

**NOTE: Annexure 3 to this statement was amended at paragraph 3.6 on 14 October 2016 at the request of a party. The original statement was filed on 1 June 2016.**

**FAIR WORK COMMISSION**

**Fair Work Act**

**s.156 - 4 Yearly Review of Modern Awards**

**Family and Domestic Violence Leave (AM2015/1)**

**Statement of Professor Cathy Humphreys**

I, Professor Cathy Humphreys, of University of Melbourne, in the state of Victoria, state:

1. I am a Professor of Social Work at the University of Melbourne.
2. I am an expert in research, policy and practice in the area of family and domestic violence.
3. A copy of my curriculum vitae is attached to this Statement and marked Annexure CH-1.
4. I was an academic and researcher in the UK for 12 years employed in the School of Health and Applied Social Science at University of Warwick.
5. In my role as co-director of the Centre for Safety and Well-Being, my colleagues and I specialised in research on violence against women and their children.
6. I returned to Australia in 2006 and took up the position of Alfred Felton Chair of Child and Family Welfare, which after 5 years then became a continuing position as Professor of Social Work at University of Melbourne.
7. I am co-director of the Melbourne research Alliance to End Violence against women and their children (MAEVe).
8. I have been a researcher in the area of violence against women and their children for 20 years and undertaken more than 30 projects in the UK and Australia covering a wide range of areas including: child abuse, sleep deprivation, mental health, substance use, men's behaviour change, mother-child interventions, and multi-agency governance.
9. I provided a significant amount of written (10 briefing papers) and oral evidence to the Victorian Family Violence Royal Commission and the papers from myself and the MAEVe research team at University of Melbourne were cited extensively through the Royal Commission Report.

10. I also provided an Expert Report to the Coroner in the Luke Batty case, an experience that gave me significant access to the flaws in our current domestic and family violence intervention system. I was recently inducted into the Victorian Honour Roll for Women for contribution to policy and practice development in child welfare and domestic and family violence.
11. I provide this Expert Report at the request of the ACTU to assist the Commission in decision making about the four yearly review of modern awards, specifically the development to address Family and Domestic Violence Leave. They have requested information across a range of different areas which I address sequentially in this report.
12. Attached to this Statement and marked Annexure CH-2 is a copy of the letter of instructions from the Australian Council of Trade Unions.
13. I have read, understood and complied with the Federal Court of Australia Practice Note.
14. I subsequently prepared a report in accordance with the letter of instructions, a copy of which is attached to this Statement and marked Annexure CH-3, and dated 27 May 2016 (Report).
15. The Report reflects my specialised knowledge gained through training, study, research and experience as outlined in this Statement and Annexure CH-1.

Signed,

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'C. F. Humphreys' written in a cursive style.

Dated

27/05/2016

**ANNEXURE CH-1**

**CURRICULUM VITAE OF PROFESSOR CATHY HUMPHREYS**

## CURRICULUM VITAE

### PERSONAL DETAILS

NAME: CATHERINE HUMPHREYS

QUALIFICATIONS: **Undergraduate:** B.Soc.Wk., University of Queensland, Brisbane. 1972-1976  
**Postgraduate:** PhD, University of New South Wales, Sydney. 1991

### EMPLOYMENT HISTORY:

2011 -> Professor of Social Work, University of Melbourne

2006 - 2011 Alfred Felton Chair of Child and Family Welfare, University of Melbourne

2005 Reader, School of Health and Social Studies, University of Warwick

2000 -2004 Senior Lecturer, School of Health and Social Studies, University of Warwick

1994 - 1999 Lecturer, Department of Social Policy and Social Work, University of Warwick

1991-1993 Lecturer (half time), School of Social Work, University of New South Wales, Sydney

1992-93 Research Consultant, N.S.W. Department of Community Services, Sydney

1990-1993 Sessional Training Officer, N.S.W. Department of Community Services, Sydney

1990-1991 Counsellor and treatment co-ordinator, Pre-Trial Diversion of Offender Programme, Westmead, N.S.W.

1987-1990 Undertaking PhD research (2 year part-time, 1 ½ years full time.)

1987 - 1989 Child Sexual Assault Counsellor, Rosemount Services to Youth, Sydney (half-time)

1983-1987	Social Worker, Mental Health, St. John of God , Hospital, Richmond, NSW.
1979-1982	Social worker and community development worker, East Brisbane Community Centre.
1978-1979	Community Youth Support Scheme, Youth Worker, Brisbane
1978	10 months in Bali living and working with Candi Dasa, an NGO based on Gandhian ideals.
1977-1978	Child Care Officer for Boys Town, Beaudesert, Queensland Department of Children's Services.
1976-1977	Community Development Officer, Australian Assistance Plan.

MEMBERSHIPS OF PROFESSIONAL ASSOCIATIONS:

Australian Association of Social Workers

British Association for the Study and Prevention of Child Abuse and Neglect.

British Association of Social Workers

UK Institute of Teaching and Learning in Higher Education

College of Reviewers for the Canada Research Chairs Program.

**RESEARCH PROFILE AND AWARDS**

I have been an active researcher since 1992 following completion of my PhD in 1991. This is evidenced in a number of ways summarised in the bullet points below:

- In 2016 I was inducted into The Victorian Women's Honour Roll for engagement with the community in relation to child welfare and domestic and family violence. <http://www.vic.gov.au/news/2016-victorian-honour-roll-of-women.html>
- The Research Alliance to End Violence Against Women and Children has been established to bring together researchers across the University of Melbourne. Professor Kelsey Hegarty and Professor Cathy Humphreys co-chair the Alliance <http://maeve.unimelb.edu.au/>
- In my position as Alfred Felton Chair of Child and Family Social Work a Research Program has been established in the children, youth and families and the domestic violence area. Almost \$5 million worth of funding has been attracted through grants and tenders associated with 30 different projects of different sizes and with different organisations.
- Of the grants attracted since 2006, 12 have been Category 1 grants (7 ARC Linkage; 2 Discovery; 1 NHMRC, 2 ANROWS).
- The Alfred Felton Chair of Child and Family Welfare was established in 2006 and funded for 5 years by the Alfred Felton Trust. It was then taken up as a continuing position from University of Melbourne and part funded for another 3 years by a consortium of 14 community sector organisation through the

umbrella of the Centre for Excellence in Child and Family Welfare (The Sector Research Partnership).

- A consortium with Latrobe University and University of Melbourne Social Work Schools successfully delivered a Graduate Diploma in Child and Family Leadership and the Graduate Certificate in Child and Family Practice for 5 years funded by the Victoria Department of Human Services. As Professor Social Work, I led the University of Melbourne consortium.
- Active development of the research associated with the Alfred Felton Chair occurred across 2 major strands of work: domestic and family violence and child abuse; and stability and quality in out of home care.
- I have been invited to be a distinguished visitor at Aston University, Birmingham in 2006; University of Central England 2013.
- In the UK, I was Director of a research centre, The Centre for Safety and Well-Being (SWELL). This centre specialized in developing research which has an overarching interest in social justice and social divisions and takes a critical approach to policy and practice with children, young people, families, abused women and perpetrators. It applied feminist, child-centred, youth-centred and anti-oppressive understandings to relevant areas of research and theory.
- My research is applied and aims to inform policy and advocacy initiatives within the sector. This is evidenced through publications in professional and peer review journals, policy briefings and the extensive invitations I have to international, national and regional conferences.
- I was Associate Editor for *Child and Family Social Work* (2008-2013), and regularly review articles for Australian and International journals. I have been a member of the Editorial Board of *Child Abuse Review* and *Journal of Health and Social Care in the Community*

## **PUBLICATIONS**

In keeping with the applied nature of my work, I have developed a deliberate publication strategy to link my research to the practice and policy framework in which the research is situated. Publications therefore include not only research reports/monographs and refereed journal articles but also professional journal articles, accessible, short publications (for example briefing papers, research summaries, pamphlets, websites) and conference papers.

### **A. Books/ Monographs/Short Books**

- A13 Stanley, N. and Humphreys, C. (2015) *Domestic Violence and Child Protection: New Challenges and Developments*, London, Jessica Kingsley Publications.
- A12 Laing, L. and Humphreys, C. with Cavanagh, K. (2013) *Social Work and Domestic Violence: Critical and Reflective Practice*. London, Sage Publications.
- A11 Humphreys, C. Houghton, C., and Ellis, J. (2008) *Literature Review: Better Outcomes for Children and Young People Experiencing Domestic Abuse*, Scottish Executive Domestic Abuse Delivery Group. Scottish Government,

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<http://www.scotland.gov.uk/Publications/2008/08/04112614/0>

- A10 Greal, C., Humphreys, C., Milward, K. and Power, J. (2008) *Practice Guidelines: women and children's family violence counselling and support program*, Department of Human Services, Victoria.
- A9 Humphreys, C. (2007) *Domestic violence and child protection: Challenging directions for practice*, Issue Paper 13, Australian Domestic and Family Violence Clearinghouse [www.austdvclearinghouse.unsw.edu.au](http://www.austdvclearinghouse.unsw.edu.au) pp 1-24 (monograph)
- A8 Humphreys, C. and Stanley, N. (eds) (2006) *Child Protection and Domestic Violence: Directions for Good Practice*, London, Jessica Kingsley Publications
- A7a Humphreys, C., Mullender, A., Thiara, R.K. and Skamballis, A. (2006) *Talking to My Mum: A Picture Workbook for Workers, Mothers and Children Affected by Domestic Abuse* London, Jessica Kingsley Publications
- A7b Humphreys, C., Mullender, A., Thiara, R.K. and Skamballis, A. (2008) *Talking to My Mum: A Picture Workbook for Workers, Mothers and Children Affected by Domestic Abuse* London, Jessica Kingsley Publications **Serbian Translation**
- A6 Humphreys, C., Mullender, A., Thiara, R.K. and Skamballis, A. (2006) *Talking About Domestic Abuse: A Photo Activity Workbook to Develop Communication Between Mothers and Young People*. London, Jessica Kingsley Publications
- A5 Aris, R., Harrison, C. and Humphreys, C. (2002) *Safety and Child Contact: an analysis of the role of child contact centres in the context of domestic violence and child welfare concerns*. London, Lord Chancellor's Department. p142
- A4 Saunders, H. and Humphreys, C. (Eds) (2002) *Safe and Sound: A Resource Manual for Working With Children Who Have Experienced Domestic Violence*, Bristol, Women's Aid Federation of England Publications. p188
- A3 Humphreys, C. and Thiara, R. (2002) *Routes to Safety: Protection Issues Facing Abused Women and Children and the Role of Outreach Services*, Bristol, Women's Aid Federation. p133
- A2 Humphreys, C., Hester, M., Hague, G., Mullender, A., Abrahams, H. and Lowe, P. (2000) *From Good Intentions to Good Practice: Mapping Services Working With Families Where There Is Domestic Violence* Bristol, Policy Press.
- A1 Humphreys, C. (2000) *Challenging Practice: Social Work, Domestic Violence and Child Protection*, Bristol, Policy Press.

