governments both commenced pilot specialist court connected programs. In Victoria, the pilots were underpinned by specific legislation, the two pilot sites being a suburb of the capital Melbourne and Ballarat, a semi-rural town 100 kilometres away. In New South Wales, the pilot sites for the Domestic Violence Intervention Court Model were the major city location of Campbelltown, an outer suburb of the capital Sydney, and

the outer regional location of Wagga Wagga, its 58,000 population making it the largest inland rural town of New South Wales, located 500 kilometres from Sydney. Thus, unique to New South Wales was the selection of Wagga Wagga, a first attempt to provide a specialised integrated justice response to domestic violence in an outer regional area.

New South Wales: Legal Protections, Limitations and Review

In New South Wales, the enactment in 1982 of Part 15A of the *Crimes Act 1900* included provision for a civil remedy in addition to criminal proceeding for women seeking protection from domestic violence. A brief description follows:

The objects of the Act include: ensuring safety and protection for those experiencing violence; reducing and preventing violence between people in a domestic relationship; and enacting provisions consistent with the United Nations Declaration on the Elimination of Violence Against Women (*Crimes Act* s562AC(1)). The objects are achieved through provisions that empower the courts to make restraining orders, termed Apprehended Domestic Violence Orders (ADVOs), and ensure that access to court is speedy, inexpensive, safe and simple (*Crimes Act* s562AC(2)). The Act includes a statement that the spirit of these provisions is to recognise that domestic violence is 'unacceptable, perpetrated mainly by men against women and children, and occurs in all sectors of the community' (*Crimes Act* s562AC(3)), (Moore, 2004, p. 42).

Applications for ADVOs can be initiated by individuals to the Chamber Magistrate of the Local Court or by Police directly to the Local Court, and are decided by the Local Court Magistrate on the basis of the civil standard of proof, that the applicant has 'reasonable grounds' to fear for her safety. Their conditions place constraints on the conduct and movements of the perpetrator, a breach of which constitutes a criminal offence that, when proven to the criminal standard of 'beyond reasonable doubt' results in conviction and sanctions, including imprisonment.

Another provision of New South Wales legislation is the crime category of domestic violence offence' within section 562A of the *Crimes Act 1900*. This includes a personal violence offence committed by one person against another with whom they currently have or have previously had a 'domestic relationship'. The legal definition of a personal violence offence includes a wide range of criminal acts of violence to persons and property. 'Domestic relationships' include: marriage and de facto partnerships; intimate personal relationships;

living or having lived in the same household; long term residents in the same residential facility; carers; relatives; and importantly, extended family or kin in the case of Indigenous Australians.

Reviews of the justice response to domestic violence conducted by New South Wales Government bodies include investigations by the Ombudsman (NSW Ombudsman, 1999 & 2006) into the police response, legislative review by the Law Reform Commission (the Commission) (2003) and effectiveness studies by the Bureau of Crime Statistics and Research (BOCSAR). The Ombudsman has identified police delays in initial response, failures to fully investigate, poor prosecution of criminal incidents, inconsistent and inadequate responses to reported breaches of protection orders, and inadequate victim support and follow up (NSW Ombudsman, 2006).

The police, in turn, have cited frustration at the seemingly high incidence of victims' withdrawal of ADVO applications and unwillingness to give evidence in criminal proceedings. It is widely acknowledged that victims can be deterred from participation due to their having inadequate information; inadequate pre court, court and post court support; lack of confidence in the system; and, fear of the legal process and of its consequences for themselves and the offender. The Ombudsman also noted the limited response capacity of police in rural New South Wales, with fewer police resources and support services spread over vast distances (NSW Ombudsman, 2006, p. i).

The Commission's most recent legislative review culminated in the implementation of an eighth set of amendments (NSW LRC, 2003), the provisions of which were wide-ranging. These included increased powers and responsibilities for police in the pursuit of criminal and civil proceedings at both the initial response and prosecution stages and removed the requirement for victims to provide evidence in criminal proceedings. Having canvassed the issue of separate legislation for ADVOs, the Commission's final report fell short of this, but made the following recommendation:

The Commission recognises that domestic violence raises different issues from violence in other relationships, and requires a specialised legal response. Accordingly, the Commission recommends that a panel of Magistrates with specialist training in domestic violence issues be established as a pilot project in a Local Court with a high turnover of domestic violence matters. That panel should deal with all aspects of violence, intimidation, harassment and stalking in domestic relationships, including ADVOs (NSW LRC, 2003, R2).

