

Domestic Violence Victoria

 *Peak body for domestic violence
services for women & children*

Domestic Violence Victoria (DV Vic) Submission to the Australian Senate Inquiry into Domestic Violence in Australia

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Foreword

Domestic Violence Victoria (DV Vic) commends the Senate Finance and Public Administration References Committee for holding an Inquiry into family violence in Australia; an issue that affects so many Australians. Thank you for the opportunity to make a submission to the Inquiry.

Family violence 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. Domestic or family violence, sexual assault, sexual harassment, child abuse and other forms of violence are often seen as separate problems, but they are integrally linked. They are all forms of control and an abuse of power. Evidence shows that women and men use and experience violence differently: men are statistically more likely to use violence against other men and against women; women and girls are disproportionately the victims of family and sexual violence. If an issue overwhelmingly affects one section of the population, we need to understand why and we urgently need to do something about it.

Although family violence – one of the predominant manifestations of violence against women - is a complex and multidimensional issue, there is an emerging international consensus that it is preventable. Preventing violence against women and children in all its forms should be a social policy priority for the Australian Government; and we welcome both the current and previous Commonwealth Governments' unprecedented willingness to address this issue through the implementation of the National Plan to reduce Violence against Women and their Children.

About DV Vic

As the peak body for family violence services in Victoria, DV Vic has a membership of state-wide and regional family violence agencies across Victoria which provide a variety of responses to women and children who have experienced family violence, including community and women's health agencies and hospitals. DV Vic holds a central position in the Victorian integrated family violence system and its governance structures. Against the central tenet of safety and best interests of women and children, DV Vic's mission is to provide leadership to change and enhance systems that prevent and respond to family violence.

DV Vic represents the Victorian family violence sector on the Ministerial Advisory Council on Violence against Women; the Ministerial Advisory Group on Homelessness; the National Plan (for the reduction of Violence against Women and their Children) Implementation Panel; the former Reference Group for the Protecting Victoria's Vulnerable Children Inquiry and numerous other advisory mechanisms of the Victorian Government.

1. The prevalence and impact of domestic violence in Australia as it affects all Australians and, in particular, as it affects:

- women living with a disability, and
 - women from Aboriginal and Torres Strait Islander backgrounds;
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In Victoria alone, more than 60,000 family violence incidents were reported to police in 2012- 13. This marks a steady increase in reports to police over the past decade. In 2003-04, the corresponding number was 28,000.

This represents only some of the women experiencing family violence – others tell friends, family, their doctors or other people they trust but many never report it or seek help.

While we believe that increased reporting in Victoria is partly because women are more confident they will be taken seriously, and better responses from Victoria Police, we have a long way to go before men's violence against women is an anomaly in our communities.

To paraphrase Chief Commissioner of Victoria Police Ken Lay, if we had 29 deaths on Victoria's public transport system in one year there would be a tremendous public outcry¹. The fact that women and children remain more at risk in their own homes than at train stations or in other public venues fails to elicit the same kind of community concern, except in the most tragic cases.

Surveys of whole populations are useful because they capture reported as well as unreported family violence.

We know at a national level, more than one in three women have experienced violence (physical or sexual) from a current or past intimate partner since the age of sixteen².

Women and children are overwhelmingly the victims of family violence. Women are more than three times as likely to be victims of intimate partner violence as men.³ Women comprised 87 percent of partner assault victims and 86.9 percent of all face-to-face threatened partner assault victims.⁴ This suggests women are more than six times likely to be victims of intimate partner violence than men.

We also know that 35 per cent of women and men have experienced assault since the age of fifteen – the difference is that men are usually assaulted by strangers while women are most often assaulted by their partners⁵.

Of the women who had experienced physical violence at the hands of a current partner in the past twelve months, 82.9 per cent did not report it to police. Of women who had experienced violence at the hands of a former partner in the past twelve months, 38.9 per cent did not report it to police.⁶

¹ <http://www.vicpolice.com.au/blogs/93-oursay/1302-ccp-ken-lay-on-family-violence.html> viewed on 24 May 2014

² Australian component of *International Violence Against Women Survey* (Mouzos & Makkai 2004), p.44

³ Australian Bureau of Statistics. (2006) *Personal Safety Survey 2005*.

⁴ Australian Bureau of Statistics *Crime Victimization, Australia 2010-2011*, (ABS, Tables 6 and 9)

⁵ Australian Bureau of Statistics *Personal Safety Survey* (2006), p 9.