## **B. Refereed Journal Articles**

- B81 Taplin, S., Bullen, T., Macarthur, M. Humphreys, C. and Kertesz, M. (2015) kContact, an enhanced intervention for contact between children in out-of-home care and their parents: protocol for a cluster randomised controlled trial *BMC Public Health* 15:1134. DOI: 10.1186/s12889-015-2461-3 URL: <http://www.biomedcentral.com/1471-2458/15/1134>
- B80 Tarzia, L., Murray, E., Humphreys, C. , Glass, N. Taft, A., Valpied, J. & Hegarty, K. (2016) I-DECIDE: An Online Intervention Drawing on the Psychosocial Readiness Model for Women Experiencing Domestic Violence, *Women's Health Issues, Women's Health Issues* 26, 208-216 DOI information: 10.1016/j.whi.2015.07.011
- B79 Humphreys, C. & Bradbury-Jones, C. (2015) Editorial, Special Issue Domestic Abuse and Safeguarding Children: Focus, response and intervention. *Child Abuse Review* 24, 231-234.
- B78 Hegarty, K., Tarzia, L., Murray, E., Valpied, J., Humphreys, C., Taft, A., Gold, L. and Glass, G. (2015) Protocol for a randomised controlled trial of a web-based healthy relationship tool and safety decision aid for women experiencing domestic violence (I-DECIDE) *BMC Public Health* 15:736 DOI 10.1186/s12889-015-2072-z
- B77 Angela J Taft, Leesa Hooker, Cathy Humphreys, Kelsey L Hegarty, Ruby Walter, Catina Adams, Paul Agius and Rhonda Small Maternal and child health nurse screening and care for mothers experiencing domestic violence (MOVE): a cluster randomised trial. *BMC Medicine* 13, 150 DOI 10.1186/s12916-015-0375-7
- B76 Ross, S., Healey, S., and Humphreys, C. (2015) Integrated Governance of Family Violence: role and regional variations in expectations and experiences, *Journal of Human Services Administration* doi:10.1111/1467-8500.12162
- B75 Pfitzner, N., Humphreys, C. and Hegarty, K. (2015) Engaging men: a multi-level model to support father engagement, *Child and Family Social Work* Early Access doi:10.1111/cfs.12250
- B74 Hooker, L., Small, R., Humphreys, C., Hegarty, K. and Taft, A. (2015) Applying normalization process theory to understand implementation of a family violence screening and care model in maternal and child health nursing practice: a mixed method process evaluation of a randomised controlled trial *Implementation Science*, 10, (39) 1-13 <http://www.implementationscience.com/content/pdf/s13012-015-0230-4.pdf>
- B73 Tsanfeski, M., Humphreys, C. and Jackson, A. (2015) A delicate balance: Intervention with mothers with dual diagnosis and their infants. *Journal of Advances in Dual Diagnosis* 8, 78-89



- B72 McKibbin, G; Duncan, R. Hamilton, B., Humphreys, C. and Kellett, C. (2015) The intersectional turn in feminist theory: A response to Carbin and Edenheim (2013) *European Journal of Women's Studies*, 22, 99–103
- B71 Mitchell, G., Absler, D. & Humphreys, C. (2015) “She’s just like me”: the role of the mentor with vulnerable mothers and their infants. *Children Australia*. 40, 33-42
- B70 Thiara, R.K. and Humphreys, C. (early access 2015) Absent presence: the ongoing impact of men’s violence on the mother-child relationship. *Child and Family Social Work Social Work DOI: 10.1111/cfs.12210*
- B69 Kiraly, M. & Humphreys, C. (2015) ‘It’s a family responsibility’: Family and cultural connection for Indigenous children in kinship care. *Children Australia* 40, 23-32
- B68 Humphreys, C. & Kertesz, M. (2015) Making records meaningful: creating an identity resource for young people in care. *Australian Social Work* 68, 497-514
- B67 Humphreys, C. Webster, M. and Pocock, J. (2014) The role of Inquiries in shaping child care practice: Is there a role for evidence to inform policy? *Evidence and Practice* 10, 497-512
- B66 Kiraly, M. and Humphreys, C. (accepted 2014) ‘It’s about the whole family’: Family contact for children in kinship care. *Child and Family Social Work*
- B65 Stanley, N. and Humphreys, C. (2014) Multi-Agency Risk Assessment and Management for Children and Families Experiencing Domestic Violence *Child and Youth Services Review*, 47, 78-85
- B64 Kiraly, M. and Humphreys, C. (2013) Policy briefing paper: Kinship care and family contact. *Developing Practice*, 35, 68-75
- B63 Tsanfeski, M., Humphreys, C. and Jackson, A. (2014) Infant risk and safety in the context of maternal substance use *Child and Youth Services Review* 47, 10-17
- B62 Downing, M., Jones, M., Humphreys, C., McCarthy, G., O’Neill, C. and Tropea, R. (2013) An educative intervention: Assisting in the self assessment of archival practice in 12 community sector organisations. *Archives and Manuscripts* 41, 116-128
- B61 Humphreys, C., McCarthy, G., Downing, M., Kertesz, M. and Tropea, R. (2014) Who Am I? Improving the archiving of records in the out of home care sector *Australian Social Work* 67, 509-524
- B60 Kiraly, M. and Humphreys, C. (2013) A broader sense of family: a literature review of family contact in kinship care *Australian Social Work* 66, 358-374

- B59 Kiraly, M. and Humphreys, C. (2015) A tangled web: Parental contact with children in kinship care. *Child and Family Social Work* , 20, 106-115
- B58 Diemer, K., Humphreys, C. Laming, C. and Smith, J. Continuous improvement practice principles for men's behaviour change programs in Victoria, (2015) *Journal of Social Work* 15, 65-85
- B57 Taft, A., Small, R., Humphreys, C., Hegarty, K.(2012) Enhanced maternal and child health nurse care for women experiencing intimate partner violence: protocol for MOVE, a cluster randomised trial of screening and referral in primary health care *BMC Public Health* 12, 811  
<http://www.biomedcentral.com/1471-2458/12/811>
- B56 Murray, S. and Humphreys, C. (2014) 'My life's been a total disaster but I feel privileged': Care leavers' access to personal records and their implications for social work practice. *Child and Family Social Work* 19, 215-224
- B55 Kiraly, M. and Humphreys, C. (2013) Don't push – listen" Perspectives from young people about family contact in kinship care *Australian Social Work* Volume 66, 314-327
- B54 Morris, A., Hegarty, K. and Humphreys, C. (2012) Ethical and safe: research with children about domestic violence. *Research Ethics*, 8 (1) 125-139
- B53 Healey, L., Humphreys, C. and Howe, K. (2013) Inclusive domestic violence standards, codes, and guidelines: A strategy for improving service responses to women with disabilities, *Violence and Victims*, 28 (1) 50-69
- B52 Kertesz, M. and Humphreys, C. (2012) Reformulating Current Record Keeping Practices in out-of-home care: recognising the centrality of the archive. *Manuscripts and Archives* 40, 42-53
- B51 Humphreys, C. and Kertesz, M. (2012) Personal identity records to support young people in care. *Adoption and Fostering*, 36 (1) 27-39
- B51b Humphreys, C. and Kertesz, M. (2012) Personal identity records to support young people in care. *Lavoro Sociale* April, 2013 (Italian Translation)
- B50 Humphreys, C. 'Permanent Care': Is the story in the data? (2012) *Children Australia*, 37 (1) 4-9
- B49 Kohne, K., Hamilton, B., Sands, N. and Humphreys, C. (2013) Working around a contested diagnosis: Borderline personality disorder in adolescence. *Health*, 17(1):37-56
- B48 Menka Tsantefski, Cathy Humphreys & Alun C. Jackson (2011) Engaging substance-dependent mothers in the perinatal period *Child Welfare* Vol. 90, (4), 79-98

- B47 Ross, S., Frere, M., Healey, L. and Humphreys, C. (2011) A whole of government strategy for family violence reform *Australian Social Administration*, 70 (2) 131-142
- B46 O'Neill, C., Tregeagle, S., Forbes, C., Cox, E., & Humphreys, C. (2011) Research Report: The cost of support for stable foster care and adoption placements, *Practice Development* 27, 29-37.
- B45 Tregeagle, S., O'Neill, C., Forbes, C., Cox, E., & Humphreys, C. (2011) Workers' time and the costs of stability in a foster care and adoption program *Child and Youth Services Review* 33, 1149-1158.
- B44 Humphreys, C. and Absler, D. (2011) History repeating: child protection responses to domestic violence. *Child and Family Social Work*, 16, 369-489
- B43 Lewig, K., Scott, D., Arney, F., Holzer, P. and Humphreys, C. (2010) The role of research in child protection policy, *Evidence and Policy* 6 (4) 461-82
- B42 Humphreys, C. and Kiraly, M. (2010) Developmentally sensitive parental contact for infants when families are separated. *Family Matters* 85, 49-59
- B41 Humphreys, C. (2010) Crossing the Great Divide: A commentary on Douglas and Walsh. *Violence Against Women*. 16(5) 509–515
- B40 Humphreys, C., Thiara, R.K. and Skamballis, A. (2011) Readiness to change: mother-child relationship and domestic violence intervention *British Journal of Social Work* 41 (1) 166-184
- B39 Humphreys, C. and Kiraly, M. (2011) High frequency contact: A road to nowhere for children in out of home care. *Child and Family Social Work*, 16 (1) 1-11
- B38 Humphreys, C., Harries, M., Healy, Lonne, B., Mendes, P., McHugh, M., Sheehan, R. (2009) Shifting the child protection juggernaut to earlier intervention, *Children Australia*, 34 (3) 5-8
- B37 Gillingham, P. and Humphreys, C. (2010) Child protection practitioners and decision making tools: observations and reflections from the frontline *British Journal of Social Work*, 40, 2598–2616
- B36 Humphreys, C. (2009) 'Commentary on R. Chaskin, Building community capacity for children, youth and families', *Children Australia*, Special Edition, 34 (1) 38-39
- B35 Humphreys, C., Holzer, P., Scott, D., Bromfield, L., Arney, F., and Higgins, D. (2010) 'The Planets Aligned: Is child protection policy reform good luck or good management? *Australian Social Work* 63 (2) 145-163