Reviews and reforms within New South Wales have proceeded in the absence of an ongoing systematic approach to data collection and review. From within, the Attorney-General's Department BOCSAR

routinely reports crime data from police records and court outcomes. Data limitations, described here later, preclude an analysis of trends and patterns in relation to reported incidents of domestic violence, resulting civil and/or criminal proceedings and outcomes of criminal charges and ADVO applications. BOCSAR has conducted specific research on the theme of domestic violence in which additional data has been collected, including limited scope effectiveness studies (Trimboli & Bonney, 1997) and occasional papers (Coumarelos & Allen, 1998; 1999; People, 2005).

The Domestic Violence Intervention Court Model (DVICM)

In 2005, in response to the Commission's recommendation that government establish a project to pilot a specialised legal response to domestic violence, the New South Wales Government commenced the pilot DVICM. Informed by developments elsewhere, including the specialist family violence courts of Winnipeg, Canada (Ursel, 1996) and the Australian Capital Territory (Holder, 2004), the eventual model incorporated enhancements to the police investigation, victim support, court processes and offender accountability.

Described as an 'integrated criminal justice and social welfare response' and not a specialised court, the DVICM aims to: improve safety for victims; hold perpetrators accountable for their offending, and; reduce the likelihood of re-offending. Interventions are described as:

- Providing efficient and seamless support to victims of domestic violence, through the entire prosecution process.
- Improving the quality of the prosecution process to get better criminal justice system outcomes.
- Finding the balance between individual victim concerns and criminal justice system responsibilities to uphold law.
- Providing integrated offender victim and children's programs aimed at enhancing victim's safety and reducing repeat offending.

(Attorney General's Department of NSW, 2007)

These principles were operationalized through several initiatives. Police attending a domestic violence incident were now required to treat it as a crime scene, to pursue a pro-arrest approach and to gather evidence of a standard required to support prosecution. In addition to the criminal justice response, the police now applied for an ADVO on the victim's behalf. When a criminal charge was laid, they were now required to refer them within 24 hours to a Victims Advocate working within a community support agency.

Throughout criminal proceedings, the newly created position of Victim Advocate works with the police to provide support and safety to victims. Courts are required to process these matters effectively and efficiently in order to prevent cases from dropping out and minimise stress for participants. Court measures include: the creation of a 'list day' on which these matters are heard; judicial education in domestic violence issues and a practice direction from the Chief Magistrate to presiding magistrates to expedite matters through the court process; trained and regular police prosecutors permanently managing domestic violence lists; facilities to support victim and witnesses as well; and pre-sentence reporting by the Department of Corrective Services probation and parole staff that addresses the provision of specific domestic violence perpetrator programmes.

There are some differences between the DVICM and features variously adopted in specialised responses of some other jurisdictions. Within the DVICM, the police response is conducted by generalist officers who are supported by a specialist programme officer, rather than a specialist investigation team. A significant shortcoming of the pilot is the omission of a risk assessment process or tool to assist in determining the immediate and ongoing safety of the victim. In Joondalup, the specialist police response is applied throughout criminal and civil proceedings (West Australian Department of Justice and Police Service, 2002). In contrast, where only civil proceedings are commenced, the specialist DVICM response ceases after the Police application for an ADVO. The DVICM differs from exemplars of specialist courts such as the family violence courts of Australian Capital Territory and Winnipeg, where prosecution of criminal matters is conducted by legal experts who are independent of the police service, there is a distinct court as opposed to a separate list day and matters are presided over by judicial specialists in this area of law.

An evaluation of the pilot DVICM in Campbelltown and Wagga Wagga undertaken by BOCSAR for release in June 2008 will compare domestic violence incident reporting, criminal charges and court outcomes before and after the implementation of the DVICM and will report on victim and stakeholder interviews. The pilot and evaluation provide a unique opportunity to consider the effectiveness of specialised interventions and develop a data reporting system that could support evidence led practice. Importantly, this could overcome a significant gap in our knowledge about the relative effectiveness of legal and social interventions across metropolitan and rural/remote areas, for example, comparisons of the commencement and outcomes of civil and criminal justice responses across locations, and through time.

