

Call for written submissions to inform the development of the Second Action Plan under the *National Plan to Reduce Violence against Women and their Children 2010-22*

March 2014

This submission is a joint paper by the following Victorian family violence peak bodies and statewide agencies including:

- Domestic Violence Victoria (DV Vic)
- Federation of Community Legal Centres Victoria
- Domestic Violence Resource Centre Victoria
- No To Violence
- Women's Legal Service Victoria
- Women with Disabilities Victoria
- Women's Domestic Violence Service Victoria
- In Touch Multicultural Centre against Family Violence

Foreword

The joint parties to this submission welcome the development of a second Action Plan under the National Plan to Reduce Violence against Women and their Children and welcome the opportunity to contribute towards its development.

Men's violence against women and children is a prevalent and entrenched issue in contemporary Australian society and it is incumbent on the Commonwealth Government to provide strong leadership and national coordination to eliminate such violence in our communities. Although men's violence against women and children is a complex and multidimensional issue, there is an emerging international consensus that it is preventable. Preventing violence against women and children should be a social policy priority for the Australian Government and action is urgent. Preventing violence before it occurs is likely to present a significant cost saving to the Australian Government given the high economic costs associated with violence against women.



1. What Have Been the Achievements/Gaps under the First Action Plan

General Implementation Achievements and Gaps

We acknowledge and congratulate the Commonwealth for garnering bi-partisan support for the National Plan and First Action Plan and COAG's success in supporting the States and Territories to develop their respective violence against women plans. This achievement is significant and sets the policy foundations to commence long term and strategic efforts to eliminate violence against women and their children in Australia.

1.1 National Plan Implementation Panel (NPIP) Working Groups

Despite the instigation of a selection process, the topic area working groups that were promised to be established to advise on the implementation and progress of the national priorities have not been established. We are concerned that without these advisory mechanisms, there is little provision for participation by subject matter experts and organisations working to support the objectives of the National Plan and to support the coordination of efforts which is critical to the effectiveness of preventing violence against women and their children.

1.2 Monitoring and evaluation of the implementation plan

It is essential that an independent monitoring and evaluation framework is established in order to measure the progress of the Plan against indicators and targets. We understand that an independent evaluation framework is yet to be implemented. We urge the Commonwealth to establish such a framework to accompany the second Action Plan.

An important component of the evaluation and monitoring framework will be the participation of civil society organisations with a stake in the progress and outcomes of the National Plan; and where appropriate, the participation of women who have experienced violence in its evaluation.

1.3 Ongoing support for the six National Women's Alliance, particularly the Australian Women against Violence Alliance (AWAVA). The Women's Alliances offer a vehicle through which the objectives of the National Plan can be achieved. We urge the continuation of funding for the National Women's Alliances as effective mechanisms for engaging grassroots groups of women and organisations in Commonwealth policy and law.

Building Primary Prevention Capacity: *Stopping Violence before It Occurs*

1.4 Establishing the Foundation for the Prevention of Violence against Women and their Children

We welcome the establishment of this Foundation and as key peak bodies and stakeholders in the prevention of violence against women and their children look forward to working closely with the Foundation as it builds a public profile that fosters trust, accessibility and authority.

1.5 National Primary Prevention Framework

The joint parties to this submission look forward to the development of a National primary prevention Framework as per the recommendation of *A Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children 2009-2021*. We assume that this work would be developed by the Foundation to Prevent Violence against Women and their Children.

The VicHealth *Framework for the Primary Prevention of Violence against Women* provides strong conceptual and practical foundations for the primary prevention of men's violence against women, however a national approach to primary prevention should embed this within a human rights framework addressing the structural and cultural

factors which reinforce and support gender-based privilege, entitlement and power. This is particularly important when considering that not all Australian jurisdictions will have a consistent understanding of concepts and language related to the causes of violence against women and the social determinants of health.

A national primary prevention plan should reflect the importance of preventing violence before it occurs and that violence against women is too prevalent and the consequences too great to limit efforts to post-violence interventions. It should reflect that gender inequality places limitations on women's lives, through men's individual and collective actions, and through cultural processes and societal institutions that serve to maintain men's privilege and entitlement. It should consider the structural, cultural and societal contexts in which violence occurs and develop broad strategies that challenge violence-supporting masculine identities, and consider the intersections of gender-based oppression and privilege with other social inequalities linked to homophobia, discrimination against women with disabilities, racial discrimination, etc...

The VicHealth Framework recognises that prevention of violence against women is best guided by the three interrelated themes: promoting equal relationships between women and men; promoting non-violent social norms and reducing the effects of prior exposure to violence (especially on children); and improving access to resources and systems of support.

It is critical that a national primary prevention framework also develops best practice benchmarks for application at policy and program levels.

1.6 Respectful relationships education in the national curriculum

For children and young people, schools and other educational environments are key settings in which behaviours and attitudes towards interpersonal relationships are shaped and formed. Schools also offer key opportunities for non-violent and equitable interpersonal relationships to be modelled and normalised.

We support the inclusion of respectful relationships education in the new 'Health and Physical Education' component of the Australian Curriculum (released late 2013). We are concerned about the current review of the Australia Curriculum and oppose any moves to remove respectful relationships education (RRE) from the national curriculum.

We note in particular that the evidence demonstrates 'whole-of-school' programs, which integrate evidence-based prevention of violence against women and children into the curriculum, teacher training, school policies and protocols, and which are supported by strong leadership on the issue, are the most effective models to reduce violence-supportive attitudes and violent behaviour.

Such whole of school programs should:

- Embed gender equality messages throughout the curriculum that address underlying forms of violence against women e.g. notions of entitlement, power and gender norms.
- Prioritise training and professional development for all teaching staff to ensure effective delivery of whole of school programs, not just those delivering RRE programs.
- Resources should be made available for new work to build the evidence base for primary prevention in early childhood.
- Develop anti-bullying policies and strategies that are informed by the impact, nature and dynamics of gender-based violence, recognising that constructions of gender are a key factor in range of violent and abusive behaviours.
- Allocate adequate classroom time in order to implement programs as comprehensively as possible.
- Parents must also be involved in a whole of school approach.
- Opportunities must be available to share resources and learning in RRE. One successful example of this is the Partners in Prevention, an initiative of the Domestic Violence Resource Centre Victoria.

This is a network of RRE providers resourced by DVRCV through regular network meetings, bulletins, and a website. <http://partnersinprevention.org.au/>

- Refer to the good practice guide, [Respectful Relationships Education: Violence prevention and respectful relationships education in Victorian secondary schools](#) (State of Victoria 2009).

1.7 National Primary Prevention of VAW in the Media Framework

Media, advertising and popular culture can play an important role in either reinforcing or challenging the attitudes and norms which contribute to violence against women and as such the media is recognized as a key setting for the primary prevention of violence against women and their children.

In order to prevent violence against women from occurring in the first place we need to work to combat the widespread myths and misconceptions that surround the issue; this is why working with the media and with journalists is so important because they have the resources and reach to highlight the problem that is so often hidden from view. This involves working to increase evidence-based and accurate reporting on violence against women through promoting consistent and clear messages on violence against women and gender equality, and to improve community understandings of the nature, dynamics and impact of violence against women. Good quality reporting challenges misinformation and damaging stereotypes that tolerate or excuse violence against women and gives voice to survivors without sensationalising their experiences.

DV Vic has run the EVAs Media Awards¹ in Victoria since 2008 in collaboration with No To Violence and the Centre against Sexual Assault Forum. The EVAs has a growing profile and has been recognised as making inroads into improved reporting on the topic of violence against women². Our intention is to grow the EVAs beyond a Victorian project to a National event and thereby engage a broad range of communities, sectors and media outlets in this an emerging area of primary prevention work. DV Vic would see a national EVAs Awards as sitting within a broader national PVAW in the media Framework which would aim to strategically address quality and consistency in media-reporting on violence against women across Australia.

