

Violence against Women in Australia

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Violence against Women in Australia: Key Research and Data Issues

Judy Putt and Karl Higgins



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Abbreviations

ABS	Australian Bureau of Statistics
AIC	Australian Institute of Criminology
ANCO	Australian National Classification of Offences
CRISP	Crime Reporting Information System for Police (Queensland)
IJIS	Integrated Justice Information System (Northern Territory)
ISIS	Injury Statistical Information System (Australian Institute of Health and Welfare)
LEAP	Law Enforcement Assistance Program
LASSIE	Legal Aid Statistical System Information Exchange (Commonwealth Attorney-General's Department)
NEPI	National Exchange of Police Information
NISU	National Injury Surveillance Unit (Australian Institute of Health and Welfare)
NNI	National Names Index (Police Departments)
OIS	Offence Information System (WA)
SAAP	Supported Accommodation Assistance Program (Commonwealth Department of Health and Family Services)
SARC	Sexual Assault Referral Centre (Western Australia)
SWIS	(Commonwealth Department of Social Security) Social Worker Information System
VAWIP	Violence against Women Indicators Project

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Preface

The contents of this report are a product of the Violence Against Women Indicators Project (VAWIP). Based at the Australian Institute of Criminology, the main aim of the Project was to coordinate data on the criminal justice response to violence against women in order to enhance decision making and policy formulation at a national level. A system of national and consistent data collection has been called for on numerous occasions, but so far there has been no national effort to meet the need for such data on violence against women.

The first step towards coordination involved the identification of data collections with information on violence against women, particularly information which related to legal responses and the criminal justice system. As interest lay with national data, large collections received the most attention, as did those which hold information from all jurisdictions. Data sets were analysed to assess the nature of the information contained within them, and to establish the major obstacles that prevent or inhibit the comparison and coordination of data.

Another important and related preliminary task was to review the research undertaken in Australia on violence against women. The objective of the review was to summarise the scope of previous studies in terms of both subject matter and methodology. The review was also designed to indicate priority areas for data analysis and for research to supplement statistical data.

An underlying reason behind both these tasks—the review of data availability and previous research—was to develop recommendations specific to the need for national data and which, more generally, indicate ways of increasing our understanding of violence

against women and our knowledge of legal responses to the violence.

This report, therefore, presents the findings of VAWIP in relation to key research and data issues. It identifies gaps in research and data and outlines the next steps required to further the twin goals of obtaining a national perspective on violence against women and improving the legal response to violence against women. These are listed systematically in Chapter 3 (pp. 39-40). Appendix IV (p. 63) lists the key areas in relation to violence against women which require the development of indicators.

Many of the tasks associated with the next steps were going to be undertaken by VAWIP in its second year of operation. However, funding for the project ceased.

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January 1997

Introduction

Background

Trends in Policy and Practice

Since the 1970s, Australia has witnessed substantial legal reforms, publicity campaigns and the progressive consolidation of services which have done much to improve community attitudes and institutional responses to violence against women. In 1974 the first women's refuge and the first rape crisis centre were opened in Sydney and since then there has been a steady expansion of services for women in crisis, including women who have experienced violence at the hands of partners or former partners. Crisis telephone lines, refuges, sexual assault referral centres, to name just a few, were developed in response to public pressure to address the needs of women.

Women are the overwhelming majority of adult victims of two forms of violence—sexual assault and domestic violence. Changes to legislation and legal procedures have been integral to the fight for improved understanding of and official responses to these forms of abuse.¹ As the issues surrounding domestic violence and sexual assault were, during the first wave of reform, taken to be quite distinct in many respects, demands for revisions of the law and to the criminal justice system had a different emphasis and character for domestic violence, than they did for sexual assault. With the former, for instance, the struggle centred on the need to bring the issue of violence in the home into the public domain, to ensure it was treated as a criminal matter. As a result government funded campaigns have encouraged the reporting of violence in the family, and considerable effort has been devoted to altering police and judicial perceptions and reactions to domestic

incidents (Mugford 1989). In addition to this, due mainly to a pragmatic recognition of the limitations inherent in the criminal justice system, and based upon the need to offer victims of domestic abuse a measure of protection, all of the Australian jurisdictions have enacted legislation providing for civil protection or restraining orders to deal with domestic violence matters.²

With sexual assault, legal reforms have focused on definitions of offences and on the rules of evidence. A major legislative innovation occurred in 1981 when NSW enacted the *Crimes (Sexual Assault) Amendment Act*. The new law defined four degrees of sexual assault, with a corresponding scale of maximum penalties. The ACT, Northern Territory and Western Australia subsequently introduced similar laws. Several reasons have been put forward for the replacement of rape with degrees of sexual assault. One was that more convictions would occur if the traditional definition of rape, with its maximum penalty of life imprisonment, was changed (Grabosky 1989), and another was that the focus should be on the violent component of the behaviour instead of the sexual emphasis in the common law (Rathus 1993).

Another major issue is that of consent, and the manner in which sexual assault and rape victims are dealt with in court. Victims of sexual assault have always been regarded as a distinct category of complainants who often have to endure gruelling cross-examinations and sceptical reactions to their complaint because the law requires the prosecution to prove the

complainant had not consented to the alleged act. The onus of proof in consent has been at the forefront of debates on sexual assault, along with evidentiary rules relating to the recency of the complaint, corroboration and the victim's previous sexual experience. Aside from consent and these rules, legal issues which have also attracted amendments or calls for change over the year include rape in marriage, the age of criminal responsibility, unsworn dock statements, the role of the jury and cross examination techniques (Bargen & Fishwick 1995).

Common to sexual assault and domestic violence has been the move to address gender stereotypes and the many gender based myths surrounding both types of crimes. With sexual assault and domestic violence, for example, women were accused of provoking attacks and it was frequently assumed in public discourse that the main danger to women lay with strangers, and not their partners or someone known to them. These kinds of cultural values and beliefs which inform everyday understandings of violence, have influenced legal processes and institutions. Feminists have campaigned long and hard to challenge notions embedded in the law and the practice of criminal justice agencies which have disadvantaged women, and much of their efforts have been channelled into campaigns on sexual assault and domestic violence as crimes which best exemplify many of the issues the reformers seek to address.

Often based upon the experiences and views of service providers and community groups, significant trends in social justice have affected policies relating to violence against women. The recognition of difference and disadvantage has translated into attempts to identify special needs and to provide for these needs in the legal and service sector. In relation to the criminal justice system, the move to acknowledge the rights of victims has also resulted in changes to practice and organisational mores. Statutory agencies have typically responded by introducing training on many of these issues, and there has been a proliferation of services—women's legal

centres, networks representing individuals from non-English speaking backgrounds, court support schemes and so forth—which aim to improve access to justice for disadvantaged groups in the community.

Recommendations relating to access to justice have improved criminal justice interventions where domestic or sexual violence has been reported. Moreover, to enable a more effective and coordinated response there has been the creation of specialised divisions within justice agencies to handle intimate crimes, for example, police units devoted to sexual assault, domestic violence or child abuse. In conjunction with these developments, there has been the push for protocols between agencies and for integrated and multidisciplinary services.

With responses to domestic violence and sexual assault, state based taskforces and committees have reviewed policy and legislation which in many instances has led to further legislative amendments including the introduction of stalking laws across Australia. Although strategies to increase public awareness and to educate the community on violence against women have been orchestrated at a range of levels, criminal laws, the justice apparatus and the administration of many services are the responsibility of the State or Territory Governments. Thus, many changes have occurred within a state, or at a local level, with the separate and unrelated development of programs and approaches to the problems. The variation between jurisdictions is reflected in disparate criminal laws, organisational structures, and government departmental procedures across Australia. Due to funding arrangements and their community based

orientation, a similar picture characterises the non-government sector, although peak bodies sometimes provide overall direction and representation for certain services and lobbyists.

An early example of a national approach to violence against women was the National Education Campaign on Domestic Violence in the late 1980s. The Commonwealth/State Coordinating Taskforce was established to guide the campaign with the administration of activities directed by the federal Office of the Status of Women. A wider agenda was set for the Commonwealth/State National Committee on Violence Against Women (NCVAW), which was established in 1990 and existed for three years. Its role was to initiate research, coordinate community education and act as a forum for national consideration of legal, policy and program issues. In 1993, the Committee released the document *National Strategy on Violence Against Women*, which outlines the need for a national approach, the aims of the National Strategy and objectives and directions for action (NCVAW 1993a). An important component of the proposed Strategy was research, monitoring and evaluation, and on the subject of directions for action in the fields of law and justice recommendations are made for research and the monitoring of criminal justice statistics on cases of physical and sexual violence against women³ (NCVAW 1993a, p. 31).

Data on Violence against Women

Research has tended to reflect the state/federal divisions for implementing and administering criminal justice laws, especially where research has relied on criminal justice statistical data. The National Committee on Violence (1990) report, *Violence: Directions for Australia*, complained that the knowledge about the extent and distribution of violence was fragmentary and inadequate and in a monograph published by the Committee on victims of crime, Grabosky (1989) wrote that the two basic sources of information then available on victims of violence—police statistics and the Australian Bureau of

Statistics crime victim surveys—had shortcomings. With police statistics he stresses the fact that police figures are only for offences known to the police and will always underestimate the extent of violence. Although the crime victim surveys produced more accurate estimates of incidence rates and confirmed that many offences were not reported to the police, they too are acknowledged to underestimate violent crimes of an intimate nature, particularly sexual assault, domestic violence and child abuse.

In many respects such criticisms apply today. Without a doubt police data and survey data continue to underestimate the extent of violence against women. Nevertheless, there have been several significant changes since the late 1980s which have contributed to an improvement in information on crimes of violence. There has been an explosion of databases which store information for organisations, be they government, community or criminal justice agencies. Methods of data storage and retrieval, the systems component to data, have become more sophisticated, and very importantly for more intimate crimes, there is a greater awareness of shortcomings in data collections and recognition of their limitations. In the 1990s most agencies which collect data on matters related to violence against women have at least attempted to address the more obvious omissions in routinely recorded information.

It is clear, however, that this progress has occurred within organisations and not between organisations or across jurisdictional and sector boundaries. Coordination, integration and uniformity are lacking. Several initiatives have succeeded in producing national statistical

collections but they are the exception rather than the rule.

Interpretation of Data

A cautionary note should be sounded at this point. Comparable and consistent data can be extremely useful in developing service responses and policy objectives and in determining the effects of reforms. One has to be mindful, however, of the care required in the interpretation of statistics (Matka 1990). Crime statistics have to be critically assessed and analysed in an ethical and constructive fashion. Explanations for variations in crime statistics—over time, between jurisdictions, for different crimes—have to take into account many factors, including what has been dubbed the “reporting climate”. For instance, a discernible increase in recorded rape figures for Victoria was attributed by Ross and Brereton (1995) to a greater willingness amongst the population to report such crimes to the police. Apparent rises in crime figures may arise, for example, from awareness campaigns or changes to police practices, rather than an actual increase in incidents. Additional research, be it quantitative or qualitative in method, is always vital to help explain the raw statistics.

Violence against Women Indicators Project

Objectives

The Violence Against Women Indicators Project (VAWIP) commenced at the Australian Institute of Criminology in 1995 with the objective of coordinating research on the criminal justice response to violence against women so that the Government would have reliable national data for the development of the best means of dealing with violent crimes against women. In interpreting this broad statement “violence against women” was taken to incorporate domestic violence and sexual assault. The project was split into two linked parts, the first to promote and

examine data coordination and the development of national indicators on domestic violence and sexual assault, and second, to develop research designed to complement the data coordination activities and address various access to justice issues. Originally funded for four years, the funding was terminated in 1996, with only the tasks for the first year completed. This report summarises the activities of the first year of VAWIP by presenting a summary of Australian research on violence against women, a summary of the data currently available, and a discussion of the problems of data coordination and comparison that arise out of an examination of this data.

Definitional Issues

For the Project it was decided that the initial focus should be on domestic violence and sexual assault. No absolute definitions of these terms were offered. Rather, because VAWIP was mainly concerned with criminal justice matters, the terms “domestic violence” and “sexual assault” were confined largely to the behaviours included under, and defined by, the laws of each State and Territory. As these laws refer to physical rather than psychological violence or abuse, the many forms of psychological and economic abuse that exist were not addressed. Other forms of violence against women such as stalking were also not discussed in detail, although it was the goal of VAWIP to address such issues in planned supplementary research and as a part of the core work for later years. In addition, because of the focus of VAWIP, on violence against women, violence against men was not covered. Discussion about domestic violence was also limited to where the violence occurs between current and former adult intimates, although it is acknowledged that

much debate is currently under way on the distinctions made between “domestic” and “family” violence.

The Contents of the Report

Chapter 1 is a summary of Australian research that has previously been completed on the topics of domestic violence and sexual assault, and a discussion of future research directions. Also presented are the findings of an expert workshop held in Canberra in May 1996, on the research and data needs on violence against women in Australia.

Chapter 2 summarises what data are available on domestic violence and sexual assault, and whilst it is not a complete survey of all information sources in existence in Australia, it covers major collections from the criminal justice sector and non-criminal justice sectors. Also presented are examples of the type of data available, including examples not previously published. The final part of the chapter is a discussion of the problems in comparing data across jurisdictions and between organisations.

The concluding chapter makes recommendations related to the substantive issues covered by the Project. Appendices contain a bibliography, a summary of data sources, a summary of domestic violence legislation in Australia, and a list of key indicators.

most sophisticated and useful statistical systems for collecting data. As many of them were still being installed or were not yet accessible, the report claimed it would take time to establish national figures.

Endnotes

¹ Many of these procedural and legal changes are similar to reforms overseas, but this report concentrates on Australia.

² The essential features of the protection or restraining order is that an interim order can be obtained quickly, that a final order can be made by a magistrate on the balance of probabilities, that the order can be tailored to specific violent or harassing conduct, and that a breach of an order is a criminal offence.

³ An unpublished report on data collections on violence against women was prepared by Distaff Associates in 1991 for the Committee. The report concluded that legal and correctional agencies had the

1



Overview of Australian Research

Violence Against Women

Definitional debates arise when considering violence against women relating to both operational definitions for data variables and to the political and philosophical statements implicit in the terminology. To date, legislative reform and research projects have focused on two broad categories of violence against women—domestic violence and sexual assault—terms in themselves subject to controversy. There is ample evidence to show it is women who are the overwhelming majority of the adult victims of these two forms of violence. With sexual assault, statistics on reports to the police across jurisdictions support this assertion, and although routine police statistical collections do not consistently record relationships between the offender and victim for assaults, the proportion of women who apply for protection orders and research which relies on state-wide data such as Gardner (1994), Ferrante et al. (1996) and Strang and Sherman (1996) provide convincing proof that women are the principal victims, and men the principal perpetrators, of violence between adult intimates and former intimates.

Before examining the Australian research on domestic violence and sexual assault, this chapter briefly considers violence against women where the perpetrator is not an intimate or ex-intimate and where sexual assault has not occurred. The results of the ABS Women's Safety Survey, released at the end of 1996 will assist in developing a national picture of women's experiences of violence. Although the Queensland Women's Policy Unit (1992) did a gender analysis of that state's 1991 Crime Victim Survey, there has been no thorough analysis nor comparisons yet of the data from

the national and state/territory Crime and Safety Surveys to find out whether there are indicators of difference over time and between jurisdictions in women's reported experiences of violence.

Other measures of women's victimisation by non-intimates and which is not legally defined as sexual assault comes from research concerned with specific groups of people, such as studies of elder abuse¹, homeless adolescents, prisoners and the intellectually disabled, that highlight a sector of the population's risk of abuse or attack because of attributes of the people concerned or their circumstances. Gender may not be canvassed as a distinct issue in such studies, and where it is, relationships between the abuser and victim are not always clearly articulated. Two major questions emerge from this line of inquiry:

- What kind of violence, and by whom, are women afraid of, and how do their fears correspond to indices of actual victimisation.
- Are particular individuals or groups of women vulnerable to abuse—for example, from caregivers or

professionals, and attack from non-intimates, and is their plight being overlooked.

These two questions are not addressed here as sexual violence and domestic violence were taken to be priorities for the first phase of VAWIP. However, there is the need in the future to examine the research literature and data on other forms of violence against women. With women's fear of violence, there have been several surveys that included questions about the respondent's fear of crime and violence, and feelings of safety in specified situations (OSW 1995; ABS 1996). In addition, the Australian Criminology Research Council is currently funding a major research project into fear of crime, which should cover women's fear of violence.

Access to Justice

In recent years, attention has focused on the assumed difficulties experienced by certain groups of disadvantaged women should they pursue or wish to pursue legal solutions to acts of victimisation, or more generally, situations of conflict. Drawing upon a range of sources, the Australian Law Reform Commission (1994) in its report, *Equality Before the Law*, concluded that four categories of women were particularly at risk of structural and personal discrimination, and that they therefore could be regarded as disadvantaged sectors of the community. The disadvantages relate to firstly, general societal attitudes and structures and secondly, biases within the formal justice system, both its institutions and practices. The disadvantaged groups were: women from non-English speaking backgrounds (NESB), Aboriginal women, women with disabilities, and women in rural or remote areas.

Some of the factors which may contribute to inequalities amongst women, and between men and women, when legal processes are set in train because a woman has been subject to acts or the threat of violence include the following:

- gender bias in law and legal processes
- cultural bias in law and legal processes
- racist and sexist practices and attitudes

- elitist language and procedures
- geographical concentration of services
- services oriented to the "average" person
- normative concepts with an inherent class bias.

Essays which discuss issues relating to the disadvantages confronting the four nominated groups of women are quite numerous, although large scale or empirical research is lacking and most criminal justice data sources rely on dubious recording practices and definitions for race and ethnicity. Many of the essays criticise the legal system's treatment of disadvantaged women (Assafiri & Dimopoulos 1995; Payne 1993), focus on certain areas of law (for example, Mottee 1992 on immigration law) or discuss service equity (Garrett 1992; Heng 1990). On the more specific topic of violence against women, there is a range of reports and articles which, to name a sample, cover sexual violence against women with disabilities (Carmody & Bratel 1992), access to services for women with disabilities who are subjected to violence (NCVAW 1993c), domestic violence and ethnic communities (Gilmore 1992; Commonwealth Department of Immigration and Ethnic Affairs 1993), ethnic communities' perceptions of family violence and child sexual abuse (Seitz & Kaufman 1993), attitudes of women from non-English speaking backgrounds to domestic violence (Ovadia & Webb 1990),

Aboriginal women and sexual violence (Greer & Breckenbridge 1992; Thomas 1992) and Aboriginal women and domestic violence (Cattalini & Allbrook 1992; Greer 1994).

Due to ethical considerations and constraints imposed, for example, by logistical and communication difficulties and limited resources, research is often confined to consultations with relatively small groups of women, and service providers. In addition, the appropriate methodology for research can be influenced by the researcher's sense of priorities, for example, as an advocate who seeks to facilitate change, or political commitment to conduct action-research which has tangible benefits for the participants.²

Back in 1988 the in-depth study by Elliot and Shanahan Research canvassed community attitudes to domestic violence, including the attitudes of rural, Aboriginal and NESB groups. Since then, a fair percentage of literature on NESB or migrant women concentrates on the experiences of Filipino women (Kaminskas & Smith 1990; Ramilo & Droescher 1992; Cunneen, Johnson & Stubbs 1996; Tan & Davidson 1994). A survey in NSW involved interviews with 52 Vietnamese, Khmer or Laotian women who were victims of domestic violence (Dang & Alcorso 1990), but the most extensive is Easteal's (1996) study of the experiences of overseas born women in terms of the violence they have endured and their access to support services and the criminal justice system.

Criminal justice statistics suggest that a significant number of Aboriginal women are victims of violence (for example, Ferrante et al. 1996).³ While consultations with Aboriginal communities are now an accepted mode of inquiring into the needs of Aboriginal women, there exists a pronounced reluctance to use conventional research methods on Aboriginal people or to raise a potentially divisive issue amongst them. The sensitivity of the subject is indicated by the controversy that followed the publication of the Bell and Nelson (1990) article titled "Rape is Everybody's Business". Some examples of research to date are Bolger's (1991) book on Aboriginal women and violence, based upon informal discussions with women and men in eight Northern Territory

Aboriginal communities, and interviews with workers and data collected from a range of agencies including police and clinics; an Adelaide survey of Aboriginal women that asked about their experiences of rape and child sexual abuse (Carter 1987); and Lloyd and Rogers (1993) who describe case studies to illustrate how misconceptions of traditional law can influence court determinations of rape cases in Central Australia.

As many Aboriginal and Torres Strait Islander women live in rural or remote communities, some of the problems they have in accessing justice are shared by other women in the country. Relatively little research has focused on rural women. Coorey (1989) has undertaken research into domestic violence and the experiences of rural NSW women, Cook and Griffiths (1994) examine the incidence and response to domestic violence in the southern region of Western Australia, and an article by Lippert (1993) identifies significant problems faced by doctors' spouses who are victims of domestic violence.

