

ANOTHER CLOSET

LGBTIQ DOMESTIC & FAMILY VIOLENCE

This booklet contains information and referral details for people who may be experiencing abuse within LGBTIQ domestic & family violence

www.anothercloset.com.au

RELATIONSHIP CHECKLIST

Domestic and family violence can take many forms.
To assess your relationship, answer the following questions.

Do you:

- change your behaviour or your appearance so your partner doesn't get angry?
- avoid talking about money or other topics?
- feel scared, anxious or like you are 'walking on eggshells'?
- cut yourself off from your friends or family?

Has or does your partner (or ex-partner):

- humiliate you, call you names or make fun of you or your body in a way that is designed to hurt or control you?
- threaten to 'out' your sexuality, gender (identity, expression or history) or intersex to your friends, family or work?
- threaten to 'out' your health status (i.e HIV status)?
- prevent you from attending LGBTIQ events or venues?
- have sudden outbursts of anger?
- act over-protective or become jealous for no reason?
- make it difficult to, or prevent you, seeing friends or family?
- control your money against your will?
- monitor, harass or stalk you through social media?
- threaten you with violence or hit you, kick you or throw things at you?
- slap, push or shove you, or otherwise physically intimidate or hurt you?
- physically or emotionally hurt your children or family members?
- harm, or threaten to harm, your pets?
- force you to engage in sexual acts that you don't want to do?
- lock you in the house or make it difficult for you to leave?
- control your access to your medication (including hormones) or prevent you from taking your medication?
- monitor your text messages, email or phone calls?
- convince you to doubt your own judgement or memory of events?
- pressure you to act more or look more "male" or more "female"?
- insist that you must have medical treatment to appear more "male" or "female" or pressure you to conform to a particular gender stereotype?
- tell you that this is just the way LGBTIQ relationships are or that domestic violence doesn't exist in LGBTIQ relationships?
- pressure you to have surgery to "normalise" your body, sex organs or physical appearance?

If you answered 'yes' to any of these questions you may be experiencing domestic and family violence. To speak to someone, go to Chapter 7: Finding information, help and support at the back of this booklet.



**Information about LGBTIQ
domestic and family violence**



**Gaining a better understanding of
LGBTIQ domestic and family violence**



**Safety Planning and
Your Rights**



**Reporting to police and Apprehended
Domestic Violence Orders (ADVO)**



**Recovering from domestic
and family violence**



**Supporting a friend
or family member**



**Finding information,
help and support**



Information About LGBTIQ Domestic and Family Violence

"I became ashamed about being gay, about being sexually attractive and about having sexual desires. It was like going back into the closet."

David, 27

Introduction

Most LGBTIQ relationships are built on love and respect. Some are built on abuse and control. Abuse and control in a relationship is domestic and family violence.

This booklet is for LGBTIQ people in relationships who are or may be experiencing domestic and family violence. It contains information on what domestic and family violence is, what to do if you are experiencing abuse, suggestions on making a safety plan, and details for some referral options in NSW. It also has information for supporting a friend or family member who is experiencing abuse.

The information in this booklet is also available on the Another Closet website at: www.anothercloset.com.au

This publication focuses on domestic and family violence issues for people in LGBTIQ relationships.



Definitions

In this publication we use the acronym LGBTIQ to refer collectively and inclusively to people of diverse sexualities, and genders, and intersex people. This includes people who may or may not identify as LGBTIQ or as being in an exclusively same-sex, bisexual, pansexual or heterosexual relationship.

Another Closet aims to use inclusive language that is respectful of the diverse ways in which a person may identify their gender, sexuality, lived body experience and relationships.

To assist readers in understanding the terminology used in this booklet and for people who may want to find a language to work with LGBTIQ communities, short, non-exclusive definitions of key words are provided below.

More information can be found in the National LGBTI Health Alliance's factsheet 'Inclusive Language Guide: Respecting People of Intersex, Trans and Gender Diverse Experience' at www.lgbtihealth.org.au.

Intersex: An umbrella term used to describe people who have natural physical variations that differ from conventional ideas about 'female' or 'male' bodies. Intersex people may identify as a woman or man, or any other gender identity. Intersex is not a sexual orientation.

Cisgender: When a person is cisgender, they identify as the gender that matches the sex that they were assigned at birth. A transgender woman is a person who was assigned male at birth but who identifies as a female, while a cisgender woman is a person who was assigned female at birth and identifies as female.

Queer: Used as an umbrella term encompassing people whose gender and/or sexual identity does not fit within the 'norm'.

Sistergirl: may be used by some Aboriginal and Torres Strait Islander peoples to describe male-assigned people who live partly or fully as women.

Brotherboy: may be used by some Aboriginal and Torres Strait Islander peoples to describe female-assigned people who live partly or fully as men.

Transgender and Gender Diverse: The term transgender (or trans) is an umbrella term referring to people whose gender identity is different to what was assumed at birth, a transgender person may identify as specifically transgender or simply as male or female, or outside of these binaries. Gender diverse is also an umbrella term that acknowledges the many different ways people may identify their gender; examples include agender, gender fluid, non-binary and genderqueer. Gender identity is not a sexual orientation.



What is Domestic and Family Violence?

Domestic and family violence is any type of abusive behaviour used to gain and maintain control over another.

Abuse does not have to be physical to be domestic and family violence. Domestic and family violence can take many forms including emotional and psychological abuse, social isolation, financial control, physical violence and sexual assault. For more information on types of abusive behaviour see page 6.

Domestic and family violence in a relationship is when a partner or ex-partner consciously tries to manipulate and dominate the other. It is about the misuse of power and control. It can happen in any type of relationship or intimate partnership: LGBTIQ, same-sex, heterosexual, monogamous, open or polyamorous; dating, in new relationships or long-term; live-in or not, even long distance.

Family violence in a relationship is when one family member consciously tries to manipulate and control another family member. Family violence can occur in your immediate family, extended family, kin or chosen family.

Domestic and family violence happens across all communities, social classes, ages, cultural backgrounds and geographical areas.

Domestic and family violence is never the fault of the person being controlled.

It is the responsibility of the person misusing power and control to stop their abusive behaviour.

Throughout this booklet domestic violence is defined as abuse from a partner, or ex-partner, towards the other in an intimate or romantic relationship. However, domestic and family violence may also include abuse within other types of relationships including between family members, housemates, sexual relationships or in carer relationships, either paid or unpaid. Depending on the circumstances of the relationship, the law may classify the abuse as personal violence and not domestic violence.

At the time of publishing this booklet in New South Wales, new laws and policies relating to the support of victims of domestic and family violence were being developed by the government.

The NSW Government's policy *It Stops Here*, released in 2014, uses new definitions of domestic and family violence that are inclusive of LGBTIQ people. The policy recognises a range of types of abusive behaviours that are non-physical including the impact of preventing a person from having connection with their community or culture.

"Domestic and family violence includes any behaviour, in an intimate or family relationship, which is violent, threatening, coercive or controlling, causing a person to live in fear. It is usually manifested as part of a pattern of controlling or coercive behaviour." (It Stops Here, NSW Government, 2014, p.7)

"An intimate relationship refers to people who are (or have been) in an intimate partnership whether or not the relationship involves or has involved a sexual relationship, i.e. married or engaged to be married, separated, divorced, de facto partners (whether of the same or different sex), couples promised to each other under cultural or religious tradition, or who are dating." (It Stops Here, NSW Government, 2014, p.7)



"A family relationship has a broader definition and includes people who are related to one another through blood, marriage or de facto partnerships, adoption and fostering relationships, sibling and extended family relationships. It includes the full range of kinship ties in Aboriginal and Torres Strait Islander communities, extended family relationships, and constructs of family within lesbian, gay, bisexual, transgender, intersex or queer (LGBTIQ) communities. People living in the same house, people living in the same residential care facility and people reliant on care may also be considered to be in a domestic relationship if their relationship exhibits dynamics which may foster coercive and abusive behaviours."

(It Stops Here, NSW Government, 2014, p.7)

For more information on up to date policy and practice developments visit the online version of Another Closet at www.anothercloset.com.au.



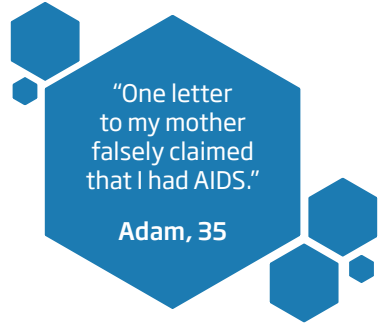


Types of Abuse

Domestic and family violence can take many forms. Many of these don't include physical violence.

1) **Emotional or psychological abuse** is any type of behaviour used by one partner (or ex-partner) to make the other person feel afraid or worthless. It can also include one partner making the other partner feel responsible for their safety. Common forms of emotional and psychological abuse include:

- putting the partner down, e.g. telling them that they are ugly, stupid, worthless or incompetent;
- humiliating them in front of friends, family or in public;
- 'outing' or threatening to out their sexuality, gender (identity, history or expression) or intersex status to friends, family, at work or to their cultural community;
- threatening to hurt or actually hurting pets;
- telling, or threatening to tell, others about HIV status (or other illness) without permission;
- applying pressure to a partner to act or look more "male" or more "female";
- insistence that a partner must have medical treatment to appear more male or female;
- applying pressure to conform to a particular gender;
- applying pressure to have surgery to "normalise" a partner's body, sex organs or physical appearance;
- threatening to harm family members or children;
- treating children in a disrespectful or abusive manner;
- undermining the relationship between the partner and their children;
- threatening to self harm or commit suicide;
- operating video surveillance cameras and audio recording devices in the home to monitor the activities of the partner;
- monitoring the partner's movements; or
- any other threatening behaviour.

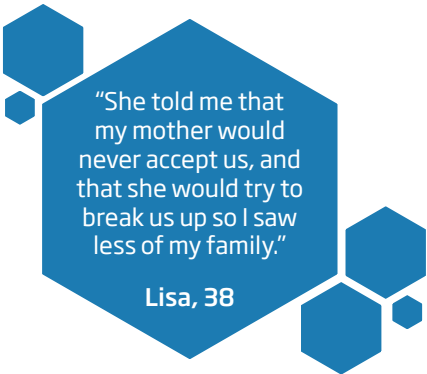


2) Social abuse is any behaviour by a partner to control the other's social life. It can include:

- stopping the partner from visiting their friends or family;
- abusing or fighting with their friends or family so they stop visiting, calling or having contact;
- cutting off the phone or monitoring calls or bills;
- cutting off social media or monitoring social media activities;
- preventing them from attending LGBTIQ events and venues or other events; or
- isolating them from their cultural background or preventing them practicing their spiritual beliefs.

3) Social media, cyberbullying and online abuse is any behaviour involving the use of the internet by one partner to harm, harass or humiliate the other. It may occur through social media, email, online forums, blogs or other interactive websites or apps. It can include:

- sending mean or threatening messages directly to their partner or posting them publicly;
- spreading rumours or encouraging others to harass them;
- publicly disclosing their private information (e.g. home address, workplace, telephone number, banking details, or other personal information);
- impersonating or posing as them while interacting online;
- creating fake profiles to gain access to their partner's profile to monitor, stalk or harass them;
- posting pictures of them without their consent;
- stalking, following or monitoring their movements online; or
- installing tracking devices or apps on phones, computers, or tablets.



"She told me that my mother would never accept us, and that she would try to break us up so I saw less of my family."

Lisa, 38



4) Stalking is any behaviour by which a partner (or ex-partner) tries to intimidate or harass the other. It can include:

- following their partner when they go out, to work, or home;
- constantly watching them, their house or workplace;
- monitoring their behaviour online; or
- calling, texting or emailing them, their family, friends or work colleagues more often than is appropriate or when asked not to.

5) Financial abuse is any behaviour by a partner to control the other's money against their will. It can include:

- taking their partner's money, controlling their income, or accessing their partner's accounts without consent;
- making and controlling all the decisions about joint money and assets;
- refusing to give them money or making them account for everything they spend;
- threatening to withdraw financial support as a means of control;
- preventing the partner from working so they become financially vulnerable or reliant on their partner;
- manipulating and coercing the partner to sign financial contracts with third parties;
- making the partner responsible for all the joint bills and debts, or making the partner responsible for the other partner's debts (otherwise known as 'sexuality transmitted debt'); or
- impersonating or posing as their partner to access their partner's accounts or to sign up for credit or debts.