⁶ Australian Bureau of Statistics *Personal Safety Survey* (2006), p.21

In almost 80 per cent of cases, women know the men who have assaulted them. In the most recent incident of sexual assault in the previous 12 months nearly 30 per cent of women were sexually assaulted by a previous or current partner. Over 70 per cent of women were sexually assaulted by a family or friend or by other persons known to them such as a neighbour, acquaintance or colleague. 21.8 per cent were sexually assaulted by a stranger.⁷

In the past it has been difficult to talk about family violence – it's been seen as a private issue, a women's issue or interpreted as a slur on men. While the prevalence of men's violence against women is deeply disturbing, it is important to note that this is still an under-reported crime. A significant but unknown number of women do not report their experience of family violence.

What is family violence?

The term 'family violence' is often used interchangeably with domestic violence. Family violence can take many forms, and this is recognised in the *Victorian Family Violence Protection Act (2008)* FVPA.

Family violence is any behaviour that in any way controls or dominates a family member that causes them to fear for their own, or other family member's safety or wellbeing. It can include physical, sexual, psychological, emotional or economic abuse and any behaviour that causes a child to hear, witness, or otherwise be exposed to the effects of that behaviour.

– *Family Violence Protection Act 2008*⁸

In Victoria, some forms of family violence are criminal offences (such as assault or sexual assault, kidnapping, imprisonment, breaching an intervention order or child sex abuse), but the *Family Violence Protection Act* reflects the principle that any form of family violence, within any community, is unacceptable.

The *Family Violence Protection Act 2008* ensures that the different types of families are recognised and provided with protection. It reflects perspectives and realities of family and community throughout Victoria, including women with disabilities and Aboriginal communities.

People who use family violence assume they have the right to be in charge and dominate people close to them; all forms of family violence - psychological, economic, emotional and physical - come from the abuser's desire for power and control over other family members or intimate partners, and their belief that the community supports, or at least turns a blind eye to this behaviour.

Family violence is predominantly, but not exclusively, perpetrated by men against women and children. It occurs in all cultures and walks of life. Most often it involves men abusing their female partners, girlfriends or wives. But abuse can also happen in gay and lesbian relationships, and be perpetrated against parents by older children, and between siblings, or any other family members. People with disabilities can be abused by carers whether they are family members or not. That is why we talk about *men's* violence against women - to distinguish it from other equally unacceptable forms of violence, such as street violence.

⁷ Australian Bureau of Statistics *Personal Safety Survey* (2006)

⁸ This definition is a summary of the definition in the Family Violence Protection Act 2008.

Men's use of violence against women

Men perpetrate family violence to control their partner and family members. Social and cultural institutions in our society not only provide men with unearned privilege and shape their perceptions and expectations of what women should and shouldn't do, who women are and aren't, and what women should and should not be responsible for. How women are portrayed in the media, corporate advertising and other (sub)cultural mediums all influence men's sexual objectification, dehumanisation and 'othering' of women. This is reinforced by commonly held ideas about men and their masculinity, which are centred, in part, on being 'superior' to women, distancing from non-heterosexual sexuality, competition against other men, and a narrow perception of strength based on superiority and the need to be right. These ideas about what it is to be a man devalues men as carers and taking responsibility for contributing to relationships, community wellbeing and household logistics.

Men who perpetrate violence do so to control the actions of family members. These men see other family members being responsible for their feelings of anger, jealousy, frustration and (paradoxically) powerlessness. The man's partner or ex-partner, when 'causing him' (in the man's way of thinking) to feel these particular emotions, and/or when not living up to his entitlement-based expectations of what she should or shouldn't do, develops a sense of righteous anger through which he believes that he is the victim of 'her unreasonableness'. This victim stance that many men who perpetrate violence take, can be reinforced amongst some (but not all) by genuine experiences of victimisation through family-of-origin experiences of powerlessness or abuse, and results in men feeling justified to use a range of tactics of coercive control, including but not limited to physical violence, to attempt to stop her from doing something, to make her do something, or to punish her, out of his sense of victim stance and righteous anger.

These tactics of coercive control and violence are choices that men make to control their partner out this privilege-based sense of entitlement - that she is responsible for behaving unfairly towards him, for not meeting his expectations. For some men, this righteous anger can be associated with feelings of betrayal, resentment and hostility towards her and sometimes also towards her children. His privilege provides him with the license to self-focus and lock on with this sense of grievance, and for her and their children's needs to be invisible in the process.

