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# Domestic Violence and Ministry Implications

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# Introduction

- Corney & Lind Lawyers Pty Ltd
  - Mid size law firm – 18 lawyers + 30 staff
  - Our focus areas
    - Schools & Education
    - Not for Profit & Charity
    - Commercial
    - Employment & Discrimination
    - Personal Injury
    - Commercial & Construction Litigation
    - Migration & Visas
    - Family Law
    - Criminal & Traffic
    - Estate & Elder Law
  - Our lawyers travel to you if needed
  - Specialist lawyers committed to delivering “*just redemptive outcomes®*” with care and integrity
  - Based right next to the CBD opposite the RBWH transport hub



## Who is Eustacia?

- Degree in Law
- Degree in Arts (Political Science)
- Graduate Diploma in Divinity (no, it doesn't make me divine, although I wish it was that simple!)
- Has been in Legal Practice for nearly 7 years
- Has worked outside the legal profession for about the same time
- Strong experience in family law and domestic violence – and presently heads up the Family Law Team at Corney and Lind
- I've heard most of it, and not much shocks me anymore...



## The Plan

1. Recognizing abuse – what is domestic violence
2. Current statistics
3. Understanding the effect of domestic violence
4. Signs and symptoms in adults and children
5. Creating a safe environment
6. Equipping people to recognize and respond
7. Shaping community attitude towards domestic violence

Theological training

Beliefs

Family of origin

Decisions

Advice

Denomination



Disclosure

or

Discovery



(your)

Ideal

(theological)

Outcome

Theological training

Beliefs

Family of origin

Personal convictions

Denomination



Disclosure  
or  
Discovery  
of Domestic  
Violence

**the space in-between**

(Your)  
Ideal  
(Theological)  
Outcome

- Conversations
- Advice
- Decisions
- Referrals
- Prayers
- Ministry
- Encouragement

# Disclosure / Discovery - Scenarios

- A member of the congregation discloses that they are the victim of the violence during counseling or a pastoral care meeting
- A member of the congregation comes to you and says the he doesn't have contact with his wife or children, and can't contact them because of a Domestic Violence Order, but wishes to take steps to open a dialogue and reconcile with his wife.
- A member of the congregation comes to you and says that they have decided to separate from their spouse, discloses that they have engaged a lawyer and are seeking a domestic violence order against their spouse, who also attends the church.
- You interact with someone in the church family – and think something is a bit, well, odd.

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## 1. Recognizing abuse – what is “Domestic Violence” ?

In Queensland this primarily means looking at the *Domestic and Family Violence Protection Act 2012* (“the Act”)

### A Relevant Relationship

The Act provides that the person suffering the violence has to be in a relevant relationship with the person perpetrating the violence. The relevant relationships are:

1. A family relationship. For example: brother-sister, brother-father, mother-son, sister-sister, child-parent, aunt-nephew etc.
2. An informal care relationship. For example: paid or volunteer carers who come into the home to provide care services.
3. A spousal relationship or a de facto relationship.
4. An engagement relationship. For example: a couple who are engaged to be married but not living together.
5. A couple relationship. For example: a couple who are dating, but do not live together and are not married.





# 1. Recognizing abuse – what is “Domestic Violence” ?

*Per Domestic and Family Violence Protection Act 2012 (“the Act”)*

## **Certain Behavior**

The Act provides that domestic violence exists where one person in a relevant relationship engages in behavior with the other person, which is:

- a. Physically or sexually abusive
- b. Emotionally or psychologically abusive
- c. Economically abusive
- d. Threatening
- e. Coercive, which means they compel or force the other person to do (or not do) something
- f. In any way that controls or dominates the other person, causing them to fear for their own safety or wellbeing, or the safety and wellbeing of someone else.



# 1. Recognizing abuse – what is “Domestic Violence” ?

*Per Domestic and Family Violence Protection Act 2012 (“the Act”)*

The Act specifically gives the following behavior as examples of domestic violence:

- causing personal injury to the other person or threatening to do so
- Coercing the other person to engage in sexual activity or attempting to do so
- Depriving the other person of their liberty or threatening to do so
- Threatening the other person with death/injury, or the death/injury of their child, or someone else
- Threatening to commit suicide or self-harm so as to torment, intimidate or frighten the other person
- Threatening to or actually causing the death of, or injury to, an animal, (whether or not the animal belongs to the person to whom the behavior is directed, so as to control, dominate or coerce the person

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# 1. Recognizing abuse – what is “Domestic Violence” ?

