

National Collective of Independent Women's Refuges

Annual Conference

Friday, 4 November 2011

10.30 am

Tuturu Pumau Te Hotu Manawa O Rangitaane O Manawatu Marae

140 – 148 Maxwells Line

Palmerston North

**“INVESTING IN LIFE: MEETING THE COST OF FAMILY VIOLENCE”**

“Family violence is the cradle for the perpetuation of violence in the community”. That statement was made in 1987, by the Ministerial Committee of Inquiry into Violence – the so-called Roper Report. More than two decades have passed and yet that statement remains as true today as when it was first and so pointedly expressed. Today we are very much concerned about law and order issues and their effect on the economy. My concern is that unless we are able to do more to seriously address an issue that affects our community at its very core then, to borrow Sir Clinton Roper's phrase, the 'cradle' will indeed fall. The consequences of increased family violence will not only continue to devastate the lives of those caught in it but will erode the basis of what we are striving to create for all – a fair, just, equitable, and ultimately civilised, society. I wish to spend a little time with you today in discussing the impact of family violence in New Zealand and what our investment in addressing it for the future should be.

But first things first. It is a privilege to be asked to come and address you at your Annual Conference. I deeply respect the work and the services that refuges provide. They are a vital part of helping victims of violence in New Zealand.

I also want to pay a tribute to your leadership. You are led and managed with great skill. In your Chief Executive, Heather Henare, you have a determined advocate and yet a diplomatic negotiator. It means that although we must often approach some issues from different perspectives, we do so with respect and with dignity. I express my gratitude and my admiration.

We all know that New Zealand has a major family violence problem. Little has changed since the Family Violence Taskforce was founded in 2005. Let me take you back to the statistics which faced the new Taskforce when it was set up.

The Programme of Action July 2006 – June 2007 stated:<sup>1</sup>

Family violence impacts on the lives of thousands of New Zealanders.

- In 2005, 29 of 61 murders were recorded as family violence-related.
- In 2005, New Zealand Police recorded 62,470 incidents involving family/whānau violence, at which 62,615 children and young people under the age of 17 were involved.
- Between July 2004 and June 2005, Child, Youth and Family received 53,097 notifications, 43,460 of which required further action. Data for the last three to four years indicate that just less than a third of client investigations have substantiated abuse findings.<sup>2</sup>
- In 2005, Women's Refuge supported 17,212 women and 9,904 children.
- There is very little local research on elder abuse and neglect, but a United Nations study on elder abuse and neglect in developed countries suggests that up to 50,000 older New Zealanders may experience abuse and neglect.

It was against that background that the Taskforce's first Programme of Action was launched and the key messages, which I want to reiterate and reinforce today, are these:<sup>3</sup>

### **Key Messages**

- New Zealand's rates of child abuse and neglect, levels of domestic violence, deaths of children and women, and the rate of elder abuse are shameful.
- It will take the actions of all New Zealanders to achieve our vision of a society in which all families/whānau have healthy, respectful stable relationships, free from violence.
- Eliminating family violence is going to take many years.
- Prevention is not just a matter of stopping violence – it is about building a society that supports all people to flourish, and in which violence is extremely rare or non-existent.
- It is essential that social attitudes do not tolerate, reinforce or support family violence.
- Prevention happens best through developing skills and knowledge that builds the capacity of individuals and families in settings such as schools, health services and communities to get the best from life and to cope with difficult circumstances when they occur.
- When family violence does happen, responses must be co-ordinated, and friends, workmates, family and community must be supported to prevent it happening again.

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<sup>1</sup> Taskforce for Action on Violence within Families "1<sup>st</sup> Report: Programme of Action July 2006 – July 2007" at 4.

<sup>2</sup> Not all abuse findings relate to family violence. Some will be a result of abuse by other adults who have responsibility for children, e.g. child minders, teachers, church groups, sports groups. CYF/Police are involved in these cases at least until it is established that families can provide ongoing protection.

