

PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

# **Inquiry into family, domestic and sexual violence**

House of Representatives Standing Committee on  
Social Policy and Legal Affairs

March 2021  
CANBERRA

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# Foreword

The devastating facts surrounding family, domestic and sexual violence are sadly all too familiar to Australians.

These facts tell us that in the time since this inquiry was referred, more than 40 women will have been murdered at the hands of a current or former partner. Countless other women, children and men will have experienced many other forms of non-lethal family violence and abuse.

These facts also tell us that the impact of such violence and abuse is profound and long lasting—on victim-survivors, on their families, friends and on the very fabric of our society.

Governments across Australia came together in 2009 to establish the *National Plan to reduce violence against women and their children 2010 – 2022*. Many achievements have flowed from the National Plan, including the creation of Our Watch, the *Stop it at the Start* awareness campaign, and national support services such as 1800RESPECT.

Importantly, through the National Plan the community has begun to grapple with the cultural change that is necessary to prevent violence from occurring in the first instance. As a result, more people are willing to speak up and to challenge the attitudes and behaviours that lead to violence. However there is much more work to be done.

It is clear that the National Plan has not achieved its objective of a significant and sustained reduction in violence against women and their children. Over the life of the National Plan, governments of all jurisdictions and all political persuasions have spent over \$3 billion in an attempt to reduce family, domestic and sexual violence. It is clearly not for the want of trying that we as a nation have not reduced these shocking statistics that see the death of one woman on average every eight days at the hands of her partner or former partner.

Governments cannot eliminate family, domestic and sexual violence alone. A whole-of-society response is vital. All forms of family, domestic and sexual violence start with a lack of respect. We all have a role in changing those entrenched attitudes and behaviours, particularly towards the inequality of women and girls. As a nation we can do better, we must do better.

As the first National Plan comes to an end, addressing family, domestic and sexual violence remains an urgent challenge. Behind every shocking statistic is the life of an individual, cut short or often irreparably damaged by someone who once cared for them. However, the impacts of such violence run far deeper than just the lives tragically lost. There are victim-survivors who live in constant fear, for themselves, their children, their parents and work colleagues. The ripple effect caused by family, domestic and sexual violence cascades through our community and is becoming a tsunami of inconsolable grief for those impacted.

This inquiry was an opportunity to reflect on the successes and shortcomings of the National Plan, to hear from experts in the field about what has and has not worked, and to identify opportunities to ensure that the next National Plan leads to a meaningful reduction in the unacceptable rates of family, domestic and sexual violence.

It is important to acknowledge that the Committee also received some evidence on aspects of sexual violence such as sexual assault in the wider community and sexual harassment in workplaces and on campuses. While the Committee believes that these are serious issues that require further action from all governments, for the purposes of this inquiry, sexual violence beyond the family and domestic context was not examined in detail.

In this bipartisan report, the Committee makes 88 recommendations, which seek to inform the development of the next National Plan. The breadth of the recommendations reflects the complexity of the task at hand and the Committee's strong view that a whole-of-society response is vital.

The Committee's recommendations can be grouped into five key themes.

First, the next National Plan should involve a more uniform approach across jurisdictions, and one that is more inclusive of the various manifestations of family violence as well as the diversity of both victim-survivors and perpetrators. This should include the development of a uniform national definition of family, domestic and sexual violence that takes account of non-physical forms of violence such as coercive control, financial and technology-facilitated abuse.

Second, the next National Plan must seek to engender a culture of accountability and greater workforce support. All Australian governments should work

collaboratively and transparently and be held to account through quantitative targets. While programs and services should have appropriate needs-based long-term funding, an ongoing and timely program of independent monitoring and evaluation is vital to better understand what works, what does not, and why. The Committee has also recommended the establishment of a National Commissioner to have independent oversight of the next National Plan.

Third, education is critical. There remains a need for greater awareness and understanding of the many forms of family, domestic and sexual violence, the causes and impacts of this violence, and the ways in which it can be prevented. The Committee's recommendations include a continued focus on primary prevention, early intervention, universal age-appropriate respectful relationships and sexual consent education, and measures to support the social services sector to have a greater role in identifying and responding to violence.

Fourth, in the response to family, domestic and sexual violence, the welfare of victim-survivors and their children should be paramount. The next National Plan should seek to improve victim-survivors' access to specialist services, as well as housing, legal aid, and financial assistance. The Committee has recommended improvements to risk identification, including ensuring that coercive control is recognised as not only a form of abuse in its own right, but as a precursor to severe physical violence and homicide. The Committee has also made a number of observations and recommendations for improving services to victim-survivors in times of natural disasters informed by our collective experiences during the COVID-19 pandemic.

Finally, the next National Plan must continue to hold perpetrators to account for their use of violence. This should include increased penalties for breaches of domestic violence orders, and improved information sharing about perpetrators. However, the Committee has also identified a need for research to better understand why perpetrators choose to use violence, and an increased focus on evidence-based programs to change perpetrators' behaviour, as well as dedicated funding for support services for perpetrators' partners and other family members.

In this inquiry, the Committee has sought to listen to the voices of victim-survivors and experts. The Committee is indebted to the many organisations and individuals who contributed evidence to the inquiry. In particular, on behalf of the Committee, I would like to sincerely thank the victim-survivors who shared their experiences with the Committee. We acknowledge their courage in speaking out and advocating for change.

The Committee hopes that this report will contribute to the ongoing efforts of governments, support organisations, business and community groups and

individuals to bring about change. Strengthening and supporting this collective effort must continue, as a national priority, until the scourge of family, domestic and sexual violence is eliminated from our society.

The Committee implores all Australian governments to carefully consider this report and to act on its recommendations with urgency.

