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Acknowledgement of Country

ANROWS acknowledges the traditional owners of the land across Australia on which we work and live. We pay our respects to Aboriginal and Torres Strait Islander elders past, present and future; and we value Aboriginal and Torres Strait Islander history, culture and knowledge.

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National mapping and meta-evaluation outlining key features of effective "safe at home" programs that enhance safety and prevent homelessness for women and their children who have experienced domestic and family violence: State of knowledge paper

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This work is part of the ANROWS Landscapes series. ANROWS Landscapes (State of knowledge papers) are medium length papers that scope current knowledge on an issue related to violence against women and their children. Papers will draw on empirical research, including research produced under ANROWS's research program, and/or practice knowledge.

This report addresses work covered in ANROWS research project 3.1 "National mapping and meta-evaluation outlining key features of effective "safe at home" programs that enhance safety and prevent homelessness for women and their children who have experienced domestic and family violence". Please consult the ANROWS website for more information on this project. In addition to this paper, an ANROWS Horizons and ANROWS Compass will be available at a later stage as part of this project.

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Aims and structure

Research aims

This research project has been designed to provide a national mapping and meta-evaluation of the key features of "safe at home" programs that enhance safety and prevent homelessness for women and their children who have experienced domestic and family violence.

The specific aims of this research are to:

- examine the important program characteristics, outcome domains and research methods in evaluations of Australian "safe at home" programs, including the strengths and weaknesses of previous evaluations;
- synthesise existing evaluations and literature to produce evidence of the effectiveness of "safe at home" programs;
- provide direction for future evaluations and organisations by recommending key minimum elements and datasets in particular locations, contexts and circumstances to improve the safety of women and their children; and
- establish a national, and potentially international, benchmark for future evaluations and projects in this field.

Project structure

The research has two distinct phases:

- **Phase one** – the preparation of this state of knowledge paper;
- **Phase two** – a meta-evaluation of the available Australian research evidence about "safe at home" programs and practices, and a final report which will provide a clear assessment of the available evidence, as well as directions for future policy, practice and evaluation research related to "safe at home" approaches.

Paper structure

This state of knowledge paper provides the definitional, historical and conceptual underpinning of existing "safe at home" research, and incorporates a detailed discussion of the legislative and policy context of "safe at home" programs.

The paper has three main sections:

- A description of the methodology of the scoping review of published studies which are considered relevant to the research aims.
- A synthesis of the review's findings, including the history and development of "safe at home" approaches and their corresponding policy and practice context; current safe at home approaches and common program elements; and the presentation of four philosophical pillars which provide a platform for implementing a suite of "safe at home" responses.
- A preliminary mapping of current services and initiatives in Australia and overseas so that tentative conclusions can be drawn about critical components of "safe at home" programs and how legislative and policy contexts influence such programs.

Discussion of all findings will be expanded upon during in the final report during Phase two of this project.

Definitions

Definition of domestic and family violence for this research

This research project has been designed to provide a national mapping and meta-evaluation of the key features of "safe at home" programs that enhance safety and prevent homelessness for women and their children who have experienced domestic and family violence.

In this paper, DFV (domestic and family violence) and DV (domestic violence) will be used interchangeably reflecting the term used in a particular reference. However, definitions matter because they determine the policy and program terrain about "what counts" as DV or DFV and "what services and responses" should be in place to address it. Furthermore, as knowledge about DFV has grown, definitions have shifted and remain contested territory.

With regard to domestic violence, this includes debates about its gendered nature and what behaviours, actions and intentions are considered violent, abusive and controlling. The definition contained in the National Plan to Reduce Violence Against Women and their Children (hereafter the National Plan) is as follows:

"Domestic violence refers to acts of violence that occur between people who have, or have had, an intimate relationship. While there is no single definition, the central element of domestic violence is an ongoing pattern of behaviour aimed at controlling a partner through fear, for example by using behaviour which is violent and threatening. In most cases, the violent behaviour is part of a range of tactics to exercise power and control over women and their children, and can be both criminal and non-criminal. Domestic violence includes physical, sexual, emotional and psychological abuse." (Council of Australian Governments (COAG), 2011, p.2)

This definition contains a number of components including intention related to control, coercion and making the victim fearful, as well as behavioural descriptions of what constitutes domestic violence. The National Plan also refers to a definition of family violence:

"Family violence is a broader term that refers to violence between family members, as well as violence between intimate partners. It involves the same sorts of behaviours as described for domestic violence. As with domestic violence, the National Plan recognises that although only some aspects of family violence are criminal offences, any behaviour which causes the victim to live in fear is unacceptable. The term 'family violence' is the most widely used term to identify the experiences of Indigenous people, because it includes the broad range of marital and kinship relationships in which violence may occur." (COAG, 2011, p. 2).

The importance of acknowledging the Indigenous preference for the term family violence is that many Indigenous women access "safe at home" programs and utilise "safe at home" initiatives. While "safe at home" programs primarily deal with intimate partner violence (IPV), there are exceptions to this, such as non-Indigenous or Indigenous clients who report domestic violence perpetrated by other family members. In addition to acknowledging a wider range of relationships than the concept of domestic violence, family violence also includes a larger number of behaviours, such as "self-inflicted injury" (Gordon et al., 2002, p. 62), and "put downs about culture, and identity and negation of the cultural and spiritual self" (Gordon et al., 2002, p. 29).

Definition of "safe at home" programs for this research

"Safe at home" programs or initiatives can be broadly defined as interventions and strategies that "aim to mitigate the specific homelessness and safety impacts of DFV on women and their children" (ANROWS, 2014). The common underpinning of these programs is that they aim to keep women and children in their home or in other independent domestic accommodation, where it is safe to do so, thereby reducing the risk of the perpetrator being present and using further violence and abuse. Perpetrators are typically excluded from the home as part of this process. Program models are usually "housing focused" rather than "housing constrained", i.e. preventing homelessness in conjunction with prioritising safety. Therefore, they are generally closely integrated with criminal justice responses featuring exclusion or ouster provisions as part of protection orders "where the perpetrator is required to leave the family home" (ANROWS, 2014). More recently, "safe at home" criminal justice strategies have included the use of safety alarm systems designed to achieve a more immediate police response to breaches of protection orders.

Some "safe at home" programs focus more on case management or case coordination as the central element of a suite of strategies that support women's safety in independent domestic accommodation. These programs have three imperatives:

- ensure women's and children's ongoing safety;
- prevent short- and long-term homelessness after escaping violence; and
- change societal attitudes to women remaining in their own homes through social marketing campaigns.

For this project, ANROWS (2014) originally suggested the following definition of "safe at home" programs:

- programs that have exclusion orders or similar where the perpetrator is required to leave the family home (e.g. Staying Home Leaving Violence in NSW); and
- programs that support safety in other independent domestic accommodation (note: this does not refer to crisis or supported accommodation such as domestic violence refuges or supported medium-term housing but may include independent private rental, social or public housing) (e.g. programs in Victoria and Queensland).

However, recent research indicates that exclusion orders are frequently not granted by magistrates many of whom remain hesitant to remove a man from his home (Breckenridge et al., 2014). In addition, women may not be able to remain in the original family home for a range of reasons including:

- not being able to afford the rent on only one income;
- not being able to afford mortgage repayments or being required to sell the family home as part of a Family Court settlement process; and,
- the tenancy may not be in the woman's name.

Women may also choose to move from the family home to other independent accommodation for a fresh start or to move closer to family and support. It is equally important to acknowledge that the safety concerns for some women living with or leaving a violent partner, may preclude them from participating in "safe at home" programs and related initiatives.

In view of this, the following expanded definition of "safe at home" was agreed upon for this project:

- "safe at home" programs/initiatives must be funded and have a designated DFV focus (as opposed to being a generic program which may also incidentally be accessed by women leaving a violent relationship, e.g. a homelessness initiative which may be utilised by women facing housing difficulties, only some of whom may be leaving a violent relationship).

In addition to the mandatory focus of DFV:

- the program/initiative is focused on preventing women who have left a violent relationship from entering or remaining longer than necessary in specialist homelessness services/supported accommodation such as specialist DV refuges, i.e. it is intended to assist women who have experienced DFV to remain in independent housing options including private rental, continuing their mortgage, or social housing; and/or,
- the program/initiative has a criminal justice focus on women's safety, and aims to support women to remain safely in independent accommodation of their choice at the time of accessing this service, regardless of whether the women accessing the program/initiative have ever used supported accommodation in the past.

Methodology

For this state of knowledge paper, the research team conducted a scoping review of published studies considered relevant to the research aims, including peer-reviewed articles, grey literature and websites. Data from relevant conceptual and empirical studies from 2000-2015 were extracted and results from this extraction were collected, with select thematic data synthesised and conveyed in this paper.

Database search terms

Search terms in four conceptual areas were identified as key to the project and combinations of these terms were entered as follows:

Concept 1

Safe at home program; Safe at home; Accommodation; Supported Accommodation; Housing; and Homelessness

Concept 2

Domestic Violence; Family Violence; Domestic and Family Violence; Intimate Partner Violence; and, Domestic Abuse

Concept 3

Safety; Women; Women and Children; Homelessness; Economic Security; and, Criminal Justice

Concept 4

Best Practice; Effectiv*; Evaluat*; Evidence; Evidence Based; Good Practice; Outcome; Review; Systematic Review; Trial; and, Pilot.

Databases searched

- Informit: APAIS – Health; APAIS – ARSIS; APAFT; FAMILY – Australian Family and Society Abstracts Database; FAMILY – ATSSIS; and, CINCH
- Proquest: Applied Social Sciences Indexes and Abstracts (ASSIA); Educational Research Information Centre (ERIC); International Bibliography of the Social Sciences – IBSS; National Criminal Justice Reference Service Abstracts – NCJRS; PAIS International; ProQuest Research Library; ProQuest Social Science Journals; Social Services Abstracts; and, Sociological Abstracts
- OVID: Social Work Abstracts
- MEDLINE
- PsycINFO
- EbSCO: Violence and Abuse Abstracts; and, Women's Studies International
- Web of Science
- Scopus.

In addition, the following databases with grey literature were searched: Australian Clearinghouses; Australian Government databases; Google; Google Scholar; New York Academy of Medicine – Grey Literature Report; Open Grey – Grey Literature in Europe; PolicyFile; and, The Cochrane Library.

Appendix A details the comprehensive set of search terms used to identify relevant literature in relation to a wide range of "safe at home" responses, as well as electronic data bases searched.

Selection criteria

Inclusion criteria:

- peer-reviewed articles, grey literature, website materials
- publication's primary focus is domestic and family violence as opposed to generic issues such as homelessness or economic security.

Exclusion criteria:

- articles published prior to 2000
- articles not written in English.

Methodology review

Identified – 561 resources (combined search terms, Concept 1 + Concept 2, plus some combinations of Concept 1 + Concept 2 + Concept 3 + Concept 4) through searches of electronic databases and suggestions from expert colleagues in the field

Reviewed – 561 resources reviewed for inclusion

Included – 154 resources included (policy documents, websites, media releases and web pamphlets, but excluding legislation).

Service mapping

Building on the programs originally identified by ANROWS and in consultation with the project's Advisory Group, the research team conducted a general internet search including the websites of relevant Australian and international organisations (e.g. ANROWS, Australian Centre for the Study of Sexual Assault, Adults Surviving Child Abuse, Australian Housing and Urban Research Institute, and the World Health Organisation) to identify "safe at home" programs/responses, as well as the legislative and policy context by jurisdiction.

Subsequent to securing ethics approval, key stakeholders in select government departments and NGOs were contacted via email and skype/teleconference to further check that "safe at home" responses offered in their jurisdiction were included in the "safe at home" service mapping.

Synthesis of the review's findings

History and development of "safe at home" programs

Domestic violence refuges

Domestic violence was not recognised in policy or as a professional practice issue in Australia until the second wave of feminism in the 1970s (Breckenridge & Laing, 1999). In 1972, as part of an orchestrated social action campaign, feminist activists squatted in empty properties and established the first women's refuge in Glebe, New South Wales. Activist engagement with government directly led to the Commonwealth Labor Government providing initial funding for women's refuges (Breckenridge, 1992). Activist initiatives such as this subsequently proliferated in all Australian States and Territories. These activities were fuelled by dual intentions: highlighting the impacts of domestic violence to create enough political pressure to end it; and providing women with an option to leave a violent partner by providing refuge accommodation in the short term (McFerran, 2007, p. 29).

This initial focus on securing and expanding the availability of refuge accommodation had the unintended consequence of the removal of women and children from the family home becoming "normalised" and accepted as the primary response to domestic violence. In the face of no other alternatives, this was regarded for some time as the most effective means to ensure women's safety (Edwards, 2004; Jones et al., 2010; Spinney & Blandy, 2011). The refuge model is a suitable option for some women escaping violence when the perpetrator and/or his supporters are not incarcerated and are highly likely to engage in further and escalating violence. Refuges provide other benefits – for example, the communal living model promotes self-esteem and empowerment via shared experience and mutual support (Murray, 2008, p. 69). However, another contributing factor to the impetus for change was the growing recognition by health and welfare professionals more generally that leaving the family home frequently results in temporary or long-term homelessness, as well as economic and social disadvantage and ongoing disruption to victims' lives (Desmond, 2011). Post separation difficulties such as these can result in some women returning to their violent partner in order to escape homelessness, survive financially and better provide for their children (Braaf & Barrett Meyering, 2011; Desmond, 2011).

Beginnings of "safe at home"

For over 20 years, high security refuges remained the primary response until the mid to late 1990s when advocacy groups and researchers proposed the option that women and children remain safely in their home while the perpetrator is removed as a means of redressing the socially unjust orthodoxy of women and children fleeing from men's violence (Chung et al., 2000; McFerran, 2007). These later became known as "safe at home" approaches.

It was never the intention that "safe at home" become a universal response or to replace existing specialist DV emergency accommodation. In fact, initially there was much anxiety about this being an unrealistic option based on professional concern about whether the safety of women and children could be sustained (Edwards, 2004b).

Nevertheless, these recommendations were made at a time when policy and practice developments were increasingly focused on integrated interagency responses, law reform and specialist courts with new models emerging that were underpinned by coordinated responses involving police, courts and services for victims and perpetrators – one of the early examples being the Australian Capital Territory (ACT) Family Violence Intervention Program (Cussen & Lyneham, 2012). Original proposals for women and children remaining in the home were based on the assumption that they were not at a high risk of danger and that there would be police and court responses in place that excluded the perpetrator from the home and responded effectively to any subsequent breaches of protection orders. In this respect, calls for "safe at home" options were aspirational and underpinned by some form of integrated interagency model or partnerships being in place at the sector and local level.

From the early 2000s, women's specialist domestic violence accommodation services commenced trials of "safe at home" programs including the Eastern Domestic Violence Outreach Service in Melbourne, the Bega Program, and the South Eastern Sydney and Mt Druitt pilots (Edwards, 2011). The evaluations of these pilot programs indicated that there was the potential for such an approach and demonstrated that it was viable for a select group of women. However, it was also evident that there needed to be consistent court procedures so that perpetrators would be excluded from the home as expected and Apprehended Violence Orders would be properly

policed and perpetrators arrested if they breached them (Edwards, 2004; Edwards, 2011). Edwards' (2011) research also highlighted the imperative of ongoing risk assessment and comprehensive responses to perpetrators – the latter responses being offered by organisations other than safe at home programs.

Current "safe at home" approaches

A later section of this paper provides a comprehensive mapping of Australian "safe at home" responses and initiatives by jurisdiction. Currently in Australia there is no uniform "safe at home" program or model and they have evolved in various forms across Australian jurisdictions. "safe at home" programs have been implemented primarily in capital cities and larger regional towns. This appears to be mainly a practical issue where accompanying support services are needed to promote safety, such as monitoring of exclusion or protection orders and access to case management services in some models.

At present, some specialist domestic violence services have begun offering a continuum of separate responses ranging from prevention activities, "safe at home", outreach programs through to high security refuge style accommodation. Typically these services are part of a local coordinated response to domestic violence and not operating in isolation. The responsible departments leading "safe at home" programs vary across jurisdictions and include justice, housing, human services and child safety. Programs and initiatives across jurisdictions vary in their levels of comprehensiveness.

Some programs have the woman's application for a protection order excluding the violent partner from the home as a central component; whereas others provide advice about orders, and the absence of a protection order does not influence whether the woman can access funds and support. Another variation across initiatives is that some programs include the use of brokerage funds to pay for men's emergency accommodation so that they have immediate housing when excluded from the home (usually for a couple of nights). It is argued that this use of brokerage funds for men's accommodation ensures that they can be excluded and enables some tracking of their location if needed. So far, no evaluations have been identified for analysis in Phase two so there is no evidence to date whether this strategy contributes to perpetrators staying away from the family home or reducing ongoing violence and harassment.

Developing and supporting a greater range of options aimed to realign existing efforts towards an increased focus on prevention and early intervention – including long-term accommodation and support from criminal justice systems and personnel – is now accepted as critical to keeping women and children housed and safe (Baker et al., 2010; Spinney & Blandy, 2011).

Common aspects of "safe at home" programs

Some common elements have been identified from the literature and the mapping of existing "safe at home" programs including:

- Promoting the economic security of women to enable them to remain in their own residence financially independent of their ex-partner. This can include strategies that facilitate women's retraining or further education or assisting women to return to the workforce (Breckenridge et al., 2012; Braaf & Barrett-Meyering, 2011). This can also include increasing their financial planning knowledge to support their future economic security (Postmus et al., 2010).
- Safety planning and risk assessment in conjunction with the woman and other agencies, particularly any with knowledge about the perpetrator and his behavior (Day et al., 2009).
- Brokerage funds which the program can provide for security upgrades such as motion sensitive exterior lighting, loft hatch securing, strengthened doors and window grilles, removal of foliage where perpetrators can hide; or used more generally to support women and their children (Taylor & Mackay, 2011). In some programs the brokerage funds can be used to provide emergency accommodation for men to remove them from the home.
- The use of protection orders and ouster/exclusion provisions (Edwards, 2011).
- Security alarms for high risk clients and to enforce protection orders (Nicholson 2012).
- Case management and/or coordination over a period of time (Breckenridge et al., 2013) and outreach support services designed to develop "women's confidence in their ability to remain in their home" with their children (Spinney, 2012a, p. 3).
- Peer support enablement via weekly group meetings/ lunches and other activities may be offered/organised by some "safe at home" programs.
- Advocacy on behalf of clients and client support to engage with a number of professional stakeholders – for example, housing workers, estate agents, schools, court personnel and police (McFerran, 2010).
- Capacity building of local interagency partners to facilitate an integrated response (NSW Government, 2014; Healey et al., 2013).

Humphreys (2015, p. 2) suggests that these strategies may well be implemented for use more generally with any woman who leaves a violent partner and are therefore not solely "safe at home" strategies. While it is true that each program element could be offered individually to any woman leaving a violent relationship, much of the literature discussing "safe at home" programs suggests that there are key philosophical pillars that have to operate concurrently in "safe at home" responses. Moreover, it is the combination of particular program elements or intervention strategies that designates a program as "safe at home" (Breckenridge et al., 2014). These key philosophical pillars are examined in the following section of this paper.

Four pillars of "safe at home" programs

The state of knowledge paper undertaken for Phase one of this project identifies four philosophical pillars which provide a platform for implementing a suite of "safe at home" responses. The capacity for safe at home programs to provide a flexible suite of responses, more directly addresses the differing individual needs of women who leave their violent partner and choose to remain safely in their own home or a home of their choice:

The four philosophical pillars of "safe at home" responses are:

- a focus on maximising safety utilising a combination of legal, judicial, policing and home security provisions to exclude the perpetrator from the home and protect victims from post separation violence;
- a coordinated or integrated intervention response involving partnerships between local services;
- "safe at home" as a homelessness prevention strategy which includes ensuring women are informed about their housing options before the time of crisis, at separation and provides support for women to maintain their housing afterwards; and,
- recognition of the importance of enhancing women's economic security.

It is anticipated that the meta-evaluation of "safe at home" programs and initiatives during Phase two will provide greater clarity regarding the implementation of each of the philosophical underpinnings in practice contexts.

The literature synthesised from the Phase one review will now be discussed in relation to each of the four pillars.