<sup>3</sup> Taskforce for Action on Violence within Families "1<sup>st</sup> Report: Programme of Action July 2006 – July 2007" at 6.

- A strong community sector is essential, with adequate funding, flexible contracts and good relationships with government agencies

On 1 April this year, the Police released two separate sets of statistics; the first dealing with crime statistics in 2010 and the second, a victims of homicide report. In the accompanying commentary to those crime statistics, the Police provided some family violence context:<sup>4</sup>

Last year New Zealand Police received over 65,000 calls for service concerning domestic disputes. International research suggests that approximately 80% goes unreported, generally becoming more severe and frequent over time.

Despite an overall reduction in recorded assaults nationally (-1.9%) in 2010, recorded family violence assaults increased by 1.2%. This increase occurred in the first half of the year, continuing the trend from recent years. Recorded family violence assaults in the second half of 2010 decreased. Over half of recorded serious assaults are family violence.

67% of the total family violence incidents recorded by New Zealand Police in the 2009/2010 fiscal year involved either current or ex partners in an intimate partner relationship and children were recorded as either being present or normally resident at approximately half of all family violence occurrences.

Recorded sexual assault offences increased by 3.6% in 2010. This increase was driven almost entirely by sexual assault in intimate partner relationships family violence. However, we know that most such offences go unreported to police, so this increase may be due to an increased in reporting rate.

That position is a little different to the latest statistics produced by the Police on 3 October 2011. The briefing to members of the Family Violence Task Force on “Family Violence Offences in the year ending 30 June 2011” contains the following:<sup>5</sup>

There were 1,696 fewer family violence offences recorded in 2010-11 than in 2009-10 (-3.1%). Within this figure there were 555 fewer family violence assaults (-2.1%).

Family violence offences represent the number of recorded offences detected in situations where some degree of family violence is present. For example, if drugs are found by police attending a family violence assault, a drugs possession offence would be recorded as being family violence related. Whether or not these offences involve actual violence depends on the ingredients of the offence.

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<sup>4</sup> Police communication to the Family Violence Taskforce (31 March 2011).

<sup>5</sup> Police communication to the Family Violence Taskforce (3 October 2011).

All Districts, other than Eastern, Wellington and Central, recorded fewer family violence offences in 2010-11 than in the previous year. Both Wellington and Central Districts had negligible increases (+22 and +5 offences respectively). However, Eastern District recorded 646 more family violence offences (+14.5%). Eastern District personnel believe that the increase was caused by an increase in reporting.

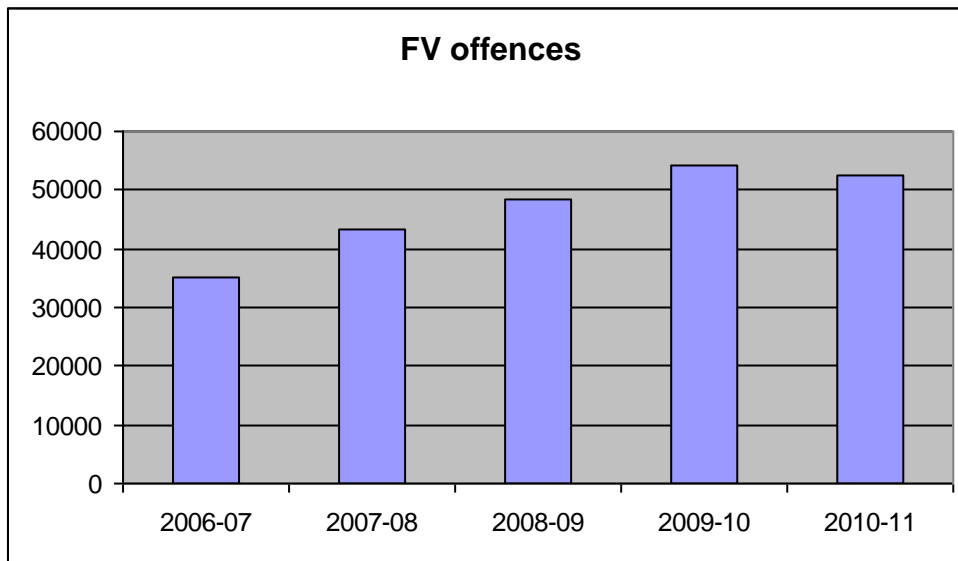
<b>District</b>	<b>2009/10</b>	<b>2010/11</b>	<b>Variance</b>	<b>% change</b>
Northland	2327	2225	-102	-4.4%
Waitematā	4937	4550	-387	-7.8%
Auckland	3412	3063	-349	-10.2%
Counties Manukau	9497	8652	-845	-8.9%
Waikato	5059	4854	-205	-4.1%
Bay of Plenty	5322	5238	-84	-1.6%
Eastern	4443	5089	+646	+14.5%
Central	4159	4164	+5	+0.1%
Wellington	5828	5850	+22	+0.4%
Tasman	1878	1868	-10	-0.5%
Canterbury	4043	4026	-17	-0.4%
Southern	3199	2829	-370	-11.6%
<b>TOTAL</b>	<b>54,104</b>	<b>52,408</b>	<b>-1,696</b>	<b>-3.1%</b>