**Mr Andrew Wallace MP**  
**Chair**

# Membership of the Committee

## *Chair*

Mr Andrew Wallace MP

## *Deputy Chair*

Ms Sharon Claydon MP

## *Members*

Dr Mike Freeland MP

Mr Andrew Laming MP

Ms Peta Murphy MP

Mr Rowan Ramsey MP

Mr Julian Simmonds MP

Dr Anne Webster MP

## *Supplementary members*

Mrs Bridget Archer MP (from 11 June 2020)

Dr Fiona Martin MP (from 11 June 2020)

Ms Kate Thwaites MP (from 10 June 2020)

Mr Tim Watts MP (from 10 June 2020)



# Terms of reference

That the Standing Committee on Social Policy and Legal Affairs inquire into and report on family, domestic and sexual violence, including with a view to informing the next National Plan to Reduce Violence against Women and their Children, the following:

- a. Immediate and long-term measures to prevent violence against women and their children, and improve gender equality.
- b. Best practice and lessons learnt from international experience, ranging from prevention to early intervention and response, that could be considered in an Australian context.
- c. The level and impact of coordination, accountability for, and access to services and policy responses across the Commonwealth, state and territory governments, local governments, non government and community organisations, and business.
- d. The way that health, housing, access to services, including legal services, and women's economic independence impact on the ability of women to escape domestic violence.
- e. All forms of violence against women, including, but not limited to, coercive control and technology-facilitated abuse.
- f. The adequacy of the qualitative and quantitative evidence base around the prevalence of domestic and family violence and how to overcome limitations in the collection of nationally consistent and timely qualitative and quantitative data including, but not limited to, court, police, hospitalisation and housing.
- g. The efficacy of perpetrator intervention programs and support services for men to help them change their behaviour.

- h. The experiences of all women, including Aboriginal and Torres Strait Islander women, rural women, culturally and linguistically diverse women, LGBTIQI women, women with a disability, and women on temporary visas.
- i. The impact of natural disasters and other significant events such as COVID-19, including health requirements such as staying at home, on the prevalence of domestic violence and provision of support services.
- j. The views and experiences of frontline services, advocacy groups and others throughout this unprecedented time.
- k. An audit of previous parliamentary reviews focussed on domestic and family violence.
- l. Any other related matters.



# List of abbreviations

ABA	Australian Banking Association
ABS	Australian Bureau of Statistics
ACHRH	AustralAsian Centre for Human Rights and Health
ACTU	Australian Council of Trade Unions
AFP	Australian Federal Police
AIFS	Australian Institute of Family Studies
AIHW	Australian Institute of Health and Welfare
ALGA	Australian Local Government Association
ALRC	Australian Law Reform Commission
AMP	Alcohol Management Plan
ANAO	Australian National Audit Office
ANROWS	Australia's National Research Organisation for Women's Safety
ARACY	Australian Research Alliance for Children and Youth
ASMOF	Australian Salaried Medical Officers' Federation
ASU	Australian Services Union
AVO	Apprehended Violence Order
AWAVA	Australian Women Against Violence Alliance
CALD	Culturally and Linguistically Diverse
CAMS	Central Australian Minimum Standards
CAPR	Centre for Alcohol Policy Research

CE	Community Education
CEO	Chief Executive Officer
CFAC	Child and Family Advocacy Centre
CLE	Community Legal Education
COSBOA	Council of Small Businesses Australia
COAG	Council of Australian Governments
Cth	Commonwealth
DCRF	Data Collection and Reporting Framework
DV	Domestic Violence
DVO	Domestic Violence Order
DVRCV	Domestic Violence Resource Centre Victoria
DV Vic	Domestic Violence Victoria
EARG	Economic Abuse Reference Group
FARE	Foundation for Alcohol Research and Education
FCA	Financial Counselling Australia
FDV	Family and domestic violence
FDSV	Family, domestic and sexual violence
FECCA	Federation of Ethnic Communities' Councils
FGM/C	Female genital mutilation/cutting
FRC	Family and Relationship Centre
FRSA	Family and Relationship Services Australia
FVRIM	Family Violence Reform Implementation Monitor
GBTQ	Gay, bisexual, transsexual and queer
GE Act	<i>Gender Equality Act 2020 (Victoria)</i>
GP	General Practitioner
HIV	Human immunodeficiency virus
JRS	Jesuit Refugee Service
LGA	Local Government Association
LGBTQI	Lesbian, gay, bisexual, transsexual, queer and intersex

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MARAM	Multi-Agency Risk Assessment and Management Framework
MBCP	Men’s behaviour change program
MCH	Maternal and child health
MOSAC	Men’s Outreach Service Aboriginal Corporation
National Plan	National Plan to Reduce Violence against Women and Their Children
NATSILS	National Aboriginal and Torres Strait Islander Legal Services
NCAS	National Community Attitudes towards Violence against Women Survey
NDIS	National Disability Insurance Scheme
NDVOS	National Domestic Violence Order Scheme
NETFA	National Education Toolkit for Female Genital Mutilation/Cutting Awareness
NFRC	National Federation Reform Council
NLAP	National Legal Assistance Partnership 2020-25
NOSPI	National Outcome Standards for Perpetrator Interventions
NPA	National Partnership Agreement on COVID-19 Domestic and Family Violence Responses
NRA	National Retail Association
NTEU	National Tertiary Education Union
NRL	National Rugby League
PBCP	Perpetrator behaviour change program
PHN	Primary Health Network
PSS	Australian Bureau of Statistics’ Personal Safety Survey
PWDA	People with Disability Australia
QIFVLS	Queensland Indigenous Family Violence Legal Service
QUT	Queensland University of Technology
RACS	Refugee Advice and Casework Service
RTBU	Rail, Tram and Bus Union
RCFV	Royal Commission into Family Violence

RRR	Recognise, Respond, Refer
RRSE	Respectful Relationships Sex & Ethics
SbD	Safety by Design
SSI	Settlement Services International
STEM	Science, technology, engineering and maths
TCAC	Tangentyere Council Aboriginal Corporation
TFA	Technology-facilitated abuse
VTHC	Victorian Trades Hall Council
WESNET	Women's Services Network
WHO	World Health Organization
WHS	Work health and safety
YACSA	Youth Affairs Council of South Australia

# List of recommendations

## Recommendation 1

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2.191 The Committee recommends that the Australian Government work with state and territory governments to adopt a uniform definition of family, domestic and sexual violence, which:

- reflects a common understanding of the features and dynamics of such violence and the breadth of relationships in which violence can occur;
- encompasses a broad range of violence, including but not limited to coercive control, reproductive coercion, economic abuse, and complex forms of violence, such as forced marriage, female genital mutilation/cutting and dowry abuse; and
- recognises the diversity of victim-survivors and perpetrators and the particular vulnerability of certain groups.

## Recommendation 2

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2.204 The Committee recommends that the next National Plan include quantitative measures, which should be agreed following consultation with non-government organisations, experts, and victim-survivors.

