



**FINAL SUBMISSION:**  
**Royal Commission into Domestic,  
Family, and Sexual Violence**



## Acknowledgement of Country

Women's Legal Service (SA) respectfully acknowledge the traditional custodians of the lands and seas across South Australian on which we meet and provide services to the community. It is a privilege to be working with the numerous Aboriginal and Torres Strait Islander people, we are respectful of their culture, traditions and history and believe that working together is a path towards reconciliation.





Women's Legal Services of South Australia (WLSSA) is a specialised, not-for-profit organisation dedicated to providing legal assistance and support to women who have experienced domestic, family, and sexual violence (DFSV). Established in 1995, WLSSA has been at the forefront of advocating for women's rights, offering free, confidential legal services, and striving for systemic change to improve the legal and social outcomes for women in South Australia.

The organisation's core objective is to empower women by offering expert legal advice, representation, and information on a range of issues, including family law, child protection, domestic violence orders, and sexual assault. WLSSA provides a safe, accessible space for women to navigate the complexities of the legal system, ensuring that they have the support and knowledge needed to make informed decisions about their safety and rights.

In addition to its direct legal services, WLSSA works tirelessly to raise awareness about the impact of domestic, family, and sexual violence on women and children, and advocates for policies and reforms that promote gender equality and the protection of women's legal rights. Through a combination of legal expertise, community outreach, and strategic advocacy, WLSSA plays a vital role in supporting survivors of violence, challenging systemic injustices, and promoting a safer and more just society for all women.

It is critical that the Royal Commission into DFSV listens to the voices of women who have accessed WLSSA because these women possess unique and firsthand knowledge of the challenges and barriers they face within the legal and justice systems. WLSSA works closely with women who have often experienced the most severe forms of violence, many of whom have had to navigate a system that is, at times, not designed with their safety or needs in mind. The lived experience of these women can provide invaluable insights into the systemic failures that perpetuate abuse, offering real-world examples of where the legal system fails to protect, support, or empower those who need it most. By centring their voices, the Royal Commission can gain a clear and honest understanding of the gaps in service provision, victim-blaming attitudes, and legal inadequacies that need urgent reform.

Furthermore, women who have sought help from WLSSA often do so at a point of extreme vulnerability, making their stories vital in shaping policies that are truly responsive to their needs. These women, who may have faced financial, cultural, social, or psychological barriers to accessing justice, bring forward critical perspectives on how the legal system can be more accessible, trauma-informed, and supportive. Their feedback is essential in ensuring that reforms address not just the legal framework but also the broader social and economic factors that influence women's ability to escape violence and rebuild their lives. Listening to these women means moving beyond theoretical solutions to those that are grounded in the realities of abuse survivors and their journeys to safety and justice.

Finally, WLSSA's work often involves representing women from marginalised communities, including Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse backgrounds, and women with disabilities. These women face compounded barriers to accessing justice, and their voices must be at the forefront of any discussion about meaningful reform. By elevating the experiences of these women, the Royal Commission can better understand how intersecting forms of discrimination—based on race, culture, disability, and socio-economic status—exacerbate the impacts of domestic, family, and sexual violence. Their stories highlight the need for a more inclusive, culturally sensitive, and holistic approach to tackling violence against women. Ultimately, listening to the voices of women who have turned to WLSSA will ensure that any recommendations made by the Royal Commission are informed by the realities of those most affected and lead to transformative, equitable change.

Currently the WLSSA does not receive any funding for the delivery of education services. It is the opinion of the WLSSA that funding education services is imperative to drive meaningful and lasting change in the DFSV space. Education plays a crucial role in empowering both survivors and the broader community to understand and navigate the legal and support systems available to them. When women are educated about their legal rights, the protections available to them, and the steps they can take to ensure their safety, they are better equipped to make informed decisions. This proactive approach can help break the cycle of violence by enabling women to recognise early signs of abuse and seek help before situations escalate. By investing in education services, WLSSA can continue its essential work in not only providing legal advice but also equipping survivors with the knowledge to protect themselves and their families, fostering greater autonomy and resilience.

Additionally, education initiatives can have a transformative impact on preventing violence before it occurs. WLSSA's educational programs, whether aimed at young people, community organisations, or professionals, play a vital role in shifting societal attitudes around domestic, family, and sexual violence. By challenging harmful gender norms, addressing misconceptions about abuse, and raising awareness about consent and healthy relationships, these programs help create a culture that does not tolerate violence. Such preventative education, when widely implemented, can reduce the incidence of violence and create more supportive environments for women who may be at risk. Without adequate funding, however, these vital educational outreach efforts may be limited in scope and unable to reach those who need it most.

Furthermore, consistent and sustainable funding for education services enables WLSSA to continue training legal professionals, social workers, and other frontline responders to better understand the complexities of domestic violence and sexual assault cases. This includes providing training on trauma-informed practice, recognising the signs of abuse, and understanding the legal options available to victims. Well-educated professionals are better equipped to support survivors, ensuring that women receive compassionate, informed, and effective services. A well-trained workforce is key to transforming the way society responds to violence against women, ensuring that systems are not only reactive but also proactive in preventing and addressing abuse. In this way, education services funded through WLSSA can help foster a broader societal shift toward zero tolerance for domestic, family, and sexual violence, ensuring lasting change at both the individual and systemic levels.