The Police briefing continues:<sup>6</sup>

As illustrated in the following chart, the 3.1% drop in recorded family violence offences that occurred in 2010-11 marks a strong reversal in the steady upward trend of recent years.

<sup>6</sup>

Police communication to the Family Violence Taskforce (3 October 2011).



I question whether a 3.1% drop can really be described as “a strong reversal”. I have my doubts as to whether these latest figures mark a turning point in family violence and I think we need to ask some questions about the extent to which these statistics tell a true story.

For now, family violence remains a major issue.

The Taskforce’s current Programme of Action for 1 July 2011 to 30 June 2012 notes:<sup>7</sup>

Family violence is also a major driver of crime. Family violence contributes directly to approximately half of all violent crime in New Zealand ... children who grow up experiencing violence in their families/whānau are more likely to develop severe cognitive and behavioural problems; become violent as adolescents; and in due course continue the cycle of family violence with their own partner and children.

What do we know about the impact of family violence on New Zealand’s economy? It appears that there is little current New Zealand research on the subject. In 2009 the Australians commissioned research from the accounting firm KPMG and a report prepared for the Australian National Council to reduce Violence against Women and Children projected that violence against women cost the Australian economy around AUD\$13.6 billion in 2008-2009.<sup>8</sup> As long as 15 years ago in New Zealand, the well-known economist

<sup>7</sup> Taskforce for Action on Violence within Families “Taskforce Programme of Action 1 July 2011 – 30 June 2012” at 1.

<sup>8</sup> KPMG *The Cost of Violence Against Women and their Children* (prepared for The National Council to Reduce Violence Against Women and their Children, March 2009) at 34.

Suzanne Snively concluded that the economic cost of family violence for 1993 to 1994 was between NZ\$1.1 and NZ\$5.3 billion per year.<sup>9</sup> A report undertaken by Infometrics for Every Child Counts in 2008 entitled “The Nature of Economic Costs of Child Abuse and Neglect in New Zealand” suggested that every year child abuse and neglect generates a long-term bill that is equivalent to around NZ\$2 billion (or over 1% of GDP).<sup>10</sup> This helps us understand that this area of violence and abuse costs our country dearly. Can we be more accurate as to what current financial costs are likely to be?

