

Introduction: Family violence and family law

The Family Law Act (1975) recognises that family and domestic violence takes many forms. These can be physical, sexual, emotional, or psychological. It can include behaviour such as restricting access to money, to family members or to cultural support, limiting social independence, stalking, property damage, systems abuse, technology abuse, reproductive abuse, and can extend to physical harm to a separating partner and/or children including sexual abuse. Section 4AB of the [Family Law Act 1975](#) describes family violence as violent, threatening, or other behaviour by a person that coerces or controls a member of the person's family (the *family member*), or causes the family member to be fearful. The Courts are guided by the following principles in responding to family violence concerns:

- Safety is a right and a priority for everyone.
- Family violence affects everyone in a family.
- The Courts have a particular concern about both the immediate and longer-term impacts of family violence on children.
- Family violence can occur before, during and after separation. This may affect an individual's ability to make choices about their family law matter and to take part in court events.

Exposing children to family and domestic violence is regarded as child abuse. The effects of family violence on children are significant. Acrimonious separations increase the likelihood of a deleterious outcome for shared parenting and the psychological and emotional wellbeing of both parties with direct and indirect negative impacts for children.

Australian family law requires a court to consider the benefit to the child of being able to have a relationship with the child's parents, and other people who are significant to the child, where it is safe to do so. Research suggests that shared parenting is good for children when parents can cooperate and there is low conflict. Shared parenting where there is high conflict, especially family violence, increases the likelihood of both short term and long-term harm to children. When making parenting orders, the court is required will consider the best interests of the child.

Each Australian state and territory have a Family Advocacy and Support Service (FASS). FASS provides free legal advice and support at court for people affected by domestic and family violence.

Notwithstanding the position of the court, Hart and Bagshaw's (2014) analysis of 20 First Instance unpublished judgments, delivered over a five-and-a-half-year period from one registry of the Family Court of Australia, found that in contested contact cases where the presence of domestic violence was acknowledged by the Court found a number of dominant themes from the judgments intersected to show how many judicial determinations about children's 'best interests' were underpinned by conservative values that emphasised the importance of the fathers' presence for children's future wellbeing and development. In most of the judgments analysed, the fathers' history of violence was readily excused or ignored, mothers were blamed for failing to support father-child contact, the voices of the children involved were often discounted and a dominant paradigm of the idealised post-separation family took precedence over the special needs of the children. According to Hart and Bagshaw (2014) there was little visible consideration of the potential or current effects of domestic violence on the children concerned.

Domestic violence has been shown to be a common experience during separation (Sheehan & Smyth 2000). The Australian Institute for Family Studies found approximately 66 per cent of separating couples point to partnership violence as a cause of relationship breakdown, with the violence described as serious in 33 per cent of cases. For many women, ending the relationship does not necessarily end the violence (Fleury, Sullivan & Bybee 2000). In some instances, the post-separation violence is a continuation of violence which occurred during the relationship; in other instances, the violence commenced with separation. Forms of violence were serious and on occasion life threatening. The majority of women who were murdered in Australia in 2020 were killed by family members (52 percent), most commonly their partners or ex-partners (32 percent). This was the same in the case of children, who are much more likely to have been killed by their fathers post separation. Findings from the 2016 Personal Safety Survey (PSS) indicated of the 1.4 million women who had experienced violence from a previous partner, 65% (887,900) reported experiencing anxiety or fear due to violence from their most recently violent previous partner, of which 188,700 (21%) experienced anxiety or fear in the last 12 months. Rates for First Nations women exceed those of non-Aboriginal Australians. Indigenous women are six times more likely to be victims of homicide due to domestic violence than non-Indigenous women, and they are also 33 times more likely to be hospitalised. A culturally specific response to promote the safety of Aboriginal women has been advocated for both federally and a state level by First Nations community members and advocates. Across all communities, separation is a risk factor for family violence.

According to the National Plan to End Violence against Women and Children 2022-2032

‘Since the 2010–2022 National Plan was developed, there have been a series of initiatives within the family law system to help families separate in a safe, child-centred, supportive, accessible, and timely way. The aim of these initiatives has been to provide better coordination and awareness of family safety issues in Australia’s family law system, and increase the protections and support available to victim-survivors as they move through the court system. Pilot programs within the courts such as the Lighthouse Project and the co-location of child protection and policing officials within family law court registries across Australia have improved the family court system’s capacity to recognise and respond to violence against women and children in a timely manner.’ (p. 58)