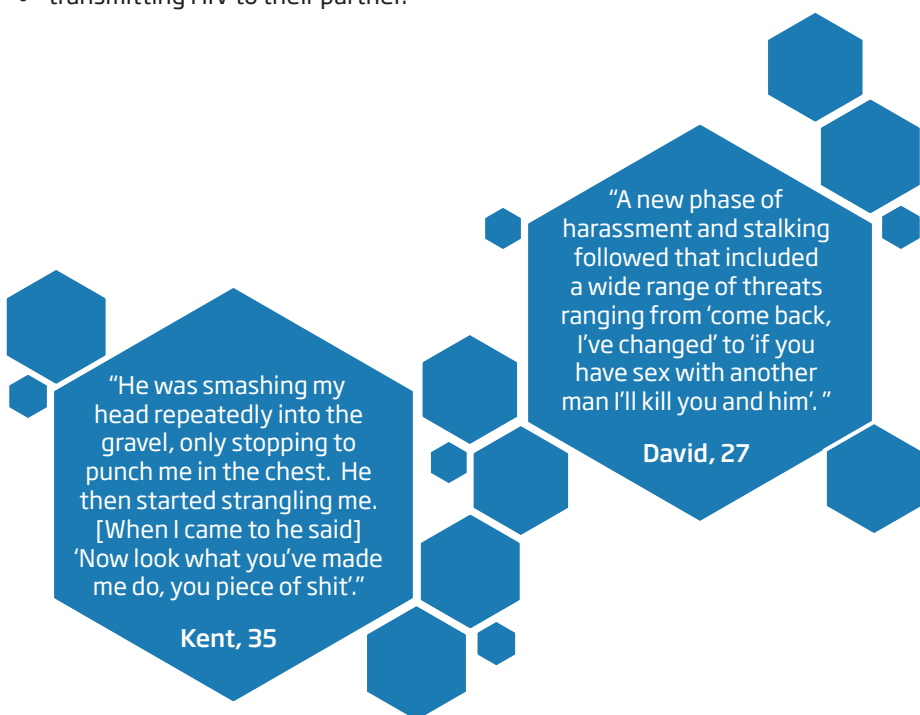


6) Physical abuse is any type of physical violence that an abusive partner inflicts on the other. It can include:

- locking them in the house or stopping them from leaving;
- restraining, pushing, slapping, hitting, kicking, strangling or burning;
- drugging their partner with prescription, pharmaceutical, or illegal drugs;
- breaking possessions or punching/kicking walls;
- withholding or stopping their partner from accessing or taking medication or treatments; or
- transmitting HIV to their partner.

7) Sexual abuse is any behaviour where one partner forces the other to perform sexual acts they don't want to. It can include:

- pressuring them to have sex or do sexual acts when they don't want to;
- pressuring, forcing or tricking them into having unsafe sex;
- involving them in BDSM without consent;
- making them have sex or do sexual acts with other people;
- sexually assaulting (raping) them; or
- not disclosing their HIV positive status, saying they are HIV negative, and having unprotected sex.



"He was smashing my head repeatedly into the gravel, only stopping to punch me in the chest. He then started strangling me. [When I came to he said] 'Now look what you've made me do, you piece of shit'."

Kent, 35

"A new phase of harassment and stalking followed that included a wide range of threats ranging from 'come back, I've changed' to 'if you have sex with another man I'll kill you and him'."

David, 27

Gaining a better understanding of LGBTIQ domestic and family violence



Domestic and Family Violence in LGBTIQ Relationships

The police, domestic and family violence support services, LGBTIQ organisations, the courts and other services work with LGBTIQ people who have experienced or are experiencing domestic and family violence.

To date, there is limited Australian research that records the level of domestic and family violence in LGBTIQ relationships. However, a number of international and local studies suggest that the general patterns and levels of domestic violence in LGBTIQ relationships are about the same as in cisgender heterosexual (non-LGBTIQ) relationships.

The Another Closet website has links to a number of research projects examining DFV in LGBTIQ relationships at www.anothercloset.com.au.

Aspects of LGBTIQ Domestic and Family Violence

Domestic and family violence in LGBTIQ and cisgender heterosexual relationships share many similarities, including the types of abuse and the impact on the abused partner. However, there are a number of aspects that are unique to LGBTIQ domestic and family violence. These include:

'Outing' as a method of control

If the abused partner has not disclosed their sexuality, gender (identity, history or expression), intersex or HIV status to their family, friends, workmates or their cultural community the abusive partner may use 'outing' or the threat of 'outing' as a method of control.

Domestic and family violence isn't well understood in the community

Historically, there has been little information or discussion in the LGBTIQ communities about domestic and family violence in relationships. Most information on domestic and family violence relates to cisgender heterosexual relationships with the man as the perpetrator. This lack of understanding means that some people may not:

- believe domestic or family violence happens in LGBTIQ relationships;
- recognise abuse as domestic or family violence if it does happen to them; or
- know how to respond if they see domestic or family violence in their friends' or family members' relationships.

Children and Domestic Violence

Abusive partners sometimes tell the other partner that they have to stay in the relationship, or else they will have no rights to see the children. This is not true.

If you have a child together with your partner or ex-partner, or have been caring for a child together, you may be considered the child's parent under the family law. The child has the right to have a meaningful relationship with both parents and any other significant people in their life. The court will take into account many factors when determining if someone is a parent of a child, including if there is a history of domestic violence or child abuse.

If you leave an abusive relationship, your children still have a right to a relationship with you. It is best to talk to a solicitor about your options in relation to children.

Children can experience domestic and family violence as:

- witnesses to domestic and family violence. This includes seeing or hearing emotional and physical abuse, seeing physical signs after the violence or witnessing the effects of domestic and family violence on the abused person;
- weapons of abuse. An abusive partner can use access to their children as a form of abuse and control. They may try to turn children against the other partner or undermine the other partner's parenting role, or transgender parent's identity; or
- victims of abuse. Children may be physically or emotionally abused by the abusive partner (or even in some cases by the abused partner).

Children who experience domestic and family violence, whether in LGBTIQ or cisgender heterosexual relationships, can suffer from many negative effects ranging from short term physical injuries to long term emotional or psychological trauma. All children who experience domestic and family violence are affected by it in some way.



All service providers, except solicitors, in NSW are legally mandated to report to the Department of Family and Community Services if they believe a child is experiencing domestic and family violence and is at risk of serious harm. They will usually tell the client they are going to do this and what the possible consequences might be.

If you are experiencing domestic and family violence and you have children with your partner or from a previous relationship, you should seek legal advice. Contact the Inner City Legal Centre (1800 244 481) to arrange a confidential appointment with a solicitor for free legal advice.

Confidentiality and isolation within LGBTIQ communities

The relatively small size and close-knit nature of LGBTIQ communities, especially in smaller cities and rural, regional and remote areas, may make it difficult for an abused partner to seek help. They may feel embarrassed about the abuse or their partner may have tried to turn others in the community against them. An abusive partner may isolate the other from contact with the LGBTIQ community by preventing them from reading the LGBTIQ community media, attending LGBTIQ venues or events or seeing friends from within the community. This is especially true for people in their first LGBTIQ relationship, as they may not have had much contact with the LGBTIQ community before the relationship began.

Services may not be well developed

Although women can access most mainstream domestic and family violence services (e.g. refuges, court assistance schemes, resource centres, and counselling services), these services may have little experience in working with LGBTIQ domestic and family violence and may therefore not offer the most appropriate support for LGBTIQ people.

There are very few domestic and family violence services for men.

The LGBTIQ Domestic Violence Interagency has made significant progress in addressing these issues. Many mainstream domestic and family violence service providers now receive training in recognising and responding to LGBTIQ domestic and family violence.

The Inner City Legal Centre's Safe Relationships Project is a specialist LGBTIQ domestic and family violence service providing court support, legal advice and non-legal referrals for clients, and community legal education for service providers.

ACON offers a range of services to LGBTIQ people experiencing domestic and family violence including counselling and care coordination services.

The Gender Centre offers a range of services for transgender people and gender diverse people who are experiencing domestic and family violence.

LGBTIQ people as a vulnerable group, experiencing barriers to accessing support

The NSW Government's new domestic and family violence policy was launched in early 2014, following many years of work by community based LGBTIQ organisations. It Stops Here recognises that LGBTIQ people are a vulnerable group in terms of seeking support from mainstream domestic violence agencies and services, and that they sometimes find it hard to identify abuse in relationships.

The new policy says, "People who identify as LGBTIQ experience domestic and family violence at similar rates to that of the wider community but are less likely to identify the experience as abuse, report violence to the police, or seek assistance from a domestic and family violence support organisation for fear of prejudice and discrimination. Sometimes, services may not understand the needs of a LGBTIQ person or the nature of their relationship, or support workers may have preconceived ideas about the diversity of sex [intersex], sexuality, gender or family." (It Stops Here, p.8)

Recognition of the diversity of LGBTIQ relationships and family structures, the importance of connection to the LGBTIQ community and explicit understanding of the barriers to seeking support in government policy are all significant steps forward for LGBTIQ people experiencing domestic and family violence. There is much more work to be done before all mainstream and specialist services will understand the community's needs but service responses are improving.

Apart from being LGBTIQ, there are a number of other factors that may impact on a person's confidence to seek support in relation to domestic and family violence. Groups such as young people, older people, people with disabilities, mental health and chronic health issues, Aboriginal and Torres Strait Islander people and culturally and linguistically diverse people, are all identified as vulnerable groups in mainstream domestic violence research. LGBTIQ people who have multiple risk factors may find it even more difficult to seek or find support that meets their needs or to identify that they are experiencing domestic or family violence.

Sometimes the language used to describe sexual and gender diversity, and intersex (LGBTIQ) excludes people from diverse communities. Some cultures use different words to describe being same-sex attracted or transgender or intersex. It's important to consider how everyone can be included and how best to help them to find the support that meets an individual's needs.

Some communities or groups have a mistrust of police and other government agencies because of previous negative or traumatic experiences either in Australia or in another country. Police should always be inclusive in their approach and work with an individual's diversity, be it culture, race, sexuality, gender, intersex or any other difference, to provide a fair and equitable service.

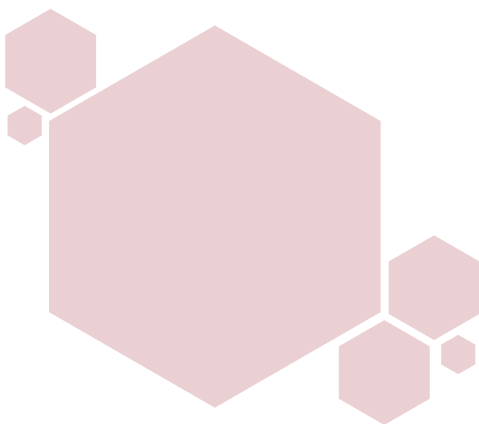
Domestic and Family Violence in Rural, Regional and Remote Areas

The patterns, effects and impacts of LGBTIQ domestic and family violence in rural, regional and remote areas share many similarities to metropolitan areas. However there are a number of factors that are unique to the experience of domestic and family violence in outer-metropolitan areas. These include:

- there may be few support or legal services available in the local area;
- it may be difficult to maintain privacy and confidentiality;
- physical isolation may make it difficult to contact friends, family, neighbours or services; or
- the fear (real or perceived) that someone seeking help may encounter homophobia, transphobia or discrimination from services.

There are a number of strategies that someone experiencing domestic and family violence in rural, regional and remote areas can use to make seeking help easier. They include:

- developing a comprehensive Safety Plan (see page 20);
- seeking the support of a few trusted friends or services, even if they are outside the area;
- seeking services in neighbouring towns or regional centres;
- talking with specialist state-wide services, for example the Safe Relationships Project (1800 244 481), ACON (02 9206 2000) or The Gender Centre (1800 069 115);
- talking to a trained trauma specialist counsellor 1800 RESPECT (1800 7373 732) available 24/7 anywhere in Australia;
- make contact with QLife, the national LGBTIQ phone and online counselling service which is available 5.30pm-10.30pm every evening. They can offer support and can help connect people to local groups. Go to [www.qlife.org.au](http://www qlife.org.au) or phone 1800 184 527; or
- accessing services and information via the internet, such as Another Closet website www.anothercloset.com.au.



Family Violence in Aboriginal and Torres Strait Islander communities

Some Aboriginal and Torres Strait Islander LGBTIQ, sistergirls, brotherboys and same-sex attracted people may experience exclusion or discrimination in their community, friendship or family networks when they disclose their gender diversity, sexuality or intersex.

Others find that their families and communities are the best place for support.

Aboriginal and Torres Strait Islander people may face difficulties finding services that understand what they need and this may be more challenging if they are LGBTIQ.

Aboriginal and Torres Strait Islander people have a right to expect services to understand their needs whether they are specialist or mainstream.

