

Senate Finance and Public Administration Committees
PO Box 6100
Parliament House
Canberra ACT 2600

**Australian Women Against Violence Alliance
Submission to the Finance and Public Administration References Committee inquiry on
Domestic Violence and Gender Inequality
14 April 2016**

Thank-you for the opportunity to contribute a submission to the Senate inquiry into Domestic violence and gender inequality (Finance and Public Administration References Committee).

About the Australian Women Against Violence Alliance (AWAVA)

AWAVA is one of the five National Women's Alliances funded by the Australian Government to bring together women's organisations and individuals across Australia to share information, identify issues and their solutions, to respond to and prevent violence against women and their children. AWAVA's role is to ensure that women's voices and particularly marginalised women's voices are heard by Government, amplifying the work of its member organisations and Friends and Supporters.

AWAVA works towards this by harnessing the expertise of its members, consisting of specialist women's services from the responding to violence against women sector, and working closely with government. Its members include organisations from every state and territory in Australia and represent organisations working on diverse issues including domestic and family violence, sexual assault, feminist pedagogy and women with disabilities.

Background

Domestic and family violence and sexual violence are among the most serious and pervasive human rights abuses in Australia. The Declaration on the Elimination of Violence against Women (CEDAW) makes clear that domestic, family and sexual violence are forms of gender-based violence that are most commonly perpetrated by men against women and girls.¹ Collectively, domestic, family and sexual violence are commonly referred to as violence against women.

Violence against women is an extreme manifestation of gender inequality in society and a serious violation of human rights. It violates the rights to life, to equality, to liberty and security of person, to the highest standard attainable of physical and mental health, to just and favourable conditions of work and not to be subjected to torture and other cruel, inhuman, or degrading treatment or punishment.²

Violence against women is characterised by unequal gender dynamics, relations and control at an individual, community and institutional level. It is also exacerbated by, and intersects with other forms of marginalisation, discrimination and vulnerabilities and often has compounding impacts for, but not limited to, Aboriginal and Torres Strait Islander women, women from culturally and linguistically

¹ UN. 1979. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); United Nations General Assembly. 2007. Intensification of efforts to eliminate all forms of violence against women (61/143);

² CEDAW Committee General Comment No 19, para 7. See also: International Covenant on Civil and Political Rights (ICCPR) ratified by Australia on 13 August 1980, Articles 2, 3, 7 and 26; International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Australia on 10 December 1975, Articles 3 and 10

diverse backgrounds (CALD), women with disability, gender diverse, trans* and intersex people, older women, younger women, children, women in regional, rural and remote areas, and women in prison.³

The Australian Government has recognised the extent of domestic, family and sexual violence as a problem in Australia. It has also recognised the fact that this violence is most commonly perpetrated by males against females and is a cause and consequence of gender inequality. AWAVA supports efforts to end violence against women and gender inequality in Australia' however, we believe there needs to be a holistic approach that recognises and challenges the entrenched, ongoing and socially systemic problem that it is. To achieve this, policy development processes must ensure inclusivity and visibility, particularly for gay, lesbian, bisexual, transgender, intersex and queer people, Aboriginal and Torres Strait Islander women, children, older and younger women, women from culturally and linguistically diverse backgrounds (CALD), women with disability, women in regional, rural and remote areas, women in prison, and women in institutional settings.

Terminology

While “domestic violence” is a commonly used term, discussion for policy development should be clear that there are various forms of gender-based violence, including domestic violence, family violence and sexual violence. These should not be subsumed under the umbrella term “domestic violence”. It is important to make sure that all these forms of violence, their specific consequences, and the appropriate responses are fully visible in policy development processes. This is particularly true for acts of sexual violence that, for example, can occur both outside of and within the context of domestic violence and have different impacts, requiring different policy and practice responses. The Australian Centre for the Study of Sexual Assault supports the need to make different forms of violence visible and emphasises the need for intimate partner sexual assault/violence (IPSV), a form of sexual violence that occurs within domestic violence, to be identified as “a separate and distinct form of intimate partner violence with its own set of destructive impacts.”⁴ The ‘SASS Brief - Intimate Partner Sexual Assault and Family Violence’, further builds on this:

Understanding these impacts has important implications for policy and practice responses. Research indicates that people who have been sexually assaulted by their partners are likely to have different support needs, and to react differently to counselling than those who have experienced only physical assault.⁵

Acknowledging the above, and the fact that at this violence is most commonly perpetrated by males against females, this submission will use the term “violence against women” (VAW). We hope this will reflect an inclusive representation of the forms of domestic, family and sexual violence that are commonly subsumed under the umbrella term “domestic violence”. It also seeks to recognise the issues of intersectionality, unequal gender dynamics, relations and control that underpin this violence.

- Recommendation: Discussion for policy development should utilise clearer terminology that recognises the different range and forms of gender-based violence that exist, within and external to domestic contexts. It should also make clear the issues of intersectionality and the unequal gender dynamics, relations and control that underpin this violence.

The following section of this submission will address term (b) of the reference:

the role of gender stereotypes in contributing to cultural conditions which support domestic violence, including, but not limited to, messages conveyed to children and young people.

- I. *the marketing of toys and other products,*
- II. *education, and*
- III. *entertainment*

³ UN. 1979. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); United Nations General Assembly. 2007. Intensification of efforts to eliminate all forms of violence against women (61/143);

⁴ Howard et al. “Counseling Services for Battered Women: A Comparison of Outcomes for Physical and Sexual Assault Survivors”. Journal of Interpersonal Violence. Vol. 18, No. 1. (July 2003), 719.

⁵ Sexual Assault Support Services (2015) SASS Brief - Intimate Partner Sexual Assault and Family Violence’

Children and young people

Childhood and adolescence are stages of life when ideas about relationships, gender stereotypes, identities and hierarchies are formed. Experiences during this period also have a powerful influence on behaviour and outcomes in adult life.⁶

National research shows young Australians are exposed to and influenced by VAW and gender inequality, and have more violence supportive attitudes than among adults.⁷ Recent attitudinal studies of Australian young people towards violence against women and gender equality found that: most young people believe that violence against women is due to men being unable to manage their anger; two in five young people agree that ‘rape results from men not being able to control their sexual urges’; a sizable portion of young people surveyed support male dominance in decision-making.⁸

There is a growing evidence base that VAW can be reduced and prevented by addressing the core drivers of violence. This evidence highlights the importance of challenging social norms, practices, structures, stereotypes and behaviours that condone, justify, excuse, minimise or hide VAW and gender inequality; all factors that drive or reinforce VAW.⁹ As such, it is important that young people and adolescents are seen as a key cohort to change and challenge attitudes and behaviours that support and reinforce violence, gender inequality and harmful gender stereotypes and hierarchies. It is also essential that they are informed by a culture that promotes and models gender equality, inclusivity and respect.

Toys

Toys and “play” are one aspect of childhood development that help nurture skills and shape attitudes and stereotypes. Modern consumerism, including the marketing of toys and other products, continues to reinforce the wider inequalities present in our society. This includes sexist and harmful stereotypes and gendered divisions of labour. For example, toys that push domesticity are overwhelmingly marketed to young girls, not boys. In contrast, boys are offered science, construction and war. This may have implications for children’s perceptions of what they are “supposed to like” and may work to reinforce rigid boundaries and stereotypes and may limit children’s ability to explore different skills, preferences and disciplines based on this, such as girls in science, technology, engineering and math or boys in caring roles.