Domestic Violence

In order to underline the seriousness of domestic violence many authors refer to underreporting to the police and incidence estimates, homicide data, and the subjective experiences of victims.⁴ The most recent and systematic attempt to gauge the extent of domestic violence, conducted by the WA Crime Research

Violence against Women

Centre (Ferrante et al. 1996) compared data from several sources—police, hospitals, their own crime victimisation survey, and a local community database. The study illustrates how incidence estimates vary, although all sources except for hospital admissions had a higher rate of incidence than the police database for recorded crime, which indicates a marked degree of underreporting to police.⁵ As a substantial proportion of homicides are “domestics”, as shown by the Australian Institute of Criminology’s National Homicide Monitoring Program (James & Hallinan 1995; *see also* statistics from various states—Wallace 1986; Nyugen da Huong & Salmelainen 1992; Naylor & Neal 1990; Broadhurst et al. 1993; Eastal 1993d), these figures, although small in number, are used to highlight the potentially lethal outcome, the most serious crime of all, of a history of domestic violence. With women’s accounts of violence, the major avenues of information are from firstly, phone-ins and secondly, surveys of women who are usually interviewed because they have been in refuges (for example, Healy 1984) or, more commonly, been interviewed because they are at court to apply for a protection order or are contacted through support agencies.

Since the early 1980s all of the Australian states and territories have progressively introduced legislative reforms⁶ and sponsored public campaigns to raise awareness, and in 1987 the National Education Campaign was launched. With the latter strategies, the two national surveys on community attitudes to domestic violence (Public Policy Research Centre 1988; OSW 1995)⁷ indicate changes in attitudes, although we cannot say conclusively whether any of the changes can be attributed to the awareness campaigns. With the former strategies, various studies have attempted to monitor and evaluate the effectiveness of legal reforms at a state or territory level, and the central innovation, the introduction of protection or restraining orders. Research designed to look at the impact of legislation includes Naffin 1985; Pruncken 1994 (SA); Stubbs and Powell 1989 (NSW); Wearing 1992 (Victoria); and Mugford et al. 1993 (ACT). Typically, analysis of police and court data is

complemented by interviews, not necessarily of large or representative samples, with service providers, magistrates, victims and the police.⁸ Certainly the best annual figures for court and police data are produced in Victoria with the ongoing monitoring of the 1987 *Crimes (Family Violence) Act*. The 1992 report by Egger and Stubbs (1992) for the National Committee on Violence Against Women considers the effectiveness of protection orders throughout Australia and they call for further research into a long list of topics.⁹

Central concerns are the adequacy of the criminal justice response to reports of domestic violence and the provision of support services. In contrast to sexual assault where changes to court evidence and procedure have received the most scrutiny, the police response to domestic violence, as the initial and vital intervention, has frequently been regarded as the primary issue. For example, pro-arrest policies were urged and after protection orders were introduced, the almost negligible number of police who acted as complainants attracted much comment. As mentioned earlier, studies on the impact of legislative reforms have usually included police statistics and interviews with police. Additional research which solely addresses issues connected to the policing of domestic violence includes: surveys on police attitudes (Bates 1985; Jacobs 1985), an evaluation of police training in SA (Poerio 1991), women’s experiences of police intervention (Grace 1993), and the Victoria Police (1992) research that randomly selected incidents of family violence and interviews were

then held with the police who attended the incidents and the victims.¹⁰

Several studies (Coorey 1988; Hatty 1988; Wearing 1992) have adopted qualitative methods in that the research has included the researcher or assistants accompanying the police on domestic violence call-outs, but only Knowles (1996) has spent time (five months) as a participant-observer of police, and she accompanied urban and rural police to many of their call-outs, and not just domestic violence cases.

Court proceedings and outcomes have not been investigated in much depth. At present there is no way of knowing prosecution rates and the sentencing patterns for domestic assaults, and although some jurisdictions keep figures for the number of breaches of protection orders, the events which precipitated the breach and the courts' determinations, once a breach is recorded, have not been researched. One study has analysed magistrates' discourse during proceedings for intervention orders (Wilson 1992) and there have been several evaluations of court support schemes—the Redfern scheme in NSW (Krasovitsky et al. 1991; Blazejowska 1994); and a pilot program in WA (Chopping 1994).

Similarly, a number of specialised services, although by no means all of them, have been subject to individual evaluations (NSW Domestic Violence Advocacy Service 1992). In relation to the overall need for and performance of services, it is common practice for providers and to a lesser degree, the clients to be asked for their assessments of the quality of service through questionnaires or interviews. A series of reports released by the Victorian Community Council Against Violence between 1991 and 1992 represents a thorough review of services for those affected by family violence in Victoria.¹¹

Since coordinated community intervention projects, most notably the Domestic Abuse Intervention Project (DAIP) at Duluth in Minnesota,¹² attained worldwide prominence, the need for interagency cooperation and integrated responses to domestic violence along the lines of DAIP has been promoted in many quarters. A version of Duluth has been developed at Hamilton, New Zealand, and in

Australia a similar project was set up in the Perth suburb of Armadale. Ferrante et al. (1996) cite statistics from the Armadale project, and the Criminology Research Council, which helped fund the research, has received the final report on the project (Gardiner 1996). Nevertheless, there remains a paucity of material on other manifestations of organisational cooperation and integration, both in terms of outcomes as well as the organisations' practices and their guiding philosophies. Just as importantly, there is little published debate on the kind of integration and cooperation which should occur, and explanations for the factors which militate against it occurring.

One component of the Duluth approach is to have abuser programs mandated by the court.

In 1991 a list of state funded programs throughout Australia was compiled (NSW Women's Coordination Unit 1991) and a contemporary review of perpetrator programs is desirable. Nevertheless, in Australia there have been isolated examples of research into group programs for perpetrators and of counselling services (Poynter 1989; Poynter 1991; Gardiner & Hatton 1991; McFerran 1989; Hughs 1991; Frances 1994). Sullivan's (1993) work is the only Australian research on perpetrators who had not undertaken treatment or counselling for their violence.

Sexual Assault

Clearly, domestic violence and sexual assault are not mutually exclusive phenomena, as sexual assault often occurs between intimates. It is an issue which requires further investigation although there are suggestive statistics found in the literature. With the cases examined by Bonney (1985) about one-half of offenders were known to the victims, and only 39 per cent of rapes reported to Victorian police were reported to be by strangers (VCCAV 1991). WA statistics reveal low levels (1.1 per cent) of reporting for sexual violence in marriage (Broadhurst et al. 1993). With South Australian statistics for rape and attempted rape offences reported to the police, 10.2 per cent of the alleged offenders were current or ex-defactos and spouses (Wundersitz 1996).

In their report on sexual assault law reform, Bagen and Fishwick (1995) repeatedly highlight the dearth of Australian research on sexual assault, particularly on the effects of reform. The major exception is the research conducted in the mid-1980s by the NSW Bureau of Crime Statistics and Research, which evaluated the impact of the 1981 NSW sexual assault legislation (Bonney 1985; Bonney 1986). The research compared sexual assault cases for two eighteen-month periods, the period before and the period after the legislation was introduced. Another example of research which examines procedural reform is the evaluation of the Victorian Police Code of Practice for sexual assault cases, where surveys were distributed to relevant agencies—crisis care services, police and forensic medical officers (Heenan & Ross 1994).

As stated earlier, legal issues and the conduct of rape trials have dominated the research agenda on sexual assault. A study by the Victorian Director of Public Prosecutions (LRCV 1991) examined whether the courts were complying with changes to evidentiary rules, Edwards and Heenan (1994) observed and recorded the proceedings of six rape trials in Victoria, and several research projects are under way at the moment which focus on the conduct of trials.¹³

With statistical data, estimates of incidence rates for women aged 18 or over are mainly based upon the national and state Crime and

Safety Surveys.¹⁴ The NSW Standing Committee on Social Issues (1993) report on sexual assault contains a summary of estimates up until that year. Police and court data are traditionally analysed at a state level and where available, to obtain figures on reporting to the police, clear-up rates, charges, prosecution and conviction rates, and court outcomes. Data are also collated on the characteristics of victims, offenders and offences. Good examples are the Salmelainen and Coumarelos (1993) research, based on NSW data, which gives descriptive statistics and limited trend data on nearly all of the variables mentioned above for adult sexual assault, and the recent South Australian report on sex offending (Wundersitz 1996).

Other research based on criminal justice statistics includes Brereton (1993)—a Victorian study on rape prosecutions; Weekley (1985), who looked at four years of SA police statistics; the Broadhurst and Maller (1992) study of recidivism amongst 264 sex offenders released from WA prisons for a 12-year period; and Moran's (1993) summary of 18 months of Queensland police statistics on sexual assault incidents. For its Profile of Rape, the Victorian Community Council Against Violence (1991) used, in addition to interviews with officers, police records and data, including crime reports, criminal histories, victim statements, and sexual offence reports.

The most damning evidence for inadequacies in the criminal justice system

is from phone-ins (Real Rape Law Coalition 1992; NSW Sexual Assault Committee 1993), and media advertised surveys (Easteal 1993b, 1993c), where participants are self-selected. Important issues identified by this kind of research are the reasons the women give for not reporting incidents to the police, and the traumatic experiences many women have undergone or anticipate having, in court. Survivors' experiences of making an initial report to the police, a fundamental and related issue, are documented in the Victorian research by Gilmore, Baker & Pittman (1993).

A search of the literature reveals few published evaluations of clients' satisfaction with support services for sexual assault. A report was recently released by the ACT Department of Health and Community Services (1996) on the review of the territory's sexual assault services. The research for the report included a survey of agency workers and consultations with clients. A report published by the NSW Bureau of Crime Statistics and Research describes research designed to evaluate services provided to sexual assault complainants who take their cases to court. Acknowledged in the report, the response rate to the survey was poor and the results relate to the analysis of 43 completed questionnaires (Edwards 1996).

Only the 1995 national survey on community attitudes (OSW 1995) asked questions on sexual assault and therefore we have no general measure of whether attitudes have altered over time.¹⁵ Recent research for the National Youth Affairs Research Scheme investigated young people's perceptions and attitudes to sexual violence (Daws et al. 1995). The attitudes and experiences of criminal justice personnel are not well documented and Bagen and Fishwick (1995, p. 17) emphasise there has been a failure to conduct interviews with key players in the criminal justice system—police, public prosecution officers, lawyers and the judiciary—about their work and attitude to sexual assault law and the cases they deal with.

Although there are various programs for convicted sex offenders in most Australian states, there has been no systematic evaluation of their efficacy. The second report of the

NSW Standing Committee (1996) on sexual violence provides an overview of explanations for sex offending and describes treatment programs run in Western Australia and New South Wales.

Future Directions in Research

This section has not considered theoretical approaches to the issues nor has there been a discussion of interpretations of findings or aggregate data. Literature on relevant themes such as gender bias and racism was excluded as was research on the significance of situationally specific variables, such as inebriation, in intensifying violent incidents. Moreover, there has been no mention of overseas research. It is well recognised that Australian policy developments and legal reforms have been influenced by reforms in other countries and informed by the overseas literature. However, by concentrating on Australian research, this chapter has sought to provide a basic sketch of what has been achieved so far in Australia, and how it was accomplished.

At the National Conference on Domestic Violence in 1985 papers were presented on the problems facing Aboriginal women and migrant women, and on services such as refuges and programs for violent men. The second volume of the proceedings (Hatty 1986) is devoted to issues relating to the law, police and the courts. Many of the issues continue to be just as pertinent today as they were back then. There have, however, been other

matters which have increasingly attracted comment and debate. For example, with domestic violence, the interest in the effects of witnessing domestic violence on children, and in recognition of the fact that there are many familial and kin relationships where abuse can occur, has resulted in many preferring to talk of “family violence” to capture the complexity of the consequences and the range of victims affected by violence. Non-spousal domestic violence was the subject of a recent report for the Queensland Department of Family, Youth and Community Services (Currie 1996). The significance of family violence in Family Court matters has also attracted comment, and research has looked at whether contact with Family Courts has preceded incidents of domestic homicide (Hore et al. 1996).

Another example of a topic which has surfaced as an issue is the possibility and desirability of developing special courts and alternative mechanisms for dispute resolution. With both sexual assault and domestic violence, there is an array of recent policy initiatives, changes to practice, and legislative amendments, which should be monitored and evaluated. To take but one example, most of the police services now have special units and/or personnel for sexual assault and to a lesser extent, domestic violence, and despite the 1993 report on training by the National Committee on Violence Against Women, there has been no large scale research on the impact of the units or of police training.

Proceedings from an AIC conference held more recently on sexual assault, *Without Consent*, is divided into four sections: overview (mostly statistical), the survivors, about the rapist, prevention and change (Easteal 1993a). The papers indicate the strengths and weaknesses of the Australian literature in that there is a diverse range of papers but many are oriented towards policy recommendations and pragmatic solutions, and the positive thrust of the contributions tends to depend on identifying overlooked groups and issues. Because the research community in Australia is so small, and funding difficult to come by, empirical research and sophisticated analysis of aggregate data is thin on the ground. The human dimension—the moving and frequently horrific

accounts of women and workers—is found in the literature, although due primarily to practical constraints and ethical concerns, especially in relation to the safety of the women, the material is often anecdotal and based on opportunistic sampling, in that there is no way of measuring the “representativeness” of their experiences and views. Rigorous quantitative and longitudinal research projects are notably scarce and the reasons for this can be attributed in part to the structural and organisational environment in which Australian social science research operates.

There are basically three main types of research on the criminal justice response to violence against women in Australia.

State or territory statistical data. For obvious reasons, Australian research has relied on criminal justice data being produced by the individual states and territories. The exceptions are the National Crime Statistics on offences reported to the police, and the National Prison Census, which, with the cooperation of state and territory agencies, have been in a position to present national overviews. With the state based data, for any one year, a description of the aggregate data is published, but the quality and degree of analysis varies between jurisdictions and between the departments collecting the data. Even though trends may sometimes be included, they often cover relatively few years, as calculations are complicated by changes to counting rules, the upgrading of data systems and legislative changes.

Special studies by state bureaux or research commissioned by policy units or taskforces. Once again, they are confined to individual states or territories and they are discrete, unrelated projects. The criminal justice statistics are usually cited plus the researchers conduct consultations, interviews or surveys. Frequently, where the research is part of a taskforce's deliberations or where changes to policy or legislation are anticipated, the research has to be completed within a short space of time and with limited resources. The most populous states, NSW and Victoria, as is to be expected have generated the most research of this kind.

Academic and local initiatives, and projects sponsored by service providers in the non-government sector. Most studies have been once-off and small.

At the outset, it was noted that the ABS Women's Safety Survey will assist in developing a national perspective on violence against women. Other relevant surveys which have drawn upon samples Australia wide are the national Crime and Safety survey, the community attitudes to domestic violence surveys, and the National Aboriginal and Torres Strait Islander survey (ABS 1995), but only one will definitely be repeated in the future, namely the Crime and Safety survey in 1998.

Over the years, the Australian Institute of Criminology has organised national conferences on violence against women, and several research projects have endeavoured to provide nationwide information on women's experiences of violence and the justice system. However, in order to create a national perspective on violence against women, there remains the urgent need to coordinate existing data, and to analyse the data for national profiles of offenders and victims, on national trends in responses from the justice system, and for a national perspective on access to justice issues.

existing sources of data and to increase cooperation between agencies and researchers in order to enhance understanding of the issues from a national perspective. It was a unique opportunity to access criminal justice data in every jurisdiction, and to undertake or coordinate research that will improve interpretations of data, and provide insights into key issues obscured or neglected by solely relying on statistics.

In order to establish priorities for the project, researchers, policy advisers and statisticians from around Australia were invited to participate in a workshop. Held in Canberra in May 1996, the aim of the workshop was to develop priorities for the coordination and analysis of data at the national level, and to identify priorities for research on domestic violence and sexual assault.

During the course of the workshop, a recurring theme was how to conceptualise and interpret the notion of justice for/to women, which raised the important question of what are appropriate indicators for justice? It was underlined there should be attempts to assess the quality of law/justice from mainstream services but, since it was acknowledged that the criminal justice system is not the only avenue for seeking justice and there can be non-adversarial mechanisms to deal with experiences of victimisation, the availability of options for women and control over processes by women were seen as critical dimensions to justice.

Although one group sought to emphasise other forms of violence against

The Violence Against Women Indicators Project Workshop

The main objective of Violence Against Women Indicators Project (VAWIP) was to consolidate

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women aside from what may be classified as domestic violence and sexual assault, the majority of participants focused on domestic violence and sexual assault and stressed that insufficient attention has been paid to the interaction between the two, primarily because they tend to be dealt with by different agencies in the service sector.

Emphasis was placed on obtaining information from and on those who do not access the formal justice system and pursuant to this objective, it was advocated that data from non-government organisations and the service sector be used and that efforts should be made to ensure research undertaken by non-government organisations reach a wider audience. In order to better understand how women are accessing services and their attitudes to the criminal justice system, one group proposed that research should examine women's help seeking strategies for both sexual assault and domestic violence. The research could look at what helps or prevents women achieving their own goals, and would involve following up women who have had contact with the criminal justice system or other agencies and networks.

Although most groups underlined the need to consider key communities—and the indigenous, ethnic, gay, rural communities were named by several groups—it appeared to be the general consensus that the experiences of Aboriginal women should have the highest priority for research. It was recognised that any research would only occur at the instigation of Indigenous women because it has been repeatedly stated by Aboriginal people that they want culturally sensitive responses and research, under their control, in the context of a much broader understanding of their position. Due to the diversity of experiences amongst people and the range of situational contexts, it was noted that the researchers would have to consider community individual responses to violence against women.

Age was raised as an issue in relation to two matters. Firstly, as several participants believed there was an urgent need to investigate routine forms of victimisation experienced by young women, there was some discussion on the age at which females would be considered

“women” for the purposes of research and data analysis. Second, attention was drawn to the effects of violence on children and the need to include their experiences as victims and/or witnesses and the consequences for continued violence in the next generation.

Recommendations were made about methodological approaches to research on violence against women. Having posed the question “what are indicators?”, one answer was that statistical information could be used as numeric indicators, for example, by predicting and analysing risk factors. However, it was agreed by all present that qualitative research is essential in order to capture and to take into account women's experiences, and the general conclusion was that it is important to complement quantitative research with qualitative research.

On the more particular subject of the kind of work the VAWIP team could undertake, the team was perceived as being in a unique position to take on a national role and well placed to do the following tasks:

- To review and summarise what has been said and done before, and to work with existing networks. It was stressed that much has been done already, and the team should avoid duplication and not reinvent the wheel.
- To explore different methodologies for evaluations of services, programs, and the effectiveness of training and prevention programs. In addition to evaluations, documenting the patterns

of use of services was identified as important along with research methods which produce a cost/benefit analysis of services and interventions, and which factor in the social and economic costs of violence.

- To develop models for, and/or undertake, longitudinal research. Documenting case studies, for example, specific community strategies and programs, was suggested and various forms of tracking were advocated on numerous occasions. There were two basic types mentioned—the “tracking” of individuals over time, and the tracking of cases through different agencies’ data collections. As a result, it was suggested that the VAWIP team provide an outline and evaluation of tracking models.

In relation to data issues, workshop participants stressed significant obstacles to address before data collections can be easily coordinated and compared. In broad terms, discussions highlighted the need to promote the utility of data mainly amongst service providers, to encourage the sharing and linking of information, and to facilitate efforts to develop data sets.

The Australian Institute of Criminology was called on to assist such developments by contributing the following:

- to compile an audit or compendium of data sets which indicates the quality and nature of the information kept by collectors of data;
- to identify gaps in the data, to establish where data is unavailable or only available in limited form;
- to develop core sets of data items and definitions, and guidelines for minimum data sets.

With the analysis of data, participants at the workshop produced priority areas ranging from the very general to quite exact topics. To once again focus on tasks for the Australian Institute of Criminology, the basic expectation appeared to be that the VAWIP team could begin by:

- accessing existing criminal justice data for further analysis and producing national figures;

- analysing presentation and reporting data for risk factors, and for demographic profiles of offenders and victims;
- concentrating on protection order data; and
- analysing or accessing data relevant to key communities.

Endnotes

¹ A small scale Australian study of elder abuse, Kurrle et al. (1991), found that where women were victims, one-third of the cases of abuse were a continuation or a reaction to a history of domestic violence.

² The Women’s Legal Resources Centre (1994) describes action based research which aimed to increase Aboriginal women’s access to legal information.

³ The *National Aboriginal and Torres Strait Islander Survey 1994* (ABS 1995) found that approximately 45% of persons aged 13 years and over perceived family violence to be a common problem in their local area. About one-third of the respondents were satisfied with the way police handled family violence, and 21% thought the police were not doing a good job.

⁴ A further measure of the seriousness of domestic violence is the economic cost to the community. See the following reports: Queensland Domestic Violence Taskforce (1988); the NSW Domestic Violence Committee (1991) in Blumel et al. 1993; Tasmanian Domestic Violence Advisory Committee (1994).

⁵ Raina Nechvoglod’s (in press) research for the SA Department of Family and Community Services compares reported (to agency) rates of incidents from Family and Community Services, police, hospital, and community and health centre data, and unreported rates from the Health Omnibus Survey.

⁶ The first wave of reform introduced protection or restraining orders. The second wave in most jurisdictions increased penalties for breaches, created the offence of stalking, increased police powers for instance in relation to firearms, and introduced reciprocal enforcement of protection orders in other jurisdictions.

⁷ Donovan Research (1994) replicated the Public Policy Research Centre survey in WA. The NZ report, *Hitting Home*, discusses the results of a recent survey of men’s attitudes to abuse of women partners (Leibrich, Paulin & Ransom 1995).

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⁸ Pruncken (1994) and Mugford et al. (1993) did not interview victims.

⁹ The New South Wales Bureau of Crime Research and Statistics is at present conducting research on the effectiveness of Apprehended Violence Orders (the NSW term for protection orders). The research consists of an interview survey where research officers had personal contact with applicants in six different courts. The aim was to conduct around 200 interviews in the first instance, then conduct subsequent interviews one month, three months and six months later. A report on the research findings is due mid-1997.