1.8 Workplace primary prevention initiatives

The signatories to this submission are strongly supportive of the early work undertaken to date to include domestic and family violence provisions in enterprise agreements, and associated workplace policies and guidelines, in particular through the Australian Domestic and Family Violence Clearinghouse's *Safe at Home, Safe at Work* project. This work recognises that workplaces are important and effective settings for the prevention of violence against women, as well as recognising the significant and broad-ranging impact on productivity caused by violence against women.

Amendments to the *Fair Work Australia Act* have resulted in a right to request flexible work arrangements for victims of family violence and carers of such victims. However, the Commonwealth Government should commit to re-reviewing the proposed amendment to include an adverse action protection relating to being a victim/survivor of domestic and family violence in the *Fair Work Australia Act*.

1.9 Social Media – the Line Campaign

The parties to this submission endorse the recommendations made to this consultation by Women's Health in the North in relation to the Line website, namely:

¹ More information at: evas.org.au

² vichealth.vic.gov.au/publications/freedom-from-violence

- Need to apply a gendered analysis – intimate partner violence is a gendered crime and this is not acknowledged.
- Needs to discuss equal relationships (not only respectful).
- Appears to focus on bullying, rather than intimate partner/dating violence and sexual assault. These are different issues with different approaches needed.
- Age group (12-20) is too broad and therefore not tailored to meet the needs of any group very well.
- Different information is needed for young women and young men – maybe the main website could be a portal to different gender and age appropriate sites.
- Information needs to be translated and culturally appropriate.
- Information should also be targeted to key at-risk groups.

1.10 The White Ribbon Foundation

The establishment of the Foundation to Prevent Violence against Women and their Children and the development of the National Plan's second Action Plan provides a timely opportunity to set best practice and evidence-based standards for Commonwealth funding of primary prevention initiatives, including White Ribbon Foundation funded programs.

It is important for example that primary prevention efforts establish a sound basis for collaboration, consistency and coordination so as to ensure that efforts across the country all speak to a common evidence-base, all collectively addressing the determinants of men's violence against women - particularly unequal power relations between men and women - and allow for change over time.

It is critical that efforts are not limited to awareness-raising endeavours alone and that they deliver multiple, mutually reinforcing strategies across individual, community and societal levels. Programs that involve stand-alone, one-off or narrow communications initiatives are unlikely to achieve long-lasting cultural change.

Successful programs engage stakeholders and build strong partnerships over an extended period of time. The implementation of population-wide awareness-raising campaigns will always have a flow on effect to on-the-ground services, which is why involving key sector stakeholders in the design, implementation and evaluation of campaigns is critical. It is also a key principle for effective primary prevention that evaluations should generate and transfer knowledge.

To date the sector has been disappointed in the lack of integration, information-sharing and accountability between White Ribbon Foundation initiatives and the violence against women sector, including others working in primary prevention. This approach runs counter to the evidence-base on how to implement primary prevention activities; we therefore see a key role for the new Foundation to Prevent Violence against Women and their Children to develop mechanisms to improve these processes.

Enhancing Service Delivery: *Improving Services for Victims*

1.11 Demand on and chronic under-resourcing of the Victorian Family Violence Service System

After extensive consultation through the Victorian Law Reform Commission with sector agencies, government and the Statewide Steering Committee to Reduce Family Violence, landmark family violence prevention legislation, the *Family Violence Protection Act 2008* (Vic), was introduced as a central element of an integrated approach.³ Since it was enacted, the Act has been regarded as leading the nation in terms of the legal protections offered and

³ For more background on the whole-of-government family violence response, see Magistrates Court of Victoria, Family Violence Court Division and Specialist Family Violence Service, *Induction Manual*; Leah Hickey and Erika Owens, 'The Victorian Family Violence Court Division: Successes and Challenges of an Integrated Response to Family Violence', *Just Partners Conference: Family Violence, Specialist Courts and the Idea of Integration*, 22-23 May 2008.

its purpose, which is to prevent and reduce family violence, prioritise the safety of victims, and hold perpetrators accountable for their use of violence

Over the ensuing years there has been a subsequent dramatic rise in family violence statistics manifesting across Victoria's justice and human service systems which is likely to reflect greater community confidence since the introduction of significant legislative and policy drivers in Victoria in an area that has been traditionally under-reported. However, while this increase can be seen as a success of these reforms, the resulting increase in demand places a significant burden on all parts of the integrated family violence system – including police, courts, legal services, and specialist family violence services.

Family violence incident reports to Victoria Police have increased by 72.8 per cent⁴, to more than 60,000 last financial year (including an almost 24% increase in reporting to police in one year alone). Family violence now accounts for approximately 38.6% of crimes against the person⁵. We now have protocols in place that mean that for the majority of the approximately 60,000 reports to police each year, there will be a corresponding referral - for women, children and men - to a community support agency.

Unprecedented demand for services, without commensurate funding to match this demand, has left family violence services struggling and under incredible pressure. Agencies are being forced to direct the majority of their resources to responses at the intake and crisis point of service delivery, leaving them unable to provide clients with more holistic or long term support. This can affect the quality of outcomes for clients; leaving them unable to access the level of support they need to gain independence and increasing the likelihood they will need to return to agencies for support repeatedly.

Policy- and decision- making concerning the court elements of the integrated response has recognised that there is great value in having parallel duty lawyer services for the applicant/affected family member (AFM) and for the respondent. Where both parties are represented there is also a high rate of matters being resolved by consent at the first mention date, which is not only a safer outcome for the applicant, but also reduces pressure on the courts and is more cost efficient for the system as a whole. Community legal centres (CLCs) provide duty lawyer services in Victorian Magistrates' Courts, primarily for victims of family violence.⁶

In 2012-13, 'family or domestic violence order' was the top legal problem type for CLC work across Victoria, comprising 13.1% of all problem types. 'Family or domestic violence' contributed another 2% of problem types. CLCs provided information about family violence legal issues on nearly 5000 occasions and provided well over 5000 legal advices concerning family violence. In addition, over 8000 new family violence cases were opened, meaning that more than one in every three new cases for CLC lawyers in Victoria were about family violence.

The blowout in demand for services across the system has included demand within the Magistrates' Courts, with applications for family violence intervention orders. A related important element of the reforms is implementation of system-wide processes for risk identification and achieving safety. While there has been much work undertaken to embed common risk assessment and management across the family violence system, there remains a significant challenge, especially within the criminal justice system, to establish risk and safety awareness across the broad range of professionals who routinely come into contact with women and children experiencing, or men using, family violence.

The good work begun in the court system with the development of five specialist court sites (originally intended to expand across Victoria) has been stalled somewhat, as courts face increasing strain due to lack of funding for infrastructure. This is resulting in over-crowding, long lists, delays, safety risks and in some cases high financial costs, for affected family members. The experience of our CLC lawyers is also that practices and procedures are not necessarily consistent across court sites.

Specialist family violence services have extensive expertise in identifying and managing risk, as well as supporting women and their children to stay safe from violence. Working directly to support women and their children in situations of violence and to address their concomitant issues, family violence practitioners tailor responses to clients' specific needs and help them to achieve identified outcomes. Their capacity to provide quality responses is

⁴ Sentencing Advisory Council 2013, Family Violence Intervention Orders and Safety Notices: Sentencing for Contravention Monitoring Report

⁵ <http://www.theage.com.au/victoria/family-violence-drives-up-crime-rate-20130529-2nbz0.html>

⁶ Victoria Legal Aid also provides duty lawyer services, primarily for respondents.

jeopardised by how thin resources have been stretched to meet current levels of demand. In situations of family violence this can mean that women and children's lives are at significant risk.

Increasing demands on the sector are also making it difficult to recruit and retain suitable staff. This situation jeopardises those services that offer the most critical and appropriate responses to women and children experiencing family violence, as well as risking the overall effectiveness of the statewide integrated response system.