The industry should be praised for taking steps to respond to changing sentiment that supports gender equality. For example, Toys “R” Us has opted to remove labels denoting gender in its catalogue and website, and Myer, Target and Big W have removed online options to shop by gender, instead listing toys by their function and brand.. However, the industry should proactively contribute to gender equality, and help nurture an environment that allows girls and boys to challenge gender stereotypes and have equal opportunities to learn, socialise and solve problems.

News and Information media as entertainment and education.

News and information media can influence public discourse and matters of public importance. It can also influence attitudes, beliefs and behaviours among individuals and communities, including understandings of sexist and harmful gender roles, relationships and stereotypes.¹⁰

⁶ Royal Children’s Hospital, ‘Early Childhood and the Life Course’ (Policy Brief No 1/2006, 2006).

⁷ Anita Harris et al, ‘Young Australian’s Attitudes to Violence Against Women: Findings From the 2013 National Community Attitudes Towards Violence Against Women Survey for Respondents 16–24 Years’ (Victorian Health Promotion Foundation, September 2015) 67.

⁸ Anita Harris et al, ‘Young Australian’s Attitudes to Violence Against Women: Findings From the 2013 National Community Attitudes Towards Violence Against Women Survey for Respondents 16–24 Years’ (Victorian Health Promotion Foundation, September 2015) 67.

⁹ Our Watch, Australia’s National Research Organisation for Women’s Safety (ANROWS) and VicHealth (2015) Change the Story: A shared Framework for the primary prevention of violence against women and children: State of knowledge paper 15. Sydney: ANROWS and Our Watch.

¹⁰ Flood, M & Pease., B (2009), Factors Influencing Attitudes to Violence Against Women’, *Truama Violence & Abuse*, 10(2):125-42

Webster and Flood cite research showing how gender stereotypes are reinforced and sustained through popular culture and media.¹¹ Through the example of the common gender stereotype that positions men as the “breadwinner” and women as “carers” of family and children, this research highlights how media commonly reinforces gendered stereotypes and stereotyped divisions of labour. The gendered division of labour, in turn, can isolate women and make them more dependent on men, while reinforcing their responsibility for the care of children, in the context of a society that undervalues women’s caring labour and does not provide appropriate supports for it.¹² Women’s social isolation is a specific risk factor for violence and increases the probability that violence can be perpetrated against women with impunity and may make it harder for women to work towards a situation that is free of violence.¹³

Research by ANROWS and OUR Watch on media representation of VAW has identified that media and reporting more often than not supports negative cultural and social norms about gender and VAW. This research showed that common patterns in the way news and information media report on violence against women include:

overly-sensational news frames tend to minimise the social context while drawing attention to isolated incidents. Similarly, event-based reporting frequently intersects with perceptions of blame and responsibility: together they enable the focus to be shifted from the perpetrator of the violence. An over-reliance by journalists on law enforcement as sources of information may result in details about women that inadvertently place their behaviour, demeanour or conduct as contributing to violence perpetrated against them.¹⁴

The acceptance and normalisation of VAW portrayed in media is also a factor contributing to violence against women.¹⁵ It is in the context that media and information technology can play a role in influencing attitudes and behaviours that support, sustain or challenge VAW and gender inequality.¹⁶

While recognising the challenges that journalists face when reporting on VAW and the ongoing improvements made in reporting, “it is everyone’s responsibility to reject and prevent violence”.¹⁷ As such, it is important that the media not only makes a positive contribution to preventing VAW and identifies injustices at all levels, but is also held accountable to efforts to prevent and reduce VAW and gender inequality.

Initiatives such as the *Working with News and Social Media to Prevent Violence Against Women and their Children: A strategic framework for Victoria (2015)* and those under the National Media Engagement (NME) Project, particularly the Our Watch Awards (built on the EVAs Media Awards and funded by VicHealth through Domestic Violence Victoria) have made positive steps to engage media to increase quality reporting of VAW and their children, raise awareness of the impacts of gender stereotyping and inequality and build an understanding of the links between sexism, gender inequality,

¹¹ Webster. K & Flood M. 2015. Framework foundations: A review of the evidence on correlates of violence against women and what works to prevent it. Companion document to Our Watch, ANROWS and VicHealth, Change the Story A shared framework for primary prevention of violence against women and their children in Australia. Melbourne: Our Watch.

¹² Webster. K & Flood M. 2015. Framework foundations: A review of the evidence on correlates of violence against women and what works to prevent it. Companion document to Our Watch, ANROWS and VicHealth, Change the Story A shared framework for primary prevention of violence against women and their children in Australia. Melbourne: Our Watch. pg. 26

¹³ Jeyaseelan L, Kumar S, Neelakantan N, Peedicayil A, Pillai R & Duvvury N 2007, Physical spousal violence against women in India: some risk factors, *Journal of Biosocial Science*, vol 39, no 5, pp 657-70.

¹⁴ Georgina Sutherland et al, ‘Media Representations of Violence Against Women and Their Children’ (Landscapes: State of Knowledge No 15, Australia’s National Research Organisation for Women’s Safety, November 2015) 12.

¹⁵ Georgina Sutherland et al, ‘Media Representations of Violence Against Women and Their Children’ (Landscapes: State of Knowledge No 15, Australia’s National Research Organisation for Women’s Safety, November 2015) 30-3.

¹⁶ Domestic Violence Victoria, ‘Working with News and Social Media to Prevent Violence Against Women and their Children: A Strategic Framework for Victoria’ (2015) 8.

¹⁷ See: https://www.dss.gov.au/sites/default/files/documents/08_2014/national_plan1.pdf

community attitudes and this violence. However, these initiative need to be strengthened and further steps taken.

- Recommendation: media professionals are provided with greater guidance, training and education regarding accurate news coverage and social media interaction around VAW and its prevention. These should build on evidence-informed best practices, such as *News and Social Media to Prevent Violence Against Women and their Children: A strategic framework for Victoria (2015)*. Further incentive-based initiatives, such as the Our Watch awards, should be explored.

Technology and social media as entertainment

AWAVA made a submission to the Senate inquiry into “the phenomenon colloquially referred to as ‘revenge porn’” on 14 January 2016 and in response to the Exposure Draft of the Criminal Code Amendment (Private Sexual Material) Bill 2015.¹⁸ The comments made in those submissions are relevant to the current inquiry and some are included here. We ask that the Committee consider them in their deliberations for this inquiry.

Children and young people use a range of social media in their everyday lives including mobile phones, the internet and online gaming. Social media offers a potential platform that can contribute to, and also challenge cultural conditions that support VAW.

Technology-facilitated abuse and violence and the non-consensual sharing of intimate images-colloquially referred to as “revenge porn” - is a serious and increasing problem, which disproportionately affects women and girls. Findings highlight that this violence can reinforce attitudes that contribute to gender discrimination and stereotyping and can traumatise and isolate victims, which is often the intention of those who share images and constitute major barriers to the full enjoyment of social life and autonomy. Furthermore, the non-consensual sharing of intimate images, or the threat to share such images, is increasingly used as a tactic of control in abusive relations and in the perpetuation of sexual assault.