The Committee proposes the following measures for consideration:

- reduction in the number of deaths attributed to family, domestic and sexual violence;

- reduction in the rate of incidents of family, domestic and sexual violence;
- reduction in the rate of re-offending by perpetrators;
- reduction in the rate of family, domestic and sexual violence in diverse communities, including Aboriginal and Torres Strait Islander people; LGBTQI people; culturally and linguistically diverse people; and people with disability;
- increase in the availability and quality of support services for victim-survivors;
- significant and long-term increase in the number of perpetrators attending and completing perpetrator behaviour change programs;
- reduction in the number of incidents of family, domestic and sexual violence involving alcohol and/or other drugs;
- reduction in the number of incidents of family, domestic and sexual violence involving children as either victim-survivors or perpetrators;
- reduction in the number of incidents of family, domestic and sexual violence involving elder abuse, whether within the aged care system or in the home;
- increase in the reporting rate of incidents of family, domestic and sexual violence; and
- significant improvement in community awareness and understanding of, and attitudes about, all forms of family, domestic and sexual violence.

### **Recommendation 3**

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2.205 The Committee recommends that the next National Plan be inclusive of the diversity of victim-survivors. In particular, the next National Plan should recognise the rights and needs of:

- women;

- children in their own right;
- men;
- older Australians;
- LGBTQI people; and
- people living with a disability.

Further, the Committee recommends that the Australian Government, and state and territory governments, ensure that the next National Plan and the *National Framework for Protecting Australia's Children 2009-2020* are clearly aligned.

#### **Recommendation 4**

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2.206 The Committee recommends that the next National Plan seek to prevent all forms of family, domestic and sexual violence, including physical violence, sexual violence, exposure to violence in childhood, repeated violence, non-physical forms of violence including coercive control and technology-facilitated abuse, and complex forms of violence such as forced marriage, female genital mutilation/cutting and dowry abuse.

#### **Recommendation 5**

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2.207 The Committee recommends that the next National Plan be named the 'National plan to reduce family, domestic and sexual violence'.

#### **Recommendation 6**

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2.208 The Committee recommends that the next National Plan promote and enhance an integrated whole-of-service-system response to family, domestic and sexual violence across jurisdictions.

#### **Recommendation 7**

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2.209 The Committee recommends that the next National Plan promote and enhance a whole-of-society response to family, domestic and sexual violence that involves businesses, community groups and other non-government bodies, as well as governments.

## **Recommendation 8**

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- 2.210 The Committee recommends that responsibility for the implementation of the next National Plan continue to rest with the Department of Social Services.

## **Recommendation 9**

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- 2.218 The Committee recommends that the Australian Government direct and appropriately resource the Australian Bureau of Statistics to conduct the Personal Safety Survey on an annual basis and ensure that the survey collects information about the prevalence of specific forms of family, domestic and sexual violence and complex forms of violence.

## **Recommendation 10**

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- 2.219 The Committee recommends that the Australian Government direct and appropriately resource the Australian Institute of Health and Welfare to develop a national data collection on service-system contacts with victim-survivors and perpetrators, including data from primary health care, ambulance, emergency department, police, justice, and legal services.

Further, the Committee recommends that the Australian Government, and state and territory governments, provide appropriate funding and support to service providers to implement consistent data collection procedures.

## **Recommendation 11**

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- 2.220 The Committee recommends that the Australian Government direct and appropriately resource the Australian Institute of Health and Welfare to develop a national data collection on the use of, and unmet demand for, specialist family, domestic and sexual violence services.

## **Recommendation 12**

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- 2.221 The Committee recommends that the Australian Government lead the development of a national family, domestic and sexual violence death toll.

Further, the Committee recommends the Australian Government consider the need for additional measures to ensure better integration of data from family, domestic and sexual violence death reviews across all Australian jurisdictions.



### **Recommendation 13**

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2.227 The Committee recommends that the Australian Government, and state and territory governments, continue to provide increased funding for frontline family, domestic and sexual violence services in the COVID-19 pandemic.

### **Recommendation 14**

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2.228 The Committee recommends that the next National Plan include measures informed by the experience of family, domestic and sexual violence in the COVID-19 pandemic, including but not limited to:

- integration of family, domestic and sexual violence in emergency planning and disaster response frameworks;
- increased support for the health and welfare of frontline workers, at all times but particularly during emergencies and disasters; and
- increased use of technology and new service delivery models to improve access to services.

### **Recommendation 15**

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3.185 The Committee recommends that the Australian Government seek the agreement of state and territory governments to make a representative of the Australian Local Government Association a member of the National Federation Reform Council Taskforce on Women's Safety.

### **Recommendation 16**

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3.186 The Committee recommends that the Australian Government and state and territory governments directly involve local government in the development and implementation of the next National Plan. If not achieved through the Australian Local Government Association's (ALGA) membership on the National Federation Reform Council Taskforce on Women's Safety, another appropriate mechanism should be utilised to facilitate ALGA's engagement.

### **Recommendation 17**

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3.187 The Committee recommends that the Australian Government and each state and territory government co-fund on a 50-50 basis a dedicated family and

domestic violence policy officer in each state and territory local government association for an initial period of five years.

In addition, the Australian Government and state and territory governments should work with the Australian Local Government Association to consider whether additional resources are required to assist individual local governments to have a more active role in preventing and responding to family, domestic and sexual violence, and to implement the *Prevention toolkit for local government*.

### **Recommendation 18**

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3.199 The Committee recommends that the next National Plan include a commitment to improve the transparency of funding for family, domestic and sexual violence programs and services.

The Committee further recommends that Australian Government funding provided to state and territory governments for family, domestic and sexual violence programs and services be linked to requirements that those governments:

- fund related programs and services within their own jurisdictions on an agreed minimum ratio basis of the funding provided by the Australian Government; and
- report regularly on their own funding for related programs and services.

### **Recommendation 19**

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3.200 The Committee recommends that the Australian Government, in consultation with state and territory governments, develop a needs-based funding methodology to account for variations in the presentation of family, domestic and sexual violence in different jurisdictions.

This methodology should be applied to future Australian Government and state and territory governments' funding for family, domestic and sexual violence programs.

## **Recommendation 20**

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3.210 The Committee recommends that the next National Plan include a commitment to an ongoing program of independent and transparent monitoring and evaluation, which:

- includes formal opportunities for victim-survivors and other non-government stakeholders to provide input; and
- is overseen by the proposed National Commissioner for the prevention of family, domestic and sexual violence, or another independent body.

## **Recommendation 21**

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3.211 The Committee recommends that the next National Plan include a commitment to provide funding for Australia's National Research Organisation for Women's Safety for the life of the plan.

## **Recommendation 22**

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3.212 The Committee recommends that the Australian Government ensure that specific family, domestic and sexual violence programs funded either directly or indirectly by the Australian Government include funding for a standardised evaluation component. Evaluations should be published where possible.

