

# TRANSCRIPT

## LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

### **Inquiry into capturing data on family violence perpetrators in Victoria**

Melbourne—Monday 12 August 2024

#### **MEMBERS**

Ella George – Chair

Annabelle Cleeland – Deputy Chair

Chris Couzens

Chris Crewther

Cindy McLeish

Meng Heang Tak

Jackson Taylor

#### **WITNESS**

Elena Campbell, Associate Director, Research, Advocacy and Policy, Centre for Innovative Justice, RMIT University.

**The CHAIR:** Good morning. My name is Ella George, and I am the Chair of the Legislative Assembly's Legal and Social Issues Committee. I declare open this public hearing of the Committee's Inquiry into capturing data on family violence perpetrators in Victoria.

I begin today by acknowledging the traditional owners of the land on which we are meeting, the Wurundjeri Woiwurrung people of the Kulin nation, and I pay my respects to their elders past, present and future and extend that respect to First Nations people across Victoria.

I am joined today by my colleagues Jackson Taylor, the Member for Bayswater; Meng Heang Tak, the Member for Clarinda; Christine Couzens, the Member for Geelong; Annabelle Cleeland, Deputy Chair and Member for Euroa; and Chris Crewther, Member for Mornington. Cindy McLeish, the Member for Eildon, is an apology.

On behalf of the Committee I would like to thank everyone participating in the inquiry through submissions or the hearings. We greatly appreciate your time and effort in contributing to this important inquiry.

The Committee recognises that evidence to this inquiry may be distressing, and we urge people to reach out for support. You can contact Lifeline on 13 11 14, 1800RESPECT or the Blue Knot helpline on 1300 657 380. The Committee will hold a further day of public hearings next on Monday 19 August. Today the Committee will hear from a number of academic witnesses from the family violence sector.

All evidence given today is being recorded by Hansard and broadcast live.

While all evidence taken by the Committee is protected by parliamentary privilege, comments repeated outside this hearing may not be protected by this privilege. Witnesses will be provided with a proof version of today's transcript to check together with any questions taken on notice. Verified transcripts, responses to questions taken on notice and other documents provided during the hearing will be published on the Committee's website.

I am now pleased to welcome Elena Campbell, Associate Director, Research, Advocacy and Policy from the Centre for Innovative Justice, RMIT University. I invite you to make a brief opening statement of 5 to 10 minutes, and this will be followed by questions from members. Thank you.

**Elena CAMPBELL:** Thank you very much, Ella. It is a real privilege to be here on Wurundjeri country and sharing just some of the expertise that we have developed at the Centre for Innovative Justice over a program of research that spans over a decade. I really welcome this inquiry because even though looking into data in relation to something does not sound particularly exciting, what I have learnt is that it is about what it unearths and what it tells us about the picture of what is happening in the community and also what it does not tell us, just as importantly. Sometimes data can send us in kind of unhelpful directions if we do not bring enough nuance and understanding and depth to what sits under how it is collected, from whom and by whom it is collected and then how it is interpreted. Certainly I have seen the importance in my other work, including in a Commonwealth process that I am involved in the moment, and how when we have gaps in understanding that really impacts how funding and policy can also flow.

What I wanted to highlight in our submission were a few things. First is that I think that there are untapped sources of data and information about people who use violence that we just have not really explored thoroughly in terms of their engagement with different service points and touchpoints of interaction. That has certainly improved over the years, but we tend to default to the criminal justice response. We tend to default to the tertiary end, where people are in custody, we are looking at recidivism rates or we are looking at potentially participation in MBCPs.

What I wanted to highlight from our work now nearly 10 years ago called 'Bringing perpetrators of family violence into view' is that there are so many more touchpoints at that earlier stage where people are ostensibly reaching out for assistance, even if they do not express it in that way. In health settings, in early justice system settings where people might have an early contact with police, an early contact with duty lawyer assistance, we are not necessarily mining or mapping that to understand both how we can address need and, most importantly, stem escalation.

Obviously, as a result of the incredibly important and groundbreaking and I think still nation-leading Royal Commission into Family Violence, two of the most significant pieces that have come out of that include the MARAM, the Multi-Agency Risk Assessment and Management Framework, which really, as I travel around the country talking in different jurisdictions, strikes me how much that has really, really propelled change and a consistency of understanding about risk in Victoria. Increasingly we are speaking the same language around risk and increasingly we are meeting each other in the same sort of frame, which is incredibly important.