# Prevention

At WLSSA, prevention of DFSV is seen as paramount, as it not only helps to protect women and children from immediate harm but also works towards creating long-term societal change. While having the systems and response to incidents of DFSV is critical, WLSSA believes that preventing violence before it occurs is far more effective in reducing its impact on individuals, families, and communities. By focusing on prevention, awareness, and early education, we can address the root causes of abuse, challenge harmful societal norms, and promote respectful relationships from a young age. This approach helps to reduce the likelihood of violence occurring in the first place, as well as mitigate the generational cycles of abuse that often follow. WLSSA is committed to the belief that with comprehensive prevention efforts, including improved education, support services, and public awareness campaigns, we can significantly reduce the prevalence and impact of DFSV in the future, creating a safer, more equitable society for women and children.

## Education for Young Australian's

**RECOMMENDATION: Appropriately delivered education for South Australian students that provides an accurate understanding of the law relevant to DFSV and the justice system.**

WLSSA has witnessed within the education system a potentially harmful view and education of the law and the justice system. At WLSSA we believe that funding education for all young South Australian's on DFSV from primary school age is crucial for fostering a society where individuals understand their rights and can seek help in times of need. WLSSA further believe that it is crucial that the education is delivered by experts with understanding of the system; that can potentially play an immense part in a large number of Australian's lives. Being ill informed at a young age of the help that is available when a young woman is in a vulnerable situation, can lead directly to poor decisions and increased harm. Early education empowers young women with the knowledge that they are not alone and that resources are available to protect them.

Legal education should include the understanding that lawyers are not just professionals involved when the law is broken or during divorce proceedings and other untimely matters, but also crucial allies who can provide support in navigating complex situations of abuse or violence. By teaching children, particularly girls, that lawyers are trusted professionals who can help with a wide range of issues—from seeking protection orders to advocating for their rights in various contexts—it normalises the idea of legal support as a vital resource. Just as children are taught to trust the police and emergency services in times of danger, they should also learn that lawyers are a key part of a supportive network, ensuring their safety and well-being. This shift in perspective can reduce stigma around seeking legal help and encourage early intervention, ultimately fostering a more informed, supportive, and empowered community.

## Additional Recommendations:

In addition, WLSSA make the following recommendations to support the **prevention** of DFSV;

- Ensure that all information relevant to the justice system, specifically information pertaining to women's legal services and supports is made available in all languages, or if not, a place where this can be sought.
- Ensure that information is available for women and girls of all ages, that is accessible, informative, and targeted at the correct audience in a format that they will receive openly.

- Provide education to young men and boys, as early as possible, to introduce gender quality, understand power and control and the truth of DFSV, delivered by those who will bridge the gap; someone who they will listen to.
- Improve the funding of Men's Legal Service that will provide accurate and realistic information that is not targeted at weaponising the legal system to make money.
- Ensure parity in divorce or family law matters – particularly where a matter incorporates domestic violence, both parties should be on an equal playing field, and one party should not be able to use high paid and skilled barristers against a new graduate from the Legal Services Commission or a self-represented party.
- Co-Responders for DFSV matters – with qualified staff such as counsellors who have legal awareness training available to attend DFSV incidents with police and be available to provide accurate and timely information to victims.

## Early Intervention

Early intervention is crucial in addressing DFSV because it helps prevent escalation, reduces the long-term trauma for victims, and increases the chances of a positive outcome for individuals at risk. At WLSSA, we understand that identifying the first signs of controlling or abusive behaviour—often before physical violence occurs—can be pivotal in breaking the cycle of abuse. Red flags, such as a partner insisting that a home be placed solely in their name, may initially appear as small issues, but they are often indicative of underlying patterns of coercive control, financial abuse, and power imbalance that are likely to worsen over time. Intervening early in these situations, when the signs are just beginning to emerge, can prevent further harm, provide support to the person at risk, and potentially stop the situation from escalating to more severe forms of abuse.

The importance of early intervention cannot be overstated. When a woman is in a relationship where power dynamics are unbalanced or controlling behaviours are beginning to show, addressing these behaviours early—whether through legal advice, education, or support services—can provide her with the tools and knowledge to make informed decisions and seek help before the situation becomes life-threatening. For example, when a woman attends a bank with a partner who insists on putting their joint home in his name only, it may signal financial manipulation, a loss of autonomy, or an attempt to isolate her from financial independence. If intervention occurs at this early stage, it can prevent further entrapment and provide the woman with the support needed to protect her rights.

Of note, the WLSSA call centre are the recipients of phone calls from women, at many times who are in the point of crisis. Calls will be received from women, many with high levels of education including nurses, police officers and other professionals, who will provide information about their personal situation. It is during these calls that the WLSSA lawyers will identify multiple red flags and information, but when asking the caller if they are in a DFSV relationship, they will be told “No, it's not domestic violence.” It has become greatly apparent that there remains a very poor understanding across community of what DFSV is; even for those who should know better.

## Funding Early Intervention

**RECOMMENDATION: The provision of adequate funding to services delivering education and impact in the early intervention space.**

The government has a responsibility to fund and support services that can address these early warning signs effectively. Early intervention programs, particularly those that help to identify red flags in everyday situations like banking or housing, are vital in preventing the escalation of abuse. By funding more resources for legal support, financial counselling, and awareness campaigns, the government can help ensure that individuals at risk are equipped with the knowledge to recognise early signs of abuse and are connected to services that can provide immediate help. By focusing on prevention and early intervention, the government not only addresses the immediate needs of those affected but also works towards creating a long-term reduction in the prevalence of DFSV, ultimately leading to a safer and more supportive society for all.