Further, the Committee recommends that the Australian Government, in consultation with state and territory governments, consider the need for:

- the development of accredited standards or agreed outcomes measures to guide evaluations of family, domestic and sexual violence programs and services;
- additional support and training to assist organisations in undertaking evaluations; and
- a national platform for the publication of evaluations.

## Recommendation 23

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3.221 The Committee recommends that the Australian Government establish as an independent statutory office a National Commissioner for the prevention of family, domestic and sexual violence.

The functions of the Commissioner should include promoting and enhancing a whole-of-government, cross-jurisdictional approach to policy development, research, data collection, and monitoring and evaluation with respect to family, domestic and sexual violence initiatives.

The Commissioner should:

- report to the Minister for Social Services;
- be an *ex officio* observer on the National Federation Reform Council Taskforce on Women's Safety;
- be responsible for monitoring and evaluation of the next National Plan;
- provide a formal mechanism for consultation with victim-survivors and non-government organisations; and
- provide an annual report to the Parliament.

The Commissioner should be provided with appropriate resources to perform its functions for the duration of the next National Plan.

## Recommendation 24

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4.265 The Committee recommends that the Australian Government and state and territory governments develop shared principles to guide any future offences of coercive and controlling behaviour, with a view to ensuring consistency across jurisdictions to the extent possible.

These principles should address:

- the behaviours and patterns of behaviour captured by any new offences;
- the breadth of relationships captured by any new offences;
- the standard of proof required by any new offences;

- mitigating the impact of any new offences on groups with particular vulnerabilities; and
- associated implementation issues, including but not limited to minimum standards for training in any new offences; and, very importantly, public awareness raising about any new offences.

### **Recommendation 25**

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4.270 The Committee recommends that the Australian Government fund a specific public awareness campaign about coercive and controlling behaviour as a form of family, domestic and sexual violence and a predictor of severe physical violence and homicide.

### **Recommendation 26**

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4.271 The Committee recommends that the Australian Government, and state and territory governments, develop and provide funding for training for the identification of coercive and controlling behaviour for police; justice and legal sector practitioners; and health, mental health, social services, and specialist family, domestic and sexual violence service workers.

The Committee further recommends that the Australian Government and state and territory governments consider developing minimum standards for training on coercive control and including training on coercive control in relevant professional qualifications.

### **Recommendation 27**

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4.272 The Committee recommends that the Australian Government and state and territory governments undertake a review of relevant risk identification, risk assessment, and risk management practices to ensure that coercive and controlling behaviour is adequately captured.

### **Recommendation 28**

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4.279 The Committee recommends that the Australian Government continue funding for critical research around the context, motives and outcomes of technology-facilitated abuse—in particular, by providing dedicated funding to the Office of the eSafety Commissioner and Australia’s National Research Organisation for Women’s Safety.

## Recommendation 29

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4.280 Based on recommendations from the eSafety Commissioner, the Committee recommends that the Australian Government, in cooperation with state and territory governments where applicable:

- Develop and implement education initiatives that drive cultural change and increase awareness about the abusive nature and legal implications of technology-facilitated abuse, focused on women and girls at risk of experiencing technology-facilitated abuse and men and boys at risk of perpetrating it.
- Through a process of co-design, work with at-risk communities to develop resources to raise their awareness of technology-facilitated abuse and their capacity to identify and manage it.
- Develop resources for children and young people to help them understand and manage the ways that technology is used in family, domestic and sexual violence.
- Develop and implement capacity building initiatives to increase all women's and girls' skills in online safety and digital literacy.
- Embed comprehensive and nationally coordinated respectful relationships and online safety education into the Australian curriculum across all learning stages.
- Facilitate more gender-balanced science, technology, engineering and maths (STEM) industries by developing initiatives to upskill and reskill women for entry opportunities and leadership pathways in STEM.
- Ensure Australia is represented on, and contributes to, global initiatives and coalitions to advance the rights of women and girls and uphold and deliver on international agreements, including in relation to technology-facilitated abuse, the potential for technology to drive gender equality, and Safety by Design.
- Ensure that capacity building initiatives to increase women's skills in online safety and digital literacy occur both in Australia and in our region.

- Ensure government support and funding for Safety by Design and encourage industry players to implement and champion its principles, to promote a safer online environment for women and girls.
- Fund the eSafety Women program on an ongoing basis.
- Expand the eSafety Women program to deliver education and training to the judiciary, legal profession, and law enforcement.
- Establish a new program to provide training for frontline workers and others about how children are involved in technology-facilitated abuse cases involving their parents.
- Fund eSafety to evaluate and advise on technical solutions to protect victim-survivors experiencing technology-facilitated abuse.
- Provide dedicated funding for Safety by Design to assist in increasing its adoption and impact.
- Develop an education and awareness campaign on dating applications.

### **Recommendation 30**

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4.281 The Committee makes the additional following recommendations relating to technology-facilitated abuse:

- There should be greater acknowledgement that appropriate technology use is a shared community responsibility. It is not simply a responsibility of platforms to host and police content.
- There should be greater clarity around a platform's obligation to remove content, including through the Online Safety Act.
- In order to open or maintain an existing social media account, customers should be required by law to identify themselves to a platform using 100 points of identification, in the same way as a person must provide identification for a mobile phone account, or to buy a mobile SIM card.
- Social media platforms must provide those identifying details when requested by the eSafety Commissioner, law enforcement or as directed by a court.

- The Government should consider regulating to enable law enforcement agencies to access a platform's end-to-end encrypted data, by warrant, in matters involving a threat to the physical or mental wellbeing of an individual or in cases of national security.
- There should be a substantial increase in criminal and civil penalties for technology-facilitated abuse to act as a greater deterrent for errant behaviour.
- All government hosted websites and applications should have readily available (and searchable) avenues where a victim-survivor of technology-facilitated abuse can seek assistance to have abusive material removed expeditiously.

### **Recommendation 31**

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4.286 The Committee recommends that the next National Plan provide funding for programs, including in schools, to improve the financial literacy and reduce the financial abuse of women.

### **Recommendation 32**

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4.287 The Committee recommends that the Australian Government work with the states and territories (other than Victoria) to provide funding for an increased number of financial counsellors.

### **Recommendation 33**

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4.288 The Committee recommends that the Attorney-General take the following measures to enable the identification of financial information and facilitate superannuation splitting:

- develop an administrative mechanism to enable swift identification of financial information, including superannuation, by parties to family law proceedings or victim-survivors of family, domestic or sexual violence; and
- amend the *Family Law Act 1975* and relevant regulations to reduce the procedural and substantive complexity associated with superannuation splitting orders, including by simplifying forms required to be submitted to superannuation funds.