Women's experience of family violence

While every woman's experience is unique, for many women experiencing family violence, it is often described as a cycle or escalating spiral of violence, rather than a one-off incident. The forms of violence are not always physical or sexual, but usually involve a range of different behaviours designed to, intimidate, isolate and control. This can include violence and /or threats of violence against children, other family members, pets etc.

It often starts with jealous and controlling behaviour by an intimate partner – such as making it difficult for women to see family or friends - many women do not experience physical assault until the relationship is well established.

It can be experienced as financial abuse, for example where his debt is amassed under her name or she is not permitted to make decisions about or access finances.

Women may experience a range of different types of violence but emotional and psychological abuse is the common thread with most women reporting verbal abused, constant put downs and being blamed for the violence they experience.

Sexual abuse is another common form of family violence involving non-consensual sexual activity

Pregnancy is a risk factor for family violence. Women often experience their first assault during pregnancy, or experience an increase in the form or intensity of violence²². This is a time when women are more vulnerable because they are less able to leave and are more likely to be financially and otherwise dependent upon their partner.

Abuse experienced during pregnancy is the point where family violence also becomes an attack on the mother-child relationship. The undermining of women's relationships with their children both directly (through undermining her parenting and modelling abusive and disrespectful behaviour towards her in front of the children) and indirectly (through physically or emotionally disabling her so that she is unable to be available to mother her children) are also damaging characteristics of family violence.

Whilst the risk of staying in a violent relationship may be very high, simply leaving the relationship does not mean that the violence will stop. Evidence shows that the time when a woman is planning to leave and leaves is the most dangerous time for her and her children.

Perpetrators commonly threaten to harm or even kill their partners or children if he thinks or knows she is planning to leave. Separation is commonly a time when violence escalates, women are assaulted and stalked and, women and their children are at increased risk of being murdered.

So, women stay with abusive men because it is extremely difficult and often dangerous for them to leave and because they don't have faith that the system will protect themselves and their children.

Some of the reasons a woman may not leave a violent partner or report her experience of violence at his hands include:

- She may have very realistic fears for the safety of herself and her children, her security and future, including where she will go; the capacity to afford to live independently is increasingly difficult with the cost of living and housing; safe and affordable accommodation is increasingly difficult to access; she may be required to leave her job so he cannot find her; she may also have concerns about the impact that re-locating may have on her children's education, links to community and family etc.
- She may not have faith that the system can protect herself and her children
- She may feel ashamed about the violence or believe that it is her fault. It is a common tactic for perpetrators to blame victims for the violence perpetrated against them. If she is not experiencing physical abuse, she may not recognise herself to be in an abusive relationship
- She may feel too exhausted or unsure to make any decisions, and doubt her own judgement.

- She may be isolated from family or friends or be prevented from leaving the home or reaching out for help.
- She may not know where to go.
- She may have low self-esteem as a result of the abuse or be experiencing depression or other mental health problems. She might question her own reality when her partner blames her for causing him to be violent toward her, and those messages are echoed or tolerated in the community.
- Messages from the community about her responsibility for her victimisation, and fear they will be blamed.
- She may still care for her partner and hope that they will change (many women don't necessarily want to leave the relationship; they just want the violence to stop).
- Women with disabilities may lose their care packages or specially adapted homes.
- Women from Aboriginal communities may lose their relationship with their kinship and family networks as well as the relationship with their land.
- Other women may lose their entitlements to residency.
- She may believe that it is better to stay for the sake of the children (e.g. wanting a father for her children and/or wishing to prevent the stigma associated with being a single parent).

Violence against 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 services⁹. Many women with disabilities are subject to the control of others, and experience high levels of violence from family members and carers¹⁰. 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 abuse¹¹. Women with disabilities

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

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

11 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]

may live in inappropriate accommodation, where they are vulnerable to abuse and/or live without adequate support in the community¹².

The Stop the Violence project found that:

- 22% of 367 surveyed women and girls with disability had been affected by violence in the previous year.¹³
- Women and girls with disabilities are twice as likely as women and girls without disabilities to experience violence throughout their lives.¹⁰
- Over one-third of women with disabilities experience some form of intimate partner violence.¹⁴

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 disabilities¹⁵ and recommended that Australian Governments act urgently to:

- 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."¹⁶

Research and data collection on the prevalence of violence against women with disabilities is extremely limited in Australia. Many services, such as specialist homelessness services, do not systematically ask women if they have a disability. Previous Victorian data showed that around 13% of family violence crisis support episodes were accessed by women with disabilities¹⁷ – since the change to a national data system this information is not reportable.