It is essential for all systems—health, education, finance, justice, child protection, and others—to address DFSV because these issues intersect with every aspect of a person's life and can have far-reaching consequences for individuals, families, and communities. Effective responses to DFSV require a holistic, multi-disciplinary approach where professionals across various sectors work together to identify, prevent, and address abuse at every stage. In healthcare, for example, doctors and nurses can identify signs of physical and emotional abuse, providing immediate care and referrals to support services. In education, teachers can recognise changes in behaviour or attendance that may indicate a child or family member is at risk and offer appropriate guidance. Financial institutions can help detect financial abuse, while the justice system ensures that perpetrators are held accountable, and victims are protected. Similarly, child protection services play a critical role in safeguarding children who may be exposed to violence. By integrating DFSV prevention and response into all systems, we ensure that victims receive a coordinated, comprehensive support network, and we create a society that is better equipped to prevent violence before it occurs. Addressing DFSV across these systems helps break the cycle of abuse, reduces harm, and fosters a safer, more resilient community for everyone.

## Mandatory Continuing Professional Development

**RECOMMENDATION: Access to free or reduced cost Continuing Professional Development and making training mandatory for relevant professionals in DFSV awareness.**

Training relevant to DFSV is essential as part of continuing professional development for lawyers, as well as for police and justice system staff, to ensure a consistent and informed approach to handling cases involving victims of violence. Lawyers, particularly those working in family law or criminal law, need to understand the complexities of DFSV, including the psychological, emotional, and financial impacts on victims. This knowledge is critical for providing effective legal representation, ensuring victims' voices are heard, and advocating for their safety and well-being within the legal system. Without this specialised training, lawyers may not recognise the subtle dynamics of coercive control, the long-term trauma of abuse, or the barriers victims face in navigating legal processes. Such gaps in understanding can undermine a victim's case, result in inadequate protection, or further traumatise the individual when they are most vulnerable.

Equally, police officers and justice system staff must receive regular, up-to-date training on DFSV to ensure they have a consistent understanding of how to approach victims and perpetrators, and to apply relevant

laws and policies effectively. Given the wide range of responses required when handling DFSV cases—whether it's securing evidence, supporting victims, enforcing restraining orders, or prosecuting offenders—having a shared, evidence-based understanding across all sectors is crucial. This training should cover the signs of abuse, the impact of trauma on victims' behaviour, the legal options available for protection, and the long-term effects of violence on children and families. When police and justice system staff are well-trained, they are better equipped to make informed decisions, provide appropriate responses, and deliver the right kind of support to victims, creating a more effective, compassionate system for addressing DFSV.

A consistent, coordinated approach across the police, legal, and justice systems ensures that victims are treated with respect, empathy, and understanding throughout their experience of seeking justice. When all professionals involved in these cases share a similar knowledge base and approach, it reduces the likelihood of retraumatising victims, ensures that legal processes are navigated more effectively, and helps hold perpetrators accountable. Moreover, regular DFSV training promotes collaboration between sectors, fostering a more integrated response to complex cases. As the legal and justice systems are often the first point of contact for victims seeking protection, well-informed, trauma-sensitive professionals are essential for providing a safe environment where victims feel understood, supported, and empowered to rebuild their lives.

Community legal centres and smaller legal practices can at times struggle to train staff due to the significant costs that can be involved in the delivery of specialised training. Support from the government to provide access to free or reduced costs mandatory training pathways, as well as making DFSV training a mandatory aspect of CPD for solicitors holding practicing certificates or accountants who may support victims or perpetrators with financial decisions, is essential to ensure consistent education across the sector. This training could then be reflected in other service systems such as with accountants and staff delivering financial services.

## Response

From the perspective of the WLSSA, the current response system, including the police and justice system, already has the necessary tools to effectively address DFSV, but often these tools are not used properly or consistently. For instance, existing laws around protection orders and the removal of perpetrators from the home provide an immediate remedy for women in dangerous situations. However, when police officers fail to inform women that they have the right to remain in their homes and have the perpetrator removed, this can cause significant harm, not only by leaving the woman and children in immediate danger but also by reinforcing a sense of helplessness and confusion. Women may be misinformed or not given the full range of options available to them, which can result in unnecessary disruption, added trauma, and further entrenchment of an abusive situation. This lack of clarity can also deter women from seeking help in the future, undermining the effectiveness of the response system as a whole.

One of the key challenges is that police officers, while crucial in responding to incidents of DFSV, may not always have adequate or up-to-date training on how to correctly apply the laws in these situations. For example, under South Australian law, women experiencing abuse can seek an order to keep the perpetrator out of the home, without needing to leave themselves, but if officers are unaware of or fail to communicate this option effectively, women may feel forced to leave their homes, uprooting their lives and putting additional strain on their resources. This not only disrupts their safety but also impacts the well-being of

children who may be involved. Ensuring that police officers are well-versed in these laws and educated about how to apply them appropriately is critical in ensuring that they provide the full scope of options and support available to victims.