With regard to systems abuse, (the manipulation of legal and other systems by perpetrators of family violence, done so in order to exert control over, threaten and harass a current or former partner), perpetrators of domestic and family violence who seek to control the victim before, during or after separation may make multiple applications and complaints in multiple systems (for example the courts, Child Support, Centrelink) in relation to a protection order, breach, parenting, divorce, property, child and welfare support and other matters with the intention of interrupting, deferring, prolonging or dismissing judicial and administrative processes, which may result in depleting the victim’s financial resources and emotional well-being, and adversely impacting the victim’s capacity to maintain employment or to care for children. Although there is a widespread belief in the community that mothers frequently fabricate allegations to influence family law proceedings, the research to date indicates that it is more likely that they will be reluctant to raise allegations for fear of having their motives questioned, and that the making of false allegations is much less common than the problem of genuine victims who fail to report abuse, and the widespread false denials and minimisation of abuse by perpetrators. A 2015 evaluation of the 2012 Family Violence Amendments to the *Family Law Act 1975* (Cth) recognises that parties to proceedings in the Family Court of Australia may use those proceedings as a means of perpetuating harassment of the other party. For example, a parent who is also a perpetrator of domestic and family violence may use this tactic, while the perpetrator or their lawyer states to the court that they ‘just want to see their children’. Such tactics force extended and costly legal proceedings blocking up courts with on occasion frivolous and/or vexatious

claims and extending and/or increasing of risk of harm to children, and the non-perpetrating parent.

Options for referral of those perpetrating domestic and family violence to an intervention program vary between jurisdictions. As a general principle, earlier intervention is preferable in order to minimise further offending and costs to the community. In civil proceedings within some jurisdictions a respondent may be ordered to attend an intervention program either as a condition of a protection order, or in some states through specific provisions. In criminal matters options include bail conditions, probation, or parole order conditions, with the latter having the advantage of being overseen by corrections officers. The consent of the offender is preferable (ideally supported through informal court support processes) and assists in engagement and compliance but is not necessarily a prerequisite for successful intervention.

Family violence intervention work is highly specialised, and quite distinct from other types of intervention. Anger management programs or generalist counselling are contra-indicated and often iatrogenic for assisting perpetrators to stop their use of domestic and family violence for several reasons including lack of consideration of power and control dynamics or gender socialisation, an absence of partner contact, an absence of safeguards against collusion and absence of risk assessment or risk management framework. Relationship counselling and family therapy are generally contra-indicated for similar reasons and because the basis for safe communication between the parties usually does not exist without prior specialist intervention over a period.

In South Australia in criminal matters Part 3 Division 4 (sections 34U-34Z) of the [Evidence Act 1929 \(SA\)](#) provides that where a defendant claims an offence occurred in circumstances of family violence a court may receive evidence of family violence (s34W), including expert evidence consisting of 'social framework evidence' about family violence where the defendant asserts the offence occurred in circumstances of family violence, and for which any of the defences of self-defence, duress and/or sudden or extraordinary emergency are raised. The Family Law Court proceeds under a civil jurisdiction with no such requirements for evidence to be tested in proceedings that occur prior to an actual trial.

Lacking in the sector is a coordinated response to men who are traversing the family court and who have been charged, convicted, or had concern raised about their behaviour. Currently there are private practitioners who are involved in this area and some flow to NGOs. Men in these contexts may have capacity to pay privately and some may have private health insurance of which a few providers allow deductions for these services. However, the greatest percentage of men are already heavily burdened by legal expenses, do not have capacity to have private health cover and/or little capacity to pay. Furthermore, the added expense of counselling at such times can drain already stretched finances of separating and/or separated households making it more complex to meet the financial responsibilities of children.

Submission suggested questions:

What causes domestic, family, and sexual violence?

This submission accepts that men's violence to women and children, both known to them and otherwise is an effect of exaggerated gendered entitlement. That structural gendered inequalities

precipitate and perpetuate gendered violence. The socio-political account of violent behaviours considers that all forms of violence are an attempt to impose the will of one person upon another, and as such are an effect of an attempt to establish, maintain or return to an imbalance of power that is preferred by the perpetrator. In this framing interpersonal violence is considered as an outcome of relations of power. With regard to First Nation's men and women a purely gendered analysis has been critiqued as unable to fully incorporate how ongoing colonisation contributes to violent behaviour in an Indigenous context.

What works, or will work, to prevent domestic, family, and sexual violence?

Effectiveness and success are heavily contested concepts. Effectiveness may include a partner feeling safer, whereas some measures of success rely upon the cessation of all forms of violent behaviour by the perpetrator. It is my position that the latter should be an unambiguous expectation of the intervention system and the man, however the former encourages the victim's experience to be a primary consideration in intervention systems. Four key concepts are paramount in effective intervention systems: victim safety, perpetrator responsibility, accountability, and respectful interventions.