DV Vic encourages the Senate Inquiry Committee to refer to the evidence-base on violence against women with disabilities provided by the [Voices against Violence](#) project undertaken by two of our member agencies; Women with Disabilities Victorian and the Domestic Violence Resource Centre Victoria. This report presents findings and makes recommendations on responding to and preventing violence against women with disabilities.

Violence against Aboriginal and Torres Strait Islander Women and Girls

12 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.wvda.org.au/housing04.htm> [18.04.08]

13 University of New South Wales, 2013, Stop the Violence: Addressing Violence Against Women and Girls with Disabilities in Australia, Sydney. Referenced in "[Second Action Plan: Moving Ahead 2013-2016](#)" 2014.

14 Women with Disabilities Australia, the University of New South Wales and People with Disabilities Australia, 2013, 'Stop the Violence: Improving Service Delivery for Women and Girls with disabilities'.

15 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

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

17 Women's Domestic Violence Crisis Service SAAP data, 2010 – 2011.

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.'

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 poverty¹⁸. 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 include¹⁹:

- 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.

18 ibid

19 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

2. The factors contributing to the present levels of domestic violence;

One of the reasons men's violence against women is so rife in Australian communities, is because, despite being a well-educated society with access to a wealth of information, we still have a limited understanding of its causes.

Family violence is primarily perpetrated by men against women and children; sometimes this is misunderstood to be based upon the biological differences between men and women. However men's violence against women is linked to discriminatory and sexist attitudes; held by individuals and supported by the broader community, often in very subtle ways. Many men still expect that it is their right to control or influence women's lives or to sexually objectify women's bodies. Many men still leave a significant un-negotiated burden of responsibility on women for unpaid work, such as by assuming that women do the family and community work involved in caring, relationship maintenance, and running the household.

Often we excuse men's use of violence on as their inability to manage anger or frustration, on childhood trauma, alcohol or drug misuse or financial stress. Evidence shows these are not causal, although they are often associated factors. For example, not all men who drink alcohol use violence against their partners. Nor do all men who are unemployed or in financial stress.

Evidence – from internationally and Australia – shows that it is our learned ideas and attitudes about the status and roles of women and men, or gender, that cause violence against women. It is our sexist expectations about what the role of men and women should be, that drive a culture that accepts and tolerates men's use of violence against women, and blames women for being victimised by it.

DV Vic's work is informed by the public health approach to the prevention of violence against women²⁰, which is the best available interdisciplinary evidence base on the causes and primary prevention of violence against women. It is also the approach adopted by the World Health Organisation and by VicHealth in their Framework to guide the primary prevention of violence against women, which underpins the work we do to prevent violence before it occurs.

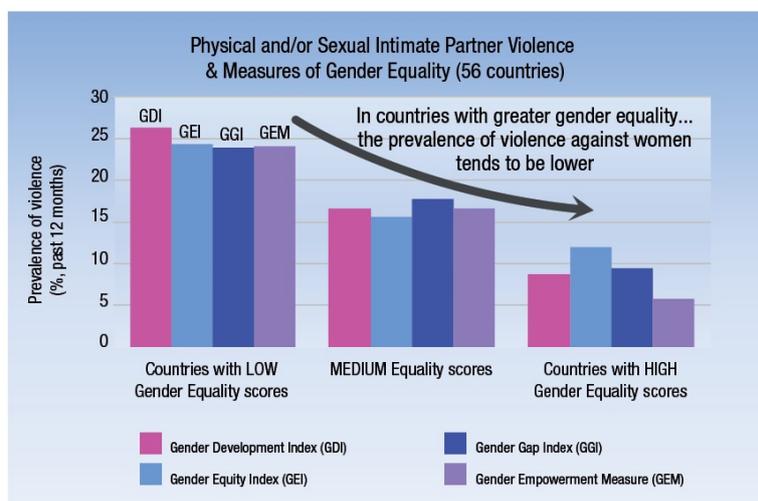
The public health approach tells us that violence against women – including family violence - rather than being the result of any single or individual factor is the outcome of multiple determinants that all reflect persistent discrimination against women including:

- Gender roles and relations
- Social norms and practices relating to violence against women and exposure to violence
- Access to resources and systems of support

Evidence tells us that violence against women and their children is globally pervasive and not confined to culture, religion or particular groups of women within society. This is a message that we stress in the work that we do, with the aim of improving community understanding that violence against women is an issue that is both a cause and a consequence of inequality between men and women.

²⁰ World Health Organization/London School of Hygiene and Tropical Medicine. Preventing intimate partner and sexual violence against women: taking action and generating evidence. Geneva, World Health Organization, 2010.