Education and training for police officers in recognising and responding to the nuances of domestic violence, including legal rights and available protections, is essential to improve outcomes for victims. Police must be equipped with the knowledge to offer clear, accurate advice about safety planning, legal protections, and available services, rather than inadvertently causing further distress or confusion by misapplying the law. When police understand and implement existing legal tools correctly, they become an effective resource in helping women escape dangerous situations, reducing the chances of re-traumatisation, and ensuring that justice is served. Improving this aspect of the police response to DFSV not only benefits victims in the short term but also contributes to a broader cultural shift towards a more informed and empathetic system that fully supports those affected by DFSV.

It is critically important that police understand the full scope of laws related to DFSV in order to effectively protect women and children from harm. DFSV is not confined to physical violence alone—many forms of abuse, including psychological, emotional, financial, and technological, can be just as harmful and dangerous. For instance, when a woman discovers that a tracking device has been placed in her car without her consent, this is not just an invasion of privacy; it is a clear form of stalking, which is illegal under Australian law. However, if police are not fully aware of the legal definitions and consequences surrounding stalking, they may fail to recognise the severity of the situation or fail to act swiftly to remove the perpetrator's ability to monitor and control the woman. Stalking can be a precursor to more violent forms of abuse, and early intervention is crucial in preventing escalation. By properly understanding and applying the laws on stalking, police can more effectively safeguard victims and prevent further harm.

Police need comprehensive knowledge of all relevant areas of law in order to address the full range of behaviours that fall under domestic violence, including harassment through technology, threats, and coercive control. These forms of abuse may not leave visible marks, but they can cause lasting psychological trauma and put individuals at significant risk of further violence. When police are well-versed in these issues, they can more readily identify behaviours like tracking, unwanted surveillance, and digital abuse, all of which are becoming increasingly prevalent in abusive relationships. Armed with this knowledge, police officers can provide better protection by issuing appropriate orders and can guide victims toward the necessary support services. Without this understanding, the law may be underutilised, and victims may continue to live in fear or be left vulnerable to further abuse.

Ensuring that police understand the legal tools available for preventing and responding to DFSV is essential for ensuring the safety of women and children. Knowledge of the full range of behaviours that constitute abuse—whether physical, emotional, or technological—enables officers to respond appropriately to complex situations. It also helps build trust with victims, who are more likely to reach out for help if they feel that their experiences will be recognised and validated by the justice system. When police are equipped with the right knowledge, they can take swift, informed action to disrupt abusive patterns, remove perpetrators from dangerous situations, and ultimately help break the cycle of violence. With the proper training and understanding of the law, police play a pivotal role in the prevention of domestic, family, and sexual violence, ensuring that women and children are protected and supported throughout the process.

## Misinformation on Vital Legal Rights

**RECOMMENDATION: Ensuring the development and provision of accurate legal information relevant to all areas of DFSV for women at critical times.**

The WLSSA are the recipients of information that commonly reflects poor and misinformed information provided to women, particularly at critical times in relationships where a woman may be forced to make a decision that impacts their or their children's safety. As an example, we commonly hear that police attending incidents without clients advise them particularly following serious assaults, that they should leave their homes, or that they have to leave their children with the partner who has just assaulted them. This information is categorically wrong and is heard too often to believe that it is not an active approach by South Australian Police (SAPOL). On many occasions the WLSSA have written to SAPOL to ensure that the offending police officer is better informed, only to receive a response that, after an investigation they have found the police officer did nothing wrong. This is a significant misunderstanding of the reason for communication from the WLSSA. Our intention is not to determine whether the police did right or wrong, it is our intention to seek that police are well informed and providing the correct information and advice to women in times of criticality. What the WLSSA do not know, is how many women receive this advice and then choose to stay. We generally only hear the stories of those who have chosen to leave, and we are supporting to regain control of finances or access their children after being provided with the wrong information.

It is vital to ensure that women have easy access to reliable resources about the legal system in everyday spaces like hairdressers, schools, and clothing shops, as these are places where they may feel safe and supported enough to seek information. Misinformation about legal rights, particularly in the context of domestic violence and family law, can have devastating consequences. For example, many women believe that when they are forced to leave their homes due to domestic abuse, they cannot take their children with them—an incorrect and harmful myth that may stem from misinformation or lack of clarity from authorities. By providing clear, accessible, and timely legal information in familiar, non-threatening and non-judgmental environments, we can help combat these misconceptions and empower women to make informed decisions. Having these resources readily available ensures that women are not isolated or misled when they need help the most, and that they understand their rights to protection, custody, and legal support. This proactive approach helps create a safety net that women can rely on, reducing barriers to escaping abusive situations and navigating the legal system with confidence.

## Issuing Restraining Orders to Victims

**RECOMMENDATION: A review of restraining order applications and relevant processes that incorporate applications against victims as a response from perpetrators; to ensure victims are protected from retaliatory DVRO's.**

WLSSA are aware of a current practice by South Australia Police of issuing Domestic Violence Restraining Orders (DVROs) against women who have acted in self-defence. The PLUM Program (Domestic, Family, & Sexual Violence Program) identified in a 12-month period of providing services, that approximately 76% of the women were issued with DVRO's, wrongly identifying them as the perpetrators in the relationship. In one such case a victim who scratched a man after he punched her in the face, was issued with a DVRO in response to his DVRO. This is a deeply problematic practice and needs to be abolished. This practice often places the woman in a situation where she is treated as if she is equally responsible for the conflict, despite

the fact that she was defending herself from violence. In many cases, women experiencing domestic violence may resort to physical actions in the heat of the moment as a means of protecting themselves from further harm. Issuing a restraining order against them in these circumstances sends the wrong message. It suggests that both parties are equally to blame, when in fact one party (the woman) is the victim of violence and the other (the man) is the perpetrator. This approach not only risks further trauma for the victim but also perpetuates a system where victims of domestic violence are unjustly penalised for their efforts to protect themselves.