Maximising women's safety

"Safe at home" strategies and programs have been underpinned by the philosophical position that the perpetrator is solely accountable for their violence and controlling behaviours which should mean that their partners and children are not made homeless, or displaced from families, friends and schools (Edwards 2004; Breckenridge & Mulroney, 2007). Arguably, this position reflects a social justice perspective, yet there continues to be resistance to utilising available legal provisions to exclude perpetrators from the family home, often irrespective of continuing violence from the perpetrator. McFerran (2007) argues that these attitudes are the legacy of long accepted practice by police and other services reflecting the view that safety is best ensured via the more usual option of refuge accommodation. It should be noted that since the time "safe at home" ideas were first proposed, there has been no research conducted that provides quantitative evidence to suggest that women who "choose to remain in their home with the perpetrator removed are in any greater danger than those who leave" their home (Spinney, 2012a, pp. 41-42). Qualitative evidence from practitioners, however, indicates that as long as women are able to make their own decision about whether or not to remain, staying in their home puts them in no greater danger than if they had left (Spinney, 2012a).

Research exploring the links between domestic violence and homelessness demonstrates that both "rigorous and enforced legal sanctions are required to enable women and children to remain safely in housing" (Chung et al., 2000, p. 27). Yet despite the recognised importance of legal sanctions to underpin women's safety, there is considerable variation between and within Australian states and territories in legal provisions, as well as in judicial, advocacy and financial support to assist a woman to remain in their home or maintain safe and stable housing after separating from a violent partner (Wilcox, 2009). Geography also contributes to this variation with women in more isolated and remote locations having fewer options around safely remaining in the family home compared with those residing in urban areas (Breckenridge et al., 2014).

Despite jurisdictional variations, the literature suggests there are core elements which need to be in place to facilitate women's safety after leaving a violent relationship including those choosing to remain safely in the family home:

- legislation supporting women's safety;
- protection orders and court assistance; and,
- safety planning and risk assessment – including perpetrator risk.

Legislation supporting women's safety

In this section, the common legislative elements that underpin "safe at home" approaches in Australia are outlined. The main areas of legislation that underpin "safe at home" approaches in each jurisdiction are the Residential Tenancies Acts, Intervention Order Acts, specific Domestic and Family Violence Acts, Crime Acts, Acts pertaining to breaches of protection or intervention orders and Child Protection and the Commonwealth Family Law Act. A summary of each jurisdiction's relevant legislation for "safe at home" approaches can be found in Appendix B.

Residential Tenancies Acts are of critical importance as they can establish a woman's right to remain in the home and the capacity to exclude the violent ex-partner. This is possible in various ways across jurisdictions such as through the recognition of certain persons as tenants and the termination or exclusion of other persons as tenants. In essence, this allows for the woman to become the sole tenant when it was previously a joint tenancy. The extent to which Residential Tenancy Acts include specific reference to domestic and family violence varies across states and territories. For example, in New South Wales (NSW), Section 79 enables a change of tenants to be recorded following an intervention order being in place (See Appendix B for greater detail).

The capacity to change the tenancy of property is critical to enabling "safe at home" programs to operate in Australia. However, the extent to which the laws are used for these purposes can vary particularly when women may not be aware of their rights. Currently, government policy favours increasing the use of private rental options and not increasing public housing stock. This places responsibility for adherence to Residential Tenancies legislation largely with private rental landlords (Breckenridge et al., 2013). Consequently, with increasing private rental stock, it is more difficult to monitor implementation of legal provisions such as this consistently compared with gaining compliance in government public housing. When landlords do not want to renew the family's lease due to domestic and family violence, this can place

women's tenancies at risk (see Appendix B, Table two for greater detail).

Another critical area of legislation is civil law protection or intervention orders. To support women to remain in their home the successful application of exclusion or ouster orders is often required along with the subsequent timely and appropriate monitoring and responding to criminal law-related breaches of such orders. Laing (2013, p. 5) notes that Protection Orders have been a cornerstone of the Australian response to domestic violence for almost 30 years. The objective of such orders is to provide victims of domestic violence with protection from *future* violence, as well as from intimidation and stalking by facilitating access to civil law remedies. Removing perpetrators from the home via exclusion provisions or ouster orders has been possible for some time. However, police and courts have shown a "deep reluctance over the years to remove a man from his home" (McFerran cited in Murray, 2008, p. 69).

A considerable barrier facing many women is that they are not aware of their legal rights and service responses when living with a violent partner. Research by Lynch and Laing (2013) highlighted that some migrant and refugee women living in Australia were unaware of Apprehended Violence Orders (AVO) as an option for protection. They may also fear police contact as the perpetrator has led them to believe that they will be "deported and/or have their children removed" for seeking help (Tually et al., 2008, p. 27; see also Pease & Rees, 2008). Women with disabilities also experience language, communication and isolation barriers which can prevent them from speaking about their experience and seeking help, potentially resulting in them enduring long and severe periods of male partner violence. This is further complicated where the partner is also a key carer for the woman. In both these situations, male partners hold positions of greater power over the women that can be exploited to abuse them (Women with Disabilities Australia (WWDA), 2007; Dowse et al., 2013).

Aboriginal women can also be reluctant to apply for AVOs or make contact with the police due to concerns about further criminalisation of their partner (Cripps & Adams, 2010). In the case of Australian remote areas, it is also unlikely that AVOs can offer practical protection to Aboriginal women. Victims of domestic violence who have been sponsored as a partner can have difficulties accessing legal assistance and police protection because prejudicial attitudes can lead to the assumption that the reports of violence are fabricated for the purpose of trying to gain Australian residency (Pittaway,

2005). In summary, the accessibility of the service system is not consistently able to respond to the diversity of women seeking assistance that may be exacerbated by the discretionary behaviour of generalist workers who may make assumptions about the woman and her "credibility" as a victim.

As noted previously, the Crimes Acts of various jurisdictions are also important as they pertain to the breaches of protection orders and the consequences that follow if perpetrators are charged and convicted of a breach. Child protection legislation and the Crimes Acts as they pertain to domestic and family violence as child abuse are used less often within the "safe at home" approaches. Some child protection legislation, however, does allow for an intervention order to be taken out by statutory authorities on behalf of the children as safety measure due to their father's violence – see Appendix B, Table two.

The *Family Law Act 1975 (Cth)* can also impact on "safe at home" responses. Particular issues of relevance include:

- property settlements;
- injunctions that can function similarly to protection orders for the following:
 - preventing contact and prohibiting the entrance to properties;
 - recovery orders where children are required to be returned to a parent or other authority as appropriate; and
 - residency and contact arrangements whereby children may have some form of continuing court agreed contact with their fathers which can in some cases compromise safety.

The literature confirms that women may have multiple needs after leaving a violent relationship (Breckenridge et al., 2013). Certain circumstances such as ongoing perpetrator harassment and family court proceedings may require longer-term support varying in intensity depending on the particular crisis and ongoing incidents faced by women at any particular point in time (McFerran, 2007). Family Court remains a problematic experience for many women particularly as contact arrangements frequently provide perpetrators opportunities to exercise ongoing coercive control of their partners (Laing, 2008) and women have no choice but to engage. "Safe at home" responses that include longer-term outreach can support women through post-separation periods involving the continuing likelihood of their ex-partners' violence and lengthy family court proceedings.

This summary indicates how various areas of legislation can directly impact on a woman's right to remain safely in her home

both immediately following the exclusion of the perpetrator and in the longer term. The importance of these laws and their protection of victims' rights is critical to the sustainability of "safe at home" approaches and will be further explored in the meta-evaluation during Phase two of this project.

Protection orders and the court response

"Safe at home" and court assistance workers both support women to apply through the courts for Apprehended Domestic Violence Orders (ADVO) and Exclusion Orders requiring the perpetrator to leave the family home (Edwards, 2011). While not exclusively the case, the use of exclusion orders or ouster provisions have characterised "safe at home" approaches. "Safe at home" program workers also liaise closely with the police regarding the enforcement of the ADVO where ongoing perpetrator harassment breaches the order and undermines client safety. Research by Baker et al. (2003) found that when police officers responded positively to DFV crisis calls, the chance of women reporting homelessness at a later point was reduced by 30 percent.

The courts' reluctance to issue exclusion orders and the reality of ongoing perpetrator harassment and violence has meant that some women have chosen to move to another home – although still one of their choice. The conceptual shift to "a home of their choice" marks a greater recognition that 'stay at home' programs allow women to remain housed without having to enter specialist homelessness services at the time of leaving or in the longer term (Breckenridge et al., 2014). However, this option is almost always dependent upon the successful intervention of police and the judiciary granting either an interim or permanent exclusion order as part of protection orders, as well as consistent and comprehensive responses to reported breaches of such orders. In research examining women's experiences of exclusion orders, Edwards (2004) found that while such orders are able to strengthen the conditions of an ADVO and provide a woman and her children with protection from further violence, a "court's response to requests for exclusion orders often focus on the property rights and accommodation needs of defendants" (Edwards, 2004, p.2).

Humphreys (2015, p. 2) provides a summary of research findings reporting on the responses of 138 women using domestic violence specialist services:

- Intervention orders were viewed by women as important and more valued if breaches were followed-up by police and held up in court.

- Positive reports from women were reported when Police do follow-up on a breach (e.g. phoning or visiting abuser). Of particular importance, women reported a positive impact in reducing the severity and frequency of breaching.

While Humphreys' research is not focused solely on "safe at home" clients, it further demonstrates the importance of legal remedies and services in contributing to the ongoing safety of women after separation from the perpetrator.

Planning for safety and assessing risk

Prior to any interactions with criminal justice systems and personnel, "safe at home" workers are involved in enabling women to make an informed decision in the first instance about whether they should remain in their home by assisting them through a risk assessment and safety planning process. DV workers routinely provide ongoing safety/risk assessment, as well as providing an important interface with various criminal justice personnel to further protect women from post-separation violence and harassment (Laing 2013; McFerran 2007; Murray 2008). There has been considerable research and government investment into developing risk-assessment tools to identify the current and ongoing risks faced by women experiencing domestic and family violence (Campbell, 2005; Irwin & Waugh, 2001). There have been tentative suggestions of useful implementation (Spangaro et al., 2009) alongside concerns that that they may not always be routinely implemented (Breckenridge & James, 2010).

Prior to the Phase two meta-evaluation for this project, it remains unclear the extent to which "safe at home" workers assess risk, whether they undertake ongoing risk assessments of clients and whether risk assessment tools are used as part of this process. Kropp (2004) suggests that risk assessment is used to map patterns of abuse and can involve tools which systematically assess the likelihood that violence may be repeated or even escalate. Risk assessment is often undertaken from the perspective of the perpetrator and the victim (Braaf & Sneddon, 2007) and should inform or allow for the ongoing revision of safety planning (Breckenridge & James, 2010). The extent to which DV workers use formal risk assessment tools is unknown to date, but literature suggests that they may be more likely to predict escalating violence than clinical judgement alone (Gondolf, 2002, cited in Laing 2004b, p. 10). Regardless of how risk is assessed, there is consensus about the need for the risk assessment to be dynamic and ongoing as risk is not static and can alter with changed circumstances for the perpetrator (Day et al. 2009).

Assessing perpetrator risk

To best maintain the safety of women and children, "safe at home" programs cannot operate in isolation as there is a reliance on having knowledge about the risk posed by the perpetrator. It is only through partnership working with other relevant agencies dealing with the perpetrator that this can be achieved. For example, "safe at home" workers need to be aware of whether there is a civil order in place for the perpetrator and whether it has been served and what information police, courts and other agencies have about the risk the perpetrator poses. A number of jurisdictions have implemented common risk assessment frameworks to be used by all workers across agencies to work towards a consistent approach to identifying and managing risk. Where this exists, such information needs to be shared with "safe at home" programs to inform safety planning.

Underpinning contemporary jurisdictional policies and approaches is the importance of perpetrators being held accountable for their actions. An example of this may be when perpetrators are arrested, charged and later convicted of offences related to violence against their partner or former partner. In relation to the application of civil law orders such as protection orders or ouster orders, it can be argued that they impose consequences for perpetrators where victims are seeking protection from them through court orders. However, they are not necessarily accountable for their actions because if they do not breach the order or are not convicted of breaching the order. Then upon its expiry, they have not been held accountable as such; rather they have complied with the order. Compliance with civil law orders by perpetrators is critical to women and children being able to remain safely in their homes. It would be expected that where there are consistent levels of monitoring and responding to breaches, there is likely to be more success with "safe at home" approaches. However, to date this does not appear to have been empirically tested.

Where men are identified as being at high risk for further violence, it would indicate that a woman is likely to be less safe in her own home and is more likely to be safer in a secure refuge. In these instances, risk assessments should also include the victims' perspectives. Women's assessments of their risk have been found to be consistent with actuarial and professional judgment measures of their risk (Kropp, 2008). Where a perpetrator may be entering an intervention program it is also important that the "safe at home" lead agency work in partnership with the agencies and workers dealing with the perpetrator to gain the best possible information about

his risk and dynamics impacting the risk perpetrator (Day et al., 2009). Information is often partial when assessing risk so safety planning including information from both women clients and male perpetrators can offer the most comprehensive overview for "safe at home" workers to determine how safe a woman is in her home, and this in turn contributes directly to safety planning.

Emerging "safe at home" strategy: safety alarms

There is very limited evidence available, either peer-reviewed or grey literature, on the use of safety alarms for victims of domestic violence. However, the research available does support the view that safety alarms contribute to an increased sense of safety for DFV victims, which aligns with a key goal of "safe at home" programs (Breckenridge et al., 2014). There is also tentative evidence that safety alarms may be associated with outcomes that align with other key goals including: an increased likelihood of victims remaining in their own home or a home of their choice (rather than in refuge-type accommodation); reduction of repeat abuse of victims; improvement of partnerships with key stakeholders; and, greater cost-effectiveness.

According to Spinney, research in Victoria revealed that "approximately a quarter of BSafe female clients had reason to use their alarm when a breach occurred. Clients reported to BSafe several advantages to using the push button alarm rather than simply phoning 000" (Spinney, 2012a, p. 50). Spinney summarises these advantages as:

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

spoke to the perpetrator to inform him that he was being recorded in an attempt to moderate his extreme behaviour." (Spinney, 2012a, p. 50)

There are a number of safety alarm schemes operating in Australia and internationally for women experiencing domestic violence. Safety devices are (or were) provided under schemes in:

- Victoria – SafeTCard (note: SafeTCard is in the pilot phase only and has not as yet been reviewed or evaluated); and Bsafe which is no longer operating (Taylor & Mackay, 2011).
- New South Wales (NSW) – Staying Home Leaving Violence (SHLV) SOS Response System (Breckenridge et al., 2014).
- Queensland – SafeTCard (note: SafeTCard is in the pilot phase only at the Domestic Violence Prevention Centre, Gold Coast and has not as yet been reviewed or evaluated).
- United States and Holland – ADT Corporation's Abused Women's Active Response Emergency (AWARE) system (Römken, 2006).
- Canada – ADT Corporation's Domestic Violence Emergency Response System (DVERS) which is similar to the AWARE system).
- UK, Spain, Hungary, Italy, Portugal – TecSOS (Fildes, 2011; Walker, 2001).
- Argentina – panic button, exact scheme name unknown (Paterson & Clamp, 2014).

There are significant differences in the implementation of the various schemes, both in terms of the technology used and the procedures governing operation and eligibility. Moreover, the purposes of safety alarm schemes vary across jurisdictions. While the main goal of the NSW SHLV SOS alarm is to provide support and protection to victims of domestic violence who are at high risk of harm so that they may remain in their own home or a home of their choice (Breckenridge et al., 2014), the schemes in other jurisdictions encompass other explicit aims. These include enforcing compliance with, or deterring breaches of, restraining orders – for example, the former BSafe scheme (Nicholson, 2012, p. 16) and the Argentinian scheme (Paterson & Clamp, 2014); increasing detection of and accountability for perpetrators of domestic violence such as the former BSafe scheme (Taylor & Mackay 2011); and facilitating the apprehension of perpetrators including the ADT AWARE schemes in the USA and Holland (Römken, 2006).

Arguably, the purpose of a safety alarm scheme will affect the scheme's operation. For example, where the aim is to apprehend or arrest the perpetrator, the scheme is more likely to have legalistic structures and eligibility criteria in place such as the Dutch scheme (see Römken, 2006). In contrast, where the primary goal of the scheme is to provide protection and support for DFV victims so they can remain in their home, and apprehension of the offender is not an explicit goal, then fewer legalistic criteria apply and the scheme is more likely to be built into a safety audit (for example, the NSW SHLV scheme).

While safety alarms can be used by any woman who has left a violent relationship, there is little doubt that they provide an important additional safety strategy for women who are wishing to stay in their own accommodation and who are subjected to ongoing violence and harassment from the perpetrator. In these instances, women have been forced back into refuge and other supported accommodation options or, as has been discussed previously in this paper, forced to return to the perpetrator to avoid further violence and potential lethality.

Integrated response

The Beijing Declaration and Platform for Action arising from the United Nations Fourth World Conference on Women identified violence against women as an area of critical concern. Moreover, the first strategic objective to address this concern requires governments globally to: *take integrated measures to prevent and eliminate violence against women* (United Nations, 1995, p. 51). This strategic objective acted as a catalyst for the previous slow growth in integrated responses to domestic violence (Coy et al., 2008). Henceforth, increased government emphasis on "joined-up solutions to joined-up problems" (Potito et al., 2009, p. 375) has had a significant influence on Australian policy development related to violence against women.

As part of its strategy to reduce violence against women and children in Australia, the National Council to Reduce Violence Against Women (NCRVAWC) "highlighted the need for Commonwealth, State and Territory governments to implement more specialised and integrated responses to domestic violence to tackle its complex nature effectively" (Meyer, 2014, p. 2). "Safe at home" programs and initiatives are an example of the type of integrated response referred to in the National Plan (2013).

The opportunity to pilot "safe at home" initiatives became possible because domestic violence policy and practice responses became increasingly multi-sectoral and integrated in their approach to the issue. Specifically coordinated and partnership approaches can involve organisations such as women's domestic violence services, police, courts, men's programs, child protection and other services in order to promote the safety of women and children. Strategies implemented as part of a coordinated approach include information sharing and limited confidentiality, case conferencing and case management. Therefore, if agencies were able to work together supported by legislation and policy directives that prioritised victim safety, it was then possible to move beyond victims having no choice but to flee the family home to leave the violence.

"Safe at home" programs remain premised on the importance of local partnerships where government and non-government services coordinate efforts to ensure the most effective outcomes for clients (Gregory et al., 2010). The focus on developing effective local partnerships aims to achieve more systematic referrals and better integrated systems of response and service delivery to ensure the safety of victims, while holding perpetrators of violence accountable (NSW

Government, 2014). Spinney and Blandy's (2011) research examining "safe at home" approaches in Australia indicates a key underpinning as being that they are nested within a local coordinated response to domestic violence. Healey et al. (2013, p. 2) note that such "partnerships can range from those with loose networks of interagency update meetings, through streamlined referral systems to more tightly woven, single integrated systems across a range of sub-unit services." They also contain a number of components which, as an entirety, provide a service that supports women to remain in their home or relocate to a home at her time of choosing. For example, security upgrades on their own do not constitute a "safe at home" program – they are simply one strategy employed.

While for practical reasons, many "safe at home" programs do not require women to have a restraining order in place before they can receive "safe at home" responses, such programs rely on having a strong and confident relationship with the police and courts to enable protection to be put in place. This may include specific Memorandums of Understanding between the "safe at home" program and the local police force (as was the case in Western Australia), or it may be that "safe at home" is part of an existing wider local integrated domestic violence response. "Safe at home" programs have been introduced in some jurisdictions by justice departments, and by human services or housing in other jurisdictions. Regardless of the lead department at the level of operation in the community, the "safe at home" program requires integration with other services to ensure that women's multiple needs are met. In this respect, multi-component "safe at home" programs are an additional "string to the bow" of the local DV coordinated response. In contrast, if a program was to support women to remain in their homes only via outreach and/or security upgrades and did not partner with or was not connected to the local police, courts and other domestic violence responses, it might be considered to be placing women – and even workers – at risk (Spinney & Blandy, 2011). Indeed, they are likely to risk being "unsafe at home" responses.

Research on "safe at home" type programs across England, Wales and Australia found that partnerships between agencies were a necessity. Police and justice agencies working with housing and other support services optimised the approach (Spinney & Blandy, 2011). Spinney (2012a) argues an understanding of domestic violence dynamics, risks and a consistent response are critical to having an impact. Therefore, while a woman may be able to take up the option, the risk levels can change, so programs need to include the dynamic monitoring of the perpetrator's risk to assess victims'

ongoing safety and necessary protections. As Spinney (2012a) suggests, this further underlines the purpose of effective inter-agency partnerships. Community education – including social marketing which brings about a shift in attitude about women's right to remain – also assists to expand support for such programs (Spinney 2012a).