¹⁰ Julie Stewart was asked by the NSW police to analyse three years of police data. Her report has not yet been released.

¹¹ Several projects in the health sector have resulted in research which examines ways to gauge incidence rates and/or to develop strategies that seek to identify victims and produce appropriate responses. Hospital-based research includes Roberts et al. (1993) in Queensland, Sherrard et al. (1994) in Victoria, the Webster et al. (1994) research with pregnant women in Queensland, Stuart (1996) in SA, and Cuthbert (1989) who examined hospital cases of alleged violence including domestic violence and sexual assault. Gomel, Gertler & Lemon (1996) were concerned with the detection of domestic violence amongst clients presenting at alcohol and drug centres. Funded by the Commonwealth General Practitioner Evaluation Program, a recent study by Carol Head and Angela Taft included thematic interviews with 20 abused women and 27 general practitioners about their beliefs and experiences of domestic violence. A final report on the research has not been published. Recent research by Mazza et al. (1996) examined the prevalence of domestic violence, childhood abuse and sexual assault by surveying women attending 15 general practices in Melbourne. Questionnaires were completed by over 3000 women over the age of 18.

¹² Edleson (1991) provides a summary of what he calls coordinated community responses to domestic violence in the US, and mentions two of the oldest and most well-known.

¹³ The NSW Department for Women (1995) has commissioned research into the conduct of sex assault trials, conviction rates and sentencing. Terese Henning, at the University of Tasmania, examined court transcripts for prior sexual history and a report is due for release shortly. As the intention is to evaluate the impact of the Tasmanian 1987 legislative reforms, further analysis is planned on the subjects of consent, recency of complaint, and the abolition of corroboration warnings and of spousal immunity.

¹⁴ As shortcomings have been identified with the International Crime Survey, the results which relate to sexual assault in Australia are best ignored. In 1990 a crime survey was included in the Social Science Survey which was distributed to a simple random sample of 5366 registered voters. The number of respondents who said they were sexually assaulted was very small (Kelley, Evans & Walker 1992).

¹⁵ Easteal (1993b) asked respondents about their beliefs in relation to, and attitudes to rape.



2

Data Issues

Introduction

The focus of this chapter is on statistical data and difficulties associated with comparing and coordinating data. An important first step, identified by the workshop participants, was for an inventory of existing data sets. As VAWIP's central objective was to coordinate data on the criminal justice response to violence against women, most emphasis in the chapter is placed on criminal justice and national data collections, largely in relation to sexual assault and domestic violence. The chapter begins with a short discussion of the different varieties and uses of data, before detailing relevant data collections. With several data collections, tables of data are included to illustrate information available from these sources and are not intended to present a comprehensive picture of the data nor necessarily the most significant figures. The final section describes impediments to coordination and comparison.

Types of Data

Data can be categorised in the following fashion:

- methodology (surveys, routine statistical collections);
- source (criminal justice agencies, service providers);
- scale (national, state, local).

Incidence estimates typically rely on surveys of a sample of the population, and several examples of such surveys were referred to in the last chapter, namely the ABS Crime and Safety surveys at a national and state level, the ABS Women's Safety Survey, and the research by Mazza et al. (1996). Reported rates of violence against women rely on agency data,

usually routinely collected for operational and managerial requirements.

Many different agencies, both within and outside the criminal justice system, collect statistical data on aspects of domestic violence and sexual assault. Criminal justice agencies include police, courts, prisons and directors of public prosecutions, which tend to collect relatively more data on the defendant or offender and the facts of the case than they do on the victim. With legal services, advice and financial assistance may apply to criminal or civil matters, so client information may refer to defendants, victims, witnesses, litigants and so forth. Other agencies include refuges, and a range of health and welfare services, which collect client data that mainly describes persons who have been victimised.

Agency data permit the making of estimates of the extent of reported levels of violence, analysis of the patterns of use of different services, and development of profiles of clients that use different services. However, the data concern a special subset and relatively small

proportion of the total population who experience violence, that is those who are in need and have sought assistance, often because they are at some level of crisis or level of involvement in the justice system.

Yet another way of categorising statistical data is to distinguish national data sets from state and territory data sets. Once again, it is convenient to distinguish between criminal justice data and data from service providers. Since the states and territories are responsible for the criminal law and protection order legislation, various state government departments or state research bureaux are in turn responsible for data collection in relation to cases which come to the attention of criminal justice and other agencies. Such data collection activities are important in order to ensure prompt and effective service response, for evaluation of future service provision needs, and to assist with policy development.

Uses of Data

Questions frequently asked by researchers, policy makers, and service providers indicate the need to access a range of data. It is clear that both qualitative and quantitative research are required to enhance understanding of the phenomena, but aggregate data and the analysis of statistics from the data can assist with most of the following questions:

- What is the extent of violence against women?
- What are the characteristics of the victims and perpetrators?
- What are the characteristics of the incidents?
- What services are contacted and how do the services respond?
- Who is not contacting services and why?
- Who is not reporting incidents to the police and why?
- What is the criminal justice response to reports of violence against women?

Numeric indicators related to these questions are extracted from descriptive data. Once descriptive statistics are uniformly collected, it is possible to begin to look for trends and to undertake comparative analysis. In Australia statistical data, mainly from crime victimisation surveys and from data maintained

by criminal justice agencies, are usually employed in efforts to examine, out of the seven questions listed above, three main issues:

- incidence estimates;
- levels of reporting to the police;
- the criminal justice response.

Agency data from the criminal justice and other sectors give an indication of the extent of crimes, but the figures represent only those persons who have had contact with the agencies. As a result, two main approaches are taken to estimate incidence rates for the population—surveys and the analysis of a cross-section of agency data. As was stated in Chapter 1, incidence estimates for sexual assault are mainly based on the ABS Crime and Safety surveys. A recent estimate of the prevalence of sexual assault, domestic violence and childhood abuse was based on a survey of women attending general practitioners (Mazza et al. 1996). Examples where various sources of data are analysed include the Western Australian research to examine the extent of domestic violence by Ferrante et al. (1996) and the South Australian unpublished research by Nechvoglod (1995). The Monash University Accident Research Centre study conducted in 1994 set out to determine the occurrence, patterns and indicators of domestic violence in Victoria, using available domestic violence injury data contained in coronial records, hospital admissions data and data on presentations to hospital emergency departments (Sherrard et al. 1994).

To estimate levels of underreporting to the police for sexual assault, official police statistics can be compared to incidence estimates. Further evidence is available from the ABS Crime and Safety surveys, where respondents are asked whether incidents of sexual assault have been reported to the police. For both sexual assault and domestic violence, there are once-off surveys of women (frequently accessed through services) and phone-ins where many respondents have stated they have not reported offences to the police.

Evaluations of legal reforms in the area of violence against women have been hampered by the often crude statistical measures of the criminal justice response to violence against women. Routine statistical data on criminal offences against the person such as homicide, assault and stalking, is often not broken down by the gender and age of the victim so it is impossible to know the proportion of offences which relate to adult female victims. However, as it is a major offence category in all the criminal justice statistics, there is at least more information for sexual offences than there is for incidents of domestic violence. Except for South Australia, jurisdictions do not have a special category of domestic assault. As a result, domestic violence will only be indicated when there is reliable and consistent information on the relationship between offender and victim for offences against the person, including assault. At present, criminal justice data on domestic violence, in most instances, are confined to data on breaches of protection orders, which are criminal offences. It is unfortunate that even with breaches of protection orders, the data are often found incorporated within a general classification for breaches of court orders. Because of the paucity of criminal justice statistics on domestic violence, information on the civil area of law relating to domestic violence—applications for protection orders—assumes a great importance.

As statistical collections from criminal justice agencies characteristically provide limited information on victims, data from support services and health agencies have the potential to improve our understanding of women's help-seeking strategies, as well as provide further measures of prevalence and underreporting to police.

Data sets from a spectrum of sources, both in the fields of justice and health, need to be analysed in Australia to ascertain the quality of the information contained in each set, and to be categorised according to their scale, regularity of collection, accessibility and other such factors. As a starting point, this section includes a summary of relevant data sets and recent data initiatives, focusing on national data collections and criminal justice data.

Significant national data collections from which data on violence against women can or may in the future be obtained include:

- Australian Institute of Criminology National Homicide Monitoring Program
- ABS Crime Victimization Surveys
- ABS National Crime Statistics
- Australian Bureau of Criminal Intelligence Violent Crime Linkage Analysis System
- Australian Institute of Health and Welfare National Injury Surveillance Unit (NISU) databases
- Department of Social Security Social Work Information System (SWIS)
- Legal Aid Commission database
- Supported Accommodation Assistance Program data collection.

Relevant state-wide collections include criminal justice data produced in each jurisdiction, and the Sexual Assault Referral Centre (SARC) data collection for

Data Collections

Western Australia which commenced at the end of 1995 (*see* Appendix II). At a state or territory level, the main government departments which hold information are those responsible for family and community services, and the health sector. The extent of the departments' involvement in recording information on violence against women varies considerably between the different jurisdictions. For example, because of funding arrangements, health departments have information on sexual assault services, and in at least one jurisdiction, Queensland, the Family and Community Services Department has information on protection orders.

Generally non-government organisations can be characterised as having discrete, local collections of data, rarely published for public perusal. The broad range of counselling and support services usually possess detailed information in their client files, but in most instances, only core client information is routinely collected as a requirement for funding and for internal use. Resources are not usually available for broader collections, for analysis, or for the integration of collections across agencies and services. Although exceptions to this rule exist, these occur sporadically and across the range of different agencies, making comparison on a national scale impossible. A promising development, however, is the WA Sexual Assault Referral Centre data collection, and since the formation of a national federation of sexual assault referral centres, an aim is to coordinate data from centres across Australia.

Based on the desire to create a coordinated interagency response to family violence, a research project has examined the feasibility of collecting consistent and comprehensive information across agencies on family violence (Tan & Voros 1996). The research was confined to the Pilbara and Kimberley regions of Western Australia, and strategies to enable the development of a common data collection system are identified in the report. Two recent state-based initiatives are designed to address the lack of coordination between agencies' data on domestic violence. In WA, the Domestic Violence Prevention Unit is preparing a report on the feasibility of coordinating data between government agencies and in the NT, the

Domestic Violence Strategy includes the objective to collect data across government and non-government agencies, with the Office of Women's Policy having overall responsibility for the management of the project. The latter project is described in more detail in Appendix II.

Of the national and state-wide data sets listed above (*see* Appendix II for a summary on each of the main ones), a description of five national data collections are presented here. The five selected—AIC data, ABS data, NISU data, SWIS and Legal Aid—were chosen because they indicate the range of sources of data—from the collation of police statistics, from surveys, from hospital records, and from client contact with legal aid services and social workers in the DSS.

Information which concentrates on criminal justice data follows the section on national data sets.

National Collections

Australian Institute of Criminology: National Homicide Monitoring Program The National Homicide Monitoring Program was established at the Australian Institute of Criminology in 1990 on the recommendation of the National Committee on Violence and as approved by the Australian Police Ministers Council. The data collection framework is a cooperative activity of the AIC and all eight state and territory police services. The variables collected include information about the

Table 1: Primary relationship between victim and accused for cases of homicide*, Australia, 1989-93

Relationship	1989-90	1990-91	1991-92	1992-93
Spouse	22%	21%	17%	20%
Parent/Child	10%	9%	8%	6%
Other Family	4%	5%	4%	5%
Friends/Acquaintances	31%	21%	28%	33%
Boyfriend/Girlfriend	n.a.	3%	3%	n.a.
Other known**	3%	17%	14%	8%
Strangers	9%	5%	10%	17%
Unknown	22%	19%	16%	12%

* Many incidents involved more than one victim or more than one accused. The percentages in the Table refer to the proportion of relationships and not the percentage of homicide incidents.

** "Other known" includes sex rivals, business relationships, prostitute/clients, gang members and citizen/police relationships.

Source: Strang 1991, 1992, 1993; James & Hallinan 1995.

time and place of the incident, the weapon used, the precipitating factors, involvement of drugs and alcohol, socio-demographic characteristics of victims and offenders, the relationship between the victim(s) and offender(s), as well as the criminal histories of both the victim and offender.

Table 1 presents a summary of the information on the primary relationship between victim and accused for incidents of homicides from 1989 to 1993.

Australian Bureau of Statistics: Crime

Victimisation Surveys The Australian Bureau of Statistics is the main agency which collects or has collected data based on national samples relevant to VAWIP. In conjunction with the Office for the Status of Women, it has recently completed the Women's Safety Survey and the results were released at the end of 1996. Based on a national sample of about 6000 women, the survey covered all aspects of violence against women including violence committed by intimates and ex-intimates, other known persons and strangers, and violence committed by women as well as men. Questions relate to actual, threatened and sexual violence, emotional abuse and stalking behaviour. In addition, questions are included on fear of violence, the effects of violent incidents, on injuries received, and whether police were notified about the incidents.

The results of the Women's Safety Survey¹ provide a more comprehensive picture of the kinds of violence women experience than that which was inferred from previous surveys

of the general population. Up until now, the principal sources for estimates on the incidence of sexual assault were the ABS's Crime and Safety Surveys. National Crime and Safety surveys were conducted in 1975, 1983, and 1993, with the next planned for 1998. Although questions were asked about rape in the 1983 questionnaire, methodological differences including the wording of the questions and the interviewing techniques makes comparisons between the 1983 and 1993 data on sexual assault ill-advised (Ross & Brereton 1995).

Individual states and territories have also commissioned the ABS to undertake crime and safety surveys for their jurisdictions. Increasingly, the surveys have become more standardised with identical collection methods and similar questions. In 1995, surveys were undertaken in all states/territories except Tasmania and the Northern Territory. As the questionnaires for all the surveys included the same questions on sexual assault in the separate section which

Violence against Women

women aged 18 and over are asked to complete, a limited jurisdictional comparison can be made of the results (see Table 2). The response rate of women to this section is an important factor to bear in mind. Judging from the 1993 National Survey, response rates were high. Of the 23 600 female respondents aged 18 and over, 1869 (about 8 per cent) did not respond to the sexual assault questionnaire and the results were “weighted” to compensate for the missing data (Wong 1995). With both the national and state surveys, a low number of women aged 18 and over said they were sexually assaulted in the 12 months prior to completing the questionnaire and, as a result, many of the population estimates are subject to high relative standard errors of at least 25 per cent, which makes such figures unreliable.

The national and state Crime and Safety surveys, while useful for estimating the incidence of crime, do not provide detailed information on the relationship between perpetrator and victim for assaults against the person. The question “Did you know the offender(s) in the last incident?” is asked for both the sexual assault and the personal attack sections. Whilst this gives a broad indication of the prevalence of stranger versus known offenders it does not establish whether the offences are domestic or not. Questions as to the relationship between victim and offender, and about the specific nature of the offence need to be more detailed if they are to provide any meaningful indication of the numbers of domestic offences committed.²

Australian Bureau of Statistics: Criminal Justice Data The National Centre for Crime and Justice Statistics, an ABS unit, first started as three separate units called the National Crime Statistics Unit, the National Criminal Court Statistics Unit, and the National Corrective Services Unit. The three units were amalgamated in 1996. Of concern here are the National Crime Statistics which use police data collected by the states and territories, and annual publications have been released on national crime statistics for 1993, 1994 and 1995. Based on reports to the police, the 1994 statistics relate to the following selected offence categories—murder, attempted murder, manslaughter, driving causing death, sexual assault, kidnapping/abduction, armed robbery, unarmed robbery, blackmail/extortion, unlawful entry with intent, and motor vehicle theft—and the 1995 statistics relate to the same offence categories with the addition of assault and other theft. Table 3 is a summary of reporting rates per 100 000 population for selected offences.³

Table 2: *Estimated number of female victims aged 18 years and over, and victimisation rate for 12-month period, Australia, 1993, 1994 and 1995*

Jurisdiction	Estimated number of victims (‘000s)			Victimisation rate (%)			
	1993	1994	1995	1992	1993	1994	1995
New South Wales	17.7	14.4	11.8	0.6	0.8	0.7	0.5
Victoria	7.6	8.2	*4.7		0.5	0.5	*0.1
Queensland	5.5		6.6		0.5		0.6
Western Australia	*2.0		*4.0		*0.3		*0.7
South Australia	4.2		3.9		0.8		0.3
Tasmania	*0.9				*0.5		
Northern Territory	*0.1				*0.2		
ACT	*0.9		1.4		*0.9		1.3
Australia	38.9				0.6		

* Estimate is subject to a relative standard error of between 25 and 50 per cent

Source: ABS Crime and Safety Surveys

Table 3: Reporting rates to police per 100 000 population, selected offences, Australia, 1994 and 1995

Offence Category	1994	1995
Unlawful entry with intent	2130.5	2131.9
Motor vehicle theft	671.2	703.0
Sexual assault	74.4	71.9
Robbery	50.0	*
Armed robbery	28.4	*
Assault	n.a.	560.3

* NSW introduced new reporting methods for robbery in 1994, therefore it is not possible to compare robbery statistics for NSW and Australia between 1994 and 1995.

Source: ABS National Crime Statistics

Statistics for 1993 and 1994 included data on the month reported, the location of the incident and whether a weapon was involved. In addition to these variables, the 1995 report contains for the first time information on the relationship of offender to victim, and on the age and gender of the victims. Cross-tabulations of these variables will not be available until the 1996 figures are produced but the 1995 figures do show, for example, that over 80 per cent of victims of sexual assault were female and 42 per cent of victims were aged 14 and under, and with assault, that most victims were male (58 per cent) and that 40 per cent of victims were between 20 and 34 years of age. At this stage it is not possible to calculate reliable national figures on the proportion of "domestic" assaults, homicides or sexual assaults because, first, there was no New South Wales data on the relationship of offender to victim, and second, there was a very high number of unknowns for this variable in every jurisdiction except South Australia.

The National Centre for Crime and Justice Statistics is also responsible for collating national court and prison data. To date, court data have only been available from individual states and territories. However, the Centre is

planning to release national 1995 criminal courts caseflow statistics for the higher courts in 1997 and case characteristics information is also scheduled for publication in 1997. National prison census statistics were published by the Australian Institute of Criminology from 1982 to 1993. The Centre has recently taken over the publication of correctional services data from the Institute. The Prison Trends series has been continued and data are available from the ABS. The 1994 Prison Census publication is about to be released by the ABS and the 1995 publication will also be available soon.

National Injury Surveillance Unit The National Injury Surveillance Unit (NISU) is a unit of the Australian Institute of Health and Welfare, affiliated with Flinders University and located in Adelaide. Its

Table 4: National hospital separations where the reason for hospitalisation is given as rape: number by gender and age, Australia, 1992-93

Gender	Age Group								Total (%)
	0 to 4	5 to 9	10 to 14	15 to 24	25 to 34	35 to 54	55 to 64	65 to 74	
Male	1	0	2	5	0	2	0	0	10 (8.8)
Female	2	4	3	47	27	18	2	1	104 (91.2)
Total (%)	3 (2.6)	4 (3.4)	5 (4.3)	52 (44.8)	27 (23.3)	20 (17.2)	2 (1.7)	1 (0.9)	114 (100)

Source: NISU Hospital Separation Data

roles include the provision of information to support injury control activities and improving injury information systems and methods. National Data Standards for Injury Surveillance have been developed for application in a wide range of settings and incorporate codes based upon the International Classification of Diseases.

From the NISU database on hospital separations, which covers all public hospitals and most private hospitals in all Australian states and territories except for the Northern Territory, information is available on the number of cases where rape/sexual assault was given as the reason for hospitalisation. Table 4 presents data for the years 1992-93.⁴

There are two main reasons put forward to explain the low numbers for sexual assault/rape on this database. The first is that victims of sexual assault are typically only admitted to hospital where injuries are very serious as the clinical environment is considered uncongenial for persons suffering trauma. The second reason is medical personnel are believed to be reluctant to record rape/sexual assault as an “external cause” of injuries in case notes, and data is entered into the system based upon summaries and if necessary readings of the case notes.

Another data collection kept by NISU is the Injury Statistical Information System (ISIS) which maintains statistics on presentations at selected emergency departments in hospitals in urban areas and major towns. Higher numbers of cases for sexual assault are found in this system, as many victims present at emergency

departments but are not admitted to hospital. The statistics from ISIS, however, have to be interpreted with great caution. Unlike similar statistical collections kept in the United States, Britain and Holland, the ISIS does not collect data from a stratified random sample of hospitals and a major bias exists in that children’s hospitals are disproportionately represented. As a result, ISIS data should not be used to speculate upon population incidence.

Until now neither database has been able to supply information on injuries caused by domestic assaults. However, this is being addressed in new Australian codes introduced on 1 July 1996, which supplement the International Classification of Diseases. In the sections on homicide and assault, “child battering and other maltreatment” has been broadened to “other maltreatment” under which five categories can be chosen for the perpetrator, including one for parent and one for spouse or partner. Rape remains a separate category with no information recorded on the perpetrator.