When police issue DVROs against both parties in a situation where a woman has acted in self-defence, it can have devastating consequences for the victim. It can make it harder for her to access support or protection, as she is now legally constrained and seen as a "defendant" in the situation, rather than a victim. This is particularly damaging when the woman is already in a vulnerable position, having suffered physical, sexual, or emotional abuse, and could discourage her from seeking help in the future. Additionally, this practice often leads to confusion and frustration, as it contradicts the purpose of restraining orders, which is to protect the victim from further harm. Issuing a DVRO against both parties does not address the root cause of the problem—the perpetrator's violence—and instead places unnecessary legal barriers and stigma on the victim.

Abolishing this practice would align the response of SAPOL with the principles of justice, where self-defence is recognised as a legitimate action in the face of violence. Police should prioritise protecting victims and hold perpetrators accountable, rather than penalising victims for actions taken in self-defence. By reforming this approach, the system would better support women who are already facing significant challenges in escaping violent relationships. It would also send a clearer message that domestic violence is not a situation where both parties are to blame, and that women who are subjected to violence should not be further victimised by the legal system. Empowering women to seek help without fear of being treated as an equal perpetrator will encourage more women to come forward, ultimately contributing to a more effective and compassionate response to domestic violence in South Australia.

### Urgent Applications for Removal of Children (Family)

**RECOMMENDATION: Funding for a service to provide urgent applications for removal (return) of children by a legal service who can action as an urgent application.**

The Legal Services Commission in South Australia, which is funded to assist women with "urgent" applications to the Family Court, often takes weeks to process these applications, leaving women in precarious situations where their children remain separated from them for prolonged periods. While the Legal Services Commission intends to act quickly in urgent matters, the bureaucratic nature of their processes often results in delays, meaning that what should be an urgent response to reuniting a mother and child can drag on for days or even weeks. This delay can cause immense distress and harm, especially for women who have fled domestic violence, as their ability to protect and care for their children is compromised during that time. In contrast, WLSSA is currently the only legal service in the state that will process such urgent applications within 24 hours, aiming to get children returned to mothers who have escaped abuse as quickly as possible. This timely intervention has proven successful, yet WLSSA does not receive specific funding for this critical service, leaving it to rely on limited resources to offer the rapid response that is so crucial for vulnerable women and children. The stark contrast between the effective service WLSSA provides and the delays faced through the Legal Services Commission highlights the need for a more efficient, streamlined process for urgent family law matters, particularly where domestic

violence is involved, and calls for appropriate funding to ensure that all women have access to the immediate legal support they need.

## Removal of Children by DCP

**RECOMMENDATION: An urgent review of the punitive approach to the Department for Child Protections child removal processes towards victims of DFSV.**

WLSSA have worked with women in situations where they have had their children removed due to being a victim of DFSV. It is not appropriate for children to be removed from their mothers by the Department for Child Protection (DCP) simply because the mother has not left a domestic violence situation. This approach is fundamentally punitive rather than supportive and often fails to address the underlying issues that are causing harm to the family. Women who are experiencing domestic violence face a complex set of barriers to leaving—ranging from fear of further violence or retaliation, lack of financial independence, lack of housing, threats to their children’s safety, or emotional manipulation by the abuser. Expecting a mother to leave an abusive situation without adequate support or resources is unrealistic and ignores the difficult, often dangerous circumstances in which she is trying to protect both herself and her children. Instead of removing children from their mother’s care, the focus should be on providing her with the support she needs to escape the abuse and create a safer environment for her family.

The decision to remove children from their mother in these situations is not only distressing for the child but also fails to recognise the protective role the mother plays. Even in abusive environments, mothers often go to great lengths to shield their children from harm, and the trauma of separation can cause irreparable damage to the child’s well-being. When children are removed from their mother due to her inability to leave an abusive relationship, the message sent is that the mother is the problem, rather than the violence that is taking place. This approach can deepen the cycle of trauma, leading to further instability and distress for both the mother and the child. Rather than punitive action, interventions should focus on ensuring that both the mother and child are supported through access to legal, financial, housing, and therapeutic services that help them break free from the abuse in a safe and sustainable way.

Instead of removing children as a response to domestic violence, child protection systems should prioritise interventions that keep families together while addressing the root cause of the harm: the abuser’s violence. This might include helping the mother access a safe space, legal protection, counselling, or financial assistance, as well as ensuring the abuser is held accountable. The removal of children should be reserved for situations where the child is at immediate risk of harm, not as a default response to a mother’s inability to leave an abusive relationship. By adopting a more supportive and empowering approach, child protection systems can help break the cycle of violence, strengthen families, and give both mothers and children the tools they need to rebuild their lives free from abuse.

## Keeping Victims Informed

**RECOMMENDATION: Processes are developed and in place to keep women informed and aware of all relevant aspects, across the entirety of legal proceedings relevant to DFSV and legal system processes.**

WLSSA have worked with women who remain uninformed and unaware of the progress of domestic violence matters. They are not consistently informed when perpetrators move to reside near them, nor

when offenders are about to be released from prison, nor when their matter is due in court, or a bail or intervention order condition is altered.