At a Women’s & Children’s Summit on Violence Against Women & Children which occurred on 28 September this year, Dr Janet Fanslow, a senior lecturer in mental health promotion gave a stunning address overviewing New Zealand’s family violence context and our response. She referred to research she had undertaken with Elizabeth Robinson which was published in the New Zealand Medical Journal in 2004.<sup>11</sup> Her research is fairly and squarely aimed at demonstrating the drain on the health budget which occurs through the occurrence of family violence. She reported that so far as non-partners were concerned, “[a]t least one act of physical violence inflicted by non-partners, in their lifetime was reported by 15% of participants in the Auckland area and 17% in north Waikato, while sexual violence by non-partners was reported by 9% and 12% of women in Auckland and north Waikato respectively.<sup>12</sup>

However the position was quite different in relation to intimate partner violence. She reported that:<sup>13</sup>

[t]hirty-three percent of participants in Auckland, and 39% in north Waikato, reported that they had experienced at least one act of physical and/or sexual violence by an intimate partner in their lifetime. Experience of physical and/or sexual violence by an intimate partner within the previous 12 months was reported by approximately 5% of respondents (Table 3). Of those who had experienced moderate or severe physical violence, 42.4% (n=362), had also experienced sexual violence.

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<sup>9</sup> Suzanne Snively *The New Zealand Economic Costs of Family Violence* (Coopers and Lybrand, Auckland, 1994).

<sup>10</sup> Infometrics Ltd *The Nature of economic costs from child abuse and neglect in New Zealand* (prepared for Every Child Counts, August 2008) at 12.

<sup>11</sup> Janet Fanslow and Elizabeth Robinson “Violence against women in New Zealand: prevalence and health consequences” (2004) 117 NZ Med J 1206.

<sup>12</sup> Ibid at 3.

<sup>13</sup> Ibid at 4.

This is shown in the table below:<sup>14</sup>

Violence type	Auckland (n=1,309)		Waikato (n=1,360)*	
	Lifetime % (95% CI)	Past 12 months % (95% CI)	Lifetime % (95% CI)	Past 12 months % (95% CI)
<b>Physical IPV</b>				
-Any	30.2 (27.3–33.1)	5.3 (4.0–6.6)	34.4 (31.7–37.1)	(3.3–6.2)
-Moderate	11.3 (9.3–13.3)	2.6 (1.6–3.5)	11.1 (9.4–12.8)	1.4 (0.7–2.1)
-Severe	18.9 (16.3–21.4)	2.8 (1.7–3.8)	23.4 (20.9–25.9)	3.4 (2.0–4.7)
<b>Sexual IPV</b>	14.1 (11.9–16.3)	2.1 (1.2–3.0)	19.9 (17.7–22.2)	1.5 (0.7–2.4)
<b>Physical and/or sexual</b>	33.1 (30.1–36.2)	5.7 (4.3–7.0)	38.8 (35.9–41.6)	5.4 (3.8–6.9)

\*5 women chose not to answer questions on IPV (intimate personal violence).

In her discussion on the wealth of statistical data presented, only some of which I have referred to, Dr Fanslow commented:<sup>15</sup>

[c]ollectively, the weight of this evidence supports the view that lifetime experience of IPV is a major contributor to women’s ill-health, and may underpin a broad range of health outcomes. Furthermore, when combined with the information that approximately 40% of women with a lifetime experience of IPV had presented to a healthcare provider (usually a GP) within the previous 4 weeks, the findings have considerable implications for health care delivery.