Homelessness prevention

"Safe at home" programs and strategies are a response to homelessness recognising that a significant barrier for women trying to escape a violent partner is that they have nowhere suitable to go, and when women do escape they are often faced with homelessness and transience (Spinney, 2012a). Although refuges continue to offer a range of support services, most requests from women for accommodation from these services are unable to be met (AIHW, 2014; Baker et al., 2010). Moreover, it is difficult for women to access affordable and appropriate housing when trying to exit the emergency accommodation offered by refuges (Spinney 2012b; Breckenridge et al., 2013).

Domestic and family violence "remains a leading reason for homelessness among women and children in Australia" (COAG, 2011, p.12). In 2013-14, 84,774 adults and children (33 percent of all clients) identified family or domestic violence as their main reason for seeking Specialist Homelessness Services (SHS) assistance (AIHW, 2014). This represents a nine percent increase on the previous year. SHS which include refuges and other forms of crisis accommodation were able to offer support to only 44 percent of those who had sought assistance (AIHW, 2014). Researchers argue that these figures are most likely an underestimate as definitions of homelessness do not adequately encompass women experiencing what is now termed "housed homelessness" (Nunan & Johns, 1996, p. 27) because their home is unsafe (Chung et al., 2000; Tually et al., 2008). The structural basis to women's homelessness via domestic violence has been identified by a number of analysts arguing that "most women using homelessness services designed for DFV victims in Australia do have a home, they just cannot live in it because of violence" (Nunan, 1995; cited in Spinney & Blandy, 2011, p. 12; see also: Murray, 2008; Nunan, 2009).

Because experiencing DFV is a leading cause of homelessness in Australia, "safe at home" programs have the potential to become an important strategy by which the numbers of people becoming homeless can be reduced, as they offer a way in which many women and children can be

prevented from losing their homes. As the domestic violence perpetrator will know where the women and children are living, there is always the potential for concern for their ongoing safety (Desmond, 2011) and safety issues must always be considered alongside the advantages of preventing women and children from becoming homeless. Ongoing risk assessments in reaction to changing circumstances, such as perpetrators being released from prison, are an important way in which women can be kept safe.

The prevention of homelessness can be defined in two ways that are relevant when considering the value of "safe at home" schemes as homelessness prevention strategies: measures that prevent people who are at risk of becoming homeless from actually becoming homeless (Gronda, 2009); and measures that allow people to leave their home in a safe and planned way (Pawson et al., 2006). Both of these can alleviate much of the damage done to women and children who are forced to leave their homes in order to escape violence. The Commonwealth Government's Australian White Paper *"The road home: a national approach to reducing homelessness"* identified that programs designed to enable women and children to remain in their homes with the perpetrator removed should be expanded (Commonwealth of Australia, 2008). The White Paper recognised the inequity that women and children are the ones who normally have to leave in order to escape. It set a target (which was not met) that by 2013 the number of women and children who would be able to remain in safe and secure housing after experiencing domestic and family violence would be increased by 20 percent.

As the earlier section on integrated responses shows, this form of "effective homelessness prevention for women and children who have experienced" DFV combines the "legal/judicial, housing and welfare policy and practices in the integrated manner" of "safe at home" schemes (Spinney, 2012a, p. 2; see also: Spinney & Blandy, 2011).

The emergent literature suggests that a number of key factors affect housing options available to women who separate from a violent partner, for example:

- insufficient refuge accommodation to respond to the number of women and children requiring crisis accommodation post separation from the violent partner;
 - a severe general shortage of available and affordable housing, including a shortage of social housing and affordable rental accommodation in Australia;
 - the shortage of long-term affordable housing
- prevents women making the transition from temporary accommodation in homelessness services to permanent housing;
 - poverty, often resulting from the abusive relationship itself, is also a significant obstacle to remaining in the home and to sustaining this housing; and,
 - certain groups of women such as Indigenous, culturally and linguistically diverse and refugee women, women with disabilities, and women from rural and remote areas may be additionally disadvantaged with reduced access to refuge accommodation and other housing options meeting their specific needs (Spinney & Blandy, 2011; Spinney, 2012a).

There is currently a severe and growing shortage of available and affordable housing in Australia (National Housing Supply Council, 2010). Stone and Reynolds (2012) suggest that housing-related disadvantage in Australia affects a broad range of households across the housing system and that the gap between supply and demand has put pressure on house and rent prices, causing problems in both housing affordability and supply for low-income households. Of significance is a decline in public housing availability, despite recent government investment in social and subsidised housing through the Social Housing Initiative, Nation Building and Jobs Plan, and the National Rental Affordability Scheme (National Housing Supply Council, 2010). This situation has led to lengthy waitlists for access to social housing, depending on the specific geographic area and dwelling type (Burke, 2002; Champion et al., 2009).

While "there is no one pathway" into homelessness for the victims of domestic violence (Tually et al., 2008, p. 8), the literature indicates that it is possible to identify a number of income and housing-related 'contexts of risk' which contribute to homelessness, in addition to specific risk factors primarily associated with gender and economic inequality (Chung et al., 2000). Research indicates that alongside availability, housing affordability is a major issue for women who separate from violent partners (Chung et al., 2000; Tually et al., 2008). Women may experience ongoing manifestations of domestic violence, such as financial abuse and the withholding of financial support, or the refusal to allow women to attend work or earn money, results in their having extremely limited access to money after separation (Braaf & Barrett-Meyering, 2011). Women may face the costs of relocation and finding new accommodation, the replacement of furniture and other items in the home, and for those who work from home, the

loss of workplace (Braaf & Barrett-Meyering, 2011).

In some cases, women are simply not able to remain in the family home because of economic abuse during the relationship and financial insecurity after leaving their violent partner which means they cannot afford mortgage repayments or rent as a single person. It is increasingly difficult in Australia for single-income families to be able to afford suitable accommodation. "Safe at home" programs and associated strategies provide an important additional option, supporting victims of violence to remain in the family home or a home of their choice while the perpetrator is excluded.

Chung et al. (2000, p. 47) found that factors increasing the likelihood of a woman and her children continuing to live in or return to a violent situation included being unable to access refuge accommodation and having to remain in the refuge when she was ready to leave, because she could not obtain permanent housing. In addition, many women move through a series of unsatisfactory housing options including caravan parks and motels. In some instances, these unsuitable options are offered by the agencies providing women with assistance. While providing temporary respite, this system in itself does nothing to prevent long-term homelessness. Indeed, by its very nature it is not designed to do so.

The overarching Australian research about "safe at home" programs has been conducted by Dr Angela Spinney. There were two studies, one funded by AHURI (Spinney & Blandy, 2011; Spinney 2012a), and a companion study (Spinney, 2012b) funded by the Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) through the National Homelessness Research Partnership Agreement. The second project came about because members of the advisory committee for the AHURI study had further research questions particularly concerning ways to reduce repeat use by women and children for repeat use of refuges and other forms of crisis accommodation. The research responded to the challenges outlined in the White Paper *"The road home: a national approach to reducing homelessness"* (Commonwealth of Australia, 2008) about how homelessness attributed to DFV can be reduced in Australia.

Key findings from the AHURI project

The international and Australian research undertaken by Spinney (2012a; 2012b) found the following (note that the below is taken directly from Spinney's 2012a report, pp. 2-3):

The most effective homelessness prevention measures for

women and children who have experienced domestic and family violence often **combine legal/judicial, housing and welfare policy and practices** in an integrated manner in order to improve their safety. These can be summarised as follows:

- Legal issues related to removing the violent perpetrator from the home and thereby enabling the woman and children to stay.
- Housing issues, e.g. alarm systems, secure doors, and security lighting designed to stop the perpetrator returning.
- Welfare issues, e.g. confidence building and risk assessment.

Legislation, legal and judicial practices, practical and emotional support services, affordability issues, and integrated DFV programs can all influence women's decisions to remain in their home following the removal of a violent partner, their confidence in their ability to do so safely, and their actual safety.

Integrative approaches such as "safe at home" type schemes have an important role to play in preventing homelessness for women and children who have experienced domestic and family violence, and this is true for women living in very different situations in very different areas of Australia, including those previously thought not to be suitable. The schemes can work well even in regional non-metropolitan areas and for women living in all three tenures; owner occupation, private rental and social housing. Specifically:

- Australia should move to the provision of homelessness prevention schemes that are as extensive as the current provision of refuge and crisis accommodation.
- Schemes ideally should use non-restrictive eligibility practices, should include an element of social marketing, and should provide both practical and emotional support for clients.

Sanctuary and "safe at home" schemes have the potential to reduce repeat victimisation of DFV, both by helping women to consider that they have options other than to return to a relationship with their violent ex-partner, and by deterring him from returning to harm her (Spinney, 2012a, pp. 60-61). In addition:

- Children are less disrupted and the damage done to them by experiencing domestic and family violence is made worse by having to lose their home which could have long-term consequences for their wellbeing (Spinney, 2012a, p. 61).
- Legislation, injunctions, orders and breaches, the role of the courts and police, and legal support can work to

make homelessness prevention schemes less or more effective (Spinney, 2013, p.11).

- For schemes to be successful, considerable importance must be attached to the provision of long-term welfare and support (as well as physical security) for women and children who have experienced DFV and who seek to remain in their home following the exclusion of their perpetrator (Spinney, 2013, p.11).
- No specific research has been conducted on whether women who choose to remain in their home with the perpetrator removed are in greater or lesser danger than those who leave their home (Spinney, 2012a).

Several policy and practice challenges to "safe at home" schemes are now becoming part of mainstream service provision in Australia. These include:

- The need for legislative development and policy change to promote normalisation of the discourse that women who experience the crime of DFV should not become homeless as a result.
- Women and children need to be able to afford to remain in the family home. Homeless families cost Australia a great deal of money; preventing their homelessness by subsidising them to remain in their home may be cost effective as well as equitable.
- Risk assessments are an important part of the process and need to be professionally conducted.
- Women and children need to feel safe as well as be safe. Women may need support in order to feel emotionally confident to remain, as well as practical and legal support to increase their physical safety.
- Perpetrators need to have somewhere to live or they will be more likely to try to return to the family home (Spinney 2012a; 2012b).

The companion study found there were three types of effective intervention in relation to how these programs could prevent homelessness:

- Community interventions – such as those that aim to alter societal attitudes to domestic violence or men's willingness to seek help for their controlling behaviours.
- Household and family interventions – such as aiming to reduce poverty or enable women to remain in their home with the perpetrator removed.
- Individual interventions – such as building women's self-confidence or financial capability (Spinney, 2012b).

Indigenous women, family violence and homelessness

A number of researchers argue that the Indigenous experiences of both DFV and homelessness need to be considered differently from that of white mainstream interpretations. The "causes of family violence in Indigenous communities are now increasingly accepted as stemming in part from the history and impact" of colonisation (Spinney & Blandy, 2011, p. 20; see also Spinney, 2012). Ongoing trauma from the displacement of Indigenous people from their traditional lands and kinship groups, the removal of children from their families and the ongoing negative relationship between Indigenous people and the criminal justice system all contribute to heightened levels of interpersonal violence, an under-reporting of such violence and an over-representation of Indigenous people in prison populations. While legal definitions of domestic violence can and do vary and preferences are apparent within the literature for various terms to describe violence between partners (for example, battering, spousal assault, intimate partner violence), the differences between these and Indigenous conceptualisations of domestic violence are not merely semantic. In an Indigenous community context, the term family violence is often preferred as it acknowledges the wider range of possible relationships including families, extended families and kinship networks in which violence can occur (Victorian Government, 2004). Cripps and Adams (2010) suggest that the unique and complex relationship between Indigenous people and the criminal justice system means that Aboriginal and Torres Strait Islander women are less likely to report domestic and family violence in order to protect the extended family from intrusion, or to avoid adversely affecting their community.

The literature also universally acknowledges that Indigenous people are one of the most vulnerable groups of homeless people. Indigenous Australians are over-represented in every category of homelessness. For example, in New South Wales (NSW), over seven percent of homeless people are Aboriginal or Torres Strait Islanders, while representing only 2.2 percent of the general NSW population (New South Wales. FACS, 2012). It is also commonly agreed that many Indigenous people live in housing that does not meet their needs. Indigenous Australians are six times more likely to live in overcrowded conditions than non-Indigenous Australians (Aboriginal Affairs Victoria, 2008). This same report refers to overcrowding as one of the biggest causes of "hidden homelessness" among Indigenous Australian communities,

potentially contributing to ill-health and family violence. Given that Indigenous Australian women may be up to 35 times more likely than non-Indigenous women to experience domestic and family violence (Australia. Department of Social Services, 2014), a growing number of researchers suggest that for intervention schemes including homelessness programs to be effective, they have to be culturally and community appropriate and involve Indigenous people in their design and implementation (Cripps & Adams, 2010; Weeks & Oberin, 2004).

For Indigenous women separating from a violent relationship, the following considerations are important:

- Separation from a violent perpetrator may mean leaving a community and traditional lands, leaving the women marginalised from all sources of support (Spinney, 2012).
- Indigenous women may use Specialist Homelessness Services such as refuges as a short-term strategy. Where they are able to predict potential times of disruption, such as funerals or other difficult life events, women may seek refuge accommodation as a temporary measure (Breckenridge et al., 2013).
- Indigenous women have identified the potential usefulness of culturally appropriate funded 'safe houses' run by the community, located in the community to maintain existing sources of support and break the cycle of violence (The Safe House Project, 2004).
- Strong formal relationships between Indigenous service providers, government departments and community agencies for the provision of services and ongoing support are needed (National Council to Reduce Violence Against Women and their Children [NCRVAWC]).

The meta-evaluation in Phase two of this project will pay particular attention to the implementation of "safe at home" programs and initiatives for Indigenous women and children.

Women's economic security

One of the challenges in supporting women to remain in the home is often the increased cost of the housing for which she tends to become solely responsible. This is compounded when women have also been subjected to various forms of economic abuse and exploitation from the perpetrator. In these situations a critical role for "safe at home" programs emerges, to promote women's economic security better enabling women to remain in housing over the longer term. Indeed, it could be argued that all domestic violence services should play a role in promoting women's economic security given the financial toll of domestic violence (Postmus et al., 2013).

The experience of domestic violence can contribute to "poverty, financial risk and financial insecurity for women, sometimes long after the relationship has ended" (Braaf & Barrett-Meyering, 2011, p.5). While the research to date does not differentiate women who leave or those who remain in the home, violent partners have been shown to have negative effects on victims' finances, regardless (Braaf & Barrett-Meyering, 2011; Branigan, 2007; Evans, 2007). Costs are likely to be compounded by the loss of the partner's financial contribution to household income. They may also be accompanied by a failure of financial institutions, landlords, utilities and others to take account of women's changed situation after separation (Braaf & Barrett-Meyering, 2011; Chung et al., 2000). Domestic violence puts women at an even greater disadvantage after separation, with women who report experiencing severe abuse being three times as likely (as women who report no abuse) to receive less than a 40 percent share of the assets in property settlement (Parkinson et al., 2010, p. 931).

Women are more likely than men to experience substantial financial hardship after divorce/separation due to a number of factors, including their disadvantaged position in the labour market compared to that of men, and that women often retain custody and the primary care of children (Beer et al., 2006; Smyth & Weston, 2000). In particular, women who have a more tenuous attachment to the workforce – including those who are not working full time, have casual employment, are older, sole parents, self-employed or not employed – are at greater risk of insecure housing, which in turn makes entering the workforce and maintaining employment very difficult (McFerran, 2010). Clearly issues relating to economic security and the potential to fall into poverty and remain poor are core challenges for women leaving a violent relationship at the time of separation, and in its aftermath.

In addition to being a consequence of domestic and family violence, economic insecurity can also be a *form* of violence in itself (Corrie & McGuire, 2013). Economic abuse is a recognised tactic used by perpetrators to reduce their partner's independence, confidence and capacity to engage in activities outside of the relationship. Corrie and McGuire (2013) argue that even though the prevalence of economic abuse is not known in Australia, they propose a conservative estimate of 1.86 million women have been victims of economic abuse in their lifetimes.

Women may continue to experience economic hardship related to DFV for many years post separation (Braaf & Barrett-Meyering, 2011; Chung et al., 2000; McFerran, 2010; Tually et al., 2008). Cycles of homelessness and abuse-related barriers to employment, can impact women's ability to save and build assets. The cost of raising children for sole mothers, particularly where perpetrators fail to pay some or any of their child support obligation, or women fear further violence if they pursue such payments, can also burden women's long-term financial outcomes. The lack of ongoing income because of these issues may directly affect a woman's capacity to continue making mortgage or rental payments or secure safer medium- and longer-term housing options. This latter issue underscores the importance of safe at home programs directly responding to women's economic insecurity by supporting women to maintain employment or re-enter the workforce, seek educational opportunities or refer women for financial counselling.

A large scale North American study of women domestic violence survivors and economic security indicated many women had commonly experienced economic abuse during and after the relationship with the perpetrator (Postmus et al., 2011). Subsequently, the researchers evaluated the impact of interventions for survivors on financial literacy and economic empowerment. The research indicates women had improved their financial status and financial literacy in various ways following the program and that they still referred back to information in the program to assist them (Postmus et al., 2013). Notable within the study were reports by women of increasing confidence in managing their finances. Importantly, the authors state that "while financial literacy programs targeting women and low-income populations have also been found to be successful, all such programs should incorporate information that is specifically targeted to the unique and complex safety

concerns faced by domestic violence survivors" (Postmus et al., 2010, p.7). They also argue that most domestic violence workers working with survivors should be skilled to offer women economic self-sufficiency and economic empowerment programs as many are confronted with poverty and lower standards of living due to financial abuse.

While it could be argued that economic security and economic self-sufficiency are not the core purpose of "safe at home" programs, in order for women to remain in their own homes – either the family home or a home they have since moved into – they will be less likely to retain their housing without a level of sustainable economic security.

Program mapping: international

UK: Sanctuary Schemes

In England, Sanctuary Schemes are now considered mainstream homelessness prevention measures and have caused a marked reduction in homelessness attributed to domestic and family violence there. The information in this section is summarised from Spinney (Spinney, 2012a, pp. 55-60). Sanctuary Schemes are initiatives developed in the United Kingdom “designed to enable victims of domestic violence to remain in their own accommodation, where it is their choice and where the perpetrator does not live in the accommodation” (United Kingdom Department for Communities and Local Government, 2006, p.6). The Sanctuary model was conceived in 1998 by the Crime Reduction Unit (CRU) at Harrow Police Station. The Department of Communities and Local Government (CLG) non-statutory guidance document, *Options for Setting up a Sanctuary Scheme*, describes Sanctuary Schemes as offering people the prospect of staying safely in their own home by substantially enhancing their security and safety from direct or indirect attack (Jones et al., 2010a, p.26). Safety is enhanced through the provision of upgrades to security following a risk assessment process. The reasons for developing Sanctuary Schemes were similar to the later “safe at home” Australian schemes: homelessness prevention, relieving pressure on housing and homelessness services, cost saving, providing more choice, and meeting the needs and preferences of households fleeing violence.

Sanctuary Schemes operate on a national basis in England and were promoted by central government. In 2006, specialist domestic violence advisors were seconded to work with the Department of Community and Local Government for a year in order to help local councils to develop their own Sanctuary Schemes. This mode of promotion was effective (Spinney, 2012a, p. 56) and Sanctuary Schemes are now available in most areas. Although central government did not provide local councils with any direct Sanctuary Scheme funding, it did provide funding for homelessness prevention measures generally which were frequently used to set up Sanctuary Schemes. Police forces, the National Health Service, registered social landlords (community housing associations) and local councils have also set up their own charities to establish and run the schemes.

