

New laws to protect victims of domestic violence

Factsheet - October 2018

The NSW Government has changed the law to protect and support victims of domestic violence (DV) better. The changes strengthen NSW's Apprehended Domestic Violence Order (ADVO) regime and make it easier to recognise and punish offenders who strangle their intimate partners.

These changes complement the NSW Government's investment of more than \$390 million over four years in DV initiatives to provide greater protection for women, children and men in NSW.

Strengthening ADVOs

Evidence shows ADVOs are an important tool for protecting victims of DV and reducing reoffending, however there were limitations on how they were made and applied. Under the new laws:

- Courts will now consider DV holistically to tailor ADVOs to the needs of victims, including indefinite ADVOs in the most severe cases.
- The default duration of ADVOs for adults has been increased from 12 months to two years to better align with other Australian jurisdictions.
- ADVOs will now remain in force for two years following the release of an adult offender from prison, unless the court determines otherwise.
- The NSW Police Force has new powers to respond to serious and immediate risks to the safety of a victim by strengthening the conditions of an offender's ADVO.

New strangulation offence

Strangulation is a red flag for future DV abuse and homicide. DV strangulation was often prosecuted under lesser charges such as common assault, which has a maximum penalty of two years imprisonment.

The new, simplified offence specifically formulated to address DV strangulation carries a maximum penalty of five years imprisonment. The offence covers circumstances where a person chokes, suffocates or strangles another person without consent.

These changes address recommendations of the [NSW Domestic Violence Death Review Team Report 2015 to 2017](#) aimed at preventing DV and saving lives.

How do these changes protect and support victims?

- The new offence enables more DV strangulation offenders to be prosecuted, recognising the risk this offence presents to victims.
- Victims won't need to reapply to the courts to have an ADVO extended every year, or when an offender is released from prison. This provides victims with greater certainty around their protections and helps prevent unnecessary trauma and inconvenience.
- Having an ADVO in place when an offender is released from prison helps protect victims while the offender is transitioning back into the community.
- New Police powers enable immediate action to be taken to prevent the escalation of violence, making ADVOs more responsive and better protecting DV victims.

What else are we doing to protect victims and reduce DV reoffending?

The NSW Government provides a range of services to support victims of crime, including a network of Women's DV Court Advocacy Services and the Safer Pathway program (see case study to right). In addition, we made reducing DV reoffending one of our highest priorities by establishing it as a Premier's Priority target in 2015. A sustained focus on reducing reoffending will protect victims by preventing future crime.

To support achievement of the Premier's Priority, we are delivering a significant and innovative program of work focused on: intervening earlier; driving behaviour change amongst sentenced offenders; and actively monitoring and policing high risk offenders.

Key achievements include:

- Establishing **Police DV High Risk Offender Teams** to investigate serious DV matters and provide greater protection for victims following a DV assault.
- **Reforms to sentencing** to introduce a presumption that DV offenders will either receive a supervised community-based sentence or be imprisoned (unless there are clear reasons why another sentence is more appropriate). The reforms direct more DV offenders to Community Corrections for risk assessment and supervision. Supervision by Community Corrections is proven to reduce reoffending.
- **GPS tracking** for high risk DV offenders released into the community on supervised parole orders or community-based sentences. Matched devices are also offered to victims so they can monitor offenders' proximity and deploy an emergency response if required.
- The **What's Your Plan?** pilot program to reduce ADVO breaches and offending. This program is currently being trialled with Aboriginal and Torres Strait Islander defendants in many local courts across NSW. The program provides one-on-one sessions to ensure defendants understand and have a plan to comply with their ADVO conditions.
- **New High Intensity Program Units** are extending delivery of behaviour change programs to offenders with short custodial sentences.
- **ReINVEST**, a world first trial examining whether antidepressant treatments can reduce DV offending behaviour amongst highly impulsive men.

Direct support for DV victims

Safer Pathway was launched in September 2014, as part of the NSW Government's 'It Stops Here' domestic and family violence reforms. The program aims to ensure that all victims of domestic violence receive a timely, effective and consistent response, regardless of where they live.

The supports provided as part of this response are tailored to each individual's specific needs and threat level. It also ensures that victims at serious threat are prioritised and government and non-government service providers work together to reduce the number of domestic violence-related homicides.

Safer Pathway has provided support to many victims who have experienced strangulation by an intimate partner. Mandy (not her real name) was referred to a Safer Pathway Local Co-ordination Point (LCP) after NSW Police responded to a call out from neighbours and identified Mandy 'at serious threat'. LCP staff made contact with Mandy to speak with her about the incident in more detail and ascertain what medical treatment she had sought after the incident. LCP staff advised her of the short and long term consequences of strangulation and encouraged her to go back to her GP for further follow up.

Mandy's case was also referred and discussed at the local Safety Action Meeting. As a result, health representatives were able to refer Mandy, with her consent, to the hospital's Medical Director for Sexual Assault for specialised medical investigations and treatment.

For more information about how Safer Pathway supports victims of domestic violence go to: www.women.nsw.gov.au/violence_prevention/Safer_Pathway

For more information about how we are improving the justice system to respond to domestic and family violence, go to:

www.crimeprevention.nsw.gov.au/domesticviolence/