It is imperative for police to keep women who are victims of DFSV informed about developments in their case, particularly when it comes to key events like court dates, the offender's relocation, or their release from prison. Victims of DFSV are often in a state of heightened fear and vulnerability, and lack of information can exacerbate their anxiety and sense of powerlessness. For example, if the offender is released from prison or relocates to live near the victim, the woman should be informed prior to the relocation of the offender, so that she can take necessary precautions to protect herself and her children. In such cases, police updates are not just a matter of courtesy; they are a critical aspect of ensuring the safety and well-being of the victim. Knowledge of these developments allows the woman to make informed decisions about her safety, seek legal protection if necessary, and access any additional support services.

In addition, providing timely and accurate updates about court dates and proceedings is vital for the victim to fully engage with the legal process. Women often feel marginalised or disempowered within the criminal justice system, and regular communication from police helps ensure they are not left in the dark about important milestones in their case. If a victim is not informed about court dates or changes in the offender's status, it can lead to feelings of exclusion and a lack of control over their own safety. Furthermore, if the offender is attempting to contact or approach the victim, either directly or indirectly, these updates are crucial for the woman to take steps to seek additional legal protections, such as restraining orders, or to alert family and friends to her heightened risk.

Beyond providing reassurance and safety, police updates also play a role in building trust between the victim and law enforcement. Women who feel they are being actively supported and kept informed are more likely to engage with the justice system, cooperate with investigations, and follow through with legal protections. A failure to provide these updates can reinforce a sense of isolation, making the victim less likely to reach out for help in the future. As such, consistent communication from police is not just a procedural necessity—it is a fundamental part of ensuring that women have the agency and the information they need to protect themselves and rebuild their lives after violence.

## Anger Management Courses for Perpetrators

**RECOMMENDATION: A return of reports relevant to the participation of perpetrators in court ordered violence and anger management programs.**

Anger management courses relevant to DVRO's were previously attended by perpetrators as part of the court process. The perpetrators attendance at these programs were a relevant aspect of the DVRO process, where a report was provided to the court about their participation. These reports are no longer provided to the court, with a simple attendance response provided to the court instead. The participation in anger management courses is highly relevant to the process of a DVRO, and not just whether the perpetrator attended or not. It is imperative that the courts return to seeking a report from the perpetrator program, and the validity of their engagement and active participation is made a part of the DVRO process.

# Recovery & Healing

WLSSA believe that recovery and healing for women (and children) who have experienced DFSV is significantly aided when they have access to good legal representation and supportive systems. Legal support is essential in helping survivors navigate the often complex and overwhelming legal processes, whether they are seeking DVRO's, working through custody arrangements, or pursuing justice through criminal trials. In Australia, where women and children are disproportionately affected by violence<sup>1</sup>, the justice system can be daunting and intimidating. Access to skilled legal representation ensures that survivors are informed of their rights, have a voice in proceedings, and are supported in securing outcomes that prioritise their safety and well-being. This, in turn, can reduce feelings of powerlessness and anxiety, helping survivors regain a sense of control over their lives, which is vital for emotional healing and recovery.

Supportive systems, such as community services, healthcare, and financial counselling, work in tandem with legal support to provide a holistic approach to recovery. For women and children, having access to these resources helps them rebuild their lives with practical assistance, adequate mental health care, and a safe environment. The availability of comprehensive support services facilitates the healing process by addressing both immediate safety concerns and long-term emotional and psychological recovery<sup>2</sup>. With the right legal and social support, survivors are more likely to feel empowered to break free from abusive relationships, rebuild healthy relationships, and create a stable future for themselves and their children. These interconnected systems offer crucial support in helping women and children recover sooner, reducing the likelihood of re-traumatisation and fostering resilience and independence.

## Accessible Grief and Trauma Counselling

**RECOMMENDATION: Accessible and affordable access to grief and trauma counselling without reliance on the Mental Health Care Medicare Funded system.**

It is crucial for the government to fund mental health care for women who are victims of FSV through grief and trauma counselling, as these women often carry the psychological scars of abuse that can deeply affect their well-being and ability to heal. The current mental health care system, while offering valuable resources, is often out of reach for many women due to financial barriers<sup>3</sup>. Even when women can access a mental health care plan through their general practitioner (GP), they are still left to cover the gap between what Medicare reimburses and the full cost of medical appointments and therapy. In many cases they have to come up with the full payment initially and are then reimbursed the amount covered by Medicare. A "gap" for the provision of psychology can be substantial, particularly for single mothers, low-income women, or those who have fled abusive relationships. As a result, many women are unable to access the vital counselling and psychological support they need to recover from trauma, grief, and the emotional toll of

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<sup>1</sup> <https://professionals.childhood.org.au/prosody/2024/05/breaking-the-cycle-addressing-the-impacts-of-gender-based-violence-on-australian-children-and-young-people/>

<sup>2</sup> <https://www.mindstatepsychology.com.au/blog/role-of-trauma-counselling>

<sup>3</sup> <https://www.theguardian.com/australia-news/2021/apr/19/like-hunting-for-unicorns-australians-on-the-search-for-adequate-affordable-mental-healthcare>

abuse. Grief and trauma counselling is not just an added benefit; it is essential for survivors to process their experiences, manage PTSD, anxiety, depression, and rebuild their sense of safety and self-worth<sup>4</sup>.