SAFETY:

The 1997 Standards unambiguously prioritised the principle of safety. As such, all aspects of an intervention should be considered with regards to the known or possible effects on the safety of women and children. The First priority of the National Standards Perpetrator Intervention (NOSPI) states 'Women's and their children's safety is the core priority of all perpetrator interventions' (2015, p.3) . Similarly, Family Safety Victoria's Men's Behaviour Change Minimum Standards reproduces this commitment by including 'Victims', including children's, safety and freedom underpins all interventions with perpetrators of family violence.' (2017, p.4) as the First priority of intervention. A new National Plan to End Violence against Women and Children 2022–2032 was announced on 17 October 2022 by the Australian Federal department of Social Services. Minimum standards for Men's Behaviour Change Programs (MBCP) were updated and associated practice guidance developed including prioritising victim safety in VAW interventions.

The safety of those impacted by abusive behaviour must be held as a priority. Risk assessments and ongoing contact and support play a significant role in assessing levels of safety and of risk. Information from those who have experienced abuse is vital to balance claims about the extent of abusive behaviour and claims about the extent of change made by the man. Interventions relating to the accountability of a man for his abusive behaviour should be done in consultation with those who have experienced the abuse. As with child protection responses, work with men who use abusive behaviour is carried out in the context of those who experience the abuse, rather than the reverse. Interventions should always be implemented with this in mind. Risk assessment by an man responsible for the abusive behaviour, can directly impact the level of risk for further abuse. Ongoing risk assessments, contact and support therefore play a significant role in assessing levels of safety.

Work with participants in relation to safety and risk assessment also involves a comprehensive and ongoing assessment of their abusive behaviour and of any changes in behaviour for which the men can take responsibility to enhance the safety of those impacted by his abusive behaviour. A man's self-report of changes to behaviour and/or his attitude because of participating in the program should not be confused with a lower level of risk. As mentioned,

several other factors unrelated to the program itself may be responsible for an escalation or de-escalation of the risk of further abuse.

Women are often forced to leave home or involve the police to ensure their safety and the safety of their children. For some women it is not until the man is engaged in counselling that she feels she is able to take that step. Many women describe being so fearful that they stay residing with the perpetrator. On the other hand, the perpetrators are most likely to describe their behaviour in ways that minimise the risk to the woman's safety. Establishing the safety of partner's and children must be top priority for all people who have contact with men who behave violently. Options to maximise safety must be followed including, police action, firearms submitted, restraint orders, mandatory notification for child abuse and counselling provided under a limited confidentiality agreement. During contact, over time, the worker continues to monitor the man's behaviour. If the man's violence escalates and the potential of risk grows then all action to ensure the safety of his partner and children is undertaken.

Unintended outcomes of the man's direct choice cannot always be predicted, but this should not become a pressure to do nothing from a fear of what he might do, how he might respond. The principles often fold in an out of each other, and here possible safety should always be considered in terms of accountability to the experiences of women and children. In the Australian context states and territories have endorsed women's safety as the main priority in VAW perpetrator intervention with the guiding principles insisting:

- The safety and well-being of the woman, children or other persons who have been or may be vulnerable to abuse, must be regarded as paramount, at all times.
- The man must have ceased his abusive actions and the woman must feel safe before mutual relationship issues and other considerations can be helpfully addressed.

RESPONSIBILITY

According to the Family Safety Victoria's Men's Behaviour Change Minimum Standards, 2017 (updated 2020) perpetrators taking responsibility for their actions is central to VAW intervention minimum standards. Interestingly this is not as clearly articulated in the NOSPI where the wording is 'be held accountable'. Notwithstanding, all states and territories in Australia with minimum standards articulate the centrality of perpetrator responsibility as a core understanding in VAW intervention systems and programs. Non-government agencies such as Victoria's No to Violence and ANROWS have composed best practice principles and advocated for the implementation of these principles for perpetrator intervention at all levels from funding decisions to program content and evaluation. Thus, at all levels of VAW intervention the perpetrator is considered with the capacity to be considered fully responsible for their violent behaviour. Though we know that throughout intervention systems consistency between implementation and theory are not always evident (Chung et al, 2004), numerous systematic reviews of qualitative studies that investigated the factors, situations and attitudes that facilitated VAW perpetrators' decisions to change their abusive behaviour indicated that taking responsibility for past abusive and violent acts was important in behavioural change (Sheehan, Thakor and Stewart (2012). Many male perpetrators do not consider themselves fully responsible for violent behaviour (de Oliveira Baptista and Tagliamento 2021). Amongst those critical of feminist sociological models for being 'one size fits all' approaches, are advocates for risk, needs, responsivity (RNR) models where intervention is described as being tailored to individual perpetrator's levels of risk, assessments of responsibility taking to assess and predict future risk are evident when considering treatment options (Travers, et al, 2021). The most consistent theme identified across the studies was that a perpetrator who changes takes responsibility for their