- B34 Nixon, J. and Humphreys, C. (2010) Marshalling the Evidence to Inform an Intersectorial Framing of Domestic Violence, *Social Politics* Volume 17, Number 2, Summer pp 137-158
- B33 Humphreys, C. (2008) 'Problems in the System of Mandatory Reporting of Children Living with Domestic Violence', *Journal of Family Studies* (Special Edition) 14, (2) 228-239
- B32 Humphreys, C., Lowe, P. and Williams, S. (2009) 'Sleep and Domestic Violence: Exploring the impact and interconnections between mothers and their children. *Child and Family Social Work* 14 (1)
- B31 Parkinson, P. and Humphreys, C. (1998) 'Children Who Witness Domestic Violence: The Implications for Child Protection' *Child and Family Law Quarterly* 10 (2) 147-159 **Reprinted** in M. Feeman (editor) (2008) *Domestic Violence* Family, Law and Society Series, London Ashgate Publishing. Pp 493-508
- B30 Humphreys, C. (2007) 'Talking to My Mum: Strengthening relationships between mothers and children in the aftermath of family violence', *Developing Practice: The Child, Youth and Family Work Journal*, 19, 12-15
- B29 Toumbourou, J., Hemphill, Tresidder, J., Humphreys, C., Edwards, J. and Murray, D. (2007) 'Mental health promotion and socio-economic disadvantage: Lessons from substance abuse, violence and crime prevention and child health', *Health Promotion Journal of Australia* 18, (3) 184-190
- B28 Humphreys, C. (2007) 'A Health Inequalities Perspective on Violence Against Women *Health and Social Care in the Community* 15 (2) 120-127
- B27 Humphreys C. (2007) 'Domestic Violence and Child Protection: Exploring the Role of Perpetrator Risk Assessments' *Child and Family Social Work* 16 (4) 360-369
- B26 Lowe, P., Humphreys, C. and Williams, S. (2007) 'Night Terrors: Women's experiences of (not) sleeping where there is domestic violence', *Violence Against Women* 13, 549-569
- B25 Humphreys, C., Mullender, A., Thiara, R.K. and Skamballis (2006), 'A. 'Talking to my Mum: Developing Communication Between Mothers and Children in the Aftermath of Domestic Violence', *Journal of Social Work* 6 (1) 53-64
- B23 Humphreys, C. and Jacobs, S. (2004) 'Domestic Violence and the Politics of Trauma', *Women's Studies International Forum* 27 (5-6) 559-570

- B22 Humphreys, C. (2005)  
 'Service User Involvement in Social Work Education: A Case Example'  
*Social Work Education* 24 (7) 797-804
- B21 Humphreys, C., Regan, L., Rivers, D. and Thiara, R.K (2005)  
 'Domestic violence and substance misuse: tackling complexity', *British Journal of Social Work* 35 (7) 1303-1320
- B20 Humphreys, C. and Harrison, C. (2003)  
 'Focusing on Safety: Domestic Violence and the Role of Child Contact Centres', *Child and Family Law Quarterly* 15 (3) 237-253
- B19 Humphreys, C. and Thiara, R.K. (2003)  
 'Neither justice nor protection: Women's Experiences of Post-separation Violence', *Journal of Social Welfare and Family Law* 25 (4) 195-214
- B18 Humphreys, C., Berridge, D., Butler, I. and Ruddick, R. (2003)  
 'Making Research Count: The Development of Knowledge-Based Practice'  
*Research, Policy and Planning* 21 (1) 41-50
- B17 Humphreys, C. and Thiara, R. (2003)  
 'Domestic violence and mental health: 'I call it symptoms of abuse' *British Journal of Social Work* 33, (2) 209-226
- B16 Metcalfe, F. and Humphreys, C. (2002)  
 'Action research in fostering and fostering action research', *Qualitative Social Work: Research and Practice* 1 (4) 435-450
- B15 Humphreys, C., Abrahams, H., Hague, G., Hester, M., Lowe, P., Mullender, A. (2001) 'Domestic Violence and Child Abuse: Developing Sensitive Policies and Guidance', *Child Abuse Review* 10 183-197
- B14 Humphreys, C., Atkar, S. and Baldwin, N. (1999)  
 'Discrimination in Child Protection : Recurring Themes in Work with Asian' Families. *Child and Family Social Work* 4, (4) 283-292
- B13 Humphreys, C. (1999)  
 'Avoidance and Confrontation: The Practice of Social Workers in Relation to Domestic Violence and Child Abuse' *Journal of Child and Family Social Work* 4 (1) 77-87
- B12. Hooper, C-A. and Humphreys, C. (1998)  
 'Women Whose Children Have Been Sexually Abused: Reflections on a Debate' *British Journal of Social Work* 28 565-580
- B11. Parkinson, P. and Humphreys, C. (1998)  
 'Children Who Witness Domestic Violence: The Implications for Child Protection' *Child and Family Law Quarterly* 10 (2) 147-159
- B10. Humphreys, C. (1997)

'Child Sexual Abuse Allegations in the Context of Divorce: Issues for Mothers' *British Journal of Social Work* **27** 529-544

- B9. Humphreys, C. and Kaye, M. (1997)  
'Third Party Applications for Protection Orders: Opportunities, Ambiguities and Traps' *Journal of Social Welfare and Family Law* **19** (4) 403-421.
- B8. Hooper, C-A. and Humphreys, C. (1997)  
'What's in a name? Reflections on the Term 'Non-Abusing Parent'. *Child Abuse Review* **6** (4) 298 – 303
- B7. Humphreys, C. (1996)  
'Exploring New Territory: Police Organisational Responses to Child Sexual Abuse' *International Journal of Child Abuse and Neglect*, **20** (4) 337-344
- B6. Humphreys, C. (1995)  
'Whatever Happened on the Way to Counselling? Hurdles in the Interagency Context' *International Journal of Child Abuse and Neglect*, **19** (7) 801-809
- B5. Humphreys, C. (1995)  
'Counselling and Support Issues for Mothers and Fathers of Sexually Abused Children' *Australian Social Work* **48** (4) 29-35.
- B4. Humphreys, C. (1994)  
Counteracting Mother-Blaming Among Child Sexual Abuse Service Providers: An Experiential Workshop *Feminist Journal of Family Therapy* **6** (1) 49-65.
- B3. Humphreys, C. and Flaskas, C. (1993)  
'Theorising About Power: Intersecting the Ideas of Foucault with the 'Problem' of Power in Family Therapy' *Family Process* **32** (1) 35-47 Reprinted in Midgley, G. (Ed) *Systems Thinking Vol 4*, London, Sage
- B2. Humphreys, C. and Ison, R. (1993)  
'Meeting the Challenge of Problem Based Learning' *Journal of Higher Education Research and Development* **12** (1):107-111
- B1. Humphreys, C. (1992)  
'Disclosure of Child Sexual Assault: Implications for Mothers' *Australian Social Work* **45** 27-35

### **C. Chapters in Books**

- C27 Morris, A., Humphreys, C. and Hegarty, K. (2015) Children's views of safety and adversity when living with domestic violence. In N. Stanley and C. Humphreys (eds) *Domestic Violence and Child Protection: New Challenges and Developments*, London, Jessica Kingsley Publications. 18-33
- C26 Humphreys, C., Thiara, R.K., Sharp, C. & Jones, J. (2015) Supporting the relationship between mothers and children in the aftermath of domestic violence. In N. Stanley and C. Humphreys (eds) *Domestic Violence and Child Protection:*

*New Challenges and Developments*, London, Jessica Kingsley Publications. 130-147

- C25 Humphreys, C. & Stanley, N. (2015 forthcoming) Shifting the focus: working differently with domestic violence. In M. Connolly (ed) *Beyond the Risk Paradigm: Current debates and new directions in child protection*. Palgrave, Basingstoke, Hampshire.
- C24 Hageman-White, C., Humphreys, C., Tuttey, L. and Diemer, K. (2015) Overview of current policies on arrest, prosecution and protection by the police and the justice system as responses to intimate partner violence. In H. Johnson, B. Fisher, & V. Jaquier (eds) *Critical issues on violence against women: International perspectives and promising strategies*. London and New York: Routledge. Pp 47-65
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- C16 Humphreys, C. (2007) 'Foreword' in H. Abrahams, *Supporting Women After Domestic Violence*, London, Jessica Kingsley Publications

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#### **D. Articles in Professional Journals**

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- D20 Humphreys, C. and Diemer, K. (2014) Victoria: National overview of domestic and family violence initiatives: how far have we come in the past decade and where to next? *Australian Domestic and Family Violence Clearinghouse, Newsletter* 55 p11-12
- D19 Healey, L. and Humphreys, C. and Willox, K. (2013) *Regional Governance Continuum Matrix of Practice for Domestic and Family Violence-Sexual Assault Partnerships: Background to the Practice Tool*, Topic Paper 21, Australian Domestic Violence Clearinghouse, UNSW.  
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- D12 Masson, J. and Humphreys, C. (2005) 'Facilitating and Enforcing Contact: The Bill and the Ten Percent' *Family Law*, July, 1-7
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- E25 Diemer, K., Humphreys, C. and Healey, L. (2015) *An approach to safety: Evaluation of a model of Safe at Home for women and children experiencing family violence within the Western Integrated Family Violence Partnership*, Melbourne Melbourne, University of Melbourne.
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- E23 Humphreys, C. and Kiraly, M. (2009) *Baby on Board: Report of the Infants in Care and Family Contact Research Project* University of Melbourne  
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- E22 Kiraly, M., and Humphreys, C. (2011) Report 1 Breaking the rules: Children and young people in kinship care speak about contact with their families. Melbourne: Office of the Child Safety Commissioner and University of Melbourne. <http://www.kids.vic.gov.au/order/index.htm>
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*'Third Party Applications for Protection Orders: An Exploration of the Australian Experience,'* Report for Women's Aid Federation, England.
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#### **F. Policy Briefings/Pamphlets/Consultation Documents/Training Materials**

- F17 Humphreys, C. (2006) *Domestic Violence and Child Abuse Research Briefing*  
 Department for Education and Skills/Research in Practice and Making Research Count
- F16 Humphreys, C., Thiara, R.K., and Regan, L. (2005) *Domestic Violence and Substance Use: Overlapping Issues in Separate Services*, London, Greater London Authority.
- F15 Sen, P., Humphreys, C. and Kelly, L. (2003) *'Violence Against Women in the UK' CEDAW Thematic Shadow Report* Womankind Publication
- F14 Humphreys, C. (2003) *'Domestic Violence Workshop Report'* Research in Practice [www.rip.org.uk](http://www.rip.org.uk)
- F 13 Humphreys, C. (2003)  
*'Trauma'* Making Research Count, University of Warwick. Research Pamphlet to support the Commissioned Drama Production *'Trauma'* by Geese Theatre Productions
- F 12 Nixon, J., Humphreys, C. and Mullender, A. (2003)  
*'Domestic Violence – a Knowledge Map.* <http://www.careknowledge.com>
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*Routes to Safety: Summary Document* Bristol, Women's Aid Publications
- F10 Humphreys, C., Hague, G., Hester, M., Mullender, A. (2001)

*Domestic Violence Good Practice Indicators* Coventry, Centre for the Study of Safety and Well-Being, University of Warwick.