Grief and trauma counselling for victims of DFSV is crucial for their long-term healing and recovery. The effects of abuse—emotional, psychological, and sometimes physical—often result in deep trauma that interferes with a woman's ability to function, form healthy relationships, and rebuild her life. Victims may struggle with feelings of shame, guilt, fear, and a pervasive sense of worthlessness, which can prevent them from moving forward. The healing process is often long, and without adequate support, many women continue to experience emotional distress, which can also affect their ability to parent, work, or reintegrate into society. Therapy helps women address these issues by providing them with a safe space to process their trauma, develop coping strategies, and eventually heal from their experiences. Without access to affordable mental health care, women are left to carry these burdens alone, which can lead to chronic mental health problems and further societal and economic disadvantages.

The government can help address this gap by funding free or subsidised counselling services for women who have experienced domestic, family, or sexual violence, using victims of crime funding. This funding could ensure that all women, regardless of their income, have access to trauma-informed therapy without the financial barriers that currently prevent so many from seeking help. By utilising victims of crime funding, which is already designated for supporting those who have experienced harm, the government can make a significant investment in the mental health and recovery of survivors of abuse. Access to free, specialised counselling would not only aid individual healing but would also contribute to a more resilient society, as women are empowered to rebuild their lives, regain their autonomy, and participate fully in their communities. Investing in trauma counselling is an investment in the long-term recovery of survivors, helping them to break the cycle of violence, overcome the psychological effects of abuse, and ultimately lead healthier, more fulfilling lives.

## Women and Suicide

**RECOMMENDATION: That the data relevant to suicide that occurs at the time a woman is experiencing DFSV, is incorporated in the statistics for DFSV related deaths.**

Data relevant to women who die by suicide who are also victims of DFSV is being increasingly studied with recently released data reflecting concerning figures<sup>5</sup>. Data that was released by the Victorian Coroner's Court in September 2024 reflected:

*"... gender differences in the records of people who died by suicide in Victoria during this period. Significantly more males (65%) than females (16%) were recorded as a family violence perpetrator. Conversely, females were significantly more likely to be listed as a victim of family violence (62.1%)"*<sup>6</sup>

WLSSA believe that it is crucial that data on women who commit suicide while experiencing domestic violence or navigating family court proceedings is included in the broader statistics of women who die as a result of men's violence or while experiencing DFSV. Suicide in these contexts is often the tragic outcome of the unrelenting trauma caused by prolonged abuse and the systemic failures that exacerbate a woman's

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<sup>4</sup> Williams, K., Harb, M., Satyen, L., and Davies, M.; *S-CAPE trauma recovery program: the need for a holistic, trauma- and violence-informed domestic violence framework*, November 2024, Frontiers, Global Women's Health

<sup>5</sup> <https://theconversation.com/new-data-reveals-rates-of-family-violence-among-those-who-died-by-suicide-239090>

<sup>6</sup> *ibid*

sense of helplessness and despair. Many women who die by suicide as a result of domestic violence or during family court proceedings may not be formally counted in existing data on DFSV deaths because their deaths are classified as suicides rather than homicides<sup>7</sup>. However, the underlying cause—the abuse, coercion, and ongoing trauma inflicted by an abuser—remains a direct and preventable factor in their death. By not including these suicides in DFSV data, we fail to capture the full extent of the impact that violence, control, and the legal system can have on a woman’s mental health and safety.

Including suicides of women in this data would provide a more accurate and holistic understanding of the true toll of domestic violence. Many women experiencing domestic abuse, particularly those who are also embroiled in family court proceedings, face a deeply distressing combination of emotional, psychological, and financial pressures. The family court system itself can often be retraumatising for women, with many reporting feeling disbelieved, unsupported, or re-victimised by the process. Additionally, abusers often use family court as another means of control, manipulating the process to continue their harassment. These factors, combined with ongoing violence, isolation, and a lack of support, contribute to a crisis point for many women. Recognising suicide as a consequence of these intertwined systems would highlight the severity of the issue and reinforce the need for more responsive interventions at both a legal and social level.

Furthermore, counting suicides in the context of domestic violence would help to drive policy changes that acknowledge the profound and lasting effects of abuse on mental health. It would also contribute to a better understanding of the barriers that prevent women from escaping violent situations, particularly when those barriers are legal, financial, or institutional. By including these suicides in the broader category of DFSV-related deaths, the government and support services would be better positioned to advocate for systemic changes, such as trauma-informed family court practices, improved mental health services for victims, and greater accountability for perpetrators. Most importantly, it would bring attention to the fact that the death of a woman by suicide is not merely an isolated incident but often the tragic culmination of years of abuse and neglect within both private relationships and public systems. Recognising this connection is an essential step toward more comprehensive prevention and intervention strategies that address the full spectrum of harm caused by domestic violence.

## Women and Compensation

**RECOMMENDATION: A review of the compensation system relevant to victims of DFSV to provide appropriate support in times of crisis and that reflect the true harm and impact of DFSV.**

It is vital that women who are victims of domestic violence have improved access to compensation as victims of crime without having to navigate the often complex and bureaucratic processes typically involved in traditional compensation claims. Women experiencing domestic violence are already dealing with immense grief, trauma, and the urgent need to rebuild their lives and their families. The trauma they face is not only physical but psychological, and the burden of navigating lengthy and complicated compensation systems can add additional layers of stress and overwhelm. For many women, the financial, emotional, and logistical burdens of attempting to claim compensation can delay their recovery or even prevent them from seeking the support they need. By simplifying and streamlining the compensation process for victims of domestic violence, we would ensure that women can access the necessary financial

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<sup>7</sup> <https://www.smh.com.au/opinion/what-if-we-knew-domestic-violence-was-a-cause-of-suicide-20171106-gzfeus.html>

support more quickly and with less effort, allowing them to focus on healing, rebuilding their families, and supporting their children.