There are a growing number of specialist Aboriginal and LGBTIQ services that can support Aboriginal and Torres Strait Islander people impacted by violence (see page 56). The LGBTIQ Domestic Violence Interagency is working closely with services and communities to improve a range of safe options for Aboriginal and Torres Strait Islander LGBTIQ, sistergirls, brotherboys and same-sex attracted people affected by violence.



Domestic and family violence in culturally and linguistically diverse, migrant and refugee communities

In some cultures, being LGBTIQ is actively discouraged by family, friends or community. The existence of gender and sexual diversity or intersex may not be acknowledged in some cultural groups.

LGBTIQ people who come from a culturally and linguistically diverse, migrant and/or refugee experience may be at a higher risk of violence, homophobic or transphobic bullying or sexual assault by a family or community member for being LGBTIQ.

“Homophobia is present in all communities, in all countries, it is also present in the Australian community as well, and the Arabic community is part of that community. Nevertheless, in the Arabic community we do tend to ignore and not to think about the issue of homophobia or homosexuality but when we talk about it [it is] usually in the negative because it is against our traditional and community beliefs”. We Are Family Too, The Effects of Homophobia in Arabic Speaking Communities, Kasssieh et al, 2011.



Young LGBTIQ people

Young LGBTIQ people are more likely to experience bullying and violence in schools and in the family.

Lynne Hillier's Writing Themselves In considered the health and wellbeing of young same sex attracted and gender questioning people. It found that young people suffer high levels of verbal and physical homophobic abuse in the community and particularly at school.

Exposure to violence at home, in school or in the community can make it more difficult to identify abuse in a relationship or to ask for help. Young people may need extra help to access services. In NSW, Twenty10 works to support young people who are intersex, gender and sexually diverse, their families and communities.

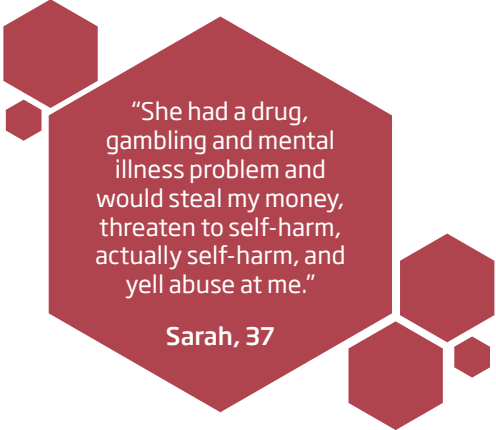
www.twenty10.org.au

Chronic Illnesses, including HIV, and Domestic and Family Violence

"At one point I became very sick. I couldn't even walk to the bathroom. She refused to drive me to the doctor and she said I was exaggerating." Ruth, 48

Chronic illnesses (e.g. HIV, cancer, alcoholism, Multiple Sclerosis, Alzheimer's, etc) can cause tension, stress and a range of other problems within a relationship but they do not cause domestic and family violence.

Abusive partners (or ex-partners) choose the weapons of abuse and control they use, and their or their partner's health can be used as one of these weapons. In some abusive relationships the domestic and family violence began at or around the time that the illness was diagnosed.



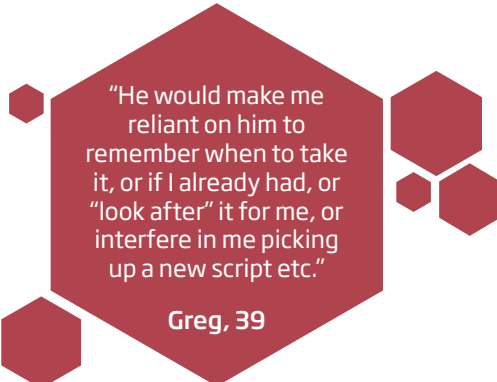
"She had a drug, gambling and mental illness problem and would steal my money, threaten to self-harm, actually self-harm, and yell abuse at me."

Sarah, 37

In some cases of domestic and family violence, the abusive partner is living with an illness while in other cases it is the partner without an illness that is abusive. Within an abusive relationship where either or both of the partners has a chronic illness many of the forms of abuse and control discussed earlier (page 5) may exist. However there are a number of forms of domestic and family violence that are specific to relationships where either or both partners have a chronic illness.

If the abusive partner does not have a chronic illness (e.g. is HIV negative) they may:

- threaten to, or actually, disclose their partner's health status to friends, family or colleagues;
- withhold medication, treatments or access to other medical services;
- threaten to cut off support or to leave; or
- verbally abuse their partner by saying they are 'diseased, sick, unclean' or other inappropriate comments about their illness, or otherwise undermine their partner's confidence



"He would make me
reliant on him to
remember when to take
it, or if I already had, or
"look after" it for me, or
interfere in me picking
up a new script etc."

Greg, 39

If the abusive partner has a chronic illness (e.g. is HIV positive) they may:

- use guilt or other psychological abuse to manipulate their partner;
- refuse to take medication or seek medical services;
- use their illness to manipulate services, e.g. saying 'I'm weak and sick, how could I control him/her?';
- threaten to, or actually, infect their partner where the illness can be transmitted; or
- deliberately and misleadingly place their partner at significant risk of infection by not taking reasonable precautions to prevent transmission (e.g. not using lube and condoms when having oral, vaginal or anal sex and placing their partner at risk of HIV infection).
- Public Health Act and HIV - If the abusive partner is HIV positive and they have unprotected sex (including vaginal, oral or anal sex) with their partner, the Public Health Act requires that they must inform their sexual partners, prior to sex, of their HIV status, unless they have taken reasonable precautions (lube, condoms and/or anti-retroviral treatment with an undetectable viral load) against transmission of HIV.
- Crimes Act and HIV - If the abusive partner knew they were HIV positive at the time they had unprotected sex with their partner, and they intentionally or recklessly transmit HIV to their partner, they can be charged with a criminal offence such as grievous bodily harm (GBH) or recklessly causing HIV transmission. Someone may still be charged with GBH even if HIV is not transmitted.



As sexual assault is a common form of domestic violence, sexually transmissible illnesses (e.g. HIV, Syphilis, Hepatitis) pose a special risk to the uninfected partner.

If you think you've been exposed to HIV, call the 24-hour PEP Hotline as soon as possible. You can find out if you're eligible for PEP and where you can get it. For PEP to work it needs to be started as soon as possible after exposure - and definitely within 72 hours.

Tel: 1800 PEP NOW or 1800 737 669 (inside NSW).

As well as the domestic violence services listed in Chapter 7 of this booklet there are a number of support services that someone with a chronic illness may be able to contact. These include:

- a trusted doctor, nurse or other healthcare worker or a hospital social worker or counsellor;
- Centrelink Social Work (13 17 94) 8am to 5pm Monday to Friday;
- ACON (02) 9206 2000 or 1800 063 060;
- HIV/AIDS Legal Centre (HALC) for legal advice (02) 9206 2060, 10am to 6pm Monday to Friday; or
- illness-specific support groups e.g. the Cancer Council (9334 1900/ 13 11 20) or MS Society NSW (1800 809 671) for information on treatments and support services. These groups may not have experience providing support to LGBTIQ individuals escaping domestic and family violence but they should be able to provide support around the specific requirements of the illness. Search online for contact details for specific groups.



Myths and Facts

There are many myths surrounding domestic and family violence and some specific myths surrounding LGBTIQ relationships and domestic and family violence. Some myths attempt to excuse the abuse while others blame the victim. Myths make it difficult for the person experiencing abuse to seek help and they make it difficult for others to understand the real issues. Myths shift the responsibility for abuse on to the victim or an outside factor. There is no excuse for domestic and family violence.

MYTH: Domestic and family violence only happens to certain people.

FACT: Domestic and family violence can happen to anyone. Domestic and family violence happens in all income brackets, countries, religions, cultures, ages, sexualities, genders and sexes.

MYTH: Stress causes the person to become violent.

FACT: Daily life is full of frustrations associated with money, work, our families and other personal relationships. Everyone experiences stress, but everyone has a choice in how they respond to it. Choosing to be abusive or violent to relieve stress is not acceptable.

MYTH: The person being abused did something to provoke the violence.

FACT: No one has the right to be violent, control or threaten another person. No one deserves to be beaten, battered, threatened or in any way victimised by violence.

Any domestic and family violence is unacceptable. Putting the blame for the violence on the victim is a way to manipulate and continue to control the victim and other people.

MYTH: Domestic and family violence is caused by a loss of control.

FACT: People who use violence to control their partners are often highly self-controlled. If the rage was really uncontrollable they would explode at anyone at any time, whereas in domestic and family violence the abuse is usually hidden from others. Perpetrators are often able to appear calm when the police arrive and have enough control to limit the physical abuse and injuries to undetectable parts of the body such as under the hair or on the torso.

MYTH: The drugs make the person violent.

FACT: It's true that some drugs may trigger violent or aggressive behaviour in some individuals. Drug-related violence is usually categorised as a one-off incident.

An abusive partner will often blame the drugs or alcohol for their violence. This is a way of trying to minimise the violence and deny their responsibility for it. This is domestic violence. Someone who is violent before they use drugs or alcohol is likely to become more violent after using drugs or alcohol. It is advisable for any person to take extra safety precautions if they are in the situation where their partner becomes violent when they use drugs or alcohol.



Violence is a crime regardless of whether someone is under the influence of drugs or alcohol.

“There were the apologies and the making up. We both explained it as a speed induced come down drama...” Ruth, 48

MYTH: Domestic and family violence is always visible.

FACT: Perpetrators aren't easy to spot. Some perpetrators can be well respected and widely liked members of society and the LGBTIQ community. Domestic and family violence are insidious and can go unnoticed. Victims aren't always harmed physically. Many victims are psychologically traumatised, socially isolated and financially deprived. This abuse is more difficult to detect.

MYTH: Bondage and discipline or sadomasochism (BDSM) is about power and control. That means the submissive partner is being abused.

FACT: BDSM is a negotiated sexual activity that may involve hitting, slapping, pain, role-playing, coercion, or dominance and submission. Some people may adopt long-term roles of dominance or submission. These are conscious and consensual activities where all parties agree to their roles as well as the time and place for a particular scene. In a domestic violence situation the abused partner does not consent to the abusive activities.

MYTH: Violence in LGBTIQ relationships is a mutual fight.

FACT: Domestic and family violence is about power and control and will almost always involve a number of forms of abuse, for example

emotional or social abuse. Physical violence may only be one of those. Regardless of whether an abused partner may be able to fight back during a particular incident they are still experiencing domestic and family violence.

MYTH: The law can't help me.

FACT: The law in NSW offers the same protection to LGBTIQ victims of domestic and family violence as it does to any other victim including police protection and access to Apprehended Domestic Violence Orders (ADVOs). Threats, stalking and physical and sexual violence are all illegal. The NSW police must act with diligence and care when investigating domestic violence regardless of a person's sexuality, sex or gender. If someone feels the police response hasn't been adequate or appropriate they have the right to make a complaint. See page 32 for information on making a complaint.

MYTH: I won't be able to meet any other LGBTIQ people. No-one else will want me.

FACT: One form of abuse is social isolation. Some LGBTIQ people worry that if they leave their abusive partner they will end up isolated and alone. This is a common fear for people in their first LGBTIQ relationship. But there are many community groups that can help people make connections with other LGBTIQ people. QLife is a national LGBTIQ phone and online counselling service which is available 5.30pm-10.30pm every evening. They can offer support and can help connect people to local groups, go to www.qlife.org.au or phone 1800 184 527.



Safety Planning and Your Rights

"She said I was wasting my time with my family and friends as they didn't understand me and didn't understand us. The good times together were getting few and far between. She controlled my days, my social calendar, the clothes that I wore and the people I would speak to."

Kim, 42

If you are experiencing domestic or family violence

The most important thing to remember if you are experiencing domestic and family violence is that the abuse is not your fault and you don't have to put up with it. You do not deserve to be abused.

In an Emergency Call 000

If your partner or ex-partner has hurt you, injured you, assaulted you, is threatening to hurt you, or you are afraid for your own safety or for the safety of other people, you can call 000.

If you call 000 you will be asked which emergency service you require. If you are injured request the ambulance and the police. If you are in fear request the police.

Contact a service or someone you trust to talk about your situation

Call 1800RESPECT Helpline - 1800 737 732

"My advice to anyone is 'don't blame yourself' - that is part of the cycle of abuse and control. The other person (the abuser) needs to take responsibility for their own behaviour ..."

Ruth, 48



If you feel like you are “walking on eggshells”, or that you are afraid of your partner or ex-partner, or that your partner controls you, call 1800RESPECT to talk about what has been happening. Call 1800 737 732 anywhere in Australia to access information and confidential counselling delivered by qualified, experienced professionals 24-hours a day, seven days a week.

Calls to 1800RESPECT can be anonymous – you don’t need to give your name or your partner’s name.