### **Recommendation 34**

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4.292 The Committee recommends that the Australian Government, and state and territory governments, provide support for research and community awareness raising on the harmful practice of female genital mutilation/cutting, including by providing ongoing funding for the National Education Toolkit for Female Genital Mutilation/Cutting Awareness.

### **Recommendation 35**

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5.150 The Committee recommends that the Australian Government fund research into the prevalence and impact of family, domestic and sexual violence on children and young people, including:

- during the first one thousand days after birth; and
- from infancy to adolescence.

### **Recommendation 36**

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5.153 The Committee recommends that, in accordance with National Priority Two of the Fourth Action Plan, any family, domestic and sexual violence policies, programs and legislative frameworks which affect Indigenous Australians must be co-designed by Indigenous peoples along with government. Similarly, the evaluation of such policies, programs and legislative frameworks must be appropriately funded and be designed with and led by Indigenous Australians working with government.

### **Recommendation 37**

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5.154 The Committee recommends that the Australian Government and state and territory governments work to ensure the provision of appropriate funding for culturally specific Indigenous awareness programs for all stakeholders in government, including police, service providers and the judiciary; to enable an improved understanding of the particular challenges faced by Indigenous Australians affected by family, domestic and sexual violence. This should include the options available to them for referral to Aboriginal Community Controlled Organisations, whether they be victim-survivors or perpetrators.

### **Recommendation 38**

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5.157 The Committee recommends that the Australian Government and state and territory governments provide additional training to police, General Practitioners, child health nurses, Remote Area Clinic nurses and any other service providers that have contact with people in rural and remote areas to assist in the early identification of family, domestic and sexual violence. Service personnel working in Indigenous communities should receive appropriate Indigenous culturally aware training.

### **Recommendation 39**

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5.158 The Committee recommends that the Australian Government and state and territory governments explore opportunities to use technology to provide more services for victim-survivors and perpetrators in regional, rural and remote areas.

### **Recommendation 40**

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5.162 The Committee recommends that, to improve data relevant to LGBTQI communities, the Australian Government:

- develop guidelines for data collection about sexuality and gender as it relates to experiences of violence, as part of government-funded research and service provision;
- include a question about LGBTQI identification in future Commonwealth censuses; and
- fund a national research project to examine the impact of family, domestic and sexual violence affecting the LGBTQI community, and review best practice models to inform appropriate responses.

### **Recommendation 41**

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5.163 The Committee recommends that the Australian Government, in cooperation with the states and territories, develop and implement nationally consistent, regular and targeted education and training within mainstream services, including police and paramedics, in relation to the nature, features and dynamics of intimate partner violence and its particular impact on those from LGBTQI communities.

## **Recommendation 42**

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5.164 The Committee recommends that the Australian Government provide funding for Our Watch to update its *Change the Story* framework to be inclusive, and to develop an LGBTQI specific prevention guide, highlighting how gendered violence impacts LGBTQI communities in different ways compared to the broader community.

## **Recommendation 43**

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5.165 The Committee recommends that policies and programs relating to family, domestic and sexual violence as it affects LGBTQI communities be developed in partnership between government agencies and LGBTQI organisations.

## **Recommendation 44**

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5.168 The Committee recommends that the Australian Government ensure that the next National Plan specifies people living with disability as a priority cohort, to ensure that legislation, policies and programs (across all jurisdictions) include consultation to support specific consideration of the impacts on, and needs of, these members of the community.

## **Recommendation 45**

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5.169 The Committee recommends that the Australian Government, together with the states and territories, develop a national strategy, in consultation with people living with disability and their representative organisations, to improve access to comprehensive, equitable, accessible, and disability-inclusive sexual and reproductive health education and information.

## **Recommendation 46**

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5.170 The Committee recommends that National Disability Insurance Agency staff (including planners and those with decision making delegation) and disability service workers funded by the National Disability Insurance Scheme (NDIS) complete mandatory training in identifying and responding to family, domestic and sexual violence affecting people with disability.

### **Recommendation 47**

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5.171 The Committee recommends that, to support the implementation of the above recommendations, the Australian Government, in cooperation with the states and territories, implement national uniform legislation establishing mandatory reporting by registered disability service providers to police and the proposed National Commissioner for the prevention of family, domestic and sexual violence of all incidents of violence perpetrated against people living with disability, whether in residential care facilities or people's own homes.

### **Recommendation 48**

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5.175 The Committee recommends that the next National Plan be more inclusive of people from culturally and linguistically diverse communities, their experiences and their needs.

### **Recommendation 49**

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5.176 The Committee recommends that the Australian Government focus on providing more, and more effective, culturally appropriate education on family, domestic and sexual violence to culturally and linguistically diverse communities.

### **Recommendation 50**

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5.177 The Committee recommends that the Australian Government, and state and territory governments, provide a specifically funded resource to assist larger multicultural organisations to enhance family, domestic and sexual violence service delivery for culturally and linguistically diverse communities.

### **Recommendation 51**

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5.178 The Committee recommends that the Australian Government and, where applicable, state and territory governments, make the following changes to immigration legislation and procedures:

- amend the *Migration Act 1958* to prevent 'consequential visa cancellation' where a victim-survivor of family violence has their visa cancelled due to domestic violence perpetrated against them by the primary visa holder;

- where a visa applicant is in crisis or temporary accommodation, create an exception to the requirement that a residential address is required to lodge a valid protection visa application;
- address official correspondence related to visa applications to each individual applicant, so that if one of them leaves the family home, the correspondence can then be re-directed to a new address;
- provide access to legal services, specialist police services and income support for a broader range of temporary visa holders who are victim-survivors of family violence, and consider revisions to migration regulations to offer legal protection to victim-survivors on temporary visas;
- broaden the definition of family violence in the Migration Regulations 1994 to be consistent with the *Family Violence Protection Act 2008* (Vic) and to ensure that people seeking to escape violence are entitled to crisis payments, regardless of their visa status;
- exempt women on temporary visas and women seeking asylum who have experienced domestic and family violence from meeting residency requirements for the purposes of access to Centrelink and Medicare while their visa is being processed; and
- review and amend the eligibility requirements for victim-survivors of violence to access financial and other crisis supports, particularly for those on temporary visas.

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## **Recommendation 52**

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5.181 The Committee recommends that the next National Plan provide funding to investigate the prevalence and prevention of elder abuse, both in residential care facilities and in people's own homes, whether by facility staff, carers or family members.