Similarly, I think the big-ticket item is the information sharing scheme, which has enabled us to bring those pieces of information about risk together that we were not able to before, which was a crucial failure, as we heard, in the Luke Batty homicide where Greg Anderson was touching different points of the service system but those pieces of information were not being brought together. So I think we are in a really good position, and other jurisdictions are looking to Victoria as a lead as a result.

That said, I think we still have got a long way to go to making the most of those frameworks and leveraging them. Our research has shown that we are still at a point where a lot of people do not particularly understand how to use the more complicated and comprehensive versions of the MARAM, and that is kind of slowing their capability in terms of upskilling the alcohol and drugs sector, mental health and others. We are also seeing that the MARAM is so complicated and long that that dynamic risk is not necessarily able to be captured, and particularly children and young people are becoming invisible.

One of the other reasons I wanted to make a submission to this inquiry is that question of visibility or invisibility, because sometimes data skews the significance of what we think we are seeing. Research, particularly our research in relation to family violence during COVID, called *Future-Proofing Safety*, showed that children were just disappearing from the picture all the time, and even though the MARAM compelled information to be gathered about children as victim-survivors in their own right, that just was not happening. Similarly, young people who are experiencing violence and are unaccompanied by a parent and have aged out of the child protection system are also unseen and unsafe as a result.

But disproportionately or conversely, what we have seen in Victoria since the introduction of the *Family Violence Protection Act*—to which I contributed, so I need to kind of reflect on that—is that we have such a proactive and no-excuses policy that we are sweeping up people into the system and they are being identified in the data as perpetrators when they just do not belong there at all. That includes an increasing number of women who are misidentified as predominant aggressors, and that is a huge issue particularly, as you would have heard, I am sure, for First Nations women, particularly in relation to the imposition of an intervention order and the impacts that that has, which cannot be easily or readily rectified, even though when brought to court for that to occur. Children can be removed, access to services can be denied, that information sharing scheme kicks in in a perverse way, because the label of ‘perpetrator’ follows people around. So that is a piece of work that I am doing with Djirra at the moment where we are going to be looking at how to design a service response that helps to prevent but also rectify misidentification when it occurs.

Finally, perhaps the biggest perverse impact or inadvertent consequence of that proactive legislation is the way in which our *Family Violence Protection Act* sweeps up young people who are using family violence, who are identified as respondents by the system in a police call-out. Rarely is it parents seeking an intervention order against their own child; all they want is some safety and some support. But instead the system scoops them up where those young people have invariably either experienced violence themselves—not just in the past but on an ongoing and current basis—or are being identified as using family violence when actually it is behaviours of concern and unmet support needs related to disability and neurodivergence.

In the research I did called the PIPA project, which was released in 2020—just before COVID, so some of the opportunities to progress it were not necessarily able to be pursued at the time—we found that in our sample of case files that we reviewed in relation to young respondents to intervention orders 50% had a disability of some kind and 25% were on the autism spectrum. And so we have a strange situation where (a) our system scoops up young people in that regard, (b) our family violence legislation is so proactive that it does not require consideration of people’s ability to understand or comply with an order, so we have 13-year-olds with autism having intervention orders imposed against them with no hope whatsoever of understanding or complying without the support of the victim-survivor parent—so our system pits the parties against each other inadvertently—and (c) it does not consider the safety of where that young person is supposed to be placed if they are not able to be at home. It does not care; it just considers whether the adult there has a criminal record.

So there are all sorts of things, problems, that sit under that simple figure that consistently comes out every year that says around 10% of police call-outs and protection orders are imposed against young people. That is something that I invite this Committee to really give consideration to, because I think it is time for a review and a reform of the *Family Violence Protection Act* and the inadvertent consequences that it causes and the kind of skewed data story that it tells as a result.

**The CHAIR:** Thank you, Elena, for both your submission and that excellent opening statement. The first thing I would like to ask you about is—in your statement you spoke about untapped data. That is something that the Committee has heard about from other witnesses and through other submissions—you know, not really understanding the true prevalence of family violence when there is so much unreported family violence in the community, particularly, as you mentioned, people who are not going, say, through the justice system or visiting an Orange Door to report that violence. Can you speak to us in a bit more detail about some of those earlier touchpoints you mentioned? What are those, and what should the Victorian Government do to gather that data?