The relationship between gender inequality and violence against women is demonstrated in UNIFEM research involving 56 countries which shows that as gender equality improves the prevalence of violence against women is lower.



ABOUT THE DATA: Prevalence data for all graphs is drawn from leading international surveys on violence against women: World Health Organization; International Violence Against Women Survey; MEASURE Demographic and Health Surveys (DHS) and the World Bank Domestic Violence Dataset and is based on physical and/or sexual violence by an intimate partner in the previous 12 months. Detailed Technical Notes on the methodology and sources are available on request at evaw.helpdesk@unifem.org.

Figure 1: Physical and/or Sexual Intimate Partner Violence & Measures of Gender Equality (56 countries), UNIFEM, 2010, (3).

The Australian component of the International Violence against Women Survey found women’s experience of male controlling behaviour to be the strongest predictor of violence within intimate relationships – a greater predictor than male alcohol consumption, income or low educational attainment²¹.

To prevent violence from occurring at in the first place, which is ultimately our goal; attitudes towards women must change, amongst individuals, communities and in our wider society.

3. The adequacy of policy and community responses to domestic violence

Demand on the Victorian Family Violence System

Victoria has been at the forefront of innovation in family violence reform over the past decade which has positioned Victoria as a world leader in not only responding to family violence, but early initiatives in preventing violence before it occurs. The reforms have not only impacted within Victoria but have influenced Western Australian and New South Wales family violence reforms alongside the development of the National Plan to Reduce Violence against Women and their Children 2010 - 2022. Victoria’s family violence reforms have also been noted at an international level with recognition from the World Health Organisation.

²¹ J. Mouzos & T. Makkai, *Women’s experiences of male violence: findings from the Australian component of the International Violence Against Women Survey (IVAWS)*, Research and Public Policy Series 56, Australian Institute of Criminology, Canberra, 2004.

The Victorian reforms were motivated by a broad range of government departments, non-government organisations, Victoria Police, and the Magistrates' Courts of Victoria working together to improve the system for victims of violence, holding perpetrators accountable and in time, preventing violence before it occurs. Strong leadership from successive Chief Commissioners of Police and cross-portfolio Ministerial responsibility over the past decade has been instrumental in guiding this vision.

Design and implementation of an integrated service response model required connecting and integrating the responses of Victoria Police, the Courts and the service sectors within a new legislative framework, a statewide governance structure and major changes to operational practices within and between agencies.

While the true extent of family violence is largely hidden from view, we do know that over the past six years, demand for family violence responses from police, courts and community services have dramatically increased. The dramatic rise in family violence statistics that are now manifesting across the state's justice and human service systems is likely to reflect greater community confidence since the introduction of these significant legislative and policy drivers in Victoria in an area that has been traditionally under-reported. However, while this increase is 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 cent²², 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 person²³. 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. Recent Victoria Police crime data²⁴ demonstrates the challenges to policing family violence with the revelation that one in three Family Violence Intervention Orders are now breached – an increase on one in four previously.

Applications for Family Violence Intervention Orders and related hearings make up a huge proportion of cases in the Magistrates' Court jurisdiction with, we understand, some of the state's busiest courts hearing up to 70 family violence matters per day. There were 33,879 family violence intervention granted orders across the state last year; an 88.9% increase over ten years.

²² Sentencing Advisory Council 2013, Family Violence Intervention Orders and Safety Notices: Sentencing for Contravention Monitoring Report

²³ <http://www.theage.com.au/victoria/family-violence-drives-up-crime-rate-20130529-2nbz0.html>

²⁴ Victoria Police, 2013 *2012/2013 Crime Statistics* http://www.police.vic.gov.au/content.asp?a=internetBridgingPage&Media_ID=72176