1800RESPECT Helpline is the National Sexual Assault Domestic Family Violence Counselling Service, which provides information and support for people who have experienced sexual assault or domestic and family violence.

1800RESPECT is a 24-hour phone line that is free call from public phones and landlines. For safety reasons please note that if you call from your mobile you will be charged for the call and the number will appear on your phone bill.

Call NSW DV Line 1800 656 463 or Link2home 1800 152 152

The NSW Government Department of Family and Community Services runs the 24-hour Domestic Violence Line (DV Line) and the Link2home homelessness services line.

If you are, or think you are, experiencing domestic violence you can call DV Line. Calls to the DV Line can be anonymous – you don’t need to give your or your partner’s name.

The DV Line staff can:

- arrange accommodation in emergencies;
- for people who identify as female (including transgender and intersex women), explain what refuges are and refer you to an appropriate one;
- for people who identify as male (including transgender and intersex men), refer you to emergency accommodation;
- work with you to identify the best accommodation referral if you identify as non-binary, genderqueer or of unspecified sex;
- refer you to other services like family support, counselling, the police, legal services, court assistance schemes, and hospitals and health centres; or
- explain what an Apprehended Domestic Violence Order (ADVO) is and how to apply for one.

To contact DV Line call 1800 656 463. This number is free from public phones and landlines. Calls from mobiles will be billed to your account and will appear on your bill.

If you are at risk of homelessness or need to access homelessness services call Link2home. Link2home is a state-wide information and referral service. From 9am to 10pm daily, Link2home will provide callers with information, assessments and referrals to homelessness support and accommodation services across NSW. Link2home staff will contact emergency or crisis housing providers on behalf of people who need help to find out what accommodation and support services are available.

Link2home staff can:

- provide information about local services;
- assess what kind of help people need; and
- refer people to appropriate specialist homelessness services, support services, temporary accommodation and other services.

To contact Link2home call 1800 152 152.

Contact an LGBTIQ domestic and family violence support service:

- Safe Relationships Project (SRP), Inner City Legal Centre
02 9332 1966 | 1800 244 481 | srp@iclc.org.au | www.iclc.org.au/srp/

The SRP is a state-wide court support and free legal advice and casework service for LGBTIQ people experiencing or escaping domestic and family violence. The SRP has a Safe Room for LGBTIQ victims of domestic and family violence at the Downing Centre in Sydney. The SRP can provide court support to clients at locations throughout NSW. Whether you have a legal question, need to attend court for an ADVO matter, or need a non-legal referral to a service near you, call the SRP for assistance.

- ACON 02 9206 2000 | 1800 063 060 | www.acon.org.au

ACON supports LGBTI people in our communities who have experienced domestic or family violence. If you've experienced violence, whether it's a crime or not (physical, verbal, emotional and other forms of violence either in the workplace, at home or in public), ACON can talk with you about what happened, offer support, put you in touch with services, and provide you with information.

- The Gender Centre and the Transgender Anti-Violence Project (TAVP)

02 9569 2366 | 1800 069 115
| reception@gendercentre.org.au | www.gendercentre.org.au | tavp@gendercentre.org.au | www.tavp.org.au

The Gender Centre provides services to transgender people, gender diverse people and gender questioning people. The services include counselling, education, support, referrals and advocacy in relation to reporting violence (TAVP) such as domestic and family violence, sexual violence, anti-transgender harassment and hate crimes. Reports to the TAVP can be anonymous.



Planning Ahead:

Making a Safety Plan

If you are experiencing domestic and family violence you might consider making a Safety Plan. A Safety Plan sets out what you can do under certain circumstances to help reduce the risk of emotional or physical injury to yourself (and your children). Your Safety Plan could include strategies for reducing risk to yourself whilst living with your partner, how you will leave when you make the decision to do so, and what you will do to stay safe afterwards.

You can make a Safety Plan on your own or speak with a friend, counsellor or someone from 1800RESPECT (The National Sexual Assault Domestic and Family Violence Counselling Service) phone 1800 737 732. There is an excellent section on the 1800RESPECT website that can help you to create your own personalised Safety Plan. Go to www.1800respect.org.au/get-help/staying-safe-understanding-safety-planning/safety-planning-checklist/.

If you write your Safety Plan down, make sure you hide it so that it can't be found easily. You could leave it at a friend or family member's house or with a support service. You might just think about and memorise the details of your plan. If you make an electronic version you could think about locking it with a password or naming it something like "shopping list" so that it is harder to search for.

When developing your Safety Plan think about the times your partner is most likely to be violent or abusive and how they act during these times so you can develop strategies that best suit your needs.

Whatever the circumstances it is important to remember that domestic and family violence is not your fault or not your responsibility. No one ever deserves to be abused.

Safety Planning : Living with an Abusive Partner

If you are living with your abusive partner there are a number of things you can do to reduce the risk of injury to yourself (and your children). You are the best judge of your safety.

- Plan and practice (with your children) how you might escape from your home safely and quickly. Think about the safest exits so that when you feel that things are getting out of control you can leave quickly.
- If possible, keep weapons and knives locked up or inaccessible (e.g. remove knife-blocks from kitchen benches).
- Let trusted friends, family or neighbours know about the abuse and let them know about your safety plan.
- Have a code (perhaps a word or phrase) that you can use with someone you trust by phone or text so they know you are in danger and need help from them or the police.
- Teach your children that their responsibility during an incident is to stay safe - not to rescue you.

- Program the police, taxi company, local support service and a family member's or friend's number into the speed dial on your phone.
- Keep essential items like money, keys and identification somewhere that you can access them quickly.
- Plan where you will go and how you will get there in case you need to leave in a hurry.
- If possible, keep a Safety Diary. Record any instances of abuse, and try to include details, dates, times and photos. You may want to keep your Safety Diary at your doctor's office, a friend's house or electronically but remember to make sure it is secure (you could use a password, email it to someone you trust or hide it under another name).
- Keep text messages your partner sends to you, and save online messages or posts made by your partner.
- Ask a family member or friend if they can take care of your pets at their house, or regularly take the pets for walks.
- The NSW Government has developed an app called Aurora which has a number of safety features including an alert to send to friends or Police. For more information visit: www.women.nsw.gov.au/violence_prevention
OR Scan:



"I played along being as nice to him as I could. And saying nothing. I secretly did extra work and saved enough money to move out."

Kent, 35

During a Violent Incident

- Try to stay away from, or leave, the kitchen or other rooms with potential weapons.
- Try to stay out of rooms without exits.
- Press the emergency speed dial number and use your code word if you have arranged one.
- Depending upon your capacity to do so, defend yourself.
- Trust your instincts.

Planning to Leave

- Hide a bag with clothes, medication, keys and other important items that you can either exit with easily or leave with someone you trust.
- Put aside some money for travel expenses, accommodation and food if you have access to money.
- Make copies of important documents, e.g. car registration, tax file number, title deeds, loan records, Medicare card, drivers licence, account details, prescriptions, passports etc and leave them with someone you trust or take photos of them and store them securely.
- Take small saleable items like jewellery.
- If you have children take clothes for them, medical records and medication, bottles and some of their favourite toys.
- If you have pets, take food and equipment needed for travelling (e.g. leash, cage, documentation).



After Leaving the Relationship

The period after leaving an abusive relationship can be especially dangerous. To reduce this risk you could:

- report to police and apply for an ADVO (see Chapter 4 Reporting to police and ADVOs);
- if you have an ADVO carry a copy of it with you at all times and give a copy of it and a photo of your partner to your workplace and your children's school so that they are aware of the situation;
- redirect your mail and get a post office box;
- be careful who you give your new address or phone number to;
- get a new SIM card and phone and have your call preferences set to "Private" so your new number can't be saved;
- think about getting a spare SIM or phone if you want to communicate with your ex-partner about children or pets;
- for a house phone, ask for a 'silent' number and make sure that government agencies, doctors, services, schools etc keep your details private;
- wherever possible, change your regular patterns of movement, e.g. travel to and from work by a different route, buy your groceries at a different shop, change the time and maybe location of regular appointments, maybe move your children to a new day care centre or school;
- ensure where you are staying is as safe as possible, e.g. security doors, lockable windows, motion-sensitive external lights etc;
- let key people know about your situation, e.g. your boss and other work colleagues, your children's teachers, so they know not to give out your details or they can screen your calls etc;
- continue to seek support from the domestic and family violence services and medical practitioners during this time; or
- block your partner on Facebook and any other forms of social media that you use. Think about setting up a new profile that is secure. Facebook now has a number of good features and tips for users on safety. Search for "Safety on Facebook", or download the "Safety and Privacy Guide for Survivors".

"One of the biggest head-fucks was being told that violence was part of his 'culture' and the fact that I had a problem with it meant I was racist." David, 27

Talk to Someone You Trust

Talking to someone else can help you understand what is happening to you. If you have a friend, a family member, a doctor, or a counsellor you trust, tell them what is going on. They may also be able to help you contact support services and help you to make a Safety Plan. People experiencing domestic and family violence are often isolated from friends and family, so speaking with a doctor or counsellor may be the only option.

Make Yourself as Safe as Possible and Understand your Legal Rights

Many people experiencing domestic and family violence say they don't want to leave their home or their relationship, they just want the violence to stop. For others a lack of finances, wanting to maintain access to children and pets, or limited outside support may mean they feel they can't leave. If you are staying in the relationship try to make yourself as safe as you can. Think about and identify some of the ways you have coped until now and work out how you might use those strategies in the future. You understand your situation better than anyone else so use that knowledge to help minimise the risks to yourself.

Find out about your options, and who can help you, even if you don't want to use them yet. For example, finding out how to report to police and apply for an ADVO (Chapter 4 Reporting to police and ADVOS) before you actually need one means that you will be better prepared if it becomes necessary. Knowing what you can do and how to do it can help you to feel more in control of your situation and your safety.

If you do decide to stay at home it's important to remember that once violence begins it is likely to get worse over time. Some people develop a Safety Plan to protect themselves (and their children and pets). There are also a number of support options that can help you stay at home and live either with or without your partner. Talk to a service about initiatives such as Staying Home Leaving Violence and Start Safely (see page 37) or get legal advice about applying for an ADVO that allows you to continue to live together but prevents your partner from being abusive.

Leave Home for a While or Find Somewhere New to Live

You might decide it is best to leave the place you live for a while. You could go to a friend or family member's place, a low cost hostel or backpackers, a hotel, or emergency housing through the Department of Housing (Housing NSW).

In general, to be eligible for Housing NSW, you will need to be a citizen or permanent resident of Australia and live in NSW. You must also be within the Housing NSW income and asset limits and be able to successfully sustain a tenancy either independently or with appropriate support.

All women (including transgender women) and children have the right to safely access domestic violence specialist services including refuges. Housing NSW also has emergency, short and longer-term accommodation for men. To find out more about housing support options, call the DV Line (1800 65 64 63) or Link2home 1800 152 152.

If you decide that you need to find a new place to live there are a number of options including moving in with friends or family or, if you can afford it, finding a private rental property.

LGBTIQ people escaping domestic and family violence may apply for housing assistance from the NSW Department of Housing (Housing NSW). Apart from emergency accommodation Housing NSW has a number of other programs, including priority housing and RentStart that you may be eligible to apply for.

For more information contact your nearest Housing NSW office or visit www.housing.nsw.gov.au.



Pets

Sometimes the lack of pet-friendly accommodation options prevent LGBTIQ people from leaving an abusive relationship. It is common practice for the perpetrator of domestic and family violence to prevent a partner from leaving or lure family members back home by threatening to harm the pet.

Some branches of the RSPCA run the Safe Beds for Pets program. Safe beds for pets provides low cost accommodation for pets whose owners are escaping an abusive relationship.

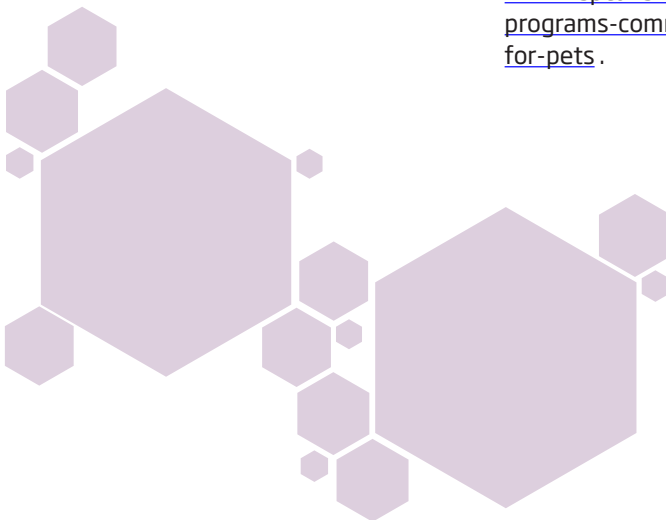
With the Safe Beds for Pets Program individuals or families can now leave domestic and family violence situations and not fear for the safety of their pets. It offers temporary housing for pets of people who are seeking refuge from domestic and family violence and helps to address the link between animal and human abuse and child protection.