The impost on services across sectors will continue to grow and impact on police, courts, child protection, family violence, sexual assault and homelessness services. It is no longer enough to focus solely on responding to violence against women once circumstances reach crisis point.

It is also still apparent that Victoria's integrated response to family violence, and its associated resourcing and collaborative service relationships, varies in accessibility and effectiveness across the State, resulting in a form of 'postcode justice' and a system that tends to serve better those victims who are not also socially disadvantaged in other ways (eg Aboriginal women, women with disabilities).

In order to address the critical bottlenecks in the family violence system the Commonwealth and State Governments urgently need to invest in interventions that will ease the burden of increased demand on the rest of the system and reduce the inefficiencies created by the 'revolving door'; that is, women and children returning to the service system due to inadequate supports the first time round.

The Victorian Government needs to fund shortfalls where demand exceeds capacity – especially in the community service systems. This in turn needs to be supported by the Commonwealth through the National Affordable Housing Agreement (NAHA): the majority of funding for family violence response comes via the Commonwealth/state Specialist Homelessness Services Program.

In many ways, as recognised by the ALRC/NSWLRC Final Report on Family Violence, Victoria has been leading the nation on family violence reform and responses. It is crucial that all jurisdictions develop and maintain a genuinely integrated and fully resourced response and thereby model best practice in protecting victims of family violence and holding perpetrators accountable.

1.12 Ongoing commitment to National Partnership Agreement on Homelessness (NPAH) funded programs

The NPAH has provided \$209.7 million in additional State and Federal Government funding in Victoria since 2009. In both homelessness and family violence services, this funding has been critical in establishing innovative programs that pave the way for the future reform required to meet the ambitious target of halving homelessness by 2020.

In 2008 the *Family Violence Protection Act* was introduced which brought in changes that make it easier for women to stay safely in the home following violence and have violent perpetrators excluded from the property. The Australian Government's White Paper on Homelessness (2008) identified this approach as being critical to prevent women and children's homelessness where it is precipitated by family violence. In Victoria this accounts for 44% of women and children's homelessness⁷.

At the same time, funding available through the NPAH since 2008 has allowed some agencies to support these legislative changes by working with women to keep them safe in their own homes. These 'Safe at Home' programs typically involve brokerage funding to enable lock changes and other physical safety infrastructure upgrades, as well as ongoing risk assessment and safety planning, case management and critically - collaboration with local Police.

Safe at Home programs are an essential feature of the family violence service provision environment and hold significant potential to keep women and children safe in their own homes and circumventing some of the impacts

⁷ Victorian Homelessness Action Plan (2012)

that fleeing violence commonly incurs such as homelessness, job loss, children leaving school and welfare dependence.

Program providers will soon face difficult decisions about ongoing service delivery should the NPAH not be renewed. The uncertainty around the future of this funding means that services are currently reviewing their staffing needs and will need to begin winding down services, not renewing staff contracts and issuing redundancies. Not only does this have an impact on the staff of these services, but in the coming months will lead to a reduction in the services able to be offered to people experiencing or at risk of homelessness. We are very concerned that this would result in a significant disinvestment at a time when the family violence system is experiencing unprecedented and burgeoning demand.

The signatories to this paper urge the Commonwealth Government to re-commit to a further multi-year National Partnership Agreement on Homelessness to enable these and other critical homelessness prevention programs to continue.

1.13 Funding to Aboriginal Family Violence Legal Services

The parties to this submission remain concerned about funding for legal assistance programs and supporting Aboriginal victims of family violence through access to Aboriginal family violence and prevention services (FVPLS). The FVPLS program nationally faces funding cuts of \$3.6 million from the Federal Government. While the Government claims that the cuts will come from policy and law reform capacity, these activities have never been funded and therefore any cut to funding will seriously impact upon service delivery. Critical family violence services for Aboriginal women and children are also at risk if the Government does not commit to a further multi-year National Partnership Agreement on Homelessness (see 1.12).

We also understand that Commonwealth Government policy continues to restrict the National FVPLS Program to providing services in rural and remote areas of Australia. This policy means most people living in urban areas and in other rural and remote regions do not have access to an FVPLS service. It has a discriminatory impact on Aboriginal peoples, particularly women, who are often unable to access other Aboriginal services due to conflict of interest issues and cultural inaccessibility of mainstream services. Aboriginal women living in all geographic areas are entitled to equal access to culturally safe services.

1.14 1800 Respect online and telephone counselling line and support for frontline staff in isolated areas and worker portal

There is strong support amongst the family violence sector for the 1800 RESPECT initiatives, especially the support provided to those in rural and remote areas. In addition to providing 'backup' for Victorian crisis and help lines, we understand that a number of Victorian family violence service provider organisations use 1800 RESPECT for professional support and secondary consultation.

The first action plan identified that need for closer integration of new and existing telephone and crisis services. The action plan aimed to deliver evidence-based national standards for telephone crisis lines for the purpose of keeping women safe. If the national crisis line standards were implemented, services reduce the need for women to retell their stories (first door approach), extend the use of best practice risk assessment, enhance integration, provide better support around assessing and responding to children, support culturally sensitive practice, and appropriate responses for women with disabilities. While we recognise that 1800 RESPECT has been established in the first action plan; point-of-entry crisis services continue to wait for national leadership on this issue. The Domestic and Family Violence Crisis Lines of Australia Network (DFVCLAN) are well placed to support the Government on implementation of this action.

Further development is required to ensure that 1800 Respect is accessible to those with vision and hearing impairment.

1.15 National Workforce Agenda - Build the capacity of workforces and organisations

The first Action Plan stipulates that all Australian governments have committed to work together to support a sustainable and skilled workforce through the development of a National Workforce Agenda under the National Plan.

We recommend that the second action plan include development of a comprehensive workforce development strategy to be developed for specialist violence against women practitioners in conjunction with State and Territory Governments. This strategy will need to reflect the true market value of the work undertaken in community services.

A workforce development strategy will need to address and invest in:

- Employment packages that ensure fair and adequate remuneration for workers and flexible working conditions (continuing to invest in the SACs Equal Remuneration Order)
- Attraction and recruitment of suitably qualified graduates and identifying strategies to ensure that working in the violence against women sector is seen as a desirable career choice. Provision of student field work placements and establishment of relationships with tertiary institutions will be considerations here.
- Retention of experienced practitioners.
- Worker competencies, skills and training - including a focus on the multidisciplinary skills required to meet the demands of clients with complex needs.
- Opportunities for continuing and relevant professional development.
- Career pathways within and across sectors.
- Supervision and other staff support mechanisms
- Provision for management structures to be built into organisations where this has not historically been funded. Peer support and mentoring structures and opportunities for women in managerial positions would strengthen the support and skills of these women in the sector and contribute to their decisions to remain in the sector.
- Ensuring robust organisations via strengthened governance arrangements and clear and articulated strategic planning processes.

1.16 National training initiatives under the National Workforce Agenda

The First Action Plan of the *National Plan to Reduce Violence against Women and their Children 2010-2022* recognised that:

a well-supported workforce is more likely to provide targeted, high quality and joined-up services for women and their children who have experienced domestic and family violence and sexual assault.⁸

The two recent national training initiatives, AVERT Family Violence (for family law professionals) and DV-alert (for front line workers), are both welcome.

The AVERT Family Violence Training Package, released in 2011, aimed to 'improve the levels of understanding about the dynamics of family violence and the handling of family violence cases through the development of a multidisciplinary training package which targets professionals working in the family law system'.⁹

AVERT has been rolled out to professionals working in the family law system in Victoria, albeit in a way that has not been well connected to state-based initiatives and training. AVERT has been delivered in a way that continues to silo state and federal legal systems and agencies, in line with state or federal funding sources.

⁸ National Implementation Plan First Action Plan 2010-2013 -Building a Strong Foundation

⁹ AVERT Family Violence TM Commonwealth of Australia 2010

Approaches to risk assessment, for example have been developed completely separately and without reference to the other.