The findings of Spinney’s 2012(a) research regarding Sanctuary Schemes were:

- The implementation and promotion of Sanctuary Schemes through specialist advisors working on the ground with agencies had a positive impact on increasing the number of schemes in operation in a relatively short time span.
- Agencies such as fire brigades, the police and social housing providers can co-fund schemes, in order to lessen their workload caused by domestic violence.
- Good practice guidance is imperative - see *Sanctuary Schemes for Households at Risk of Domestic Violence: Practice Guide for Agencies Developing and Delivering Sanctuary Schemes* (Jones et al., 2010b).
- Schemes should not insist that an injunction is in place before assisting clients. They should be open to all, especially as there are individual and structural reasons why some women cannot gain an injunction and because women and children can still be enabled to remain in their homes safely.
- Sanctuary Schemes are not an immediate response. It can typically take six to eight weeks to have the perpetrator removed, conduct risk assessments and security upgrading, and get emotional support packages in place for women choosing to remain in the home. Women and children may need to leave their home temporarily during this time.

The schemes have proven to be popular once they are available to women. Some Sanctuary Schemes in England are now taking on 300 new cases a month and this involves providing a risk assessment, security upgrade, and ongoing support for each one. Most women’s advocacy groups in England now support Sanctuary Schemes, despite some initial reluctance, because it became clear that they are popular with female clients (Spinney, 2012a).

Two evaluations have been conducted in England on Sanctuary Schemes (Quilgars and Pleace, 2010; Jones et al., 2010b), both of which have been overwhelmingly positive, although Jones et al. (2010b) expressed concern that few such schemes made regular checks on the progress of

service users or the safety of the Sanctuary. The evaluation provides both qualitative data and also a small amount of quantitative data. Most agency respondents and service users felt that Sanctuaries were successful in meeting their main aim of providing a safe alternative for households, though few were able to provide data beyond immediate safety outcomes, so it is not known how long service users remained in their homes after the Sanctuary was installed (Jones et al., 2010b). Two Sanctuary Schemes were able to provide recent information on outcomes showing that the majority of households had remained in their homes (Jones et al., 2010b, pp. 88-89). Feedback from service providers in the UK was that clients in the main prefer not to have panic rooms installed and instead prefer less obtrusive security approaches such as motion sensitive lighting and removal of trees and bushes near windows (Spinney, 2012a, p. 56).

To this point, the evaluation has found that there were benefits, not only to the individual families who were protected and who maintained their housing, but also in cost-effectiveness – “respondents in all areas reported similar outcomes and, for the most part, service users reported positive experiences” (Jones et al., 2010b, p. 8). Benefits reported by agency representatives included: cost savings; reduced homelessness caused by domestic violence; and reduced repeat incidences of domestic violence. A cost-benefit analysis suggests that Sanctuaries can be cost effective for governments and generate significant financial savings, in particular as a result of reduced numbers of domestic violence incidents and the prevention of domestic violence-related homelessness (Jones et al., 2010b).

UK: Bradford Staying Put Program

An evaluation of the "Bradford Staying Put" program, a crime reduction program funded by the UK Home Office, found that DFV victims who received upgraded home security and panic alarms (monitored by Care-line and Police) experienced a reduction of 78 percent in repeat incidents of abuse. This was a greater reduction in repeat abuse than that experienced by DFV victims who received a mobile phone only, or a home security upgrade only, but no panic alarm. DFV victims who received a panic alarm only also showed a large reduction in recorded incidents of repeat victimisation (Hester & Westmarland, 2005, pp. 79-81).

New Zealand: Safe@home

Safe@home is modelled on the UK's Sanctuary Schemes and was established in 2008 to work with victims of family violence in the Auckland area who were identified as being at high risk from domestic violence (Centre for Social Research and Evaluation, 2010). Safe@home is operated by a non-government organisation, Safer Homes in New Zealand Everyday (Shine), to enable victims to stay in their own homes as an alternative to using a women's refuge. The Safe@home Steering Group comprises Shine, NZ Police, the Fire Service and government departments responsible for family and community services, housing and children.

Services provided consist of:

- risk assessments by the police, Shine and the victims;
- a safety audit of the victim's home by the project coordinator;
- other measures as appropriate, including a security upgrade (e.g. locks, stronger doors and alarms);
- development of escape plans in consultation with the fire services;
- monitored personal alarms; and,
- cell phones for emergency calls.

Shine also provides support to Safe@home participants (Centre for Social Research and Evaluation, 2010).

An evaluation of Safe@home found that:

- participants and informants were unconditionally positive about the project;
- most referrals came from the police;
- there was an improvement in police response; and,
- property tenure was not an issue (Centre for Social Research and Evaluation, 2010).

Benefits included:

- not losing neighbourhood and local service connections;
- not having to change children's schools; and,
- not needing to apply for advances on their social security benefit and relocations grants (assistance provided through the Ministry of Social Justice to victims of domestic violence and witness protection cases were relocated on the recommendation of the NZ Police).

The evaluation report does not include commentary on the issue of housing sustainability and, when discussing who Safe@home worked well for, informants most commonly identified those victims who had committed to permanently leaving the violent offender (Centre for Social Research and Evaluation, 2010).

The findings of evaluations of "safe at home" schemes in Australia, the UK and elsewhere will be compared and discussed in the Final Report during Phase two of this project.

Program mapping: Australia

National context

To prevent homelessness, recent legal reforms in all Australian states provide for exclusion orders that enable women to seek protection from domestic violence and remain in the family home, while the perpetrator is removed (Phillips & Vandenbroek, 2014). However, "safe at home" models differ across jurisdictions as they can be incorporated into family violence outreach responses; integrated service systems; police and specialist services coordination; involved in supplying security systems, alarms and emergency mobile phones and can also be a safe room in one's home (Netto et. al., 2009).

This section describes the current state of knowledge about:

- the history of the development of "safe at home" initiatives in each of the Australian states and territories;
- the integrated policy context in which they occur (such as homelessness and women's safety policy initiatives);
- publicly available evaluations of related policies and programs; and,
- key elements of state and territory responses that aim to keep women "safe at home".

This mapping was undertaken by consulting with some service providers in each jurisdiction, completing a web search using key words in each state, and locating information in academic and grey literature and on websites.

"Safe at home" initiatives have largely been funded by states and territories through the Commonwealth and State-Territory *National Partnership Agreement on Homelessness* (NPAH) (COAG, 2009). NPAH was implemented under the previous Commonwealth Labor Government, following the release of The White Paper on Homelessness, *The Road Home* (Commonwealth of Australia, 2008). The White Paper emphasised that domestic and family violence is the main reason women with children seek assistance from homeless services and set the target to halve homelessness by 2020. In 2013, an interim target was set to increase by 20 percent the number of families who maintain or secure safe and sustainable housing following domestic or family violence (Commonwealth of Australia, 2008, p. 18). The Road Home provided the context for *The National Plan to*

Reduce Violence against Women and their Children 2010-2022 (COAG, 2011), released in December 2010. Among other priorities, the National Plan sets out a framework for coordinated action across national jurisdictions and the prevention of homelessness for women and children who have experienced domestic and family violence.

The NPAH (COAG, 2009) set two priorities specifically relevant to the context of "safe at home" programs:

- Priority 17 (f) – Support for women and children experiencing domestic and family violence to stay in their present housing where it is safe to do so.
- Priority 17 (k) – Legal services provided to people who are homeless or at risk of homelessness as a result of legal issues including family violence, tenancy or debt.

These priorities establish the performance benchmark of the number of families who maintain or secure safe and sustainable housing following family violence. The new two-year extension of NPAH from June 2015 indicates an even greater emphasis on the homelessness of women and children, with implications for the continued funding of "safe at home" programs.

Australian Capital Territory

While not specifically a "safe at home" program, the Family Violence Intervention program (FVIP) commenced in the Australian Capital Territory (ACT) during 1998 with the aim to support women to stay safer in their homes. It is an integrated, coordinated model to improve criminal justice responses to family violence and increase the numbers of women staying in their homes (Holder & Caruana, 2006). The objectives of the FVIP relate to maximising the safety and protection of all victims of domestic and family violence; improving cooperation between services; providing opportunities for offenders to be rehabilitated and accountable for their violence; and, contributing to the continual improvement of responses in the ACT.

This integrated criminal justice response is supported by the women's safety policy *'ACT Prevention of Violence against Women and Children Strategy 2011-2017 - Our responsibility: Ending violence against women and children'* (ACT Government, 2011), which involves the whole community in upholding and respecting the rights of women and children to live free from fear and experience of violence. The FVIP was externally evaluated by Holder and Caruana (2006) during its second phase from 1992 to 2001 (McFerran, 2007, p. 5). The FVIP has been recognised by the Australian Violence Prevention Awards (ACT) on several occasions.

The core components are:

- pro-arrest, pro-charge and presumption against bail and the early provision of victim support by the Domestic Violence Crisis Service (DVCS) working in partnership with the Australian Federal Police (AFP);
- pro-prosecution of criminal family violence cases where there is sufficient evidence;
- co-ordination and case management of criminal family violence cases through case tracking and Family Violence Court Case Management Hearings; and,
- the rehabilitation of offenders, through the provision of a program for convicted offenders and one-to-one counselling.

According to McFerran (2007, p.7), the Victims of Crime Coordinator coordinates the FVIP, and the manager of DVCS has provided "thoughtful leadership in one of the country's most successful integrated models to date".

Watson (2014, p. 5) analysed 35 case files of DVCS clients in the ACT and found that 54.6 percent of home owners and 62.5 percent of people living in private rental lost their homes within 12 months of separation. More than half of these clients experienced ongoing risks to their safety. This report recommended that the ACT re-evaluate how support programs are offered for women and children staying home post DV, to establish an integrated 'Staying at Home

Program' similar to New South Wales (NSW), Victoria and Western Australia (WA), complementing the existing FVIP model. They found that legal responses which allow women to stay safe at home should also include ongoing supports to prevent women becoming homeless. Recommendation 8 in the report suggested the establishment of a multi-agency "Staying at Home Program" for women staying home where separation has occurred in the last 12 months, with the criteria to prioritise Aboriginal and Torres Strait Islander, culturally and linguistically diverse women and women living with disabilities.

Recommended features of a "safe at home" response included:

- safety assessments and risk of homelessness;
- multiple entry points;
- outreach case management offered for up to 12 months (similar to NSW and WA, whereas Victoria has 6-12 months depending on circumstances);
- the lead agency will be decided by the family and will be responsible for case-management;
- outreach and advocacy;
- a Memorandum of Understanding (MOU) be implemented between key agencies;
- regular meetings held (Watson, 2014, p. 33).

Watson (2014, p. 34) argues that an integrated Staying at Home Program will directly contribute to Objective 3 of ACT Prevention of Violence against Women and Children Strategy 2011-2017, which is "to ensure women and children's needs are met through joined up services and systems".

New South Wales

Staying Home Leaving Violence Program

The Staying Home Leaving Violence (SHLV) program was originally developed as an outcome of the SHLV research project completed in 2004 by the Australian Domestic and Family Violence Clearinghouse and the University of New South Wales's Centre for Gender-Related Violence – now known as the Gendered Violence Research Network (Edwards 2004; Edwards 2004b). The New South Wales (NSW) Department of Family and Community Services has subsequently been the most active in trialling "safe at home" programs (Tually, 2008). The roll out of these programs followed the success of three pilots between 2004 and 2009: in Bega (auspiced by the Bega Women's Refuge and funded through Supported Accommodation Assistance Program [SAAP], now the National Affordable Housing Agreement [NAHA]); Eastern Sydney (Waverley and Sutherland, auspiced by the Homelessness Unit, Housing NSW); and Western Sydney (funded by the National Community Crime Prevention Program and auspiced by WASH House, Mt Druitt). The pilots used an outreach and advocacy model to test the conditions required for women and their children to be safer at home. The Bega pilot identified that community development and awareness raising was the first step in influencing local community attitudes that women and children have the right to remain safe at home. Secondly, this project needed to secure support from key services such as courts and police to have the perpetrator removed and kept excluded, while also testing a range of home security measures to enhance safety (McFerran, 2007, p.12). McFerran (2007, p. 10) argues that "safe at home" models should be delivered as part of an integrated regional domestic violence strategy.

Currently, SHLV is a specialised domestic violence program aimed at preventing clients from becoming homeless based on intensive case management which is long-term, needs-based and integrated across the following key agencies such as the New South Wales (NSW) police, the Attorney General's Department, local courts, women's domestic violence court advocacy services, non-government organisations such as Aboriginal Medical Services, health, housing and community services (New South Wales. FACS, 2014b, p. 4). In 2014, Breckenridge et al. (2014, p.18) evaluated the SHLV program in NSW, and at the time of their evaluation, there were 18 service providers across 22 separate locations in the state of NSW. Nine of these SHLV projects are in metropolitan locations and 12 in regional and rural locations, including in non-government organisations, Housing NSW and the police.

Key elements of these programs include: flexible brokerage funding; intensive, outreach case management services; service flexibility, which may vary in intensity and duration according to clients' individual circumstances; early intervention and prevention principles; legal protection

and home security to enable women and children to remain safely at home; local partnerships with other key agencies; and an SOS Response System Alarm to improve DFV victims' sense of safety. SHLV will continue under the *It Stops Here* Domestic and Family Violence Framework Reforms launched in 2014 (New South Wales. FACS, 2014a). Each SHLV service establishes a Local Advisory Committee comprising of representatives of the local referral network. An integrated response is ensured by each SHLV service developing a MOU with local agencies they work with, which articulates what is expected of their role in SHLV, what victims can expect, and what mechanisms are in place to ensure effective service delivery.

For more information, see: http://www.community.nsw.gov.au/docs_menu/parents_carers_and_families/domestic_and_family_violence/stayhome_leaveviolence.html (New South Wales. FACS, 2015).

"HAP" DV Services

In 2009, the NSW government released the *NSW Homelessness Action Plan 2009-2014* (HAP) (New South Wales Government, 2009). This plan set the direction for state-wide reform of the homelessness service system in order to achieve better outcomes for people who are homeless or at risk of homelessness. It aimed to realign existing efforts towards an increased focus on prevention and early intervention, including ensuring sustainable long-term accommodation and support. A range of homelessness support services have since been funded through either the National Partnership Agreement on Homelessness (COAG, 2009) or NSW State funding. Homelessness reduction targets have been set and are being incorporated in the NSW Government's *NSW 2021: A Plan to make NSW Number One* (New South Wales Government, 2014b).

One service model that has been implemented under HAP is *Long-Term Accommodation and Support for Women and Children Experiencing Domestic and Family Violence* (Breckenridge et al., 2013; Breckenridge et al., 2013b; Breckenridge et al., 2013c; Breckenridge et al., 2013d). HAP DV Services provide integrated housing support for women and children who have experienced domestic and family violence and who are homeless or at risk of homelessness. The *Final Evaluation Report for Long-Term Accommodation and Support for Women and Children Experiencing Domestic and Family Violence* (Breckenridge et al., 2013) found that NSW HAP DV projects represent a development in the provision of housing support for women and children who have experienced domestic and family violence. They extend basic 'case management with brokerage' by enabling greater flexibility and adding

more formal structures for local integration and control of resources. Specifically, the HAP DV projects combine the following program elements:

- access to social housing or suitable private rental accommodation through the provision of the Start Safely Private Rental Subsidy;
- integrated case management support services; and,
- flexible brokerage funding packages.

Start Safely Private Rental Subsidy

"Start Safely" is a private rental subsidy, introduced in 2009 as part of the NSW Government's response to domestic and family violence, and as an anti-homelessness measure. The scheme provides short to medium-term rental assistance to people who are homeless or at risk of homelessness because of domestic or family violence. The subsidy aims to prevent those experiencing domestic violence from becoming homeless or having to return to unsafe environments. It also aims to promote sustainable tenancies in the private rental market. Following a pilot project, from July 2010, private rental brokerage specialists were employed across NSW by Housing NSW. Housing and community welfare agencies could access the funding relatively speedily in order to prevent their clients from becoming homeless or at risk of homelessness. Recipients of Start Safely funding must be eligible for NSW social housing, so the scheme is partly intended to take pressure off the waiting list for public and community housing, as well as to reduce the time period that women spend in domestic violence accommodation (Spinney, 2012a, p. 45). Start Safely may be used by clients of Staying Home Leaving Violence and HAP Services but can also be accessed by any woman leaving a violent relationship and who is attempting to secure an independent tenancy. An as-yet unpublished evaluation of Start Safely was completed in 2014 (Griffiths et al., 2014).

Northern Territory

Currently, the Northern Territory (NT) does not have "safe at home" programs, however, they have recently called for Expressions of Interest (EOI) to implement a Safe at Home pilot (2014-2016) (Northern Territory. Department of the Attorney-General and Justice, 2013). This program will be within the justice and crime prevention area and the existing NT Domestic and Family Violence Act will provide a strong legislative basis for its implementation. At present, it is the only jurisdiction that has mandatory reporting of domestic and family violence which requires reporting by professionals and adult members of the public (although Tasmania has mandatory reporting by professionals of children's exposure to DFV). Other sections of the Act which are consistent with a "safe at home" approach include Section 20 – the presumption in favour of the protected person with child remaining at home; and section 84 – the right to remove and detain. Women's safety policies include the Northern Territory Government's *Domestic and Family Violence Reduction Strategy 2014-17: Safety is Everyone's Right* (Northern Territory Government, 2014) and homelessness policies relate to the implementation of the NPAH agreement: *Northern Territory's Homelessness Implementation Plan, National Partnership Agreement on Homelessness (NPAH)* (Northern Territory Government, 2009). A "safe at home" approach or principle is incorporated into support provided by domestic violence and family violence services as per pages 32-33 in the *Northern Territory Homelessness Implementation Plan Annual Report 2010-2011* (Northern Territory. Department of Housing, Local Government and Regional Services, 2011), which states that services include: "Support for women and children experiencing domestic and family violence to stay in their present housing where it is safe to do so" (Department of Housing, Local Government and Regional Services, 2011, p. 30).

The Expression of Interest to implement a Safe at Home pilot (2014-2016) was called by Steve Wheelhouse, Director of the Crime Victims Services Unit, Attorney General Department, and was closed in January 2015 (Department of the Attorney General and Justice, 2013). Safe at Home will eventually be a Territory-wide program to be administered in Darwin and Alice Springs, and will consider the needs of urban, regional and remote parts of the NT. The program has a criminal justice focus broader than just domestic or family violence. The key elements of the program were mentioned in the aims of the Background Paper for the Expression of Interest:

‘The Safe at Home program will support victims, or potential victims, of residential property crime... Safe at Home will assist victims of crime to stay safe in their homes by strengthening doors, installing house alarms and security lights, fitting deadlocks, repairing broken

windows and doorframes. The program will also provide support and referrals for victims of property crime, and training and education on property crime prevention to support victims and high risk and vulnerable residents to feel and be safe in their home. The Safe at Home program will seek to direct effort and resources to high priority vulnerable groups of victims of crime, or potential victims of crime in the home in the most effective ways'. (Northern Territory. Department of the Attorney-General and Justice, 2014, pp. 1-2)

In addition, the Department of the Attorney-General and Justice provides grant funding to Victims of Crime Northern Territory (VOCNT) Inc. to provide a range of services to NT victims of crime. In terms of keeping people safe in their homes, VOCNT currently provides support and assistance to people who have been subject to a crime in their home or an unlawful entry and require assistance to secure the premises or clean up (Victims of Crime Northern Territory, 2015).

Women's Safe Houses, Northern Territory

To respond to domestic and family violence in the Northern Territory, the Northern Territory Government Department of Children and Families under the Australian Government Stronger Futures package, the Department of Families, Housing, Community Services and Indigenous Affairs and the Office of Children and Families (NT) have committed to *continuing* the support and funding of 14 Women's Safe Houses (WSH) in remote communities across the Northern Territory (Northern Territory Government, 2015) as well as Darwin and Alice Springs. While these initiatives are not "safe at home" programs, they are important initiatives for women and children's safety in remote communities where access to rapid police response is limited. 'Safe houses' in remote communities increase safety options for women and children escaping family violence by providing crisis accommodation, and places of respite and support, allowing women and children to remain living in and connected to their local communities.

Queensland

Queensland (QLD) "safe at home" initiatives include: Safety Upgrades services; regionally-based integrated service response initiatives such as Gold Coast Domestic Violence Integrated Response (GCDVIR); and service system coordination mechanisms such as Dovetail in North QLD. Safety upgrades are incorporated into a broader range of support provided by domestic and family violence services. This is to ensure there is a rigorous risk assessment process applied before deciding if upgrading home security is an appropriate and safe option for women and to link women and children to other forms of support available.