In terms of sexual assault, technology is another weapon with which assault is perpetrated (as with “drug-facilitated sexual assault”). At Canberra Rape Crisis Centre (CRCC), for example, young women have now overtaken mature/older women as the largest group accessing services, due in large part to the impacts of trauma where sexual violence and technology violence are among the dynamics present. While the role of technology in domestic and family violence is becoming more widely understood, the kinds of cases to which CRCC responds to are not included in domestic violence statistics, since the relationships involved are often not formal or legitimised, unlike ‘domestic’ relationships.

The Senate Standing Committees on Legal and Constitutional Affairs report on the 2016 Phenomenon colloquially referred to as ‘revenge porn’ provided recommendations for the Commonwealth, state and territory government. These included, but are not limited to, legislating offences for knowingly or recklessly recording and/or sharing an intimate image(s) without consent; and as well as threatening to take and/or share an intimate images without consent, irrespective of whether or not those images exist; empowering an agency to take down these images; and training for police.¹⁹ We refer to these recommendations and support the implementation of these and also recommend that further consideration should be given to legislation on minors, noting the high risk that young women face.

¹⁸ AWAVA’s submission to the Senate inquiry into “the phenomenon colloquially referred to as ‘revenge porn’” 14 January 2016 can be found here <http://awava.org.au/wp-content/uploads/2014/11/AWAVA-Submission-to-the-Senate-Inquiry-into-Domestic-Violence-in-Australia.pdf>

¹⁹ See:

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Revenge_porn/Report/b01

Technology as Prevention

Social media can also contribute to cultural conditions that challenge domestic violence and offer a potentially positive and creative platform for interventions to challenge harmful gender stereotypes and hierarchies and also promote gender equality.

In 2000, a group of specialists working for the Council of Europe on measures to address violence against women noted that all prevention programs with children and young people should aim to build their skills in media literacy, and to ‘decode media violence, sex role stereotyping and misleading portrayals of women and men, including those in pornography.’ As such, prevention programs also need to take into account the ways in which children and young people use information and communication technologies to contribute to and challenge conditions that support violence and harmful gender stereotypes.

Recommendations:

- Prevention programs and public education campaigns should work towards adequately addressing technology-facilitated abuse and violence and should consider and incorporate children and young people into programs.
- The work of WESNET and the E Safety Children’s Commissioner announced through the \$100m Women’s Safety Budget for technology safety training for domestic violence workers, police and legal professionals and other front line workers should be strengthened and maintained.

Please note our response to 1c of the terms of reference will be discussed within the context of “Respectful Relationships Education” under (c) of the terms of reference (page 11). The comments are relevant to this section of the inquiry and we ask that the Commission take this into account.

The following section of this submission will address term (c) and (d) of the reference:

the role of government initiatives at every level in addressing the underlying causes of domestic violence, including the commitments under, or related to, the National Plan to Reduce Violence against Women and their Children and any other related matters
any other related matters

Greater commitment to embed gender equality in all government processes and policies

Government policies and processes are not gender-neutral; rather, they are influenced by social structures and inequalities. To help address the inequalities that drive VAW, there must be greater commitment to embed gender equality in all government policies and processes. This should examine the gendered impacts of policies and processes and funding allocations on women and men. It should also take clear measures to address the underlying causes of VAW.

Other gendered experiences such as, but not limited to, caring responsibilities, economic security and homelessness, should be taken into account in assessing policy processes. For example, the Federal budget should explain the impact of the planned cuts and expenditure on women. All data must be at a minimum gender-disaggregated so we know what is happening to women, and we need equal representation in government, business and our communities.

AWAVA made a submission to the Senate inquiry into Domestic Violence in Australia²⁰ and the Pre-Budget Submission 2015-2016.²¹ The comments made in these submissions are relevant to the current inquiry and we ask that the Committee consider them in their deliberations for this inquiry. The below

²⁰ AWAVA’s submission to the Senate inquiry into Domestic Violence in Australia can be found here: http://www.apf.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/Domestic_Violence/Submissions

²¹ AWAVA’s Pre-Budget Submission 2015-2016 can be found here: <https://www.google.com.au/search?q=the+Pre-Budget+Submission+2015-2016&oq=the+Pre-Budget+Submission+2015-2016&aqs=chrome..69i57.254j0j7&sourceid=chrome&ie=UTF-8#q=submission+the+Pre-Budget+Submission+2015-2016>

points highlight some areas where immediate action is needed to strengthen governments' efforts to work towards gender equality and address the underlying causes of VAW. Additional comments follow this section.

Recommendations:

- Reintroduce the Women's Budget Statement to assess the implications of the budget for women and men to highlight policy measures and initiatives that address gendered inequality.
- Increased, committed and ongoing Commonwealth Government funding for the National Affordable Housing Agreement (NAHA) and the National Partnership Agreement on Homelessness (NPAH), which provide vital funding for specialist women's services in the family and domestic violence sector;
- Strengthen the reporting and monitoring mechanism of the NPAH. Include the improvement of housing options for women escaping violence as a performance indicator for the agreement;
- Ensure specialist services demonstrating expertise in the diverse housing needs and experiences of women are adequately funded under the NPAH.
- Consider the inclusion of gender equity as a criteria when selecting tenders for homelessness and housing services;
- Review adequacy of funding to meet demand for homelessness services in the next round of National Partnership Agreement on Homelessness negotiations."²²
- Adequate and sustainable funding of legal assistance services: Legal Aid Commissions, Community Legal Centres, Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services, including specialist women's legal services that address the specific needs of women facing multiple forms of disadvantage; and
- Adequate and ongoing funding for women's specialist services.

Increased and sustained funding for Office for Women

The Office for Women, which is based within the Department of Prime Minister and Cabinet (PM&C), is the central mechanism to ensure gender equality and women's issues are taken into consideration in policy and program development and implementation. While the Australian Government has increased commitment to gender equality and reducing VAW, the Budget does not provide any substantial new funding for the Office for Women. In addition, forward estimates show a decrease in budget allocations in 2017-18 and 2018-19 from 2016-17.²³ In order to practically meet Australia's increased commitments to gender equality and to reduce VAW and children, the office for women needs to be adequately resourced and appropriately strengthened.

- Recommendation: Increase and sustain funding for the Office for Women so it can further support and strengthen government's commitments to gender equality and ending VAW.

Gender focal points across all ministries and government agencies

The issues of VAW and gender equality are crosscutting, complex and multi-faceted. Appropriate and holistic approaches require cooperation and support from all ministries and government agencies. It also needs specialised staff that can understand the nature and dynamics of VAW and gender inequality so as to recognise and apply effective strategies within policy development processes.

In 2012, the UN Special Rapporteur on violence against women, Ms Rashida Manjoo's highlighted Australian Governments' need for central gender focal points to address VAW and ensure cross-

²² Equality Rights Alliance (2014) *Submission of the Equality Rights Alliance to the Finance and Public Administration Committee Inquiry into Domestic Violence in Australia*, p. 2.

²³ The Office for Women was allocated \$3.6 million for 2015-16, only slightly more than the \$3.5million it was allocated in 2014-15 and less than the actual spend for 2014-15 of \$3.8 million.²³ While forward estimates show a small increase for 2016-17 to just under 3.65 Million this is again estimated to decrease from this in the 2017-18 and 2018-19.