The uptake of the codes in emergency departments has been slow and sporadic, with Victoria being the only jurisdiction

Table 5: Referrals to social work for cases registering domestic and family violence by age, gender and family structure, Australia, January-June 1996

Age	Single		Single Client with Children		Client with Partner		Client, Partner and Children		Total	
	<i>Percentage Distribution</i>									
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
<13-14	0.4	0.1	0	0	0	0	0	0	0.5	0.1
15-17	3.9	2.2	0.1	0	0.1	0	0	0	4.1	2.2
18-24	3.1	0.6	7.4	0.1	0.3	0	1.2	0	12	0.8
25-49	9.7	1.9	46.1	1.1	2.4	0.5	10.8	0.8	69	4.2
50-64	2.9	0.3	0.5	0	1.8	0.2	0.5	0.1	5.7	0.5
65+	0.4	0.1	0	0	0.3	0.2	0	0	0.6	0.3
Total	20.4	5.1	54.1	1.2	4.9	0.9	12.5	0.9	91.9	8.1

Source: Commonwealth Department of Social Security, Social Work Information System

that can be said at this stage to have uniform implementation. The situation is continually improving, and all public hospitals have agreed for 1996-97 to use the new codes for hospital separation data. The international codes upon which the Australian versions are based, the International Classification of Diseases, are due for revision in two years which will see new codes used in Australia, and may see more detail incorporated in the underlying causation fields.

Department of Social Security: Social Work Information System The Department of Social Security introduced a computer based information system to provide relevant client and program data on the operations of the Social Work Service. The Social Work Information System (SWIS) was introduced nationally in July 1994 and information is recorded on the casework, management and community functions of social workers in regional offices. Referrals to social workers for assistance related to domestic and/or family violence are recorded in SWIS. With referrals for reason of domestic and family violence, the statistics can be analysed in terms of age, gender, family structure, ethnicity, the source of the referrals, the reasons for the referrals and the referrals that are made out to other services. Table 5 presents SWIS figures for the first six months of 1996.

Legal Aid Commission Data The Data Collection and Analysis Section of Legal Aid and Family Services, in the Commonwealth Attorney-General's Department, maintains the collection of legal aid statistical data from Legal Aid Commissions throughout Australia on a system called the Legal Aid Statistical System Information Exchange (LASSIE). To protect the confidentiality of individual clients, information provided to the Commonwealth by Commissions is limited in a number of respects. For example, the Commonwealth does not have access to the names and addresses of applicants for legal assistance and is only provided information on applicants' ages within five year range categories.

Legal Aid Commissions collect information on the numbers of requests for assistance broken down by categories for "matter type"

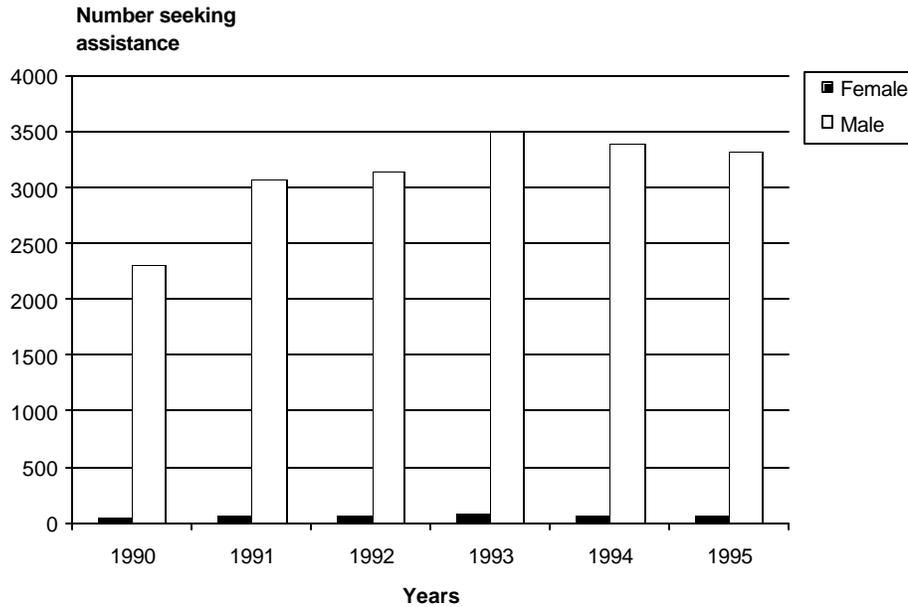
and by age and gender. Figure 1 shows for the years 1990 to 1995 legal aid applications in sexual offence cases by the gender of the applicant. Figure 2 presents the same information for domestic violence order cases. The age of applicants is shown for sex offences and domestic violence orders in Tables 6 and 7. The figures show that males predominantly apply for aid with sexual offence cases, most of whom would be defendants in criminal proceedings. In contrast, females make up the majority of applicants for legal aid with domestic violence orders, presumably because they would be in most instances, the complainant seeking an order in the civil court.

State and Territory Criminal Justice Data

Crime Statistics Bureaux Most jurisdictions have crime statistics bureaux responsible for the regular publication of criminal justice statistical data, forwarded to them by the relevant court and police departments. In Queensland, the Crime Statistics Unit in the Government Statistician's Office was recently established, and in Victoria recent organisational changes have resulted in the formation of the Criminal Justice Statistics and Research Unit. In contrast, the NSW Bureau of Crime Statistics and Research, the WA Crime Research Centre, and the SA Office of Crime Statistics have been in operation for a considerable period of time. Since Tasmania, the Northern Territory and the ACT do not have equivalent bodies, criminal justice information from these jurisdictions is produced by individual criminal justice agencies.

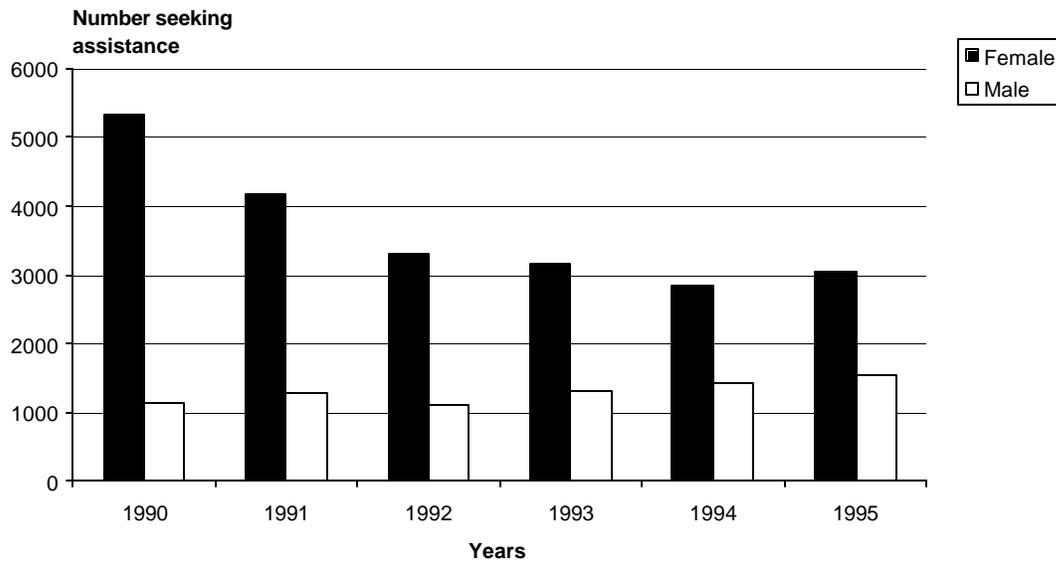
Violence against Women

Figure 1: Applications received for legal aid in sexual offence cases, by gender, Australia, 1990-95



Source: Data Collection & Analysis Section, Legal Aid & Family Services, Commonwealth Attorney General's Department

Figure 2: Applications received for legal aid in domestic violence order cases, by gender, Australia, 1990-95



Source: Data Collection & Analysis Section, Legal Aid & Family Services, Commonwealth Attorney General's Department

Table 6: Numbers of persons seeking legal aid for sexual offences, by gender and age, where gender of client is known, Australia, 1990-95

Year	Gender	Age of applicants seeking assistance									Total	% of Total
		0-17	18-25	26-35	36-45	46-55	56-65	66+	N/S			
1990	Female	8	6	19	12	0	0	0	5	50	0.2	
	Male	238	623	682	415	186	84	53	29	2 310	12.1	
1991	Female	8	27	23	9	4	2	0	1	74	0.4	
	Male	244	772	884	616	306	134	80	31	3 067	16.0	
1992	Female	6	10	28	16	0	2	0	2	64	0.3	
	Male	228	737	914	698	310	145	85	26	3 143	16.4	
1993	Female	2	12	28	24	9	0	0	3	78	0.4	
	Male	268	781	1 029	724	395	184	87	28	3 496	18.3	
1994	Female	9	12	22	21	7	0	2	3	76	0.4	
	Male	321	785	867	730	349	191	104	42	3 389	17.7	
1995	Female	13	10	25	8	5	0	2	1	64	0.3	
	Male	275	716	860	719	440	196	89	24	3 319	17.4	
Total 1990-95		1 620	4 491	5 381	3 993	2 011	938	502	195	19 130	99.9	
Total 1990-95 %		8.5	23.5	28.1	20.9	10.5	4.9	2.6	1.0	100		

Source: Data Collection & Analysis Section, Legal Aid & Family Services, Commonwealth Attorney General's Department

Table 7: Applications received for legal aid in domestic violence order cases, by gender and age of applicant, where gender of client is known, Australia, 1990-95

Year	Gender	Age of applicants seeking assistance									Total	% of Total
		11-17	18-25	26-35	36-45	46-55	56-65	66+	N/S			
1990	Female	108	1 443	2 343	1 074	231	52	15	56	5 322	18.0	
	Male	21	178	452	298	118	35	14	14	1 130	3.8	
1991	Female	96	1 092	1 862	839	191	60	16	28	4 184	14.1	
	Male	12	213	493	372	124	46	15	4	1 279	4.3	
1992	Female	85	965	1 442	631	118	24	17	31	3 313	11.2	
	Male	16	214	469	276	92	33	11	3	1 117	3.8	
1993	Female	77	865	1 387	623	134	30	15	14	3 151	10.6	
	Male	23	239	547	327	112	31	13	8	1 300	4.4	
1994	Female	67	761	1 269	547	130	27	17	13	2 843	9.6	
	Male	22	257	569	359	142	34	19	7	1 409	4.8	
1995	Female	53	770	1 357	631	173	44	11	16	3 055	10.3	
	Male	33	272	597	401	160	51	15	9	1 540	5.2	
Total 1990-95		613	7 269	12 787	6 378	1 725	467	178	203	29 643	100	
Total 1990-95 %		2.1	24.5	43.1	21.5	5.8	1.6	0.6	0.7	100		

n.b. (a) 8 cases excluded below the age of 11 years, as numbers very small;

(b) 26 cases where gender of applicant is not applicable or not specified are excluded.

Source: Data Collection & Analysis Section, Legal Aid & Family Services, Commonwealth Attorney-General's Department.

In addition to the compilation of annual statistical reports, the majority of the research bureaux have released reports on research undertaken by the organisation which may include criminal justice data, as well as reports which present the results of more sophisticated analysis of criminal justice statistics. Reports such as these which have concerned violence against women have already been cited in the review of Australian research and include for NSW: Bonney (1985, 1986); Wallace (1986); Stubbs and Powell (1989); Salmelainen and Coumarelos (1993); and Edwards (1996); for SA: Gardner (1994); Wundersitz 1996; and for WA: Ferrante et al. (1996).

Police The previous section on national data collections referred to the National Crime Statistics, which are a collation of statistics for offences reported to the police forwarded to the National Centre for Crime and Justice Statistics by each of the jurisdictions' police departments. The Centre continues to improve the quality and quantity of its data as more police services adopt methods of recording and counting which correspond to national standards. A major issue which has confronted the Centre in its task of producing uniform police statistics has been the lack of consistency between the data collections from each state and territory. For example, because of legislative differences, all forms of sexual assault and rape are subsumed under the broad category of sex offences. As offences against men and children are included in this category (and the same applies to other crimes against the person), age and gender are the critical variables necessary to identify offences against women, and as was already mentioned in the previous section, cross-tabulations on these two variables for crimes against the person will be produced in the 1996 National Crime Statistics.

The National Crime Statistics represent only a proportion of the statistics produced by each police service. Annual reports usually include a summary of the police statistics for that year, but they too are only a summary of the wealth of operational information that is resident in police databases. On occasions researchers have been able to access these operational databases and produce more detailed trends on reported violent crimes. Nevertheless,

a major problem has been the gathering of information on domestic violence from police data. Domestic violence is not listed in the ABS Australian National Classification of Offences, which is used in some police statistics and it is not recorded as a distinct category of crime in routine police statistics. South Australia is unique as both court and police data do distinguish domestic from other forms of assault. Legislative amendments in South Australia created different penalties for persons convicted of assault if they are a family member of the victim, which allows for the routine separation of domestic violence incidents from other incidents of assault (*see* Appendix II, p. 52).

With the other jurisdictions, statistical data on crimes reported to the police is available for offences against the person. To ascertain whether these crimes are domestic violence incidents the best indication is information on the offender/victim relationship. All police services except for New South Wales now record offender/victim information but, as Table 8 shows, the range of categories for the offender/victim relationship varies between the jurisdictions. As a consequence, for the 1995 National Crime Statistics, the data on this variable had to be either converted into the categories used by the National Centre for Crime and Justice Statistics or placed in the unknown category.

Various strategies have been adopted by police services to address the lack of

Table 8: Summary of type of police information on offender/victim relationship by jurisdiction, Australia

Juris-diction	Collect Variable?	Ex Partner?	Step Parents/ Children?	In-laws?	Comments	Gender of Victim	Age of Victim
NSW	N	N	N	N	steps are being made to correct this	Y	Y
VIC	Y	(former spouse or defacto only; not ex-boyfriend/girlfriend)	Y	N		Y	Y
QLD	Y	(divorced only)	N	N	can currently only go down to the group known/unknown level, aiming to modify CRISP to go down to deeper classifications	Y	Y
SA	Y	Y	N	N		Y	Y
WA	Y	N	N	N		Y	Y
TAS	Y	Y	Y	Y	accuracy & level of detail varies between jurisdictions	Y	Y
NT	Y	N	N	N		Y	Y
ACT	Y	Y	N	N		Y	Y

information on domestic and family violence. The main strategy used so far has been the adoption of family or domestic family incident reports. Since the introduction of the Crimes (Family Violence) Act in Victoria, the police have been required to complete a family incident report for every call-out or contact which concerns family violence (*see* Appendix II for more information). The Tasmanian police have a Domestic Violence Incident Report and the Family Unit in the WA Police Service has developed a Family Incident Report similar to the Victorian report. At present discussions are under way with the Child Protection and Domestic Violence Unit to see whether it is possible to integrate the two units' statistics on domestic violence. The Northern Territory police have a domestic violence unit in Darwin which established its own database for the

greater Darwin area at the beginning of 1995. In the ACT, the Australian Federal Police has, since the beginning of 1996, improved the coding for domestic incidents with one job code now assigned to all domestic incidents. In New South Wales, the Domestic Violence Liaison

Officer for each area fills out monthly statistical returns which are then sent to regional offices.

Courts Typically divided into statistical data on the lower and higher courts, the type of information coming out of Australian courts is quite rudimentary. Most jurisdictions release annual figures on the outcomes and penalties, and the gender of the accused, for a limited number of offence categories. No information is published on the gender or age of the victim. Court statistics for the Northern Territory, ACT and Tasmania have not been published since 1982, 1986 and 1993 respectively. Table 9 is a summary of the kind of information published in court statistics for each of the jurisdictions.

Statistics for a single jurisdiction can be examined to see what happens with cases for general offence categories once they reach the courts. Examples from two jurisdictions are presented in Table 10, Table 11, Figure 3 and Figure 4. Table 10 shows for the Tasmanian higher courts the number and percentage of

charges finalised and proven for the years 1991 to 1993 for three offence categories—break and enter, assault and sexual assault—and Figure 3 shows the percentage proven figures. Similar data variables for New South Wales higher courts for 1992 to 1993 are found in Table 11. The numbers relate to persons charged and found guilty of break and enter, assaults, and sexual assault. Figure 4 presents the percentage found guilty for finalised higher court charges for the same offences and years.

Like police records, the published data represents a small percentage of the information recorded for court matters, but little of it is released as aggregate statistics and it is normally only accessed and

Table 9: Summary of information found in published court statistics, Australia, 1990-96

Juris-diction	Publish Data	Relation-ship Inform-ation	Type of Crime	Out-comes	Penalty Inform-ation	Gender of Acc-used	Age of Acc-used	Gender of Victim	Age of Victim
NSW	Y	N	Y-collapsed categories	Y-detailed	Y-detailed	Y	Y	N	N
VIC	Y	N	Y-detailed	Y-detailed	Y-detailed	Y	N	N	N
QLD	Y	N	Y-collapsed categories	Y	Y-limited	Y	N-children's court only	N	N
SA	Y	Y-limited	Y-detailed	Y	Y-detailed	Y	Y	N	N
WA	Y	N-although Aboriginality available	Y-collapsed categories	Y	Y-limited	Y	Y	N	N
TAS	only before 1993	Y-limited	Y-collapsed categories	Y		Y	Y	N	N
NT	only before 1982	n/a		n/a	n/a	n/a	n/a	n/a	n/a
ACT	only before 1986	n/a		n/a	n/a	n/a	n/a	n/a	n/a

Table 10: Number of charges finalised and proven, selected offences, higher courts, Tasmania, 1991-93

Offence Category	Charges								
	1991			1992			1993		
	Finalised	Proven	% Proven of Finalised Charges	Finalised	Proven	% Proven of Finalised Charges	Finalised	Proven	% Proven of Finalised Charges
Breaking & Entering	214	184	86.0%	255	242	94.9%	135	112	83.0%
Assaults (excluding sexual assault)	79	53	67.1%	83	53	63.9%	120	77	64.2%
Sexual assaults (including offences against children)	175	139	79.4%	131	90	68.7%	65	44	67.7%
Total Charges for All Offences	1554	1288	82.9%	1262	1111	88%	1138	915	80.4%

Source: Court Statistics Tasmania (ABS catalogue No.4508.6)

analysed by researchers for specific projects. A national examination of court processes for violent offences against women, therefore, will not be possible until published aggregate statistics are produced regularly for every jurisdiction and there is a degree of uniformity across jurisdictions in the collection and classification of at least a core set of variables. At present, the National Centre for Criminal Justice Statistics is concentrating on these issues in relation to the higher courts of Australia.

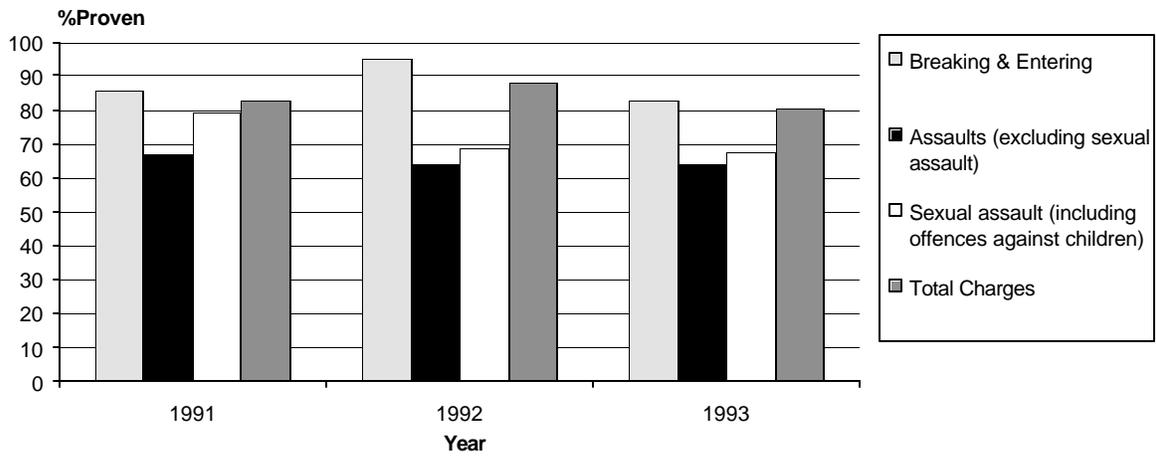
Protection Orders As applications for protection orders are dealt with in the lower courts as civil matters, statistics on applications are not found in routine court data for criminal offences. The only criminal justice data relating to protection orders are figures on breaches of protection orders, and even these are often not distinguished from breaches of other court orders. Nevertheless, as mentioned earlier, court statistics on the number of applications for orders and the outcomes of applications are vital as they indicate how domestic violence legislation is being used by the population, and how cases are dealt with by the courts. In some instances as well, information is available on the broad characteristics of applicants and on an applicant's relationship to the defendant. These can differ markedly

because of the differences in who is covered by the relevant legislation in each jurisdiction with for example, some jurisdictions having very general protection orders whilst others have orders geared specifically to deal with "domestic violence cases" (see Appendix III for more details).

Several jurisdictions have developed methods of collecting data from the courts on protection orders. Data are presented for Victoria in Table 12 and for Queensland in Table 13. Both tables show a steady increase in the number of orders applied for, and approved since legislation was introduced in these jurisdictions.