Historical integrated policy initiatives in QLD have set the context for the development of safe at home initiatives such as safety upgrades. In 2007, the Queensland Minister of Communities asked his Ministerial Advisory Council on domestic and family violence for advice on the options for women to stay home (McFerran, 2007, p.14). In 2009, Queensland released a whole-of-government strategy for addressing family violence to improve integrated responses. The women's safety policy of this Queensland Government's *'For our sons and daughters': Strategy to reduce domestic and family violence 2009–2014* (Queensland Government, 2009) focused on five areas of reform: prevention; early identification and intervention; connected victim support services; perpetrator accountability; and system planning and coordination (Australian Law Reform Commission (ALRC) 2010, p. 1355). A long-running integrated response in Queensland is the Gold Coast Domestic Violence Integrated Response (GCDVIR), a community-based program that has been operating since 1996 (ALRC, 2010, p. 1355). The GCDVIR continues to develop innovative programs that aim to coordinate responses of services to keep women and children safer. In northern Queensland, Townsville and Thuringowa have developed an integrated response to family violence, known as Dovetail, which includes government services, legal sector, and non-government services. Key agencies commit to key principles and goals, including the development of protocols for all services, and the monitoring of legislation and family violence systems (ALRC, 2010, pp. 1355-1356). The policies of the police such as the *Queensland Police Service (QPS) Domestic and Family Violence Strategy 2009–2013* (Queensland Police Service, 2009) also covered responses to domestic and family violence in response to the Queensland's legislation that include the *Domestic and Family Violence Protection Act 2012* which can be used to support "safe at home" approaches.

One important development in QLD legislation is the incorporation of the misuse of information technologies to place victims under surveillance, which breaches women's privacy. This issue of online surveillance to stalk and abuse women is something being confronted internationally and initially the law was unable to keep pace with this. Importantly, Queensland's legislation has defining unauthorised surveillance examples in the Act, which include: reading a person's phone messages; monitoring an email account, internet browser history or social networking internet site; using a GPS device to track a person's movements and monitoring the recorded history in a person's GPS device (*Domestic Violence and Family Protection Act 2012*, S. 8(5)). This is important in and of itself for the safety and security of women, but could be particularly important in the context of women remaining in the family home where perpetrators may have already set up various forms of surveillance devices of which women are unaware.

Safety Upgrades

The QLD Department of Communities, Child Safety and Disability Services funds domestic and family violence services for safety upgrades. The recent Queensland Special Taskforce on Domestic and Family Violence in Queensland report, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (Queensland Government, 2015) has recommended the safety upgrades program is expanded (Recommendation 86[c], p. 244). The Queensland Government is currently considering all Taskforce recommendations. There are seven safety upgrades services across the state to assist women affected by domestic and family violence to address security aspects in their home in order to remain in their homes where it is safe to do so. These services span regions across Queensland, including the Gold Coast, Sunshine Coast, Caboolture, Townsville and Bundaberg regions. The specialist DFV Women's Services offer this to women as one aspect of an overall safety response and it is not a stand-alone program. Alongside safety upgrades, women are assisted with developing and implementing personalised safety plans and counselling and support needs including support to children through referral and brokerage. The Safety Upgrades services are one strategy to aid in enhancing the safety of women and their children as part of a safety plan (Domestic Violence Prevention Centre Gold Coast, 2015). There is no expectation or requirement that women will have any form of civil law protection or exclusion orders in place although a rigorous risk assessment process is conducted prior to arranging safety upgrades to ensure this is a safe option. Brokerage funding is also available to provide short term accommodation for perpetrators if required.

South Australia

First, it must be noted that domestic and Aboriginal family violence services in South Australia (SA) have argued that "safe at home" work happens in their outreach practice but without funding and recognition (Southern Domestic Violence Service [SDVS] & Nunga Mi:Minar, 2007). Service providers often do not have the time to document or evaluate what they are doing, nor share the knowledge they have gained (SDVS & Nunga Mi:Minar, 2007, p. 12 in Tually et al., 2008). Nonetheless, to support this work, two safe at home related programs were identified in South Australia: one historical program and one current one.

The earliest pilot of "safe at home" programs in Australia was the Rapid Response Program in Port Lincoln, South Australia in 1998, by the Eyre Peninsula Women and Children's Support Centre, Port Lincoln (now known as Yarredi Services). This was based on the British Home Office's Merseyside Demonstration Project (McFerran, 2007, p. 4). They received a South Australian Crime Prevention Grant by the (then) Port Lincoln Crime Prevention Committee, funded by the SA Attorney General Department and auspiced by the Port Lincoln City Council. Phone alarm systems were placed into women's homes, locks were replaced and window security upgraded. A "centralised monitoring system alerted local police and the domestic violence service's on-call worker and the response time was between five to ten minutes" (McFerran, 2007, p. 4). In the majority of cases, "women were moving into new homes and not remaining in homes from which the perpetrator had been removed" (McFerran, 2007, p.4). While the Port Lincoln pilot was in operation, two other pilots were run by police in metropolitan Adelaide, such as the Home Safe Domestic Violence Strategy of the Holden Hill police, which provided home security audits and free mobile phones, whilst raising awareness in the local community and improving the collection of evidence (McFerran, 2007). The Rapid Response Program at Port Lincoln was evaluated by Cibich (2001) and the women on the program stated feeling safer and more relaxed. However ongoing funding for the program was not granted. When Crime Prevention funding ceased, the program responsibility was handed entirely to Yarredi Services and ran on donated funds, including \$5,000 which had come from winning an Australian Violence Prevention Award, and approximately \$1,500 in donations from a local Police Golf Day fundraiser and a Neighbourhood Watch group (Potts, S. [Pers. Comm.], January 13, 2015). The service ceased to supply alarms in 2012.

The currently funded program in SA is "Staying Home Staying Safe", which is run by Victim Support Services (VSS). It started in March 2011 and is funded through the State-Commonwealth National Partnership Agreement on

Homelessness (COAG, 2009). The overall purpose of the program is to reduce the risk of homelessness for women (and their children) affected by domestic or family violence. The program provides comprehensive risk assessment, safety planning, safety packs, mobile phones, home security audits and home security upgrades to eligible clients. The VSS Annual Report (2013-2014) indicates that there has been a 40 percent increase in referrals to the program (from 475 in 2011-12 to 667 in 2013-14. p. 24), and VSS administered 468 Family Safety Framework meetings in 2013-4 (Victim Support Service 2014, p.8). However, there has been no formal evaluation of the program.

For more information, see: <http://www.victimsa.org/for-victims-of-crime/staying-home-staying-safe> (Victim Support Service, 2015).

In the context of homelessness policy reform, a major overhaul of the South Australian homelessness sector was undertaken as a result of the *Homeless to Home: South Australia's Homelessness Strategy 2009-2013* (Government of South Australia, 2011). This document mentions that domestic and Aboriginal family violence is the single biggest risk factor for homelessness in Australia with women escaping domestic or Aboriginal family violence representing 30 percent of all SAAP (NAHA) clients in South Australia (Government of South Australia, 2011, p. 21). In addition to the core service elements, these services also provide "safe at home" initiatives. These services conduct safety assessments, and support women and children to remain in their own home if it is safe, along with the removal of the perpetrator. This strategy was evaluated by the Department for Communities and Social Inclusion (DCSI) and consultants from the University of Adelaide, the Australian Centre for Child Protection and University of South Australia were appointed to lead work on each of the evaluation streams (South Australian Department for Communities and Social Inclusion, 2013).

As mentioned in their annual report (South Australian Housing Trust, 2014, p.23), the South Australian Housing Trust also provide security equipment for public housing tenants subjected to domestic and family violence. This is according to their "Domestic Abuse Provision of Security and Property Damage procedure" that aims to prevent family homelessness. In 2013-14, 34 properties were provided with security equipment at a cost of \$237,000 (South Australia. Housing Trust, 2014, p. 23).

Women's safety in SA is led by the Office for Women's *Integrated Family Safety Framework* (FSF) (South Australia. Office for Women, 2014), which is under the *Women's Safety Strategy* (South Australia. Office for Women, 2011) and *Keeping them Safe—Child Protection Agenda* (Government of South Australia, 2004). This is an integrated and coordinated

response to domestic and family violence, which aims to enhance the safety of victims, reduce victimisation and hold offenders accountable for their violence (South Australia. Office for Women, 2011, p. 24). The FSF was evaluated in November 2008 (Marshall et al., 2008) and was found to have achieved improved responses to victims and their children and enhance victim safety and reduce re-victimisation. The key elements of this framework include: *Family Safety Meetings* (FSM); the coordination of care across a range of agencies for cases of domestic and family violence that are assessed as imminent high risk a common risk assessment tool; an information sharing protocol; and a Positive Action Plan for each referral to the FSMs (South Australia. Office for Women, 2011, p.2). SA Police (SAPOL) is the administrative lead for FSMs.

In 2011, the Family Safety Framework was operating in numerous police service areas in South Australia: Holden Hill; South Coast (Noarlunga); Port Augusta; Port Pirie; Northern Metro (Elizabeth); Western Metro (Port Adelaide), Sturt, Adelaide Central, Limestone Coast, Berri and Murray Bridge (South Australia. Office for Women, 2011, p. 1). In 2005, SAPOL had developed the *Domestic Violence Strategy* and *Domestic Violence Policing Model*, which was reviewed and adapted with recommendations in 2007 (South Australia. Office for Women, 2011, p. 24). This overarching framework provided the historical foundation and set a clear direction for SAPOL in responding to domestic violence.

South Australia has recently implemented and evaluated (not yet publicly available) the *Intervention Orders (Prevention of Abuse) Act 2009*. An innovative aspect of the Act which is conducive to the "safe at home" approach is that when a respondent is excluded from a property, the landlord is not to allow access to the property.

Tasmania

Tasmanian Government's integrated criminal justice response to family violence is called "Safe at Home". Tasmania's Safe At Home was modelled on the ACT's Family Violence Integrated Program and is also pro-arrest, pro-prosecution, focusing on the safety of the victim and responsibility of the perpetrator. McFerran (2007, p. 8) notes that a challenge for Tasmania was to "enlarge the Duluth and ACT FVIP model to a larger geographical area" According to Wilcox (2006, p. 5), the model represents leading Australian practice, as it aims to integrate and mainstream the responses of key government departments to family violence, such as justice, police, health, human services and education. It aims to: improve the safety for adult and child victims of family violence; ensure that offenders are held accountable for family violence; reduce the incidence and severity of family violence; and minimise the negative impacts of contact with the criminal justice system on adult and child victims.

Tasmania's *Family Violence Act 2004* has provided a strong basis for their program, enabling police and intervention orders to exclude the perpetrator from the family home and privilege the safety of women and children in their policies and approaches. *The Tasmanian homelessness policy, Tasmanian Homelessness Plan 2010-2013: 'Coming in from the cold'* (Tasmania. Department of Health and Human Services, 2010) highlights that "Safe at Home" is the Tasmanian Government's response to family violence, which involves a range of organisations working together. The program aims to provide: improved support for victims including Immediate Safety Audits (such as *Risk Assessment Screening Tool* (ABS, 2013)), counselling and support, access to Legal Aid and court support, child witness support, case management, mandatory reporting in the presence of children and a 24-hour family violence response and referral line. It stresses the focus on the criminal nature of family violence, which includes the arrest of the perpetrator, prompt prosecution, legislated family violence orders, increased penalty for breach of orders, and perpetrator programs as a sentencing option (Tasmania. Department of Health and Human Services, 2010, p. 53).

Governance for "Safe At Home" is provided by the State-wide Steering Committee chaired by the Department of Premier and Cabinet and includes 16 separate funded initiatives across four government departments. Key elements of the Tasmanian Safe at Home program include: the Integrated Case Coordination (ICC) meetings, which are held on a weekly basis in police districts across the state. The aim of the ICC approach is to contribute to victim safety of adults and children and reduce perpetrator re-offending. The case coordination meetings develop agreed goals, interventions and responsibilities, to address the identified risk and safety of a case. See evaluations by the Tasmanian Government (2013) and Success Works (2009).

Victoria

Historically, Victoria's response to keeping women safe at home commenced with a state-wide reform process, the implementation of the Integrated Family Violence Service Reforms, through the restructure of the Victorian family violence sector. Victoria had domestic violence outreach programs, a network of perpetrator programs and a department expressly created to develop integrated approaches, the Family Violence Coordination Unit in the Department for Victorian Communities, charged with the reform and monitoring progress (McFerran, 2007, pp. 10-11). In Victoria, the *Women's Safety Strategy* (Victoria. Department of Human Services, 2002) tasked the State-wide Steering Committee to Reduce Family Violence with the development of a "multi-agency and integrated response to family violence" (State-wide Steering Committee to Reduce Family Violence, 2005, cited in McFerran, 2007, p. 9). In 2005, *Changing lives: a new approach to family violence in Victoria* (Department for Victorian Communities, 2005) outlined the government's commitment to reducing family violence, which was reaffirmed by *A Fairer Victoria* in 2006 (Victorian Government, 2006). These government strategies prioritised support for women victims to stay in their homes and for violent men to leave (McFerran, 2007, p. 9).

While not directly related to "safe at home" programs, a number of evaluations of programs were located in Victoria that could assist women to feel safer at home and contribute to them being able to maintain their housing. In 2007, the Victorian Department of Human Services (DHS) funded intensive case management, crisis supported accommodation, family violence outreach and assistance with private rental for women escaping domestic violence (Thomson Goodall Associates, 2007). Thomson Goodall Associates (2007) evaluated the differing needs of women assisted by the Intensive Case Management program (ICM group) compared with women assisted by family violence outreach and private rental programs (the non-ICM group) and found that all of these interventions provided good outcomes for clients. In 2008, the pilot of the Northern Crisis Advocacy Response Service (CARS) that complimented the Northern Integrated Family Violence Service was also positively evaluated (Frere et al., 2008). Also in Victoria, Harris et al. (2008) examined elements of best practice program models to respond to family violence with the Salvation Army. They provided an analysis of the Family Violence Private Rental Access Program (FVPRAP) that in 2006/7 assisted 41 out of 42 women to access and retain private rental in the long term (Harris et al., 2008, p.3); the integration of generalist homelessness and specialist domestic violence services (p.23) and a family outreach program with Indigenous communities (p.27). The initial FVPRAP model was piloted in three sites from 2003 to 2005, through the Victorian Homelessness Strategy (VHS) and was evaluated by Thomson Goodall Associates in 2004 and 2005.

Currently, the Victorian homelessness strategy, *A Better Place Victorian Homelessness 2020 Strategy* (Victorian Government Department of Human Services, 2010), notes that Safe at Home initiatives are aimed to help women and children experiencing family violence to remain in the family home, so they can stay connected with their school and community. This involves coordinated action by the courts, police and community agencies (Victorian Government Department of Human Services, 2010, p.11), brokerage funding for safety and security upgrades and outreach and intensive case management services for both men and women. For example, according to their website, the Eastern Domestic Violence Outreach Service (EDVOS) has a "safe at home" approach as a component of their service, which states that women and children are supported to remain in their own homes if possible, with security upgrades. They also assist women to access the private rental market with brokerage funds. As with other states, the Victorian homelessness policy emphasises the prevention of homelessness for women and children following domestic and family violence.

The Victorian Police have been central to instigating Safe at Home in Victoria. McFerran (2007, p.8) argued that Victoria had a dynamic Police Commissioner, Christine Nixon, who drove the 2004 launch of a new *Code of Practice for the Investigation of Family Violence*. An aim of the Code is to "support aggrieved family members to stay safely in their own homes" (Victoria Police, 2004, p. 1, point 1.2). The implementation of integrated initiatives included changes to legislation such as the *Family Violence Protection Act, 2008* and *Residential Tenancies Act 1997*, to increase women's safety and reduce the risk of homelessness, as well as an increase in police powers, such as through Family Violence Safety Notices (FVSNs). The *Family Violence Protection Act (2008)* was viewed as a leading piece of domestic and family violence legislation at the time for its comprehensiveness which included a more extensive definition to family violence alongside the need for attention to victims' lives and context as crucial for the Court's consideration. To strengthen the value of this legislation, the *Victoria Police Code of Practice for the Investigation of Family Violence* (Victoria Police, 2010) also presented detailed requirements to improve the enforcement of the law concerning family violence.

Spinney's (2012a) report highlights that it specifically includes supporting affected family members to stay safely in their own homes when this is their preference. Family Violence Safety Notices (FVSNs), sometimes referred to a "Police or Temporary Orders" in other jurisdictions, can be issued by individual officers. This allows the Police Officer to place temporary immediate conditions on the respondent (including exclusion from the home) where a police member believes on reasonable grounds that a woman and her children are at risk of further violence, until an application

for a Family Violence Intervention Order (FVIO) can be decided before the court. Spinney (2012a, p. 30) explains:

"Since the Victoria Police Code was first issued in 2004, the reporting of family violence to police has increased from 28,000 incidents in 2003–04 to 40,892 in 2010–11, an increase of 68 percent. The number of intervention orders applied for by police on behalf of affected family members increased by 212 percent, from 2,627 in 2003–04 to 8,203 in 2008–09" (Victoria Police, 2009, pp.15-16).

The evaluation of the FVSNs found that they contributed to an improved response to family violence by Victoria Police (Thomson Goodall Associates, 2010). In addition, the Victorian integrated family violence system reforms during 2007-2013 were evaluated by Diemer and colleagues in their *SAFER ARC Linkage project*, in which they examined decision-making about accommodation and civil protection orders by 138 women accessing domestic violence services in Victoria (Diemer et al., 2014, in press). They found that women who remained at home felt safer with protective orders but that their orders were more likely to be breached by the perpetrators, compared with women who relocated, concluding that only a minority of women are able to choose 'stay at home' options safely. Safety notices and services for male perpetrators such as crisis telephone lines, intensive case management, funding for emergency accommodation, and behaviour change programs were also included in the Victorian reforms (Diemer et al., 2014, in press).

The following organisations currently operate "safe at home" programs in Victoria:

- Safe Futures Foundation
- Eastern Domestic Violence - EDVOS
- Kildonan Uniting Care
- Salvation Army Crossroads Family Violence Service
- Emma House Domestic Violence Services
- Centre for Non-Violence.

Bsafe

The Bsafe Pilot Project was an initiative between Women's Health Goulburn North East (WHGNE) and Victoria Police. The Bsafe Pilot Project was funded from 2007-2010 in the Hume region of Victoria. Bsafe was a personal alarm system for women and children escaping family violence, to prevent further violence and to enable women and children to live safely in their own homes and communities. The Bsafe Final Report/s (Taylor and Mackay, 2011; Nicholson, 2012) demonstrated that it is imperative that Bsafe is implemented as a safety option for all rural women and children escaping family violence in Victoria. The Bsafe model is particularly useful for Aboriginal women and women with a disability in situations where a security alarm can be helpful (Taylor & Mackay, 2011, p. 4). However, despite three comprehensive evaluations and assistance given to over 250 women and their children, WHGNE has been unsuccessful in securing government funding for Bsafe. As of 2015, WHGNE continues to seek funds from the Victorian Government to adopt, fund and administer this program for women and children.

For more information, see: http://www.whealth.com.au/work_bsafe.html (Women's Health Goulburn North East, 2015).

Western Australia

The Western Australian (WA) Government responds to domestic and family violence through inter-agency cooperation. In WA, there is no specific domestic and family violence Act. There is the *Restraining Orders Act* of 1997 that includes domestic violence but no specific Act currently exists. In 2013, the WA Law Reform Commission completed a report, *Enhancing Domestic and Family Violence Laws* (Law Reform Commission of Western Australia, 2013), which made a number of recommendations including more specific domestic violence legislation, as it is currently cumbersome in a number of ways. Similar to other jurisdictions, one valuable aspect in WA is that police officers can issue temporary protection orders which include exclusion from the family home. Legislation such as 24 or 72 hour Police Orders effectively exclude the violent partner from the home (McFerran, 2007, p. 14). This often enables a referral to the Safe at Home program providers to follow up and put processes in place to enhance safety and support. (See also - Law Reform Commission of Western Australia, 2013).

The WA "Safe at Home" program is funded under the *WA Homelessness State Plan 2010-2013* (Government of Western Australia, 2010) and workers in domestic and family violence services assess the safety and support needs of women and children to stay in their own home and provide assistance to stabilise housing and increase security. Currently, Safe at Home in WA is funded under the *National Partnership on Homelessness Agreement* and commenced operating in 2010. EOIs were sought for six sites – four metropolitan and two rural sites. There was a limited tendering process, with only existing DV Specialist Services able to apply. The program includes two workers at each site who assess the referral, undertake an audit of the property and then provide intensive ongoing outreach support for as long as required.