past behaviour and feels their decision to stop their abuse was autonomous (McLaren et al 2020). This principle maintains that individual men can be held fully responsible for their uses of violence and interventions should focus on internal loci of control. As such, the effects of external influences are considered irresponsible ways of describing the use of violence. Intervention should maintain 'focus on addressing violent and controlling behaviour, holding perpetrators to account and taking responsibility for their abuse. An internal locus of control offers the man the greatest opportunity to consider himself competent in non-violent ways of relating with women and children (Velonis et al 2020). Thus, best practice is demonstrated when programs identify and work against collusion, minimisation, victim-blaming narratives and violence-supporting attitudes' (Family Safety Victoria's Men's Behaviour Change Minimum Standards, 2017, p. 10). The principles to guide practice and that will be used here to examine theorising with are taken from the 1997 Minimum Standards (p. 6):

- Individuals who abuse are responsible for and must always be held fully accountable for their actions.
- The abuse is likely to cease only when the man who perpetrates is held fully accountable and accepts full responsibility for the abuse.

With regard to direct perpetrator intervention, Alan Jenkins (1990b) suggested three principles to assist workers to understand if a questioning style is encouraging the man to see himself as fully responsible his uses of violence and abuse...

"...does the explanation help the man who acts abusively or violently, to take responsibility for his abuse...?"

"...does the explanation point to plausible and accessible solutions for ceasing the abuse and resolving abuse related problems...?"

"...does the explanation acknowledge the context in which the abuse occurs...?"

Many men who present at VAW perpetrator interventions will often have had lives where they have been disrespected and/or abused by others. This may be driven by racism, homophobia, classism and/or sexual exploitation and child abuse/neglect. It is considered that these experiences are important to acknowledge if we are to engage with the man regarding a shared position of privileging respect and non-violence. The experiences of disrespect in the man's history and current day to day life however are not the focus of resolution of this program. It is considered helpful that these experiences be acknowledged out of respect for his experience/s, but the focus of this program is on the cessation of his disrespectful and abusive behaviour. As such, explorations of such events are done with a strategic imperative in mind. How does this exploration contribute to him experiencing a greater competence in full responsibility taking and ending all forms of violent behaviour. As such, previous experiences of disrespect are most helpful to explore if there is the intent to highlight the man's disposition regarding abuse and violent behaviour. Explorations of how his experience helps him understand more fully his own personal ethics with regards to the perpetration of disrespectful, abusive, and violent behaviour.

Examples may include'

- The man who tells you how he ran away from home at age 14 to escape a violent father
- The man who tells you he stood between his father on an occasion when the father was attempting to assault the mother

- The boy who hid from his father to avoid violent behaviour, OR the child who hid their siblings, got them out of the house...

Passive resistance to having violence in a life can sometimes appear in other forms of protest too that may appear as anger carried at the father, anger at being mistreated by a teacher, a police officer, etc...these and the above are considered opportunities to gather a better understanding of the man's ethics for living. Care should be taken not to uncritically assume that these are ethics that support non-violence in intimate relationships per se. However, such explorations may uncover otherwise ethics of fairness, respect, loyalty, etc that the story of his uses of violence to women and children may not make available for us to know about him.

McClean (1996, p. 12) argues that

"...the subjective experience of personal suffering is very real for many men... (however)...the claim that men are oppressed too places men and women on an equal footing, and removes the need to face up to fundamental power differences structured along gendered lines...a denial of men's pain on the other hand, conflicts totally with men's actual experience of the selves"...for this reason a validation of that experience is an essential part of any attempt to get men to change..."

Thus, though the man's ethics are accessible to him already and can be used to compare with the ideas he carries from a socio-political context this is done with the focus on bringing forth new ways to understand what ethics he may be able to access that will support full responsibility taking and cessation of all forms of violence, not to encourage the externalisation of responsibility to the effects of events of a historical nature. The ethics are not to be encouraged to be evidence of a truer version of him either, but an opportunity to consider how current behaviour is consistent or inconsistent with these ethics. This is often approached with two steps: exploration for prevention.

Exploration

'what are you thinking was important enough to you that you tried to keep you and your sister safe from dad?'

'when you remember doing this, and what you were trying to achieve, what are you reminded of?'

In prevention...

'what effect does that memory have on what you think might be possible for you now?'

'who else in your life do you want to know you think about their safety as important?'