- F9 Humphreys, C. and Harrison, C. (2000)  
‘Defining Research-mindedness for Social Workers’ Contribution to the development of the national web site <http://www.sws.soton.ac.uk/rmindev/>
- F8 Humphreys, C. (2000)  
‘Narrative Metaphors’ in Davies, M. (ed) *The Encyclopaedia of Social Work* Oxford, Blackwell.
- F7 Kelly, L. and Humphreys, C. (2000)  
‘Reducing Domestic Violence.....What Works? Outreach and Advocacy Approaches Policing and Reducing Crime Briefing Paper, London, Home Office.
- F6 Humphreys, C. and Mullender, A. (2000)  
‘Children and Domestic Violence’ *Research in Practice Series*, Department of Health Unit, Dartington, Devon.
- F5 Harrison, C., Humphreys, C. and Mullender, A. (1999)  
Response to the Lord Chancellor’s Consultation on Child Contact in the Context of Domestic Violence
- F4 Mullender, A. and Humphreys, C. (1998)  
*Local Government Briefing Paper on Domestic Violence and Child Abuse*, London, Local Government Publishing
- F3 Humphreys C., Kaye, A., and Harwin, N. (1997)  
*Third Party Applications For Non-Molestation and Occupation Orders*. Briefing Paper, Women’s Aid Federation, England.
- F2 Humphreys, C. (1998)  
Response on behalf of the Violence Against Women Study Group of the British Sociology Association to the ‘*Working Together to Safeguard Children Consultation Paper*, Department of Health.’
- F1 Humphreys, C. in conjunction with E. O'Donovan (1994),  
Training Manuals for the Department of Community Services Training and Development Branch New South Wales Australia, (1994).

### **Dissertation**

Humphreys, C. (1991) ‘*Child Sexual Assault Disclosure: Mothers in Crisis*’ PhD dissertation held at the University of N.S.W., Sydney, Australia.

### **RESEARCH GRANTS AND CONTRACTS**

<b>1</b>	<b><u>Source of funds</u></b>	<b><u>Title of project</u></b>	<b><u>Duration</u></b>	<b><u>Starting</u></b>	<b><u>Total Value</u></b>	<b><u>Names of other holders</u></b>
	Inter-disciplinary Seed Funding University of Melbourne	Routes to the Past	1 year	January, 2016	34,000	Cate O'Neill
	Inter-disciplinary Seed Funding University of Melbourne	Using Digital Technologies to Capture Children's and Adolescent's Views of Contemporary Australian Childhood: Concept Test	1 year	January 2016	25,000	Sarah Wise
55	Sidney Myer Foundation	Young and Care-Full: young kinship carers	24 months	January, 2016	96,000	Meredith Kiraly
54	ANROWS (CIB)	Domestic and family violence and parenting: mixed method insights into impact and support needs	24 months	January 2015	39,000 (of a 230,000 grant)	Rae Kaspiev, Jan Nicholson, Angela Taft
53	ANROWS (CIA)	PATRICIA project Pathways And Research In Collaborative Inter-Agency working	22 months	February, 2015	720,000	Marie Connolly, Aron Shlonsky, Lesley Laing, Donna Chung
52	DHS Partnership with University of Melbourne (CIA)	L17/Triage project	2 years	October, 2013	161,000	David Rose, Marie Connolly
51	ARC Linkage Grant	kContact: Improving contact between children in out-of-home care and their birth parents: developing and	3 years	January, 2013	800,000	Morag Macarthur, Stephanie Taplin

		trailing a contact intervention				
50	ARC Linkage Grant	Fathers, domestic violence and intervention challenges	3 years	January, 2013	1, 082,000	Donna Chung, Kelsey Hegarty, Leah Bromfield, Sharwana Andrews.
49	ARC Discovery Grant	I-Decide Safety Decision Aid	3 years	June 2013	800,000	Kelsey Hegarty, Angela Taft, et al
48	R.E. Ross Trust	Understanding Kinship Care: the support need of kith carers	12 months	May, 2013	10,000	Meredith Kiraly
47	R.E. Ross Trust	Understanding Kinship Care: the support need of sibling carers	12 months	May, 2013	10,000	Meredith Kiraly
46	NHRMC (CIB)	Ripple: Promoting the mental health and well being of YP in OHC	5 years	January, 2013	\$940,000	Helen Herrman et al
45	Legal Services Board (CIB)	Early Warning Signs: Intervening early in family violence	2 years	July, 2012	\$88,000	Kelsey Hegarty, Stuart Ross
44	FAHCSIA	Family Links: Family contact and Kinship Care	1 year	July, 2012	\$20,000	
43	Canadian Research Council	Strengthening the mother-child relationship: An Action learning project	3 years	June, 2012	Consultation (2 funded meetings in Ottawa)	Simon Lapierre and Dominique Daman
42	Leverhulme Foundation	New families, new governance: the family, regulation and the state	3 years	February, 2012	123,141 pounds	Anne Barlow, University of Bath
41	R.E. Ross Trust	Family Links:	12 months	February, 2012	\$20,000	Meredith Kiraly



		Kinship Care and Child Contact				
40	Sydney Myer Foundation	Intervening early: evaluating a multifaceted health model for VAW from diverse communities	3 years	February, 2012	\$129,000	Elizabeth McClindon and Kelsey Hegarty
39	Interdisciplinary Seed Grant, University of Melbourne	Intimate Partner Violence and Women's Economic Security across the Lifecourse	9 months	April, 2011	\$28,000	Marion Frere and Cathy Humphreys
38	Western Region Family Violence Committee	Safe at Home	18 months	August, 2011	\$20,000	Cathy Humphreys
37	Centre for Excellence in Child and Family Welfare	Partnership in Research	3 years	August, 2011	\$150,000	Cathy Humphreys
36	FAHCSIA	Find and Connect	4 years	June, 2011	\$8,000,000,000	Gavan McCarthy, Cathy Humphreys, Shurlee Swain
35	Department of Human Services	Workforce Development in Child Protection NW Region	12 months	November, 2010	\$45,000	Cathy Humphreys, Menka Tsanfeski, Marie Connolly
34	Ross Trust and Centre for Excellence in Child and Family Welfare	Family Links, Kinship Care and Child Contact	12 months	January, 2010	\$8,000 \$2000	Meredith Kiraly and Cathy Humphreys
33	Department of Justice	Summary Report on the Family Violence Court Intervention	2 months	January 2010	\$10,000	Kristin Diemer and Stuart Ross

		Program				
32	Centre for Excellence in Child and Family Welfare	Joining the Dots: Evidence informed practice		April, 2010	\$2000	
31	Centre for Excellence in Child and Family Welfare	Kinship care and the issues of family contact arrangements	1 year	October, 2008	\$5000	
30	Office of Provost, University of Melbourne	Family Violence Inter-Disciplinary Steering Committee	1 year	January, 2009	\$40,000	Kelsey Hegarty (lead)
29	ARC Linkage	Safety and resiliency at home: voices of children who live with fear	3 years	February, 09	\$96,420	Kelsey Hegarty, Winsome Roberts, Neersosh Muldaly
28	ARC Linkage	Cumulative Harm: Reducing child abuse through improved decision making	3 years	February, 09	94,881	Brigid Jordan Ann Smith
27	Potter Foundation	The cost of support for foster care and other long term placements -	1 year	October, 08	32,000	Cas O'Neil, Sue Tregeagle
26	ARC Linkage	Who am I? The archive as central to quality practice for current and past care leavers	3 years	October, 08	800,000	Gavan McCarthy, Andy Brown-May, Shurlee Swain
25	ARC Linkage Grant	Evaluating an effective model of good practice to reduce intimate partner violence among	3 years	September 08	\$333,500	Angela Taft, Kelsey Hegarty

		maternal and child health nurse populations				
24	Australian Research Council Discovery Grant	Research Utilisation in Child Protection	1 year	January, 08	75,000	Dorothy Scott, Fiona Arney, Leah Bromfield, Darryl Higgins
23	University of Melbourne Knowledge Transfer Fund	Innovative web-based support for knowledge transfer in the child and family services sector	1 year	September, 2007	12,000	Gavan McCarthy Coleen Clare
22	Riechstein Foundation	Building the Evidence: women with disabilities and their experiences of violence.	6 months	December, 2007	\$21,000	Keran Howe
21	ARC Linkage Grant	Family Violence Reform: Using knowledge to develop and integrate policy and practice	5 years	October, 2007	\$960,000	Stuart Ross Marion Frere John Wiseman Chris Laming Karen Crinall
20	Australian Research Alliance for Children and Youth (ARACY)	Children and Young People with Experiences of Out of Home Care: Building a Relevant Research Agenda	1 year	November, 2006	\$39,000	Phillip Mendes Judy Cashmore
19	UK National Treatment Agency	The impact of violence and abuse on engagement and retention rates for women in substance	3 months	January, 05	£11,500	Sarah Galvani

		use treatment: a feasibility study				
18	Sixth Framework Programme Priority [7]	Coordination Action on Human Rights Violations	3 years	April, 04	650.000 Euros (total) Warwick work package 18.720 euros	22 European Partners
17	Home Office and Greater London Authority	'The links between substance misuse and domestic violence'	12 months	Sept, 03	£55,000	
16	Atlantic Philanthropies	'Preventing Violence Against Women and Girls'	12 months	June, 03	£28,000	Audrey Mullender and WomanKind International
15	Community Fund	'Talking to my mum: developing communication between children and mothers affected by domestic violence'	3 years	September, 02	£175,752	Audrey Mullender, Colchester Women's Aid
14	Dept of Health	Health and Child Protection:	3 months	October, 01-December 01	£5,000	Dale, J; Harrison, C., Spencer, N.
13	Lord Chancellor's Dept	Identifying thresholds: arrangements for contact in the context of domestic violence and child welfare concerns	18 months	January 2000	£38,000	Christine Harrison
12	Women's Aid Federation, England	The experience of post-separation violence	18 months	January 2000	£40,000	
11	Northern Ireland Equalities Research Unit	Children and Domestic Violence Prevalence	4 months	February, 01	£1,000	

		Study				
10	Women's Aid Federation, England	Consultant Editor to Children's Resource Pack	4 months	March, 01	£1,000	
9	Joseph Rowntree Foundation	Good practice working with families where there is domestic violence'	1 year	January, 1999	£ 38,500	G. Hague M. Hester A. Mullender
8	Home Office	Advocacy/ Outreach approaches to domestic violence	6 months	June 1999	£3,000	Kelly, L
7	RDSO	Issues for good practice in relation to domestic violence	18 months	June 1998	£ 1500	
6	Warwickshire. Social Services Department	An audit of staff devt. needs of senior social worker:	1 year	January 1998	£7000	Janet Read
5	Central Council for Education and Training for Social Workers (CCETSW)	Research-mindedness in CCETSW's award programmes	2 years	1996-1997	£3500	Christine Harrison
4	Women's Aid Federation, England and Milton Keynes Women's Aid	An evaluation of the Milton Keynes Women's Aid outreach project	1 year	January, 1998	£1,500	
3	Coventry Social Services	Case planning issues where domestic violence occurs in the context of child protection	2 years	June 1995-June 1997	£800	

2	NSW Dept of Community Services	An Investigation of the Referral of Families Where Child Sexual Assault has been Substantiated.	2 years	January 1992- January 1994	\$30,000	
1	Australian Meat Research Corporation	Evaluation of Farmer Participation in the Development of Sustainable Production Central Queensland, Australia.	6 months	June 1993- December 1993	\$30,000	Ray Ison

## **TEACHING**

My current position is a research professorship and involves no formal undergraduate or course work teaching. I jointly teach with Dr Menka Tsantefski three modules on the Post-Graduate Certificate in Child and Family Practice and the Post-Graduate Diploma in Child and Family Leadership. I have jointly co-ordinated and taught the Masters in Advanced Child and Family Practice in 2008. I am involved in the supervision of PhD students.