**Elena CAMPBELL:** I think to gather data we need to have understanding. A lot of the community will be, as you identify, having touchpoints and contact with people who are experiencing and/or using family violence but are either not necessarily confident to identify it or, if they do identify it, do not have a clue how to respond. Part of that is about having referral pathways available, but definitely part of that is a capability uplift particularly across those primary or universal settings such as schools, which is huge one. I know that schools will say, ‘We have enough to deal with; how can we be dealing with identifying somebody using family violence?’ but there is such an opportunity in there where schools are sort of that universal entry point. They have such visibility over the whole of the family dynamic over a period of time, and we are just not supporting them enough and upskilling them enough to be able to know what to do.

Similarly, primary health settings are a huge one. We know from the wider body of research that often a primary health setting such as a GP is the only place that a man—as the majority of people who are using family violence—is likely to go for any type of assistance. They are not going to be knocking on any other kind of door. The appointment might be in relation to a bad back or a crummy knee, but in terms of conversations then about how things are at home, what is happening—if a skilled GP is able to unravel that conversation, there can be intervention points at an earlier stage so that a trajectory of harm is actually stemmed.

Of course we do have a huge issue in terms of the relationship between alcohol and the escalation or frequency of violence, particularly lethal violence. But again, the alcohol and drug sector and the mental health sector and the specialist family violence sector, and even the men’s behaviour change sector, have too often had to work in silos. That is not a criticism of them; that is actually how things are funded. But again, that sort of upskilling that we would have hoped to see as a result of the development of such a comprehensive risk assessment framework, like the MARAM, has not necessarily occurred because the training, particularly the comprehensive tool and the nuance that goes with all of that, is just kind of a short, brief, one-off session. We get turnover in workforces, so people come in and out without actually even having had that training. There is an opportunity there to do some really great work in the alcohol and other drug, the primary health and the mental health sector that we are just not leveraging at the moment.

**The CHAIR:** If there was some workforce upskilling and some capability building across the sector, how would you bring that data collection together? Can you identify an agency that is best placed to lead that work?

**Elena CAMPBELL:** At the moment, because of the MARAM framework, we have a sort of funnel for information, to a certain extent. Some have more kind of capacity in that regard to funnel the information to the central information point than others. But I think the first step is upskilling the workforce and also identifying some of those systems. I am sure you have heard in the course of this inquiry about systems like SHIP and things like that where community-based services need to enter particular forms of data but it is just not particularly well designed in order to tell the true story of risk, so it is about looking at all of our systems across government and how community-based services and various different sectors are funnelling information here and different ones are funnelling information there and different ones are reporting there. The question is: what is happening to all of that and who is bringing that together? Although it is a fantastic thing to have an agency that is specifically dedicated to family safety, I think it is actually a cross-government piece of work. Until we understand that every part of government and the community and workforces has a responsibility to, first acknowledge and recognise the scale of the issue and then commit to addressing the problem, I do not think we

will really make the progress we need to. I think the government really needs to identify ways that it can do that together instead of kind of making it the responsibility of one agency, because even though that is great in theory, too often we just see the default being ‘Oh well, FSV are doing that’, and people kind of carve off and say, ‘That’s your lane, not necessarily affecting me.’

There is so much that is untapped data in police that it is not particularly well leveraged. Even though we have got the CSA, there is untapped data in Corrections. Oh my God, there would be so much data in the Corrections environments if we looked at it effectively. So I think there is a lot there. The question is then how much we are limited to those sorts of systems, rather than looking out into the community in terms of understanding what we are seeing in workforces, what those touchpoints are in community-based organisations and how we can kind of bring that together through referrals and connections into those services and systems.

**The CHAIR:** I have got a couple of follow-up questions. Firstly, what data in corrections is untapped?

**Elena CAMPBELL:** This is just an example. We have done a piece of work that we are yet to release at the moment just because of capacity issues, to be honest, where we are looking at the experience of women in the criminal justice system over the period of COVID. We were able to get access to certain bits of Corrections data, which is fantastic—they were really cooperative and great—but it is just about what questions are being asked and what is not being asked at that point. For example, there is very little information on women going into custody about whether they have the primary care of children. Sometimes it is asked, sometimes it is not. Sometimes the Aboriginal identifier—that is a huge, huge issue right across the system. If we do not know what women’s situations are in terms of whether they have children, whether they are in out-of-home care at the moment, we cannot work to make sure that we are making the most of that time and the rehabilitation opportunity that we assume exists in Corrections—that should be there—and moving them, leveraging that and working to reunification, for example.