Australian Government, *Portfolio budget statements 2015-16: budget related paper no. 1.14: Prime Minister and Cabinet*, p. 30; Australian Government, *Portfolio budget statements 2014-15: budget related paper no. 1.14: Prime Minister and Cabinet*, p. 30;

departmental or integrated development of programs.²⁴ Further, UNWomen highlights that a gender perspective, which focuses on substantive equality and intersectionality, needs to be integrated at all levels of planning, policy-making, and implementation of government activities.²⁵

While we welcome the commitments made under the National Action Plan on Women, Peace and Security 2012–2018, which seek to integrate gender into Australia’s national and international peace and security efforts, these commitments need to be extended across all ministries and government agencies. This will help embed gender equality across government and will also help to work against structural inequalities that drive or exacerbate causes of VAW from “falling through the cracks” during policy development processes. This, for example, was seen in the recent Senate inquiry into the Family Law amendment Bill (2015) that, as highlighted by the Senate’s recommendations, omitted the CEDAW, which is critical to Australia’s commitment to gender equality and reductions to VAW.²⁶

- Recommendation: Implement and adequately resource gender focal points in all ministries and government agencies.

Fulfilling our commitments to the Global Goals

Australia is committed to working towards gender equality and ending violence against women. At an international level, Australia has signed and ratified the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the optional Protocol to CEDAW, the Convention on the Rights of the Child, and the UN Security Council Resolutions addressing Women, Peace and Security. It has also confirmed commitment to the Beijing platform and the Sustainable Development Goals, which not only denounce violence but calls for international and national measures to work towards gender equality and provide better protection, responses and support services to all women and children’s experiences and threats of violence.²⁷ While these steps demonstrate that the Australian Government is committed to working towards gender equality we need further consideration as to how Australia might be held accountable for these commitments.

- Recommendation: Adequately fund the ABS to provide gender-disaggregated and gender-relevant data necessary to permit meaningful reporting against these commitments.

The National Plan to Reduce Violence Against Women and Their Children (The National Plan)

Australia’s commitment to working towards gender equality and ending violence against women has most recently been reaffirmed by the adoption of the National Plan to Reduce Violence Against Women and Their Children 2010-2022 (National Plan), which acts as the primary policy on reducing sexual assault and domestic and family violence. The National Plan’s first two Action Plans have restated this commitment and have helped to translate some of these commitments into practical action at Commonwealth, state and territory government levels.²⁸

Despite these positive steps, the national plan has been hindered by gaps between intent and implementation and thus how the National Plan might operate in practice to address gender inequality and reduce VAW and their children. These inconsistencies not only places women and children at risk

²⁴ Committee on the Elimination of Discrimination against Women, Concluding Observations on Australia, 46th Session, UN Doc CEDAW/C/AUS/CO/7 (30 July 2010).

²⁵ Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I, para. 38 and annex II, para. 229.

²⁶ See:

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Family_Law_Bill/Report/b02

²⁷ UN. 1979. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); United Nations General Assembly. 2007. Intensification of efforts to eliminate all forms of violence against women (61/143); United Nations Security Council Resolutions 1325, 1820, 1888, 1889 and 1960

²⁸ COAG, *National Plan to Reduce Violence against Women and their Children*; 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* (2009); Second Action Plan: Moving Ahead 2013-2016

of further harm but also undermines governments' commitments to gender equality and efforts to end VAW. The following section highlights areas of the National Plan that can be strengthened to help government meet the needs of all women and children affected by violence.

Establish an independent monitoring and evaluation mechanism

A robust monitoring and evaluation allows for the impact of activities under the National Plan to be measured, gaps to be assessed and performance to be improved for greater future results. AWAVA has concerns regarding the lack of broader consultation and feedback in relation to the Evaluation Plan. We also express concern regarding the Evaluation Plan's ability, in its current state, to ensure discussions, reporting and decision-making is transparent and meeting the needs of women and children affected by violence.

The Evaluation Plan released in June 2014 represents an important development and includes a number of evaluation activities. However, there was a lack of broader consultation and feedback in relation to the draft Evaluation Plan.²⁹ As a result, the Evaluation Plan lacks necessary detail in a number of respects. For example: the national plan has promised results however, the government has provided no statistical benchmarks, systems of measurement, timelines, financial obligations or baseline to reference success. The omission of such details provides no way of monitoring or evaluating if the plan is appropriately resourced or if efforts under the plan are meeting the outcomes and targets set out in the National plan and subsequent Action plans. It also cannot provide insight into the extent to which the national plan is meeting the needs of women and children affected by violence and reductions in this violence.

Further, the Evaluation Plan suggests that all stakeholders would participate in the evaluation process, contribute to each report and that the report would be made publicly available. It also refers to Annual Progress Reporting as a key monitoring, accountability and communication activity under the National Plan. However, submissions made regarding the development of the Second Action Plan were not made public. The development of the third action plan (to be release mid this year) has also omitted a "submission" phase of consultations, which has significantly limited opportunities for open and transparent feedback and evaluations from the greater civil society.

The Evaluation Plan's needs discussions, reporting and decision-making to be transparent, accountable and consultative. Moving forward, there needs to be ongoing provisions for the incorporation of civil society, experts, victim/survivors and peak bodies in this process.

We suggest that the Committee give further consideration as to how the Evaluation Plan might operate in practices and we recommend:

- Establishing an adequate, timely, well-funded, independent monitoring and evaluation mechanism for the National Plan that incorporates accountability and governance mechanisms.
- Research to identify robust short and mid-term indicators for longer-term change under the plan.
- Provide for the comprehensive evaluation of all the initiatives it resources, ideally 'built in' to program design. These should be in line with the UN Women's Handbook for National Action Plans on Violence against Women³⁰ standards and be:
 - Time specific and measurable indicators and targets;
 - An institutional multi-sectoral mechanism to monitor implementation;
 - Meaningful participation of civil society and other stakeholders;
 - Evaluation of practice and system;

²⁹ National Plan to Reduce Violence Against Women and their Children 2010-2022: Evaluation Plan (June 2014)

<<https://www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children/evaluation-plan-for-the-national-plan-developed-by-health-outcomes-international>>

³⁰ UN Women. 2012. Handbook for National Action Plans on Violence against Women

<http://www.unwomen.org/~media/Headquarters/Attachments/Sections/Library/Publications/2012/7/HandbookNationalActionPlansOnVAW-en%20pdf.pdf>

- Accountable reporting procedures.

Establish a meaningful and ongoing consultation and engagement mechanism

The National Plan has been hindered by poor communication between government and civil society. AWAVA expresses concern regarding the National Plan's ability to ensure regular, equal and meaningful consultation and engagement with civil society.

The dissolution of the National Plan Implementation Panel (NPIP) which was designed as a key forum to advise Ministers of emerging issues and inform the evaluation of the National Plan and includes government and NGO representatives had significantly limited forums that provided for ongoing and meaningful consultation and engagement with civil society. For example, there were few opportunities for participation from civil society, including by key non-government organisations, in the development of the National Plan to Reduce Violence Against Women and their Children 2010-2022: Evaluation Plan released in June 2014 and while there was some consultation on the development of the Second Action Plan, submissions made regarding the development of the second Action Plan were not made public. In addition, civil society stakeholders were supportive of the NPIP's plan to convene advisory groups, however, these were absent in the succeeding action plan.