Key elements of the WA "Safe at Home" Program include: outreach support and case management to women and children experiencing domestic violence to "stay in their housing following domestic violence, when it is safe to do so; providing specialist workers; providing brokerage funds to stabilise housing and increase security; links to Police through a MOU and local protocols; risk assessment and an upgrade of security to the home and safety planning in order to ensure confidence and safety" (Western Australian Government, 2010, p.46). In order to be referred, the woman has to have a VRO (Violence Restraining Order) in place. Initial referrals came via the police through a MOU. However, with a change of state-wide practice to the Family and Domestic Violence Response Teams, they now provide the initial assessment and referral. Family and Domestic Violence Response Teams are based on a triage model involving representatives from the Police, Department of Child Protection and Family Support and community based women's domestic violence services

undertaking the process for all situations of DFV identified within a locality. These programs are currently funded under NPAH (COAG, 2009) until the end of June 2015, and there has been an extension to this funding agreement with the Commonwealth programs are likely to continue.

Services in metropolitan areas include the Pat Giles Centre Inc., Lucy Saw Centre, Ruah, and Stirling Women's Centre. One example of information on a "safe at home" program is provided on the City of Stirling website (2014) with reference to the Stirling Women's Centre. This program provides support for women and children to stay in their own home when it is safe to do so, following family and domestic violence. Important aspects of the program are: risk assessment, safety planning, security upgrades to clients home, court support, liaison with police and other services, counselling and case management to address financial and other issues. The South West region response is provided by South West Refuge and Share and Care Community Services Inc. in the Wheatbelt region.

For more information about areas providing "safe at home" programs in WA, see: <http://www.womenscouncil.com.au/safe-at-home> (Women's Council for Domestic and Family Violence Services, 2015).

Safe at Home in WA was evaluated (Cant et al., 2013) as a component of a wider evaluation of 14 National Partnership Agreement on Homelessness programs in WA. The clients of the services were "unanimous in describing the positive impact that the Safe at Home Services has had in their lives and the lives of their children" (Cant et al., 2013, p.187).

Concluding comments

Australian research has revealed that enormous financial barriers exist for women leaving violent relationships, and finding and/or maintaining safe, available and affordable accommodation post separation was identified as the biggest concern for many women leaving DFV relationships (Braaf & Barrett-Meyering, 2011, pp. 7-8). In addition, women and children forced to flee their homes often leave all possessions behind including furniture, cookware and other household necessities, as well as personal items, all of which may need to be replaced when setting up a new residence. Leaving the family home may also put victims in a less favourable position at a later stage as Family Court matters progress. This is particularly problematic alongside the negative impacts domestic violence has been shown to have on women's long-term financial security more generally (Braaf & Barrett-Meyering, 2011).

Having to leave the family home can also mean leaving their neighbourhood and the supports available from friends and agencies. For children, it can mean leaving their childcare, school and friends. Various options associated with *leaving* home to escape violence, such as fleeing to a refuge or seeking shelter with family or friends, render women and children homeless, at least in the short term (Murray, 2008, pp. 65-68). Further, transience for women who are forced to leave the family home can last for years (Chung et al., 2000; Hulse and Sharam, 2013). While such options may increase support and safety for some women, others may find they severely disrupt social and personal lives, work and school routines, at a critical time (Edwards, 2004b). A flow-on effect of DFV-related homelessness is that children experiencing homelessness are identified as more likely to experience disadvantage and homelessness over their lifetime (Commonwealth of Australia, 2008, p. 2).

Recognition of the short-term and ongoing effects of economic insecurity for women and children leaving their homes because of domestic violence has led Australian governments in various jurisdictions, to recommend and implement policy measures designed to expand the range of options available to women and children in these circumstances. The "safe at home" service model is one of these options and is philosophically based on early intervention and prevention principles. Early intervention and prevention approaches are identified as reducing demand for high cost crisis services (Gauntlett et al., 2001). Support provided at this early stage increases the likelihood that women and their children may evade compounding challenges (including poverty and economic insecurity) and the associated risk of homelessness, be in a better position to be able to recover from violence, and make choices to improve their safety and wellbeing (NSW Government, 2011, p. 4). Moreover, well-timed early interventions to establish and maintain secure safe housing and supports for vulnerable individuals, such as children affected by domestic violence, may significantly reduce the need for a range of service system interventions in future years (Baldry et al., 2012).

An important rationale for "safe at home" responses is that intervening early post separation to assist women and children to remain at home, or a home of their choice, avoids their being thrust into homelessness and economic stress while separating from a violent partner. For those women who are able to afford to remain in the home and where safety issues are properly addressed, there are clear benefits from establishing housing security for reasons of familiarity and consistency in other areas of their lives (Chung et al., 2000). An important finding of Braaf and Barrett-Meyer's study of women's economic wellbeing following domestic violence was that some women "who had been forced to leave their homes said that they would have liked to have had the option of staying" (2011, p. 49). Conversely, women who had been able to remain in housing reported benefits, including having "long-term accommodation, their own furniture and goods, retaining their social networks and keeping their children in the same schools" (Braaf & Barrett-Meyer, 2011, p. 49).

It is worth reiterating that "safe at home" responses were never intended as a universal response to women and children to live free of male partner violence. For example, there would be particular barriers for women living in isolated and remote areas who wish to remain in their home and some women do not wish to remain in the home as it holds bad memories of the abuse for them. However, "safe at home" responses are a just and fair response to women in circumstances who are able to make this decision. They are not a universal option as the state cannot guarantee to stop men using violence against women and children. Therefore, while this remains the situation, "safe at home" programs are an effective response for some women as they appear to moderate the potential longer-term consequences on women's safety, economic security, housing situation and social support networks. Although these programs are still relatively new, they have evolved in various ways across Australia and internationally. "Safe at home" programs founded on the four pillars of promoting safety, operating as an integrated response, promoting economic security and preventing homelessness provide an important addition to the current responses to women and children trying to live free of male partner violence.

The value of approaches where women and children can remain safely in a home of their choice is being recognised by Governments at the present time because the problem of domestic violence is a growing national concern where there is pressure to find effective "solutions". This is highlighted by the announcement at the 39th Council of Australian Governments meeting on 17 April 2015 (COAG, 2015) that the Commonwealth Government HAP funding has been extended and more than \$15 million has been committed to the delivery of specialist family violence services nationwide that support children and parents experiencing family violence.

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Appendix A: Literature review search strategy

Database	Concept 1	Concept 2	Concept 3	Concept 4
Informit APAIS – Health APAIS – ATSSIS APAFT FAMILY – Australian Family and Society Abstracts Database FAMILY – ATSSIS CINCH Proquest Applied Social Sciences Indexes and Abstracts (ASSIA) Educational Research Information Centre (ERIC) International Bibliography of the Social Sciences – IBSS National Criminal Justice Reference Service Abstracts – NCJRS ProQuest Research Library ProQuest Social Science Journals Social Services Abstracts Sociological Abstracts OVID Social Work Abstracts MEDLINE PsycINFO EbsCO Violence and Abuse Abstracts Women's Studies International Web of Science Scopus Australian Clearinghouses Australian Government databases Google Google Scholar New York Academy of Medicine – Grey Literature Report Open Grey – Grey Literature in Europe PolicyFile The Cochrane Library	Safe at home program Safe at home Accommodation Supported accommodation Housing	Domestic violence Family violence Domestic and family violence Intimate partner violence Domestic Abuse	Safety Women Women and children Homelessness Economic security Criminal justice	Best practice Effectiv* Evaluat* Evidence Evidence based Good practice Outcome Review Systematic review Trial Pilot

Grey literature was searched for on the following websites:

- Australian Institute of Family Studies library: www.aifs.gov.au
- Australia's National Research Organisation for Women's Safety: www.anrows.org.au
- Closing the Gap Clearinghouse: www.aihw.gov.au/closingthegap/
- Respond SA: www.respondsa.org.au
- UNICEF: www.unicef.org.au
- World Health Organization: www.who.int

Appendix B: Legislation underpinning "safe at home" programs

Table 1: Legislation pertaining to "safe at home" approaches¹

State	Legislation	Section	
Commonwealth	<i>Family Law Act 1975</i>	67Q	Meaning of recovery order
		68B	Injunctions
		Parenting Orders	Residence/supervised visitation
Western Australia	<i>Residential Tenancies Act 1987</i>	45	Securing premises
		59C	Recognition of certain persons as tenants
		75A	Termination of social housing tenancy agreement due to objectionable behaviour
	<i>Restraining Orders Act 1997</i>	11A	When violence restraining orders may be made
		13	Restraints on respondent
		30	Restraints that may be imposed (police order)
		34	Grounds for a misconduct restraining order
		36	Restraints on respondent
	<i>Children and Community Services Act 2007</i>	7	Best interests of child are paramount consideration
		8	Determining best interests of a child
		44	Application for Protection Order
New South Wales	<i>Residential Tenancies Act 2010</i>	71	Changes of locks and security devices
		79	Change of tenants after AVO (Apprehended Violence Order)
	<i>Crimes (Domestic and Personal Violence) Act 2007</i>	15	Application for making domestic violence order by court
		16	Court may make apprehended domestic violence order
		17	Matters to be considered by court
		22	Interim Court Orders
		Part 7 Provisional Orders	
		35	Prohibitions and restrictions imposed by AVO
Northern Territory	<i>Residential Tenancies Act 1999</i>	52	Tenant responsibility for security
		53	Must not alter locks
		50	Landlord must not change locks
	<i>Domestic and Family Violence Act 2007</i>	19	Matters to be considered in making DVO (Domestic Violence Order)
		20	Presumption in favour of protected person with child remaining at home
		22	Premises access order
		23	Order for replacement tenancy agreement
		84	Power to remove and detain

¹ All text within this table is directly taken from the legislation referenced.

State	Legislation	Section	
		124 & 125	Mandatory reporting of domestic or family violence: every adult in the Northern Territory must report to the police, if they believe on reasonable grounds, either, or both of the following: "Another person has caused or is likely to cause serious physical harm to someone else, with whom the other person is in a domestic relationship, and/or the life or safety of another person is under serious or imminent threat because domestic violence has been, is being, or is about to be, committed."
Australian Capital Territory	<i>Residential Tenancies Act 1997</i>	51	Damage, injury or intention to damage of injure (termination and possession order)
	<i>Domestic Violence and Protection Orders Act 2008</i>	10	What conduct do domestic violence orders restrain?
		11	What conduct do personal protection orders restrain?
		35	What interim order may contain (prohibit respondent from being on premises where the aggrieved person lives or works)
		48	What final orders (other than workplace orders) may contain
<i>Crimes Act 1900</i>	35	Stalking	
South Australia	<i>Residential Tenancies Act 1995</i>	66	Security of premises
	<i>Intervention Orders (Prevention of Abuse) Act 2009</i>	6	Grounds for issuing an Intervention Order
		12	Terms of Intervention Order
		18	Interim Intervention Order
		32	Landlord not to allow access to excluded defendant
Queensland	<i>Residential Tenancies and Rooming Accommodation Act 2008</i>	211	Changing locks
		213(c)	Orders to tribunal
		245	Injury to domestic associate – change of legal tenant
		321	Application by tenant's domestic associate for termination or damage injury
	<i>Domestic and Family Violence Protection Act 2012</i>	63	Ouster condition
		64	Ouster condition relating to the aggrieved's usual place of residence
		58/57	(normal conditions imposed on restraining order)
Tasmania	<i>Residential Tenancies Act 1997</i>	57	
	<i>Family Violence Act 2007</i>	14	Police FVO (Family Violence Order)
		16	FVO
		17	Issue of replacement residential tenancy agreement
Victoria	<i>Residential Tenancies Act 1997</i>	70	
	<i>Family Violence Protection Act 2008</i>	81	Conditions to be included in family violence intervention order
		82	Exclusion of respondent from residence

Table 2: Legislation related to domestic and family violence**Table 2a: Commonly Used Orders – Civil & Criminal**

Western Australia		
Violence Restraining Order	<i>Restraining Orders Act 1997 (WA)</i>	<p>11A. When violence restraining orders may be made</p> <p>A court may make a violence restraining order if it is satisfied that —</p> <ul style="list-style-type: none"> (a) the respondent has committed an act of abuse against a person seeking to be protected and the respondent is likely again to commit such an act against that person; or (b) a person seeking to be protected, or a person who has applied for the order on behalf of that person, reasonably fears that the respondent will commit an act of abuse against the person seeking to be protected, <p>and that making a violence restraining order is appropriate in the circumstances.</p>
Misconduct Restraining Order	<i>Restraining Orders Act 1997 (WA)</i>	<p>34. Grounds for a misconduct restraining order</p> <p>A court may make a misconduct restraining order if it is satisfied that —</p> <ul style="list-style-type: none"> (a) unless restrained, the respondent is likely to — <ul style="list-style-type: none"> (i) behave in a manner that could reasonably be expected to be intimidating or offensive to the person seeking to be protected and that would, in fact, intimidate or offend the person seeking to be protected; (ii) cause damage to property owned by, or in the possession of, the person seeking to be protected; or (iii) behave in a manner that is, or is likely to lead to, a breach of the peace; <p>and</p> <ul style="list-style-type: none"> (b) granting a misconduct restraining order is appropriate in the circumstances.
Police	<i>Restraining Orders Act 1997 (WA)</i>	<p>30A. When a police order may be made</p> <p>(1) A police officer may make a police order in accordance with this Division if the officer reasonably believes that the case meets the criteria set out in section 20(1)(a) or (b) as if the order were to be a violence restraining order and —</p> <ul style="list-style-type: none"> (a) if the officer reasonably believes that — <ul style="list-style-type: none"> (i) a person has committed an act of family and domestic violence and is likely again to commit such an act; or (ii) a child has been exposed to an act of family and domestic violence committed by or against a person with whom the child is in a family and domestic relationship and the child is likely again to be exposed to such an act; <p>or</p> <ul style="list-style-type: none"> (b) if the officer reasonably fears, or reasonably believes that another person reasonably fears, that — <ul style="list-style-type: none"> (i) a person will have committed against him or her an act of family and domestic violence; or (ii) a child will be exposed to an act of family and domestic violence committed by or against a person with whom the child is in a family and domestic relationship, <p>and that making a police order is necessary to ensure the safety of a person.</p>

1 All text within this table is directly taken from the legislation referenced.

Victoria		
Family Violence Intervention Order	<i>Family Violence Protection Act 2008 (VIC)</i>	<p>74. Power of court to make final order</p> <p>(1) The court may make a final order if the court is satisfied, on the balance of probabilities, that the respondent has committed family violence against the affected family member and is likely to continue to do so or do so again.</p>
Interim Order	<i>Family Violence Protection Act 2008 (VIC)</i>	<p>53. Court may make interim order</p> <p>(1) The court may make an interim order if —</p> <p>(b) a person has applied to the court for a family violence intervention order and the court is satisfied, on the balance of probabilities, that an interim order is necessary pending a final decision about the application—</p> <p>(i) to ensure the safety of the affected family member; or</p> <p>(ii) to preserve any property of the affected family member; or S. 53(1)(a)(iii) amended by No. 18/2010 s. 18(1).</p> <p>(iii) to protect a child (whether or not the child is an affected family member) who has been subjected to family violence committed by the respondent; or...</p>
Counselling Order	<i>Family Violence Protection Act 2008 (VIC)</i>	<p>130. Order to attend counselling</p> <p>(1) If a relevant court is given a report under section 129 and is satisfied that the respondent is eligible to attend counselling approved by the Secretary under section 133, it must make an order requiring the respondent to attend the counselling, to be provided by a person or body specified in the order.</p>
New South Wales		
Apprehended Violence Orders	<i>Crimes (Domestic and Personal Violence) Act 2007 (NSW)</i>	<p>15. Application for making of apprehended violence order by court</p> <p>(1) An application may be made in accordance with Part 10 for an apprehended domestic violence order for the protection of:</p> <p>(a) a person against another person with whom he or she has or has had a domestic relationship, or</p> <p>(b) two or more persons against another person with whom at least one of those persons has or has had a domestic relationship.</p>
Interim Court Order	<i>Crimes (Domestic and Personal Violence) Act 2007 (NSW)</i>	<p>22. Interim Court Order</p> <p>(1) A court may, on application made in accordance with Part 10, make an interim apprehended domestic violence order or an interim apprehended personal violence order if it appears to the court that it is necessary or appropriate to do so in the circumstances.</p>
Provisional Court Order	<i>Crimes (Domestic and Personal Violence) Act 2007 (NSW)</i>	<p>26. When application may be made</p> <p>(1) An application may be made by telephone, facsimile or other communication device if:</p> <p>(a) an incident occurs involving the person against whom the provisional order is sought to be made and the person who would be protected by the provisional order, and</p> <p>(b) a police officer has good reason to believe a provisional order needs to be made immediately to ensure the safety and protection of the person who would be protected by the provisional order or to prevent substantial damage to any property of that person.</p>
South Australia		
Intervention Order	<i>Intervention Orders (Prevention of Abuse) Act 2009 (SA)</i>	<p>6. Grounds for issuing intervention order</p> <p>There are grounds for issuing an intervention order against a person (the "defendant") if—</p> <p>(a) it is reasonable to suspect that the defendant will, without intervention, commit an act of abuse against a person; and</p> <p>(b) the issuing of the order is appropriate in the circumstances.</p>

Police Order	<i>Intervention Orders (Prevention of Abuse) Act 2009 (SA)</i>	<p>18. Interim intervention order issued by police</p> <p>(1) Subject to subsection (2), a police officer may issue an interim intervention order against a defendant if it appears to the police officer that there are grounds for issuing the order and the defendant is present before the police officer or in custody.</p>
Northern Territory		
Domestic Violence Orders	<i>Domestic and Family Violence Act 2007 (NT)</i>	<p>18. When DVO may be made</p> <p>(1) The issuing authority may make a DVO only if satisfied there are reasonable grounds for the protected person to fear the commission of domestic violence against the person by the defendant.</p> <p>Note <i>Because of the objective nature of the test in subsection (1), the issuing authority may be satisfied on the balance of probabilities as to the reasonable grounds even if the protected person denies, or does not give evidence about, fearing the commission of domestic violence.</i></p> <p>(1) In addition, if the protected person is a child, the authority may make a DVO if satisfied there are reasonable grounds to fear the child will be exposed to domestic violence committed by or against a person with whom the child is in a domestic relationship.</p>
Australian Capital Territory		
Domestic Violence Orders	<i>Domestic Violence and Protection Orders Act 2008 (ACT)</i>	<p>10. What conduct do domestic violence orders restrain?</p> <p>...</p> <p>(1) A "domestic violence order"—</p> <p>(b) restrains the respondent from engaging in conduct that constitutes domestic violence in relation to the aggrieved person; and</p> <p>...</p>
Interim Orders	<i>Domestic Violence and Protection Orders Act 2008 (ACT)</i>	<p>29. Grounds for making interim order</p> <p>The Magistrates Court may make an interim order if satisfied that it is necessary to make the interim order to do 1 or more of the following until the application for the final order is decided:</p> <p>(a) ensure the safety of the aggrieved person or a child of the aggrieved person;</p> <p>(b) if the interim order is an interim workplace order—ensure the safety of the aggrieved person at the workplace, or an employee of the aggrieved person or other people at the workplace;</p> <p>(c) prevent substantial damage to the property of the aggrieved person or a child of the aggrieved person.</p>
Consent Orders	<i>Domestic Violence and Protection Orders Act 2008 (ACT)</i>	<p>43. Consent Orders</p> <p>(1) On application for a protection order, the Magistrates Court may make a protection order with the consent of the parties to the proceeding.</p> <p>(2) The order may be made—</p> <p>whether or not the parties have attended, or any party has attended, before the Magistrates Court; and</p> <p>(a) whether or not any ground for making the order has been made out; and</p> <p>(b) without proof or admission of guilt.</p>
Workplace Orders	<i>Domestic Violence and Protection Orders Act 2008 (ACT)</i>	<p>50. What is personal violence for a workplace</p> <p>For this division, a person's conduct is personal violence in relation to a workplace if the person—</p> <p>(a) causes personal injury, or threatens to cause personal injury, to an employee in the employee's capacity as an employee at the workplace; or</p> <p>(b) causes damage to property, or threatens to cause damage to property, in the workplace in a way that causes reasonable fear in an employee; or</p> <p>(c) is harassing or offensive to an employee in the employee's capacity as an employee at the workplace.</p>