Victoria has the most comprehensive court data collection on protection orders. The *Crimes (Family Violence) Act* was introduced in 1987 and systematic monitoring of court data commenced in 1990. Produced by the Caseflow Analysis Section, Courts

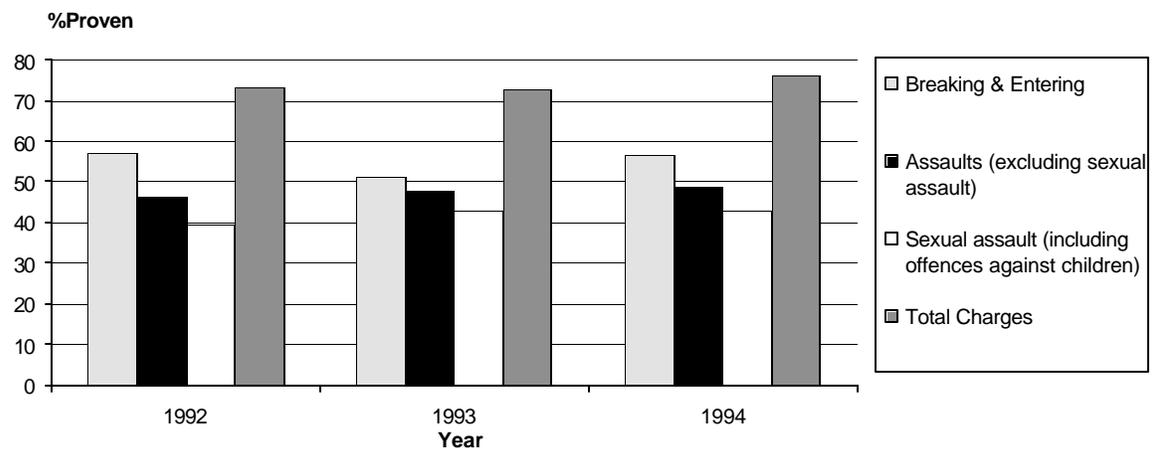
Figure 3: Percentage proven of finalised higher court charges, selected offences, Tasmania 1991-93



Source: Court Statistics Tasmania (ABS catalogue No. 4508.6)

Source: New South Wales Criminal Court Statistics 1992, 1993, 1994, NSW Bureau of Crime Statistics and

Figure 4: Percentage charged and found guilty for finalised appearances, higher court charges, New South Wales, 1992-94



Research

Table 11: Persons charged and persons found guilty for finalised appearances, selected offences, higher courts, New South Wales, 1992-94

Offence Category	Finalised Appearances								
	1992			1993			1994		
	Persons Charged	Persons Found Guilty	% of Persons Charged Found Guilty	Persons Charged	Persons Found Guilty	% of Persons Charged Found Guilty	Persons Charged	Persons Found Guilty	% of Persons Charged Found Guilty
Breaking & Entering	899	513	57.1%	782	403	51.5%	631	358	56.7%
Assaults (excluding sexual assault)	1125	522	46.4%	916	438	47.8%	683	334	48.9%
Sexual assaults (including offences against children)	1046	411	39.3%	1005	432	43.0%	1046	448	42.8%
Total Persons	5989	4387	73.3%	5563	4081	73.4%	4876	3724	76.4%

Source: New South Wales Criminal Court Statistics, 1992, 1993, 1994, NSW Bureau of Crime Statistics and Research

and Tribunals Division, in the Victorian Department of Justice, the monitoring reports contain a wealth of information. Data for 1994-95 was from the Magistrates' Court Courtlink computer database, which covers both magistrates' and children's courts in Victoria. In the monitoring report for this period, data are

presented on the age, gender and relationship between the "aggrieved family member" and defendant, in addition to statistics on interim orders, on elapsed time between

Table 12: Gender of defendants and aggrieved family members in cases finalised under the Crimes (Family Violence) Act, Victoria 1991-95*

	1991-92		1992-93		1993-94		1994-95	
	Gender of Aggrieved Family Member		Gender of Aggrieved Family Member		Gender of Aggrieved Family Member		Gender of Aggrieved Family Member	
Gender of Defendant	Male	Female	Male	Female	Male	Female	Male	Female
Male	406	6 172	528	7108	697	8 836	1 006	10 810
Female	567	254	808	346	1 066	415	1 605	784
Total (afm**)	973 (13.2%)	6 426 (86.8%)	1 336 (15.2%)	7,454 (84.8%)	1 763 (16.0%)	9 251 (84.0%)	2 611 (18.4%)	11 594 (81.6%)
Grand Total (afm**)	7 399		8 790		11 014		14 205	

*The Victorian *Crimes (Family Violence) Act* was introduced in 1987 and has been subsequently amended in 1990, 1992, and 1994. The 1994 amendment came into operation in 1995 and produced three significant changes related to the monitoring of statistics—it enables intervention orders to apply to persons committing the offence of stalking, the definition of "aggrieved family member" is extended to those who have had "an intimate personal relationship" with the defendant, and the length of intervention orders are no longer limited to 12 months.

**afm = aggrieved family member.

Source: Modified from Crimes (Family Violence) Act Monitoring Reports, Analysis Section, Ministry of Justice, Victoria.

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Table 13: Applications under the Domestic Violence (Family Protection) Act 1989, Queensland, 1989-95

Year	Applicant			Total
	Aggrieved person	Authorised person	Police	
1989-90*	1 230	64	1 664	2 957
1990-91**	2 637	114	1 916	4 667
1991-92	4 040	95	2 937	7 072
1992-93***	5 498	104	3 392	8 994
1993-94	7 069	145	3 868	11 082
1994-95	7 404	132	3 906	11 442
Total (%)	27 878 (60.3%)	654 (1.4%)	17 683 (38.3%)	46 214 (100%)

*Collected from the commencement date of the *Domestic Violence (Family Protection) Act* on 21 August 1989.

**Townsville Court data from July to December 1991 are estimated.

***On 28 May 1993 the *Domestic Violence (Family Protection) Act 1989* was amended. A significant change allows for the registration of interstate orders in Queensland. Since June 1993 there have been 179 applications, 175 registrations and 41 variations in Queensland.

Source: Statistical Services Branch, Department of Families, Youth and Community Care, Queensland.

complaint and hearing, and on court determinations for final intervention orders. Further details are provided on victims of stalking, whether there were previous applications under the Family Court Act or Crimes (Family Violence) Act, breaches of bail and final intervention orders, and an analysis of cases where an “intimate personal relationship” was recorded. Table 12 presents a selected range of information on the gender of defendants and aggrieved family members, for the years 1991 to 1995.

The monitoring of protection orders has recently been instituted in Queensland. Data on protection orders in Queensland, which has not

been published before, are presented in Tables 13, 14 and 15. These data are from two different sources. The information on the applications for and outcomes of orders in Table 13 and 14 is from the Department of Families, Youth and Community Care while the data on outcomes for breaches in Table 15 and on penalties for breaches in Figure 5 are

Table 14: Outcomes of Applications* under the Domestic Violence (Family Protection) Act 1989, Queensland, 1989-95

Year	Orders Issued	Orders Refused	Applications Withdrawn	Other**	Total
1989-90***	2 017	62	243	269	2 591
1990-91****	3 356	103	510	608	4 577
1991-92	4 670	92	750	459	5 971
1992-93*****	6 306	56	873	1 130	8 365
1993-94	7 724	45	959	1 877	10 605
1994-95	7 804	32	939	2 032	10 807
Total (%)	31 877 (74.3%)	390 (0.9%)	4 274 (10.0%)	6 375 (14.9%)	42 916

*Excludes applications for revocations and variations.

**Includes adjourned sine die, dismissed and struck out.

***Collected from the commencement date of the *Domestic Violence (Family Protection) Act* on 21 August 1989.

****Townsville Court data from July to December 1991 are estimated.

*****On 28 May 1993 the *Domestic Violence (Family Protection) Act 1989* was amended. A significant change allows for the registration of interstate orders in Queensland. Since June 1993 there have been 179 application , 175 registrations and 41 variations in Queensland.

Source: Statistical Services Branch, Department of Families, Youth and Community Care, Queensland.

Table 15: Outcomes of persons appearing in the Magistrates Court charged with Breaches of the Domestic Violence (Family Protection) Act 1989, by gender, Queensland, 1993-94

Outcome	Male	Female	Total	%
Discharged or Withdrawn	146	12	158	14.1%
NCR* with punishment	77	9	86	7.7%
NCR* no punishment	16	5	21	1.9%
Committed for sentence or trial	1	0	1	0.0%
Summarily convicted	814	38	852	76.2%
Total Appearances	1 054	64	1 118	100%

*NCR = "no conviction recorded"

Source: Government Statisticians Office, Queensland.

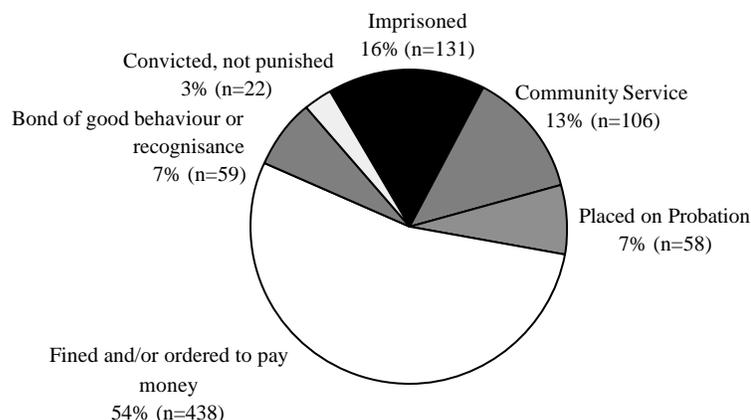
from court data collated by the Queensland Statistician's Office.

The data from Victoria and Queensland demonstrate how statistics on protection orders are compiled differently in these two jurisdictions. A national review on the effectiveness of protection orders conducted in 1993 found many gaps in available information on protection orders (Egger & Stubbs 1993). Most of the published data on protection orders came from state based research projects which had analysed figures for a limited period of time (Naffin 1985; Mugford et al. 1993; Stubbs & Powell 1989; Wearing 1992). Since the evaluations conducted in South Australia, the ACT, New South Wales and Victoria, there has been no further published documentation, except for the Victorian

monitoring reports, on trends in protection order statistics. Recent discussions with various researchers and statisticians suggest information on protection orders is recorded by the courts but in most jurisdictions it is still not being collected and analysed as aggregate data. In addition, to compile national figures, it will be necessary to take into account the differences in protection order legislation—an issue discussed in the next section.

A potential future source of national data on protection orders is a database maintained by the National Exchange of Police Information (NEPI) called the National Names Index (see Appendix II for more details). The database provides police with reference information on a range of subject categories, including the names of persons who have been or are subject to a protection or restraining order. The Index is

Figure 5 : Sentences imposed for breaches of the Domestic Violence (Family Violence) Act, for males*, Queensland, 1993-94



*Females convicted of breaches are excluded, as numbers were small (38 convictions in total).

Source: Government Statistician's Office, Queensland.

made up of condensed copies of data sent to NEPI by police departments and no details are kept on the orders. However, if extra resources were made available, the database could be modified to include more information, for example, on the dates of issue and length of the orders.

Directors of Public Prosecutions All of the state and territory public prosecution offices keep basic information on trials, pleas, and outcomes on the cases they process, and publish summaries in annual reports. However, once again there are vast differences in the details kept between different states and territories, and in the accessibility of information, with some jurisdictions still using mainly manual recording practices. Some jurisdictions do collect more detailed information, with the ACT, Victoria and NSW having information on the types of charges laid, and on the age and gender of the defendant for most types of offence categories.

The New South Wales Public Prosecutions Office has a relational database which is more sophisticated than the method of data collection used for the state's court system. Information is stored on individual charges plus there are 13 charge categories—homicide, fraud, drugs, culpable driving, criminal damage, child sexual assault (under 18), assault, sexual assault, robbery, theft, traffic (excluding culpable driving) and other. Information is available on the gender but not the age of victims. The Office considers requests for information from government agencies on a case-by-case basis. The Victorian Office of Public Prosecutions has figures on sex offences dating back to 1994 on type of offence, gender of offender, age and gender of victim, relationship between offender and victim; although not produced as aggregate data, these can be accessed for research purposes.

Unlike other jurisdictions where the Director of Public Prosecutions office only deals with indictable offences, the ACT office prosecutes in lower courts as well. As a result it can provide information on breaches of restraining orders dealt with in the lower courts since 1 July 1994 to 30 June 1995. Statistics for other offences date back to 1991 and the

various offence categories include sexual offences and assault, but the latter offence category is not broken down by the gender of the complainant.

The Queensland Office of Director of Public Prosecutions is the only public prosecutions office in Australia to have a specific violence against women database, which holds information on the age and gender of both the victim and offender, the occupation of the offender, the offender's previous criminal history, and the relationship between the victim and offender, as well as any special circumstances about the case (for example, if the accused or complainant have a physical or intellectual disability). The database is currently limited to the Brisbane office and to matters committed for trial or sentence from magistrates' courts. Therefore it does not provide statistical information on matters prosecuted in the seven regional offices, nor matters dealt with in the lower court.

Impediments to data coordination and comparison

As stated earlier, there are numerous collections of data on violence against women in Australia. However, when we look at these collections there are differences within different parts of an organisation, between different organisations within a jurisdiction, and

between like organisations across jurisdictions, both in the type of data collected and in the methods of data collection. This section attempts to summarise major obstacles that prevent the coordination and comparison of data from various sources. Some of the obstacles apply generally, while other issues are more relevant to the service sector and community organisations. Wherever appropriate, however, examples are provided from the criminal justice sector.

With the criminal justice sector, the main issues relate to difficulties in comparing data from the same agencies across jurisdictions, and in comparing data between different agencies within a jurisdiction. For example, Grabosky (1989) in his comments on police statistics, underlines how definitions and counting practices have varied from jurisdiction to jurisdiction thereby inhibiting comparisons between jurisdictions and over time. Inconsistencies are affected by legislative differences between the states and territories, by procedural and operational differences between justice agencies within and between jurisdictions, and by differences between divisions and sections within agencies.

Various approaches have been considered to create systems, within a jurisdiction, which allow for the integration and compatibility of data between justice agencies. At present, the Northern Territory is the only jurisdiction to have a comprehensive justice information system—the Integrated Justice Information System (IJIS)—that allows each participating agency to accomplish their individual tasks and at the same time interact with one another through the facilities on the system. Agencies using IJIS include the police, correctional services, the Office of Court Administration and the Attorney-General’s department. Introduced in late 1992, IJIS was originally designed to monitor offenders in the legal system so it contains less information on victims. However, information relating to violent incidents includes data on the type of incident, whether alcohol was involved, the relationship between

perpetrator and victim, breaches of protection orders, and the ethnicity of the accused.

The WA justice system is integrated in the sense that individuals can be “tracked” over time in their contact with police and corrections. South Australia has a similar but less developed form of integration with “tracking” through the Justice Information System. In other jurisdictions, however, it appears no formal links exist yet between justice agencies. There have been efforts to integrate the police and public prosecution systems for the ACT. Both systems maintain statistics for operational reasons, but the data did not “match” as public prosecutions hold information on finalised matters, which is only a subset of the offences reported to the police. The cost and issues surrounding access also militated against integration.

Barriers to standardisation and comparability across jurisdictions and between agencies can be characterised under the following headings:

- reliability and accuracy within collections;
- changes to data collections over time;
- restricted access;
- limited resources and organisational priorities;
- differences in definitions, classification and counting;
- sensitivity of comparative analysis.

Although the impediments to coordination have been categorised under these headings, they are not mutually exclusive and often occur in combination.

Reliability and accuracy within collections An overriding concern for most statisticians when looking at data is estimating the degree of reliability and accuracy. It is when examining the first stages of data

collection and entry processes within individual data collections that the scope for human error is greatest. There are two major points at which the potential for human error can put the accuracy of data collections into question. These are the initial data recording or reporting stage, and the data entry or coding stage. Certain categories of data are also more prone to ambiguous recording practices and are subject to interpretation by reporting and data entry personnel.

For example, information on race, ethnicity, and on the relationship between the offender and victim may rely on the impressions of the person recording the information. In addition, descriptions relating to these variables may be found in forms and these then have to be interpreted by data coders, which again creates the opportunity for individual discretion to affect the reliability of the coded information. Alternatively, because of the uncertainty surrounding these variables, data fields or questions on a form may be unanswered or left blank so that there is a high proportion of unknown cases for these data categories.

Changes to data collections over time Another problem with comparing different data collections, and with doing longitudinal analysis on individual data collections is that such collections change over time. There are often changes made to counting rules, definitions, or procedures that make comparison across different databases, and within databases over time difficult or impossible. For example, the upgrading of computer systems in the Victorian police service in 1992 saw the movement of the family violence report data into the main database. Combined with changes in the counting rules for offences against the person, this shift precludes comparison of the data obtained before this date with that collected subsequently.

Restricted access Problems in obtaining access to data can be categorised under two sub-headings; the first, non-retrievable data, and second, privacy.

Despite the growth in computerisation of records over recent years, it is still the case that many agencies have data col-

lection systems that make data retrieval difficult, and in some cases impossible. For example, in a recent survey of 99 service agencies in Western Australia, 31 per cent did not collect information in a form useable in cross agency comparisons, with 6 per cent recording no information at all, and 25 per cent recording information only in a narrative format (Tan & Voros 1996). In addition, of the 99 agencies consulted, 21 per cent did not record information on any computer database. When data is recorded only in narrative forms or stored in manual records, it is in effect lost for national comparison because an inordinate amount of resources would be required to convert such information into a useable format.

The standards of client confidentiality practised by agencies dealing with victims of sexual assault or domestic violence, whilst necessary for the protection of victims, often act as an impediment to establishing coordinated data collections (Tan & Voros 1996). It is felt that the information necessary to compare reported rates between organisations should not be made available, as making such information available violates the privacy of the victim, and may put the victim at risk. However, without mutual access to such information at the local level amongst relevant agencies, interagency coordination and cooperation is difficult.

Limited Resources and Organisational Priorities The main concern of service providers is to provide safety and support to victims of violence, whether this be through the apprehension of a perpetrator or the counselling of a victim. It is often the

case that the collection and analysis of statistical information is a low priority task. A frequently cited reason for this is the lack of resources (financial, staff, expertise, computers) to undertake the collection and analysis of detailed client information. Differences in the extent and deployment of resources result in different standards of hardware and systems even within different sections of the same agency, and this contributes to the problem of incompatibility. Indeed, even where such information is recorded it is rarely disseminated, partly due to resource restrictions, and partly due to the confidentiality and safety issues discussed above.

An example of the problems faced in gathering national information from Australian courts, caused directly by a lack of adequate resources, can be seen in Tasmania. With court statistics, Tasmania is divided up into three regions all of which have different recording practices and which until recently saw only the Hobart region computerised. In addition, there is a shortage of personnel responsible for analysing court processes and court data. Court statistics for Tasmania will only be produced when more resources are devoted to personnel and the computerisation of data.

There are also variations caused by differences in the rationales for collecting the information, and the actual work performed by the agencies. For example, the criminal justice sector tends to collect information on offenders, whilst other service organisations focus on the victim. Even between components of the criminal justice sector there are variations caused by their different roles in the system and the different tasks performed by the agencies. Courts tend to collect information on matters finalised, whilst the police focus on reported crime. These differing priorities and responsibilities mean that even when organisations give the same overall weight to the collection of information, the information they ultimately collect may be completely different and non-comparable.

Differences in Definitions, Classifications and Counting Amongst the various agencies

possessing information on violence against women there are differences in the definitions used, the counting rules in place, and between jurisdictions even in the offence classifications used. The need for standardised data collection methods, including nationally uniform definitions has been called for on numerous occasions. For example, Sherrard et al. (1994) stress the need for the adequate collection and management of data on domestic violence and they recommend standardisation of definitions and terminology. Another example is the manner in which sexual violence has been defined in surveys on the incidence of crime and violence ranging from the general to more restricted legal notions of sexual assault. For instance, in the United States, having recognised that a more general definition was needed along with more sensitive questions on domestic violence and sexual assault, the National Crime Victimization Survey has been substantially altered (Bachman & Saltzman 1995).

Although procedural differences between organisations play a large part in hindering the process of the national coordination of data on violence against women, legislative differences between the states and territories are the underlying factor which creates many of the variations in definition and classification.

As Barga and Fishwick (1995) explain, there are considerable differences in legal definitions for sex offences between states and territories. The principal difference is that Victoria, South Australia and Queensland retain the offence rape, whilst the others have grades of sexual assault. In relation to criminal justice data, the legislative differences have

resulted in definitional problems for sexual offences and all sex offences are normally collapsed together under the one category for comparisons between jurisdictions. Similarly, differences in domestic violence legislation, which are summarised in Appendix III, result in differences between the type and scope of the protection orders available in each state or territory (Seddon 1995).

As is illustrated by the examples of the major sources of data on violence against women presented earlier in this chapter, major differences in the recording and classification of data exist which cannot be attributed to legislative factors alone. Whilst the majority of criminal justice organisations now collect socio-demographic variables such as age and gender in a fairly standard manner, the data often pertain to defendants and are not recorded for the victims of personal violence. Moreover, differences remain with the classification and definition of variables, and the range of data subsumed under each variable, with the more problematic categories such as race and ethnicity, and with data categories related to incidents.

Trend analysis has frequently been hampered by changes to counting rules. For example, changes to the counting rules for police reports of sexual assault have occurred at different times in different jurisdictions which has restricted trend analysis on a national scale to the past few years.

Sensitivity of comparative analysis

Differences in counting and classification, are continually being addressed through the work of the Australian Bureau of Statistics in its development of the Australian National Classification of Offences (ANCO), the work of the National Centre for Crime and Justice in developing uniform police statistics, and the moves towards nationally standardised legislation via the model criminal code.

Nevertheless there continues to be a pronounced reluctance in many quarters to have national aggregate data which can be broken down by jurisdiction or region. Comparative analysis of data from different jurisdictions and regions can, it has been argued, result in the identification of differences which are open to misinterpretation.