*Domestic and Family Violence Protection Act 2012 (“the Act”)*

- Unauthorized surveillance of the other person, which means the unreasonable monitoring or tracking of their movements, activities, or interpersonal associations without their consent, including for example, by using technology. Example:
  - Reading a person’s SMS messages
  - Monitoring a person’s email account or internet browser history
  - Monitoring a person’s account with a social networking internet site
  - Using GPS device to track a person’s movements
  - Checking the recorded history in a person’s GPS device
- Unlawfully stalking the other person

In addition, if someone in a relevant relationship gets another person (outside the relationship, for example a pastor) to engage in any of the above behavior, they will have committed domestic violence.



## 2. Current Statistics

There is very little Australian research on the nature and prevalence of domestic abuse in church communities, unlike other countries, and most is dated.

As Australian National University researchers Naomi Priest, Mandy Truong and Nicholas Biddle write [in The Conversation](#): "Comprehensive, independent Australian data regarding domestic violence within churches are long overdue."

But there is clear evidence it exists inside church communities. There are three Australian surveys, and one relevant analysis. These found:

**At least one in five husbands who abuse Christian wives go to church regularly.**

A 1992 study of 1,704 women who were part of Anglican and Uniting Churches undertaken by Glenys Conrade of the University of Queensland found 3.3 per cent reported they had been abused in the past 12 months.

Twenty-two per cent of perpetrators went to church regularly, and 14 per cent were part of the church leadership; a majority never went. Dr Conrade concluded: "The number of victims who had spoken to ministers of religion about the abuse suggested that the clergy were inextricably involved with this issue."

The only other Australian study shows a higher rate of church attendance among perpetrators than the 1992 study.

In 1993, Dr Conrade studied 766 males and 1,284 females who attended mass in Catholic churches in the Brisbane Archdiocese. She found about 40 per cent of perpetrators (male and female) attended church regularly and a "very small minority" were part of leadership. (The smaller proportion of domestic abusers in leadership may relate to the fact that in the Catholic church priests are not allowed to marry.)

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## 2. Current Statistics



An [anonymous survey of 148 Sydney Anglican rectors](#) by the Sydney Diocese's Domestic Violence Task Force in 2016 asked rectors how many cases of domestic violence they'd seen in the past five years (2.25 per rector), and how many had involved a pastoral response (1.5 per rector).

Rectors reported eight in 10 perpetrators were male.

### **Analysts assume abuse occurs to the same degree inside the church as outside.**

In the absence of quantitative Australian data, one [academic](#), Leonie Westenberg of the University of Notre Dame, suggests we apply the UK model here, based on qualitative research.

In 2006, a study by the UK Anglican Archbishops' Council [found](#) that the "incidence of domestic abuse within church ... congregations is similar to the rate within the general population".

In a paper titled [When She Calls for Help —Domestic Violence in Christian Families](#), published in Social Sciences this month, Ms Westenberg finds that, "abused Christian women are more likely to remain in or return to unsafe relationships, citing religious beliefs to support avoidance of 'family break-ups' despite abuse."

She outlines the fact that quantitative research on the prevalence of domestic violence is fraught because of definitional and methodological issues — along with, we'd add, confusion about the definition of risk factors and related terms like "sporadic", "regular" or "nominal".

Ms Westenberg writes:

"This failure to provide an accurate picture of IPV is relevant particularly to research on Christian families. For example, Knickmeyer et al. (2016) describe the failure of studies on religious affiliation and domestic violence in Canada and the US to identify the role of patriarchy in IPV, focusing instead solely on denominational relationships, if any. However, qualitative research (see, for example, research by Knickmeyer et al. (2016) with women from different Christian denominations; data collected by Levitt and Ware (2006) in the Memphis, Tennessee area of the US; and Nason-Clark (2009) in Atlantic Canada) supports the findings [that]... the prevalence of domestic violence in Western Christian families correlates with the prevalence of such violence in the general population. What differs, however, is what has been called the added "vulnerability" of Christian women, who speak of both abuse and marriage in spiritual overtones (McMullin et al. 2012). Such women use religious language to describe why they remain in or return to relationships that involve domestic violence, citing the undesirability of divorce, the need to love and honour husbands, and the power of forgiveness and prayer to generate change in the abuser. It is the religious language that perpetuates and/or tolerates domestic violence (Nason-Clark 2009)."