The other big one that we know about—and this is a piece of work that occurs in the CIJ but in kind of another part of the organisation led by my colleague—is data in relation to acquired brain injury. Just an example of something we know across Corrections systems is that over 40% cent of men in custody and over 30% of women in custody have an acquired brain injury. We know that from broader research, but we are not getting in there and really making sure that the full picture of everybody’s needs is recognised at the beginning, as soon as they are received into custody, as the expression goes, so that appropriate support can be provided. When something like an ABI is not identified, it just affects that person’s entire experience and journey through—or passage stuck in—the justice system. It is terrible.

I suppose the answer is we need to be collecting data about the whole person and we need to be understanding how they have been interacting with different touchpoints. That tells us a bit of a story about potentially what might happen next, because, for example, while it is really, really important that we have a proactive family violence response, a further inadvertent consequence is that people with ABIs are particularly highly represented in the numbers of people who have intervention orders imposed against them. They have probably told you this already themselves, but Victoria Legal Aid data shows us that a very high proportion of people that they are defending for a charge of breach of intervention order have an ABI. We are having this kind of impact on people through our system response, and then they show up in the numbers of breaches. But we are not actually questioning ‘Who is it?’ when we look at the concerning number of breaches of intervention orders. We are not actually drilling down and disaggregating and saying, ‘Who is breaching and what are we going to do that stops that happening?’ potentially getting in earlier before we need to impose an intervention order at all.

**The CHAIR:** Okay. I have got a couple of questions relating to the MARAM framework. Do you see the MARAM framework as being fit for purpose to collect risk-related data across other agencies where it is not currently being collected or reported back through?

**Elena CAMPBELL:** I think it needs to be made a bit more user-friendly and loosened up a bit. I was involved in early work for the adults using violence tool, and there was a lot of detailed thinking that went in because everybody is so determined to capture every possible manifestation of risk and behaviour and to contemplate the entire picture because everybody is very, understandably, worried about missing something. But what that means when you have a big, long shopping list is that it becomes very difficult and labour-intensive for services to use. It is about finding a middle ground. Yes, I think it has been a great tool, as I was

saying, for upskilling and developing our shared language. We have got some amazing, amazing work happening at that really specialist end, including where specialist services can rectify misidentification or prevent misidentification from occurring in the first place, but it is a very difficult tool because there is so much detail that you need to put in and it is not particularly flexible enough to allow for dynamic risk to be updated. What we found in our *Future-Proofing Safety* research, for example, is that services were taking their case notes and reflections on dynamic risk and recording them somewhere else rather than in the MARAM tool, just because it did not allow for that. That information about dynamic risk was not going through the system just because it was a little bit too onerous I suppose. While I fully support the importance of that framework and the immense improvement that it has propelled, I think there is an opportunity to really kind of examine how we can pull out the important points in a way that upskills a range of different sectors to be more family, domestic and sexual violence informed, because they have got a lot to do. At that point they have got to try and maintain their therapeutic relationship with a client who does not necessarily want to be there and is denying that they have got an alcohol problem. It is a very, very difficult and highly skilled dance. So to try and bring in that additional frame is a tough ask, but ultimately it can improve the outcomes for that person, because if we are going to prevent them using future violence, that is a win for everyone.

**The CHAIR:** Elena, if you want to come back to the Committee on anything specific where you think MARAM can more accurately collect data on dynamic risk, whether MARAM is fit for purpose for research and analysis purposes or any other recommendations that you have around the improvement of MARAM, that would be greatly appreciated.

**Elena CAMPBELL:** Sure. Okay. I gather that is a pretty big focus for you.

**The CHAIR:** Yes, and it is a complex area. I am conscious of time, so I will hand over to Annabelle now. Thanks.

**Annabelle CLEELAND:** The other big area is misidentification. You have mentioned that throughout, but I think we are trying to tackle that ‘how’ a lot. You mentioned about a piece that you are working on at the moment: how to design—I have got to read my notes now—a service response to rectify mis-ID when it occurs. When are you completing that?

**Elena CAMPBELL:** Unfortunately, not until early next year.

**Annabelle CLEELAND:** Okay.

**Elena CAMPBELL:** We are just embarking on it. We are just getting the ethics approval sorted now. It is a very complicated piece because we are working through the justice system and we are going to be talking to women in custody as well as women in the community. Djirra is the lead agency. It is completely community led. It has got a steering committee of very, very high-level Aboriginal and community leaders as well as senior government department reps right across and police as well. The assistant commissioner is really, really onboard, Lauren Callaway. What we are going to be doing is exploring where and how mis-ID occurs and therefore what the opportunities are to prevent it at that point, but also Djirra is, understandably, particularly interested in what a service response then looks like that can help to support women who have had that experience and help to rectify it as quickly as possible.