Tasmania		
Family Violence Orders	<i>Family Violence Act 2004 (TAS)</i>	<p>16. Family violence orders</p> <p>(1) A court may make an FVO if satisfied, on the balance of probabilities, that –</p> <ul style="list-style-type: none"> (a) a person has committed family violence; and (b) that person may again commit family violence. <p>(2) An FVO may include such conditions as the court considers are necessary or desirable to prevent the commission of family violence against an affected person or to protect any other person named in the order.</p> <p>(3) Without limiting the nature of the conditions which may be included in an FVO, the court may require the person against whom the FVO is to be made to do one or more of the following:</p> <ul style="list-style-type: none"> (a) vacate premises, not enter premises, or only enter premises on certain conditions, whether or not that person has a legal or equitable interest in the premises; (b) not possess firearms specified in the order or forfeit or dispose of any firearms in his or her possession.
Police Family Violence Order	<i>Family Violence Act 2004 (TAS)</i>	<p>14. Police Family Violence Orders</p> <p>(1) A police officer of the rank of sergeant or above, or authorised by the Commissioner of Police, may make a PFVO and issue it to a person if the officer is satisfied that the person has committed, or is likely to commit, a family violence offence.</p>
Interim Order	<i>Family Violence Act 2004 (TAS)</i>	<p>23. Courts may make interim order</p> <p>(1) At any stage during proceedings under this Part, a court may make an interim FVO, whether or not it is satisfied of the matters set out in section 16(1).</p>
Queensland		
Domestic Violence Order	<i>Domestic and Family Violence Protection Act 2012 (QLD)</i>	<p>23. What orders can a court make to prevent domestic violence</p> <p>...</p> <p>(2) A domestic violence order means –</p> <ul style="list-style-type: none"> (a) a protection order; or (b) a temporary protection order <p>...</p>
Temporary Protection Order	<i>Domestic and Family Violence Protection Act 2012 (QLD)</i>	<p>23. What orders can a court make to prevent domestic violence</p> <p>...</p> <p>(3) A temporary protection order is an order made in the period before a court decides whether to make a protection order for the benefit of the aggrieved.</p> <p>...</p>
Police Protection Notice	<i>Domestic and Family Violence Protection Act 2012 (QLD)</i>	<p>101. Police officer may issue police protection notice</p> <p>Includes standard good behaviour condition and may include cool down condition (106 & 107)</p> <p>This is taken to be an application for a protection order made by a police officer (112)</p>

Table 2b: Commonly used orders – Family Law Act 1975 (Cth)¹

Commonwealth	
Injunction	<p>68 B. Injunctions</p> <p>(1) If proceedings are instituted in a court having jurisdiction under this Part for an injunction in relation to a child, the court may make such order or grant such injunction as it considers appropriate for the welfare of the child, including: (a) an injunction for the personal protection of the child; or (b) an injunction for the personal protection of: (i) a parent of the child; or (ii) a person with whom the child is to live under a parenting order; or (iii) a person with whom the child is to spend time under a parenting order; or (iv) a person with whom the child is to communicate under a parenting order; or (v) a person who has parental responsibility for the child; or (c) an injunction restraining a person from entering or remaining in: (i) a place of residence, employment or education of the child; or (ii) a specified area that contains a place of a kind referred to in subparagraph (i); or (d) an injunction restraining a person from entering or remaining in: (i) a place of residence, employment or education of a person referred to in paragraph (b); or (ii) a specified area that contains a place of a kind referred to in subparagraph (i). (2) A court exercising jurisdiction under this Act (other than in proceedings to which subsection (1) applies) may grant an injunction in relation to a child, by interlocutory order or otherwise, in any case in which it appears to the court to be just or convenient to do so. (3) An injunction under this section may be granted unconditionally or on such terms and conditions as the court considers appropriate</p>
Recovery Order	<p>67Q. Meaning of Recovery Order</p> <p>A recovery order is an order made by a court doing all or any of the following: (a) requiring the return of a child to: (i) a parent of the child; or (ii) a person with whom the child is to live under a parenting order; or (iii) a person with whom the child is to spend time under a parenting order; or (iv) a person with whom the child is to communicate under a parenting order; or (v) a person who has parental responsibility for the child; (b) authorising or directing a person or persons, with such assistance as he or she requires or they require, and if necessary by force, to stop and search any vehicle, vessel or aircraft, and to enter and search any premises or place, for the purpose of finding a child; (c) authorising or directing a person or persons, with such assistance as he or she requires or they require, and if necessary by force, to recover a child; (d) authorising or directing a person to whom a child is returned, or who recovers a child, to deliver the child to: (i) a parent of the child; or (ii) a person described in subparagraph (a)(ii), (iii), (iv) or (v); or (iii) some other person on behalf of a person described in subparagraph (i) or (ii); (e) giving directions about the day-to-day care of a child until the child is returned or delivered to another person; (f) prohibiting a person from again removing or taking possession of a child; (g) authorising or directing a person to arrest, without warrant, a person who again removes or takes possession of a child.</p>
Parenting Order	<p>64B</p> <p>Residence Orders – Custody – Can specify where a child is to live</p> <p>Supervised Visitation Orders – Can specify specific visitation and exclusion orders.</p>

¹ All text within this table is directly taken from the legislation referenced.

Table 2c: Protection Orders made in favour of children¹

Victoria		
45(d)	<i>Family Violence Protection Act 2008 (VIC)</i>	<p>45. Who may apply for family violence intervention order</p> <p>...</p> <p>(d) if the affected family member is a child—</p> <ul style="list-style-type: none"> (i) a parent of the child; or (ii) any other person with the written consent of a parent of the child or with the leave of the court; or (iii) the affected family member with the leave of the court if the affected family member is of or above the age of 14 years; or <p>...</p>
25	<i>Restraining Orders Act 1997 (WA)</i>	<p>25. Application</p> <p>...</p> <p>(2) An application for a violence restraining order may also be made —</p> <ul style="list-style-type: none"> (a) if the person seeking to be protected is a child, by a parent or guardian of the child, or a child welfare officer, on behalf of the child; or <p>...</p>
11B	<i>Restraining Orders Act 1997 (WA)</i>	<p>11B. Violence Restraining Order may be made for a child in circumstances of family and domestic violence</p> <p>A violence restraining order may be made for the benefit of a child if the court is satisfied that —</p> <ul style="list-style-type: none"> (a) the child has been exposed to an act of family and domestic violence committed by or against a person with whom the child is in a family and domestic relationship and the child is likely again to be exposed to such an act; or (b) the applicant, the child or a person with whom the child is in a family and domestic relationship reasonably fears that the child will be exposed to an act of family and domestic violence committed by or against a person with whom the child is in a family and domestic relationship, <p>and that making a violence restraining order is appropriate in the circumstances.</p>
Tasmania		
15(2)(c)	<i>Family Violence Act 2004 (TAS)</i>	<p>15. Application for FVO</p> <p>...</p> <p>(2) ...</p> <ul style="list-style-type: none"> (c) an affected child, if the court is satisfied that the child is capable of understanding the nature of the proceedings; or (d) any other person to whom leave to apply is granted by a court. <p>(3) If an application is made by or on behalf of a child, a copy of the application is to be sent to the Secretary of the responsible Department in relation to the Children, Young Persons and Their Families Act 1997.</p> <p>...</p>
Australian Capital Territory		
19(3)	<i>Domestic Violence and Protection Orders Act 2008 (ACT)</i>	<p>19. Party with legal disability</p> <p>...</p> <p>(3) An aggrieved person who is a child may apply for—</p> <ul style="list-style-type: none"> (a) any protection order by a litigation guardian; or (b) a domestic violence order in the person's own right; or (c) a personal protection order in the person's own right with the Magistrates Court's leave.

All text within this table is directly taken from the legislation referenced.

New South Wales		
48(3), 48(6)	<i>Crimes (Domestic and Personal Violence) Act 2007 (NSW)</i>	<p>48. Making of application for an order</p> <p>...</p> <p>(3) Despite subsection (2), only a police officer may make an application for an order if the person for whose protection the order would be made is a child at the time of the application.</p> <p>...</p> <p>(6) An applicant for an order who is 16 years of age or over, but under 18 years of age, has full capacity to make the application and to apply for a variation or revocation of the order.</p> <p>...</p>
South Australia		
20(2)(a)	<i>Intervention Orders (Prevention of Abuse) Act 2009 (SA)</i>	<p>(1) The following persons may make an application to the Court for an intervention order:</p> <p>...</p> <p>(c) a child who it is alleged may hear or witness, or otherwise be exposed to the effects of, an act of abuse committed by the defendant against a person;</p> <p>(d) if the defendant or a person proposed to be protected by the order is a child and there is a Children's Protection Act order under section 38 of the Children's Protection Act 1993 in force in respect of the child—the Minister responsible for the administration of that Act.</p> <p>(1) If the person entitled to apply is a child, the application may be made—</p> <p>(a) by the child with the permission of the Court, if the child has attained the age of 14 years; or</p> <p>(b) on behalf of the child by—</p> <p>(i) a parent or guardian of the child; or</p> <p>(ii) a person with whom the child normally or regularly resides; or</p> <p>(iii) some other suitable representative of the child given permission to apply by the Court.</p>
Northern Territory		
28 (3)	<i>Domestic and Family Violence Act 2007 (NT)</i>	<p>28. Who may apply for DVO</p> <p>...</p> <p>(3) A young person may apply for a DVO only with the leave of the Court.</p> <p>...</p>
29		<p>29. When application must be made for child</p> <p>(1) A police officer or child protection officer must apply for a CSJ DVO for the protection of a child if the officer reasonably believes:</p> <p>(a) domestic violence has been committed or is being committed, or is likely to be committed; and</p> <p>(b) the child's wellbeing has or is likely to be adversely affected by the violence.</p> <p>...</p>

Queensland		
22	<i>Domestic and Family Violence Protection Act 2012 (QLD)</i>	<p>22. Child as aggrieved or respondent</p> <p>(1) a person who is a child can be named as the aggrieved or the respondent in an application for a domestic violence order, or in a domestic violence order or police protection order.</p>
43		<p>43. When children's court can make or vary order against parent of a child</p> <p>...</p> <p>(4) the court may make a protection order under subsection (2) or vary a domestic violence order under subsection (3) on its own initiative or the application of a party to the child protection proceeding.</p> <p>...</p>
67		<p>67. Condition for protection of unborn child</p> <p>(1) This section applies if an aggrieved is pregnant when a domestic violence order for the benefit of the aggrieved is made.</p> <p>(2) The court may impose a condition that—</p> <p>(a) takes effect when the child is born; and</p> <p>(b) requires the respondent to be of good behaviour towards the child, not commit associated domestic violence against the child, and not expose the child to domestic violence.</p> <p>(3) The court may impose the condition if the court is satisfied that the aggrieved is pregnant and the order is necessary or desirable to protect the child from associated domestic violence, or being exposed to domestic violence, once the child is born.</p> <p>(4) To remove any doubt, it is declared that the court may impose the condition whether or not the respondent is the father of the child.</p>

Table 3: Legislation related to ownership of property and family court orders¹

New South Wales		
Indefeasibility	<i>Real Property Act 1900 (NSW)</i>	<p>42. Estate of registered proprietor paramount</p> <p>(1) Notwithstanding the existence in any other person of any estate or interest which but for this Act might be held to be paramount or to have priority, the registered proprietor for the time being of any estate or interest in land recorded in a folio of the Register shall, except in case of fraud, hold the same, subject to such other estates and interests and such entries, if any, as are recorded in that folio, but absolutely free from all other estates and interests that are not so recorded except:</p> <p>(a) the estate or interest recorded in a prior folio of the Register by reason of which another proprietor claims the same land,</p> <p>(a1) in the case of the omission or misdescription of an easement subsisting immediately before the land was brought under the provisions of this Act or validly created at or after that time under this or any other Act or a Commonwealth Act,</p> <p>(b) in the case of the omission or misdescription of any profit à prendre created in or existing upon any land,</p> <p>(c) as to any portion of land that may by wrong description of parcels or of boundaries be included in the folio of the Register or registered dealing evidencing the title of such registered proprietor, not being a purchaser or mortgagee thereof for value, or deriving from or through a purchaser or mortgagee thereof for value, and</p> <p>(d) a tenancy whereunder the tenant is in possession or entitled to immediate possession, and an agreement or option for the acquisition by such a tenant of a further term to commence at the expiration of such a tenancy, of which in either case the registered proprietor before he or she became registered as proprietor had notice against which he or she was not protected:</p> <p>Provided that:</p> <p>(i) The term for which the tenancy was created does not exceed three years, and</p> <p>(ii) in the case of such an agreement or option, the additional term for which it provides would not, when added to the original term, exceed three years.</p> <p>(2) In subsection (1), a reference to an estate or interest in land recorded in a folio of the Register includes a reference to an estate or interest recorded in a registered mortgage, charge or lease that may be directly or indirectly identified from a distinctive reference in that folio.</p> <p>(3) This section prevails over any inconsistent provision of any other Act or law unless the inconsistent provision expressly provides that it is to have effect despite anything contained in this section.</p>
Victoria		
	<i>Transfer of Land Act 1958 (VIC)</i>	<p>42. Estate of registered proprietor paramount</p> <p>(1) Notwithstanding the existence in any other person of any estate or interest (whether derived by grant from Her Majesty or otherwise) which but for this Act might be held to be paramount or to have priority, the registered proprietor of land shall, except in case of fraud, hold such land subject to such encumbrances as are recorded on the relevant folio of the Register but absolutely free from all other encumbrances whatsoever, except—</p> <p>(b) the estate or interest of a proprietor claiming the same land under a prior folio of the Register;</p>

¹ All text within this table is directly taken from the legislation referenced.

		<p>(c) as regards any portion of the land that by wrong description of parcels or boundaries is included in the folio of the Register or instrument evidencing the title of such proprietor not being a purchaser for valuable consideration or deriving from or through such a purchaser.</p> <p>(2) Notwithstanding anything in the foregoing the land which is included in any folio of the Register or registered instrument shall be subject to—</p> <p>(a) the reservations exceptions conditions and powers (if any) contained in the Crown grant of the land;</p> <p>(b) any rights subsisting under any adverse possession of the land;</p> <p>(c) any public rights of way;</p> <p>(d) any easements howsoever acquired subsisting over or upon or affecting the land;</p> <p>(e) the interest (but excluding any option to purchase) of a tenant in possession of the land;</p> <p>(f) any unpaid land tax, and also any unpaid rates and other charges which can be discovered from a certificate issued under section three hundred and eighty-seven of the Local Government Act 1958 , section 158 of the Water Act 1989 or any other enactment specified for the purposes of this paragraph by proclamation of the Governor in Council published in the Government Gazette —</p> <p>notwithstanding the same respectively are not specially recorded as encumbrances on the relevant folio of the Register.</p>
Australian Capital Territory		
	<i>Land Titles Act 1925 (ACT)</i>	<p>38. Estate of registered proprietor paramount</p> <p>(1) Notwithstanding the existence in any other person of any interest, whether derived by grant from the Crown or otherwise, which but for this Act might be held to be paramount or to have priority, a person becoming registered as proprietor of land or of any interest in land under this Act shall, except in case of fraud, hold the land or interest, subject to such interests as are notified on the folium of the register constituted by the grant or certificate of title of the land, but absolutely free from all other interests whatsoever except as to—</p> <p>(a) the interest of a proprietor claiming the same land under a prior certificate of title or under a prior grant registered under this Act; and</p> <p>(b) any right of way or other easement created in or existing upon the same land which is not described, or is mis-described in the relative certificate of title; and</p> <p>(c) any portion of land that may by wrong description of parcels or of boundaries be included in the grant, certificate of title, lease or other document or instrument evidencing the title of the registered proprietor, not being a purchaser or mortgagee thereof for value, or deriving from or through a purchaser or mortgagee thereof for value; and</p> <p>(d) any prior tenancy for a term not exceeding 3 years; and</p> <p>(e) any leases, licences or other authorities granted by the Territory and in respect of which no provision for registration is made; and</p> <p>(f) any unpaid rates, taxes or other moneys which are expressly declared by any Act or law to be a charge upon land.</p> <p>(2) The land which is included in any certificate of title or registered instrument shall be deemed to be subject to the reservations, exceptions, conditions and powers (if any) contained in the grant thereof.</p>
Queensland		
	<i>Land Title Act 1994 (QLD)</i>	<p>37. Creation of indefeasible title</p> <p>An indefeasible title for a lot is created on the recording of the particulars of the lot in the freehold land register.</p>

Northern Territory		
	<i>Land Title Act 2000 (NT)</i>	<p>39. Creation of indefeasible title</p> <p>An indefeasible title for a lot is created on the recording of the particulars of the lot in the land register.</p>
South Australia		
	<i>Real Property Act 1886 (SA)</i>	<p>69—Title of registered proprietor indefeasible, except in cases of—</p> <p>The title of every registered proprietor of land shall, subject to such encumbrances, liens, estates, or interests as may be notified on the original certificate of such land, be absolute and indefeasible, subject only to the following qualifications:</p> <p>(a) Fraud</p> <p>in the case of fraud, in which case any person defrauded shall have all rights and remedies that he would have had if the land were not under the provisions of this Act: Provided that nothing included in this subsection shall affect the title of a registered proprietor who has taken bona fide for valuable consideration, or any person bona fide claiming through or under him;</p> <p>(b) Forgery or disability</p> <p>in the case of a certificate or other instrument of title obtained by forgery or by means of an insufficient power of attorney or from a person under some legal disability, in which case the certificate or other instrument of title shall be void: Provided that the title a registered proprietor who has taken bona fide for valuable consideration shall not be affected by reason that a certificate or other instrument of title was obtained by any person through whom he claims title from a person under disability, or by any of the means aforesaid;</p> <p>(c) Erroneous inclusion of land</p> <p>where any portion of land has been erroneously included, by wrong description of parcels or boundaries, in the certificate or other instrument evidencing the title of the registered proprietor: In which case the rights of the person who but for such error would be entitled to such land shall prevail, except as against a registered proprietor taking such land bona fide for valuable consideration, or any person bona fide claiming through or under him;</p> <p>(d) Omission of easement</p> <p>where a right-of-way or other easement not barred or avoided by the provisions of the Rights-of-Way Act 1881, or of this Act, has been omitted or mis-described in any certificate, or other instrument of title: In which case such right-of-way or other easement shall prevail, but subject to the provisions of the said Rights-of-Way Act 1881 and of this Act;</p> <p>(e) Several certificates for the same land</p> <p>where two or more certificates shall be registered under any of the Real Property Acts in respect of the same land: In which case the title originally first in date of registration shall prevail but without prejudice to the effect of anything done under Part 19A of this Act;</p> <p>(f) Certificate to be void if any person is in possession and rightfully entitled adversely to the first registered proprietor</p> <p>Any certificate issued upon the first bringing of land under the provisions of any of the Real Property Acts, and every certificate issued in respect of the said land, or any part thereof, to any person claiming or deriving title under or through the first registered proprietor, shall be void, as against the title of any person adversely in actual occupation of, and rightfully entitled to, such land, or any part thereof at the time when such land was so brought under the provisions of the said Acts, and continuing in such occupation at the time of any subsequent certificate being issued in respect of the said land;</p> <p>(g) Wife's title to prevail</p> <p>where a husband shall have been wrongly registered as co-proprietor of land</p>

