# Swift, Certain and Fair Approaches to Sentencing Family Violence Offenders: Discussion Paper

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### The Foundation for Alcohol Research and Education (FARE) welcomed the opportunity to make a submission on the Swift, Certain and Fair Approaches to Sentencing Family Violence Offenders: Discussion Paper (Discussion Paper). FARE’s submission contained 17 recommendations, with the recommendation to pilot a project with ‘swift and certain’ responses for alcohol-related offences being one.

The Foundation for Alcohol Research and Education (FARE) welcomed the opportunity to make a submission on the *Swift, Certain and Fair Approaches to Sentencing Family Violence Offenders: Discussion Paper* (Discussion Paper). Part of the reason for the development of this Discussion Paper is due to a recommendation made by FARE to the Victorian Royal Commission on Family Violence in 2015. This presented a comprehensive response to alcohol-related family violence, particularly focused on reducing the availability and promotion of alcohol across Victoria. FARE’s submission contained 17 recommendations, with the recommendation to pilot a project with ‘swift and certain’ responses for alcohol-related offences being one.

FARE appreciates that the Discussion Paper is an examination of the feasibility of applying swift certain and fair (SCF) approaches to family violence, and that the interplay between alcohol and family violence is complex. However, FARE maintains that we must do more to prevent family violence from occurring by recognising and addressing contributing factors, with alcohol being one.

To reduce the incidence of family violence across the whole population, strategies are needed that address these factors. For alcohol, this includes limiting the physical and economic availability as well as the ever-growing promotion of alcohol in our society. Introducing such controls and policies are vital to preventing and reducing the severity of family violence, while enhancing the safety and well-being of children affected by family violence.

## Recommendations

1. FARE recommends that the role of alcohol be adequately acknowledged by the Sentencing Advisory Council in understanding family violence as well as in the application of ‘swift certain and fair’ (SCF) approaches.
2. FARE recommends that alcohol harm prevention strategies are advocated for by the Sentencing Advisory Council in order to reduce overall family violence impacts.
3. FARE recommends that a pilot project be undertaken for those people arrested or convicted for alcohol-related offences to take two alcohol breath tests per day or wear a continuous alcohol monitoring bracelet with ’swift, certain and modest sanctions’ for people who are found to be in breach of these conditions.
4. FARE recommends that this pilot be established on the existing evidence base of SCF approaches and not extended to family violence offenders at this stage.
5. FARE recommends that the most appropriate application of SCF approaches would be as a condition of family violence intervention orders where the incident has had definite alcohol involvement (as per the L17 Risk Assessment and Risk Management report) or evidenced by the applicant.
6. FARE recommends an investigation of options to expand alcohol exclusion orders to be able to restrict alcohol on private premises, following examples set by Western Australia and the Northern Territory.
7. FARE recommends that due to the subjective nature of intoxication that alcohol exclusion orders are based on whether the perpetrator had drunk alcohol (as defined by the L17 police Risk Assessment and Risk Management Report) rather than whether he/she was intoxicated at the time of the offence.
8. FARE recommends that the perpetrator of family violence remain held to account for their actions and that contraventions include binary conditions such as the offender failing to attend counselling appointments, court appearances or hearings, failing to attend behaviour management programs, or failing to attend or complete alcohol and other drug (AOD) treatment.
9. FARE recommends that referral to alcohol and other drug treatment services be available to all magistrates within the Victorian court system.
10. FARE recommends that investment be made to better support the integration and coordination between behaviour change programs and AOD treatment services.
11. FARE recommends that justice professionals undertake professional development in order to understand how Fetal Alcohol Spectrum Disorders (FASD) affects people’s lives and their understanding of court proceedings.
12. FARE recommends that court proceedings be able to be understood by all; this includes making special accommodations for individuals with FASD such as ensuring written documents are in plain-English and use of simple direct language.

[view the submission](https://fare.org.au/wp-content/uploads/FARE-Vic-Swift-and-Certain-submission_FINAL.pdf)

[view the media release](https://fare.org.au/wp-content/uploads/Media-release-A-SWIFT-CERTAIN-AND-FAIR-APPROACH-TO-ADDRESSING-ALCOHOLS-ROLE-IN-FAMILY-AND-DOMESTIC-VIOLENCE-Final-31052017.pdf)

### Metadata