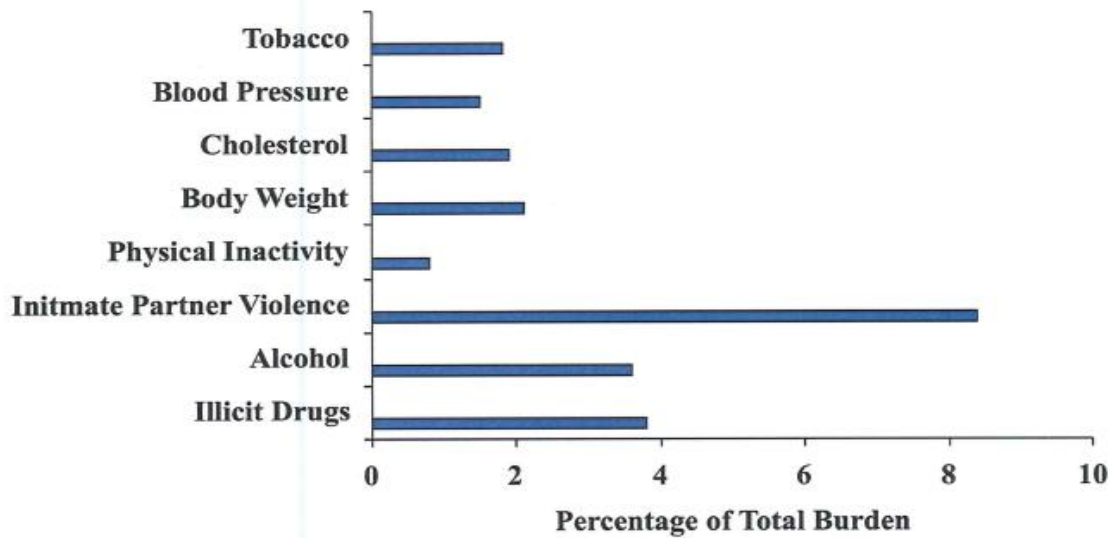
Our close neighbours Australia have done a little more detailed research on consequences of family violence and its impact on the economy and the following graphically places family violence in context in terms of its consequences for health:<sup>16</sup>

<sup>14</sup> Janet Fanslow and Elizabeth Robinson “Violence against women in New Zealand: prevalence and health consequences” (2004) 117 NZ Med J 1206 at 5.

<sup>15</sup> Ibid at 9.

<sup>16</sup> VicHealth < <http://www.vichealth.vic.gov.au>>.

## Top 8 Risk Factors contributing to the disease burden in women from Victoria, Australia (15-44 yrs)

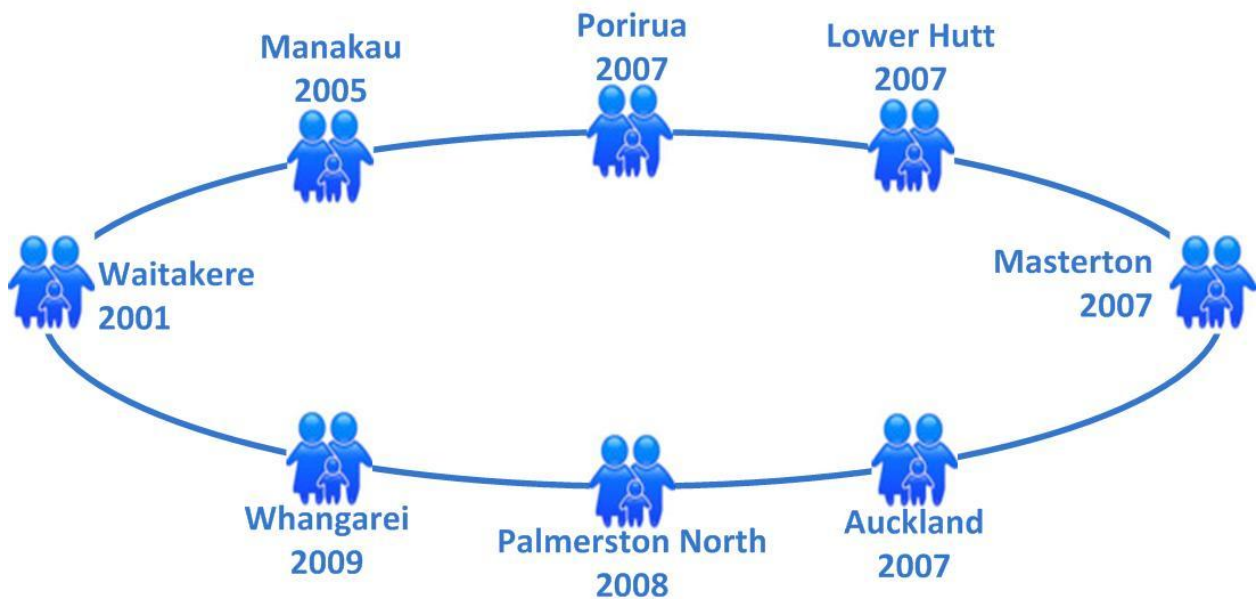


The impact on the health sector and the economy is significant. The consequences for law and order and in the Justice sector are also demonstrable.