		<p>belonging to his wife for her separate use or as her separate property, in which case the title of the wife shall prevail except as against a registered proprietor taking such land bona fide for valuable consideration, or any person bona fide claiming through or under him;</p> <p>(h) A lease or letting for not more than a year where at the time when the proprietor becomes registered a tenant shall be in actual possession of the land under an unregistered lease or an agreement for a lease or for letting for a term not exceeding one year: In which case the title of the tenant under such lease or agreement shall prevail;</p> <p>(i) Non-payment of succession duty where the succession duty payable in respect of the land has not been paid, and the certificate required by section 63 of the Succession Duties Act 1929 has not been obtained: In which case any charge by law imposed on the land in respect of such duty shall remain in force.</p>
Tasmania		
	<p><i>Land Titles Act 1980 (TAS)</i></p>	<p>40. Estate of registered proprietor indefeasible</p> <p>(1) For the purposes of this section indefeasible, in relation to the title of a registered proprietor of land, means subject only to such estates and interests as are recorded on the folio of the Register or registered dealing evidencing title to the land.</p> <p>(2) Subject to subsections (3) and (4), the title of a registered proprietor of land is indefeasible.</p> <p>(3) The title of a registered proprietor of land is not indefeasible –</p> <p>(a) in the case of fraud, in which case the person defrauded has, except as otherwise provided in sections 41 and 42, all rights and remedies that he would have had if the land were not registered land;</p> <p>(b) where 2 or more folios of the Register subsist for conflicting estates in respect of the same land, in which case the title which was first brought under this Act or the repealed Act defeats the titles subsequently brought under this Act or the repealed Act;</p> <p>(c) so far as regards the omission or misdescription of any reservations, exceptions, conditions, and powers contained in the Crown grant of the land, or of any right to the use and flow of water in a river, stream, watercourse, lake, pond, or marsh, or of any public right of way;</p> <p>(d) so far as regards the interest of a tenant under –</p> <p>(i) a periodic tenancy;</p> <p>(ii) a lease taking effect in possession for a term not exceeding 3 years (whether or not the lessee is given power to extend the term) at the best rent that can be reasonably obtained without taking a fine; and</p> <p>(iii) a lease capable of taking effect in equity only, except as against a bona fide purchaser for value without notice of the lease who has lodged a transfer for registration; and</p> <p>(iv) a residential tenancy agreement to which the Residential Tenancy Act 1997 applies;</p> <p>(e) so far as regards –</p> <p>(i) an easement arising by implication or under a statute which would have given rise to a legal interest if the servient land had not been registered land; or</p> <p>(ia) an easement created by deed but unintentionally omitted from the folio of the Register for the servient land when that servient land was brought under this Act or the repealed Act; or</p> <p>(ib) an easement that has been created under this Act but unintentionally omitted from the folio of the Register for the servient land; or</p>

		<ul style="list-style-type: none"> (ii) an equitable easement, except as against a bona fide purchaser for value without notice of the easement who has lodged a transfer for registration; (f) so far as regards any portion of land that may be erroneously included in the folio of the Register or registered dealing evidencing the title of that registered proprietor by a wrong description of parcels or boundaries; (g) so far as regards any money charged on land under any Act; and (h) subject to section 138W, so far as regards rights acquired, or in the course of being acquired, under a statute of limitations; and (i) so far as regards land which under the Land Acquisition Act 1993 has vested in an acquiring authority, within the meaning of that Act, and in respect and in respect of which that authority has not been registered as proprietor.
Western Australia		
	<p><i>Transfer of Land Act 1983 (WA)</i></p>	<p>68. Estate of registered proprietor paramount</p> <p>(1) Notwithstanding the existence in any other person of any estate or interest whether derived by grant or transfer of the fee simple from the Crown or otherwise which but for this Act might be held to be paramount or to have priority the proprietor of land or of any estate or interest in land under the operation of this Act shall except in case of fraud hold the same subject to such encumbrances as may be notified on the registered certificate of title for the land; but absolutely free from all other encumbrances whatsoever except the estate or interest of a proprietor claiming the same land under a prior registered certificate of title and except as regards any portion of land that may by wrong description of parcels or boundaries be included in the certificate of title or instrument evidencing the title of such proprietor not being a purchaser for valuable consideration or deriving from or through such a purchaser.</p> <p>(1A) Despite subsection (1), the land which shall be included in any certificate of title or registered instrument shall be deemed to be subject to the reservations exceptions conditions and powers (if any) contained in the grant thereof or transfer of the fee simple or otherwise and to any rights subsisting under any adverse possession of such land and to any public rights of way and to any easements acquired by enjoyment or user or subsisting over or upon or affecting such land and to any unpaid rates and to any mining lease or licence issued under the provisions of any statute and to any prior unregistered lease or agreement for lease or for letting for a term not exceeding 5 years to a tenant in actual possession notwithstanding the same respectively may not be specially notified as encumbrances on such certificate or instrument but no option of purchase or renewal in any such lease or agreement shall be valid as against a subsequent registered interest unless such lease or agreement is registered or protected by caveat.</p> <p>(2) Notwithstanding subsection (2), the Crown land included in any registered certificate of Crown land title, registered qualified certificate of Crown land title or registered instrument shall be deemed to be subject to —</p> <ul style="list-style-type: none"> (a) any reservation, exception, condition, covenant or power to which the relevant interest in Crown land is subject; and (b) any public right of way; and (c) any easement subsisting over or upon or affecting that Crown land; and (d) any unpaid rates; and (e) any mining tenement within the meaning of the Mining Act 1978; and (f) any prior unregistered lease or agreement for lease or for letting for a term not exceeding 5 years to a tenant in actual possession even if it is, or they are, not specially notified as an encumbrance on that certificate of Crown land title or instrument, but no option of purchase or renewal of any lease or agreement referred to in paragraph (f) shall be valid as against a subsequent registered interest unless that lease or agreement is registered or protected by a caveat.

Commonwealth		
Altering property interests	<i>Family Law Act 1975 (Cth)</i>	S79 – married couples S90SM – de facto couples
Commonwealth		
Varying or setting aside alteration of property interests	<i>Family Law Act 1975 (Cth)</i>	S79A – married couples S90SN – de facto couples

Table 4: Legislation related to residential tenancies and domestic and family violence¹

New South Wales		
Change of tenants after AVO	<i>Residential Tenancies Act 2010 (NSW)</i>	<p>79 Change of tenants after AVO</p> <p>(1) Termination of tenancy On the making of a final apprehended violence order that prohibits a co-tenant or a tenant from having access to the residential premises, the tenancy of that co-tenant or tenant under the residential tenancy agreement is terminated. Such a termination does not affect the tenancy of any co-tenant not subject to the order.</p> <p>(2) Tribunal may recognise occupant as tenant after AVO The Tribunal may, on application by a remaining occupant or co-tenant, make an order recognising the remaining occupant as a tenant under the residential tenancy agreement, if the tenant, or a co-tenant or a former tenant or co-tenant is prohibited by a final apprehended violence order from having access to the residential premises.</p> <p>(3) Orders An order under this section may vest a tenancy over the residential premises in an occupant on such of the terms of the previous residential tenancy agreement as the Tribunal thinks appropriate having regard to the circumstances of the case.</p> <p>(4) An application for an order under this section may be made at the same time as any other application or during proceedings before the Tribunal or independently of any such other application or proceedings.</p> <p>(5) A Tribunal may not make an order under this section in respect of a social housing tenancy agreement unless the remaining occupant meets any applicable eligibility requirements of the social housing provider for tenancy of the premises.</p>
Changes of locks and other security devices		<p>71 Changes of locks and other security devices</p> <p>(1) A landlord or tenant may alter, remove or add or cause or permit the alteration, removal or addition of a lock or other security device for the residential premises only if:</p> <p style="margin-left: 20px;">(a) the other party ag, or</p> <p style="margin-left: 20px;">(b) with a reasonable excuse.</p> <p>(2) Without limiting what is a reasonable excuse, it is a reasonable excuse that a lock or other security device was altered, removed or added:</p> <p style="margin-left: 20px;">(a) in an emergency, or</p> <p style="margin-left: 20px;">(b) in accordance with an order of the Tribunal, or</p> <p style="margin-left: 20px;">(c) after the tenancy of a co-tenant was terminated, or</p> <p style="margin-left: 20px;">(d) after a tenant or occupant of residential premises was prohibited from having access to the residential premises by an apprehended violence order.</p> <p>(3) If a lock or other security device is altered, removed or added by a landlord or the tenant without the consent of the other party, it is presumed, in the absence of evidence to the contrary, that it was altered, removed or added by the landlord or tenant without reasonable excuse.</p>
Occupants remaining in residential premises		<p>95 Occupants remaining in residential premises</p> <p>(1) This section applies if the tenant under a residential tenancy agreement who occupied or partly occupied the residential premises with another occupant no longer resides in the residential premises and the residential tenancy agreement has been terminated.</p> <p>(2) The landlord may give any remaining occupant of the residential premises a notice requiring the occupant to give vacant possession of the premises within a period of not less than 14 days.</p> <p>(3) The Tribunal may, on application by a landlord, make an order for possession of the residential premises specifying the day on which the order for possession takes effect if it is satisfied that:</p>

¹ All text within this table is directly taken from the legislation referenced.

		<ul style="list-style-type: none"> (a) notice was given in accordance with this section, and (b) the occupant has not vacated the premises, and (c) the tenant no longer resides in the premises. <p>(4) The Tribunal is not to make an order for possession of the residential premises if the tenant is prohibited by an apprehended violence order from having access to the residential premises while the occupant resides in the premises and the occupant has not had a reasonable opportunity to obtain a final apprehended violence order and to apply to the Tribunal for an order under section 79.</p>
Copies of changed locks and other security devices to be given to other party		<p>72 Copies of changed locks and other security devices to be given to other party</p> <p>(1) A copy of the key or any other opening device or information required to open a lock or other security device that is altered, added or removed by a landlord or tenant must be given to the other party not later than 7 days after it is altered, added or removed, unless:</p> <ul style="list-style-type: none"> (a) the other party agrees, or (b) the Tribunal authorises a copy not to be given. <p>(2) (This section does not require a copy of a key or other opening device or information to be given to a person who is prohibited from having access to the residential premises by an apprehended violence order.</p>
Australian Capital Territory		
Application to ACAT about certain personal information listed in residential tenancy database	<i>Residential Tenancies Act 1997 (ACT)</i>	<p>99. Application to ACAT about certain personal information listed in residential tenancy database</p> <p>(1) If personal information about a person is listed in a residential tenancy database, the person may apply to the ACAT for an order under this section.</p> <p>(2) The ACAT may order a listing person to—</p> <ul style="list-style-type: none"> (a) remove stated personal information from the database; or (b) amend the personal information in the database. <p>(3) The ACAT may make the order only if satisfied—</p> <ul style="list-style-type: none"> (a) the personal information is inaccurate, incomplete, ambiguous or out-of-date; or (b) the listing of the personal information is unjust in the circumstances, having regard to— <ul style="list-style-type: none"> (i) the reason for the listing of the person's personal information; and (ii) the person's involvement in the acts or omissions giving rise to the listing of the personal information; and (iii) the adverse consequences suffered, or likely to be suffered, by the person because of the listing of the personal information; and (iv) any other relevant matter. <p>Examples—par (b)</p> <p>1 Information about Endora is listed in a residential tenancy database because of damage caused to premises by Endora's domestic partner during a domestic violence incident. Because of the listing of the information, Endora cannot obtain appropriate and affordable accommodation.</p>

Queensland		
Injury to spouse	<i>Residential Tenancies Act 1994 (QLD)</i>	<p>150 Injury to spouse</p> <p>(1) This section applies to--</p> <p>(a) the spouse of the tenant occupying the premises with the tenant; and</p> <p>(b) a cotenant whose spouse is the other, or another, cotenant.</p> <p>(2) The person may apply to a tribunal for an order to be recognised as the tenant, or a cotenant, under the agreement instead of the person's spouse because the person's spouse has committed an act of domestic violence against the person.</p> <p>(3) The tribunal may make the order if it is satisfied the person has established the ground of the application.</p> <p>(4) In deciding the application, the tribunal must have regard to the following issues (the domestic violence issues)--</p> <p>(a) whether the person has applied for a protection order against the person's spouse;</p> <p>(b) if an application was made--whether a domestic violence order was made and, if made, whether it is in force;</p> <p>(c) if a domestic violence order has been made--whether a condition was imposed prohibiting the person's spouse from entering, or remaining, on the premises.</p> <p>(5) Subsection (4) does not limit the issues to which the tribunal may have regard.</p> <p>(6) If the tribunal makes the order, it may make any other order it considers appropriate.</p> <p>Examples of orders tribunal may make--</p> <p>1. an order about the application of the terms of the agreement, or other terms, to the person as tenant, or as a cotenant</p> <p>2. an order about any rental bond paid by the person's spouse</p> <p>(7) A person in whose favour an order is made under subsection (3) is taken to be the tenant, or a cotenant, under the agreement on the terms the tribunal orders.</p> <p>(8) The tribunal may not make an order under subsection (3) without giving the lessor an opportunity to be heard on the application.</p>
Damage or injury		<p>211 Damage or injury</p> <p>(1) If an application is made to a tribunal for a termination order because of damage or injury, the tribunal may make the order if it is satisfied the applicant has established the ground of the application.</p> <p>(2) If the application is made because of injury by the spouse of the tenant or a cotenant whose spouse is the other, or another, cotenant, in deciding the application the tribunal must have regard to the following issues (the domestic violence issues)--</p> <p>(a) whether the applicant has applied for a domestic violence order against the applicant's spouse;</p> <p>(b) if an application was made--whether a domestic violence order was made and, if made, whether it is in force;</p> <p>(c) if a domestic violence order is in force--whether a condition was imposed prohibiting the applicant's spouse from entering, or remaining in, the premises.</p> <p>(3) Subsection (2) does not limit the issues to which the tribunal may have regard.</p>

Application by tenant's spouse for termination for damage or injury		<p>188 Application by tenant's spouse for termination for damage or injury</p> <p>The spouse of the tenant occupying the premises with the tenant may apply to a tribunal for a termination order because the tenant--</p> <ul style="list-style-type: none"> (a) has intentionally or recklessly caused, or is likely to intentionally or recklessly cause, serious damage to the premises; or (b) has committed an act of domestic violence against the spouse.
Victoria		
Manager may give person notice to leave – serious acts of violence.	<i>Residential Tenancies Act 1997 (VIC)</i>	<p>368 Manager may give person notice to leave—serious acts of violence 1</p> <ul style="list-style-type: none"> (1) A manager of managed premises may give a resident a notice to leave the managed premises immediately if the manager has reasonable grounds to believe that— <ul style="list-style-type: none"> (a) a serious act of violence by the resident has occurred on the managed premises; or (b) the safety of any person on the managed premises is in danger from the resident. (2) A manager of managed premises may give a resident's visitor a notice to leave the premises immediately if the manager has reasonable grounds to believe that— <ul style="list-style-type: none"> (a) a serious act of violence by the visitor has occurred on the managed premises; or (b) the safety of any person on the managed premises is in danger from the resident's visitor. (3) A notice to leave under this section must be in the prescribed form. (4) A notice to leave under this section must be given as soon as it is possible for the manager to safely do so after the serious act of violence has occurred or the safety of a person on the premises has been endangered.

<p>Application for new tenancy agreement because of final family violence intervention order</p>		<p>233A Application for new tenancy agreement because of final family violence intervention order</p> <p>S. 233A(1) substituted by No. 53/2010 s. 221(Sch. item 9.5).</p> <p>(1) (In this section— "final order" means—</p> <ul style="list-style-type: none"> (a) a final order within the meaning of the Family Violence Protection Act 2008 ; or (b) a final order within the meaning of the Personal Safety Intervention Orders Act 2010 . <p>(2) his section applies if—</p> <ul style="list-style-type: none"> (a) a tenant is excluded from rented premises under an exclusion condition included in a final order; and (b) a protected person under the final order— <ul style="list-style-type: none"> (i) is also a party to the tenancy agreement for the rented premises; or (ii) has been residing in the rented premises as the protected person's principal place of residence but is not a party to the tenancy agreement. <p>(3) The protected person may apply to the Tribunal for an order—</p> <ul style="list-style-type: none"> (a) terminating the existing tenancy agreement; and (b) (b) requiring the landlord of the premises to enter into a tenancy agreement with the protected person and other persons (if any) specified in the application. <p>(4) For the purposes of proceedings in relation to an application for an order under subsection (3), each of the following persons is a party to the proceeding—</p> <ul style="list-style-type: none"> (a) the protected person; (b) the landlord; (c) the excluded tenant; (d) any other existing tenants.
<p>Application for new site agreement because of final family violence intervention order</p>		<p>317M Application for new site agreement because of final family violence intervention order</p> <p>(1) This section applies if—</p> <ul style="list-style-type: none"> (a) a site tenant is excluded from a Part 4A dwelling on a Part 4A site under an exclusion condition included in a final order; and (b) a protected person under the final order— <ul style="list-style-type: none"> (i) is also a party to the site agreement for the Part 4A site; or (ii) is the owner or co-owner of the Part 4A dwelling at law or in equity. <p>(2) The protected person may apply to the Tribunal for an order—</p> <ul style="list-style-type: none"> (a) terminating the existing site agreement; and (b) requiring the site owner of the Part 4A site to enter into a site agreement with the protected person and any other site tenant (other than the excluded site tenant) of the Part 4A site. <p>(3) For the purposes of proceedings in relation to an application for an order under subsection (2), each of the following persons is a party to the proceeding—</p> <ul style="list-style-type: none"> (a) the protected person; (b) the site owner; (c) the excluded site tenant; (d) any other existing site tenants. <p>(4) In this section— "final order" means a final order within the meaning of the Family Violence Protection Act 2008.</p>

Service of documents		<p>506 Service of documents</p> <p>(4) If, under this Act, a notice or other document is to be served or given to a person who is a tenant or site tenant excluded from rented premises or Part 4A site under a family violence safety notice or a family violence intervention order, the notice or document must be served or given—</p> <ul style="list-style-type: none"> (a) by delivering it personally to the person; or (b) by leaving it at the address nominated by the person under section 33 or 85 of the Family Violence Protection Act 2008 with a person apparently over the age of 16 years and apparently residing or employed at that place; or (c) by sending it to the person by post or email to the address nominated by the person under section 33 or 85 of the Family Violence Protection Act 2008 ; or (d) by leaving it at the person's last known address (other than a place from which the person is excluded under the Family Violence Protection Act 2008) with a person apparently over the age of 16 years and apparently residing or employed at that place; or (e) by sending it to the person by post or email to the person's last known postal or email address (other than to an address from which the person is excluded under the Family Violence Protection Act 2008); or (f) in the manner ordered by the Tribunal.
Tasmania		
Termination of agreement	<i>Residential Tenancy Act 1997 (Tas)</i>	<p>37. Termination of agreement</p> <p>(1) A residential tenancy agreement in respect of residential premises is terminated only by –</p> <ul style="list-style-type: none"> (a) the delivery of vacant possession of the premises by the tenant to the owner as a result of their agreement to terminate the agreement; or (b) the delivery of vacant possession of the premises by the tenant to the owner following a notice to vacate by the owner; or (c) the delivery of vacant possession of the premises by the tenant to the owner following a notice to terminate by the tenant; or (d) the delivery of vacant possession of the premises by order of the Court to the owner; or <ul style="list-style-type: none"> (da) the making of an order of termination in accordance with section 17 of the Family Violence Act 2004 ; or (db) the making of a closure order in relation to the premises under section 87 of the Public Health Act 1997; or (dc) the death of the tenant, if there is no other surviving tenant in relation to the premises; or (e) the recovery of vacant possession of the premises by the owner following abandonment or early vacation of the premises. <p>(2) An owner must not regain, or attempt to regain, possession of the premises by any means other than those specified in subsection (1).</p>
Locks and security devices		<p>57. Locks and security devices</p> <p>(2B) A tenant may, without the authority of an order of the Court or the consent of the owner of the residential premises, add, alter or remove any lock or other security device if –</p> <ul style="list-style-type: none"> (a) an FVO, within the meaning of the Family Violence Act 2004 (a family violence order), is in force under that Act; and (b) the order was made for the purpose of protecting the tenant.

Northern Territory

Vicarious liability of tenant	<i>Residential Tenancies Act 1999 (NT)</i>	<p>12 Vicarious liability of tenant</p> <p>(1) It is a term of a tenancy agreement that if a person (other than a co-tenant) who, while on the tenant's premises with the consent of the tenant, performs or omits to perform an act that, if it had been an act or omission of the tenant, would have been a breach of the agreement, the tenant is responsible under the agreement for the act or omission for the purposes of this Act.</p> <p>(2) Nothing in subsection (1) is to be taken to make a tenant criminally responsible for an act or omission of another person.</p> <p>(3) Subsection (1) does not apply if:</p> <ul style="list-style-type: none"> (a) the person who performs an act that, if it had been an act of the tenant, would have been a breach of the tenancy agreement, is in a domestic relationship within the meaning of the Domestic and Family Violence Act with the tenant; and (b) the act is an act of domestic violence under that Act; and (c) it is reasonable in all the circumstances, including but not limited to the number of times that an act of domestic violence under that Act has been performed by the person in the premises to which the tenancy agreement relates, for the tenant not to be taken to be responsible under the agreement for the act for the purposes of this Act.
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Neither Western Australia's nor South Australia's Residential Tenancy Acts have sections dealing with domestic and family violence.

ANROWS



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