## 3. Understanding the effect of Domestic Violence

### When a relationship comes to an end:

- The grieving cycle;
- Practical arrangements;
- The need for independent legal advice;
- The need for other referrals – medical, psychological, practical.

### When a domestically violent relationship ends or separations occur:

- A victim of domestic violence will often leave and reconcile a number of times – average of 9 times before the final time;
- Leaving is the MOST DANGEROUS TIME for a victim of domestic violence – 12 months after separation is the next most dangerous time;
- Safety is incredibly important! Please don't underestimate how much danger a woman leaving a DV situation is at.

### There are a bunch of legal issues that may well arise:

- Debt issues and repayment of joint loans
- Child support
- Parenting arrangements
- Distribution of property matters
- Spousal maintenance
- Domestic violence

# 3. Understanding the effect of Domestic Violence

## Effects on the victim

- Death, illness, injury and disability — domestic and family violence is the leading cause of death, illness and disability for women aged under 45
- Emotional and psychological trauma — the devastating impact on an individual's physical, mental and emotional health including depression, shame, anger and suicide
- Homelessness — nearly one-third of people in NSW seeking help from homelessness services say domestic and family violence is an issue
- Use of alcohol and other drugs to deal with the pain
- Physical health injuries and problems, which may not get medically treated

## Effects on the family

- Violence and the threat of violence at home creates fear and can destroy family environments and lead to the break-up of families
- Frequent moving to avoid the abuser
- Regular household conflict
- Child protection or police involvement

## Effects on the community

- Children growing up without learning about positive and respectful relationships
- Abusers going to prison
- Higher rates of alcohol and other drug use, and mental health problems
- Domestic and family violence is estimated to cost the NSW economy more than \$4.5 billion each year

# 3. Understanding the effect of Domestic Violence

## Effects on children

Of those women who experience violence, more than 50% have children in their care. Children and young people don't have to see the violence to be affected by it. Studies show that living with domestic violence can cause physical and emotional harm to children and young people in the following ways:

- ongoing anxiety and depression
- emotional distress
- eating and sleeping disturbances
- physical symptoms, such as headaches and stomach aches
- find it hard to manage stress
- low self-esteem
- self-harm
- be aggressive towards friends and school mates
- feel guilt or blame themselves for the violence
- have trouble forming positive relationships
- develop phobias and insomnia
- struggle with going to school and doing school work
- use bullying behaviour or become a target of bullying
- difficulty concentrating
- find it hard to solve problems
- have less empathy and caring for others





## 4. Signs & Symptoms in adults and children

It is not always easy to identify. Might need lots of symptoms to diagnose the issue.

- Jealousy, possessiveness, put downs, threats and violence
- unfairly and regularly accuses her of flirting or being unfaithful
- controls how she spends money
- decides what she wears or eats
- humiliates or embarrasses her in front of other people
- She doesn't spend much time with her friends and family any more
- threatens to hurt her, the children or pets
- physically assaults her (hitting, biting, slapping, kicking, pushing)
- Stuff is broken around the house
- yells at her/them
- threatens to use a weapon against her
- constantly compares her with other people
- constantly criticises her intelligence, mental health and appearance
- prevents her from practicing her religion



## 4. Signs & Symptoms in adults and children

- they have lost their confidence or are unusually quiet
- they seem to feel afraid of their partner
- they avoid certain topics in conversation
- They might express that
  - they feel that they can't do anything right for their partner
  - that they deserve (in some way) to be hurt or mistreated
  - that they wonder if they are the one who is going crazy
  - they feel emotionally numb or helpless
- their partner orders them about or makes all the decisions
- they often talk about their partner's jealousy or bad temper
- they say their partner pressures or forces them into sexual activity
- Effects of stress and trauma – memory loss, difficulty making decisions



## 4. Signs & Symptoms in adults and children

- Rigidly controlling their finances
- Withholding money or credit cards
- Making them account for every cent they spend
- Withholding basic necessities (food, clothes, medications, shelter)
- Restricting them to an allowance
- Preventing them from working or choosing their own career
- Sabotaging their job (making them miss work, calling constantly)
- Stealing from them or taking their money



## 5. Creating a safe environment

When there has been a disclosure or discovery that domestic violence is occurring in your church – you have entered the “space in-between”.