The one thing I would say, given the opportunity to say it, is that it is very, very, very important therefore that we have checks and balances in our family violence response. One of the, again inadvertent, consequences of a recent announcement to extend police family violence safety notices is that women who have been misidentified by police will not be brought back to court and the opportunity to rectify the situation will not occur. I have seen throughout my research examples of police seeking an application for an intervention order following the imposition of their family violence safety notice in the morning against the woman and the magistrate will make further inquiries and ask about certain situations. For example, it is very, very common, and I see it throughout my research, and men tell me they do it, which is very strange, that they leverage that, particularly where their female partner does not speak English—she is from a refugee or migrant background, she is very isolated and with not much community support. He leverages that and he calls the police. She is very, very heightened and distressed and cannot make herself understood. Police will say, ‘I use Google Translate. I try and work out what’s happening.’ They have not got a clue. He has set it up really, really nicely to say ‘She came at me; I haven’t done anything’—even self-inflicted injuries sometimes just to set the scene. I

have seen it. When it comes before a court in the morning the magistrate will make further inquiries and send police away to get more information and do a bit more work, and I have seen it come back in the afternoon and police say, 'Sorry. We're doing the opposite now—we're seeking an order against him, not against her.' Unless there is that kind of constant querying, constant assessment in the first place—ideally you would have a co-responder model where there is always somebody there. This should not be on police. Nobody is actually blaming police in a way—most of the time—because they have got a lot to do at that frontline response. They have got to make a decision and they are holding risk in that moment of time, so what is the source of information on which they can draw to make a more informed decision? Whether that is going into more depth, to look in the MARAM and check what we are actually seeing here, or whether that is a co-responder model or a secondary consult with a specialist service or practitioner who is either there or on the phone—however you want to do it. We know those collaborative responses work really, really well. We have got to have the check and balance there, but we have got to keep checking and keep testing in those scenarios, because we know from the evidence that it is more likely that she is the victim-survivor, she is more likely to be the person most in need of protection. Sorry, you had a follow-up question?

**Annabelle CLEELAND:** You are answering my questions as you go, which is excellent, and about the checks and balances when it comes to misidentification. I think that is a fabulous, brilliant idea, having that secondary interviewer or support layer that does not necessarily exist. One thing we have heard a lot about is the challenges of sharing between the service providers and the judicial system though, or the court system. How do we come together in this space where we have operated so separately for such a long period of time?

**Elena CAMPBELL:** I think it is not as hard as everyone is making it out to be. Yes, there is a barrier between the services and the actual member of the judiciary ; there is certain information that the judiciary just cannot have, certain conversations that they cannot have before they make a decision. But there is so much information and collaboration that can occur up until that point, both in terms of before an order is actually imposed and then potentially—talking more generally about orders against people and referrals to MBCPs, for example, I was part of a piece of work that recommended a system that included risk review meetings where MBCP practitioners, court practitioners and police were coming together to say, 'All right. How's it going? What's happening at the moment? What do we know? What observations can we bring together so that we are as informed as possible before we get to the door of the court?' Too often—way too often—judicial officers are making decisions with very, very little information. Similarly, with young people, who are also misidentified in my view, who are using violence. That is what our submission sought to highlight, where young people are discouraged from coming to court and the parent has not brought the application but the police have because they are trying to do the best they can. The police are standing in front of the magistrate and the magistrate is saying, 'What can you tell me?' and they say, 'I can tell you this much, Your Honour,' and together they are making a decision: 'Well, we'd probably better impose an interim order for now because otherwise we'll be in the gun.'

There is a huge amount that can be done by connecting people with services that enable us to gather information, and in the case of young people and misidentified women, to disclose where there may not have ever been an opportunity before, because if you are a young person who has grown up in family violence, who has no reason whatsoever to trust an adult, who may have provided information which was then shared back with a perpetrator parent, it is not until you reach a duty lawyer who you discover is obliged to protect your information and not share anything you tell them unless you give them permission—that is a revelation—that you will disclose. Having that information then enables the duty lawyer or the legal assistance to be able to make informed, nuanced submissions to the bench, for which the bench is absolutely crying out. They want the information. We have seen it in work that we have done where we have evaluated a program run by Youthlaw, a community legal centre, who was a partner in our submission. Although it does not happen on first mention because it is really quick to get into court, by connecting kids with not just legal assistance but social work support early—connecting them with services, getting those disclosures and understanding what the real picture is—by the time they get back to second mention and the court, there might be an interim order in place but the magistrate says 'We don't need it at all because of your situation. You're actually the victim-survivor, and you're working on these behaviours. Off you go.' That is a really great outcome. And the courts really want to know; they do not want to just sit in isolation.