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## **Recommendation 53**

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5.182 The Committee recommends that the Department of Health release all de-identified data and information pertaining to incidents and allegations of sexual assault in residential aged care, including incidents where the perpetrator was alleged to have had a cognitive or mental impairment.

## **Recommendation 54**

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5.184 The Committee recommends that the Australian Government commission research into the prevalence of family, domestic and sexual violence against men and its impact on male victim-survivors. The research should include a focus on any connections between male victim-survivors and their exposure to family, domestic and sexual violence as children.

The Committee further recommends that the Department of Social Services review the adequacy of advice and referral services for men as victim-survivors of family, domestic and sexual violence.

## **Recommendation 55**

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6.109 The Committee recommends that the next National Plan continue with the core philosophy of primary prevention being key to reducing family, domestic and sexual violence.

## **Recommendation 56**

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6.110 The Committee recommends that the Australian Government, with state and territory governments, provide increased funding for developmentally appropriate primary prevention campaigns, including protective behaviour education, to inform respectful attitudes around sexual consent, with an emphasis on community education, particularly young people in schools. This should include funding for Our Watch for the entire life of the next National Plan, so as to provide the organisation with greater certainty and program continuity.

## **Recommendation 57**

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6.111 The Committee recommends that the Australian Government support national research and awareness raising campaigns into sexist advertising and the negative effects of unequal gender representation.

## **Recommendation 58**

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6.112 Recognising that the principal drivers of family, domestic and sexual violence are gender inequality and stereotypical attitudes towards gender roles, characteristics and behaviour, together with disrespect of girls and women, the Committee recommends that the Australian Government consider establishing a gender equality strategy.

## **Recommendation 59**

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6.114 The Committee recommends that the Australian Government work with the states and territories to ensure that age-appropriate respectful relationships are taught in all Australian schools and early education settings.

## **Recommendation 60**

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6.120 The Committee recommends that the next National Plan adopt a public health approach to preventing and managing drug and alcohol related harms experienced by families and children, involving all jurisdictions, including local governments.

## **Recommendation 61**

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7.220 The Committee recommends that the next National Plan include measures to support the social services sector (including the health, mental health, disability, family and relationships, and alcohol and other drugs sectors) to have a greater role in identifying and responding to family, domestic and sexual violence.

These measures should include but not be limited to:

- training for all staff in identifying family, domestic and sexual violence and working with perpetrators;
- measures to support increased information sharing about perpetrators; and
- measures to support a more consistent national approach to risk assessment and risk management.

## **Recommendation 62**

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7.221 The Committee recommends that the next National Plan include measures to leverage the existing network of Primary Health Networks to improve the identification and response to family, domestic and sexual violence in general practices. These should include consideration of a national rollout of the *Recognise, Respond, Refer* program, subject to a positive evaluation of the current trial.

### **Recommendation 63**

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7.224 The Committee recommends that the Australian Government provide additional funding to No to Violence to support the national operation of the Men's Referral Service for a further three years.

### **Recommendation 64**

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7.225 The Committee recommends that the Department of Social Services review the adequacy of referral services for perpetrators of family, domestic and sexual violence. The review should give consideration to the need for greater consistency across jurisdictions and the establishment of a single nationally coordinated intake point for perpetrators seeking behavioural change.

### **Recommendation 65**

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7.233 The Committee recommends that the Australian Government and state and territory governments provide additional dedicated funding for perpetrator behaviour change programs.

This should include funding to trial new perpetrator intervention models, and specialised perpetrator behaviour change programs for Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds, people with mental illness, people with disability, adolescents, people of diverse sexuality and gender, and women.

Funded programs should be integrated with specialist family and domestic violence and other services, and should include an evaluation component consistent with the proposed national outcomes framework, which will contribute to building the evidence base on perpetrator interventions.

This funding should not be delivered through reductions in funding to services for victim-survivors.

### **Recommendation 66**

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7.234 To support an increase in the number of perpetrators attending and completing behaviour change programs, the Committee recommends that:

- the Australian Government and state and territory governments establish a centralised online register of perpetrator intervention programs; and



- state and territory governments provide funding for perpetrator court support workers to enable offenders to be referred to appropriate behaviour change programs and other support services.

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### **Recommendation 67**

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7.235 The Committee recommends that the next National Plan include measures to support increased use of technology in delivering perpetrator behaviour change programs, where it is safe to do so. These measures should aim to support programs including but not limited to:

- programs for specific cohorts in sparsely populated regional, rural and remote areas who would not otherwise have access to specialised programs; and
- alternatives to group-based programs for perpetrators for whom such programs are not appropriate.

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### **Recommendation 68**

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7.236 The Committee recommends that the Australian Government and state and territory governments provide dedicated funding to perpetrator behaviour change program providers and specialist family and domestic violence services to deliver support services for partners, ex-partners, children, and other family members of perpetrators enrolled in perpetrator behaviour change programs.

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### **Recommendation 69**

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7.240 The Committee recommends that the Department of Social Services lead the development of a national outcomes framework for evidence-based perpetrator behaviour change programs.

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### **Recommendation 70**

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7.241 The Committee recommends that the Australian Government, working with states and territories where appropriate, provide funding for research on the backgrounds, characteristics, and recidivism rates of perpetrators of family violence with a view to informing future policy and practice in relation to perpetrator interventions. This should include research on adolescents, women, and children who perpetrate violence against their parents, as well as men.

The Committee further recommends that the Australian Government consider the development of an annual national, population level survey on the perpetration of family violence.

### **Recommendation 71**

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7.244 The Committee recommends that state and territory governments work with local community-based organisations to design and implement place-based models of justice reinvestment, similar to that used in the Maranguka Justice Reinvestment Project, as a matter of priority across Australia.

### **Recommendation 72**

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8.166 The Committee recommends that the Australian Government and state and territory governments commit to increasing the overall baseline funding for specialist family and domestic violence service providers.

### **Recommendation 73**

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8.173 The Committee recognises the importance of the provision and availability of supportive housing models to assist victim-survivors of family, domestic and sexual violence to find safety for themselves and their children. The Committee recommends that the Australian Government and state and territory governments collaborate to identify programs that could be implemented across the country, and ensure that specialist and 'wrap-around' support services have access to dedicated, long-term funding.

### **Recommendation 74**

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8.174 The Committee recommends that the Australian Government and state and territory governments collaborate in the provision of affordable housing solutions in Australia to meet long-term needs for those made homeless by family, domestic and sexual violence, and to address the backlog of victim-survivors who cannot access affordable housing.