Part of our response, in the judiciary, to acknowledge and commence addressing the special features of family violence was to create family violence courts and there are now eight of these. Their locations and dates of establishment are:<sup>17</sup>

<sup>17</sup>





The Family Violence Court Annual Report 2010-2011 reiterates the guiding principles of the family violence courts:<sup>18</sup>

- Promoting victim safety;
- Making sure that those affected by family violence get the right support and education;
- Reducing the time it takes for family violence cases to be heard and resolved; and
- Getting offenders to take responsibility for their actions and think about how they affect other people.

I would have to say however that the sheer volume of cases coming into our family violence courts means that in some respects we are struggling.

<sup>18</sup>

**Number of cases disposed in the Family Violence Courts in the 2010/2011 financial year<sup>19</sup>**

FVC	Number of Cases Disposed per Quarter				
	Q1	Q2	Q3	Q4	Total
Auckland	192	156	165	190	<b>703</b>
Lower Hutt	119	103	90	88	<b>400</b>
Manukau	305	399	390	463	<b>1557</b>
Masterton	71	67	58	66	<b>262</b>
Palmerston North	62	55	67	90	<b>274</b>
Porirua	102	97	132	125	<b>456</b>
Waitakere	111	93	103	86	<b>393</b>
Whangarei	92	115	130	93	<b>430</b>
<b>Total</b>	<b>1054</b>	<b>1085</b>	<b>1135</b>	<b>1201</b>	<b>4475</b>

You will detect from these figures that Manukau has an impossibly high workload whereas some courts such as Palmerston North where we are at present, has a much more comfortable workflow.

I said initially that the latest Police statistics needed to be considered somewhat carefully and that remains my view. The Police statistics suggest a reduction in family violence offences of 7.8% in Waitemata, 10.2% in Auckland and 8.9% in Counties Manukau. And yet our family violence court statistics demonstrate there is no let up in the number of cases coming into our courts.

Can we look to latest Police statistics to give us hope and optimism that family violence is on the way down? Generally, since 1996, the rate of crime has diminished. The latest Police statistics show an overall drop in recorded crime of 5.8%. A drop in family violence is said to have occurred by 3.1%. But crucial to accurate recording is whether or not an incident is recognised as being family violence when Police attend. In some cases it will be obvious but in others that will not be so.

<sup>19</sup> Family Violence Court Annual Report 1 July 2010 – 30 June 2011 at 4.

There is no evidence of any systemic change by Police to explain why it is that in one region in particular, Eastern, recorded family violence offences have increased by 14.5%. There is equally no explanation as to why Waitemata, Auckland and Counties Manukau have shown such a demonstrable drop said to be below the national percentage drop of 3.1%. I think we can deduce that the tide may have turned and that reported family violence may have levelled off and dropped slightly. But I do not think that more can be read into the specific statistics than that. Regrettably, I think it premature to suggest that rates of family violence in New Zealand are dropping to any great extent.

The Police are dependent on good training amongst front line staff and an acute recognition of what is family violence. That may not always be as evident as it is in other forms of crime.

Therefore, when I look at family violence coming into the Family Violence Courts and the impact of violence in the Health sector, I think it more likely than not that family violence is not dropping significantly and certainly not doing so in accordance with a general decline in reported crime. We have much work yet to do.

We need to be clinical about these things but all the same, optimistic and encouraged by the work we do. As the Family Violence Taskforce's first report said, elimination of family violence will take a long time. But the investment in doing so is worth it both from a Health and Justice point of view.