Explanations for the differences may not take into account the specific circumstances, for example different statistical procedures, found in a region or jurisdiction.

Future Directions with Data

This chapter, in conjunction with Appendix II, provides a catalogue of data collections from a range of agencies. Most of the collections are either national in scope or contain statistics produced by agencies within the justice system. The feature they share in common is their potential to generate information on violence against women and the justice system's response to the violence. It was impossible to present all of the material stored within the collections, and the Tables and Figures are a selective presentation to demonstrate the utility of the data and to highlight the need, at a national level, for further analysis of the data.

Chapter 2 has also underlined the differences between data collections. Improved coordination and consistency will depend upon the development of core data items and categories. Agreed upon definitions for critical variables, most notably for domestic violence and sexual assault, will assist the process of improving the quality and comparability of information. Appendix IV contains a list of key areas for which there is the need to develop indicators for statistical data and other forms of research.

Endnotes

¹ The Women's Safety Survey was loosely modelled on the Canadian violence against women survey. For a description and discussion of the Canadian survey *see* Johnson & Sacco (1995).

² It should be noted that the current method of surveying for Crime and Safety surveys does not lend itself to the self-reporting of intimate violence. Questionnaires are left with the household for household members to complete themselves.

³ It is important to be aware of the counting methodology used for the National Crime Statistics. The rule is that for each victim within a distinct criminal incident, the most serious offence per national offence subdivision is counted. The statistics therefore do not represent the total number of distinct victims reported to the police nor do they measure the total number of offences reported to the police.

⁴ Many of the Tables have different age groupings because of the different categories used by the agencies which supplied the data. With Table 5, for example, the information was provided with these age categories and in this format by the Department of Social Security.

3



Summary and Conclusions

Chapter 1 provided a brief overview of the development of services and changes to law, practice and policies in the area of violence against women. Much has been achieved in each of these areas, but there is no room for complacency. There is a need to remain vigilant so as not to lose the gains of the past and to further improve justice for women who are victims of violence. To gauge the impact of reforms and trends in attitudes and organisational responses, it is vital to monitor and evaluate levels of reported offences, service use, and legal processes related to violence against women. Despite increased activity towards developing data collections, there is a continuing state of inconsistency between data collections and a lack of national indicators. This means that there has been a tendency to rely on overseas research and policy initiatives to inform developments in Australia, without a critical and detailed examination of what is happening already within this country.

Research Priorities

The review of Australian research shows that there have been many studies on issues relating to violence against women, but they add up to only an incomplete picture. Many of the earlier studies, especially those which evaluated the impact of legislation, should be duplicated or built upon, and complemented by studies that focus on contemporary issues of concern. The service sector, research organisations, and policy advisers should work together to develop the best means of collecting information that is useful and relevant to their requirements and that will cross sectoral boundaries. Strategies should be developed which provide information on trends and on the current situation through:

- replications of earlier surveys and studies;
- analysis of routine statistical collections;
- evaluations of new initiatives.

To facilitate future research, there is the need to assess various methodologies, and the kind of information they produce. In particular, the following are viewed as fruitful and practical examples of evaluations which should be conducted:

- methods of evaluation for services, training and prevention programs;
- longitudinal research designs, for example of case studies;
- tracking models.

Through the review of Australian research and consultations with many people with knowledge of the issues, of which the VAWIP workshop constituted one part, topics were identified as priorities for research. They are listed below under three headings: violence against women, domestic violence and sexual assault:

Violence Against Women

- Women's fear of violence;
- the risk of violence and abuse where relationships exist other than of an intimate nature (for example where a fiduciary relationship exists);
- women's help-seeking strategies;

- experiences of key communities (NESB, indigenous, rural and disabled women) their contact or lack of contact with the justice system;
- forms of victimisation experienced by younger women;
- effect of the “reporting climate” on official figures for violence against women;
- interaction between domestic violence and sexual assault.

Domestic Violence

- Community attitudes;
- the impact of legislative changes;
- the impact of training of key personnel and the creation of specialist units;
- court proceedings and outcomes for domestic assaults and breaches of protection orders;
- models of integration and coordinated responses;
- perpetrator programs;
- the merits of special courts and alternative mechanisms for dispute resolution;
- the effects on children of witnessing domestic violence.

Sexual Assault

- Community attitudes;
- the impact of legislative changes;
- the impact of training of key personnel and the creation of specialist units;
- evaluation of support services;
- attitudes and experiences of key justice personnel;
- programs for sex offenders;
- prosecution and sentencing.

Routine Data Collections

Statistical data on violence against women has the potential to improve service provision and inform policy and legislative reform, but there is the need to work towards a national perspective by coordinating and improving data. The first step for VAWIP was to ascertain data availability and to identify impediments to the task of improving and coordinating data.

Much work is already under way in Commonwealth, state and territory organisations including, for example, the key work of the National Centre for Crime and Justice

Statistics and at the state level, several initiatives to coordinate data across agencies and to track offenders. Further work needs to complement these activities. By encouraging the sharing and coordination of information, the quality and availability of data on violence against women will be greatly improved.

Statistical data is an invaluable part of monitoring changes and highlighting deficiencies in responses to violence. Descriptions of major collections were provided in the report and examples of data from the collections indicate the potential for analysis. Inconsistencies were found between agencies in the way data were collected and categorised and the kind of information kept in the collections. Reasons for these differences were described in the final section. The job of coordinating data involves at least the following series of tasks:

- expanding the national audit or compendium of data sets;
- the identification of gaps in the data sets;
- the development of core sets of data items and definitions;
- the development of guidelines for minimum data sets.

In relation to data analysis, which can apply to any data collection be it a national or state collection, the following priorities were identified:

- further analysis of criminal justice data for national figures;
- risk factors and demographic profiles of offenders and victims;
- accessing and analysing data on key communities.

With respect to the coordination of data, a pressing priority is for:

- the creation of a national database on protection orders.

APPENDIX I



References

- Assafiri, H. & Dimopoulos, M. 1995, "The legal system's treatment of NESB women victims of male violence," *Criminology Australia*, May 1995, pp. 20-2.
- Australian Bureau of Statistics 1995, *National Aboriginal and Torres Strait Islander Survey 1994, Detailed Findings*, Australian Government Publishing Service, Canberra.
- 1996, *Women's Safety Australia*, Australian Bureau of Statistics, Canberra.
- ACT Department of Health and Community Services 1996, *Review of ACT Sexual Assault Services*, ACT Government Printer, Canberra.
- Australian Law Reform Commission 1994, *Equality Before the Law: Justice for Women*, Report No. 69, Part 1, Australian Law Reform Commission, Sydney.
- Bachman, R. & Saltzman, L. 1995, *Violence Against Women: Estimates from the Redesigned Survey*, Bureau of Justice Statistics Special Report, US Department of Justice, August.
- Bargen, J. & Fishwick, E. 1995, *Sexual Assault Law Reform: A National Perspective*, Office of the Status of Women, Canberra.
- Bates, N. 1985, "Police perception and utilisation of welfare agencies as a response to domestic crisis: A qualitative pilot study", *National Police Research Unit Review*, vol. 1, no. 1, pp. 17-21.
- Bell, D. & Nelson, T. 1989, "Speaking about rape is everyone's business", *Women's Studies International Forum*, vol. 12, no. 4, pp. 403-16.
- Blazejowska, L. 1994, "Court Support Schemes—Improving Women's Access to the Legal System", unpublished paper presented at the Challenging the Legal System's Response to Domestic Violence conference, Brisbane, 23-26 March.
- Blumel, D., Leah Gibb, G., Innis, B., Justo, D. & Wilson, D. 1993, *Who Pays? The Economic Costs of Violence Against Women*, The Sunshine Coast Interagency Research Group, Women's Policy Unit, Queensland.
- Bolger, A. 1991, *Aboriginal Women and Violence*, Australian National University North Australia Research Unit, Northern Territory.
- Bonney, R. 1985, *Crimes Sexual Assault Amendment Act 1981: Monitoring and Evaluation, Interim Report No. 1, Characteristics of the Complainant, the Defendant and the Offence*, NSW Bureau of Crime Statistics and Research, Sydney.
- Bonney, R. 1986, *Second interim report by the Bureau Of Crime Statistics and Research on sexual assault: Court outcome, acquittals, convictions and sentence*, NSW Bureau of Crime Statistics and Research, Sydney.
- Brereton, D. 1993, "Rape prosecutions in Victoria" in *Women and the Law*, eds P. Eastale & S. McKillop, Conference proceedings No.16, Australian Institute of Criminology, Canberra.
- Broadhurst, R., Ferrante, A. & Loh, N. 1993, *Crime and Justice Statistics for Western Australia: 1992*, Crime Research Centre, University of WA.
- Broadhurst, R. & Maller, R. 1992, "The recidivism of sex offenders in the Western Australian prison population", *British Journal of Criminology*, vol. 32, no. 1, Winter, pp. 54-80.
- Carter, E. 1987, "Aboriginal women speak out—about rape {and} child sexual abuse: A report of an Adelaide survey, conducted in the Aboriginal community, October 1985-May 1986, Adelaide Rape Crisis Centre Inc.
- Carmody, M. & Bratel, J. 1992, "Vulnerability and denial: Sexual assault of people with disabilities" in *Crimes of Violence: Australian responses to rape and child sexual assault*, eds J. Brekenridge & M. Carmody, Allen & Unwin, Sydney.
- Cattalini, H. & Allbrook, M. 1992, *Domestic violence: Special needs of Aboriginal women living in Aboriginal communities, Report to the Office of the Family*, Fremantle, WA.
- Chopping, L. 1994 (unpub.), "Pilot Court Support Scheme" report to the WA Legal Aid Commission.
- Commonwealth Department of Immigration and Ethnic Affairs 1993, *Domestic violence and ethnic communities*, produced by

Violence against Women

- Women's Issues Unit, Department of Immigration and Ethnic Affairs, Perth, WA.
- Cook, A. & Griffiths, M. 1994, *Domestic Violence in the Great Southern Region: Research report on the incidence of and response to domestic violence in Albany and the Great Southern Region*, Albany Domestic Violence Action Group, WA Department of Community Development.
- Coorey, L. 1989, "Domestic violence and the Police: Who is being protected? A Rural Australian View", University of Sydney, M. Thesis in Social Work.
- Cunneen, C., Johnson, C. & Stubbs, J. 1996, "Filipino Women and Violence: A Study of Race, Class and Gender" paper presented at Crime, Criminology and Change, ANZ Society of Criminology Annual Conference, 29 January-1 February.
- Currie, S. 1996, *A Report on Legislative Options for Non-Spousal Domestic Violence*, Commissioned by the Department of Family and Community Services and the Queensland Domestic Violence Council, Brisbane.
- Cuthbert M. 1989, "Investigation of the Incidence and Analysis of Cases of Alleged Violence Reporting to the Accident and Emergency Centre, St Vincent's Hospital", paper presented at the Australian Institute of Criminology's National Conference on Violence, 10-13 October.
- Dang, K. & Alcorso, C. 1990, *Better on Your Own?: A Survey of Domestic Violence Victims in Vietnamese, Khmer and Lao Communities*, NSW Vietnamese Women's Association, Lidcombe.
- Daws, L., Brannock, J., Brooker, P., Patton, W., Smeal, G. & Warren, S. 1995, *Young People's Perceptions and Attitudes to Sexual Violence*, Report to the National Youth Affairs Research Scheme, National Clearinghouse for Youth Studies, Hobart.
- Donovan Research 1994, "Abuse in the Family" Baseline Survey: A Report to the Department for Community Development, WA Department for Community Development, Perth.
- Easteal, P. 1990, "Doctors and spousal assault victims: Prevention or perpetuation of the cycle of violence", Report to the Criminology Research Council, Australian Institute of Criminology, Canberra.
- (ed.) 1993a *Without consent: Confronting adult sexual violence*, Conference Proceedings No. 20, Australian Institute of Criminology, Canberra.
- 1993b, "Beliefs about rape: A national survey" in *Without Consent*, ed. P. Easteal, Australian Institute of Criminology, Canberra.
- 1993c, "Survivors of sexual assault: A national survey" in *Without consent: Confronting adult sexual violence*, ed. P. Easteal, Australian Institute of Criminology, Canberra.
- 1993d, *Killing the Beloved: Homicide between adult sex intimates*, Australian Studies in Law, Crime and Justice series, Australian Institute of Criminology, Canberra.
- 1996, *Shattered Dreams: Marital violence against overseas born women in Australia*, Bureau of Immigration, Multicultural and Population Research, Australian Government Printing Service, Canberra.
- Edleson, J. 1991, "Coordinated community response" in *Woman Battering: Policy Responses*, ed. M. Steinman, Anderson Publishing Company and Academy of Criminal Justice Sciences, United States.
- Edwards, E. 1996, *The Criminal Justice Response to Sexual Assault Victims*, NSW Bureau of Crime Statistics and Research, Sydney.
- Edwards, A. & Heenan, M. 1994, "Rape trials in Victoria: Gender, socio-cultural factors and justice", *Australian and New Zealand Journal of Criminology*, vol. 27, 3 December, pp. 213-36.
- Egger, S. & Stubbs, J. 1992, *The Effectiveness of Protection Orders*, AGPS, Canberra.
- Elliot and Shanahan Research 1988, *Domestic Violence in Australia*, Report to the Office of the Status of Women, Canberra
- Ferrante, A., Morgan, F., Indermaur, D. & Harding, R. 1996, *Measuring the Extent of Domestic Violence*, Crime Research Centre, University of WA, Hawkins Press.
- Frances, R. 1994, *Programs for Men who are Violent in the Home*, Dept of Criminology, University of Melbourne.
- Gardiner, J. 1996 (unpub.), "From Private to Public: Creating a domestic violence community intervention project: The Armadale Domestic Violence Intervention Project, Report to the Criminology Research Council, Canberra.
- Gardiner, J. & Hatton, M. 1991 (unpub.), Report on the Domestic Violence Intervention Program at Marriage Guidance WA Inc., WA Office of the Family, Perth.
- Gardner, Julie 1994, *Violence Against Women*, SA Attorney General's Department, Adelaide.
- Garrett, P. 1992, "Monocultural to multicultural: Issues of service equity for immigrants" in *Crimes of violence: Australian*

- responses to rape and child sexual assault*, eds J. Breckenridge & M. Carmody, Allen and Unwin, pp. 196-206.
- Gilmore, K. 1992, "Domestic violence and immigrant women", A paper presented to Women in Migration Conference, 7-8 February, Melbourne, Victoria, Australian Bureau of Immigration Research.
- Gilmore, K, Baker, J. & Pittman, L. 1993, *To report or not to report: A study of victim/survivors of sexual assault and their experience of making an initial report to the police*, Centre Against Sexual Assault House.
- Gomel, M., Gertler, R. & Lemon, J. 1996, *The Detection of Domestic Violence through Routine Screening at Drug and Alcohol Clinics*, report to the Criminology Research Council.
- Grabosky, P. 1989, *Victims of Violence*, Australian Institute of Criminology, Canberra.
- Grace, M. 1993, *Women's Recent Experience of Police Intervention in Domestic Violence Situations*, Honours thesis, School of Social Work, Curtin University of Technology.
- Greer, P. 1994, "Aboriginal women and domestic violence in New South Wales" in *Women, male violence and the law*, ed. J. Stubbs, Institute of Criminology Monograph Series No. 6, Sydney University Law School, pp. 64-78.
- Greer, P. & Breckenridge, J. 1992, " 'They throw the rule book away': Sexual assault in Aboriginal communities" in *Crimes of violence: Australian responses to rape and child sexual assault*, eds J. Breckenridge & M. Carmody, Allen and Unwin, pp. 189-95.
- Hatty, S. 1986, (ed.) *National Conference on Domestic Violence*, Vols 1 & 2, Australian Institute of Criminology, Canberra.
- Hatty, S. 1988, *Male Violence and the Police: An Australian Perspective*, NSW School of Social Work, University of New South Wales, Kensington.
- Healy, J. 1984, *After the Refuge: A Study of Battered Wives in Adelaide*, SA Department of Community Welfare.
- Heenan, M. & Ross, S. 1994, *The Police Code of Practice for Sexual Assault Cases*, Rape Law Reform Evaluation Project, Report No. 1., Department of Justice, Victoria.
- Heng, G. 1990, "Access of women of non-English speaking background to domestic violence services", *Local Domestic Violence Committees Conference, April 1989, Papers and Proceedings*, NSW Domestic Violence Committee 1990, pp. 103-4.
- Hore, E., Gibson, J. & Bordow, S. 1996, *Domestic Homicide*, Research Report No.13, Family Court of Australia, Canberra.
- Hughs, B. 1991, *An evaluation of a Group Program for Perpetrators of Domestic Violence*, unpublished masters thesis, School of Social Science, Monash University College, Gippsland.
- Jacobs, V. 1985, "Domestic violence: The South Australian police perspective" *The National Police Research Unit Review*, vol. 12, pp. 39-44.
- James, M. & Hallinan, J. 1995, *Homicides in Australia 1992-1993*, Australian Institute of Criminology Trends and Issues No. 51.
- Johnson, H. & Sacco, V. 1995, "Researching violence against women: Statistics Canada's national survey", *Canadian Journal of Criminology*, vol. 37, no. 3, July.
- Kaminskas, G. & Smith, A. 1990, "Brides or women?: Female Filipino migration to Australia" paper presented at the National Conference of the Australian Women's Studies Association, Melbourne, Victoria.
- Kelley, J., Evans, M. & Walker, J. 1992, "The 1990 National Crime Victims Survey", jointly produced by the Australian Institute of Criminology and the Research School of Social Sciences, Australian National University, unpublished.
- Knowles, J. 1996, "Police Culture and the Handling of Domestic Violence: an Urban/Rural Comparison", report to the Criminology Research Council.
- Krasovitsky, M., Lynch, D., Gibson, F. & Goddard, J. 1991, *Women's Domestic Violence Court Assistance Scheme: Evaluation*, Redfern Legal Centre, Sydney.
- Kurrie, S, Sadler, P. & Cameron, I. 1991, "Elder abuse: An Australian case series" *Medical Journal of Australia* 1991, vol. 155.
- Law Reform Commission of Victoria 1991, *Rape: Reform of law and procedure*: interim report, vol.2 appendices, Melbourne.
- Leibrich, J., Paulin, J. & Ransom, R. 1995, *Hitting Home: Men speak about abuse of women partners* New Zealand Department of Justice in association with AGB McNair.
- Lippert, N. 1993, "The silence must be broken" *Medical Observer*, 23 July 1993, p.7.
- Lloyd, J. & Rogers, N. 1993, "Crossing the last frontier: Problems facing Aboriginal women victims of rape in Central Australia" in *Without Consent: Confronting adult sexual violence*, ed. P. Easta, Australian Institute of Criminology, Canberra.

Violence against Women

- Matka, E. 1990, *Uses and Abuses of Crime Statistics*, NSW Bureau of Crime Statistics and Research, Sydney.
- Mazza, D., Dennerstein, L. & Ryan, V. 1996, "Physical, sexual and emotional violence against women: A general practice-based prevalence study" *Medical Journal of Australia*, vol. 164, 1 January, pp. 14-17.
- McFerran, L. 1989, *Report on Batterer's Programmes to the NSW Domestic Violence Committee*, NSW Department of Family and Community Services, Sydney.
- Moran, A. 1993, "Patterns of rape: A preliminary Queensland perspective" in *Without Consent: Confronting adult sexual violence*, ed. P. Easteal, Australian Institute of Criminology, Canberra.
- Mottee, M. 1992, "Immigration law and women in domestic violence situations" Women in Migration Conference 1992, *BIR Bulletin*, No. 6, April, pp. 11-13.
- Mugford, J. 1989, *Domestic Violence*, Violence Today Series, No. 2, Australian Institute of Criminology.
- Mugford, J., Easteal, P. & Edwards, A. 1993, *ACT Domestic Violence Research: Report to the ACT Community Law Reform Committee*, ACT Attorney General's Department, Canberra.
- Naffin, N. 1985, *Domestic violence and the law: A study of s.99 of the Justices Act SA*, Women's Adviser's Office, Department of the Premier and Cabinet, Adelaide.
- National Committee on Violence 1990, *Violence: Directions for Australia, Report of the National Committee on Violence*, Australian Institute of Criminology, Canberra.
- National Committee on Violence Against Women 1993a, *National Strategy on Violence Against Women*, AGPS, Canberra.
- 1993b *Training in the Area of Violence Against Women*, AGPS, Canberra.
- 1993b, *Access to Services for Women with Disabilities who are subjected to Violence*, AGPS, Canberra.
- Naylor, B. & Neal, D. 1990, "Homicide prevention", *Legal Service Bulletin*, vol. 15, pp. 99-102.
- Nechvoglod, R. 1995 (unpub.), "Domestic Violence in South Australia: A preface to planning", The Results of the Domestic Violence Resource Unit's Statistics Project, Adelaide.
- NSW Department for Women 1995, *Gender Bias and the Law: Women in court as victims of sexual assault*, Interim Report, 1995.
- NSW Domestic Violence Advocacy Service 1992, *Domestic Violence Advocacy Service 1986-1991, The First Five Years*, Sydney.
- NSW Sexual Assault Committee 1993, *Sexual Assault Phone-in Report held November 1992*, NSW Ministry for the Status and Advancement of Women, Sydney.
- NSW Standing Committee on Social Issues 1993, *Sexual Violence: The Hidden Crime. Inquiry into the incidence of sexual offences in NSW*, Part I, Report No 6, Legislative Council, Parliament of NSW, Sydney.
- 1996, *Sexual Violence: The Hidden Crime. Inquiry into the incidence of sexual offences in NSW*, Part II, Report No. 9, Legislative Council, Parliament of NSW, Sydney.
- NSW Women's Co-ordination Unit 1991a, "Costs of Domestic Violence", *NSW Domestic Violence Strategic Plan*, July, Sydney.
- 1991b, "Programs for Perpetrators of Domestic Violence", *NSW Domestic Violence Strategic Plan*, July, Sydney.
- Nguyen da Huong, M. & Salmelainen P. 1992, *Family, Acquaintance and Stranger Homicide in NSW*, NSW Bureau of Crime Statistics and Research, Sydney.
- Office of the Status of Women 1995, *Community Attitudes to Violence Against Women*, prepared by ANOP Research Services, Sydney.
- Ovadia, T. & Webb, L. 1990, *National Domestic Violence Education Program, Non-English Speaking Program: An inquiry into the attitudes of women from non-English speaking background to domestic violence*, Office of the Status of Women, Office of Multicultural Affairs, Canberra.
- Payne, S. 1993, "Aboriginal women and the law" in *Women and the Law*, Conference Proceedings No. 16, eds P. Easteal & S. McKillop, Australian Institute of Criminology, Canberra, pp. 65-74.
- Poerio, L. 1991, "An evaluation of police training in handling domestic violence situations", M. Thesis in Applied Psychology, University of Adelaide.
- Poynter, T. 1989, "An evaluation of a group program for male perpetrators of domestic violence" *Australian Journal of Sex, Marriage and Family*, vol. 103, pp. 133-42.
- Poynter, T. 1991, "An evaluation of a group program for male perpetrators of domestic violence: A follow up study", *Australian Journal of Marriage and Family*, vol. 122, pp. 64-75.
- Pruncken, H. 1994, *A Matter of Public Concern: An evaluation of legislation intended to protect women in the home*, SA Courts Administration Authority, Adelaide.