Best practice VAW intervention maintains that individual men can be held fully responsible for their uses of violence when all aspects of the intervention system maintain a focus on internal loci of control. As such, the effects of external influences are considered irresponsible ways of describing the use of violence. Irresponsible considerations include

- Partner's behaviour
- Children's behaviour
- Poor impulse control
- Emotions – particular anger

- Effects of previous experiences
- Alcohol and/or other drugs
- Financial worries
- Chronic pain
- Intellectual functioning
- Faith related text
- Cultural ideas that are used in attempts to justify abusive and violent behaviour to women and children

An internal locus of control offers the man the greatest opportunity to consider himself competent in non-violent ways of relating with women and children. Best practice VAW perpetrator intervention further assumes that men who use violence to female partners and children do so from an exaggerated sense of entitlement to control and dominate the lives of others. This is considered to be the effect of pervasive cultural constructs from patriarchy that supports an unequal distribution of power in favour of men. This concept of gender entitlement has the capacity to manifest in every facet of private, public, and institutional life in Australia and globally. Stockard and Chandler (1992) comment that

Male dominance does not mean that individual males in a society consciously conspire to keep women subordinate. Neither does it mean that women are helpless victims who have no way to prevail against men. Indeed, male dominances are hard to see unless one has become sensitized to it. The difficulty arises because male dominance is imbedded in our language and ways of thought. These built-in pre-suppositions can limit the potential of all people and have personal costs for both males and females.

This context is acknowledged as the conditions that contribute to a man's choice of violence as a choice. However, the decision to use violence he is held accountable for.

ACCOUNTABILITY

As articulated in the 1997 Standards and reiterated in the NOSPI (2018), and the Victorian Minimum Standards, 'Interventions with perpetrators are informed by victims and the needs of family members' (2017, p. 4). The National Plan to End Violence against Women and Children 2022–2032 (2017) stipulated 'Partner safety contact is a component of all perpetrator interventions, providing support to current or previous victim survivors including children'. Accountability is considered fundamental to establishing the impacts of the intervention and keeping up to date with safety concerns. The 1997 guidelines reaffirmed in the current NOSPI (2018) include commitments to accountability as core tenets of VAW intervention:

1. All aspects of the intervention must be accountable to the experience of those who have been subjected to the abuse.
2. That accountability practices are designed to enhance the woman's safety and respect her well-being, and that such practices must never intimidate, obligate, be intrusive or compromise the woman's safety.
3. Intervention programs must have established practices for ensuring that all aspects of the intervention are accountable to organisations, statutory bodies, and services that represent or assist people who have been subjected to domestic abuse and violence.

4. Intervention programs must include established processes for evaluation which are open to external assessment and audit.

Men as co-facilitators must demonstrate a commitment to hold their group work accountable to the experience of women. If the co-leader is a woman, then the practices of privileging that worker's experience and issues raised are followed. If both leaders are men, then they consult at regular intervals with experienced women workers to debrief their practices and the issues they are addressing in the group. Partnership Accountability offers principles and processes which can fundamentally challenge these practices and create equitable ways of working that acknowledge gender but are not constrained by gender stereotypes.

Accountability in this process then, is to privilege the ideas, values and experience of woman facilitators. The relationship between workers which makes such gender accountability possible is not one based on hierarchy. The relationship is one built on trust, respect, responsibility and the ability to share critical analysis. Thus, it means that women and men are working in partnership and taking an agreed stand against violence in relationships and also the gender constructions which promote abuse. The outcome of a partnership accountability process is a shared meaning and understanding. This convergence of meaning leads to creative new practices that go beyond the limits of gender-based responses to non-hierarchical practices based on trust, sensitivity and respect.

The model of partnership accountability is about a way of thinking, not particularly about techniques and strategies. The process involves an understanding that the woman can bring an issue she has of concern to the man, and he will prioritise her concern and the process of reaching a shared meaning or solution. The woman may choose to caucus with other women to have the opportunity to clarify her concern or issue or the place gender plays. This does not occur to marginalise the man but instead occurs in a spirit of trust and problem solving. The man undertakes to appreciate the views and experience of his co-facilitator and to work to his own conclusions that are reflective of her experience but that are true to his own. In this way the process is equal, and he takes equal responsibility, and the resolution is genuinely shared. The process does not fall into the trap of inverting the hierarchy and making women responsible for outcomes, the responsibility is shared, and partnership is achieved across gender.

During the process, a range of feelings may be experienced – fear, anger or hurt. However, there is another range of feelings that are more often associated with the process and endure past the outcome – excitement, understanding, trust, reassurance, and resolution. The process is one that in itself challenges dominant gender power imbalances. To engage in the process itself is a measure of success at deconstruction of unequal patriarchal practices. The process is one that builds trust, real communication across gender experience and genuine understanding and respect – qualities that are important to leading a VAW perpetrator intervention program.