DV-alert Domestic Violence Response Training is ‘a nationally-run accredited training program that enables health, allied health and frontline workers to recognise signs of domestic and family violence; respond with appropriate care; and refer to appropriate support services’¹⁰. Training for health and allied professionals is an important factor in the development of good practice.

However in Victoria the delivery of DV-alert training was organised without any consultation with the Regional Integration Coordinators (who coordinate local initiatives and training around family violence), existing family violence networks, governance bodies, or coordination structures, peak bodies or the Domestic Violence Resource Centre Victoria (which is the major provider of family violence training in Victoria).

DVRCV, a Registered Training Organisation (RTO) is subsidised to provide training, including accredited training, under a service agreement with the Victorian Department of Human Services. It produces a half yearly training calendar which is distributed throughout the state.

In states where there are local specialist training providers such as DVRCV, these organisations should be contracted to provide the DV-alert training. This would ensure that trainers had knowledge of local services, government policy, and state legislation. Furthermore, a lack of consultation and coordination risks wasting precious opportunities and finite resources for capacity building.

If future training is not delivered by local providers then the trainers must be required to consult with relevant family violence networks and local service providers and tailor the training to meet local needs.

1.17 Call for a national integrated training framework that recognises, ‘talks to’ and builds on state training initiatives

The first Implementation Plan stated that ‘from the third year of the First Action Plan, states and territories *will integrate their existing support and training with the national arrangements*, including adopting identified good practice’.

A national training framework needs to work both ways – with established best practice in states also informing national programs. We are concerned at the disconnect between state and federal training initiatives, and at the failure to recognise and link with other significant work being done in this area.

A one-size fits all approach is not helpful when states such as Victoria have been working on reforming responses for over a decade. Victoria has a long history of working collaboratively and across-sectors; including through comprehensive family violence risk assessment training for over 6000 professionals since 2008, and is home to a dedicated family violence training organisation recognised for best practice family violence training for more than 25 years.

The second Implementation Plan needs to address these gaps and work towards integrated responses that build on good work that has gone before.

Strengthening Justice Responses: Improving Links between Criminal Justice Processes, Services for Victims and Perpetrator Interventions

¹⁰ DV-alert Domestic Violence Response Training, Lifeline www.fahcsia.gov.au

1.18 Development of national standards for perpetrator programs, and national perpetrator program outcome research

Perpetrator programs for family and domestic violence can represent a risky intervention. If not done well, they can compromise the safety of women and their children. When viewed narrowly in terms of behaviour change or recidivist outcome measures, the empirical evidence for their effectiveness remains uncertain.

The place of perpetrator programs within integrated family and domestic violence service systems becomes more solid when they are viewed from a more multi-faceted perspective, concerning their potential to contribute towards coordinated community responses focusing on risk assessment and risk reduction, and advocacy for women's and children's human rights and their space to live dignified lives. Unfortunately, this has not been the starting point for most perpetrator programs in Australia, and even today, the connections between many programs and other systems agencies (specialist women's services, child protection, police, corrections, courts, etc.) remains relatively weak.

Three state-based minimum standard sets exist for perpetrator programs in Australia, in Victoria, Queensland and New South Wales. Elements of all three standards sets are falling behind the industry's evolving nature of what is considered quality practice in this field. For example, 12-session programs, considered permissible under all three standards sets, lag considerably behind the majority of international minimum standards and accreditation sets for perpetrator programs (see <http://ntv.org.au/wp-content/uploads/docs/2012/120515-ntv-program-length.pdf> for further explanation). The partner contact component of these minimum standard sets is also insufficiently developed, given what we know about the importance of advocacy and support for partners and their children not only through the life of the man's participation in the program, but also beyond.

State government funding for perpetrator programs is insufficient in most Australian jurisdictions. In NSW, for example, there is no dedicated funding for family and domestic violence perpetrator programs, despite the requirement of these programs to adhere to a registration system to obtain referrals from state government based systems agencies. In Victoria, a 2011 study reported that state government funding supplied less than 60% of the funding required by over half of Victorian program providers to run these programs (see <http://ntv.org.au/wp-content/uploads/docs/resources/2011-NTV-sectornapshot.pdf>), a situation which has no doubt worsened due to significantly increased demand in recent years. This represents a significant tension between the need to update existing minimum standards sets, and the funding shortfalls which make obtainment of existing minimum standards a challenge for many program providers.

The 2013 process to develop Perpetrator Intervention Outcome Standards is an invaluable start to the development of national standards for perpetrator programs. However, given the many risks involved in running these programs, the broad, overarching nature of these outcome standards - worded more at the level of principles rather than standards - needs to be followed by the next layers of detail. Without these layers underneath, the room for multiple interpretations and misinterpretations of particular standards is too great, providing room for detrimental and harmful practice. A sufficient level of specificity is required to provide the conceptual clarity through which to hold programs accountable.

A strong example of a sufficient minimum standards set, which does not set the bar too high at the level of optimal rather than minimal practice, is the UK accreditation standard for domestic violence perpetrator programs run by the peak body Respect (see http://www.respect.uk.net/data/files/Accreditation/respect_full_standard_july_12_v2_web.pdf).

National perpetrator program outcome research will be a core feature of the Second National Plan in addressing National Outcome Six: perpetrator accountability. By far the most conceptually and methodologically strong example of perpetrator program research currently being conducted is represented through Project Mirabal in the UK. This is an example of what can be called third wave perpetrator program outcome research, building upon second wave evaluation research exemplified by Ed Gondolf's longitudinal research in the U.S. Rather than reinvent the wheel, the Australian Government has the opportunity to learn from the conceptualisation, methodologies and research instruments used in Project Mirabal, which the

project team are very willing to share. The research focuses on the investigating the extent to which perpetrator programs add to coordinated community responses towards domestic and family violence.

1.19 National register for Family Violence Intervention Orders (Apprehended Violence Orders) is progressed

We understand that the work to develop a nationally coordinated scheme for domestic and family violence orders has commenced under which all states and territories will automatically recognise each other's domestic violence protection orders; however we are unaware of the progress of this proposal. Once enacted, the legislation will allow persons protected by a domestic or family violence order to move across state and territory borders and remain covered, instead of being required to register their DVO in a new jurisdiction.

The states and territories committed to work with the Commonwealth to finalise the legislation for agreement by the Standing Council on Law and Justice in early 2012, with the aim of implementing the scheme by early 2013. We urge that the Commonwealth work with state and territory jurisdictions to ensure no further delay on this important project.

1.20 Implementation of the recommendations of the Australian and New South Wales Law Reform Commissions' Family Violence Inquiry

The Commonwealth Government is currently considering the recommendations in the ALRC and New South Wales Law Reform Commission Report No 114, *Family Violence—A National Legal Response*, which was released on 11th November 2010. The National Plan includes a commitment to consider the recommendations made in the 2010 report.

The 2010 report made 186 recommendations to improve specific family violence laws and legal frameworks to promote the safety of women and their children. Of the 186 recommendations, 56 were identified as appropriate for the Commonwealth to respond to separately, independent to the responses of States and Territories. We recommend that the Commonwealth Government pursues the identified systemic gaps as a matter of urgency.

The development of the Second Action Plan provides a timely opportunity to continue implementing the major recommendations of the Australian Law Reform Commission's two reports - *The Final Report on Family Violence – A National Legal Response* and *Family Violence and Commonwealth Laws – Improving Legal Frameworks*.

1.20.1 Improving responses to family violence in family law proceedings

The introduction of the *Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011* was a key recommendation of the ALRC's report, *Family Violence – A National Legal Response*, intended to improve outcomes for women and children who have experienced family violence in family law proceedings.