I fear that investment in elimination of family violence may need to compete strongly with other demands and I believe we need to be very vigilant on this front.

In a paper released on 20 September this year entitled "Reviewing the Family Court – a public consultation paper" the Government has addressed how family violence cases are handled in the Family Court. The report notes that "it is critical that the Family Court's processes respond effectively to family violence to ensure the safety of victims and children."<sup>20</sup> A sound and encouraging statement. The report contains some detail on protection orders:<sup>21</sup>

Applicants for protection orders issued under the Domestic Violence Act 1995 are prioritised in the Court system. On average, 3982 urgent applications for protection

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<sup>20</sup> Ministry of Justice "Reviewing the Family Court: A public consultation paper" (2011) at [252].

<sup>21</sup> Ibid at [253].

orders were applied for each year from 2005/06 to 2009/10. Most of these protection orders are usually issued on the papers on the same day. On average, a further 540 protection orders were applied for on notice each year during the same period.

The report goes on to discuss the effectiveness of stopping violence programmes which are mandated when the court makes protection orders and the question is posed as to whether types of programmes “should be managed through the Courts or whether it would be more efficient to have these services provided by the Ministry of Social Development or contracted community agencies.”<sup>22</sup>

The public is asked to respond by expressing a view on whether the mandatory requirement to attend stopping violence programmes should be removed and whether the real focus of the Justice system should be on swift and effective enforcement of protection orders. Importantly, the question is asked “should government investment be refocused on supporting families including providing protection order applicants and respondents with access to social services?”<sup>23</sup>

I warn that the investment in this area should not be compromised or lost. I have long posed the question as to whether the Family Court is the correct vehicle to oversee and enforce attendance at programmes by perpetrators of violence. But I warn against the loss of mandatory programmes under the guise of suggesting that some other Government agency will fill the void. There must be real consequences for those who commit violence, including being held accountable for their actions. In the Family Court there should continue to be a requirement that perpetrators of violence must attend stopping violence programmes. However the style of programmes and oversight out of the court are legitimate questions to pose for discussion. My feeling is that we have a long way to go before we arrive at a cohesive stopping violence strategy, including who attends programmes as well as the style and duration of the programmes that are available.

I believe that the Family Violence Unit plans to undertake an evaluation of what has worked and what may not have worked so far as programmes are concerned, as a part of an overview of what happens within the Justice sector. This is very important.

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<sup>22</sup> Ibid at [258].

<sup>23</sup> Ibid.

I'm afraid we have a tendency to enact legislation which appears correct at the time but subsequently we may find that that is not so. I have not the least doubt that the Domestic Violence Act should be amended so far as its scheme as to provisions of programmes is concerned.

In the first place, currently all respondents against whom we make protection orders are compelled to go to a programme, and the legislation makes no attempt to differentiate what sort of programme a respondent might need and its duration. Some may need very little programme time. Some, in the psychopathic category, might need programmes for a significant length of time.

We cannot begin to get programmes right for respondents unless we know whether they are effective, whether they work and whether we are spending our money wisely. We know none of these things at the moment.

For victims of violence and for children, programmes are not mandatory but judges may recommend attendance at programmes. But there is little administrative support to enable these important programmes to be offered and taken up. It is at least arguable that programmes for victims of violence are more important than programmes for perpetrators. And yet the legislation is largely ineffective in offering real support to victims of violence, other than through the making of the protection order itself.

I hope that all of these issues will at last be grasped, and action taken, as a result of work in this area that the Family Violence Taskforce has initiated.

This is a time when a very clear stake should be driven into the ground to mark the impact of family violence in New Zealand, and the demonstrable cost it has in the Health and Justice sector budgets. I suggest that the investment we are prepared to make now to stem rising family violence may be the only way that we are able to prevent a higher cost for the future, both in human and financial terms. Since it was first brought to our attention at an official level, in 1987, the ball has been passed on to us. We cannot afford to drop it.

[SPEECH ENDS]