## **ADMINISTRATION**

### **Research Administration**

The Research Alliance to End Violence Against Women has been established and involves organisation of collaborative partnerships across the University, an endeavour currently supported by a Hallmark Grant from the University of Melbourne.

The Sector Partnership Research Program involves significant research administration. Currently an active program involves the supervision of five part-time research workers. A reference group has been established from stakeholders across the sector to inform the research and knowledge into action project associated with the Chair. A group of honorary research fellows take responsibility for different aspects of the research program.

At University of Warwick I was the Director of the Centre for Safety and Well-Being (SWELL), a research centre which specialised in research with women and children with a focus on the issues of domestic violence and child abuse, though developing research work also on children's rights and research participation. The Centre was the focus for a group of PhD students providing an on-going seminar series and maintaining continuous research contracts. It developed a national and international reputation in the area of gender based violence.

### **Community Service**

Social work is an applied profession. I work in active collaboration with the Centre for Excellence in Child and Family Welfare through the Sector Research Partnership. I was an active member of the Board for the Centre for Excellence in Child and Family Welfare for 9 years. I am involved in numerous reference groups which inform government policy in the area of family violence and the vulnerable children, youth and families sector. This work involves consultation, presentations and workshops and relate closely to the 'research into action' project.

April, 2016

**ANNEXURE CH-2**

**ACTU LETTER OF ENGAGEMENT**



2 May 2016

Professor Cathy Humphreys  
Department of Social Work  
The University of Melbourne  
MELBOURNE VIC 3000

Via e-mail:

*CONFIDENTIAL: SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE*

Dear Professor Humphreys,

#### **FOUR YEARLY REVIEW OF MODERN AWARDS – FAMILY & DOMESTIC VIOLENCE LEAVE**

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As you are aware, the ACTU has made an application to the Fair Work Commission for paid family and domestic violence leave.

#### **Engagement**

We wish to engage you to provide the ACTU with a written report containing your expert opinion on the matters set out below and to give evidence at the hearing of the review. Hearings are scheduled to occur in October or November 2016 in Sydney however no firm dates have as yet been set. We will advise as soon as those dates have been confirmed.

We confirm that we have accepted the financial terms of your engagement specified by you.

#### **Background Information**

##### *Duty*

You will be engaged by the ACTU to assist the Commission by providing your expert opinion in accordance with our instructions to you. Your overriding duty is to assist the Commission. You are not an advocate for the ACTU. **Attached** to this letter is a copy of the Expert Witness Code of Conduct published by the Federal Court of Australia. Although you are not formally bound by the Code, as a matter of proper practice we intend to adopt the Federal Court Rules concerning the engagement of expert witnesses, and the terms of the Code that govern your conduct under this engagement. Please read the document carefully.

##### *The ACTU application*

The Australian Council of Trade Unions (ACTU) is the peak body for Australian unions, consisting of 46 affiliates who together represent about 1.8 million workers.

In accordance with s156 of the Fair Work Act 2009 (Cth), the Fair Work Commission (Commission) is required to conduct a 4 yearly review of modern awards. As part of this review, the ACTU has made an application seeking to include a new leave entitlement in modern awards for workers who experience family and domestic violence. The ACTU's application would provide employees experiencing

family and domestic violence with 10 days' paid leave (followed by 2 days unpaid leave on each occasion) in order to, for example, make re-location and other safety arrangements, seek legal advice, or to make court appearances or attend relevant appointments. The ACTU has made this application on behalf of, and with the support of its affiliates who represent workers across all industries and therefore, modern awards.

**Attached** is a copy of the proposed family and domestic leave clause pursuant to the ACTU's application.

### **Expert Opinion**

The ACTU seeks a written report containing your opinion on the following matters, setting out the reasons for the opinion as well as any factual findings or assumptions on which such opinion is based.

1. The definition or definitions of family and domestic violence including reference to how the community's understanding of family and domestic violence is informed by community attitudes.
2. The emotional and mental impact of family and domestic violence on victims and the way in which these consequences may create barriers to leaving violent and abusive relationships.
3. The types of services and action that are needed to address the consequences of violence and abuse to remove barriers.
4. The nature of post separation violence, and the types of services and action that are needed to ensure victims are able to more effectively recover from family and domestic violence.
5. The needs of victims who choose not to leave their partner, and how those needs can be addressed.
6. The impact of family and domestic violence on children, in both the short and long term, and the needs of children and mothers in addressing those impacts.
7. The impact of family and domestic violence on the relationship between women and their children.

### **Communications**

Please note that all communications between you, the ACTU and its legal representatives can, on request, be provided to the employer organisations and the Commission. This includes any draft of your report, including your working notes.

### **Report Format**

Your role is to assist the Commission by providing your expert opinion in accordance with our instructions to you. As a matter of formality, it is likely that your expert report will be annexed to a brief witness statement (which we will assist to prepare in due course).

1. In order to ensure your report can be used easily at the hearing of this matter, we ask that you include the following matters in the report:
  - (a) a brief summary of your opinion or opinions at the beginning of the report;
  - (b) a glossary of any specialised terminology;
  - (c) references to any literature or other materials cited in support of your opinions. Please use a uniform citation method throughout the report. If you use parenthetical referencing (Chicago-style citation), please provide pinpoint citations where applicable;
  - (d) a bibliography;
  - (e) numbered paragraphs and page numbers, and headings where appropriate; and

- (f) margins of at least 2.5 centimetres, and line spacing of at least 1.5 points, with 12 points between paragraphs.
2. At the conclusion of your report, please include a declaration to the following effect:
- I have made all the inquiries that I believe are desirable and appropriate and that no matters of significance that I regard as relevant have, to my knowledge, been withheld from the Commission.*
3. We will also require you to provide a detailed curriculum vitae, setting out the study, training, and experience that establishes your expertise in relation to the issues raised by these instructions.

If you have any questions, or wish to discuss further, please do not hesitate to contact Gabrielle Starr on

Yours faithfully,



Gabrielle Starr  
Legal and Industrial Officer

**ANNEXURE CH-3**

**EXPERT REPORT OF PROFESSOR CATHY HUMPHREYS**

## EXPERT REPORT OF PROFESSOR CATHY HUMPHREYS

### 1. Definition of domestic and family violence (DFV) and how community understanding of DFV is informed by community attitudes

#### *Definitions of DFV*

1.1. All definitions and terminology include as well as exclude. The terminology of ‘domestic violence’ is no exception. ‘Intimate partner violence’, ‘domestic abuse’, ‘family violence’, ‘abuse by known men’, and ‘batterer violence’ are all terms which are used to explain violence and abuse in intimate relationships.

1.2. A standard definition is provided in section 5 of the Victorian *Family Violence Protection Act 2008* (Vic):

(a) behaviour by a person towards a family member of that person if that behaviour—

(ii) is physically or sexually abusive; or

(iii) is emotionally or psychologically abusive; or

(iv) is economically abusive; or

(v) is threatening; or

(vi) is coercive; or

(vii) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or

(b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a).

1.3. While this definition emphasises core element of domestic and family violence, the following definition also addresses its gendered nature and the effects of these behaviours:

Domestic violence is... violent, abusive or intimidating behaviour carried out by an adult against a partner or former partner to control and dominate that person. Domestic violence causes fear, physical and/or psychological harm. It is most often violent, abusive or intimidating behaviour by a man against a woman...(NSW Department of Health, 2003, p. 4)

1.4. The Scottish definition in the *National Strategy to Address Domestic Abuse in Scotland* provides an encompassing definition but adds:

... In accepting this definition, it must be recognised that children are witness to and subjected to much of this abuse and there is a significant correlation between domestic

abuse and the mental, physical and sexual abuse of children (Scottish Executive, 2000, p. 5)

- 1.5. Each country will tend to emphasise the issues of domestic violence emerging in that particular country. For example, in the Australian context, the complexity of Indigenous kinship relationships needs to be recognised:

For many Indigenous people the term family violence is preferred as it encompasses all forms of violence in intimate, family and other relationships of mutual obligation and support. (Laing, 2000, p. 1)

- 1.6. An increasingly diverse approach to domestic violence highlights the close connection to the broader violence against women movement (Heise & Garcia-Moreno, 2002). The overlap of abusive experiences can be greater than the differences. It is therefore helpful to acknowledge the United Nations definition in the *Declaration on the Elimination of Violence Against Women* resolution (A/RES/48/104) which defines violence against women as:

... any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life .  
(United Nations General Assembly, 1993)

- 1.7. Of particular significance are the issues for disabled women where the definitions of domestic violence need to be extended to include women and men abused within an institutional setting (which is their home) and by carers who may be intimate in terms of their access to personal space but are not their partners or ex-partners (Healey, Howe, Humphreys, Jennings, & Julian, 2008).
- 1.8. An issue which is now being identified is the family violence associated with adolescent violence in the home (Howard, 2011). The extent of this problem and the level of impact on mothers and fathers who are subject to violence from their teenage children are emerging as significant aspects of family violence.
- 1.9. The terms domestic violence, family violence, and domestic and family violence are used inter-changeably through this report. The acronym which is often used is DFV.

#### *The importance of community attitudes to DFV*

- 1.10. The most recent National Community Attitudes Survey on Violence against Women (NCAS) based on 17,500 interviews indicates that across three surveys in the last 20 years there has been little to no improvement in community attitudes to violence against women (Diemer & Webster, 2014).

- 1.11. While there is little open support for violence against women, there is subtle endorsement and excusing of abuse and three-quarters of Australians find it hard to understand why women stay in abusive relationships. And half of all Australians believe that women could leave if they really wanted to leave. There is little understanding of the escalation of abuse upon separation and the emotional and pragmatic difficulties of separation particularly when children are involved.
- 1.12. One in five Australians believe violence can be excused if the offender later regrets it. A particularly concerning aspect of the report is that respondents to the survey believe that both men and women are equally responsible for partner violence. In reality, most adults who have experienced violence since the age of 15 experienced violence from a male (78% of those reporting partner violence and 95% of those reporting all forms of violence).
- 1.13. Community attitudes shape the way we respond to domestic violence.