Porter and O'Leary (1997) commented on the partnership that they maintained in VAW perpetrator group program they had run together:

We were aware that dominant gendered ways of relating would occur between us as group leaders. This understanding gave us a foundation to model ways of relating to the men and to each other that are intended not to reproduce stereotyped female and male roles, but instead to privilege respectful ways of relating. We adopted a no blame position towards each other. This willingness to work alongside each other with goodwill and faith meant we were able to develop a partnership based on respect, personal responsibility and accountability.” (Porter and O’Leary 1997, p4)

The agencies that employ workers in this field have an organisational responsibility to provide workers with support, supervision, and resources, including time and outside consultation, to

enable effective work in this area. For example, the woman co-leader may wish to caucus with women with related experience not available in the employing agency; the male co-leader may wish contact with men who have successfully challenged patriarchal ways of being a man.

Deciding to be a co-facilitator of a VAW perpetrator program is not an easy decision. The work involves not only congruency between the personal and political, but commitment. The commitment is not only towards the work and the area of the work but also to developing working relationships based in partnership with co-leaders and workers who advocate for women. The decision around readiness is both a personal and professional one. The decision not to undertake this form of work is just as appropriate a response as it is to undertake the work. Many workers have found the work particularly challenging, but also rewarding. Some have developed such enthusiasm for the work that they have done it in their own time. Some have expressed the view that the work and the men who make up the groups contribute to enriching the lives of the group leaders. The worker and client will see themselves as contributing to and changing the community in important ways, as well as the status quo of unequal power between women and men.

Meeting With the Woman Partner

During the intake interview with the man, contact with his partner is discussed along with limited confidentiality. He is told that, where it is appropriate and sensitive to the woman's wishes, an ongoing feedback process will be established with the woman or her advocate. He is told that initial contact with her will be with a woman worker experienced in work with women who have been subjected to abuse. He is informed of the principle of accountability. He is made aware that in the process of the group any affected women, past or current partner, will be given the opportunity to inform the group leaders of her experience of his behaviour, to maintain contact with group leaders and at the end of the group to describe how things have gone from her point of view. Program facilitators will use information from his partner to inform their intervention. They will not use the information in the group to promote adversarial responses from the men. The information is reliable background material to inform leaders of the responsibility the man is taking, accuracy of his accounts, and his goal attainment. The worker will use material from the man to raise or develop these issues further and not jeopardise the man's partner's safety or well-being in anyway.

This emphasis on the woman's experience as discussed above is an important orientation for group leaders in meeting with the woman. We do not want to encourage a debate over the facts or allow an adversarial relationship to occur; rather we are trying to understand the woman's experience of her partner's violence. It is this experience which provides the major point of reference for the work.

Reasons for contact with the woman/her advocate and children's advocate:

- to ensure that her safety and the safety of the children is effectively addressed.
- to familiarise her with principles of accountability and responsibility
- to determine the extent and nature of contact she wants with the man
- to give information about the intervention program and receive feedback on the appropriateness of the program
- to give information about services relevant to her and the children
- to determine if it is appropriate to establish an agreement for ongoing contact.

- prioritising information the worker may obtain that relates to her safety and the process for handling that information

Porter and O’Leary (1997) state that in their contact with the woman partner they:

“...place importance on the woman partner making her own decisions and getting clear about her life direction and/or stand against violence, without having to take into account whether he will make positive changes.” (Porter and O’Leary 1997 p4)

It is believed that through establishing contact between the woman and the group leader, and giving her information on the aims, structure and content of the group (including an explanation of the process), will assist in the equalising of her power. Through making the process and the people leading it available and their methods and objectives transparent she is in a position to make her own assessment of the program. Her contact with women’s services puts her in the position to seek an independent evaluation of in whose interests the program works. She had an effective say on the level of involvement she wants with the program. All aspects of the program should be explained, in particular:

- how safety is addressed
- the man is responsible for his change
- the goals of the group
- the approach to intervention around the issue of violence
- the use of therapeutic documents notes
- the use of first names should be explained
- the woman should be encouraged to contact the group leaders or a woman’s advocate if she has any concerns about the man’s behaviour or if anything happens that she thinks the group leaders should know about. The same applies if she has any concerns about anything that may be happening in group.

The woman can be encouraged not to give undue weight to her partners’ promises and statements of good intentions, but to appraise evidence of respectful behaviour from the man. Any information/ feedback given to workers regarding the women’s experience must be handled with the utmost sensitivity. The information is to assist in understanding the extent of responsibility the man has taken. The feedback does not determine the specifics of how an issue is covered with the man but contributes to determining the significance of issues that are important.

The specifics of the woman’s feedback are not to be used in the group or with the man in 1:1 sessions.