Given the different cultural mix of the populations within the pilot site locations, consideration could also be given to comparisons. For example, where Campbelltown includes a substantial proportion

of people from culturally and linguistically diverse backgrounds, Wagga Wagga's Aboriginal population of 4.1 per cent, is 1.5 times that of New South Wales. Such comparisons have the potential to highlight differences in the use of legal and social supports that can inform the development of practices that are more effective in different locations and communities. This would fill a significant gap in our understanding of how to effectively intervene to protect women and children who are geographically and socially isolated.

New South Wales: Rurality and Risk

In New South Wales, People's study of 2004 data (2005) was the first to focus on domestic violence assault and to address its spatial distribution. In 2004, domestic violence assault accounted for 35 to 40 per cent of all assaults, an increase since 1997 of 40 per cent in Sydney and 50 per cent Statewide. Consistent with other research, People found that the majority of victims of domestic assault were female (71.1 per cent) and offenders were male (80.4 per cent), with the majority of both aged between 20-39 years. A majority of offenders were current or former partners (61.8 per cent), and close to a third of victims were injured. Victims were six times more likely to be Aboriginal and offenders, eight times. A little more than half of the incidents were alcohol related (51.7 per cent), on residential premises (86.1 per cent), often the victim's home, and occurred between 3 to 6.00 pm and on a Friday or Saturday.

People (2005) noted that the ten Local Government Areas (LGAs) with the highest rate of domestic assault recorded by police were all inland, where the rates per 100,000 population were between 2.5 and 11 times higher than for the State. The highest was 3,542.3 for Bourke and the lowest 876.7 for Carrathool, the latter being higher than the highest of the top ten Sydney metropolitan suburbs. In Sydney, the rates ranged from the highest in Campbelltown of 724.9 to lowest in Hawkesbury of 407.2.

The opening statement of the Aboriginal woman from Bourke becomes even more persuasive in light of the likelihood of her seeking police assistance for a domestic assault incident being 20 times greater than if she lived in Campbelltown, the metropolitan location where that likelihood is highest. Other indicators of high prevalence of domestic assault are reportedly areas with high rates of Aboriginal populations, sole parents under 25 years, public housing, male unemployment, residential instability and lack of transport.

It is worth noting that, in addition to the higher representation of Aboriginal people, inland rural New South Wales is ten years into a severe drought, the social impacts of which are increased unemployment and financial stress. Rural areas also lack access to

transport needed to participate in education and employment as well as seek safety from a domestic violence situation.

The selection of Wagga Wagga as a pilot site for the DVICM was well received locally. At the time, justice and social service practitioners were acutely aware of the higher incidence of domestic violence, help seeking and reporting compared with major city and inner regional areas.

Figure 1 compares the 1998 to 2006 Wagga Wagga rates of reported general assault and domestic violence assault incidents with those of New South Wales. One data limitation is that before 2002, reported crime data for New South Wales did not distinguish between general and domestic violence assault and court data still does not make this distinction. It is worth noting that the rates of assault peaked in 2001, perhaps contributing to the concern amongst local women and justice personnel about violence against women. Also worth noting is the decline in assault and domestic assault rates in the two years prior to the introduction of the DVICM.

Over time, there had also been an increased willingness of individual women to seek protection from domestic violence and of justice personnel and social service providers to pursue changes to practice collaboratively (Hannam, 2003; Moore, 2004). A relatively large rural town, Wagga Wagga has a considerable service infrastructure, presenting fewer barriers for women in seeking safety from domestic violence than in smaller and more remote towns.