The Safe Beds program is not a long-term solution to the housing of the pet, but it gives domestic and family violence victims peace of mind and allows them to secure their own safety and make arrangements for the future.

The Safe Beds program prefers to receive pet referrals from domestic violence support services and agencies (e.g. counselling services, ACON, and the Safe Relationships Project) that are working with clients escaping domestic and family violence.

However, if you are escaping an abusive relationship and you are not being assisted by a support service contact the RSPCA Safe Beds program, let them know your situation, and that your pet needs refuge. For more information please email safebeds@rspcansw.org.au, phone (02) 9770 7555 or check out the website

www.rspcansw.org.au/our-work/programs-community-services/safe-beds-for-pets.



Money and property

It is important to protect your money, finances and property interests when you leave an abusive relationship. If your partner knows your PIN or the details of your bank accounts, you can talk to your bank about changing the details. If you have joint accounts or credit cards, contact your bank and talk to them about protecting your share of the money and making sure your partner does not run up any debts in your name. If you are worried that your partner may sell or give away property without telling you, a court can make an urgent order to stop this happening until a final decision is made about your property.

Abusive partners sometimes tell the victim that they have to stay in the relationship, or else they will have no rights to the property or finances. This is not necessarily true. When you are separating or have separated it is recommended that you seek legal advice about how the property may be divided.

Property includes the family home, any other real estate, cash in bank accounts, cars and other vehicles, investments and superannuation entitlements. It includes household items, jewellery and tools. It is important to note that pets are considered property under the law.

The same laws regarding settling (dividing) property apply to ex-partners who were married and those who were in a de facto relationship.

If you were in a de facto relationship that lasted at least two years or you had a child together, you can make an application for a property settlement under the Family Law Act. You have two years from the date of separation to make an application to the court regarding your property settlement.

If you were married and you have divorced you have twelve months from the date of the divorce to make an application to the court regarding your property settlement. It is a good idea to seek legal advice about property law settlements.

It is sometimes a good idea to engage a solicitor to assist with your property law matter especially if you have experienced domestic or family violence. Lawyers generally seek to resolve property issues through negotiation or alternative dispute resolution rather than applying to the Court for property settlement orders. A general exception to this includes if there is some urgency or if there has been domestic or family violence such that alternate dispute resolution processes are not suitable. Contact the Inner City Legal Centre to make an appointment to speak with a solicitor or to be referred to a private solicitor with experience working in LGBTIQ domestic and family violence family law matters.



Parenting

Abusive partners sometimes use children as a weapon to control their partners and to manipulate them into staying in the abusive relationship. Abusive partners commonly say things like:

- “if you leave you will not have any rights to see the child”;
- “you are not the real parent”; or
- “I will tell the Department of Community Services or your ex partner that you are gay or transitioning and they will take your children away”.

These statements are not true. Regardless of your sexuality, gender identity or intersex status, if you leave an abusive relationship, your children still have a right to a relationship with you.

If you have a child together with your partner or ex-partner, or have been caring for a child together, you may be considered the child’s parent under the family law. The child has the right to have a meaningful relationship with both parents and any other significant people in their life. The court will take into account many factors when determining if someone is a parent of a child, including if there is a history of domestic violence or child abuse.

If you were in a de facto relationship with the birth mother at the time of conception using a sperm donor, you may be the child’s legal parent. If the birth mother denies you are a parent of the child, seek legal advice as soon as you can.

If you are in an LGBTIQ relationship and you have arranged for a child to be born via surrogacy, you and your partner will not initially be the child’s legal parents.

If you entered into an altruistic surrogacy arrangement, you will need to apply to the Supreme Court of NSW for a parentage order to confer the status of parent to you.

If you entered into an overseas commercial surrogacy arrangement, the only mechanism available is to apply to the Family Court for a parenting order conferring parental responsibility upon you. This will not make you a legal parent in commercial arrangements. It is an offence for New South Wales residents to enter into overseas commercial surrogacy arrangements.

Being a legal parent means that when you cannot agree with the other legal parent about arrangements for your child, you can apply to the Family Law Courts for parenting orders. If you are not a child’s legal parent, you may still be able to make an application for parenting orders if you have a concern for the ‘care, welfare or development of the child’.

A Family Relationship Centre can assist you to plan the first step forward. Separated families may be referred on to their Family Dispute Resolution service where practitioners work with parents separately and or together to facilitate 'child focussed' discussions about issues or disputes and assist separated parents develop parenting plans, or provide the requisite certificate for consent or court ordered parenting orders.

Visit www.familyrelationships.gov.au/services/frc/ for further information.

The Family Law Courts have a special responsibility to protect children from domestic or family violence and its effects. When making decisions about children, including parenting orders, a court must weigh up two main considerations:

- the benefit to children of a meaningful relationship with both parents; and
- the need to protect children from physical or psychological harm from being subjected to, or exposed to, abuse, neglect or family violence.

It is important that you tell your lawyer or the court about any violence you have experienced so that the court can take this into account. You should tell the court about any Apprehended Domestic Violence Orders (ADVOs), domestic violence charges and other court orders relating to your family.

If you have an ADVO, the parenting orders a court makes will not necessarily be consistent with the ADVO. Where they are inconsistent, the orders will modify your ADVO and the court must explain the changes to you. If violence occurs under a parenting orders condition (e.g. while handing children over), you can apply for the orders to be changed. You should also call 000 immediately to report the incident to the police.





Immigration and LGBTIQ domestic and family violence

If you have applied for residency in Australia on the basis of your relationship and you are experiencing domestic and family violence the family violence provisions of Australia's immigration laws may apply to you.

These provisions may enable you to leave the violent relationship and still be eligible to apply for permanent residency.

You should not remain in an abusive relationship in order to obtain permanent residence in Australia. If you can show that your sponsor has acted or threatened to act in a way that made you fear for your wellbeing or safety, ending the relationship will not prevent you from obtaining a permanent visa. This will be the case even where it has not been two years since your temporary Partner Visa application was granted.

You are required to notify the Department of Immigration and Citizenship when your relationship with your sponsor ends, and for other change of circumstance, such as change in address.

When providing this information, you should also inform the Department that you experienced domestic or family violence while in the relationship. If you do not let the Department know about the domestic and family violence, your sponsor may withdraw their sponsorship and your visa application may be refused.

If this applies to you, you should seek immigration and legal advice. For more information call the Immigration Advice and Rights Service (02 9281 8355). For more information go to www.iarc.asn.au.





Reporting to police and Apprehended Domestic Violence Orders (ADVO)

The Code of Practice for the NSW Police Force response to Domestic and Family Violence (Code of Practice) outlines how police officers will respond to reports of domestic and family violence and emphasises that all such reports will be treated seriously by police. This Code of Practice recognises that domestic and family violence is also experienced by individuals in same sex relationships and abuse is also experienced by transgender and intersex people.

The police response to, and investigation of, domestic and family violence is governed by operational policies and procedures, legislative requirements, the NSW Police Handbook and the Code of Practice for the NSW Police Force response to Domestic and Family Violence. Police action will be consistent with the NSWPF Code of Conduct and Ethics, the Customer Service Charter and the Charter of Victims Rights (State of New South Wales through Victims Services, NSW Department of Attorney General and Justice).



Police act on any reports

The NSWPF acknowledges that a strong and effective criminal justice response can have a deterrent effect. Police will respond to domestic and family violence incidents reported to them, regardless of who made the report, or where, when, why or how it was made. The action taken will be based on an assessment of the incident and whether a domestic violence offence has been committed, regardless of whether the person in need of protection makes a verbal complaint, recorded or written statement.

In meeting this policy of mandated action, police will:

- take immediate action to protect and support the person in need of protection;
- be sensitive to the individual circumstances of each incident;
- investigate all domestic and family violence incidents coming to their notice by gathering background information and physical evidence, including pictures, video recording, clothing and statements from all victims and witnesses;
- arrest any offenders where it is appropriate;
- pursue criminal and or civil options (Apprehended Domestic Violence Orders) where there is sufficient evidence to do so, and regardless of whether an arrest has been made;

- refer all parties involved who give written consent, to appropriate services; and
- record all domestic and family violence incidents reported to them with a view to identifying repeat offenders, monitoring trends, and identifying persons who are either at risk or high risk.

IN AN EMERGENCY CALL 000 and ask for the police. The police will attend the situation and will take immediate action to protect and support the person in need of protection. Police will most often make an application for an Apprehended Domestic Violence Order (ADVO) on your behalf.

If it is not an emergency, you can call or attend your local police station to report the threats, abuse and violence. A police officer will take your statement. If you attend a police station to report the domestic violence you can report to any police officer. There are also specialist Domestic Violence Liaison Officers (DVLOs) and the Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) Liaison Officers (commonly known as GLLOs) who may be able to assist you.

What is an Apprehended Violence Order (AVO)?

An AVO is a court order designed to protect someone (the person in need of protection – PINOP) from the violence and abuse or threats of violence and abuse of another person (the defendant). There are two types of AVOs:

- Apprehended Domestic Violence Orders (ADVO); and
- Apprehended Personal Violence Orders (APVO). APVOs are usually made in circumstances involving neighbours or acquaintances, not for domestic and family violence matters.

An ADVO is given if you have been in a domestic relationship with the perpetrator (e.g. LGBTIQ de facto relationship, intimate partners, flatmates, etc). An ADVO can protect you if your current or ex-partner has hurt, intimidated, harassed or stalked you, damaged your property or you are scared that they will (that is, they have made threats to harm you or your property).

You can get an ADVO that protects you even if you are still living with or in a current relationship with the defendant.

An ADVO protects you in NSW. If you move interstate you should apply to have your ADVO registered in that state or territory. Contact the Safe Relationship Project for assistance or the police in your new location or the local community legal centre in your new location.

The Aboriginal Community Liaison Officer (ACLO) is a member of the Local Area Command (LAC), Crime Management Team with the responsibility with providing advice and support to police in the management of Aboriginal issues across the LAC. ACLO's assists in developing, implementing, monitoring and reviewing programs that bring about positive outcomes between Police and Aboriginal people. The ACLO works closely with the Aboriginal communities, Aboriginal and non-Aboriginal service providers in their day to day activities.



Police issued Apprehended Domestic Violence Orders

On 18 February 2013 Cabinet approved amendments to the Crimes (Domestic & Personal Violence) Act 2007 to allow for police issued Apprehended Domestic Violence Orders (ADVOs). The amendments allow police officers at the rank of Sergeant or above to issue provisional ADVOs.

An application for an order must be made if a police officer investigating the matter concerned suspects or believes that a stalking or intimidation offence, a domestic violence offence or a child and young person abuse offence (but only in relation to a child) has recently been or is being committed, or is imminent, or is likely to be committed, against the person for whose protection an order would be made, or proceedings have been commenced against a person for such an offence against the person in need of protection.

Where there is good reason to believe an order needs to be made immediately to ensure the safety and protection of the person or to prevent substantial damage to the property of that person, a police officer must make application for a provisional order.

A police officer who makes or is about to make an application for a provisional order, may direct the person whom with the order is sought to remain at the scene of the incident, or in the case where the person has left the scene of the incident, or at another place where a police officer locates the person, the provisional order can be made and served. If the person refuses to remain, the police officer may arrest and detain the person at the scene or arrest and take the person to a police station until the provisional order is made and served.

The advantages of police making application for an AVO include police preparing the application for court, support from police domestic violence liaison officers, police prosecutors and enhanced costs protections. Private applications do not enjoy these benefits and similar resources are not widely available to private applicants except at cost.

Private Application for an ADVO

You can also make a private application for an ADVO. If you haven't or don't want to call the police you can make an appointment with the Registrar at your local court to apply. If you would like more information about making a private application for an ADVO contact the Inner City Legal Centre's Safe Relationships Project or another community legal centre for legal advice and information.

Provisional, Interim and Final ADVOs

If you are in need of protection, the police can obtain a Provisional (temporary) ADVO. It will be in force from when it is served on the defendant. The defendant, the police and you will need to attend court at a date in the future so that the court can decide whether to make an Interim or Final ADVO.

The police run the matter in court and if the defendant does not agree to the application or there are other reasons for the case to be adjourned (postponed), a court may make an Interim ADVO. An Interim ADVO will be made where the court believes you need temporary protection. It will usually stay in place until the court decides whether to make a Final ADVO.