### **Recommendation 75**

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8.175 The Committee recommends that the Australian Government and state and territory governments:

- consider implementing policies to remove perpetrators rather than victim-survivors in cases of family, domestic and sexual violence, where this can be achieved without threat to the safety of victim-survivors; and
- consider funding for emergency accommodation for perpetrators to prevent victim-survivors being forced to flee their homes or continue residing in a violent home.

### **Recommendation 76**

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8.180 The Committee recommends that the Australian Government, in conjunction with state and territory governments, resource additional research regarding the intersection between mental health and family, domestic and sexual violence. There should be a particular focus on the lived experiences of victim-survivors and the children of victim-survivors who have experienced both family violence and mental health issues.

### **Recommendation 77**

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8.181 The Committee recommends that the Australian Government, in partnership with the New South Wales Government, fund a trial program of the Illawarra Women's Health Centre's Women's Trauma Recovery Centre. This funding could be part of a pilot program over a five-year period with a view, subject to positive evaluation, to rolling out similar services around the country.

### **Recommendation 78**

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8.184 The Committee recommends that the Australian Government and state and territory governments provide additional funding on a 50-50 basis to community legal centres for a minimum of five years to assist victim-survivors of family, domestic and sexual violence. Such funding should be tied to appropriate reporting mechanisms and performance indicators, including but not limited to the full disclosure of funding provided to community legal centres by the states and territories.

### **Recommendation 79**

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8.186 The Committee recommends that the Australian Government and state and territory governments provide funding on a 50-50 basis to legal aid commissions and community legal centres to engage more social workers experienced in family violence, child protection and family law matters.

## **Recommendation 80**

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8.189 The Committee recommends that, subject to positive evaluation of the Legal Aid Commission Small Claims Property Trials, the Australian Government along with states and territory governments fund on a 50-50 basis the establishment of a small property mediation program.

## **Recommendation 81**

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8.195 The Committee recommends that the Australian Government, in collaboration with state and territory governments, implement a national electronic database of domestic violence orders to support the National Domestic Violence Order Scheme. The database should include provisional, interim, and final domestic violence orders and should record breaches of orders.

In addition, the Australian Government should:

- work with state and territory governments to develop standardised training material to be delivered to relevant staff alongside the introduction of the database; and
- consider whether the database should be accessible by specialist family and domestic violence service providers in addition to courts and police.

## **Recommendation 82**

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8.197 The Committee recommends that the Australian Government, in consultation with state and territory governments, expand the National Domestic Violence Order Scheme to include orders issued under the *Family Law Act 1975* and orders issued under state and territory child protection legislation.

## **Recommendation 83**

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8.201 The Committee recommends that the Department of Social Services commission research on the potential benefits and risks to victim-survivor safety of the establishment of a publicly accessible register of convicted family, domestic and sexual violence offenders.

### **Recommendation 84**

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8.204 The Committee recommends that the Australian Government work with the states and territories to adopt a variant of the United Kingdom's 'Silent Solution' for silent calls for police assistance.

### **Recommendation 85**

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8.205 The Committee recommends that the states and territories increase criminal penalties for breaches of apprehended or domestic violence orders, and ensure that the judiciary receives further training about the importance of security to victim-survivors of family, domestic and sexual violence and their families.

### **Recommendation 86**

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8.209 The Committee recommends that the Australian Government and state and territory governments jointly develop a mechanism to provide resources to victim-survivors to assist them to leave their home and resettle to escape a violent relationship. This should include examining ways in which the Commonwealth may recover the costs from the perpetrator.

### **Recommendation 87**

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8.212 The Committee recommends that the Australian Government, in conjunction with state and territory governments, ensure that the next National Plan recognises that family, domestic and sexual violence impacts upon workplaces.

### **Recommendation 88**

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8.213 The Committee recommends that the next National Plan include greater emphasis and specific detail on the crucial role of work and economic equality in the advancement of gender equality and the prevention of family, domestic and sexual violence.



# 1. Introduction

- 1.1 On 4 June 2020, the Minister for Women, Senator the Hon. Marise Payne, and the Minister for Families and Social Services, Senator the Hon. Anne Ruston, jointly referred terms of reference to the Committee for an inquiry into family, domestic and sexual violence.
- 1.2 In referring the inquiry, the ministers noted that the onset of COVID-19 and associated restrictions ‘required renewed consideration of how we reduce family, domestic and sexual violence in Australia’.<sup>1</sup>
- 1.3 The terms of reference emphasised the role of the inquiry in informing the next *National Plan to Reduce Violence against Women and their Children* (National Plan), and the Ministers indicated their expectation that the findings of the Committee would inform the work of the Government’s Women’s Safety Council<sup>2</sup> (which has since been succeeded by the National Federation Reform Council Taskforce on Women’s Safety).
- 1.4 The referral of the inquiry came in the context of heightened public and media attention on issues of family and domestic violence in Australia during 2020—particularly following the murder in February 2020 of Brisbane woman Hannah Clarke and her three children, Aaliyah, Laianah and Trey, by Ms Clarke’s estranged husband. This horrific event prompted widespread anguish and outrage around Australia, and also led

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<sup>1</sup> Minister for Families and Social Services, Senator the Hon. Anne Ruston, and Minister for Foreign Affairs and Minister for Women, Senator the Hon. Marise Payne, ‘Parliamentary inquiry into family, domestic and sexual violence’, *Media release*, 30 May 2020.

<sup>2</sup> Minister for Families and Social Services, Senator the Hon. Anne Ruston, and Minister for Foreign Affairs and Minister for Women, Senator the Hon. Marise Payne, ‘Parliamentary inquiry into family, domestic and sexual violence’, *Media release*, 30 May 2020.

to Ms Clarke's parents, Sue and Lloyd Clarke, publicly campaigning for greater understanding and the national criminalisation of coercive control.<sup>3</sup>

- 1.5 Throughout the duration of this inquiry, further incidents of family and domestic violence, including fatalities, continued to occur in the Australian community, and some particularly heinous examples were drawn to the Committee's attention. Statistics and trends in the prevalence of family violence are discussed in Chapter 2 of this report.
- 1.6 Another shocking case occurred late in the inquiry, in early 2021, with the deaths of Melbourne woman Katica Perinovic and her children Claire, Anna and Matthew, in what appeared to be a murder-suicide. At the time of this report that incident remained the subject of a coronial inquiry.<sup>4</sup>
- 1.7 These and other appalling cases of violence provided a stark and distressing backdrop to the Committee's deliberations. They also made the Committee particularly mindful of the diversity of victim-survivors and perpetrators, and the many forms in which family, domestic and sexual violence manifest in the Australian community.