Pastors are uniquely positioned to do incredible good here, but also uniquely positioned to do incredible harm.



## The do's and dont's of creating a safe environment

### Do –

- Believe them
  - The majority of those who do report, will only do so once
  - For those who do report again, there is likely a long time period between reports
  - False reporting is believed to be around the 2% mark
  - Listen
  - Reassure – this is NOT your fault, this behavior is NOT ok
- Safety first – be practical, offer support, safety planning, do a risk assessment
  - *Are you safe? Do you need a safe place to stay? Do you want me to come and collect you/the children/the dog?*
  - *Do you have a plan to keep safe? How can I help?*
- May be helpful to document
- Refer. Refer. Refer.



# The do's and don't's of creating a safe environment

The roles and responsibilities:

## Department of Communities, Child Safety Services

- Role is to protect children
- They will often be involved in partnership with Police
- They will intervene and remove children IF there is no parent acting protectively

## Police

- Ability to issue DV Applications in their own right
- Ability to charge with DV offences including assault, deprivation of liberty, stalking, rape, sexual assault
- Ability to prosecute criminal offences and breach of DVO's

## Magistrates Court of Queensland/Local Courts

- Power to make domestic violence Orders/Apprehended Violence Orders
- Power to punish perpetrators for breach where prosecuted by Police

## Family Court of Australia/Federal Circuit Court of Australia

- Parenting matters and property/spousal maintenance
- Have limited ability to make injunctions
- Have limited ability to amend DV Orders made by State Courts

## Hospitals/GP's/Health Services

- Medical and counselling referrals

## DV Connect/RSPCA

- Crisis counselling (phone), safety planning and arranging refuge and animal placement

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## The do's and dont's of creating a safe environment

**Refer. Refer. Refer.**

[Brisbane Domestic Violence Service \(BDVS\) \\*](#)

[Brisbane Rape & Incest Survivors Support Centre](#)

[Caboolture Regional Domestic Violence Service](#)

[DV Connect Mensline \\*](#)

[DV Connect Womensline \\*](#)

[Elder Abuse Helpline](#)

[Immigrant Women's Support Service \(IWSS\)](#)

[Legal Aid Queensland \\*](#)

[No to Violence](#)

[Queensland Association of Independent Legal Centres \\*](#)

[Queensland Indigenous Family Violence Legal Service \(QIFVLS\)](#)

[Seniors Legal and Support Service \(SLASS\)](#)

[Suncoast Cooloola Outreach Prevention and Education \(SCOPE\)](#)

[Toowoomba Domestic & Family Violence Prevention Service](#)

[Women's Infolink](#)

[Women's Legal Service Queensland \\*](#)

[Working Against Violence Support Service \(WAVSS\)](#)



## The do's and don't's of creating a safe environment

### Don't –

- Be neutral. For example: *“I’m not sure I should get involved”, “I don’t want to take sides”, “we must be careful to love both of you”, “how do I know if you (or him?) is telling the truth?”*

“It is not possible to be truly balanced in one’s views of an abuser and an abused woman. As Dr. Judith Herman explains eloquently in her masterwork *Trauma and Recovery*, “neutrality” actually serves the interests of the perpetrator much more than those of the victim and is not neutral. Although an abuser prefers to have you wholeheartedly on his side, he will settle contentedly for your decision to take a middle stance. To him, that means you see the couple’s problems as partly her fault and partly his fault, which means it isn’t abuse.”

- Lundy Bancroft, textbook used [Why does he do that? Inside the minds of Angry and Controlling Men](#) for the QUT Graduate Certificate in Domestic Violence.





