

'Using law and ending domestic violence: Women's voices'

Summary Results – Wave 1¹

This report presents an indicative summary of some of the information provided in the interviews conducted for Wave 1 of the study 'Using law and ending domestic violence: Women's voices'.² This study is a longitudinal study (over three years) of women's engagement with law as a response to domestic violence to inform community education, policy development and law reform. The study is being conducted by the University of Queensland, under the leadership of Professor Heather Douglas.³ The aim of the project is to identify how, when, why and with what effect women from diverse background use law to help them move towards violence free lives and how engagement with law varies over time.

Recruitment

To date, 61 first time interviews have been conducted over a period of 12 months. Recruitment was undertaken through community organisations including Immigrant Women's Support Service (IWSS), Women's Legal Service (WLS), Queensland Indigenous Family Violence Legal Service (QIFVLS), Working Against Violence Support Service (WAVSS), WWILD, Ipswich Women's Centre Against Domestic Violence, Domestic Violence Assistance Program (DVAP) and several private family lawyers.

Sample Characteristics

Of the 61 women interviewed, 6 self-identified as indigenous and 24 as CALD (Culturally and Linguistically Diverse).

Of the women interviewed, 52 had children from the abusive relationship that they were interviewed regarding. Two additional women had children only from a relationship that was not the abusive relationship. The average number of children for the participants overall was 2.8⁴ – indigenous participants had on average 5.5 children.

The age of the participants ranged from 23 years of age to 69 years of age with the average age being approximately 40 years⁵. The age of the abusive partner ranged from 24 years of age to 76 years of age with the average age being approximately 44 years. The average age difference between the interviewee and the abuser was approximately 5 years.

The highest level of education achieved by participants and their abusive partners is shown in the table below⁶.

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² Further analysis of the data may lead to slightly different figures.

³ This project is funded by the Australian Research Council, Future Fellowship Program: FT140100796.

⁴ This includes all children, regardless of whether they had them with the perpetrator or not

⁵ The age was not known for two participants and three abusive partners

⁶ The education level was not disclosed for two participants.

Level of Education	Participant	Abusive Partner ⁷
Primary school level or less	2	0
School certificate (Year 10 equivalent) or part thereof	6	20
Completed high school (Year 12 equivalent) or part thereof	11	9
Diploma/ Other Post-Secondary School Education/ Apprenticeship (non-University)	17	12
Bachelors	16	7
Post graduate qualifications	7	7

The main source of financial support for participants was social security payments (34 participants). 26 of the participants were in some type of employment and received a wage or had their own income, while only one received income from their abusive partner. One participant reported she had no income.

The length of time participants reported being with their ex-partner ranged from 1 year to 28 years. Nearly all of the women reported trying to leave their partner before the final separation. Three of women are still with their partner but had separated for at least three months in the past year.

Of the women with children, 16 had intervention from child protection related to their experience of domestic violence, although in one case an initial report was unsubstantiated. In all other cases domestic violence was at least part of the reason for child protection intervention.

Of all the women, 48 had protection orders (included temporary orders) in place at the time of the first interview.

⁷ Six of the participants either did not know the education level of their abusive partner or had various partners that they spoke about as part of the interview

CALD participants

The country of origin of the CALD women interviewed varied, and is displayed in the table below. Twelve of these women had abusive partners who were Australian (and not from the same country of origin). Of particular note is that a disproportionate number of CALD women (compared to other study participants) met online mainly through dating websites. Four of the CALD women met their partner online compared with only one of the other women in the study.

Region of Origin (CALD) ⁸	No. of participants
Asia	13
Europe (Eastern and Western)	5
South America	2
Middle East and Africa	4