We commend the development of the COAG Advisory Panel on Reducing Violence against Women and their Children, which was a significant step to support a number of proposed consultative mechanisms and forums. We also welcome the publishing of the COAG Advisory Panel's reports. However, concerns were continuously raised from civil society regarding the transparency and inclusivity of the Panel. This is because the panel was tasked to report to the COAG only and could not provide reports publicly to civil society. These concerns are, once again, being raised in the development of the Third Action Plan that, as previously stated, omits a formal submission mechanism for civil society to provide feedback.³¹ It also neglects to inform greater civil society regarding when the national roundtable consultation and workshops occur and the discussions taking place, which will be essential for decisions made regarding the priorities and goals of the Third Action Plan. Further, at the Women With Disability Australia National Forum, concerns were raised regarding the costs associated with attending these meetings, particularly those who live in rural and remote regions and have greater access needs.

Recommendations:

- Establish a meaningful and ongoing consultation and engagement mechanism for key stakeholders and civil society in the evaluation, implementation and development of all efforts to reduce violence against women and children. This should ensure transparency and inclusivity with civil society, including representatives of Aboriginal and Torres Strait Islander women, CALD women, women with disability, young women, mature age women, women in prison, women from regional, rural and remote areas and LGBTIQ people, domestic, family and sexual violence services and specialists, other women's services, academics, practising lawyers and/or women's legal specialists.
- That the Department of Social Services and the Office for Women utilise submissions to this inquiry located on the Senate Committee's website to inform the development of the Third Action Plan.
- Recommendation: Publically release meeting communiqués as soon as practicable after each meeting.
- Recommendation: Publically release information regarding when and where consultations are taking place and the agenda of each of these consultations.

Increase funding and ensure accountability and transparency.

There is a lack of understanding amongst civil society about the level of National Plan funding. While we acknowledge and welcome the Women's Safety Package announced last September, further investment is required to enable the effective implementation of the National Plan and the prevention of VAW. The Commonwealth Government should ensure that key initiatives under the plan are sufficiently and sustainably funded and adequate funding is provided for quality prevention, early

³¹ See: <http://plan4womenssafety.dss.gov.au/towards-the-third-action-plan/>

intervention and ongoing specialist response and support initiatives and monitoring and evaluation of these initiatives.

- Initiate a consultative process to determine full costing for the range of program and service needs, particularly in regards to specialist support services.
- Adequately resource all initiatives under the National Action Plan, ensuring funds can be tracked and monitored.
- Appropriately monitor, evaluate and track funding in the Evaluation Plan and provide appropriate funding for this.

Respectful Relationships Education

As previously mentioned, children and young people need to be included in efforts to reduce VAW. In Australia, the education system is a platform to reach children and adolescents. Schools provide opportunities within the everyday curriculum and in designated programs to help expose prejudice and challenge attitudes and stereotypes that underpin bullying and violent behaviours. It also provides opportunities to nurture positive, inclusive and proactive attitudes and practices that can help prevent VAW and promote and model gender equality, inclusivity and respect.

Research shows that violence prevention programs and school based violence prevention programs aimed at children and young people are effective^{32,33} While respectful relationship education in schools is still new many programs have proved promising. The draft evaluation report for Respectful Relationships Education in Schools, undertaken by Our Watch shows students participating in Respectful Relationships education demonstrated increased understanding about violence, gender and gender inequality, and were also less likely to trivialise and excuse gender-based violence, or victim blame.³⁴ Teachers also reported significant positive changes in students' classroom behaviour.

The Royal Commission on Family Violence in Victoria further reinforces the benefits of respectful relationships education in efforts to reduce VAW. The report suggests respectful relationships education in schools should be enhanced, adequately resourced, and made mandatory as part of school.³⁵ The Commission recognises the promising results and states:

“government, independent and Catholic education sectors now have an enabling environment for respectful relationships education through the national and Victorian curriculums.”³⁶

The Commission further reinforces the important role of respectful relationships education in prevention efforts to reduce VAW in recommendation 189 of the report:

“The Victorian Government mandate the introduction of respectful relationships education into every government school in Victoria from prep to year 12. Implementation should be staged to ensure school readiness and to allow for on-going evaluation and adaptation. It should be delivered through a whole-of-school approach and be consistent with best practice, building on the evaluation of the model being tested by the Department of Education and Training through Our Watch [within five years].”³⁷

³² Flood, M. Fergus, L. Heenan, M. (2009) Respectful Relationships Education: Violence prevention and respectful relationships education in Victorian secondary schools, Department of Education and Early Childhood Development, 2009, p. 10-13

³³ Flood, M. & Fergus, L. (2010) An assault on our future: The impact of violence on young people and their relationships. Sydney, New South Wales: White Ribbon Foundation. Available from http://www.whiteribbon.org.au/uploads/media/Research_series/An_assault_on_our_future_FULL_Flood_Fergus_2010.pdf

³⁴ Our Watch, 'Respectful Relationships Education in Schools, 'The Beginnings of Change—Final Evaluation Report' (forthcoming) (February 2016), 5, provided to the Commission by Our Watch on 18 February 2016.

³⁵ http://www.rcfv.com.au/MediaLibraries/RCFamilyViolence/Reports/RCFV_Full_Report_Interactive.pdf Pg 53 in Prevention section

³⁶ http://files.rcfv.com.au/Reports/RCFV_Full_Report_Interactive.pdf pg61

³⁷ See: http://www.rcfv.com.au/MediaLibraries/RCFamilyViolence/Reports/RCFV_Full_Report_Interactive.pdf Pg 189

Recognising the value of schools as a platform to drive cultural and attitudinal change, the promising results of the respectful relationships education in Victoria, and the Royal commission's recommendations we recommend:

- Greater commitment to expand and resource respectful relationships education nationwide, which is in-line with recommendation 187 of the Commission's report.
- Incorporate respectful relationship education and initiatives that address homophobia and transphobia and their intersection with domestic and family violence into school-based respectful relationship programs;

AWAVA also recognises that Respectful Relationships Education is about lifelong learning and that limiting prevention programs to schools also limits the scope for broader primary prevention.

Recommendation: Respectful relationships education should be appropriately developed and up-scaled in early learning centres, universities and all forms of adult education, including in aged care facilities and in prisons.

Educators

Education organisations, teachers and coaches play an important role in influencing the attitudes and beliefs of young people, and in the success of prevention initiatives. They have the capacity to challenge or reinforce harmful attitudes and behaviours, at an individual and institutional level, which reinforce rigid gender expectations and encourage harmful and unsafe practices and attitudes. It is important that teachers and coaches can act as positive role models and provide their students with the language and the tools to confront the inequalities (re)produced on an individual and system level. This not only requires them to support students, but to also understand and examine their own assumptions and behaviours of how gender is constructed so as to identify and challenge those that reinforce harmful attitudes and stereotypes (rather than support and reinforce). AWAVA supports the COAG's, soon to be released, national campaign, which focuses on influencers of young people, however, we recognise the need for efforts to be sustainable so the campaign can create long-term systemic change.

- Recommendation: Proactively build the capacity of teachers and education organisations to deliver gender equity and violence prevention curriculum to young people from the early years;

National Outcome 4: services meet the needs of women and their children experiencing violence

The National Outcome 4 of the National Plan (services meet the needs of women and their children experiencing violence), will be measured by an increase in the access to, and responsiveness of, services for victims of domestic and family violence and sexual assault.