**Annabelle CLEELAND:** I have got to pass it along, but I just want to ask about different touchpoints for children, in particular around health services, police and schools. A local issue at one of my schools was parental consent to leave the grounds to see a specialist. Do you have any comments about that? So they have

actually—it is amazing, quite groundbreaking—brought the service to the school to prevent the parental intervention if they are potentially a perpetrator or there is a culture of protection in the family. Schools to me sound like a phenomenal access point and support base for students, but there is also a barrier with parental oversight, so have you got any comment on that?

The other thing I just want to mention as well—sorry, before I pass this on—is you have mentioned so many research points that you have been part of in the last decade. If there is anything you can contribute to the Secretariat for us from that research, that would be excellent. If there are recommendations that are lingering, we would love you to take that on notice if possible.

**Elena CAMPBELL:** Yes, sure.

**Annabelle CLEELAND:** Because you mentioned PIPA and a few other things, I would like to home in on that a bit more. Any comments around guidance around the touchpoints at schools would be really excellent, but you might have to take that on notice as well.

**Elena CAMPBELL:** I would just quickly say that we know that absolutely those services in schools are crucial. WEstjustice has a lawyer in some really big schools in the west, and it makes such a difference to young people having somewhere safe to disclose and address a range of different legal needs. Parental consent is a huge one, and it is something that comes up across my research. It is absolutely this kind of hidden lever that perpetrator parents, particularly in the context of family law proceedings, are pulling. Often it is used against the protective parent in a family law proceeding to say ‘This child was supposed to have been referred to this service; that proves you’ve failed as a parent’ because they have got mental health issues or they have got these other needs. So it is the withholding of consent, but then it is also leveraging it in a range of different ways.

I think it is worth the Committee highlighting that servicing and saying, ‘Is that actually a requirement?’ What we have also found is that there are different understandings—not necessarily across education settings, because I have not kind of really drilled down into that, but across organisations which have different policies. I understand it is a guideline by AHPRA, but it is not actually set in stone. So it is something that is worth surfacing and saying, ‘Is this something we actually need, or is there more nuance or flexibility that can be brought into that?’

**Annabelle CLEELAND:** Thank you.

**The CHAIR:** Thank you. Christine.

**Chris COUZENS:** Thank you for your time today. It is a great contribution as well. You mentioned earlier about the need for review and reform, particularly around people with disabilities, autism and ABIs—in that space. Would you put mental health in that category as well?

**Elena CAMPBELL:** Yes. Mental ill health is obviously a spectrum, but we know that after a point psychosocial disability is a recognised form of really kind of extreme and acute need. I think there is not enough recognised about the impacts of mental ill health on people’s behaviours, interaction with services and systems but also what contributed to that poor mental health in the first place. We just are terrible at recognising trauma in the legal system, understanding its impacts, particularly on young people but throughout, on neurodevelopment, language development. We have this system which requires people to come and get lots of information given to them verbally and then go away and do what they are told, not thinking about what that is like both in terms of what their prior experiences have done to people’s capacity and capability to take that information on but also what their profound stress of that moment is. There are ways that I think if we provide more support to people through that experience and their interaction with the legal process, we are going to get better results and prevent breaches and further harm down the track. Not always, but you do what you can where you can.

**Chris COUZENS:** What do you think is needed to link suicide and family violence?

**Elena CAMPBELL:** So much. It is again an interesting conversation that we are having in this Commonwealth review I am involved in at the moment. I think more and more we are recognising that we need to unpack that. Where I think there is perhaps a nervousness about it because we know that the numbers of



victim-survivors who take their own life either as a result of their extreme trauma or deteriorating mental health as a result or just the feeling that, combined with poverty and lack of choices, that is their only escape is something that we need to start grappling with as a community, even though it is really a bit mind-blowing to start thinking in that way.