The amendments to the *Family Law Act* are a positive step towards recognising the seriousness of family violence and prioritising the safety of children where there are allegations of family violence. It is important that the Second Action Plan build on these changes by ensuring improved specialisation of practitioners in risk assessment and family violence. This includes Independent Children's Lawyers, Family Report Writers, legal practitioners and the judiciary.

1.20.2 Developing a common interpretative framework

The ALRC Family Violence Report identified a number of key recommendations around improving legal frameworks and legal practice in the context of family violence and family law.

One of the key recommendations of the ALRC's Family Violence Report was the need to develop a common interpretative framework including a consistent definition of family violence across the Family Law Act and

state and territory legislation. The more recent report of the ALRC Family Violence and Commonwealth Laws – Improving Legal Frameworks added to this with its recommendation that the Commonwealth Government should amend the following Commonwealth legislation to include a consistent definition of family violence:

- Social Security Act 1991 (Cth);
- Social Security (Administration Act) 1999 (Cth);
- Child Support (Assessment) Act 1989 (Cth);
- Child Support (Registration and Collection) Act 1988 (Cth);
- A New Tax System (Family Assistance) Act 1999 (Cth);
- A New Tax System (Family Assistance) (Administration) Act 1999 (Cth); and
- Migration Regulations 1994 (Cth).

We consider that legislative reform in this context is an important first step in recognising the endemic nature of family violence in Australia and its impact on women's right to live free from violence. A broad definition, as suggested in the ALRC Family Violence Report reflects a shared understanding of the nature and dynamics of family violence.

1.20.3 National Family Violence Bench Book

Another of the recommendations of the ALRC Family Violence Report was the creation of a National Family Violence Bench Book which provides guidance to judicial officers on family violence and sexual offences.

There are a number of States and Territories that have bench books including Victoria; however a national standard bench book would be useful in promoting consistency in the application and interpretation of laws across jurisdictions and offer guidance to promote best practice amongst judicial officers. We recommend that an action item be included providing that the Federal Government, in conjunction with State and Territory Governments, collaborate with relevant stakeholders to develop and maintain a national family violence bench book on family violence, including sexual assault.

1.20.4 Protecting vulnerable witnesses from direct cross-examination in family law proceedings

We have serious concerns for women in family law proceedings being cross-examined by self represented litigants (namely their ex partners and spouses) who have perpetrated violence against them. There are instances where women who have been raped, sexually assaulted or subject to serious acts of violence by an ex partner or spouse have been exposed to cross-examination in family law proceedings by the perpetrator of that violence.

There is clearly a compelling need to ensure that women who have been victims of violence are not further traumatised and abused in court proceedings. There are many state jurisdictions that include 'protected witness' provisions that ensure that such cross-examination cannot occur. For example in the *Victorian Criminal Procedure Act 2009* and the *Family Violence Protection Act 2008* a protected witness cannot be directly cross-examined by a self-represented litigant. Instead, the court in those circumstances has the power to order that Victoria Legal Aid provide legal representation to the self represented litigant for the purposes of cross-examination. We would consider that in family law proceedings, similar provisions would be appropriate and would reflect the Government's recognition of the seriousness of family violence in family law matters. We recommend the Second Action Plan include an action to amend the *Family Law Act 1975* to include legislative protections for vulnerable witnesses and their family members in family law proceedings.

1.20.5 Strengthening protections for vulnerable women on visas

We welcome the changes that have been made to migration law and procedure in line with the ALRC's recommendations in its Family Violence and Commonwealth Laws report. The changes have included broadening the list of acceptable evidence that can be used to demonstrate family violence in relation to the family violence exception to a spousal visa application.

The Second Action Plan can build on these achievements by including action items to implement a number of the ALRC's other recommendations including:

- *Broadening the family violence exception to apply to other types of temporary visas where the secondary applicant is a victim of family violence.* This is particularly important given that many women are a secondary applicant to temporary skilled visa application. Women who are victims may be trapped in a violent relationship, afraid to leave due to the uncertain nature of their visa status and the fear of losing their opportunity to gain permanency in Australia. This change would enable a victim to remain in Australia for a period of time to access support services, make arrangements to leave Australia or apply for another visa.

1.21 Including domestic violence/family violence as a protected attribute in anti-discrimination laws

To effectively assist survivors/victims of domestic violence to increasingly participate in the workforce and broader community there needs to be express legislative protections. Including domestic violence/family violence as a protected attribute in anti-discrimination laws would be an important educative tool and help move this issue out of the private sphere into the public. This would also highlight domestic and family violence as a community issue that requires a whole of community response as is consistent with the *National Plan to reduce violence against women and their children*.

Building the Evidence Base: New ways of working together

There is strong support for the evidence building initiatives that have been implemented to date and we view the following as key achievements under the first Action Plan:

- **Commitment to undertaking the Australian Bureau of Statistics, Personal Safety Survey** every four years. Although there is a need to research methods which support a more representational diversity of Australians in the survey. For example, increase the number of participants who use language interpreters and the number of participants with disabilities.
- **The National Community Attitudes Survey**
- **Australian Bureau of Statistics Gender Indicators project**
- **Commencement of work on National Data Collection and Reporting Framework on violence against women**

1.22 Establishment of the National Centre for Excellence (NCE)

While there is strong support for the establishment of the National Centre for Excellence; it is disappointing that it has come about at the expense of the Australian Domestic and Family Violence Clearinghouse (ADFVC) at the University of NSW, particularly as we understand that national consultation demonstrated strong support for the Clearinghouse and its role in supporting the sector. The ADFVC served an important function for the sector and was extremely responsive to their specific research needs and reported in a manner that had immediate relevance to practitioners. It will be critical the National Centre for Excellence picks up the functions provided by the ADFVC.

In respect to the functions of the new NCE, our recommendation is that it should research best practice service responses by analysing short, medium and long-term outcomes for victims and perpetrators, including in the areas of policing, legal assistance and the courts and men's behaviour change programs. The NCE should also conduct rigorous evaluation of 'what works' and what doesn't. Too often, as in Victoria, evaluations of different aspects of the integrated family violence response are not automatically and rigorously undertaken, and also tend to be under-resourced. Evaluations can therefore be limited in terms of reliable findings. Policy decisions to change or introduce new aspects to the system are then often not informed by accepted

understandings of best practice. It is essential that we look systematically beneath protocols and codes of practice to investigate how these are actually applied 'on the ground'.

NCE research must help to set benchmarks of best practice and inform government and community agency decision-making. Research should be able to link datasets and track the service pathways and outcomes for victims and perpetrators, for example, via a snapshot strategy. A common limitation of existing research is that its approach echoes the silo model that integrated service responses are trying to break down, because it does not link data sets and so, for example, cannot follow individual victim and perpetrator journeys through civil, criminal and family court systems.

A pathway-centred approach should entail the NCE working with Commonwealth, State and Territory Governments to ensure that data is available at a sufficient level of detail. For example, selective research studies (which due to cost and complexity might be confined to one or two jurisdictions) should be able to not only ascertain the rate at which final intervention orders are made, but also the specific conditions included in orders.

Research should also identify unmet need. For example, are victims who need assistance with interpreting, disability support, tenancy matters, property retrieval or victim's compensation receiving effective help?

As with pathways, it is important to be able to 'drill down' into outcomes, as with, for example, sentencing for breaches of family violence intervention orders and other family violence-related offences. In Victoria, recent research by the Sentencing Advisory Council has been limited by resourcing and lack of available court data, so that, for instance, while it was found that the use of adjourned undertakings in sentencing for intervention order breaches has increased, we do not know the nature of the breach in each case, nor can we find out what conditions were included in such orders and what degree of monitoring and accountability of defendants was involved. This obviously limits any conclusions about the most effective sentencing pathway aimed at preventing future violence.

Finally, there should be research undertaken which focuses on disadvantaged victims under-served by current approaches to family/domestic violence, such as Aboriginal and Torres Strait Islander women, women with disabilities, women from CALD backgrounds, rural and remote women, asylum seeker/refugee women, and victims in same-sex relationships.