## The do's and don't's of creating a safe environment

### Don't –

- Ignore their practical needs in favor of trying to achieve a desired theological outcome.

*“What good is it, my brothers and sisters, if someone claims to have faith [or the best, most well-thought out theological position on marriage] but has no deeds? Can such a faith save them? Suppose a brother or sister is without clothes and daily food? If one of you says to them, “Go in peace; keep warm and well fed,” [“marriage is sacred, return and live with love for your husband”] but does nothing about their physical needs, what good is it? In the same way, faith by itself, if it is not accompanied by action, is dead.”*

James 2:14-17 [with my inserts]

Be very cautious about advising them to return home.



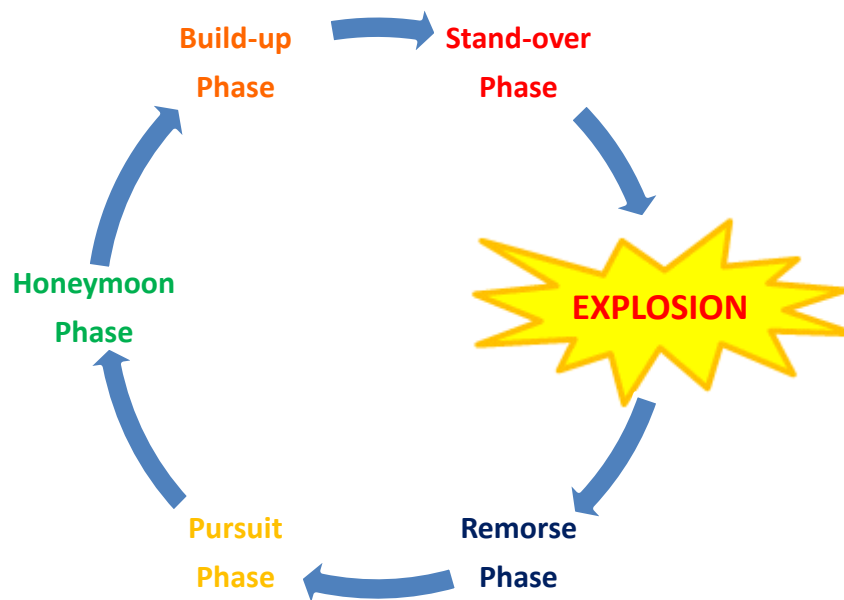
## The do's and don't's of creating a safe environment

### Don't –

- Be complicit in a criminal act. For example: breaching a Protection Order.
- Act as an inter-mediatory.
- Don't give legal advice. This includes advising them to withdraw applications for Protection Orders, or advising them to return home.
- Don't judge them. Or minimize what they are telling you.
  - You won't know everything, or even the worst of it. It is probably *much worse* than is being reported to you.
  - For every matter where someone speaks up about the abuse they are experiencing, there is likely to be at least one person who has experienced abuse that isn't saying anything at all – dv is massively underreported.
- Don't give advice with the “theological end goal” in mind.

## 6. Equipping people to recognised and respond

- The cycle of violence:



- How do you know the difference between genuine remorse and repentance, and the usual stage of the DV cycle? What does that look like?



## 6. Equipping people to recognised and respond

Why don't they leave if it is so bad?

- Fear of not being believed;
- Feel embarrassed or ashamed that they are experiencing violence;
- They have usually lost their confidence and find it hard to trust anyone;
- They may have had poor responses if they have spoken to someone previously;
- Fear of the offender minimising the incident to the police and others;
- Fear of increased abuse, violence or physical restrictions;
- Fear of being left with no financial security or home;
- Fear of being alone or isolated;
- Fear of shame by exposing the family to outside scrutiny;
- Fear of how the church family will react;
- Told that the Bible says they should stay;
- Believe that it will never happen again; and
- Fear that if they separate, the risk will be even higher.



## 7. Shaping church and community attitudes towards domestic violence

- Does the church play a role in shaping community attitudes towards domestic and family violence? Yes.
- This is a different questions to whether the church *should* play a role in shaping community attitudes, and to what extent. Theology.
- Given the prevalence of DV in our community, the theological repugnancy of domestic violence, the significant spiritual, emotional and physical harm it causes, and it's presence within the church, means your attitudes and responses matter.