Both Provisional ADVOs and Interim ADVOs are temporary ADVOs. They are court orders and enforceable, and a defendant who breaches a Provisional or Interim ADVO can be charged with a criminal offence.

A magistrate can make a Final ADVO if:

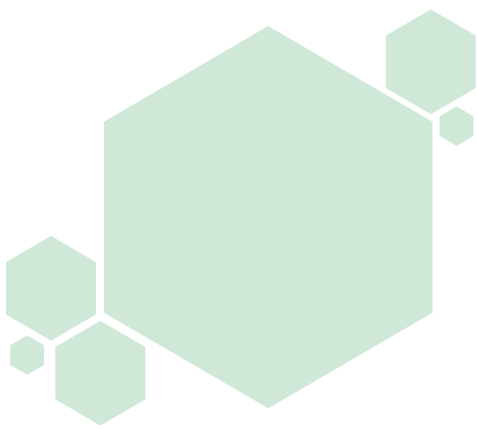
- the defendant consents;
- the defendant has been served with the application but does not show up at court; or
- after hearing evidence the magistrate is satisfied that there are fears for your safety and those fears are reasonable.



A Final ADVO will last for a specified period of time, usually one to two years. The police may be able to apply for an extension of the ADVO before that period ends if you still fear the defendant and the court believes this fear is reasonable in the circumstances.

If there is a change of circumstances, you can apply to the Local Court or the police to have the ADVO's conditions changed.

The court will send you a copy of the ADVO. If you do not receive it within 48 hours, contact the court registry and ask them to email or post it to you.



What conditions can be listed in an ADVO?

An ADVO states three conditions, otherwise known as the mandatory conditions, that will always be included to prohibit the following behaviours:

- assaulting, molesting, harassing, threatening or interfering with you;
- intimidating you; and
- stalking you.

These conditions protect you and anyone that you are in a domestic relationship with, i.e. who are currently living with you. This includes new partners, children and anyone else you live with. You can also ask that your children be named and included as protected persons on your ADVO.

Extra conditions may be included in the ADVO to protect you and prohibit the defendant from:

- approaching you;
- approaching or entering places where you may live, work or go to;
- approaching you after they have consumed alcohol or taken illegal drugs;
- damaging your property; and
- any other conditions as agreed by both parties or decided by the court.

If you have children in your care, they should be included on the ADVO unless there are good reasons not to.

You should discuss with the police and/or your court support worker any conditions you need to protect you and your children.

If I am a tenant, can I stay living at the property and have the abusive partner removed?

People who are living with an abusive partner in rental accommodation and want to leave the relationship may want to either stay in the property and exclude the abusive partner or leave the property without paying a penalty for breaking their lease.

Both of these options may be available, but the issues involved are complex and depend on what type of tenancy agreement you have and whether there is an ADVO against the abusive partner. If you are in this situation, you should seek legal advice from the Safe Relationships Project at the Inner City Legal Centre or contact the Tenants NSW or the Tenants Advice Line.

If I am an owner-occupier of my home, can I stay living in my home and have the abusive partner removed?

Generally, both you and your ex-partner are entitled to live in your home after you separate. However, you can apply for an exclusion order as part of an application for an ADVO to exclude the abusive partner from the family home. If there is violence or you fear violence, it may be possible to obtain a sole occupancy order in the family law courts without getting an ADVO. This order will mean that you can live in the house without the abusive partner until the property is divided. In making an order, a court will consider the needs of both parties and any children.

If you want to apply for an exclusion order or sole occupancy order, you should obtain legal advice.

Ancillary Property Recovery Orders

If the ADVO excludes the abusive partner from the property, they may be provided an opportunity to collect their personal belongings. Similarly, if the PINOP vacates the property and is staying somewhere else, they may be provided an opportunity to collect their personal belongings from their previous residence.

When the court considers the ADVO application they can decide whether to make an Ancillary Property Recovery Order to allow an individual (either the defendant or the PINOP) to collect their personal property.

The person with an Ancillary Property Recovery Order will need to make suitable arrangements with the police in order to collect their property. The court may also order that the police are to accompany the person when collecting their property. Police can usually allocate 30 minutes to 1 hour to assist with recovering property.





Pets

The law treats pets as property and they may be included in an Ancillary Property Recovery Order. When abusive partners are collecting their property as part of an ancillary property recovery order they may try to take or harm the pet. If the pet belongs to you or you are concerned for the pet's safety and well-being, contact the RSPCA's Safe Beds for Pets Program to place your pet in temporary housing while you escape the violence. See Chapter 7 Finding information, help and support at the back of this booklet.

What if the defendant breaches the ADVO?

Provisional, interim and final ADVOs are court orders. It is a good idea to keep a copy of the ADVO on you at all times. If the defendant breaches (does not behave in accordance with) any condition of the ADVO, they may be charged with a criminal offence. Details of the ADVO and all reports of breaches will be kept on the police database.

IN AN EMERGENCY CALL 000 and ask for police.

If it is not an emergency you can call or attend a police station to report the breach. The police will ask you to make a statement which they will record. They will ask you to provide any evidence like text messages, emails, voice mail messages, etc, so it is important to keep any evidence.

The police will investigate the breach and seek out any other evidence such as CCTV footage or witnesses.

Police will investigate the alleged breach and if they have enough evidence, the police will charge the defendant with breaching the ADVO. The matter will be set down for a mention in court and if it goes to a hearing you will be called as a witness.

If you have any questions or concerns about potential breaches, breaches or about the investigation of breaches contact the Police Officer in Charge of your case (the officer who took your original statement for the ADVO and whose name is at the top of the ADVO paperwork) or the Domestic Violence Liaison Officer.

You may also want to speak with the Safe Relationships Project solicitor about the breaches, investigations, and court proceedings.



I'm the victim of domestic and family violence, the police have taken out an ADVO and there are assault charges against me. What should I do?

Sometimes the abusive partner will use the legal and justice system against the other partner to keep them in the relationship and to make them fearful of ever reporting to police about the abuse.

This typically plays out with the abusive partner setting up the victim so that the victim appears to be the abuser. The set-up can involve any situation that would make the victim in trouble with the police.

If you find yourself in the situation where you are the victim of domestic and family violence and having to defend yourself in court for an ADVO and related assault charges, or any other legal issue, you should seek legal advice immediately. Contact the Inner City Legal Centre for assistance.

Your information

In 2014 changes were made to the law regarding the way police and other agencies in NSW share your personal information with other agencies in NSW. NSW Government has created a new system for the referral of victims of domestic and family violence to help you access support.

For more information on the system see:

www.women.nsw.gov.au/violence_prevention/Domestic_and_Family_Violence_Reforms.

If the police attend a domestic violence incident where you are identified as the victim, or if you report a domestic violence incident to a police station, the police will share your details with Victims Services.

If you are female identified, Victims Services will then pass your details on to a local coordination point which should connect you to locally-based support services.

If you are male identified your information will be kept within Victims Services and you will be contacted by a counsellor who will help you find support.

The police should always inform you that they are passing your information on and that you will be contacted by someone within a few days.



If Victims Services or the local coordination point contact you and you do not want them to have your information, you may request that they do not contact you again and you can request that they remove your information from their records. If you are concerned with this process you should contact the Inner City Legal Centre and get advice.

The police will ask you a series of questions designed to assess the level of risk you may be in. Your responses to these questions may be reassessed by the secondary support agency and you might be asked to give more details. If you don't want to answer these questions you can say so. Based on this risk assessment if it is believed that you are "at serious threat" your case may be sent to a local Safety Action Meeting (SAM).

You won't attend the meeting but it brings relevant government and non-government agencies together to discuss how they can support your safety. Agencies may include NSW Police Force, Housing NSW, Centrelink, Corrective Services, and Department of Education etc. They will meet and discuss practical solutions for your safety.

You may be able to request that a specialist organisation such as the Inner City Legal Centre's Safe Relationships Project is part of the meeting to ensure that your needs are understood.

At the time of printing this booklet the new system has not yet been tested so there may be some changes to the way that referrals and support work.

It is always best to seek advice from a specialist LGBTIQ service, such as the Safe Relationships Project and ACON, that understands the system - they can advise you what the process is and help you to connect to mainstream services that are LGBTIQ friendly.



Your rights as a victim of crime

For victims of crime, the Charter of Victim's Rights sets down requirements about how government agencies (e.g. the police, hospitals, health services) and a range of service providers should treat you.

Under the charter, as a victim of crime you have the right to:

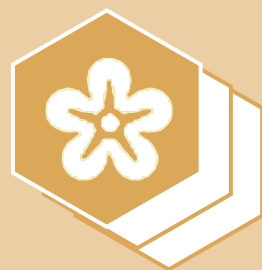
- be treated with respect, dignity and compassion;
- be kept informed about the investigation and prosecution of the defendant, including:
 - What the charges are or why the defendant has not been charged;
 - Decisions to change or drop charges;
 - The date and place of the court hearing; and
 - The final court result, including any appeal or gaol sentence given.
- be told about, and have access to, the different services that can help you, including counselling, welfare, health and legal services; and
- protection from the defendant while your case is in court.

If you believe that a government agency or service provider has not acted in accordance with the Charter, you can make a complaint:

1. You can first speak with the person you are dealing with from the agency or service provider about the problem. You should only do this if you feel comfortable.
2. If you are not satisfied with their response, you can ask staff to tell you how to make a complaint to the agency/service provider.
3. If you are not satisfied by the agency or service provider's response (or you did not feel comfortable speaking to them), you can contact Victims Services.

Victims Services can help you make a complaint and give you information on what can be done about it. You can also submit a complaint using the Charter of Victims Rights complaint form located on the Victims Services website.

Recovering from domestic and family violence



"Finally I woke up. I couldn't let her do any more damage to me. I went to counselling, stopped drinking, moved back to the city, got a great job and went back to school."

Maree, 22

Recovering from Trauma

Everyone experiences domestic and family violence differently. The way in which you respond to and recover from your experience may depend upon a number of things, including the types of abuse you experienced, past experiences of abuse, violence and trauma, strategies you used to survive, other stress in your life and the support or lack of support you received.

Whatever your experience, recovering from domestic and family violence is a recovery from a significant trauma.

Leaving an abusive relationship can be the beginning of a process of healing and recovery which may take some time. There are common experiences that some survivors talk about including:

- disturbed sleep;
- fear, anxiety, self-doubt and vulnerability;
- anger, ranging from irritability to rage;
- repeated thoughts about the abuse;
- sadness, loss and grief;
- being triggered by sounds, smells or memories; or
- fear of socialising in the LGBTIQ community
- fear of socialising in your Aboriginal or cultural specific community.

You may have developed survival techniques to avoid or minimise the impacts of the abuse whilst you were in the relationship but if these patterns continue after the abuse has stopped and you are safe, it could be a problem. For example, being on “high alert” might have been a survival tool that you used during the abuse but living on “high alert” constantly may be unnecessarily harmful, particularly if you are no longer in danger.

While there are some commonalities for people who have experienced domestic and family violence, your experience and recovery is completely unique. You are the expert in your recovery process and your needs may be similar or different to other people.

If you feel that these patterns or thoughts are overwhelming or prevent you from carrying out daily tasks eg. eating, looking after yourself, leaving your home, going to work and maintaining relationships with friends or family it is maybe helpful to speak to someone who can give you professional support.

There are a number of places that can make trauma recovery referrals for LGBTIQ people who have experienced domestic and family violence including:

- The Safe Relationships Project 1800 244 481;
- ACON’s Wellbeing Programs 1800 063 060;
- 1800RESPECT Helpline 1800 737 732; or
- Victims Services - Victims Access Line 1800 633 063, Aboriginal Contact Line 1800 019 123.

Looking After Yourself

There are a range of strategies you can do to care for yourself and to recover a sense of safety, self-worth and control over your life.

It’s important that you practice looking after yourself, and doing things that are good and right for you. Think about things that make you feel happy and put time and (if necessary) money aside to do them. It could be as simple as going for a walk.

If you lost contact with friends or family during the relationship think about making contact with them again.

Ensure you are as safe as possible. You could do this by making a new safety plan after the relationship has ended, and sharing it with a trusted friend, family member, colleague or doctor. You might decide to move house or change the locks on your doors.





Whatever you decide, feeling secure in your own home is very important.