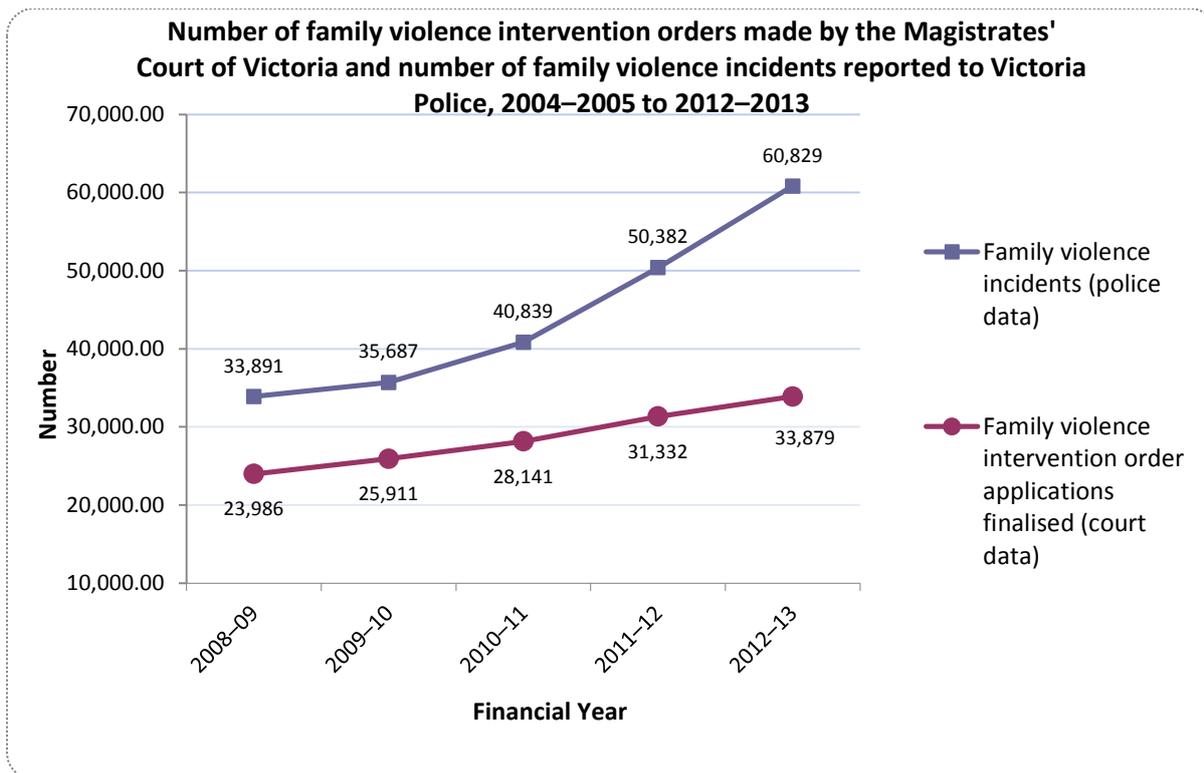


Figure 2: Number of Family Violence Intervention Orders made by the Magistrates' Court of Victoria and number of family incidents reported to Victoria Police since the introduction of the *Family Violence Protection Act 2008* (2008/09 - 2012/13).