The other area we need to look at particularly is young people taking their own lives for the same reason. They are not safe at home with their family of origin, cannot find safety elsewhere, whether from their experience of the child protection system or whether they have aged out of the child protection system and are homeless. We are doing a piece of work with our partner agency MCM that is just kind of working at that really pointy end of youth homelessness and family violence experience, and suicide is a constant presence. I think the reason we are also so nervous about acknowledging it, though, is that there is this associated suicide of people who are using violence and recognising (a) that occurs or (b) it either occurs or is threatened as a way of perpetuating abuse and perpetuating control, and that can be absolutely paralysing for a victim-survivor and can go on for years in terms of that threat laying over the entire family. It is also a challenge when you are thinking about what that does with the narrative that the community is reinforcing back to the victim-survivor whether his mental health is visibly deteriorating or whether he actually ends up taking his own life. Unless it is understood what has been occurring, the layers of trauma and devastation for that victim-survivor family are extraordinary.

I do not have the answer, but I think we do definitely need to start recognising that. I think maybe another reason we have not done it is because we come at things in silos. We say, 'Oh, suicide. That's a policy over here. Family violence, that's a policy over here, child protection is somewhere over there,' and we are not looking at how they relate. We need to start to bring it together.

**Chris COUZENS:** Would the coroner have a role in that, do you think? I mean they are about the only one that is recording suicides at the moment.

**Elena CAMPBELL:** Good grief, yes. Absolutely. But do you know what, the coroner needs to be resourced properly to conduct death reviews and inquests in a timely fashion so that we have the information sooner. At the moment there is a lag for years so we are not getting sufficient information and learning from it. That is such a crucial part of that function.

**Chris COUZENS:** Thank you.

**The CHAIR:** Thank you. Chris.

**Chris CREWETHER:** Thanks, Chair, and thank you for your evidence and your submission as well. I wanted to ask: how should courts transition from a throughput approach where courts focus on getting an order in place without ensuring the process genuinely promotes safety and accountability in a genuine way to one that builds better accountability and monitors outcomes or behaviour change?

**Elena CAMPBELL:** Slowing things down—getting information from parties before the matter first comes to court or very quickly soon after so that when something goes back to the second mention, as I was saying in relation to young people, victim-survivors have been connected with support usually: we are getting really good at that now in Victoria, but we are just nowhere with connecting respondents to support for legal needs. Although Victoria Legal Aid has a great model working in the specialist court environments using information and referral officers—you might have heard about them—who are connecting people, anyone with legal needs in relation to that process, with non-legal issues: housing—crucial, crucial, crucial, crucial; I cannot say how crucial that is, housing for respondents—but also financial services, AOD services, mental health services.

You have got to get in early, you have got to get the information there and you have also got to leverage the window that is available, because when someone has had police contact and it is a real shock and destabilisation of what they thought and how they had organised their life, there is an opportunity in there where people are sort of more open to change, and what happens is that window starts to close. By the time we have actually got down the track and they have been assessed as eligible and then referred to a men's behaviour change program, for example, views have kind of solidified and people have become more entrenched in their beliefs. Their transactional experience of the justice system prior to that has given them even more of a sense that—if they have not got it from googling all sorts of 'manosphere' misinformation on their phones—the system is against them. It makes it become far more intractable and harder for those poor hardworking programs to shift.

**Chris CREWETHER:** Thank you. And just adding to that, can you give a quick summary of what court-related processes still have a throughput approach?

**Elena CAMPBELL:** It is really an issue about the churn—the high volume that we have—without being sufficiently resourced to address it. The royal commission, for example, recommended a cap of 30 intervention order matters a day, and it just was found to be pretty much unsustainable in most courts. So many magistrates have to deal with 60 to 100 intervention order applications every day, so how can you possibly get to the bottom, find what people's needs are and deal with them in a way that makes them feel heard? Even if you are not having a contested hearing, you still need those interactions with police, with lawyers, with practitioners in the foyer and in your brief conversation with a magistrate you need to feel that you are seen as a person. That is because procedural justice evidence shows that if you feel like you are seen as a person and the process is fair, you are far more likely to comply with the outcome regardless of what it is.

**Chris CREWETHER:** Thank you.

**The CHAIR:** Thanks, Chris. Heang.

**Meng Heang TAK:** Thank you, Chair. Thank you. I heard you talk about collecting and sharing information being not that difficult, but that is kind of a bit different from previous stakeholders.

**Elena CAMPBELL:** Right.

**Meng Heang TAK:** What is required to facilitate the metadata collection, sharing and analysis through the legal process and court systems?