It is important that research is undertaken in relation to specific groups of victims and perpetrators, because even large-scale studies of general victim/perpetrator populations often produce too small numbers of sub-groups to make findings useful. However, research such as large-scale snapshots around the country must also be able to disaggregate pathways and outcomes according to demographics of perpetrators and victims so that comparisons can be made.

2. What are the opportunities for consolidating and building upon the actions undertaken under the National Priorities of the First Action Plan?

2.1 The Stop the Violence Project (STVP) is part of a multi-layered, evidence-based approach to assisting women with disabilities under the National Plan to Reduce Violence against Women and their Children. Led by Women with Disabilities Australia (WWDA) in collaboration with People with Disability Australia and the University of New South Wales, the project will provide an evidence base to support future reform of the service system to better respond to the needs of women and their children.

The establishment and development of a *Virtual Centre for the Prevention of Violence Against Women and Girls with Disabilities* and a *National Women with Disabilities Expert Panel on the Prevention of Violence Against Women and Girls with Disabilities* are the two key mechanisms recommended by the STVP as critical for progressing ongoing action to prevent and address violence against women and girls with disabilities.

These recommendations echo, and build on similar recommendations made to Australia in recent years from the *Committee on the Elimination of Discrimination Against Women* (CEDAW) (2010); the *Human Rights Council* (2011);¹¹ the *Committee on the Rights of the Child* (CRC) (2013);¹² and the *Committee on Economic, Social and Cultural Rights* (CESCR) (2012).¹³

The following Victorian programs work to prevent and respond to violence against women with disabilities

2.1.1 The DHS Disability Family Violence Crisis Initiative (DFVCRI), funded by the Victorian Government, aims to assist women and children with a disability who require immediate disability support to access a family violence crisis accommodation response. Supports can include attendant care, equipment hire and transport support for up to 12 weeks while the woman engages with family violence workers to develop a plan for longer term arrangements. However, the program should assume a broader definition of disability.

2.1.2 Making Rights Reality (MRR) is a two-year advocacy pilot project, designed to improve access to justice for people who have been sexually assaulted and have a cognitive impairment and/or communication difficulties, by enhancing existing services to help overcome barriers to justice. The project is a partnership between the Federation of Community Legal Centres, South Eastern Centre Against Sexual Assault, Springvale Monash Legal Service. The pilot will shortly conclude in the Southeastern Metro region of Melbourne, and funds are being sought for a second pilot in the Barwon region. Advocates have identified the need for similar programs to be funded and rolled out across Australia, but there has been no Government commitment as yet.¹⁴

2.1.3 The Gender and Disability Workforce Development Program is an organisational change program funded by the Victorian Government. Women with Disabilities Victoria developed, and will deliver a training package aimed at improving the quality of gender sensitive practice amongst disability workers in two disability service sites. This is a strategy for violence prevention and improving women's well-being and status.

Funded by the Victorian Government, WDV's **Workforce Development on Gender and Disability** project will develop and deliver a training package aimed at improving the quality of gender sensitive practice amongst disability service managers and workers as a strategy for violence prevention and improving women's well-being and status. A component of the project will be to run a peer led program for women with disabilities, **Living Safer Sexual Lives**. This empowering program is a departure from outdated protective education programs.

¹¹ UN General Assembly, Human Rights Council (2011) *Report of the Working Group on the Universal Periodic Review: Australia*; 24 March 2011; A/HRC/17/10

¹² Committee on the Rights of the Child (2012) *Consideration of reports submitted by States parties under article 44 of the Convention; Concluding observations: Australia*; Sixtieth session, 29 May–15 June 2012; UN Doc. CRC/C/AUS/CO/4

¹³ Committee on Economic, Social and Cultural Rights (2009) *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Australia*; 12 June 2009; UN Doc. E/C.12/AUS/CO/4

¹⁴ Nance Haxton, 'Fairer treatment for disabled victims of sexual assault: Pilot program', ABC Radio National AM, 27 February 2014 <http://www.abc.net.au/am/content/2014/s3953193.htm>

2.1.4 The Tell Someone website was designed to provide family violence information to people with a mild intellectual disability, and their family and community. It provides information about family violence through short videos featuring actors with disabilities. Plain English information on support options, pathways into legal, police and family violence systems is also available. The site is an initiative of the Southern Metropolitan Region's Integrated Family Violence Executive.

Since late 2012, Barwon Centres Against Sexual Assault (CASA) has been working with Nelson Park Special School in Geelong to implement **Sexual Assault Prevention Program in Secondary Schools (SAPPSS)** within their school. SAPPSS focuses on creating partnerships between Barwon CASA and secondary schools to work towards positive change within school communities and incorporate sexual assault prevention into curriculum.

2.1.5 Family Violence Applicant Support Workers are social workers located at specialist family violence courts in Victoria. They can provide information, emotional support, assistance completing forms, and links to support services. ASWs prioritise women with disabilities, and can be seen to improve court accessibility and women's safety. At present, however, such positions are only securely funded at the five specialist court sites (see discussion above).

3. What types of other initiatives could benefit from a national focus?

3.1 Need for consistency across jurisdictional family violence family violence homicide review mechanisms

The 2nd National Plan must implement commitments in the 1st National Plan and from the federal Government concerning family/domestic violence death reviews. In March 2009, *Time for Action*, the Plan developed by the National Council to Reduce Violence against Women and their Children, suggested establishing and building upon domestic/family homicide fatality review processes across Australia, in order to identify factors leading to these deaths, improve system responses and respond to service gaps, and inform policy designed to reduce rates of domestic-related homicide.¹⁵

Recommendation 4.5.5 of *Time for Action* also listed for 2015-2018:

Evaluate the effectiveness of homicide/fatality review processes in all States and Territories to determine the most effective models.¹⁶

The Australian Government's response to *Time for Action* in April 2009 committed to develop national responses to establish or build on emerging domestic homicide/fatality review processes.¹⁷

The 1st National Plan listed as one of the four high-level indicators of change that will be used to show progress, 'reduced deaths related to domestic violence and sexual assault'.¹⁸ Strategy 5.2, 'Strengthen leadership across justice systems', included

¹⁵ National Council to Reduce Violence against Women and their Children, *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009–2021* (March 2009), Recommendation 4.3.2. See also Betty Taylor for the Domestic Violence Death Review Action Group, *Dying to be Heard: Domestic and Family Violence Death Reviews Discussion Paper* (2008), 11.

¹⁶ National Council to Reduce Violence against Women and their Children, *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009–2021* (March 2009) 122.

¹⁷ Commonwealth of Australia, *The National Plan to Reduce Violence against Women: Immediate Government Actions* (April 2009), 15.

¹⁸ Commonwealth of Australia, *National Plan to Reduce Violence against Women and their Children 2010–2022* 13.

Drive continuous improvement through sharing outcomes of reviews into deaths and homicides related to domestic violence.¹⁹

While these stated commitments begin to address some of the essential issues, there was no reference to family/domestic violence death reviews in the *First Action Plan*.

Currently Tasmania, the ACT and the Northern Territory lack any kind of family/domestic violence death review mechanism. The Victorian Review has received no designated funding since July 2010 and is reliant on an under-resourced Coroners Court for its continuation; and the NSW Review has not yet met this year to begin reviewing the 32 cases already allocated to it.²⁰ We are also unclear about the future of the Queensland Death Review. It is crucial that all states and territories establish their own domestic/family violence death reviews that are statutorily based; securely funded; adhere to core best practice principles which include independence, accountability, transparency and the active participation and central involvement of advocates for women and experts in violence against women; and collaborate with one another.

The 2nd National Plan should expressly and actively support the establishment of evidence-based best practice domestic/family violence death reviews in all Australian states and territories.

