



**Australian
Human Rights
Commission**

Padma Raman

Executive Director AHRC

9 November 2016

**Expanding Domestic
and Family Violence
Death Review Functions**

Aims of the report



- To explain the importance of the death review function in Australia;
- To set out the argument for a national system of domestic and family violence death review;
- To encourage all states and territories to contribute to the domestic and family violence National Minimum Dataset;
- To explain the actions that are required to develop a national system;
- To highlight the work that has been done to date to establish a national system;
- To gain commitment from all Australian Governments to complete this work.

Methodology



- Literature review
- Questionnaire to Coroners, the Western Australian Ombudsman, and Domestic and Family Violence Death Review Teams
- Meetings with Coroners and the Western Australia Ombudsman
- Meetings with the Australian Domestic Violence Death Review Network members
- Meetings with National Coronial Information Service and Australia's National Research Organisation for Women's Safety.

Human rights obligations

Australia has obligations under three human rights treaties to collect empirical data about domestic violence deaths and develop interventions based on this evidence.

The death review function fulfils Australia's obligations under the following treaties:

- The *Convention on the Rights of the Child*;
- The *Convention on the Elimination of Discrimination Against Women*; and
- The *International Covenant on Civil and Political Rights* (ICCPR).

Available Australian data

VICHEALTH study: violence is a leading cause of ill-health and death among women aged between 15 and 44 years in Victoria.

Of the women who had experienced violence from an ex-partner:

- **73 percent** had experienced more than one incident of violence;
- **61 percent** had children in their care when the violence occurred, including 48 percent who stated the children had seen the violence;
- **58 percent** had never contacted the police; and
- **24 percent** had never sought advice or support.

Available Australian data

- Of the 479 homicide incidents in Australia from 2010 to 2012, 196 occurred in a domestic context. This is over **40 percent** of all homicides in Australia.
- 121 deaths or 62 percent, were of women or girls.
- Of the 109 intimate partner homicides, 83 or more than 76 percent were of women.

CHART 1: DOMESTIC HOMICIDE BY SEX OF VICTIMS, 2010–12¹

Domestic Homicide Type	Male (n=75)		Female (n=121)	
	n	%	n	%
Intimate partner	26	24	83	76
Filicide	21	50	21	50
Parricide	11	48	12	52
Sibicide	5	83	1	17
Other family homicide	12	75	4	25
Total Domestic	75	38	121	62

SOURCE: AUSTRALIAN INSTITUTE OF CRIMINOLOGY

Australian Institute of Criminology, *Homicide in Australia 2010-12*, Australian Government. At http://aic.gov.au/publications/current%20series/mr/21-40/mr23/04_homicide-2010-12.html (Viewed 29 March 2016).

Aboriginal and Torres Strait Islander women and their children are more likely to experience violence than any other section of society.

Aboriginal and Torres Strait Islander women are **five times** more likely than non-Indigenous women to be homicide victims.

Rates of domestic assault reported to police are also more than **six times** higher for Indigenous women.

Models of death review in Australian states and territories

.....

There is no one-size-fits all model for domestic and family violence death review.

Death Review Teams vary in their structure, mandate, resources and history. Some of these differences reflect the history of the development of the Team or the size of the population and different caseload requirements.

A coherent national system of death review is needed to:

- Collect and collate reliable domestic and family violence death data across all jurisdictions;
- Investigate cross-jurisdictional system failures;
- To understand patterns of deaths and identify vulnerable groups;
- Monitor recommendations made to federal agencies; and
- Inform Commonwealth funding bodies and decision-makers about targeted strategies for community safety.

Guiding Principles for Domestic and Family Violence Death Review



The Australian Domestic Violence Death Review Network has developed a set of principles that underpin the effective functioning of the death review process. In order to create a consistent national approach, newly established Death Review Teams or functions should be guided by the same principles.

Australian Domestic and Family Violence Death Review Network has developed a Homicide Consensus Statement which defines the inclusion criteria adopted by the Network for domestic and family violence homicide. The Network has also developed a preliminary data collection protocol for use by Network members. The goal of this data collection is to develop a staged standardised National dataset concerning domestic violence homicides.

Australia does not have a funded entity to collate and prepare reports about national trends in domestic and family violence deaths or report on recommendations made to Federal agencies and implementation action.

Draft Recommendations

1. CoAG and the Commonwealth Government support efforts in Tasmania, the Australian Capital Territory and the Northern Territory to develop the domestic and family violence death review function.
2. Commitment is given by the Commonwealth, State and Territory Governments and all Domestic and Family Violence Death Review teams to collecting data for a National Minimum Dataset on domestic and family violence death using the Australian Domestic and Family Violence Death Review Network National Data Collection Protocol and Homicide Consensus Statement.
3. Consideration be given to including a commitment to scope the necessary steps to meet these recommendations as part of the Third Action Plan (2016–2019) of the National Plan to Reduce Violence against Women and their Children 2010-2022.

4. The Australian Domestic and Family Violence Death Review Network be provided with funding to train new Death Review Teams (once established) on data collection protocols for the National Minimum Dataset.
5. The Commonwealth Government ensure that meaningful national level data is collated to death prevention measures are based on empirical evidence, including evidence from domestic violence death reviews.
6. All governments design measures to protect vulnerable groups including women and children and especially those from Aboriginal and Torres Strait Islander communities using evidence collected from domestic and family violence death review.

7. Each jurisdiction ensure that it has a family violence death review process by developing or maintaining a model appropriate to jurisdictional requirements within the parameters of the death review principles and definitions developed by the Australian Domestic Violence Death Review Network.
8. The Homicide Consensus Statement and National Data Collection Protocol of the Australian Domestic and Family Violence Death Review Network be used as the template for the National Minimum Dataset on Domestic and Family Violence Deaths.
9. In the short-term, the Commonwealth Government provide funding to an appropriate organisation to collect and collate national data on domestic and family violence deaths and report on available data.

10. That the Commonwealth Government introduce a mechanism to identify all recommendations made to Federal government agencies and monitoring processes to identify actions taken to respond or implement Coronial recommendations.
11. That in the longer term, the Commonwealth Government review potential legislative or other mechanisms to establish an entity (or bestow on an existing entity) with a mandate and function to monitor and report on national domestic violence deaths and the implementation of coronial recommendations made to federal agencies.

Next steps ...