AWAVA has recently completed a policy brief "**The role of specialist women's services in Australia's response to violence against women and their children Policy Brief: 7 April 2016**". As outlined in this brief, we are concerned that despite having a national outcome that "services meet the needs of women and their children experiencing violence" as well as anecdotal strategies to increase "the access to, and responsiveness of, services (measure of success)", this has either not been adequately prioritised, defined or translated into practice to improve outcomes for women and children affected by violence. The comments made in this brief are relevant to the current inquiry and we ask that the Committee consider them in their deliberations for this inquiry. Specific comments are included below.

In 2012, the UN Special Rapporteur on violence against women, Ms Rashida Manjoo's highlighted:

"The disconnection between government plans, programs and projects aimed at preventing, addressing and reducing violence against women and the needs of women 'on the ground' is a manifestation of: ... a lack of dedicated, sustainable resources and funding models for both preventative and response based services (which recognise the long-term, protracted nature of the crisis rather than short-term, quick-fix approaches) "

As efforts continue to raise community awareness and condemnation of domestic and family violence and sexual violence, demand for support services has also continued to increase. However, the capacity of support services that directly respond to women and children affected by violence continues to be undermined by inadequate funding and a lack of recognition.

According to the Australian Council of Social Services (ACOSS) Community Sector Survey 2012 over half of all domestic violence and sexual violence services surveyed reported that there is an increased demand for services; clients face increased waiting times to access services they need; support services continue to have no choice but to turn away clients at high rates.³⁸ Reporting to police has also increased as state and territory police forces adopt more proactive approaches to VAW. In 2014, the ACOSS found: 72% of community legal services (including women's legal services) reported they were unable to meet demand; refuges and other accommodation services were also found to be under stress, with 51% unable to meet demand; nearly half (47%) of counselling and individual support services were unable to meet demand – including sexual assault services and domestic and family violence services.³⁹ Homelessness Australia estimates that 2,800 women fleeing domestic violence were turned away from refuges in the year 2014-2015.

The level of unmet need is even larger than that indicated by waiting times and turn-away data. Australia's National Research Organisation for Women's Safety (ANROWS) has found that in 2012 there were at least 81,900 women who wanted to escape their current violent partner but never have. Further, one in every 12 women indicated that they had escaped their abusive partner but later returned, in whole or in part because they had nowhere else to go.

Calls to the national 1800RESPECT help-line have increased every year since its establishment in 2010, and in 2014 more than 18,000 calls went unanswered. In May last year, Victoria's Safe Steps Family Violence Response Centre reported that it had experienced a 130 per cent increase in calls to its crisis line over the previous two years, and Queensland's DV Connect hotline had seen a 35 per cent growth in calls in just the period October 2014 to May 2015. Calls to the New South Wales Domestic Violence Line grew by 6 per cent from 2013 to 2014. Both Safe Steps and DV Connect said that not only was the number of calls increasing but there was also an escalation in the severity of cases, including reports of sexual abuse, threats to kill and strangulation.⁴⁰ Importantly, these help-lines do not and cannot provide services other than advice and referral. They do not assist with housing, trauma recovery, legal processes or any of the other range of issues facing women attempting to build lives free of violence. These calls therefore result in increased referrals to other specialist women's services, but capacity in these services is already extremely stretched.

A major problem, as outlined by Domestic Violence Victoria, is that responses to domestic and family violence are currently mainly funded through homelessness funding programs, including the National Affordable Housing Agreement (NAHA) and the National Partnership Agreement on Homelessness (NPAH).⁴¹ This approach treats domestic and family violence as if it were an intermittent issue of individual crisis, rather than the entrenched, ongoing social problem that it is. It also neglects and fails to resource the full range of supports that domestic and family violence services provide to women and children facing violence. The Victorian government's commitment to establishing a dedicated funding stream at the state level (a recommendation of the Royal Commission on Family Violence) is a major positive step forward, and now needs to be mirrored in the Commonwealth system and across the other States and Territories.

An intended and predictable effect of public discussion is to encourage victims/survivors to come forward and seek help. This increase in demand will only intensify with the national campaign to change attitudes towards women and girls which are victim blaming, excuse the perpetrator, minimise the violence and therefore violence supporting attitudes due to commence in early 2016. It is expected that demand for services will increase as more women and families identify violence and seek support. The

³⁸See:http://www.sectorconnect.org.au/assets/pdf/resources/resourcepg/advocacy/ACOSS_Community_Sector_Report_2012.pdf

³⁹ http://www.acoss.org.au/images/uploads/ACSS2014_final.pdf

⁴⁰ <http://www.smh.com.au/federal-politics/political-news/domestic-violence-calls-going-unanswered-as-demand-spikes-20150501-1mylww.html>

⁴¹ Fiona McCormack and Prue Cameron, 'Domestic violence package: A great start, but it will only get us so far', The Drum, 25 September 2015, <http://www.abc.net.au/news/2015-09-25/mccormack-domestic-violencepackage/6803846>

implicit commitment is that help will be there. Governments that are vocal in condemning violence, as they should be, also have a serious responsibility to ensure adequate and appropriate services exist regardless of geographic location or cultural diversity.

Recommendations: That the Australian Government, in cooperation with the State and Territory governments

- Immediately reverse funding cuts and substantially increase funding to key areas including specialist domestic and family violence support services, domestic violence outreach services, women's refuges, sexual assault services, women's legal services, specialist women's court support services, community-controlled Aboriginal and Torres Strait Islander services and community based specialists working with LGBTIQ communities, women with disability and culturally and linguistically diverse communities
- Initiate a consultative process to determine full costing for the range of services needed to effectively respond to violence against women and children, to inform the development of the 2017-18 budget.
- Create a dedicated and recurrent funding stream through partnership with the states and territories that supports the breadth of work specialist women and children's family violence services do to respond to family violence, which is not adequately resourced or measured by homelessness funding
- Commit to a whole of government approach to reducing violence against women and their children, which articulates the roles and responsibilities of the relevant Australian Government portfolios in addressing this issue. This would be supported by a budget planning and reporting framework to publicly account for the money allocated to preventing and responding to violence against women across all Australian Government departments
- Allocate adequate funding to enable a comprehensive response to the recommendations of the COAG Advisory Panel and the implementation of the Third Action Plan of the National Plan to Reduce Violence Against Women and their Children.

Immediate and urgently required funding increases for crisis support should complement increased investment in primary prevention, as outlined in the *Change the Story* prevention framework, so that over the longer term the prevalence of violence and consequently the need for services will decline.