Traditional victim compensation schemes are often fraught with bureaucratic red tape, lengthy delays, and requirements that do not take into account the unique experiences of women fleeing domestic violence. Where matters are required to go through lengthy court processes that take years for the perpetrators to be sentenced, the process is prolonged and significantly harmful. In many cases, women must meet various eligibility criteria that are difficult to navigate, such as proving the extent of their injury or trauma, or showing that the violence occurred within a specific timeframe or under particular circumstances. These requirements can feel re-traumatising and disheartening, particularly when women are struggling to leave an abusive relationship, secure housing, or care for their children. Many women face barriers such as limited financial resources, lack of access to legal assistance, or even fear of retaliation from the abuser, all of which make it harder for them to pursue the compensation they are entitled to. This complexity in the process fails to recognise the urgency and gravity of domestic violence situations, and can prolong or even deny financial assistance that would enable a woman to move forward with her recovery.

Improved access to compensation for victims of domestic violence would not only provide immediate financial relief but also serve as a recognition of the harm they have endured. Compensation can help cover essential costs, such as medical care, counselling, legal fees, or relocation expenses, which are often crucial for a woman trying to escape an abusive relationship and rebuild her life. It can also support the broader goal of financial independence, which is a key factor in helping women leave violent relationships. Streamlining the claims process would demonstrate a commitment to supporting survivors, rather than burdening them with additional obstacles. Access to compensation without unnecessary bureaucratic hurdles would signal that society acknowledges the profound impact of domestic violence on women and that victims deserve timely, accessible support in their recovery. Ultimately, by improving access to compensation, we would enable women to regain control over their lives and provide them with the resources they need to heal, thrive, and rebuild their families in safety.

## Keeping Women Informed

**RECOMMENDATION: Processes are established to ensure that women are supported through services and systems across the entirety of their involvement in the legal system for DFSV.**

It is crucial to keep women informed about the legal system process when they are victims of DFSV to empower them with the knowledge needed to make informed decisions and protect their safety. Many women who experience DFSV report feeling isolated, powerless, and overwhelmed by the complexities of the legal process. Providing clear information about legal proceedings, such as the status of the perpetrator's case or changes in bail conditions, helps to alleviate this uncertainty. Women who are informed about their rights and the actions taken by the court, such as the release of the abuser or changes to bail conditions, can take necessary precautions and make appropriate decisions for their safety. Studies have shown that when women are informed about the progress of the case and any developments regarding their abuser, it can lead to a sense of control and decrease the anxiety surrounding their situation<sup>8</sup>.

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<sup>8</sup> Cavanagh, K., Boswell, G., & Owen, A. (2007). *Responding to domestic violence: The role of information in supporting victims*. *Journal of Social Work*, 7(3), 237-256.

Additionally, keeping women informed about the release of a perpetrator or any changes to bail conditions is particularly important for their immediate safety and mental well-being. A sudden release or modification of bail conditions, such as less stringent restrictions on contact or movement, can place women at greater risk of harm or retribution from their abuser. Ensuring that women are notified of these changes gives them the opportunity to take protective actions, such as changing their living arrangements, increasing security, or seeking additional support from domestic violence services. Research indicates that when victims are kept up to date with the status of the legal proceedings, including potential threats like the abuser's release, they are better positioned to avoid further victimisation<sup>9</sup>. This approach not only prioritises women's safety but also fosters trust in the legal system, encouraging them to engage more fully with the process.

Systems should be in place to ensure that victims remain engaged and supported following the process of DFSV matters. Even after the justice system process is complete. This will enable the systems to monitor grief and trauma and provide support to people who have been through significantly traumatising experiences, as well as potentially engage children so that they don't become the next generation of victims and perpetrators.

### Additional Recommendations:

- The victims of crime booklet provided by SAPOL should be reworked and updated with current and relevant information. It should provide guidance on all of the above identified areas such as red flags of DFSV, compensation processes, mental health supports, and other relevant responses to support recovery and healing. It may be appropriate to develop a specific victims of crim booklet for women fleeing domestic, family or sexual violence rather than a generalised booklet for all victims.
- Lawyers and Law firms should be better regulated to ensure they have obligation to not run up DFSV victim's financial bill for legal services. There should be a requirement for lawyers to advise women that there are free systems and services that can support, to which lawyers should ethically be referring.
- Perpetrators should not be able to weaponise the legal system. Defamation laws in other states have been changed to ensure that men are not able to progress with defamation claims for being identified as perpetrators of DFSV; this is not the case in South Australia. The perpetrator can, has and is, using the district court in a claim of defamation against a victim. In one matter that the WLSSA are aware of, SAPOL have taken out a DVRO, yet a compensation matter is being progressed against the victim in the district court. The perpetrator is also suing the police officers who took the statements, the landlord who called the police, and the lawyer who supported him in the DVRO matter.

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<sup>9</sup> Walklate, S. (2011). *Gender, crime, and criminal justice*. Routledge.