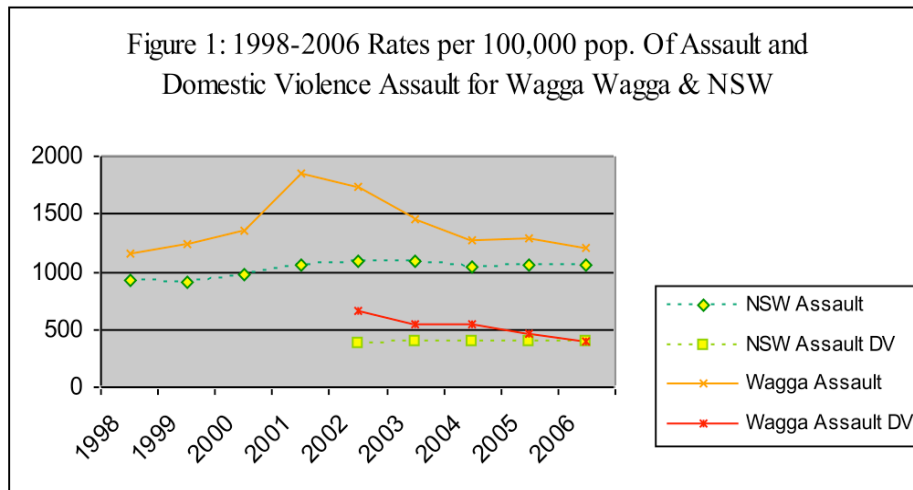


Figure 1
Source: NSW Bureau of Crime Statistics and Research (2007)

Another comparison that could provide some insight into women’s experiences of the justice system in seeking protection from violence is the commencement, timeliness and duration, and eventual outcomes of legal proceedings, both civil and criminal. Some

limitations of the publicly reported data preclude such analysis. Firstly, police crime reports and court outcomes are reported according to different geographic boundaries, as also are crime report and AVO application data. A comparison of ADVO applications and outcomes that might show patterns and trends in the rate at which they are granted cannot be generated because the data collected by Court Services is not reported. Upon request by legitimate stakeholders, Court Services will provide AVO application and outcome data on condition that its limitations are understood and it is not publicly distributed.⁶

Figure 2 shows the rates of domestic violence assault for the two pilot DVICM sites and Bourke, the rural town with the highest rates of domestic assault. While precluded from reporting the findings here, a comparison of Court Services data on ADVO applications showed an almost identical pattern to domestic violence assault, suggesting the

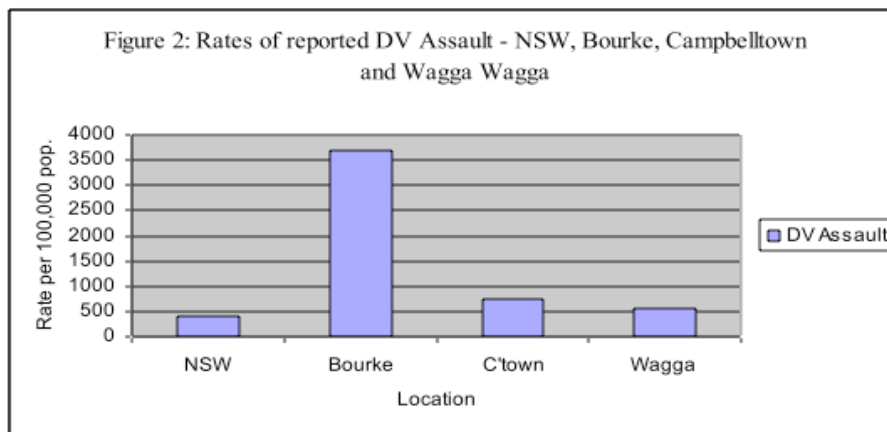


Figure 2

Source: NSW Bureau of Crime Statistics and Research (2007)

data might in fact be quite robust. That there was considerably more variation in the pattern of ADVOs granted raises the question of differences in reporting or the the practices and decision making of

⁶ NSW Court Services' Apprehended Violence data is drawn from statistical information provided by the Registrars of the Court using a monthly return system, its limitations include:

- the information is not drawn from records specific to each case (i.e. unit based), but records the total activities during the reporting period;
- the information cannot, and has not been audited to determine its integrity in terms of both coverage of cases and recording accuracy.

Given the limitations of the information, it is provided on the basis that it is not for public distribution and you will have to accept this as a condition of supply (Court Services correspondence 2007)

justice personnel. Access to reliable and valid public data would provide some valuable information to monitor patterns and trends in the commencement and outcomes of criminal and civil proceedings at specific locations and times.