- Public Policy Research Centre 1988, *Community attitudes to domestic violence in Australia*, Social Survey Report, Public Policy Research Centre, Sydney.
- Queensland Domestic Violence Task Force 1988, *Beyond These Walls*, Report to the Minister for Family Services and Welfare Housing, Brisbane.
- Queensland Women's Policy Unit 1992, *Women's experience of crimes of personal violence: A gender analysis of the 1991, Queensland Crime Victims Survey*, Queensland Government, Brisbane.
- Ramilo, C. & Droscher, R. 1992, *Filipino women, challenges & responses 1989-1991*, NSW Ethnic Affairs Commission, Ashfield.
- Rathus, Z. 1993, *Rougher than Usual Handling*, Women's Legal Service, Brisbane.
- Real Rape Law Coalition 1992, *No real justice: The findings of a confidential phone-in on sexual assault*, RRLC, Melbourne.
- Roberts, G., O'Toole, B., Lawrence, J. & Raphael, B. 1993, "Domestic violence victims in a hospital emergency department", *Medical Journal of Australia*, vol. 1595, September, pp. 307-10.
- Ross, S. & Brereton, D. 1995, "Explaining trends in reported rates: An alternative to crime victim surveys", *Crime Victims Surveys in Australia*, proceedings of a conference held at Griffith University 28-29 November, Criminal Justice Commission.
- Salmelainen, P. & Coumarelos, C. 1993, *Adult sexual assault in NSW*, NSW Bureau of Crime Statistics and Research, Sydney.
- Seddon, N. 1995, "Domestic Violence" in Chapter 17.5 of *The Laws of Australia*, the Law Book Company Ltd, Sydney.
- Seitz, A. & Kaufman, T. 1993, *Too shameful to talk about: Ethnic communities' perceptions of family violence and child sexual abuse, Phase I: Cambodian, Chinese, Laotian, Vietnamese*, Victorian Health Promotion Foundation, Melbourne.
- Sherrard, J., Ozanne-Smith, J., Bruman, I., Routley, V. & Williams, F. 1994, *Domestic Violence: Patterns and Indicators*, Report No. 63, Accident Research Centre, Monash University.
- Strang, H. 1991, *Homicides in Australia 1989-90*, Australian Institute of Criminology, Canberra.
- 1992, *Homicides in Australia 1990-91*, Australian Institute of Criminology, Canberra.
- H. 1993 *Homicides in Australia 1991-92*, Australian Institute of Criminology, Canberra.
- Strang, H. & Sherman, L. 1996 (unpub.), "Women as victims and offenders in domestic violence: Prediction and prevention" paper presented at the American Association for the Advancement of Science, Baltimore, February.
- Stuart, P. 1996, *A Review of the Management of Domestic Violence in the Emergency Department*, Modbury Public Hospital, South Australia.
- Stubbs, J. & Powell, D. 1989, *Domestic Violence: The Impact of Legal Reform in NSW*, NSW Bureau of Crime Statistics and Research, Sydney.
- Sullivan, C. 1993, "Do they Believe They Have the Right?: A study of men who have been violent toward their spouse", BSW Hons. Thesis, James Cook University of North Queensland.
- Tan, J. & Davidson, G. 1994, "Filipina-Australian marriages: Further perspectives on spousal violence", *Australian Journal of Social Issues*, vol. 29, 3 August, pp. 265-82.
- Tan, L. & Voros, G. 1996, *Family Violence Data Collection, Review of Practices in the Pilbara and Kimberley Regions of Western Australia*, Hedland College Social Research Centre, WA.
- Tasmanian Domestic Violence Advisory Committee 1994, *Economic Costs of Domestic Violence in Tasmania*, KPMG, Management Consulting, Melbourne.
- Thomas, C. 1993, "Sexual assault: Issues for Aboriginal women" in *Without consent: Confronting adult sexual violence*, Conference Proceedings, ed. P. Easteal, Australian Institute of Criminology, Canberra.
- Victorian Community Council Against Violence 1991, *A profile of rapes reported to police in Victoria 1987-1990*, a research report undertaken as part of the Inquiry into Violence in Public Places, Melbourne.
- 1992, *Inquiry into services for those affected by family violence, Report no 5, Support services for women*, Melbourne.
- Victoria Police 1992, *Police Response to Family Violence in Victoria*, Methods and Applied Research Unit, Corporate Policy, Planning and Review Department, Melbourne.
- Wallace, A. 1986, *Homicide: The Social Reality*, NSW Bureau of Crime Statistics and Research, Sydney.
- Wearing, R. 1992, *Monitoring the Impact of the Crimes Family Violence Act 1987*, Department of Sociology, La Trobe University funded by the Victorian Law Foundation, Melbourne.
- Webster, J., Sweet, S. & Stolz, T. 1994, "Domestic violence in pregnancy: A prevalence study", *Medical Journal of Australia*, vol. 1618, October, pp. 466-70.
- Weekley, K. 1986, *Rape: A four-year police study of victims*, South Australia Police Department, Adelaide.

Violence against Women

- Wilson, I. 1992, "Were these serious assaults?":
An analysis of magistrates' dialogue during
proceedings for intervention orders under the
Crimes Family Violence Act 1987", Hons.
Thesis, Department of Criminology, University
of Melbourne.
- Women's Legal Resources Centre 1994, *Women
Out West*, WLRC and Law Foundation, Sydney.
- Wong, B. 1995, "Non-response adjustments in the
1993 National Crime and Safety Survey", *Crime
Victims Surveys in Australia*, proceedings of a
conference held at Griffith University 28-29
November, Criminal Justice Commission,
Brisbane.
- Wundersitz, J. 1996, *Sexual Offending in
Australia*, Information Bulletin Issue No.1, SA
Office of Crime Statistics, Adelaide.



APPENDIX II

Significant Routine Data Collections

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- 1.3 Australian Bureau of Statistics: Crime Victimization Surveys
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- 2.7 Western Australia: Sexual Assault Referral Centre: Sexual Assault Services data collection

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1. National Collections

1.1 Australian Bureau of Criminal Intelligence: Violent Crime Linkage Analysis System

The Australian Violent Crime Analysis Centre, at the Australian Bureau of Criminal Intelligence is at present implementing the Violent Crime Linkage Analysis System (ViCLAS). The System was designed by the Royal Canadian Mounted Police and has been operational in Canada since 1994. The system's current categories include: all solved and unsolved homicides and attempted homicides; solved and unsolved sexual assaults of a predatory nature or those considered to be part of a series; unidentified bodies; all non-parental abductions; and missing persons. It is proposed that stalking will be added at a later date.

With homicide incidents and predatory sexual assault, the intention is to eventually include cases going back to 1975. The database is designed to assist in the investigation and clearing up of predatory, stranger to stranger, offences or where there is the likelihood that serial offending is occurring. The main purpose of the database is for the investigation of unsolved cases. Significant variables relating to violence against women are not covered. For example, little information is recorded on the legal action taken once an incident is reported to the police. Nevertheless, some variables could produce useful material on homicide, sexual assault and major assaults.

Police representatives from every state except Queensland recently participated in a training course on ViCLAS and the entry of data into the system commenced mid-1996. Queensland will soon be part of the ViCLAS network, and all states will participate in training on analysis in February 1997. Actual analysis of the data will commence soon after.

1.2 Australian Bureau of Statistics: National Centre for Crime and Justice Statistics

The National Crime Statistics Unit was established in 1990. In 1995 it was amalgamated with the National Criminal Courts Statistics Unit and the National

Corrective Services Unit to form the National Centre for Crime and Justice Statistics. There have been annual publications on national crime statistics for 1993, 1994 and 1995 which use police data collected by the States and Territories.

The National Centre for Crime and Justice Statistics is also responsible for collating national court and prison data. To date, court data have only been available from individual states and territories. However, the Centre is planning to release national 1995 Criminal Courts Caseflow statistics for higher courts in late 1996 and Case Characteristics information is scheduled for publication in 1997. National prison census statistics were published by the Australian Institute of Criminology from 1982 to 1993. The Centre has recently taken over the publication of correctional services data from the Institute. The Prison Trends series has been continued and data are available from the ABS. The 1994 Prison Census publication is about to be released by the ABS and the 1995 publication will also be available soon.

1.3 Australian Bureau of Statistics: Crime Victimization Surveys

National Crime and Safety surveys were conducted in 1975, 1983, and 1993, with the next planned for 1998.

The most recent crime and safety surveys, in 1995, were undertaken in all states except Tasmania and the Northern Territory, and the results from the Women's Safety Survey were released at the end of 1996. In addition, a crime and safety survey was conducted in NSW in 1996 and another

one will be done in 1997. Data from all ABS surveys are published in a specific format, but further tabulations are sometimes available on request and for a cost. Published data from the state and territory surveys are found in the following reports:

Victoria:

ABS Crime Victims Survey, Victoria 1986
ABS Crime and Crime Prevention Survey, Victoria, July 1987, Preliminary
ABS Crime and Safety, Victoria, April 1994
ABS Crime and Safety, Victoria, April 1995

Western Australia:

ABS Crime Victims, WA, October 1991
ABS Crime and Safety, WA October 1995

New South Wales:

ABS Crime and Safety, NSW, April 1990
ABS Crime and Safety, NSW, April 1991
ABS Crime and Safety, NSW, April 1992
ABS Crime and Safety, NSW, April 1994
ABS Crime and Safety, NSW & ACT, April 1995

South Australia:

Crime and the Prevention of Crime in the Community, 1985
ABS Crime and Safety, SA, April 1991
ABS Crime and Safety, SA, April 1995

Queensland:

ABS Law and Order, Queensland, 1973-92
Community Crime Prevention Attitudes 1987
Crime Victims Survey, 1991
1973-92 ABS Crime and Safety, Queensland, April 1995

**1.4 Australian Institute of Criminology:
 National Homicide Monitoring
 Program**

The National Homicide Monitoring Program was instituted at the Australian Institute of Criminology in 1990 on the recommendation of the National Committee on Violence and as approved by the Australian Police Ministers Council. The data collection framework is a cooperative activity of the AIC and all eight state and territory police forces. The variables collected include

information about the time and place of the incident, the weapon used, the precipitating factors, involvement of drugs and alcohol, socio-demographic characteristics of victims and offenders, the relationship between the victim(s) and offender(s), as well as the criminal histories of both the victim and offender.

The objective of the National Homicide Monitoring Program is to provide a basis for the rational formulation of public policy in the prevention and control of violence and to provide for basic public understanding about homicide risk, and for the analysis of the salient issues.

Annual reports by Heather Strang entitled *Homicides in Australia* covering the years 1989-90, 1990-91, 1991-92 have been published. Released in December 1995, a paper in the Trends and Issues series by Marianne James and Jennifer Hallinan provides similar information for 1992-93.

**1.5 Australian Institute of Criminology:
 National Prison Census**

From 1982 to 1993 the Australian Institute of Criminology produced the National Prison Census. Conducted on the 30 June each year, the censuses were of persons held in adult correctional institutions in all Australian jurisdictions, and provide details on the age, sex, race, education, legal status, and sentence status of prisoners. The Prison Census is no longer maintained by the Institute, with the ABS now having the role of collecting such data.

1.6 Australian Institute of Health and Welfare: National Injury Surveillance Unit

The National Injury Surveillance Unit (NISU) is a unit of the Australian Institute of Health and Welfare, affiliated with Flinders University and located in Adelaide. Its roles include the provision of information to support injury control activities and improving injury information systems and methods. The National Data Standards for Injury Surveillance are based on the International Classification of Diseases Codes which was developed in the United States of America.

Using information obtained from hospitals, the NISU database on hospital separations (for the years, 1991-92, 1992-93 then 1994-95), covers all public hospitals and most private hospitals in all Australian States and Territories except for the Northern Territory.

The Injury Statistical Information System (ISIS) contains statistics on presentations and admissions for selected emergency hospitals in urban areas and major towns for cases where injury is present. Dating from 1987 and finishing in 1994 there are approximately 800 000 records. Some jurisdictions are still sporadically collecting information.

1.7 Common Police Services: National Exchange of Police Information

Based in Sydney, the National Exchange of Police Information (NEPI) develops and maintains national computer systems which can be accessed by police at over 8000 computer terminals throughout Australia. In conjunction with police departments, NEPI is responsible for maintaining the National Names Index (NNI), which is a police reference system that is designed to assist police inquiries by enabling police to conduct nation-wide searches for persons of interest on the database. The database consists of condensed copies of information, for a range of data categories, sent to NEPI by police departments in Australia. Through original reference numbers, police are able to investigate their own jurisdictional records once they have located references of interest on the NNI.

1.8 Commonwealth Attorney General's Department: Legal Aid Commission data collection

The Data Collection and Analysis Section, of Legal Aid and Family Services (LAFS), Commonwealth Attorney General's Department maintains the collection of legal aid statistical data from Legal Aid Commissions throughout Australia on a system called the Legal Aid Statistical System Information Exchange (LASSIE). To protect the confidentiality of individual clients, information provided to the Commonwealth by Commissions is limited in a number of respects. For example, the Commonwealth does not have access to the names and addresses of applicants for legal assistance and is only provided information on applicant's ages within five year range categories.

Information is published annually in the *Legal Aid in Australia: Statistical Yearbook*, with the latest publication being for the year 1993-94. Although more detailed information is available from LAFS, the yearbooks routinely publish information on the age, sex, marital status, income bracket, the number of dependants of applicants, and the number of Aboriginal and migrant applicants. The types of assistance sought are broken down by broad legal type, and by the type of matter for assistance approved.

1.9 Commonwealth Department of Health and Family Services: Supported Accommodation Assistance Program

The Supported Accommodation Assistance Program (SAAP) has recently redesigned its collection in order to provide information about service users and information for administrative purposes such as quantifying outcomes for financial evaluation purposes. The new national collection on client use of all services funded under SAAP began in July 1996. Information includes whether the client is involved in any legal processes including whether they relate to a restraining or intervention order, the reasons for seeking assistance, and the type of assistance provided to the client and any accompanying children. Background details include: gender of the client; the number of accompanying children; country of birth; cultural identity; Aboriginal or Torres Strait Island background; labour force status; primary income source; an optional question on location before current period of unsafe, insecure or inadequate housing; and type of accommodation immediately before and after support period. An important feature of the collection is, through the use of encrypted identifiers, the capacity to identify when different occasions of service are provided for the same individual.

The initial data will be released early in 1997 by the Australian Institute of Health and Welfare, which has been contracted to compile the data and produce three types of reports (national, state and agency reports) every six months. The Institute has also been contracted to undertake three special collections, one of which will be on those people who are refused assistance. The other two will focus on yet to be determined special issues.

1.10 Commonwealth Department of Social Security: Social Worker Information System (SWIS)

SWIS was introduced nationally in July 1994 and information is recorded on the casework, management and community functions of social workers in regional offices, which embraces the following:

- the client population of the Social Work Service,
- the type of payments claimed by clients of social workers,
- the referral reasons and where referrals come from,
- the action taken by social workers,
- the type and purpose of management and community tasks,
- basic information about the outcome of social work intervention, and
- extensive information about young people who have been referred under the Commonwealth/State Protocol, at the specific request of the Standing Committee of Community Services and Income Security Administrators.

Statistics from SWIS are not published.

2. State Based Collections

2.1 Northern Territory Office of Women's Policy: Domestic Violence Data Collection Project

Launched in 1994, the Northern Territory's Domestic Violence Strategy includes the objective to collect data across government and non-government agencies throughout the Territory through a unified data collection. The Office of Women's Policy has overall responsibility for the management of the data collection project, including the distribution of collection forms, the importation of data on the data base, monitoring of collection agencies and negotiating with agencies that are not yet collecting.

This data collection contains details on the number of victims, perpetrators,

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multiple victimisation, recidivism, the ethnicity of both the victim and offender, the age and sex of the victim and offender, the relationship between the victim and offender, use of alcohol during the incident, history and type of violence, referral information, restraining order information, as well as socio-economic information on the victims. By August 1996 a total of fifteen agencies had agreed to collect data and nine agencies had commenced collection for the unified system. A report on the project should be finalised before the end of 1996.

2.2 Queensland: Office of Director of Public Prosecutions: Violence Against Women Database

The Violence Against Women Section was set up in the Queensland Office of Director of Public Prosecutions in 1993. The main activity of the Section is to inform women complainants of the legal processes their case must follow, prepare them as witnesses and ensure case preparation caters for their needs. Projects include resource development, training and community networking. The Queensland Office of Director of Public Prosecutions is unique in Australia as it is the only public prosecutions office to have a specific violence against women database, which holds information on the age and sex of both the victim and offender, the occupation of the offender, the offenders previous criminal history, and the relationship between the victim and offender, as well as any special circumstances about the case (for example, if the accused or complainant have a physical or intellectual disability). The database, which was established in 1994, is currently limited to the Brisbane office and to matters committed for trial or sentence from magistrates' courts. Therefore it does not provide statistical information on matters prosecuted in the seven regional offices, nor matters dealt with in the lower court.

2.3 South Australia: Office of Crime Statistics: Criminal Justice Statistics on Domestic Violence

South Australia has adopted a legislative response to the need to identify separately cases of domestic assault. While the

Domestic Violence Act 1994 is very similar in its provisions to the domestic violence legislation in other jurisdictions, it contains an additional element not available elsewhere. The 1994 Act amends the *Criminal Law Consolidation Act 1935*, to identify where the victim of a common assault was at the time of the commission of the offence a family member of the offender, for the purposes of giving a higher penalty for those cases where the victim was a family member of the offender. Three categories of 'family member' are defined under the legislation, these being (a) a spouse or former spouse of the offender, (b) a child of whom the offender, or a spouse or former spouse of the offender, is the parent or guardian, and (c) a child who normally or regularly resides with the offender or a spouse or former spouse of the offender. The extent to which data on (ex)spousal domestic violence can be distinguished from the other categories will depend on how effectively data collection processes have been established in response to the 1994 Act.

The database is broken up into two parts, one where the victim is a family member of the offender, and the other where the victim is not a family member, which then allows for the distinction to be made between domestic and non domestic offences. Unit data is available for each victim of domestic violence assault recorded in both police and court statistics. Variables include the age and sex of the victim, and the location and date of the offence. An information bulletin on the

data should be published towards the end of 1996.

2.4 Victoria: Courts: Monitoring Reports of the Crimes (Family Violence) Act, Caseflow Analysis Section, Department of Justice

The Victorian *Crimes (Family Violence) Act* was introduced in 1987 and has been subsequently amended in 1990, 1992, and 1994. The 1994 amendment came into operation in 1995 and produced three significant changes related to the monitoring of statistics—it enables intervention orders to apply to persons committing the offence of stalking, the definition of ‘aggrieved family member’ is extended to those who have had ‘an intimate personal relationship’ with the defendant, and the length of intervention orders are no longer limited to 12 months (Victorian Department of Justice 1996)

Systematic monitoring of the Act began in 1990. Produced by the Caseflow Analysis Section, Courts and Tribunals Division, in the Victorian Department of Justice, the monitoring reports of the Act contain a wealth of information. Data for 1994-95 was from the Magistrates’ Court Courtlink computer database, which covers both magistrates’ and children’s courts in Victoria. Data are presented on the age, sex and relationship between the ‘aggrieved family member’ and defendant, in addition to statistics on interim orders, on elapsed time between complaint and hearing, and on court determinations for final intervention orders. Further details are provided on victims of stalking, whether there were previous applications under the Family Court Act or Crimes (Family Violence) Act, breaches of bail and final intervention orders, and an analysis of cases where an “intimate personal relationship” was recorded.