## Some suggestions

- Know your theology. For example, on what grounds do you consider that it is OK for someone to separate from their spouse – none? infidelity only? violence?
- Know your limits. No-one's beliefs are context free. Our theology is informed by upbringing, culture, age, experiences, books, denomination, personal heroes, etc. Do you allow genuine room for people to hold alternative theological views on non-core issues? What assumptions do you hold about DV and about victims and perpetrators of violence?
- Be careful with language and word pictures.
- Train your staff and pastoral and ministry workers in “DV disclosure first aid”
- Preach on the topic (invite me! I'll do it.)
- Host a seminar for interested members of the congregation (invite me! I'll do it.)
- Make it a topic on church camps or professional development

**Link:** <https://www.abc.net.au/news/2017-07-24/how-to-navigate-the-research-on-domestic-violence/8738738>

**What some churches are doing:**

- Michael Paget, senior minister at St Barnabas Anglican church in Sydney, Oct 2016
- Tim Giovanelli (Baptist), Manly Life Sydney: [A sermon on domestic violence](#)
- Rev Doc Geek, Williamstown Uniting Church: [A sermon against domestic violence](#)
- [Rev Chris Udy, Crows Nest Uniting, Sydney](#)
- [Liam Miller, Uniting Church Chaplaincy at Macquarie University and Chaplain of Bedford College](#)

**Apologies and statements church ministers and groups, among others:**

- [The Global Church Project: An apology to victims of domestic violence in the church](#)
- [Catholic Evangelical: Domestic abuse and the church](#)
- [St Eutychus: Domestic violence, the ABC and the spirit of reformation](#)
- [Canungra Uniting Church](#)
- [Baptist Care Australia: The fruit of fixed gender roles in our churches](#)
- [Anglican Diocese of Canberra and Goulburn: Domestic violence in the name of God](#)
- [New Anglicanism: Pastoral issues and responses to domestic violence within the Church](#)
- [Australian church leaders call for urgent response to domestic violence](#)



## Some suggestions

- Check your church policies and employment contracts – are you up to date on the relevant law – e.g., a National Employment Standard for domestic and family leave came into effect on 12 December 2018
- Develop a church culture that says – violence is never acceptable in our homes and churches – sin thrives in silence



# Safer

A resource to help Australian churches understand, identify, and respond to domestic and family violence.

| Help us distribute this resource by [making a donation](#)



<https://www.saferresource.org.au>

[https://www.commongrace.org.au/statement\\_of\\_faith](https://www.commongrace.org.au/statement_of_faith)



SAFER

# Resources

<https://www.saferresource.org.au/resources>

- **Help and support services**

- Police or ambulance
- National Sexual Assault, Family and Domestic Violence Counselling Line
- NSW Rape Crisis Centre
- Women's specialist services
- Daisy and Aurora smartphone apps
- Lifeline
- Women's Legal Services
- Family Advocacy and Support Service
- Family Violence Law Help
- Penda financial services smartphone app
- Pets
- Beyondblue
- National Debt Helpline
- Medical services
- Translating and interpreting
- Kids Help Line
- Australian Childhood Foundation
- Relationships Australia
- Aboriginal-run services

- **Perpetrator interventions**

- National services
- State and territory services

- **General information and campaign websites**

- **Training**

- DV Alert training
- National Council of Churches training
- Common Grace training

- **Church guides and handbooks**

- Australian church handbooks
- International church handbooks

- **Church ministry resources**

- Bible studies
- Worship and liturgical resources
- Recorded sermons
- Sermon outlines
- Prayer resources
- Posters

- **Books**



## Other references and acknowledgements

<https://www.whiteribbon.org.au>

Fiona Manderson, Special Counsel, Corney and Lind

<https://www.healthdirect.gov.au>

<https://www.abc.net.au/news/2017-08-21/the-verdict-on-domestic-violence-data-and-the-church-believe/8804790?pfmredir=sm>

<https://www.abc.net.au/news/2017-07-24/how-to-navigate-the-research-on-domestic-violence/8738738>

## Questions



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