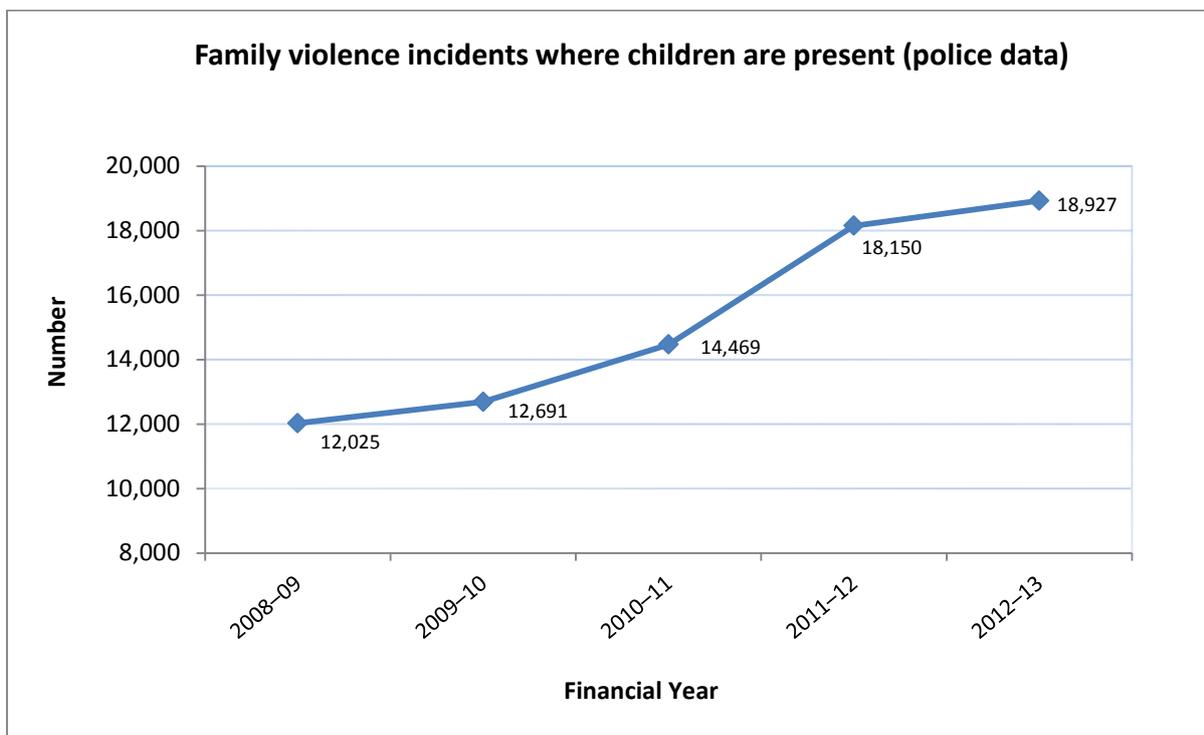


Figure 3 Family Violence incidents where children are present (police data)

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.

Family violence services have specialist 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 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.

We know that 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, particularly when it has such significant impacts on so many women and children.

It is DV Vic's position that the Victorian Government needs to fund shortfalls where demand exceeds capacity – especially in the justice and community service systems. It also needs to invest in interventions that will ease the burden of increased demand on the rest of the system and reduce the inefficiencies created in the 'revolving door'; that is, women and children returning to the service system due to inadequate supports the first time round.

Interface between Family Violence and Family Law legal systems

The following section is taken from DV Vic's joint submission with the 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 Crisis Service Victoria and; In Touch Multicultural Centre against Family Violence to the Second Action Plan under the *National Plan to Reduce Violence against Women and their Children 2010-22*.

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*.

- *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.

- *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.

- *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.

- *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.

- *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.

4. The effects of policy decisions regarding housing, legal services, and women's economic independence on the ability of women to escape domestic violence

Housing policy

The rate of homelessness in Australia is unequivocally linked to the high rates that women and children in Australia experience violence and abuse within their families and homes. National data indicates that women leaving family violence, along with the children who witness or live with such violence, are the single greatest proportion of clients presenting to supported accommodation services²⁵.

For women and children leaving violence within their homes, access to affordable housing, including public and social housing, is critical to their being able to re-establish lives post violence. Women and children can experience extensive trauma and are often physically, emotionally, psychologically and economically displaced when they are forced to leave their homes due to violence²⁶. For women with children these decisions may be more complex, with changes having to be made to school and childcare arrangements and loss of connection to local community and support networks. Disruption to children's education due to frequent movement is demonstrated to result in poor educational outcomes²⁷. Balancing the level of disruption to their lives can sometimes result in women staying in violent situations²⁸. The availability of appropriate accommodation is a central factor in many women's decisions about whether or not to leave a violent situation, particularly the cost of alternative accommodation, safety, location and tenure. Research has shown that public and social housing is essential for women leaving violence as it can provide safe, affordable and secure long-

²⁵ Australian Institute of Health and Welfare (2012), *March Quarter Report*

²⁶ Chung, D Kennedy, R O'Brien B et al (200) *Home Safe Home: Preventing Homelessness for Women Experiencing Domestic and Family Violence*, FACS.

²⁷ Bridge c, Flatau P, Whelan S (2007), *How does housing assistance affect employment, health and social cohesion?* AHURI research

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²⁸ Chung, D Kennedy, R O'Brien B et al (200) *Home Safe Home: Preventing Homelessness for Women Experiencing Domestic and Family Violence*, FACS

term housing²⁹. The public housing system is in a key position to assist women and children to establish safety and to rebuild their lives following family violence.

Extensive waiting periods for public and community housing coupled with increasingly few alternative accommodation options has resulted in blockages in the crisis accommodation and family violence refuge system. Placing family violence clients into transitional properties is a diminishing option for family violence services with extremely high demand for transitional housing properties across the homelessness and family violence sectors. Clients therefore have very few options for safe and appropriate housing once they have entered supported accommodation; this situation is worse in regional and rural Victoria. Examples of women living in private boarding houses where they frequently experience further violence and abuse from fellow tenants are of particular concern. In instances where clients are able to access transitional housing, the lack of exit points into appropriate long term accommodation exacerbates slow turnover of these properties and bottlenecks of the system. Women and children seeking refuge from violence are unable to gain access to supported accommodation because of this strain on the system, with serious implications for their safety and wellbeing.