If the man is to raise an issue and there is inconsistency with her description, the worker pursues the matter independently of his conversation with the woman and does not refer to information she has passed on. Group leaders have been privileged to receive the information and must make it clear that it is not the responsibility of the woman to:

- change her behaviour or attitudes to make it easier for the man
- be the monitor of his abusive behaviour – that is his responsibility
- stay in the relationship in order to assist his dealing with the issue of violence

The objective of her information to the group leaders is to hold the man accountable for the abuse and violence he has perpetrated and to facilitate assessment of his level of acceptance of responsibility. However the contact and information helps group leaders in a range of ways, it helps them to:

- have a reality check so that their work can be grounded in the effects of violence and sensitive to her experience of the violence
- assess how much the man is acknowledging his violence

Though none of the points 1 through 4 above can be absent in safe interventions, I will focus on points 1 and 2 in the following discussion as I am limiting the discussion to what accountability looks like from a Deleuzian perspective when working directly with the perpetrator, and how a Deleuzian take on accountability implicates the affective capacities of bodies, victim/survivors and perpetrators. The discussion focusing on an ethics of non-violencing and becoming in safer assemblages that reduce the effects of prevailing gendered orders and encourage transformation.

RESPECT

Treating perpetrators of VAW with respect is a concept common to intervention systems internationally. The United Kingdom Standards argue interventions should treat perpetrators with respect modelling the opposite of all that is abusive. The argument being intervention must at all times be respectful and non-abusive if men are to be assisted to cease their abuse and develop respectful ways of being and relating. The Australian National Outcome Standards for Perpetrator Intervention (NOSPI, 2015) do not comment directly on the concept of respect other than to advocate for...

inviting or mandating men to engage with and complete programmes designed to enable them to take responsibility for their violence and work towards changing their violent behaviours and attitudes...To respond effectively to all perpetrators, perpetrator programmes and services must be adaptable for perpetrators from diverse cultures, communities and circumstances, and engage effectively with perpetrators with diverse needs.

The concept of respect being in terms of the collective and the idiosyncratic through the availability of appropriate intervention services and that the intervention itself seeks to enable individual men's behaviour change. The 1997 Standards cited earlier described the responsibilities of the intervention system regarding respect:

- The intervention must respect and honour cultural and individual diversity, cultural issues should not impact on rights to safety.
- The intervention is sensitive to the man's experiences of injustice and victimisation, without sacrificing principles of responsibility and accountability.
- Intervention workers and supervisors have a responsibility to monitor the practices of intervention to ensure they maintain important levels of respect.
- That intervention workers must have opportunities for appropriate debriefing in order to maintain their own well-being and ensure that important levels of respect and accountability are maintained.

Respect in VAW perpetrator intervention is often discussed in terms of how to create a culturally safe and appropriate space for men to attend, but also how to engage men respectfully to not disengage them from the intervention process.

Though there is an inclination to consider that an eclectic approach to men's uses of violence would be helpful, many private clinical and forensic based responses pay little to no heed to victims.

What existing initiatives are directed at addressing the attitudes and systems that drive domestic, family and sexual violence? Are they effective?

Specific family violence custodial initiatives are currently employed in SA. Their effectiveness is encouraged by links with WSSSA (Women's Safety Services South Australia); however men are currently still being treated for violence against female partners in the context of general violent offending treatment programs. These programs are an eclectic gathering of treatment modalities with a heavy focus on psychodynamic approaches and often little attention to any socio-political analysis. There are some excellent exceptions amongst individual practitioners, yet the forensic context is dominated by individualistic understandings of violent behaviour and psychology driven models that struggle to include, or at times refute a gender analysis. There has also been an unhelpful binary distinction being made between generally violent men and domestically violent men. When it is acknowledged that men are doing both, usually due to recorded convictions for both, men can find themselves either being expected to address family violence within the models applied to treat generic violent behaviour, or if placed in both programs be exposed to vastly different treatment modalities: generic violence oft being individualistically focussed and skills based and family violence gender and responsibility based.

Community responses from NGOs are more likely to include gender understandings of violent behaviour such as Uniting Care Wesley and Relationships Australia. However, such services are often overwhelmed by referrals creating long waiting lists. Some NGOs are not offering reports for courts, child advocates and child representatives to assess the man's engagement with ending his abusive behaviours.

What are the barriers to reporting domestic, family and sexual violence to police or seeking support from domestic, family and sexual violence services?

