INTIMATE PARTNER VIOLENCE:

The Impact of Discourse on a Coordinated Response

Rosmarie Elisabeth Winter

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DECLARATIONS

Declaration of Originality

This thesis contains no material which has been accepted for a degree or diploma by the University or any other institution, except by way of background information and duly acknowledged in the thesis, and to the best of my knowledge and belief no material previously published or written by another person except where due acknowledgement is made in the text of the thesis, nor does the thesis contain any material that infringes copyright.

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Statement of Ethical Conduct

The Human Research Ethics Committee of the University of Tasmania granted approval for this research on 23 November 2006 and subsequent amendments on 27 February and 2 September 2007 (Reference H9157). The research associated with this thesis abides by the international and Australian codes on human experimentation and the rulings of the Ethics Committee of the University.

Rosmarie Elisabeth Winter

I July 2012
ABSTRACT

The nature of domestic violence service provision has been changing in recent years as a result of the shift towards criminalisation and multi-agency responses. Tasmania introduced criminal justice legislation and an associated policy framework to address intimate partner violence in 2004 which was recognised as best practice. This thesis provides an Australian context to the international debate on the criminalisation of intimate partner violence. The research demonstrates that professional ideologies and organisational discourses influence the implementation of multi-agency responses to intimate partner violence. Using a grounded theory approach with semi-structured interviews and field observations, I explore the discourses employed by police, the legal fraternity and victim advocates to identify three major categories. These are the ‘justice’ discourse; the ‘risk management’ discourse; and the ‘genuine victim’ discourse. This research introduces the work of Hajer into sociology and criminology via an exploration of Hajer’s concepts of discourse institutionalisation and discourse coalitions. The contribution of this thesis to the literature is the demonstration that discursive and material practices around justice, risk management and victimisation both converge and diverge to a degree between the government agencies involved in a particular discourse coalition; providing insights on the way in which agents construct the cultural conditions that support or countervail an attempt to manifest widespread social change through legislation. While both the justice discourse and the risk management discourse satisfy the conditions for discourse institutionalisation,
the power of the genuine victim is more subtle and rhizomatic and it achieves significant influence through its insinuation into the other two discourses, effectively providing a gatekeeping mechanism for access to justice. In addition to the findings around discourse, the research has also highlighted issues relating to the implementation of Tasmania’s *Safe at Home* policy. The results suggest that the risk framework as practiced by Tasmania police is not universally accepted by all members of the policy network around intimate partner violence. Furthermore, the way in which victims are constructed by police and legal professionals in combination with additional ideological discourses around evidence and legal processes may in fact compromise victim safety.
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Finally, I give heartfelt thanks to my wonderful family and friends for keeping me grounded throughout this process. I could not have done it without you.
## Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>DHHS</td>
<td>Department of Health and Human Services</td>
</tr>
<tr>
<td>DoJ</td>
<td>Department of Justice</td>
</tr>
<tr>
<td>DPEM</td>
<td>Department of Police and Emergency Management</td>
</tr>
<tr>
<td>FVMS</td>
<td>Family Violence Management System</td>
</tr>
<tr>
<td>FVCSS</td>
<td>Family Violence Counselling &amp; Support Service</td>
</tr>
<tr>
<td>FVIR</td>
<td>Family Violence Incident Report</td>
</tr>
<tr>
<td>FVO</td>
<td>Family Violence Order</td>
</tr>
<tr>
<td>ICCC</td>
<td>Integrated Case Coordination Committee</td>
</tr>
<tr>
<td>PFVO</td>
<td>Police Family Violence Order</td>
</tr>
<tr>
<td>RAST</td>
<td>Risk Assessment Screening Tool</td>
</tr>
<tr>
<td>RO</td>
<td>Restraint Order</td>
</tr>
<tr>
<td>VSRT</td>
<td>Victim Safety Response Team</td>
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1 INTRODUCTION

1.1 OVERVIEW

Intimate partner violence, long recognised as a serious social and public health problem, is now a crime in Tasmania. A comprehensive integrated response to intimate partner violence was introduced in Tasmania in late 2004 through the introduction of legislation which criminalised assault against current or former intimate partners. The initial idea for the research was born out of the questions *How can you legislate for major social change? How will this work in practice? and Will victims actually be safer?* Central to the investigation of these questions is gaining an understanding of the intended outcomes of a criminal justice response and then comparing these with what actually happens during the implementation phase. The resulting thesis presents a comprehensive evaluation of central components of Tasmania's *Safe at Home* strategy during the first few years of its implementation.

This opening chapter of the thesis will consider the process by which social problems become defined, and outline the changes to legislation and public policy around intimate partner violence in Tasmania. It introduces the notion of a coordinated policy response and provides details of how this was operationalised in Tasmania. This chapter will also introduce a number of theoretical constructs which will be used throughout the thesis and organises...