

## Parties

There is no widespread consensus among researchers, service providers and practitioners as to the most appropriate terms for identifying parties to domestic and family violence related proceedings. However, key literature assists in substantiating terminology choices.

The term ‘victim’ may be ascribed to those individuals who have experienced or are experiencing domestic and family violence. In doing so, it is acknowledged that the term has attracted considerable criticism for implying powerlessness, or failing to resonate with those who do not feel helpless, who defend themselves or who are ambivalent about their relationship to the person perpetrating the violence [Fine 1989]. Those who do not support the ‘victim’ label may express a preference for the term ‘survivor’, connoting a degree of empowerment [Fernandez 2010]. However, the term ‘survivor’ may be problematic in its implication that those individuals who do not escape domestic and family violence are somehow weak or voluntarily consented to the behaviour; and therefore the term ‘victim’ may more aptly reflect their experience [Meyersfeld 2010].

The term ‘perpetrator’ is used to describe a person who perpetrates domestic and family violence against another person with whom they are in a relevant relationship (as legislatively defined), irrespective of whether they have been charged with an offence or held criminally responsible for any behaviour.

The terms ‘victim’ and ‘perpetrator’ are the most commonly used among police and judicial officers in domestic and family violence related proceedings (for parties both alleged and proven to be a victim or a perpetrator) and, for consistency, are also used in this bench book. There is one notable exception: in any case where domestic and family violence and criminal jurisdictions intersect, the term ‘offender’ is used to identify a party who has been convicted of a criminal offence, for example, where a perpetrator’s domestic and family violence behaviours also constitute a criminal offence, or where the victim of domestic and family violence commits a criminal offence.