2.5 Victoria: Police: Family Incident Report data

The Victorian Police central database LEAP (Law Enforcement Assistance Program) started in March 1993 with detailed statistics available on both the victim and offender for variables such as sex, age, ethnicity (racial appearance), country of birth, multiple victimisation, occupation, marital status, location of offence, and the use of weapons. For incidents of family violence, the LEAP database incorporates information from Family Incident Reports. Completed by the police, the Report records information on the relationship between the victim and offender, hazard factors such as alcohol and firearms, referral information and intervention/protection order status, the presence of children at the incident (including the age bracket of any children present) in addition to the information contained within other crime reports. Since 1993 the Family Incident Report data has been published annually in the Victorian Police crime statistics, with the latest publication being for 1994-95.

Although information from the Family Incident Report has been collected since late 1987-88, there is a gap for 1992-93 due to the change in computer systems. Prior to this, data collected from the family incident report was published in the *Family Incident Report* series by the Family Violence Project Office for the years 1988 to 1991-92. The data from these years is still held in a now obsolete personal computer based system.

2.6 Western Australia: Police: Family Violence Database

The Western Australia’s Police Department’s Offence Information System (OIS) has been in operation since 1992. Whilst no fields specifically designed for domestic violence exist within the database, it has been possible to obtain information on the age and sex

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of victims, and the relationship between victim and offender since 1992, which makes the estimation of domestic violence possible in combination with the location of the offence. Since October 1995 a family incident report similar to that used by the Victorian Police force is meant to be completed after every call to a domestic or family violence situation. Whilst the uptake of this new method of reporting has been slow, the WA police are committed to its implementation and are addressing this problem through education and training. This new form contains information on the age, sex, ethnicity and occupation of both the victim and accused, the relationship between the victim and offender, numbers of children present, alcohol and firearms use during the incident, information about restraining orders (that is whether one is currently in force, going to be taken out and so on), as well as information on the action taken out by the police (including referral information). As the form is specifically designed to be used in 'domestic' cases it will be increasingly possible to distinguish such offences from non familial violence. However, at present the forms are not filled out for sexual assault, and stalking cases, and the completion of the forms does not translate into the "flagging" of domestic offences in the OIS system as a whole.

2.7 Western Australia: Sexual Assault Referral Centre: Sexual Assault Services data collection

The Sexual Assault Referral Centre is the primary provider of sexual assault services in the Perth metropolitan area, is a member of a federation which includes all sexual assault services in Western Australia, and plays a major coordinating role in relation to sexual assault services statewide. During 1995 an ABS officer was outposted to help develop and implement an effective data collection system throughout the state in the area of sexual assault. As was the case with SAAP, there were two types of data recommended for collection—case information and management information. Case information was designed to monitor client demographics, information on the assault and the assailant, counselling services provided, medical cases and

follow-ups, and dealings with the police and judicial system. Data collection commenced in December 1995.



APPENDIX III

Protection Order Legislation

In order to provide an illustration of the problems that exist in comparing protection order statistics at a national level that arise from legislative differences we have summarised and compared protection order legislation in Australia in force as of March 1995 (see Table A). Also included, in Table B, is an overview of other legislative protections that work to support protection order legislation.

Some jurisdictions have general protection orders (termed restraining orders, protection orders, or apprehended violence orders), while others have protection orders geared specifically to deal with “domestic violence cases”, which are defined according to the “relationship” that exists between the victim and offender, and where this relationship is specified in State and Territory domestic violence legislation. Relationships specified in such legislation differ between jurisdictions, but cover at least existing or former de jure and de facto spouses.

Where general protection or restraining order legislation is in place, as opposed to specific domestic violence legislation, this distinction is of little importance. Those not covered under the main domestic violence legislation have the option of applying for an order under the general protection order legislation, examples being the *Magistrates Court Act* in the Australian Capital Territory, or the *Summary Procedure Act* in South Australia. However, in the Northern Territory, Queensland, and Victoria no such alternatives exist and individuals who fall outside the relationships defined in legislation have to resort to weaker breach of peace complaint procedures (see the *Justices Act 1928* (NT), the *Peace and Good Behaviour*

Act 1982 (Qld), and the *Magistrates Court Act 1989* (Vic)).

It becomes clear when we look at who can and cannot apply for domestic violence protection orders in these three jurisdictions (NT, Vic, Qld) that a large proportion of people are inadequately covered by existing legislation. In the Northern Territory only those existing or former defacto or de jure spouses (including a spouse according to Aboriginal tradition) are covered by the *Domestic Violence Act 1992*, and all those not covered have to resort to the recognisance to keep the peace procedures. Similarly, domestic violence legislation in Queensland only allows existing or former defacto or de jure spouses, or persons who although not a spouse, are a biological parent of a child in the case under consideration to apply for an order. All others cannot apply for an order in their own right. However, there is scope in the legislation for “relatives” and “associates” to be named in a domestic protection order applied for by a spouse, even though such persons cannot apply for such an order in their own right.

Although the definition of who can apply for a protection order in Victoria is broader in scope than either the Northern Territory or Queensland, it still limits applications to “family members”,

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namely former or present de jure or defacto spouses, relatives, a child who normally resides with the violent person, a child of whom the violent person is a guardian, or any other person who can be classified as an ordinary member of the household of the violent person. Under these limitations, relationships such as boyfriend/girlfriend, which would normally be considered intimate relationships, (and where no co-residence existed) would not be covered by the *Crimes (Family Violence) Act*, and such individuals would be unable to apply for a restraining order.

Although legislation is now in force for the recognition of restraining orders made in other states or territories, this relies largely on the victim registering their old order in the magistrate's court at their new location. In addition, there is no uniformity across jurisdictions in the range of provisions which can be imposed by the courts in the construction of a restraining order.

Similarly, there is also a lack of uniformity across jurisdictions in terms of the powers given to police to act in domestic violence cases, which is evident when we examine the summary of other protective elements in force apart from protection orders (*see* Table B).

Special police powers of entry into premises (in domestic violence cases) exist in all states except for Western Australia and South Australia. However, specific powers relating to firearms are only available in the ACT, the Northern Territory, Queensland, Tasmania, and Victoria. In South Australia and New South Wales, weapon search and seizure provisions are included in the construction of restraining orders by the court, and powers given to the police which are other than automatic. In South Australia the court must order the seizure of all firearms in the possession of the defendant if making a restraining order, and may order police to search for this purpose retrospectively. In contrast, in New South Wales the police have no powers to search for and seize weapons. The subject of the apprehended violence order must instead surrender or destroy any firearms as ordered, and a failure to do so would be a breach of the apprehended violence order, making the

routine removal of firearms in the possession of potentially violent people difficult. As of March 1995 there were no weapons provisions in force in Western Australia.

Such differences in police powers and the mechanisms behind the use of protection or restraining orders confuse victims as to their rights, and law enforcement officials as to their powers and responsibilities. The standardisation of Australia's laws regarding the protection of individuals from violence and harassment is urgently required if we are to improve the effectiveness of legislative attempts to protect individuals from violence, and enable the collection of uniform national statistics on protection orders.

Table A: Protection Order and Domestic Violence Legislation, Australia, March 1995

Juris-diction	Main Legislation	Major Domestic Violence Legislation (and amendments)	Protective Element(s)	Onus of Proof	Related Legislation	Length of Order	Maximum Breach Penalty
ACT	Domestic Violence Act 1986 (ACT).	Domestic Violence Act 1986, Domestic Violence (Miscellaneous Amendments) Act 1986, Domestic Violence (Amendment) Act 1990, Domestic Violence (Amendment) Act (No.2) 1990, Domestic Violence (Amendment) Act 1992, Protection Orders (Reciprocal Arrangements) Act 1992, Protection Orders (Reciprocal Arrangements)(Consequential Amendments) Act 1992.	domestic violence protection order	civil-balance of probabilities (unless breached, then criminal)	Crimes Act 1900 (ACT), Crimes (Amendment) Act 1992 (ACT), Domestic Violence Act 1986, Bail Act 1992 (ACT), Evidence Act 1971 (ACT), & the Weapons Act 1991 (ACT).	Interim Order- 10 days, requires oral evidence on oath to the court. Full Order- max 12 months, may be shorter if ordered.	breach punishable by \$1000 fine, six months, or both
	Magistrates Court Act 1930 (ACT).		restraining order-covers those not covered by a domestic violence protection order	civil-balance of probabilities (unless breached, then criminal)	Domestic Violence Act 1986 (ACT).	Interim Order- lasts for 10 days, unless extension is needed for the hearing of the full order. Full Order- may be for any period not exceeding 12 months.	breach punishable by a fine of 50 penalty units, or six months, or both
NSW	Crimes Act 1900 (NSW)-part XVA.	Crimes Act 1900 (NSW), amended by the Crimes (Domestic Violence) Amendment Act 1982, Crimes (Domestic Violence) Amendment Act 1983, Crimes (Personal and Family Violence) Amendment Act 1987, Detention of Prisoners (Domestic Violence) Amendment Act 1982, Crimes (Domestic Violence) Amendment Act 1993- amended the Crimes (Apprehended Violence Orders) Regulation 1990, Bail (Domestic Violence) Amendment Act 1993- amended the Bail Regulation 1979.	apprehended violence order-general order not confined to a class of people	civil-balance of probabilities (unless breached, then criminal)	Bail Act 1978 (NSW), Crimes (Female Genital Mutilation) Amendment 1994, Crime (Threats and Stalking) Amendment 1994.	Interim Order- lasts only as long as it takes for a court hearing, telephone interim orders also exist which last a maximum of 5 working days. Full Order- may last any period specified by the court, if no period specified, lasts 6 months.	breach punishable by 50 penalty units, or two years, or both
	De Facto Relationships Act 1984 (NSW)		Injunctions-function similar to a protection order	civil-balance of probabilities (unless breached, then criminal)	Crimes Act 1900 (NSW)-part XVA.	indefinite time period	maximum period of six months imprisonment

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Table A: Protection Order and Domestic Violence Legislation, Australia, March 1995

Juris-diction	Main Legislation	Major Domestic Violence Legislation (and amendments)	Protective Element(s)	Onus of Proof	Related Legislation	Length of Order	Maximum Breach Penalty
NT	Domestic Violence Act 1992 (NT).	Domestic Violence Act 1992, Domestic Violence Amendment Act 1993, Domestic Violence Amendment Act 1994, precursor- Justices Amendment Act No.7 of 1989.	restraining order-limited to an existing or former de facto or de jure spouse	civil-balance of probabilities (unless breached)	Police Administration Act 1979 (NT), Bail Act 1982 (NT), Evidence Act 1939 (NT), & the Criminal Code Amendment Act 1994 (introduced stalking as an offence).	Interim Order- lasts until confirmed or cancelled by a court appearance, may also be obtained by telephone. Full Order- may be for any period ordered by the court, but time limit must be specified in the order.	breach punishable by \$2000 fine or six months, for first or second offence, by not less than 7 days, nor more than six months for subsequent
	Justices Act 1928 (NT).		recognisance to keep the peace	civil-balance of probabilities (unless breached)	Domestic Violence Act 1992 (NT).	indefinite time period	failure to meet recognisance conditions results in a maximum period of six months imprisonment
QLD	Domestic Violence (Family Protection) Act 1989 (QLD).	Domestic Violence (Family Protection) Act 1989, Domestic Violence (Family Protection) Act 1992, Statute Law (Miscellaneous Provisions) Act (NO.2) 1993.	domestic protection order-limited to certain relationships	civil-balance of probabilities (unless breached, then criminal)	Weapons Act 1990 (QLD), Domestic Violence (Family Protection) Regulation 1993, & Evidence Act 1977 (QLD), Criminal Law Amendment Act 1993- added stalking provisions to the criminal code.	Interim Order- called a temporary order, lasts for 30 days, this may be extended, and can be obtained by telephone or facsimile. Full Order- max 2 years, may be longer under special circumstances.	if "knowingly" breached, 40 penalty units or 12 months
	Peace and Good Behaviour Act 1982 (QLD).		order to keep the peace and be of good behaviour		Domestic Violence (Family Protection) Act 1989 (QLD).	indefinite time period	breaches a civil matter not followed up by the police- punishable by \$1000 fins or one year imprisonment

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Table A: Protection Order and Domestic Violence Legislation, Australia, March 1995

Juris-diction	Main Legislation	Major Domestic Violence Legislation (and amendments)	Protective Element(s)	Onus of Proof	Related Legislation	Length of Order	Maximum Breach Penalty
SA	Domestic Violence Act 1994 (SA).	Domestic Violence Act 1994 (replaced the Summary Procedure Act 1921 for domestic violence cases), precursor- Justices Amendment Act (No. 2) 1982, also relevant, Summary Procedure (Restraining Orders) Amendment Act 1994.	restraining orders	civil-balance of probabilities (unless breached, then criminal)	Bail Act 1985 (SA), Evidence Act 1929 (SA), Criminal Law Consolidation (Stalking) Amendment Act 1994.	Interim Order- lasts until confirmed or cancelled by a court appearance, may also be obtained by telephone. Full Order- may be for any period ordered by the court.	breach punishable by two years or a fine of up to \$8,000
	Summary Procedure Act 1921 (SA).		restraining orders-for those not covered by the Domestic Violence Act, although some overlap still exists in the areas covered by both Acts.	civil-balance of probabilities (unless breached, then criminal)	Domestic Violence Act 1994 (SA).	Interim Order- lasts until confirmed or cancelled by a court appearance, may also be obtained by telephone. Full Order- may be for any period ordered by the court.	breach punishable by two years or a fine
TAS	Justices Act 1959 (TAS).	Justices Act 1959 (TAS), amended by the Justices Amendment Act 1985, Justices Amendment Act 1988, Justice Legislation Amendment (Domestic Violence) Act 1992, Justice Legislation Amendment (Restraint Orders) Act 1994, Justices Amendment Act (No.2) 1995, Justices Amendment Act (No.3) 1995.	restraint order-general order for everybody	civil-balance of probabilities (unless breached, then criminal)	Police Offences Act 1935 (TAS), Evidence Act 1910 (TAS), & Criminal Code Amendment (Stalking) Act 1995.	Interim Order- max 60 days, although can be extended by additional order of the court, telephone orders subject of Justices Amendment Act (No.2) 1995, not yet commenced. Full Order- may be for any period deemed necessary by the court.	breach punishable by six months or ten penalty units

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Table A: Protection Order and Domestic Violence Legislation, Australia, March 1995

Juris-diction	Main Legislation	Major Domestic Violence Legislation (and amendments)	Protective Element(s)	Onus of Proof	Related Legislation	Length of Order	Maximum Breach Penalty
VIC	Crimes (Family Violence) Act 1987	Crimes (Family Violence) Act 1987, Crimes (Family Violence)(Amendment) Act 1988 (repealed by the Statute Law Revision 1995), Crimes (Family Violence) (Amendment) Act 1990, Crimes (Family Violence)(Further Amendment) Act 1992, Crimes (Amendment) Act 1994.	intervention order-for "family members"	civil-balance of probabilities (unless breached, then criminal)	Crimes Act 1958 (VIC), & Crimes (Amendment) Act 1994 (introduced stalking).	Interim Order- lasts for a time specified by the court, or until another order is made, may also be obtained by telephone or facsimile. Full Order- max 12 months, or shorter if the court specifies.	breach punishable by six months or 20 penalty units or both
	Magistrates Court Act 1989 (VIC).		peace complaint procedure-for those not covered by the definition of "family"		Crimes (Family Violence) Act 1987	indefinite time limit	breach punishable by a maximum of 12 months imprisonment
WA	Justices Act 1902 (WA).	Justices Act 1902 (WA), Justices Amendment Act (No.2) No.125 of 1982, Justices Amendment Act 1985, Justices Amendment Act No.27 of 1988, Justices Amendment Act No.33 of 1989, Justices Amendment Act No.77 of 1994, Criminal Law Amendment Act No.82 of 1994.	restraining order-general order not restricted to relationships	civil-balance of probabilities (unless breached, then criminal)	Bail Act 1982 (WA), Evidence Act 1906 (WA), Criminal Law Amendment Act 1994 (introduced the offence of stalking).	Interim Order- lasts until cancelled or confirmed by the court. Full order- standard 12 months, but may be for any other period the court specified.	breach punishable by \$1000 fine or six months
Cwlth	Family Law Act 1975 (Cwlth).		Injunctions-function similar to a protection order	civil-balance of probabilities		indefinite time limit	Injunctions rarely used as they are slow legal methods and enforcement is the responsibility of the victim, not the police- breach punishable by a fine of \$6000, or 12 months imprisonment

N.B. for crimes of rape see the criminal codes of the states/territories.

Source: Adapted from Seddon (1995).

Table B: Other Protective Elements for Domestic Violence Cases, Australia, March 1995

Jurisdiction	Relevant Legislation	Comments on Other Protective Elements
ACT	Crimes Act 1900 (ACT), Crimes (Amendment) Act 1992 (ACT), Domestic Violence Act 1986, & the Weapons Act 1991 (ACT).	generally expanded powers of police entry & weapons seizure laws
	Bail Act 1992 (ACT).	special bail conditions for those who breach a domestic violence protection order
	Evidence Act 1971 (ACT).	spouse compellable witness in domestic violence cases
NSW	Crimes Act 1900 (NSW).	specifically expanded powers of police entry in relation to domestic violence cases
	Crimes Act 1900 (NSW).	specific detention allowed to facilitate the obtaining of an interim protection order by telephone
	Bail Act 1978 (NSW) & Crimes Act 1900 (NSW).	special bail conditions for those who breach a domestic violence protection order
	Crimes Act 1900 (NSW).	spouse compellable witness in domestic violence cases
NT	Police Administration Act 1979 (NT).	generally expanded powers of police entry & weapons seizure laws
	Domestic Violence Act 1992 (NT).	special arrest and detention of up to four hours to facilitate the application of a protection order
	Bail Act 1982 (NT).	limited special bail conditions for those who breach a domestic violence protection order
	Evidence Act 1939 (NT).	spouse compellable witness for all criminal cases
QLD	Domestic Violence (Family Protection) Act 1989 (QLD) & Weapons Act 1990 (QLD).	specifically expanded powers of police entry in relation to domestic violence cases & expanded weapons seizure laws
	Domestic Violence (Family Protection) Act 1989 (QLD) & Domestic Violence (Family Protection) Regulation 1993.	special arrest and detention of up to four hours to facilitate the application of a protection order
	Evidence Act 1977 (QLD).	spouse compellable witness under common law

cont...

Table B: Other Protective Elements for Domestic Violence Cases, Australia, March 1995

State	Relevant Legislation	Comments on Other Protective Elements
SA	Domestic Violence Act 1994 (SA) & Summary Procedure Act 1921 (SA).	specific detention allowed to facilitate the obtaining of an interim protection order by telephone
	Bail Act 1985 (SA).	no specific bail conditions for domestic violence cases, but bail not usually granted to those who breach a protection order, and bail act gives primary consideration to the victims need.
	Evidence Act 1929 (SA).	spouse compellable witness in all prosecutions
TAS	Justices Act 1959 (Tas).	generally expanded powers of police entry & specifically expanded weapons seizure laws (for domestic violence cases)
	Justices Act 1959 (Tas) & Police Offences Act 1935 (TAS).	where entry by the expanded entry laws, arrest without warrant is allowed to facilitate the application of a protection order
	Justices Act 1959 (TAS).	special bail conditions for those who breach a domestic violence protection order
	Evidence Act 1910 (TAS).	spouse compellable in domestic violence cases
VIC	Crimes (Family Violence) Act 1987 (VIC).	specifically expanded powers of police entry in relation to domestic violence cases & expanded weapons seizure laws
	Crimes (Family Violence) Act 1987 (VIC).	those who breach a protection order are treated as though they face criminal charges, and bail conditions are decided by the court
	Crimes Act 1958 (VIC).	spouse compellable witness in all cases
WA	Bail Act 1982 (WA).	no special conditions found for domestic violence cases, however, legislation is worded with an emphasis on protecting victims, so the imposition of bail conditions is not excluded
	Evidence Act 1906 (WA).	spouse compellable for summary prosecutions, but the law is unclear for indictable offences

Source: Adapted from Seddon (1995).



APPENDIX IV

Indicators of Violence against Women

Below are a list of key areas in relation to violence against women which require the development of indicators, for both statistical purposes and for other forms of research.

1. *Risk of victimisation: Indicators of disadvantage and vulnerability*

- Race/racial appearance
- Ethnicity
- Disability/health problems
- Social/geographic isolation
- Age - elderly, adolescents
- Socioeconomic status/debts/financial dependency/poverty
- Dependants/young children/elderly dependants
- Separated or divorced
- Homeless/living alone
- Occupation
- Sexual preference
- Mental health

2. *Indicators of Violence*

- Level of harm/injury
- Type of violence - verbal/ threatening behaviour/physical/stalking/sexual violence
- Nature of incident/frequency of incident—multiple victimisation/ multiple offenders in the one incident
- Nature of incident/relationship between victim and perpetrator
 - violence by strangers or unidentified assailant
 - violence by kin/friend/acquaintance or former friend/acquaintance
 - violence by an intimate or ex-intimate

- abuse where fiduciary relationship exists
- institutional violence

3. *Indicators of the criminal justice response*

- Relevant legislation/special provisions/guidelines for practice
- Police
- Court proceedings
- Judiciary/magistrates
- Expert witnesses
- Legal representation
- Prosecution
- Sentencing
- Programs for offenders
- Training and education of criminal justice workers
- Interagency cooperation/intervention models
- Court based victim support groups
- Victim impact statements
- Referrals to services
- Economic costs
- Compensation