Time for Action also recommended

[ensuring that] all [death review] information is, or recommendations are, centrally recorded and available for information exchange.²¹

It should be the role of the Federal Government to lead discussions with States and Territories about 'joining up justice' so that lessons learnt from domestic/family violence deaths, review recommendations, agency responses and strategy implementation and evaluation can be shared with domestic/family violence services, other stakeholders and the public at large.

Consistent with the goal of primary prevention of domestic/family violence, Federal, State and Territory Governments must commit to centrally coordinating data and research from the various death reviews so that jurisdictions are able to learn from one another about effective domestic/family violence death prevention.

Although not all states and territories have coronial-based domestic/family violence death reviews, and there are differences of view about whether such reviews should be located with coroners courts, nevertheless, the New South Wales, Victoria, Queensland and South Australia reviews are hosted or convened by the relevant State Coroner or supported by the State Coroner's Office. Any moves to improve the coronial recommendations process, including mandating responses and monitoring their implementation, would therefore also improve the impact of domestic/family violence death review recommendations.

The Australian Government's response to *Time for Action* committed, from 2009, to working with the States and Territories through the Standing Committee of Attorneys-General (now the Standing Council on Law and Justice) to improve the uptake of relevant coronial recommendations, and to assess the impact of strategies to encourage responsiveness to Coroners' recommendations including on domestic violence related deaths.²²

It is difficult to ascertain progress on this commitment, other than that in 2011 the National Coronial Information System (NCIS) was working with each Coronial Office to develop the best process to allow access

¹⁹ Commonwealth of Australia, *National Plan to Reduce Violence against Women and their Children 2010-2022* 31.

²⁰ <http://www.smh.com.au/nsw/nsw-domestic-violence-review-team-cases-build-up-as-wait-for-convener-draws-on-20140308-34dxr.html>.

²¹ *Time for Action*, Recommendation 4.3.2.

²² Commonwealth of Australia, *The National Plan to Reduce Violence against Women: Immediate Government Actions* (April 2009), 5, 12.

to NCIS in order to track the progress of agency responses to coronial recommendations.²³ However, it appears that as with other NCIS services, this function will only be available to registered users. It also seems likely that recommendations will only be able to be tracked in those jurisdictions where responses to coronial recommendations are mandatory. At present, responses to coronial recommendations concerning domestic/family violence deaths are only mandatory according to statute in the Northern Territory and Victoria, and mandatory under a policy guideline in New South Wales.

The 2nd National Plan should therefore include a commitment to.

- enact legislation mandating responses from government and other relevant agencies to all coronial and death review recommendations concerning domestic/family violence-related deaths; and
- provide an accessible national public database of death review recommendations, responses and practical outcomes.

²³ NCIS News Edition 9, Winter 2011, 3–4, <[http://www.ncis.org.au/web_pages/NCIS%20News%20-%20Edition%209%20\(July%2011\).pdf](http://www.ncis.org.au/web_pages/NCIS%20News%20-%20Edition%209%20(July%2011).pdf)>.

4. In order to achieve greater efficiency and effectiveness in addressing violence against women, where is there scope to reduce duplication of programmes and services provided by the Commonwealth and the states and territories, as part of the Second Action Plan

4.1 Strengthen the links between *The National Plan* and the *Road Home*

The Commonwealth Government needs to strengthen the links between the National Action Plan and homelessness policy implementation at federal and jurisdictional levels. In Victoria for example, the majority of funding for family violence service providers comes through the Specialist Homelessness Services (SHS) system. While there is generally good understanding of family violence as the key driver of women and children's homelessness in Australia – integration between the family violence and homelessness systems is poor, and prevention of family violence-precipitated homelessness not reflected in homelessness prevention policy. There is a key role for the Commonwealth to link outcomes measures across the two policy portfolios.

5. Which vulnerable groups and communities would benefit from an increased focus under the Second Action Plan?

5.1 Children affected by family violence

All children and young people who experience family violence are affected by it in some way and the effects compound with each experience. Childhood experiences of family violence present a clear and serious risk to the safety and wellbeing of children of all ages. An extensive body of research now clearly demonstrates the co-occurrence of family violence and child abuse and the impact of violence on the developmental needs and safety of children and young people²⁴. One in four children has witnessed violence against a parent and we know that family violence and child abuse occur frequently within the same families²⁵. Edleston estimates that between 30 and 60 percent of children whose mothers are subjected to family violence are also being abused²⁶.

We know that the impact of family violence on the development of children, and even infants in utero, can lead to maladaptive changes in brain development²⁷. Other effects of family violence may include physical injuries, post traumatic stress disorder and/or symptoms including anxiety, trauma, developmental delay, depression and grief related issues. Furthermore, there is ample evidence that demonstrates that directly or indirectly undermining the mother-child relationship is a tactic of abuse with severe consequences for mothers and their children²⁸.

We know that family violence is one of the most frequent reasons for notification to statutory child protection services, particularly via Victoria Police notifications. While many children living with family violence do not meet the threshold for a child protection investigation, professionals may nonetheless have serious concerns for their safety and well-being and it is critical that these children and young people do not fall through systemic gaps.

²⁴ Holt, S., et al, *The impact of exposure to domestic violence on children and young people: A review of the literature*, Child Abuse and Neglect 32 (2008) 797-810

²⁵ Grealy, C., Humphreys, C., Milward, K., and Power, J. (2008) *Urbis, Practice guidelines: women and children's family violence counselling and support program*, Department of Human Services, Victoria.

²⁶ Edleson, J. (2004). Should childhood exposure to domestic violence be defined as child maltreatment under the law? In P. Jaffe, P. L. Baker & A. Cunningham (Eds.), *Protecting Children from Domestic Violence: Strategies for Community Intervention* (pp. 1-17). New York: Guilford Press

²⁷ Commonwealth of Australia (2003) *Towards Collaboration—A resource guide for child protection and family violence services*, Melbourne

²⁸ Humphreys, C., Mullender, A., Thiara, R.K. and Skamballis (2006), 'A. *Talking to my Mum: Developing Communication Between Mothers and Children in the Aftermath of Domestic Violence*',

5.2 CALD, NESB, immigrant, and refugee women

Women from culturally and linguistically diverse backgrounds face particular barriers to accessing family violence support, and are among the most vulnerable groups experiencing homelessness. Barriers can include the cultural appropriateness of services, language barriers, and lack of awareness of services and support available in Australia.

Our group of agencies share significant concerns about how the immigration system contributes to the precarious situation faced by migrant and refugee women and children experiencing family violence.

Access to health, counselling, family violence and sexual assault services is variable and changeable for women on temporary visas; we have occasions, where women on temporary visas sponsored by a spouse have been ineligible for any type of housing or refuge assistance and support as their visa class makes them ineligible for any service as non-residents. Women may have to constantly move in and out of interim accommodation while they wait for family violence refuge places, however access to women's refuge is extremely limited due to lack of exit options. Crisis accommodation services are funded for six weeks support per client and receive no funding to work with clients with no access to income. These women can remain in refuge for extended periods – up to two years in some instances. Issues including lack of housing options, ineligibility for public and community housing and lack of income support all limit the capacity of family violence services to support women without residency rights.

The cost of interpreter services also impacts on services' capacity to take CALD women on as clients. The Department of Human Services in Victoria does fund a pooled interpreter service, however on occasion services will exceed the pool. The figures on this group of women seeking family violence assistance demonstrate the urgent need for the Commonwealth to expand funding for interpreter services, culturally appropriate family violence service delivery, including accommodation, counselling, case management and dedicated bilingual workers.

5.3 Women and girls with Disabilities

"In Australia, women and girls with disabilities experience high levels of domestic/family violence and sexual assault with high unmet needs accessing services which target domestic violence, sexual assault and related community services." – Stop the Violence Project Plan, November 2012

Women with disabilities are among the most socially and economically marginalised in the community. Women with disabilities experience violence at significantly higher rates than other women and have greater difficulty in accessing support services²⁹. Many women with disabilities are subject to the control of others, and experience high levels of violence from family members and carers³⁰. Women with disabilities are less likely than other women to report family violence, and less likely to receive services that meet their needs. In addition, over a third of women who sought assistance for family violence from disability services acquired a disability as a result of the abuse³¹. Women with disabilities may live in inappropriate accommodation, where they are vulnerable to abuse and/or live without adequate support in the community³².