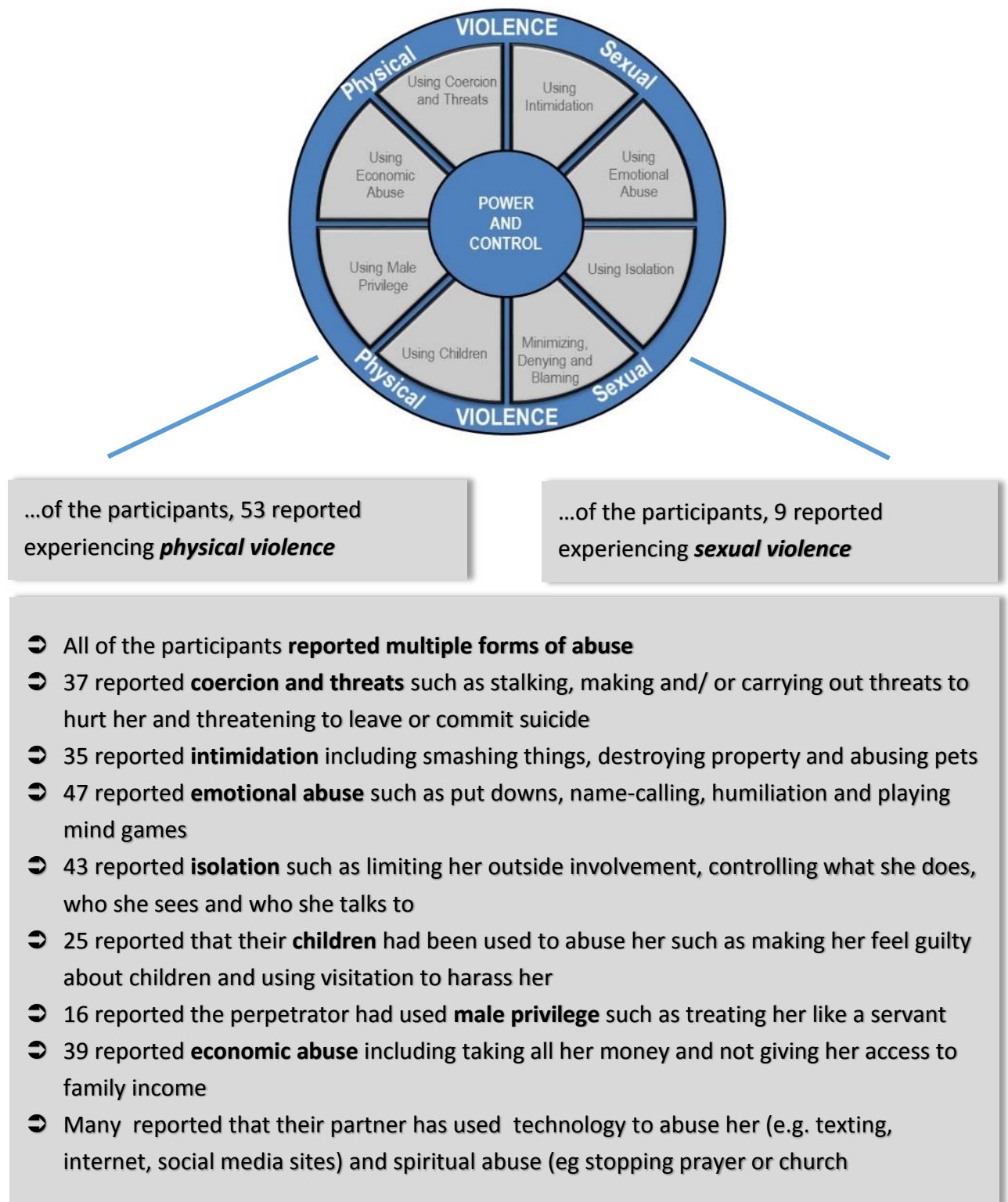
Of the 24 CALD women, seven had originally arrived in Australia as tourists, four on a student visa, seven on some form of a partner / spousal visa, three as refugees, two on Working Holiday visa and one on a parent visa. At the time of the interview, nearly all had now transferred to permanent residency or Australian citizenship. The majority of the CALD women (18) of the women were recent arrivals in Australia, having moved to Australia in the last 10 years.

For CALD women the average age difference between the interviewee and the abuser was six years.

⁸ Countries are represented in groups to ensure anonymity given this is a relatively small sample.

Types of abusive behaviours identified

Participants identified a range of abusive behaviours. Drawing on the categories of abusive behaviours identified in the Duluth Power and Control wheel⁹ (reproduced below) we note that...



⁹ Further information about the Duluth Power and Control Wheel can be found at <http://www.theduluthmodel.org/index.htm>

Experience with law enforcement and legal professionals.

Police

The women in this study reported both positive and negative experiences with the police in terms of who responded to their call or who attended their domestic violence incident. For many women, the experience varied depending on the individual police officer.

Positive experiences mentioned related to such things as timeliness, treating her with respect, took her seriously, were kind and caring, listened to her, implemented an appropriate course of action (e.g. removing the woman from danger) and followed up after the incident.

Because they stood there and they kept him away. They showed me you can do this, DVO, this is how you do it, you don't want to stand in the courtroom, we'll go for you.

(Interpreted) They were very, very kind and they respected me in every way.

Yeah, they talked to him, they talked to me, they said, you really - we strongly advise you get a domestic violence order.

Negative experiences with police mentioned by participants related to such things as rudeness, showed no compassion, did not listen to her and did not provide her with any further advice on what she should do.

I don't really feel that police have a compassionate role with domestic violence. It's like, oh, why are you still there?

[I was] taking up a bit of their valuable time. Never mind the fact that this lunatic is running around with a gun, but hey

They were quite nice. But they didn't offer to do anything. They didn't tell me to do anything. It was just, oh, look I suppose we could send somebody out to take fingerprints. I was so frustrated and I was actually terrified.

Magistrates

Similarly, many of the women had experience with a magistrate when dealing with their partner, mostly as part of the process of obtaining a DVO. Positive experiences with magistrates included that they listened, had taken the time to understand their case, appropriate order imposed, being polite and kind and feeling like the magistrate was on her side. Some comments included the following:

Yes, she was very, very kind and she gave me [another bit of help like] and then yeah, she was very nice. A very nice judge.

Because she was female, she wasn't grumpy, and I forgot to bow, whatever, when I come in, and all that stuff, because I forgot it every time, and she didn't seem bothered.

Negative experiences experience with magistrates reported included the magistrate being unreliable, inconsistent, rude, speaking down to and belittling her, imposing an order that was not appropriate and did not ensure her safety. Some comments included...

He goes, I'm sick of women like you coming into here, putting DVOs on guys, and then hooking back up with them.

...That's the thing with the law that I've discovered is it's not just about whether you know the law and what the legislation means, and how it's interpreted, and what the common law says about things, it's tactical, it's about...which judge, and you just don't know that unless you're in the legal field. How do you know which judge is going to view this particular thing this way and where to file?

Next steps:

Work has already begun on second round interviews with women. More second round interviews will be conducted over the next six months. Further reporting of the results will also be carried out at various times over the course of the project.

More in depth papers are planned for the coming year – including a consideration of technology; a consideration of how perpetrators use 'the system.' Some of the interviews will form the basis for case studies to be presented as part of the National Family Violence Bench Book: <https://www.attorneygeneral.gov.au/Mediareleases/Pages/2015/SecondQuarter/9-June-2015-National-Family-Violence-Bench-Book.aspx> .

Final reporting on this study is not expected until 2018 when all three waves of interviews are complete.