The impact of this situation on children is of particular concern. Children - often accompanying their mother, are forced to move around the system (emergency accommodation, transitional housing, with families and friends etc...) while the family waits for public housing allocation. Thus children often change schools many times in a single year. The transience of such situations mean that children are unable to access appropriate support as they often do not know where they will be from one month to the next.

While there are commonalities to the experience of living with family violence, many women face a range of complex issues and those in marginalised and vulnerable groups face even greater barriers in accessing housing and support and establishing lives free of violence. For example, women with disabilities are among the most socially and economically marginalised in the community. Women with disabilities pay the highest level of their gross income on housing yet are in the lowest income-earning bracket. 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 may live in inappropriate accommodation, where they are vulnerable to abuse and/or live without adequate support in the community³¹.

Women from culturally and linguistically diverse backgrounds face significant barriers to accessing housing support, and are among the most vulnerable groups experiencing family violence and associated homelessness. Women from CALD communities with large families face particular barriers accessing appropriate housing. Many women and their children in such circumstances are currently residing in the family violence supported accommodation system in Victoria – finding exit points for these families is an increasing challenge for support services.

DV Vic endorses the call from the Equality Rights Alliance to this Inquiry for the development of a national affordable housing strategy. We submit that analysis of the impact of gender and other

²⁹ FaHCSIA (2008), Women, Domestic Violence and Homelessness: A synthesis report

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 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.wvda.org.au/housing04.htm> [18.04.08]

social factors such as socio-economic status, Aboriginality, age, disability, cultural and linguistic diversity and sexual orientation on people's health outcomes and experiences should guide the affordable housing strategy with the aim of informing more responsive and effective policy, program and service development and delivery.

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.

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

The NPAH is due to expire in June 2015. 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 will need to review their staffing needs and will need to begin winding down services, not renew staff contracts and issue 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.

DV Vic urges 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.

Access to Legal Support

Justice systems play a critical role in reducing and preventing violence against women, and civil and/or criminal justice systems are central to protecting victims of violence³². Despite the significant improvements to policing, the civil protection order system and wider justice system in Victoria in recent years, victims of family violence do not universally receive an optimum level of service.

Women attending court for family violence matters are often doing so because they are attempting to end a violent relationship and are seeking protection and safety through the justice system. We know from the evidence that this is a particular juncture when women and children are at increased risk; when women try to end relationships there is commonly an escalation of violence and increased risk to women's, and sometimes children's, lives.

It is therefore critical we have a justice response that considers and monitors these kinds of risks. It is also important women get the right legal advice and information to make informed decisions about their options. These rights should not be out of the reach of women and their and children faced with such risk. DV Vic is very concerned about recent cuts to the community legal sector and Aboriginal family violence prevention services.

"...as a result of the most recent federal budget, community legal centres across Australia will be reducing services across the board as funding will be cut by more than 26 per cent between 2013/14 and 2017/18.¹³ This means that CLCs will have to dramatically scale back support to the most disadvantaged in our community and, as always, try to do more with less³³".

Economic Independence

We know that economic decisions are central to women's decision-making about leaving violent relationships and their capacity to re-establish lives post violence, and that lack of economic autonomy and being able to manage financial situations is one of the reasons that women will return to violence³⁴. Having control over finances and security of income and hence the power to determine their own fate or course of action is key to establishing independence and wellbeing following violence. For further information on this topic we encourage the Senate Committee to refer to the research undertaken by the Australian Domestic and Family Violence Clearinghouse in 2011 - [*Seeking Security: promoting women's economic wellbeing following domestic violence.*](#)

DV Vic is extremely concerned about the potential impact of a range of Commonwealth Government policies on women and their children experiencing, and at risk of, family violence, including changes to welfare payments proposed in the 2014 federal budget and the cuts to Parenting Payment introduced in 2013. The potential for these measures to leave women and their children extremely vulnerable

³² National Council to Reduce Violence against Women and their Children (2009), *National Plan to reduce Violence against Women and their Children*, FaHCSIA

³³ Federation of Community Legal Centres (2014) *Submission to Senate Finances and Public Administration References Committee*

³⁴ Braaf R & Barrett Meyering (2011), *Seeking Security: promoting women's economic wellbeing following domestic violence*, Australian Domestic and Family Violence Clearinghouse, Sydney.

within violent relationships, and potentially forcing dependence upon men who use violence against them, should be a serious consideration for the Commonwealth Government.

5. How the Federal Government can best support, contribute to and drive the social, cultural and behavioural shifts required to eliminate violence against women and their children

We 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 understand that this work is currently being 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.