- For information about residential security and how to make your home safe and secure check out the NSW Police Force website at www.police.nsw.gov.au/community_issues/crime_prevention/residential.
- People who have experienced domestic and family violence may be eligible for financial assistance support from Victims Services to change locks, improve security or move house. See the Victims Services website for more information at www.victimsservices.lawlink.nsw.gov.au.
- Staying Home Leaving Violence is a NSW program for women who have experienced domestic violence, and who want to stay in their home and need support and advice on how to do so safely. To find out if there is a Staying Home Leaving Violence program in your area, search the NSW Government website at www.community.nsw.gov.au/docs_menu/for_agencies_that_work_with_us/our_funding_programs/shlv.html.
- Start Safely is a subsidy for people who are eligible for social housing in NSW. It aims to provide short to medium term financial help to eligible clients, including those with children, who have experienced domestic and family violence so that they can secure private rental accommodation and do not have to return to the violent situation. For more details go to your local Housing NSW Office or call 1300 468 746.

Recognise that recovery will take time. For some people it takes months or years, others say that they always live with the impacts of the abuse but that it has helped them become more resilient people.

It's important to try and give yourself time to grieve the loss of the relationship and the hopes and expectations you had of it. There are going to be good days and bad days so try and consider ways you might deal with the bad days. If there continues to be more bad days than good, you might be experiencing depression and it's advisable to see a professional counsellor.

It might seem like a huge challenge but talking about your feelings with trusted friends or family can really help. You can also talk to staff at 1800RESPECT Helpline (1800 737 732).

If you need some additional support, you can also access free counselling through Victims Services (up to 22 counselling sessions). You can apply over the phone or online for counselling with Victims Services. Your doctor can also discuss options and a referral to free or subsidised counselling services under the Australian Government's Better Access to Mental Health Care Initiative. If you're seeing a counsellor it's a good idea to keep seeing them after the relationship has finished.

Starting a New Relationship

This new chapter of your life should be all about you and what you want to do. If you want to, you can make new friends by joining a support, social or special interest group. If you're into playing sport for example, join a local sporting group or maybe do a TAFE or adult education class. Volunteer work can also be very rewarding and many people find supporting others to be a nurturing and healing experience.

Twenty10, incorporating GLCS, has an extensive list of LGBTIQ support and social groups. You can call (02) 8594 9596 or 1800 184 527 between 5.30pm to 10.30pm, 7 days.



Most LGBTIQ relationships are built on love and respect. Your past experiences with domestic and family violence may affect how you feel about entering a new relationship.

There are a range of things you can do to help yourself feel comfortable in a new relationship. You can work through these strategies with a counsellor or trusted support person.

- You can negotiate to have the relationship develop at a pace you are comfortable with.
- Stay in contact with all of the people who support you. Keep trusting your own instincts, but use these people as a sounding board.
- Be clear with yourself and your new partner about what sort of behaviour you will and won't accept.
- Talk with your new partner about your experiences so they understand what you have been through.
- Keep your finances and other essentials separate until you feel confident to combine them. You may decide that you don't ever want to combine these aspects of your lives. That's perfectly OK.
- Talk to a counsellor about any anxieties you may be feeling.
- Remember that each relationship is unique. It is OK to negotiate boundaries around emotional, sexual and support issues.

Supporting a friend or family member



"I only had two friends left by the time the relationship ended. But thank God for them. If they hadn't stuck by me I don't know if I ever would have had the courage to leave him."

Paulo, 51

Providing Support

There are a number of things you can look out for if you think a friend is experiencing domestic and family violence.

Your friend may be:

- unusually nervous, depressed or withdrawn;
- overly anxious about their partner or their partner's moods;
- increasingly isolated from friends or family; or
- may have unexplained physical injuries e.g. cuts, bruises or sprains.

Your friend's partner may:

- put them down a lot in front of you or others;
- order them about or be making all the decisions; or
- control all the money or social activities or contact with friends.

Any of these things may indicate that your friend or family member is experiencing domestic and family violence. If you are not sure, you could call the 1800RESPECT Helpline (1800 737 732) to talk about what you have noticed. You can keep your friend's identity confidential.

Approaching a Friend

If you think a friend or family member is experiencing abuse but they haven't said anything to you, you could ask them if they need support or information. If you decide to approach them:

- make sure you are somewhere where they can talk without others hearing or interrupting, especially their partner;
- maybe start by saying something like, 'I'm worried about you because you seem unhappy...';

- don't push them into talking if they aren't comfortable; and
- don't be surprised if they are defensive or reject your support. It may not be the right time for them to talk about it.

If they downplay or deny the abuse or aren't willing to talk, let them know you are there to support them and wait for a sign that they are ready to talk. It's important for them to know that they can trust you and that they won't be judged. Remember it may take many attempts before someone is able to leave an abusive relationship. If it doesn't happen first time, don't give up on them. Just let them know you'll be there when they're ready.

"One good friend said that one day I would find the strength [to leave her] and that he and his boyfriend would support my decision. He was one of her closest friends and I started to think about things and talk to people and decided that enough was enough."

Kim, 42

Emotional and Practical Support

If a person experiencing domestic violence tells you about it, it's important to acknowledge to yourself and them that it is a big deal to be trusted.

There are a number of things you can do to support them, if you feel you are able. They include:

- listening to what they tell you without judging them;
- believing what they tell you. Remember most people downplay the abuse they are experiencing so in most cases it will be worse than they are describing;
- acknowledging their fear and taking their concerns seriously;
- letting them know the abuse is not their fault, they don't deserve it and that they don't have to put up with it;
- asking them what you can do to help them; and
- make sure you help them at their pace, not yours. It can be easy to rush in and tell your friend what they should do, this is generally not helpful.

In general, keep what they have told you confidential unless they give you permission to tell others. If, in a crisis, you believe your friend or their children are at imminent risk of harm call the police on 000. Encourage the person to make their own decisions. You can help them to make decisions if they want you to but don't tell them what to do.

"I took the leap of confiding in someone I worked with ... he generously lent me his spare room for a week while I disappeared from home."

David, 27



As well as providing emotional support you may be able to assist in a range of practical ways, including:

- providing them with, or helping them find a safe place to stay;
- accompanying them to the police, legal services or doctor etc;
- getting information they may need e.g. how to report to police or apply for an ADVO, the name and contact number of the local police station and Domestic Violence Liaison Officer (DVLO);
- giving them the contact details of services that might be able to assist them with reporting the violence and abuse;
- looking after important items such as their money and documents etc;
- recording what they have told you and any visible injuries, along with any text or social media messages they send you. Let them know you are doing this and that the information may be useful if they report the violence; or
- providing a safe place where they can get short-term respite from the abuse for a while.

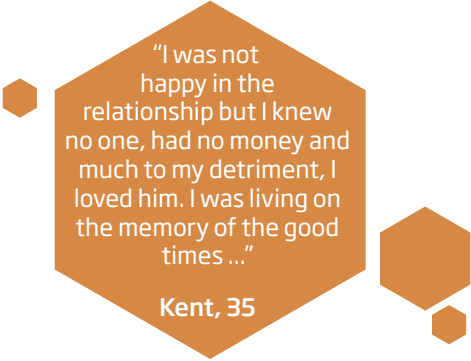
Providing someone with practical support can help them feel more in control of their situation and better able to make the decisions they need to, to start taking control of their lives again.

What Not To Do

If you are supporting a friend who is experiencing domestic or family violence there are a number of things you should avoid doing. These include:

- telling them what to do;
- confronting the abusive partner or family member. This can be dangerous for you and your friend (the victim);
- letting them know you are disappointed if they don't do what you have suggested or if they go back to their partner once or several times;
- making comments that imply they are to blame for the abuse; and
- trying to mediate between the partners.

Getting involved doesn't mean you have to solve the situation. If someone turns to you for help and support it means helping them find their own answers. You cannot 'save' them and it is important not to be disappointed if they don't do what you think they should. Leaving a violent relationship is difficult, it can be dangerous and it may take time.



"I was not happy in the relationship but I knew no one, had no money and much to my detriment, I loved him. I was living on the memory of the good times ..."

Kent, 35

Looking After Yourself

Supporting someone who is experiencing domestic or family violence can be difficult and frustrating. If you are supporting a friend or family member you could:

- get some support for yourself: talk to a counsellor, the 1800RESPECT Helpline (1800 737 732), a trusted friend or family member (but be careful not to break confidentiality);
- be clear with yourself and your friend about how much and what type of support you can give; or
- remember that your support, whether you see it or not, is very valuable.

Why People Stay in Abusive Relationships

There are many reasons why people stay in abusive relationships. These include:

- they may not recognise their partner's behaviour as abusive. Some LGBTIQ people think that domestic and family violence only happens in non-LGBTIQ relationships, so they don't see it as something that can happen to them;
- they may fear being 'outed' or discriminated against if they seek help;
- they are committed to the relationship and may believe that they can work it out with their partner;
- they don't want to leave their home, their children or their pets;
- they don't want to leave their cultural and ancestral land/home or family.
- they are afraid of what their partner will do if they leave;
- they are dependent on their partner financially or for care needs;
- the abusive partner is sick and their partner doesn't want to leave them alone;
- they feel shame and don't want everyone to know about the abuse;
- they love their partner and want to believe the promises that 'it will never happen again'; or
- domestic and family violence is about power and control. They may not yet feel strong enough to make the break.

Finding information, help and support



"I found a new place to live and, with a police gay and lesbian liaison officer as an escort, went to pick up my belongings and left."

David, 27

There is a range of services that can provide you with information, referral, help and support.

EMERGENCY - Police or Ambulance

In an emergency, call 000.

NSW Police Force

The police have the power and responsibility to intervene and protect you from physical or sexual violence or stalking.

In an emergency call 000. If it is not an emergency you can call your closest police station. You can go online at www.police.nsw.gov.au and search for your local police station via postcode or call Police Assistance Line on 131 444.

If you want to report domestic and family violence you can speak to any police officer. You may also speak with the Domestic Violence Liaison Officer (DVLO) or the Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) Liaison Officers (commonly known as GLLOs). Most police stations have a DVLO and many stations have a GLLO. DVLOs are police officers who have had special training in working with people who are experiencing domestic and family violence. GLLOs are police officers who have had training in working with members of the LGBTIQ community.

1800RESPECT Helpline - National Sexual Assault Domestic Family Violence Counselling Service

1800RESPECT provides information and support for people who have experienced sexual assault or domestic and family violence. Call 1800 737 732 to access confidential counselling delivered by qualified, experienced professionals 24-hours a day, seven days a week.

Phone: 1800 737 732

Website: www.1800respect.org.au

NSW Domestic Violence Line

The NSW Government Family and Community Services Domestic Violence Line is the primary information service for people experiencing domestic in NSW. The DV Line is free, confidential and staffed 24-hours, 7-days a week. Please note for your safety - if you call the 1800 number from your mobile it will be billed to your account and appear on your bill. If you call from a landline or pay phone it is free and will not appear on your bill.

Freecall: 1800 656 463

TTY: 1800 671 442

Staying Home Leaving Violence

A support program available in many regions which assists people experiencing domestic and family violence to remain in their homes, supported by an AVO which excludes the abuser from residing there (exclusion order) The service operates in 23 Staying Home Leaving Violence locations across NSW.

Bega - 6492 6239

Blacktown - 9677 1962

Broken Hill - 1800 300 036

Campbelltown - 1800 077 760

Dubbo - 6883 1561

Eastern Sydney - 0439 414 673

Fairfield/Liverpool - 9602 7795

Kempsey - 6562 2272

Lake Macquarie - 4943 9255

Maitland/Cessnock - 4937 1927

Moree - 6752 8027

Newcastle - 4926 3577

Nowra - 4421 7400

Parramatta/Holroyd - 9636 8437

Penrith - 4721 2499

Redfern - 9699 9036

Tamworth - 6766 4596

Wollongong - 4255 5333

Wyong/Gosford - 4356 2672

Website: www.community.nsw.gov.au/docs_menu/parents_carers_and_families/domestic_and_family_violence/stayhome_leaveviolence.html



Mensline

MensLine Australia is a professional telephone and online support and information service for men

Freecall: 1300 789 978

Link2home - homelessness services

The NSW Government Family and Community Services Link2home Line is free, confidential and staffed 24-hours, 7-days a week. If you are at risk of homelessness or need to access homelessness services call Link2home. From 9am to 10pm daily, Link2home will provide callers with information, assessments and referrals to homelessness support and accommodation services across NSW.

Freecall: 1800 152 152

Safe Beds for Pets - RSPCA

Safe Beds for Pets provides temporary housing for pets of LGBTIQ people seeking refuge from domestic and family violence. Contact Safe Beds for Pets yourself or ask your domestic violence service to assist you with a referral to Safe Beds.

Email: safebeds@rspcansw.org.au

Phone: (02) 9782 4408

Website: www.rspcansw.org.au

Royal Prince Alfred Hospital's Sexual Assault Service

The Royal Prince Alfred Hospital's Sexual Assault Service offers 24-hour counselling, support and referral for people who have experienced sexual assault.