Community attitudes on violence against women are an important barometer on gender relations. They illustrate the way people respond when they witness violence, whether victims feel confident to seek help, and whether perpetrators are likely to be excused or held to account for their actions. Changing attitudes is crucial to preventing crises in the longer term (Diemer and Webster, 2014 p. 2)

- 1.14. Misconceptions and negative attitudes profoundly affect the way in which women (and a smaller group of men) are able to manage the complexity of leaving an abusive and violence relationship.
- 1.15. In keeping with the dominant patterns of domestic and family violence, throughout this report I refer to victims/survivors as women and mostly men are referred to as perpetrators (Cox, 2015). I recognise that this is the dominant but not the only pattern of DFV. Women can be perpetrators and men may be victims. However these are minority patterns and my language reflects the majority pattern.

## **2. The emotional and mental impact of family and domestic violence on victims and the way in which emotional consequences create barriers to leaving**

- 2.1. Both women and children are victims of domestic and family violence. Only the issues for women will be addressed in this section of the report, while the issues for children are dealt with in Section 6 and 7.
- 2.2. ‘I call it symptoms of abuse’ is a memorable quote from a woman interviewed by the author of this report when discussing the relationship between domestic violence and mental health (Humphreys & Thiara, 2003a). She wished to ensure that feeling anxious, depressed or suicidal was recognised as a normal reaction to being abused and that these ‘symptoms’ or

impacts of abuse were did not become ‘attached’ to the women with as diagnosis of mental health problems divorced from the abuse. There is sensitivity about discussing the ways in which violence and abuse impacts on the emotional life and mental health consequences for women. Many perpetrators of violence refer to the partners and ex-partners that they are abusing as having mental health problems. They rationalise their abuse or deny their abuse on the basis that their partners are ‘crazy’.

- 2.3. The construction of women having a mental health problem is an issue which is continually used against them in the family law arena (Douglas and Walsh, 2010; Kaspiew et al, 2015). Furthermore, psychological counselling services and the mental health system often fail to link the depression, anxiety, suicidality and self-harm with the woman’s experiences of abuse (Humphreys and Thiara, 2003a). For example, Woolhouse et al (2011), in their longitudinal study of 1,507 women and infants found 16% of the sample with clinical depression. However, when a validated domestic violence measure (The Composite Abuse Scale, Hegarty, et al, 1999) was filled in by participants, it was found that 40% of those suffering depression were also experiencing domestic violence – an issue which was not always known about or responded to by professionals.
- 2.4. I raise these issues in this section on the emotional consequences of DFV to highlight the ‘politics’ of the health and well-being of women living with DFV. At one level, the extent of the psychological and emotional damage created by DFV can be hidden, under-estimated or lost; at another level, the constant reference to women suffering mental health problems (particularly anxiety and depression) is over-used by perpetrators of violence to discredit their victims. The emphasis on emotional and psychological problems can also overlook the extent of resilience and protective factors which may characterise women who live with or are separating from DFV. Not all women manifest with ‘symptoms of abuse’. Women are choosing to separate earlier and the escalating rates of reporting DFV suggest that they may also be calling for formal help earlier (RC Report, chapter 20). In this report, I attempt to find a balance between these two constructions of women living with DFV.
- 2.5. There is now overwhelming evidence that the health and well-being of women living with and separating from domestic violence is compromised (See RC Report, chapter 20). The impact of violence, the highly controlling behaviours of perpetrators of DFV, the constant verbal abuse and degradation, the anxieties created by financial abuse and the threats to their lives and those of their children take their toll on the emotional well-being of women (Butchart et al, 2010; Rees, et al, 2011). The meta-analysis by Golding (1999) examined 17 studies and found an average prevalence rate of depression amongst abused women of 47.6 percent. These substantial rates of clinical depression are repeated in many other more recent studies (see Lum On et al, 2016; Devries et al, 2013). The rates vary somewhat depending



from where the sample is taken (e.g. refuge population or primary care population). Generally, the rate of depression for women who are abused is approximately twice the rate of whichever control group was used in the study (Humphreys and Thiara, 2003a). The important VicHealth study on the burden of disease created by DFV (VicHealth, 2004) showed that anxiety (27%) and depression (35%) represented the greatest proportion of the disease burden associated with DFV (cited in RC Report, p. 69).

- 2.6. Meta-analyses of rates of anxiety, suicidality and self-harm similarly show increased rates for women living with DFV, with recognition that heightened severity of violence leads unsurprisingly to heightened levels of emotional distress (Devries et al, 2013; Golding, 1999). The ways in which experiences of DFV interact with experiences of severe mental illness and psychosis is not fully understood. There does however appear to be a significant difference between the rate of psychosis for women living with DFV and those who are not abused (Hind Khalifeh, 2015).
- 2.7. Post-traumatic stress disorder is a direct by product of living with fear and the impact of assault (Humphreys and Thiara, 2003a). The important Australian study by Rees et al (2011) of the mental health of 1,218 women who had experienced DFV and sexual violence found that of the women who had experienced three or four types of abuse that 56% had post-traumatic stress disorder and 35% had made suicide attempts. The results point to the cumulative effects of living with DFV.
- 2.8. Taken together, the impact of DFV on women's emotional health and well-being creates significant barriers to their capacity to leave the relationship. High levels of confidence, self-efficacy and energy are required to manage the logistics of moving particularly when children are involved. These are the very qualities which are undermined by the emotional impact of violence and abuse.

### **3. The nature of post-separation violence and the types of services and action that are needed to ensure victims are able to more effectively recover from family and domestic violence**

- 3.1. In this section of the report, I draw heavily on submissions brought before the Victorian Royal Commission on Family Violence (**RC Report**) which has recently synthesized the evidence in this area. In the RC Report, the Commission considered 'three pillars of recovery' that are required for victims leaving situations of DFV: secure and affordable housing, financial security, and health and wellbeing (RC Report, p 29). Accessing the provision of services in each of these areas, alongside the establishment of post-separation safety provide the framework for the case for DV leave.

### *Post separation violence*

- 3.2. Establishing safety in the aftermath of DFV is an on-going challenge for many women. It is a myth that separation ends violence. There is strong evidence for 'separation' as a factor which heightens risk and it is therefore a feature of validated risk assessment tools. Victorian Police data suggests between 16-26% of DFV incidents that they attend are post-separation (VicPol, 2014), while UK data points to the fact that the levels of post-separation violence may be higher where children are involved: a police-to-child-protection tracking study showed more than 50% of UK cases referred to Child Protection were post-separation (Stanley et al, 2011).
- 3.3. The risks of homicide during separation and post-separation are heightened. Data from the UK shows almost 50% of domestic homicides occurred post-separation (Richards & Baker, 2003). The Australian Institute of Criminology (AIC, 2015) homicide monitoring project does not show homicide rates associated with separation, however, it does record that 109 intimate partner homicides occurred between 2010-2012. Of these homicides, 76% involved women as victims and an earlier study Mouzos & Rushforth (2003) showed 25% of domestic homicide involved separated or divorced partners. The more nuanced study based on coronial reports in Victoria showed that in the 51 domestic homicides perpetrated by men between 2005-2014, that in 57% (29 cases) female victims were separating or in the process of separating from their partners (Kirkwood & Tyson, 2016).
- 3.4. Separation or threatened separation represents a significant loss of power and control for the perpetrator of violence. While homicide represents the most extreme end of the violence continuum, the data on post-separation violence indicates that for some women the violence escalates with reports of sexual assault and other serious crimes against the person (Hotton, 2001; Richards and Baker, 2003). In a UK sample of 161 women using specialist family violence services, 76% experienced post-separation violence (Humphreys & Thiara, 2003b). Desistence for many women occurred between 6-12 months after separation. However for 36% of this sample, post-separation violence was chronic and severe creating serious risk of on-going harm for this group of women and children. Intervention and criminal justice interventions appeared to have little effect (Humphreys & Thiara, 2003b).
- 3.5. A particularly insidious form of post-separation violence is stalking. The ability to continue to harass, control and intimidate through both physically stalking women and technology facilitated abuse are areas of increasing rather than diminishing concern (Woodlock, 2013). The RC Report highlights the number of women reporting the invasive, intimidating nature of technology facilitated abuse and the pervasive sense that there was 'no safe place'. The 'absent-presence' of the perpetrator casts a long shadow over the lives of these women

(Thiara & Humphreys, 2015), increasing the levels of psychological distress (Woodlock, 2011).

- 3.6. An area where women may be vulnerable to continued violence and abuse lies in their workplaces. A review of the literature domestic violence and employment undertaken by Costello, Chung and Carson (2005) indicates that women affected by domestic violence had work histories similar to non-abused women though the severity of violence and the level of partner interference created some specific impacts for a group of these women (Raphael, 2000 cited in Costello et al, 2015, p. 256). Studies of health sector workers show that this population of workers experience rates of domestic violence similar to wider community based samples (Bracken et al, 2010).

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- 3.7. There are many advantages to women retaining or gaining employment in the post-separation period. Not the least of these is financial security, an issue which is highly significant given the relationship between domestic violence, homelessness and poverty (Chung, et al, 2000). However, employment can also create vulnerability for a group of women whose partners fear the loss of control created by social and economic independence. A strategy in their coercive control is to undermine the woman's ability to work: sabotaging child care arrangements; not allowing her to sleep; creating an abusive or violent incident before job interviews. The workplace is usually known to partners and ex-partners and can therefore also become a place of harassment, stalking and the opportunity for abuse (Raphael, 2000).

- 3.8. For many women, financial control and financial manipulation can begin when they separate. Child support payments, property settlements, and the transferring of debts by their ex-partners are areas of significant vulnerability and ones highlighted through the Victorian Royal Commission on Family Violence (see the chapter on Financial Abuse, esp p. 27). Domestic violence perpetrators often control the finances for the family during the relationship. The ability to then shift debts to their partner and to manipulate mortgage and loan repayments on separation are real forms of abuse that ensure that the 'absent-presence' of the perpetrator and the on-going legacy of his abuse will be experienced by both women and children into their futures. It is a threat used to try to ensure that women do not separate; it is a reality when they do (Chung & Carson, 2005). Research indicates that the share of property women receive appears to reflect the practical difficulties women face in trying to

negotiate a fair settlement with men they are afraid of and where safety may be given precedence over the right to a fair share of family property (Fehlberg & Millward, 2014). This is a situation that can severely compromise their ability to gain economic stability (RC Report p. 125).