Recognise and fund women's specialist services

The international evidence is clear that not just 'any old service' will do: Specialist women's services contribute to better long and short-term outcomes for women and children who have lived with violence; they have a greater capacity to recognise and dismantle barriers, and to counteract negative social messages and understandings that may deter or undermine women's disclosure of violence. Research in the United Kingdom has shown that women would often not have sought support for themselves and their children if services been mainstream, as compared to specialist women's services.⁴² On the converse, inappropriate services discourage help-seeking, prevent disclosure of abuse and sometimes turn victims/survivors away to return to abusive situations.^{43,44,45} Additionally, policies that adopt a "gender-neutral" treatment of violence and side-line women-specific services in favour of generalist

⁴² Women's Resource Centre (2007) *Why Women Only? The value and benefits of by women, for women, services*, London, UK at http://www.wrc.org.uk/includes/documents/cm_docs/2008/w/whywomenonly.pdf

⁴³ Chung, D., Colley, D. and Zannettino, L. (2004) *Effective Integrated Approaches in the Delivery of Services and Responses for Women Experiencing Domestic Violence*, Research and Education Unit on Gendered Violence, University of South Australia, Adelaide and Partnerships Against Domestic Violence, Canberra; Zannettino, L. (2006) *Better Outcomes for the Protection of Children Affected by Domestic Violence: Developing Interagency Collaboration between Child Protection and Domestic Violence Services: A Research Report*, Research and Education Unit on Gendered Violence in partnership with the Department for Families and Communities, South Australia
<http://www.unisanet.unisa.edu.au/staff/homepage.asp?Name=Lana.Zannettino>

⁴⁴ UN Women Australia. (2014). *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) fact sheet*. Retrieved from UN Women Australia website
<https://unwomen.org.au/sites/default/files/UNW_CEDAW%20Fact%20Sheet_web.pdf>

⁴⁵ Women's Resource Centre (2007) *Why Women Only? The value and benefits of by women, for women, services*, London, UK at http://www.wrc.org.uk/includes/documents/cm_docs/2008/w/whywomenonly.pdf

agencies are counterproductive. This is in part because such policies ignore the reality that violence against women is systemic and both results from and contributes to gender inequality.⁴⁶ As a result of factors such as these, women-only and women-led services are widely acknowledged in international minimum support standards and frameworks.⁴⁷ As such, they have been recognised as best placed to meet the needs of women and children's experiences of violence. UN Women guidelines state:

[W]hile the state should play an important role in establishing and funding services, it is not often the most appropriate body to run the services. Where possible, specialist crisis services responding to victims/survivors of violence against women should be run by independent and experienced women's non-governmental organizations providing gender-specific, empowering and comprehensive support to women survivors of violence, based on feminist principles.⁴⁸

While governments have committed to strengthening support services to end VAW, efforts at the national level under Action Plans One and Two have not recognised the role of specialist women's services or the challenges of maintaining best practice service models while meeting rising demand.

To date, actions towards National Plan Outcome 4 have been focused on national services such as 1800RESPECT and DV-alert (Domestic Violence Response Training program for health and allied health workers). While these are valuable initiatives, substantive progress towards Outcome 4 will require much greater attention to specialist women's services, which provide the bulk of on-the-ground assistance to women and children. These services are partially funded by various Commonwealth departments, and many are delivered under contract with State and Territory Governments, who utilise a range of different approaches. The Victorian government has committed to implementing the recommendations of the Royal Commission on Family Violence⁴⁹, and the Queensland government has adopted the recommendations of the *Not Now, Not Ever* report⁵⁰, both of which include important reforms to strengthen the position of specialist women's services. However, the complexity and variation of our federal system make it a challenging task to strengthen service provision across the country as a whole. Unless this task is defined and undertaken, however, it will certainly not be achieved. Procurement trends and service reforms in various areas continue to undermine women's specialist services.

The recent competitive tendering under the Going Home Staying Home reforms (2012–2014) led to a procurement process that favoured larger providers and led to the closure and amalgamation of a number of specialist women's services. This is an example of why there needs to be better recognition and protection of the model of specialist women's services. The Australian government can lead this work through the National Plan, and other policies and funding systems and can capitalise on the COAG Advisory Panel recommendations regarding this.

The recent NSW experience is an example of the need for better recognition and protection of the work of specialist women's services and a nuanced understanding of the support that victim-survivors require when escaping domestic and family violence. The Australian government should lead this work, through the National Plan, funding strategies and a whole of government commitment to eliminating violence against women.

⁴⁶ United Nations General Assembly (2014) Report of the Special Rapporteur on violence against women, its causes and consequences, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/523/34/PDF/N1452334.pdf?OpenElement> section C(1).

⁴⁷ Combatting Violence Against Women: Stocktaking study on the measures and actions taken in Council of Europe member states, Directorate General of Human Rights, Council of Europe, CDEG (2006)3, Strasbourg, 2006
<[http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EGVAWCONF\(2007\)Study%20rev.en.pdf](http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EGVAWCONF(2007)Study%20rev.en.pdf)>

⁴⁸ UN Women (2012) Handbook for National Action Plans on Violence against Women
<<http://www.unwomen.org/en/digital-library/publications/2012/7/handbook-for-national-action-plans-on-violence-against-women>>VAW

⁴⁹ See: http://files.rcfv.com.au/Reports/RCFV_Full_Report_Interactive.pdf

⁵⁰ See: http://files.rcfv.com.au/Reports/RCFV_Full_Report_Interactive.pdf

Recommendation: That the Australian government, through its policy and funded program work

- explicitly identify specialist women's services as the central element of our responses to violence against women and children
- reform funding systems so that the central role of specialist women's services is protected and maintained
- introduce mechanisms to track the steps all Australian governments are taking to strengthen the capacity of specialist women's services, and monitor the impacts of this work on the ability of women and children to access appropriate support.

In addition to recognising the role of specialist women's services, there is an urgent need to codify and apply practice standards and principles developed by women's services and specialists, as described above, and to embed adherence with these standards into State/Territory and Australian Government funding and procurement processes. Substantial investment is required for ongoing workforce development to ensure that the specialist sector can continue to grow and develop best practice and share this with mainstream services.

This work can build upon standards already developed including the NASASV *Standards of Practice Manual for Services Against Sexual Violence*⁵¹, the *National Outcome Standards for Perpetrator Interventions*⁵², Domestic Violence Victoria's *Code of Practice for Specialist Family Violence Services for Women and Children*⁵³, the Victorian Government's *Practice guidelines: women and children's family violence counselling and support programs*⁵⁴, and other state/territory-based practice standards. Standards development can draw on work at the international level, such as the Council of Europe's *Minimum standards for support services*.⁵⁵ It can also take into account work on standards that will be undertaken by the Victorian government in response to the recommendations of the Royal Commission on Family Violence.⁵⁶ The structure and resourcing for this work should be established at a national level, and should include considering options for accreditation.

Recommendation:

- That specialist services through their peak bodies and networks codify good practice standards and principles for the delivery of services in response to violence against women and their children
- That the Australian Government fund and support the process of codifying good practice standards, and apply these standards through funding and procurement systems.

A set of national standards is necessary for evidence-based evaluation and to ensure reflective practice and continual improvements.