Business hours: (02) 9515 9040

After hours: (02) 9515 6111

LGBTIQ Services

QLIFE

QLife provide free telephone and web based counselling, referrals and support groups for LGBTIQ people and their families on matters of sexuality and life issues. The phone line is open 5:30pm-10:30pm 7 days a week.

Telephone: 1800 184 527 (freecall)

Website: www.qlife.org.au

The Safe Relationships Project (SRP)

The SRP is a court support and free legal advice service for LGBTIQ people experiencing or escaping domestic and family violence in NSW. The SRP operates a Safe Room for victims at the Sydney Downing Centre Court and can provide court support for victims at other NSW local courts. The SRP also provides community legal education for service providers.

Phone: (02) 9332 1966

Freecall: 1800 244 481

Website: www.iclc.org.au/srp/

Inner City Legal Centre (ICLC)

The Inner City Legal Centre (ICLC) provides a state wide specialist free legal advice service for anyone who is lesbian, gay, bisexual, transgender, intersex or queer (LGBTIQ) throughout New South Wales. Telephone and face to face appointments are available Wednesday evenings and during business hours.

Phone: (02) 9332 1966

Email: iclc@iclc.org.au

Website: www.iclc.org.au

ACON

ACON is a community based LGBTI health and HIV/AIDS organisation. ACON has a range of services that may be appropriate for people experiencing domestic violence such as information, referral, counselling or support. ACON services also include an Anti-Violence Project, Aboriginal project, a Same Sex Attracted Womens Project, an Alcohol and other Drugs Project, HIV services and a range of services for gay men.

Phone: (02) 9206 2000
Freecall: 1800 063 060
TTY: (02) 9283 2088
Website: www.acon.org.au

The Gender Centre and the Transgender Anti Violence Project (TAVP)

The Gender Centre provides services for the transgender, gender queer, and gender questioning people in NSW. Services include counselling, accommodation, outreach services, assisting people to report violence to police (The Transgender Anti-Violence Project) or when questioned by police. The Gender Centre provides information, resources and education to service providers.

Phone: (02) 9569 2366
Website: www.gendercentre.org.au

OII Australia - Intersex Australia

OII Australia promote human rights and bodily autonomy for intersex people, and provide information, education and peer support.

Email: info@oii.org.au
Website: www.oii.org.au

TWENTY10 incorporating Gay and Lesbian Counselling Service (GLCS) NSW

Twenty10 incorporating GLCS NSW is a community-based, non-profit, state-wide organisation, working with and supporting people of diverse genders, sexes and sexualities, their families and communities. There is a specialised youth support service for people aged 12 to 26, and a specialised service for everyone else aged 18 or over.

Phone: (02) 8594 9555
Email: info@twenty10.org.au
Website: www.twenty10.org.au

Another Closet Website

For more information including a collection of real life stories and the latest information on LGBTIQ domestic and family violence go to www.anothercloset.com.au



Aboriginal & Torres Strait Islander Services



Wirringa Baiya

Support for women and children who are experiencing domestic and family violence or sexual assault

(02) 9569 3847

1800 686 587

Mudgin-Gal Aboriginal Corporation and Women's Service

Centre Hours:

9:00am - 5:00pm, Monday to Friday

Phone: (02) 9698 1173 Chippendale NSW

Website: www.redfernfoundation.org.au/mudgingal.html

Aboriginal Community Controlled Health Services (AMS)

There are over 50 Aboriginal Community Controlled Health Services (AMS) in NSW. Many AMS offer Domestic and Family Violence counselling services to find you nearest service visit

Website: www.health.nsw.gov.au/aboriginal/Pages/contact.aspx

The AMS in Redfern is located at 36 Turner Street Redfern.

Phone: 9319 5823 or (02) 9319 3345

Email: amsredfern@amsredfern.org.au

Indigenous Women's Legal Services NSW

The Indigenous Women's Legal Contact Line provides free confidential legal information, advice and referrals for Aboriginal and Torres Strait Islander women in NSW with a focus on domestic violence, sexual assault, parenting issues, family law, discrimination and victim's compensation. Women's Legal Contact Line: (02) 8745 6977 1800 639 784

Website: www.womenslegalnsw.asn.au

Law Access NSW

LawAccess NSW is a free government telephone service that provides free legal help for people who have a legal problem in NSW.

LawAccess is a starting point to help people with their legal problem or question. We can help with a range of legal problems or questions including, domestic and family violence. Customer Service Officers can assist people with their legal problem by giving legal information over the telephone, referring people to other legal assistance services and, in some cases, arranging for one of the Lawaccess Lawyers to call the person to provide telephone legal advice. Lawyers can provide advice in family, civil and criminal law.

Aboriginal Customer Service Officers are available to assist our Aboriginal clients.

Website: www.lawaccess.nsw.gov.au

Victims Services NSW

Support and information for victims of crime in New South Wales about victims' rights and how to access counselling and compensation. Victims Services is part of the Department of Attorney General and Justice in New South Wales.

They provide support and information for victims of crime in New South Wales.

Aboriginal Contact Line: 1800 019 123
Hotline: 1800 633 063,
Sydney: 02 8688 5511
Website: www.lawlink.nsw.gov.au/vs

Aboriginal Legal Services

The Aboriginal Legal Service gives legal advice and court representation to Aboriginal and Torres Strait Islander men, women and children in NSW and ACT. The ALS has 23 offices around NSW and the ACT.

CRIME Phone: 1800 765 676
CARE Phone: 1800 733 233
Website: www.alsnswact.org.au

Thiyam-Li Family Violence Service

Email: noeline.carr@thiyamali.com.au

Phone: (02) 67511400

Address: 30 Gwydir St Moree

Service directed to Aboriginal clients. Domestic violence and sexual assault, family law, child protection, AVOs and victims compensation.

Mainstream Services

Women's Legal Service NSW Domestic Violence Legal Advice Line

The Domestic Violence Advocacy Service provides specialised legal advice for women. Open Monday and Thursday 1.30pm-4.30pm, Tuesday and Friday 9.30am-12.30pm.

Sydney Advice Line: (02) 8745 6999
Rural Free Call Line: 1800 810 784

Victims Services

Victims Services is a part of the NSW Department of Police and Justice. Victims Services provides confidential support, free counselling, financial assistance, referral and information for victims of domestic and family violence.

Ph: Victims Access Line 1800 633 063
Ph: Aboriginal Contact Line 1800 019 123
Website: victimsservices.justice.nsw.gov.au

LawAccess NSW

LawAccess NSW provides free telephone legal information, to people in NSW. Legal information resources such as applying for an ADVO can be accessed on the LawAccess NSW website.

Phone and TTY: 1300 888 529
Website: www.lawaccess.nsw.gov.au



A Family Relationship Centre

A Family Relationship Centre can assist you to plan the first step forward. Staff will assess your needs and those of your children, and if necessary provide you with referrals to a variety of support services such as Domestic Violence Counselling, Community Legal Centres, Court Support Services, and Children Services.

Website: www.familyrelationships.gov.au/services/frc
Free Call: 1800 050 321

The Women's Domestic Violence Court Advocacy Program (WDVCAP)

The WDVCAP funds 28 Women's Domestic Violence Court Advocacy Services (WDVCASs), servicing 114 local courts in NSW. Women's Domestic Violence Court Advocacy Services are locally-based, independent services for women and children seeking help and information about how to get protection from the court from domestic violence. Legal Aid NSW administers state government funding for the program.

Free Call: 1800 737 732.

Lifeline

Lifeline provide crisis support and suicide prevention telephone counselling. People experiencing domestic and family violence can call Lifeline 13 11 14 or check out the website for information and support about domestic and family violence.

Phone: 13 11 14

Website: www.lifeline.org.au/Get-Help/Facts---Information/Domestic-Abuse-and-Family-Violence

Immigration Advice and Rights Centre (IARC)

IARC provides free immigration advice and assistance to financially disadvantaged people in NSW through face-to-face appointments (call (02) 9279 4300 to arrange an appointment) or telephone advice every Tuesday and Thursday from 2pm to 4pm call (02) 9262 3833. IARC is LGBTIQ friendly.

Appointments phone: (02) 9279 4300

Telephone advice: (02) 9262 3833

Website: www.iarc.asn.au

Translating and Interpreting Service

The Translating and Interpreting Service is a national service for people who do not speak English and for English speakers who need to communicate with people who do not speak English. The service is available 24 hours a day, seven days a week.

Phone: 13 14 50 (24 hours)

Making a Complaint

In Australia it is unlawful to discriminate against someone on the basis of their sexual orientation, gender diversity, intersex status, gender, disability, age, race or marital status. If you feel you have been discriminated against you may be able to take action against the particular service. Certain services like women's refuges can legally refuse to offer service to men. This is to ensure the safety and appropriateness of services to their clients. It is unlawful for a women's refuge to discriminate against anyone who identifies and lives as a woman.

NSW Police Force

If the police do not respond as they should or they refuse to acknowledge your relationship or behave in other inappropriate ways, you can:

- ask to speak to the officer in charge. If necessary, call the station while the police are still at your home;
- contact the Inner City Legal Centre for information about making a complaint about police conduct;
- make a complaint to the police customer assistance unit by calling 1800 622 571; or
- contact the NSW Ombudsman's Office on (02) 9286 1000 or 1800 451 524. One of the core functions of the NSW Ombudsman is to oversee complaints about government agencies including the NSW Police Force.

Local Court: Registrars and court staff


If the Registrar or other court staff do not do what they are supposed to, if they refuse to acknowledge your relationship or if they discriminate against you, you can:

- make a complaint to the clerk of the court. You can ask a court staff member to help you find the clerk of the court; or
- if this doesn't resolve your complaint you can contact the Community Relations Division of the Department of Attorney General and Justice on (02) 8688 7586 Monday to Friday 9am-5pm.

Discrimination from service providers

If you believe you have experienced discrimination from a service provider you can contact the Australian Human Rights Commission on 1300 656 419 or the Anti-Discrimination Board NSW on 1800 670 812.


LOVE AND RESPECT



"Day by day, I am rediscovering who I am. The most important thing for me now is that I'm safe and I control my own life."
David, 27

Most LGBTIQ relationships are based on love and respect and everyone has the right to seek a safe and healthy relationship.

"I am now 35, I'm happy with my appearance and have a new career. My quality of life is better and I am independent."
Adam, 35



"I have been in a relationship with a loving, caring, gentle and understanding guy for more than nine years now. I've learnt that he isn't trying to control me and have let him in to every part of my life."

Brad, 35

"My relationship with my family has healed and I'm in a loving and respectful relationship - life is good."

Lisa, 38

"Healing for me had been talking about it and here I am eighteen years later still talking about it."

Kim, 42

NOTES

ACKNOWLEDGMENTS

All the quotes in this booklet are from real experiences. We'd like to pay a special thanks to all the people who contributed their personal experiences for use in this resource.

The full stories can be read at www.anothercloset.com.au

© 2014 LGBTIQ Domestic Violence Interagency

This is a publication of the LGBTIQ Domestic Violence Interagency. The Interagency is a group of representatives from community-based organisations and government agencies who work to reduce the incidence and impact of domestic and family violence in LGBTIQ relationships and to develop, implement and evaluate strategies that address domestic and family violence in LGBTIQ relationships in NSW.

Another Closet 3rd edition 2014 was funded by the Department of Social Services under the Community Action Grants.

Another Closet 2nd edition 2009 was funded by the Inner City Legal Centre's Safe Relationships Project and the Office for Women and Policy, NSW Department of Premier and Cabinet.

Another Closet 1st edition 2005 was funded by the NSW Attorney General's Department, Crime Prevention Division.

Any legal information in this publication is a general guide to the law. It should not be relied on as legal advice. If you have a specific legal problem you should consult a lawyer. This legal information applies to people who live in or are affected by the law as it applies in New South Wales, Australia.

Last updated 24 October 2014.

LGBTIQ DOMESTIC AND FAMILY VIOLENCE

Most LGBTIQ relationships are based on love and respect. Some are based on abuse and control.

Abuse and control within a relationship is domestic and family violence.

This booklet is written for people in LGBTIQ relationships who are, or may be, experiencing domestic and family violence. It includes information on:

- information about LGBTIQ domestic and family violence;
- gaining a better understanding of LGBTIQ domestic and family violence;
- safety planning and your rights;
- reporting to police and apprehended domestic violence orders;
- recovering from domestic violence;
- supporting a friend or family member; and
- finding information, help and support.

This new edition gives information about significant changes to policing and support pathways in NSW.

This booklet also contains the contact details for a range of services that can offer information, support and referral to individuals experiencing domestic and family violence.



Safe Relationships Project

DOMESTIC VIOLENCE COURT ASSISTANCE



**LGBTIQ
domestic
violence
interagency**