- 3.9. The secondary abuse that victims of domestic violence experience in family law proceedings through property settlements and the arrangements for children spending time with their parents are themes documented in recent inquiries into DFV (see State of Victoria (2016) Royal Commission Report; and Queensland Domestic Violence Taskforce (2014) Not Now, Not Ever: Putting an end to domestic violence in Queensland). Such is the seriousness of this issue that the Commonwealth Attorney General has requested a Reference to be provided by the Family Law Council to address these and other issues arising in relation to child abuse and domestic violence in family law proceedings <https://www.ag.gov.au/FamiliesAndMarriage/FamilyLawCouncil/Pages/FamilyLawCouncilTermsOfReference.aspx>.
- 3.10. A particularly serious issue is the extent of abuse and violence which occurs through child contact arrangements. Children remain subjected to DFV particularly at points of ‘handover’ where the perpetrator of domestic violence may seize the opportunity for continued abuse (Kaspiew et al, 2015; Humphreys & Thiara, 2003). The Family Court and dispute resolution processes appear to take little account of the history of domestic violence. In spite of changes to legislation to recognise that the child’s right to safety is a priority over a ‘meaningful relationship’ if the two principles are in conflict; the evaluation of the impact of the amendment has shown that to date, it has made little difference to court decision making (Kaspiew et al, 2015). This form of post-separation violence remains a source of anxiety, distress and trauma.
- 3.11. A theme brought before all inquiries has also been the use of ‘litigation abuse’ in the family law proceedings brought by perpetrators of domestic violence. This entails legal action brought with the purpose of harassment and to subdue and to continue to control the woman and children involved. One woman before the Victorian Royal Commission made this telling statement: *I am still experiencing family violence but it comes on letterhead from his lawyer* (RC Report, Vol 1, p21).
- 3.12. Housing issues are clearly one of the most difficult barriers facing women separating from abusive partners. For women who are currently employed, holding onto that employment may be the difference between their recovery and a long and depressing road into homelessness. There is very little affordable housing in Australia for people on low incomes, particularly in the cities where employment opportunities are most available (Hayden, 2015).

Recent data suggests that less than 1% of rental housing properties in NSW are affordable to people on government benefits (Hayden, 2015).

- 3.13. Refuges provide not only emergency housing but also safety, security and social support (Abrahams, 2007), and while they are the most well-known housing option they are also the least used (Spinney & Blandy, 2011). Security requirements, limited disability access, the shared environment and age limitations on accompanying male children, as well as shame and embarrassment prevent many women from using refuges (Baker et al., 2010; Tually et al., 2008). There are many women who prefer to stay with family and friends, obtain different housing, and increasingly seek the right to stay in their homes with the abusive partner removed. Removing the abusive partner from the home, followed by a legally enforceable exclusion order is often referred to as the 'safe at home' model (McFerran, 2007; S. Murray & Powell, 2011). However, it is only an option for a relatively small group of women who are able to pay the rent or mortgage and who can secure their safety through intervention orders that are enforced (Diemer, Healey and Humphreys, Royal Commission submission, 2015).
- 3.14. In short, women's fears that they may be worse off emotionally, physically and financially through separation are not ill founded. Safety, stability and economic security following separation provide the keys to long term recovery.

#### **4. The types of services needed for recovery**

- 4.1. The services required to assist women with their recovery from DVF require access to justice and legal services, housing support services, financial advice and counselling and information services.

##### *Access to legal services*

- 4.2. The problems associated with supporting safety for both women and their children can be on-going. Post-separation violence including continuation of the tactics of coercion and control through financial abuse, litigation abuse in family law proceedings, stalking and continued physical, verbal and emotional abuse require access to legal services and the courts. A recent 2014-15 audit undertaken by National Legal Aid showed domestic violence was a factor in 79 per cent of legal aid family law matters. The highest incidence was in the Northern Territory with 88 per cent, while Western Australia had the worst figure of the states with 84 per cent (National Legal Aid, 2016).
- 4.3. The curtailing of legal aid which will take effect most strongly in 2017 will potentially have a disastrous impact on women seeking legal aid support for DFV. The RC Report has been unequivocal in recognising the importance of women's access to the justice system as critical

to their on-going safety. Eighteen of the recommendations relate to changes in the justice system in an attempt to strengthen the accountability and safety provided through the courts (RC Report, p 62-67). Of particular significance, and an issue clearly seen in the Coronial Inquest into Luke Batty's murder was the complex and fragmented nature of the federal and state court systems. Victims require extensive guidance and time to negotiate the intricacies of these systems. The expense of legal representation often means that they are required to juggle the court system and the evidence requirements and reports themselves (Gray, 2015).

#### *Access to housing services*

- 4.4. As noted above, one of the most significant barriers to women separating from violence is the lack of affordable housing (Hayden, 2015). Negotiating accommodation arrangement for both the immediate and then the long term are significant challenges for women and their children separating from violence and abuse (Murray and Powell, 2011). Support from specialist women's service and housing services combined with time to access these services and relocate, or alternatively manage the court system to attempt to keep themselves 'safe at home' are critical in supporting women leaving violence.

#### *Access to financial advice*

- 4.5. Timely access to financial advice may make the difference to the long term survival and recovery of women and their children separating from violence. Understanding the debt that women may incur at separation, access to joint accounts, forensic attention to utility bills and accounts and jointly incurred loans are all essential aspects of managing the post-separation period. A particularly violent attack on the woman or the children may precipitate a crisis leading to separation, but one in which she may be ill prepared to manage the potential financial abuse that may follow. Women's Legal Services were particularly strong in their submissions to the Victorian Royal Commission on these issues of financial access.

#### *Access to specialist counselling and support services*

- 4.6. Separation for any couple and their children is a time of upheaval. Even the most collaborative separating couples are profoundly stressed as new arrangements in every area of their lives are negotiated and decisions made. For women and their children separating under the shadow of violence and abuse, the period is fraught with danger, indecision, and the need to manage the myriad of risks with which they are faced (Laing, Humphreys and Cavanagh, 2013). Many women may be suffering from post-traumatic stress, anxiety and depression in the aftermath of the violence and abuse they have experienced. The problems they face are both pragmatic and emotional. Assistance through counselling and support services may be essential if women are to find a positive way through the crisis of separation. A problem lies in the current lack of appropriate services and the services that exist are

overwhelmed by demand (RC Report, Vol 1). The need remains and acknowledgement of the essential nature of these services is important to identify.

**5. The needs of victims who do not leave their partner, and how those needs can be addressed**

- 5.1. Much of the research into decision making for women separating from abusive partners focuses on their decision to leave the relationship (Spinney & Blandy, 2011). The barriers to leaving are well documented and include financial insecurity, homelessness, problematic child contact arrangements, fear of losing residency of the children, continued ambivalence about the relationship, and fear of reprisals (Edwards, 2004; Murray, 2008). Many women are not in a position to separate: their residency status is dependent on their partners; many family law agreements and orders give men who use violence unrestricted access to children such that women and their children may be no safer; post-separation violence is frequent; separation may escalate the violence; and affordable housing may not be available. Some women want the violence to stop but nevertheless want the relationship to continue (Humphreys & Stanley, 2016 forthcoming).
- 5.2. Such conditions mean that supporting the safety of women and children in ‘harm reduction’ processes without separation is an imperative in some cases. Aboriginal services have often been clear that separation of men and women where there is DFV is not their preferred first line option and wish for a more holistic approach to family (Brown & Langedoc, 2004). Working to ensure safety and accountability within community and family structures is an area of innovation and practice development.
- 5.3. There is a common tendency to equate agency and safety solely with leaving the relationship. This renders invisible both the woman’s resistance to the perpetrator’s abuse and control and the increased risk to her safety that leaving may well pose (Laing, Cavanagh and Humphreys, 2014 p 61). However, women’s strategies of resistance (often not visible to outside observers) are constrained by factors that include the coercive control which the perpetrator strives to impose, her access to resources, the quality of the responses she receives from formal and informal supports and her social location (e.g. her age, ‘race’, immigration status, poverty and disability). For older women, considerations of resources are particularly salient because they may have limited opportunities to re-enter the workforce and face the prospect of losing financial security that has been built up over a lifetime (RC Report, Vol VI). Many have little or no superannuation and recognize the risks of poverty and homelessness that can attach to leaving the relationship (McFerran, 2012).

- 5.4. Organisations may also not be well placed to respond to women who remain with their partners, even when they are abusive. For example, the child protection system is not designed to intervene effectively where there is a protective mother (or father), but the child and often the mother are continuing to be subjected to post-separation violence and stalking. The ‘absent presence’ of the perpetrator of violence and abuse is often experienced many years after separation particularly when child contact arrangements remain in place (Thiara and Humphreys, 2015).
- 5.5. In the past, ‘separation’ from an abusive relationship has been used as a marker of ‘the protective parent’. However, separation is a time of heightened risk, danger and fear for women and their children. While all intimate partner violence risk assessments recognise that separation creates a heightening of risk, the child protection intervention has been slow to consistently recognise this fact (Humphreys and Absler, 2011; Douglas and Walsh, 2010). Women are still urged to separate but without the necessary supports to keep themselves and their children safe. Support would need to include: extensive discussion to assess ‘readiness’; the evidence to demonstrate that the child’s father is a danger to the child; proactive links to the family violence support services; and leverage provided with housing services, Centrelink and legal proceedings to ensure that there is accommodation (beyond a couple of nights in a refuge), money to live on and legal protection which is enforceable. Children are no safer if they are homeless and immediately subject to contact arrangements with an abusive father. This is an area for practice development.
- 5.6. The recognition that separation is not a panacea to end violence pivots the focus to the perpetrator of DFV. Interventions designed to curtail his violence, abuse and coercive control are required. Clearly, legal strategies are a first line of defence with the use of intervention orders and particularly ones which do not require the exclusion of the perpetrator from the home. Other strategies include referral to men’s behaviour change programs either mandated via an intervention or court order, or voluntary referral. Other programs which address fathering behaviours where there has been use of violence and abuse, drug and alcohol problems and mental health referrals may also be appropriate interventions. There is some evidence from evaluations and feedback from women that for some men these strategies are effective (Smith, Humphreys and Laming, 2013; Westmarland and Kelly, 2013).
- 5.7. The workplace has an important role to play in supporting women living with DFV. A substantial number of women are employed and living with DFV (Cox, 2015). The Victorian Royal Commission urges recognition of the workplace as ‘part of the solution’ (RC Report, p 72) and in making this call echoes earlier work in this area (Chung et al, 2000; McFerran, 2012).



- 5.8. However, the RC Report is not unequivocal in its recognition of the role of the workplace as a domain for DFV support. It strongly supports strengthening the development of ‘whole of organisation’ respectful relationships through training and staff development. Managers are not necessarily seen as a natural ally for survivors of DFV worried about their ability to manage the violence at home and the demands of the workplace. A range of good practice work place programs have been developed which can play an important role in helping women explore their choices and develop their safety plans (RC Report, p 77–78).
- 5.9. The access to the services for women separating discussed in the earlier section of this report (see Section 4) are equally applicable to those who remain living with their partners. It should be noted in discussing issues in relation to women staying or leaving that there is a strand of research which involves quantitative studies that attempt to identify the factors that predict women’s leaving the relationship (Laing, Humphreys and Cavanagh, 2013 p. 99). In a review of these studies, Anderson and Saunders (2003) identified two broad categories of factors: material resources (income and employment) and social/psychological factors. When the relative influence of these two groups of factors is studied, income variables have been found to more strongly predict leaving than psychological ones. A comprehensive Australian study that examined the impact of domestic violence on women’s economic well-being and the intersection of this with their recovery overall found that ‘for women experiencing domestic violence, financial security goes to the heart of not only their freedom from abuse, but also their recovery and capacity to (re)gain control over their lives, now and in the future’ (Braaf and Barrett Meyering, 2011).