Within the family law system what is intended to be focussed on the best interests of the child tends to place parents in adversarial settings. Where there are imbalances of power operating, and/or abuse has and/or is continuing to occur, the most vulnerable parties are open to pressuring and continued abuse. For many male perpetrators the family law system inflames already dangerous concepts regarding male privilege, gendered entitlement and women and children. The opportunity to have access to intervention counselling that is also focussed on redirecting men towards their commitments and responsibilities as fathers enhances the potential for a safer process and longer-term better outcomes for women and children. An enhanced capacity to co-parent safely and responsibly is also considered potentially emancipatory for the male perpetrator.

What are the elements of a best practice crisis response which will meet the needs of:

a. a victim-survivor?

Intervention with men who are traversing the Family Law system has several predicted positive effects for women and children.

- the man is being engaged through this process where he is being invited to think about the safety of others
- the man can be supported to negotiate the legal system
- the behaviour of men who have indicated the potential for ongoing risk are being engaged increasing the potential for dangerous thinking to be noted, challenged and acted upon.
- Escalation in co-morbid behaviours (alcohol, substance, mental health, fixed ideations, stalking) that may increase risk can be monitored for
- the potential for a less acrimonious process is increased when the man is being encouraged to discuss responsibilities and commitments to others when navigating a somewhat difficult time
- the process of affidavit writing can invite participants to focus on deficit and purely negative stories about ex-partners. Where a man has indicated a potential to be abusive and violent, such negative descriptions can contribute to the greater likelihood unsafe behaviours

b. a victim-survivor who is a child?

Children also benefit for the reasons stated above. A safer passage for the birth mother and/or female carer/s creates a more stable emotional and psychological environment for the child. A more stable emotionally and psychologically birth father also decreases the likelihood of further traumatisation and encourages the possibility of healing from previous traumas.

c. a perpetrator (acknowledging that one need is to hold a perpetrator to account for their use of violence)?

At a civil Family Court stage much of what is provided to the court is in the form of affidavit. It has been noted there are times when legal advice can encourage allegations to be made, and to be disputed. This leaves the Family Court decision makers (judges, child advocates) with material yet to be cross examined to decide the best interests of the child. An external examination of the attitudes of the man with regards to the allegations can assist the court with determinations as to the man's current attitudes towards the best interests of the child. It has been noted that even in instances where there has been no formally adjudicated previous history of violence, a man's responses to allegations can be helpful in making determinations regarding the best interests of children ([Separation and counselling | Family Relationships Online](#); Jenkins 1990). Careful discussion with trained counsellors can assist the man to consider how his previous behaviours may have contributed to people's concerns about his behaviour, if he shares these concerns at times, and even if he does not what are the most safe and ethical ways to respond when concerns about behaviour come forward. Engaging men about concerns (allegations) has been cited as decreasing the likelihood of the escalation of abusive and/or violent future behaviour (Jenkins 1990). When provided an opportunity to be consulted about his thoughts regarding concerns, men are also more likely to have an enhanced emotional and psychological wellbeing that is

consider most likely to be transferred to the Family Court process(Flood 2012). This decreases the likelihood of future violent behaviour and encourages a more expedient court process.

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EDUCATION AND WORK HISTORY

EDUCATION HISTORY:

- 2018** **University of South Australia:** School of Psychology and Social Work
PhD by Research: 'Real men: Using Deleuze and Guattari to Reconsider Jenkins' Model for Interventions with Perpetrators of Violence Against Women
- 2006** **Monash University:** School of Social work and Social Policy
Master of Social Work
- 1996-97** **Flinders University of South Australia:** School of Psychology and Social Work
Bachelor of Social Administration and Social Work
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 - Co-President Social Work and Social Administration Student Organisation
- 1992-94** **Flinders University of South Australia**
Bachelor's Degree: Sociology (major) and Psychology (major)

EMPLOYMENT HISTORY:

- 2016 -** **Senior Clinician and Clinical Supervisor South Australian Department of Correctional Services:** Rehabilitation Programs Branch, Offender Development Directorate
- 2014-15** **Senior Research Officer Perpetrator Interventions Stream:** Australia's National Research Organisation for Women's Safety (ANROWS):
- 2012-14** **Senior Clinician South Australian Department of Correctional Services:** Rehabilitation Programs
Branch, Offender Development Directorate
- 2001-10** **Senior Men's Worker Northern Violence Intervention Programme**

- 2007 - Private Cultural Respect Consultant**
- 2005 Course Coordinator:** David Unaipon College of Indigenous Education and Research
- 2002-09 Course Coordinator:** School of Psychology, Social Work and Social Policy, University of South Australia
- 1999-01 Men's Regional Domestic Violence Worker:** Northern Metropolitan Community Health Service
- 1998-99 Senior Social Worker:** Northern Metropolitan Community Health Service
- 1997-99 Residential Care Worker:** Adolescent Services Residential Unit Adelaide Central Mission

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