National Outcome 5: Justice Responses are effective

The National Outcome 5 of the National Plan (justice responses are effective), will be measured by increased rates of women reporting domestic violence and sexual assault to police. Specific strategies

⁵¹ National Association of Services Against Sexual Violence (2015) *Standards of Practice Manual for Services Against Sexual Violence*, 2nd Edition,

http://www.nasasv.org.au/PDFs/NASASV_Standards_2nd_Edition_2015.pdf

⁵² See

https://www.coag.gov.au/sites/default/files/files/National_Outcome_Standards_Perpetrator_Interventions.pdf

⁵³ Domestic Violence Victoria (2006) *Code of Practice for Specialist Family Violence Services for Women and Children: Enhancing the safety of women and children in Victoria*,

http://www.dhs.vic.gov.au/_data/assets/pdf_file/0003/580908/code-of-practice-domestic-violence-vic-2006.pdf

⁵⁴ Victorian Government Department of Human Services, *Practice guidelines: women and children's family violence counselling and support programs* http://dhs.vic.gov.au/_data/assets/pdf_file/0009/581256/practice-guidelines-women-and-children-fv-counsell-support.pdf

⁵⁵ Council of Europe, *Combating violence against women: minimum standards for support services* (2008)

[http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF\(2007\)Study%20rev.en.pdf](http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Source/EG-VAW-CONF(2007)Study%20rev.en.pdf)

⁵⁶ Victorian Royal Commission on Family Violence (2016) Final Report

http://files.rcfv.com.au/Reports/RCFV_Full_Report_Interactive.pdf

in 2010-2013 (Strategy 5.1) were to improve access to justice for women and their children. Despite having a national outcome to improve outcomes for women and children survivors of violence within the justice system, we are concerned that this is not being adequately prioritised and translated into practice. As such, we support our member organisation, Women's Legal Services Australia (WLSA)'s submission. We refer to WLSA's submission to this inquiry and support the recommendations made within this submission and some are included here. We ask that the Committee further consider them in their deliberations for this inquiry.

Recommendations:

- Reverse the national funding cuts to Community Legal Centres (CLCs) under the National Partnership Agreement (amounting to \$34.83m between 1 July 2017 and 30 June 2020)
- The Commonwealth Government immediately inject \$120 million per year into the legal assistance sector, consistent with the recommendation made by the Productivity Commission, including at a minimum \$14.4m per year to CLCs and appropriate amount amounts for Family Violence Prevention Legal Services, Aboriginal and Torres Strait Islander Legal Services and Legal Aid Commissions
- The Commonwealth Government commit to developing a process for determining sustainable long-term funding contributions to the legal assistance sector.
- Introduce a specialised domestic violence pathway for legal aid grants, particularly for family law and care and protection matters. Such a pathway should include early identification of domestic violence; assistance for victims/survivors of domestic violence in completing their legal aid application; discretion with respect to the means test; discretion with respect to the merits test, for example, where victims of violence seek orders contrary to a family report writer so the recommendations can be tested in court. Such a pathway should be developed with input from specialised domestic violence workers.
- Include women as specific priority clients in the national partnership agreement on legal assistance service
- Increase funding for specialist women's legal services (including Aboriginal and Torres Strait Islander women's legal services)
- Prioritise the implementation of the recommendations from the ALRC/NSWLRC *Family Violence- A National Legal Response* and ALRC *Family Violence and Commonwealth Laws-Improving Legal Frameworks*.
- Provide legislative protection in the *Family Law Act 1975* for vulnerable witnesses in family law proceedings so that victims of domestic violence and sexual assault do not have to be directly cross-examined by the alleged perpetrator of such violence nor have to directly cross-examine the perpetrator of such violence themselves, if they choose not to do so.
- Remove the emphasis on shared parenting from the *Family Law Act* including the language of "equal shared time" and "equal shared parental responsibility" to shift culture and practice towards a greater focus on safety and risk to children.
- Access to safe and affordable housing for victims/survivors of violence must be included in the Third Action Plan
- Include in the Third Action Plan the piloting in some districts that where a "viable and protective carer" for children can be located the child protection government agency provide supporting evidence of that in family law proceedings.
- Greater integration between the National Framework for Protecting Australia's Children and the National Plan to reduce violence against women and their children.
- Increased investment in culturally and gender responsive, trauma informed, client centred early intervention support services.
- Establish a national accreditation and monitoring scheme for family report writers in family law proceedings that ensures that family report writers have adequate experience (including clinical experience with victims/perpetrators) and training (including specialist trauma-informed, family violence training as well as cultural competency) in the specialist field of family violence. There should also be an effective mechanism for complaints.

- Place domestic violence specialists in family court registries to undertake risk assessment at the very earliest stages of a case and provide recommendations on interim care arrangements for children.
- Engage court-based support services to assist families in crisis. These services could include specialist services for women from high risk groups as well as housing, domestic violence and child & youth focused workers.
- Implement the recommendations of the Family Law Council in their *Improving the Family Law System for Aboriginal and Torres Strait Islander clients* and *Improving the Family Law System for clients from culturally and linguistically diverse backgrounds*.
- Roll out a mediation model with specialist domestic violence lawyers and social workers based on the highly effective 2012 Co-ordinated Family Dispute Resolution pilot.
- Develop and deliver a comprehensive professional development package for all family law judicial officers, legal professionals and court staff on domestic violence, cultural competency and working with victims of trauma.
- Women's access to justice must be a priority in the Third Action Plan.
- Urgently adopt statutorily established and securely funded specialist domestic and family violence death review units in all states and territories and ensure that current units are statutorily based, securely funded and comply with best practice principles, including mandating agency responses to and public monitoring of implementation of review recommendations.
- That the federal government immediately commence work on the best model that should be established to systemically analyse child and adult deaths in the family law system (family law courts, Family Relationship Centres, Family Dispute Resolution Services) with the purpose of investigating deaths to make recommendations for immediate and long term systemic change and that such a team be multi-disciplinary, independent and accountable.
- Include the status of being a victim/survivor of domestic violence as a protected attribute in anti-discrimination laws and the *Fair Work Act 2009* (Cth).
- Provide protection against adverse action on the basis of being a victim/survivor of domestic violence in the *Fair Work Act* (Cth).
- Implement the Victorian Royal Commission into Family Violence recommendations relating to the workplace.
- Ensure that Aboriginal and Torres Strait Islander communities lead and participate in the development and implementation of the Third Action Plan.
- Ensure that girls and women with disabilities and their advocates actively participate in the development and implementation of the Third Action Plan and that girls and women with disabilities are adequately included in the Third Action Plan.
- The National Plan and Third Action Plan include institutional and disability accommodation settings.
- The National Plan and Third Action Plan include addressing the forced sterilisation of girls and women with disabilities.
- Meaningful engagement with women with lived experience in prison and their advocates about how women in prison can be included in the National Plan and the Third Action Plan.
- A genuine commitment to diversionary programs for women, especially in relation to a non-violent offence. This is particularly important where the woman has primary/substantial caring responsibilities for children and is consistent with the [United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders \(Bangkok Rules\)](#).
- Where a custodial sentence cannot be avoided, commitment to and expansion of programs that enable children to live with their mother in custody - either on a full-time basis or for school holidays.
- More Audio Visual Link (AVL) suites set up for contact visits in prison and more flexibility regarding community organisations that can facilitate the contact visits through technology where the children are located. This would enable women in prison, for example, to speak to their children about their school day, sporting events, read their children a story.
- Improve access to safe and affordable housing so that women can get bail and parole and so their children can live with them upon release where it is safe to do so.

- Consistent with the Victorian Royal Commission into Family Violence recommendations 183 and 184 ensure access to counselling and other supports/programs for women in prison who want to access such services and programs, including women on remand.

Thank-you once again for the opportunity to provide a submission. We would welcome the opportunity to discuss the issues further. For further information or to discuss the content of this submission, please contact Merrindahl Andrew using the details below.

Yours faithfully,

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