## **6. The impact of domestic and family violence on children in both the short and long term and the needs of children and their mothers in addressing those impacts.**

- 6.1. It is unsurprising that children living with domestic violence have surfaced as an area for child protection concern. The prevalence of children living with domestic violence, the links to physical abuse, sexual abuse and child homicide, and the negative impact on children’s safety and development provide a convincing rationale for concern. This well established knowledge base needs to be held up against the more recent data on resilience and the countervailing data on poly-victimisation and cumulative harm.
- 6.2. It is now evident that there is a group of children living with domestic abuse who may be at risk of significant harm (Holt et al, 2008). Throughout the 1990s, these risks to the well-being of children living with domestic abuse began to be documented and a comprehensive body of knowledge started to develop with substantial overviews provided in the UK (Hester et al., 2006) and Australia (Laing, 2000). While there are some inconsistencies in the evidence, the research shows that children living with domestic abuse have much higher

rates of depression and anxiety (Tuyen and Larsen, 2012) and trauma symptoms (Margolin & Vickerman, 2011). While emotional problems are significant, data from a large UK study suggests that of more significance are behavioural problems (conduct disorders) which are three times more likely to occur for children living with severe domestic violence (Meltzer et al, 2009).

- 6.3. While some studies show that children who are directly abused are more likely to show more severe impacts on their health and well-being (Crockenberg and Langrock, 2001), other research shows little difference between witnessing domestic abuse and actual abuse (Mertin and Mohr, 2000). In this latter study, the experiences of 56 children living with domestic abuse were divided according to children witnessing abuse; being involved in the violence; and being a target of the violence. Little differentiation was found. Perhaps the most substantial evidence is provided by the meta-analysis of 118 studies by Kitzmann et al. (2003), which evaluated the psychosocial outcomes of children living with domestic abuse. It showed significantly poorer outcomes on 21 developmental and behavioural dimensions for children witnessing domestic abuse than those not witnessing abuse. However, the witness outcomes were similar to those where children were also directly physically abused.
- 6.4. Other research shows that problems for children can compound over time as they live with the multiple problems associated with the destructive effects of domestic abuse. For example, Rossman (2001, p 58) noted that “Exposure at any age can create disruptions that can interfere with the accomplishment of developmental tasks, and early exposure may create more severe disruptions by affecting the subsequent chain of developmental tasks”.
- 6.5. The impact on children at different developmental stages shows the broad range of ways in which children react to their environments. Babies living with domestic abuse are subject to high levels of ill health, poor sleeping habits and excessive crying and disrupted attachment patterns (Quinlivan and Evans, 2005). While children of pre-school age tend to be the group who show the most behavioural disturbance (McFarlane et al, 2003), older children and young people are more likely to show the effects of disruption in their school and social environments, particularly if they are the ones who are constantly ‘on the move’ (Spinney, 2013).
- 6.6. An approach which takes into account developmental stage and vulnerability is compatible with the emerging evidence on the interaction between the child’s environment and their neurological development (Teicher, 2002). This research draws attention to the vulnerability of babies in utero and infants to the effects of trauma. Potent chemicals are released in the brain as a response to fear which creates an over-active stress response. This over-arousal interferes with the development of other parts of the brain which mediate the development of

more reflective emotional responses. It is important to note, that in spite of these early biological effects, that these ‘baby’ studies also suggest that development is recoverable with early intervention in which babies are no longer in such a stressful environment (Schoore, 2003).

- 6.7. The evidence of the negative effects of living with domestic violence can seem overwhelming. However, within the evidence base, studies are emerging that also highlight children who are doing as well as other children, in spite of living with the serious childhood adversity created by domestic abuse. Sometimes this is referred to as ‘resilience’ (Margolin and Gordis, 2004). Such terminology suggests an individual trait and hides rather than elucidates the fact that children live in different contexts of both severity and protection. Laing (2001) in her overview of research draws particular attention to the incomplete state of our knowledge of protective contexts for children. Higher rates of distress shown across a range of clinical measures should not be conflated with the notion that all children show these elevated levels of emotional distress and behavioural disturbance. It highlights the maxim that ‘correlation is not causation’ (Magen, 1999, p. 129)
- 6.8. There are many factors which moderate the risks and experiences of children. Children will be affected by the severity of violence with which they are living and for a particular group of children, whether they are being directly abused (Herrenkohl et al, 2008), as well as by the extent to which their needs have been neglected (Hartley, 2004). ‘Resilience’ may be strongly influenced by the level of family and community support which children experience and this factor is particularly evident for black and minority ethnic children who potentially (but not always) draw on a wider range of extended family and community relationships (Blagg, et al, 2000).
- 6.9. Like their mothers (Radford and Hester, 2006), many children will recover their competence and behavioural functioning once they are in a safer more secure environment (Mertin & Mohr, 2000) and with support have even proved to be effective social and political actors in securing resources for similarly affected children and young people (Houghton, 2006). In particular, children who are not continually subjected to post-separation violence and protracted court cases over child contact (Buchanan et al., 2001) show a much stronger pattern of recovery.

## **7. The impact of family and domestic violence on the relationship between women and their children**

- 7.1. This section draws substantially from the following publication: Humphreys, C., Thiara, R.K., Sharp, C. & Jones, J. (2015) Supporting the relationship between mothers and children

in the aftermath of domestic violence. In N. Stanley and C. Humphreys (eds) *Domestic Violence and Child Protection: New Challenges and Developments*, London, Jessica Kingsley Publications. 130-147)

- 7.2. Strengthening the mother-child relationship in the aftermath of domestic violence has been relatively slow in gaining traction as a legitimate intervention in a crisis driven service system. Attention to the impact of domestic violence on the mother-child relationship has been growing (Radford and Hester 2006; Casanueva et al, 2008), but the translation of this knowledge to policy and practice continues to be limited. A number of issues are relevant here.
- 7.3. The conceptualisation of domestic violence as an attack on the mother-child relationship remains marginalised within the field of domestic violence (Humphreys, Thiara and Skamballis 2011; Laing and Humphreys 2013). Differing approaches to recognition of individual trauma for women and for children alongside understandings of the impacts on women's mental health and the cognitive, behavioural and emotional well-being of children remain inappropriately siloed. While recognising that the physical health (Rivara, Anderson, Fishman, Bonomi et al 2007) and the emotional and behavioural development of children are compromised by domestic violence (Kitzmann, Gaylord, Holt & Kenny 2003; Holt, Buckley & Whelan 2008), the extent to which this impact is created by the domestic violence perpetrator undermining, directly or indirectly, the relationship between women and their children has been given less attention. Morris (2009) refers to these tactics of abuse as the Abusive Household Gender Regime (AHGR) to highlight the pervasive and gendered nature of the abuse.
- 7.4. To some extent, the 'failure to protect' discourse which focuses on the survivor's relationship with her children, has dominated the practice intervention (Nixon, 2011) and provides an example of a parallel 'failure to understand' from the professionals involved. Women are inappropriately held responsible for the protection of children with little or no emphasis on the 'invisible' perpetrator of violence and the provision of appropriate justice interventions and services for women and their children (Radford and Hester, 2006). In this process, the myriad ways in which the relationship between women and their children is undermined by the tactics of power, control and abuse is relegated to the margins of the professional's vision.
- 7.5. Little weight is placed on the ways in which the woman's availability to her children may be undermined by abuse. The woman's physical health may be compromised, sometimes through hospitalisation, but more frequently by painful disabling around her own home with issues such as back problems, painful bruising, and lack of sleep undermining her immune

system (Humphreys, 2007). Similarly, the attack on her mental and emotional well-being, creating depression, anxiety and trauma symptoms (Jordan, Campbell, Follingstad 2010) also indirectly affect the woman's ability to be with her children. Of particular concern is the impact of DFV on infants where the relationship with their mothers is critical for healthy neurological development. A longitudinal study of mothers and their babies by Woolhouse et al (2011) showed that of the 16% of women registering clinical depression in the sample of 1507 women, that 2-5 of these women were also experiencing DFV. The undermining of the mother's mental health is a critical way in which perpetrators of abuse indirectly undermine the mother-child relationship.

- 7.6. While emphasising the multiple ways in which domestic violence directly and indirectly impacts on women's relationships with their children, the resilience of that relationship should also not be under-estimated. The large scale US study sampled from a child protection population by Casanueva et al (2008) demonstrated that women took active steps to compensate for the violence of their partners. The parenting scores of women where the domestic violence was past rather than current were significantly higher (i.e. better) and were also comparable or more positive in their parenting behaviours than women drawn from a large scale national study of disadvantaged families (Casanueva, et al 2008). Interestingly, smacking was less common in the sample of women who had experienced domestic violence.
- 7.7. Supporting the mother-child relationship has not been assisted by the concentration of services at the point of crisis. Women who are fighting for their survival, managing court cases, and re-location are not well placed to attend groups or counselling sessions with their children.
- 7.8. A further barrier to supporting work to strengthen the mother-child relationship in the aftermath of abuse is created not only by the separation of adult and children's services, but also by the training of workers that often focuses exclusively on either work with adults or with children. Those workers with training in relationship counselling work which builds their confidence and skills to work with women and children together are specialist skills which relatively few workers in the domestic violence sector hold (Humphreys, Thiara & Skamballis, 2011). Lack of confidence also reduces workers' 'readiness' to carry out joint work with women and children.
- 7.9. In spite of a number of barriers, work focussed on strengthening the relationships between women and their children in the aftermath of violence has continued to develop. The randomised control trial by Lieberman et al (2006) which provided mother-child psychotherapy for a year for the intervention group and case management and individual

counselling for women and children in the control group showed significant and sustained improvements in behaviour and trauma measures for children and in the women's general distress levels relative to the control group.

- 7.10. Many parallel group programmes for women and children who have experienced domestic violence have developed in England, Canada, the US and Australia (Bunston, 2006). These groups are providing further evidence that recovery for women and children is more effective when interventions are linked. For example, an efficacy trial by Graham-Bermann et al (2007) compared parallel groups for women and their children with individual counselling for children, and a group of children on the waiting list. The results indicated that children's recovery was stronger when both women and children were experiencing parallel group interventions.

## **8. Conclusion**

- 8.1. In summary, women are most in danger of losing their employment when they are experiencing DFV. Paradoxically, employment may be their greatest source of security and recovery in relation to the violence they face. At any one time, DFV can be considered a health issue, a housing issue, a financial issue, a justice issue and/or a child protection issue. The pathway out of DFV will require women to access services and resources in any one or all of these areas. The entitlement for leave to be taken to secure these services is therefore an important and progressive step. However, supports within the organisation will also need to be developed to encourage women to access this entitlement. The workplace is potentially an important arena in which to counter domestic and family violence. An entitlement to leave can provide the catalyst for workplaces to play a stronger role in providing solutions to the scourge of this form of violence.

I, Cathy Humphreys, have made all the inquiries that I believe are desirable and appropriate and that no matters of significance that I regard as relevant have to my knowledge been withheld from the Fair Work Commission.



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