In October 2013, the United Nations *Committee on the Rights of Persons with Disabilities* expressed deep concern at the high rates of violence perpetrated against women and girls with disabilities³³ and recommended that Australian Governments act urgently to:

29 Victorian Women with Disabilities Network, (2007), *A Framework for Influencing Change, Responding to Violence against Women with Disabilities*.

30 Salthouse, S. & Frohmader, C. 2004, 'Double the Odds' - Domestic Violence and Women with Disabilities paper presented to the 'Home Truths' Conference, Melbourne, 2004

31 Cockram, J. 2003, *Silent Voices: Women With Disabilities and Family and Domestic Violence*, accessed at: <http://www.wwda.org.au/cgi-bin/perfect/search/search.pl?q=descriptive&showurl=%2Fsilent7.htm> [18.04.08]

32 Cooper, Margaret. 1993. *Housing issues for women with disabilities, A response to the National Housing Strategy*, Issues and Discussion Papers', unpublished report accessed at: <http://www.wwda.org.au/housing04.htm> [18.04.08]

³³ Committee on the Rights of Persons with Disabilities (2013) *Concluding observations on the initial report of Australia*, adopted by the Committee at its tenth session (2-13 September 2013); UN Doc. CRPD/C/AUS/CO/1; Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FAUS%2FCO%2F1&Lang=en

- address and investigate, without delay, violence, exploitation and abuse experienced by women and girls with disabilities in institutional settings;
- include a more comprehensive consideration of women with disabilities in public programmes and policies on the prevention of gender-based violence;
- ensure access for women with disabilities to an effective, integrated response system; and,
- commission and fund a comprehensive assessment of the situation of girls and women with disabilities in Australia.

The Australian Human Rights Commission reported this year that, "Many people with disabilities are left without protection and at risk of ongoing violence."³⁴

Improving service delivery for women with disabilities

Require training for staff in both disability-related and mainstream services in gender- and disability-awareness. Training should cover:

- preventing, recognising and responding to violence against women.
- recognising the caring responsibilities for women with disabilities, so that their requirements can be more accurately assessed and addressed.
- how to involve women with disabilities in decision making.

Prevent violence against women with disabilities

- Government give consideration to funding best practice models of service (such as examples provided) that show evidence of preventing violence against women with disability.
- Ensure existing and future primary prevention initiatives have the capacity and resources for a diversity of women, including with disabilities, in their governance, design delivery and review.

Improve responses to violence against women with disabilities

- Resource violence response services that show evidence of providing an effective response to women with disabilities who experience violence.
- Improve court support for women with disabilities attending court.
- Introduce a witness intermediary scheme as recommended by the Parliamentary Law Commission

Ensure data systems represent women with disabilities for research purposes and to enable their support needs to be met.

5.4 Aboriginal and Torres Strait Islander Women & children

Aboriginal and Torres Strait Islander people are dramatically over-represented among those experiencing violence with Indigenous women in Victoria 6.5 times more likely to experience family violence and 10 times more likely to die as a result than the non-Indigenous population. Indigenous communities have complex family and kinship networks and, while leaving family life is difficult and confusing for all women, the experience of Indigenous women is even more so. The Indigenous community's understanding of family violence includes: 'one on one fighting, abuse involving the Indigenous community workers, self-harm, injury and suicide... and is also inclusive of elder abuse and victims of family violence can include parents, uncles, aunties, (step) children, (step) siblings, cousins, grandparents, in laws and distant relatives.'

³⁴ Australian Human Rights Commission (2014) *Equality Before the Law*, p5.

The trauma of living with family violence is but one of the multiple traumas frequently experienced by Indigenous children. These multiple traumas include the witnessing of community violence, death of loved ones, dislocation from home and community, poor health and extreme poverty³⁵. There is considerable diversity in Indigenous cultural practice and among communities which makes it impossible to generalise about the nature of violence or Indigenous women and children's experience of it.

Aboriginal women are acutely overrepresented in prisons and are the fastest growing prison population in Australia. The majority of Aboriginal women in prison have experienced family violence and/or sexual assault, which is likely to be a contributing factor to offending behaviour. Prison is an inappropriate environment to address the broad ranging health and social impacts of family violence and sexual assault. Culturally safe and secure prevention and diversionary programs and alternatives to prison, where women can access therapeutic interventions and healing in a supportive community environment are more effective than incarceration.

Key elements of effective Indigenous family violence responses include³⁶:

- Cultural grounding of programs;
- Community grounding/development of programs;
- Composite programs, integration and holistic approaches;
- Engagement of men into programs;
- Ensuring the involvement of elders;
- Self-empowerment and self-esteem as capacity building by-products;
- Examining inter-generational family history and cultural experience as a healing element;
- Culturally appropriate responses, including group approaches;
- Capacity building through networking partnerships and interagency collaboration;
- Information collection and dissemination;
- Training skills and acquisition;
- Flexibility and adaptability of programs.

5.5 Older Women

Older women, like younger women, are vulnerable to physical, sexual, financial and emotional intimate partner abuse at the hands of their partners. They often endure abuse for many years for the sake of their families. Family violence that a woman may have experienced throughout her life evolves and changes but does not necessarily cease as she reaches a mature age. As women age, there is also increased vulnerability to abuse from not only their partners but adult children, grandchildren and carers which is often referred to as 'elder abuse'.

Australian and international research indicates that between one and five per cent of older people may experience elder abuse. However, elder abuse may be more common in the community than it appears because older people can have difficulty in talking about the issue. Research shows that elder abuse is most commonly perpetrated by male and female offspring often occurs between generations within a family.

Older women are often more reluctant to access assistance from support services given the additional vulnerabilities and the impact the disclosure can have on their relationships with children and grandchildren. Sometimes the perpetrator may be the older women's carer and there is a high level of dependency. The threat of being placed in a residential aged care setting is another deterrent.

³⁵ ibid

³⁶ Memmott P, Chambers C, Go-Sam C & Thomson L, (2006) *Good Practice in Indigenous Family Violence Prevention*, Issues Paper 11, Australian Domestic and Family Violence Clearinghouse

6. How can we better engage our leaders and broader civil society to address the attitudinal and cultural change required to reduce violence against women and their children

The parties to this submission support the view that addressing men's violence against women and their children must address the determinants of such violence and particularly progressed within the broader context of addressing gender inequality. This includes measures therefore to promote the equal participation of women in society - particularly women in decision-making and political roles.

A whole of Commonwealth Government approach to preventing violence against women and their children would require all areas of policy and law reform to consider the National Plan.

Specific actions to engage leaders and broader civil society in addressing the attitudinal and cultural change required to reduce violence against women and their children within the second Action Plan could include:

- Use community social marketing campaigns to strengthen community understanding of links between sexism, gender inequality and violence against women
- Investing in research that builds the economic case for ending men's violence against women.
- Training for all public figures with a dedicated public role in primary prevention (including members of the Board of the Foundation for the Prevention of Violence against Women and their Children and the White Ribbon Foundation) should be provided to ensure that when they speak publicly they do so with an understanding of gender inequality, sexism and stereotyping and the entitlement that many men in our community enjoy.
- Members of Parliament should be encouraged to challenge the attitudes and conditions that allow men's violence against women to flourish by making public statements condemning these attitudes.
- Reform of media and advertising standards to address the role that sexualised portrayal of women and girls in advertising plays in maintaining inequality between women and men and creating an environment conducive to violence against women and children.
- Improve communication about and promotion of the National Plan and the programs and initiatives it supports.