**Elena CAMPBELL:** To be honest, more resources and a recognition of the court as having a role situated within the community rather than the court system as separate from everybody else. We really need to start to recognise there is so much good work that can occur within a court touchpoint if done well. I have just seen the most amazing work done in a court by a skilled magistrate with skilled specialist staff, with skilled lawyers, you know, but that is very episodic and ad hoc. It is still a lottery in terms of whether you even go to a specialist court or whether you are going to get a particular magistrate, to be honest. We get there by enabling capability so that people recognise the importance of the data itself and the sharing of the data, but then we also have to give people time, and the only way we can do that is by increasing their capacity.

**Meng Heang TAK:** Maybe it is outside our terms of reference, but I happened to sit down in a Koori Court in Dandenong and see the magistrate, the police informants—both sides—and elders of the community. I thought that was very good. It makes all parties feel part of the system.

**Elena CAMPBELL:** Yes. Koori Courts are amazing. They are where it is at. I think just the simple recognition of leveraging the strength of culture and community and making people feel heard and as if they are human beings can make a huge difference. Community will feel far more invested in what they are hearing from their elders and how they are perceived by their Elders in terms of they want to make sure that they are doing the right thing by their community, by their culture. It is just something that again we need more of. There are a lot of lessons that we can learn from that approach to apply elsewhere.

**Meng Heang TAK:** All right. Thank you. Thank you, Chair.

**The CHAIR:** Thank you. Jackson.

**Jackson TAYLOR:** Thanks, Chair. I was getting worried you were going to say 'in the interests of time' and I would not get a question, but we are back. Firstly, can I just say thank you very much for a very thorough, thoughtful and eloquent opening statement and of course your answers to questions. I really appreciate it. I just want to ask about the MARAM framework. You have spoken a little bit about, if I could sort of categorise it as, confusion with some of the framework obviously because parts of it are quite complex and very detailed. What are some practical steps that can be taken to break it down, to make it easier to understand and to distil to make sure that across the sector there is perhaps a better understanding of the framework, how it operates and what it means?

**Elena CAMPBELL:** If you really focus on lifting capability, so that training. I think the more familiar you are with it and the more kind of knowledgeable you are about it, the more quickly you can move through it or

the more deft and nimble and agile you can be about making sure the tool works for you rather than you working for the tool—I think that is the key. I think there are opportunities maybe to simplify it, but I think I would be throwing the cat among the pigeons if I went there. It is a question that needs to be asked after five years, and we have had the review recently, whether there are opportunities now to kind of go, ‘We did a fantastic job, and we did the best we could at the time and we brought all the information together’—sometimes, you know, you do that thing, where you are writing something, you bring everything together and then you start to distil and say, ‘What are the key things?’

Perhaps rather than talking about the MARAM, I will just give you one example of something that I have done in work to support the development of a young person focused MARAM—I am not quite sure what is happening there; it has taken a while. A couple of years ago I did a review of other risk assessments of young people’s use and experience of violence, and we found that the most effective tools were the ones where there had been a huge amount of work done with lots of questions involved to really capture the detail, but then further analysis to distil and say, ‘If we just broke this down to three questions’—this was for identifying experiences of intimate partner violence in young people—‘or five questions, or whatever it is, what are the key things that we need to find?’ This particular study, to which I can refer you, showed that there was like 95—I cannot remember the exact figure, but within the 90s—per cent reliability in terms of predicting or identifying the experience of intimate partner violence through three particular questions, as they were, from the entire range of the tool that they had been previously using. That is, I think, kind of a useful at least signpost. You have got to interpret it through in this case a young person’s lens. For example, one of the things that was most telling was the use of social media to isolate the young person from their peer groups, because that is so significant for young people and such a mechanism—a sort of lever of power and control. That was really, really significant. Then there were issues around sexual violence—obviously something we still do not like to ask young people. It is crazy. We go, ‘Oh, it’s a little bit too awkward,’ so there are too many tools that just do not go there or we skip over them. I am developing some tools in another jurisdiction at the moment where we were having that struggle—‘Oh, we don’t like to ask young people’—but sexual violence is such a predictor of lethality so we really, really need to know what are the key things to ask after we have done some work to develop rapport and trust, because why on earth would a young person tell you anything unless you have done that work first?

**Jackson TAYLOR:** Thank you very much. Thank you, Chair.

**The CHAIR:** Thank you, Elena, for appearing before the Committee today and for your valuable contribution to this inquiry. We greatly appreciate the time and effort you have taken to appear before us.

We will now take a short break before our next witness.

**Witness withdrew.**