Figure 3 illustrates the potential value of such temporal and geographic comparisons using the rates of reported domestic violence assault for New South Wales and the two DVICM pilot sites since 2002, the time in which domestic assault has been reported as a separate category. It suggests that one comparison the forthcoming evaluation will need to address is the differences in reporting rates

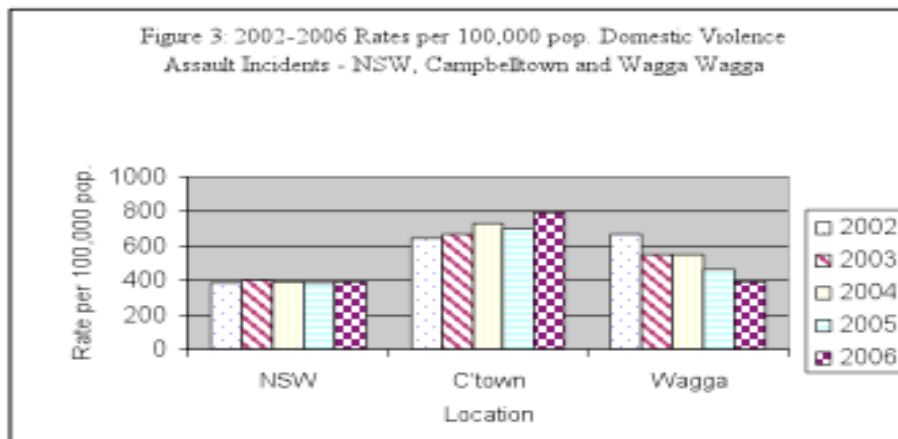


Figure 3 Source: NSW Bureau of Crime Statistics and Research (2007)

between Campbelltown and Wagga Wagga and the seemingly reverse trend during the DVICM pilot of an increase in Campbelltown and decrease in Wagga Wagga.

While recognising that the same intervention might be more or less effective in different locations, the different reporting trends evident here are contrary to expectations about the short and longer term aims of a specialised response:

...as domestic violence is an underreported crime, an intermediate aim should be to increase reported incidents to police, and, in the longer term, the aim should be to decrease the number of reported incidents (Parmar & Sampson, 2007, p. 675).

A general limitation of data on criminal justice interventions and outcomes is that the unit of data collection is incident based rather than case based, resulting in double counting and inability to track the progress and outcomes of selected categories. The evaluation of the combined civil and criminal specialised justice response to domestic violence incidents in Joondalup focused on cases and found:

- 39% of cases resulted in charges
- 31% of cases involved victims unwilling to initiate or assist prosecution
- 48% of all charged pleaded guilty
- 20% of all charged pleaded guilty on first appearance
- More orders breached due to increased supervision of perpetrators
- 63% restraining orders dismissed.

It is apparent that there are a number of problems with the restraining order process and that a review of the current system state-wide is necessary (West Australian Department of Justice and Police Service, 2002, p. xi). This problem of the interface of the criminal and civil jurisdictions, was the basis of a Queensland study in which Douglas and Godden (2002) concluded that the emphasis on the civil response had effectively decriminalised domestic violence assault.

Conclusion

Comparisons of data that reflect the decisions of women experiencing violence, the community audience, police, social service practitioners and magistrates, evaluation provides an opportunity to identify differences in the practices and decision making of all those involved. The pilot nature of the DVICM was initially a source of scepticism amongst local practitioners in Wagga Wagga. This was grounded in past experiences of government pilots ending with no formal evaluation and not being continued or extended, despite their perceived effectiveness locally.

This scepticism has been displaced by the Attorney-General's decision, before the evaluation was complete, and regardless of the data, to establish the program as the Domestic Violence Intervention Court Service at the two locations. This is perhaps a reflection of the need for a specialised response and the way in which practitioners in both sites engaged with the pilot and adapted the model to unique aspects of their particular community and service system arrangements.

However, the importance of potential contribution of the pilot experience and evaluation to the development of effective rural practice remains, as does the task of identifying effective practices that can be adopted and adapted in other rural locations. This is critical to providing a pathway to safety for women known to be at even higher risk of domestic violence and to have less access to justice and social supports. For Aboriginal women, the work is more urgent and complex and requires consultation about culturally relevant and effective practice.

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