## Conduct of the inquiry

- 1.8 Following the Committee's adoption of the inquiry, it was advertised on the Committee's website, with submissions invited by 24 July 2020. The Committee was conscious of the demand on potential submitters, particularly during the COVID-19 pandemic, and provided extensions to individuals and organisations who needed extra time to make submissions.
- 1.9 The Committee received 298 submissions and 55 supplementary submissions, including 47 confidential submissions. Submissions received are listed at Appendix B, and published on the Committee's website.<sup>5</sup> Many of the submissions were comprehensive and detailed, and the Committee is

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<sup>3</sup> Australian Broadcasting Corporation (ABC) News, 'Hannah Clarke's parents push for coercive control to be made a crime one year on from horrific murders', 14 February 2021, <<https://www.abc.net.au/news/2021-02-14/qld-hannah-clarke-domestic-violence-murder-anniversary-brisbane/13137484>>.

<sup>4</sup> News.com.au, 'Tragic scene that awaited Perinovic father after murder-suicide revealed', 17 February 2021, <<https://www.news.com.au/national/victoria/courts-law/tragic-scene-that-awaited-perinovic-father-after-murdersuicide-revealed/news-story/96dbb2131e3c3136ba3716a4f6db3b82>>.

<sup>5</sup> Parliament of Australia, 'Inquiry into family, domestic and sexual violence', <<https://www.aph.gov.au/familyviolence>>.



indebted to the people and organisations who took the time to provide such high-quality evidence to the inquiry during a difficult year.

- 1.10 Throughout the inquiry the Committee was also provided with a number of previously-published documents and reports, which were accepted as exhibits, and are listed at Appendix C.
- 1.11 The inquiry focused on issues which can be difficult and traumatic for the people and families that experience them. The Committee sought to ensure that the voices of people who had experienced family violence could be heard in a safe and confidential way, including by providing an opportunity for individuals to write a short summary of their experiences and offer recommendations; and if they wished, to register to provide confidential verbal evidence to the Committee (see below).

### ***Public hearings***

- 1.12 The Committee held public hearings over 16 days between September and December 2020, gathering some 90 hours of oral evidence from a wide diversity of individuals and organisations across Australia. Due to the travel restrictions associated with COVID-19, the public hearings were conducted from Canberra, with witnesses appearing via videoconference and teleconference.
- 1.13 Details of the public hearings held are at Appendix D.
- 1.14 In addition, the Committee convened two *in camera* (confidential) hearings, during which it heard from 16 individuals about their lived experience of family and domestic violence, and their perspectives on current measures and systems for response. While this evidence is not able to be directly quoted in this report, it added invaluable to the Committee's understanding, and the Committee would like to thank the individuals who participated for their courage and contribution.

### **Scope of the inquiry**

- 1.15 Family violence is a wicked problem. That reality was demonstrated by the broad scope of the terms of reference given to the Committee for this inquiry, and the volume and complexity of the evidence received. The challenge for the Committee was to focus its considerations and produce meaningful recommendations in a concise way and in a very limited time.
- 1.16 The Committee was mindful of the importance of adding value to the work that has gone before, particularly to inform the next National Plan. As noted

in the following section, recent years have seen a large number of inquiries, reviews and reports into family, domestic and sexual violence, and related issues. The evidence given to most of these inquiries remains on the public record and where relevant, findings and recommendations made previously on issues raised before this inquiry are referenced in this report.

- 1.17 The Committee has focused this report in two main ways.
- 1.18 One is to consider big picture, systemic issues that are essential to ensuring effective national approaches to preventing and responding to family, domestic and sexual violence—particularly in the next National Plan. These include the coverage of the Plan, coordination between the Australian Government, state and territory governments, and local governments, and evaluating the effectiveness of prevention, early intervention and response work already taking place.
- 1.19 The other focus is on issues relevant to family violence that are new, emerging or have not been subject to significant consideration in previous inquiries, or in the first National Plan. These include new or newly-recognised manifestations of violence such as coercive control and technology-facilitated abuse, and the impact of COVID-19. They also include the impact of family, domestic and sexual violence on particular groups within the Australian community.
- 1.20 Importantly, this report does not focus on family law. As noted below, Australia’s family law system was the subject of a joint committee inquiry taking place simultaneously with this one. Moreover, this Committee conducted a major inquiry into family law and family violence in the previous Parliament. While this report may mention aspects of family law where relevant to other topics, it has sought to avoid duplicating the work of those previous and current inquiries, and has not considered matters relating to family law reform.
- 1.21 Finally, although the inquiry’s name included ‘sexual violence’, its terms of reference did not extend to the broader incidence of sexual violence in Australia outside of the family, domestic or residential context. The Committee did receive some evidence on other aspects of sexual violence, such as sexual assault in the broader community, and sexual harassment in workplaces and on campuses. The Committee acknowledges that these are important issues worthy of consideration. For the purposes of this inquiry, however, sexual violence beyond the family and domestic context has not been examined in detail.

## Previous parliamentary inquiries

- 1.22 The terms of reference for the inquiry included a requirement that the Committee consider previous parliamentary reviews focussed on domestic and family violence.
- 1.23 Preventing and responding to family violence has been the focus of a number of parliamentary and other inquiries at Commonwealth, state and territory level over the last several years. Some submitters raised the issue of “inquiry fatigue” and drew the Committee’s attention to the large number of previous inquiries and the recommendations made as part of their reports.<sup>6</sup>
- 1.24 Current and recent inquiries by the Parliament of Australia examining family violence and related issues include:
- Joint Select Committee on Australia's Family Law System (interim reports October 2020 and March 2021, final report due by 30 June 2021);
  - Senate Legal and Constitutional Affairs References Committee, *Inquiry into domestic violence with particular regard to violence against women and their children*, (reported May 2020);
  - Senate Legal and Constitutional Affairs References Committee, *The practice of dowry and the incidence of dowry abuse in Australia*, (reported February 2019);
  - House of Representatives Standing Committee on Social Policy and Legal Affairs, *A better family law system to support and protect those affected by family violence*, (reported December 2017);
  - Senate Finance and Public Administration References Committee, *Delivery of Outcome 4 of the National Plan to Reduce Violence Against Women and Their Children 2010-2022* (reported December 2017);
  - Senate Finance and Public Administration References Committee, *Domestic violence and gender inequality* (reported November 2016);
  - Senate Finance and Public Administration References Committee, *Domestic violence in Australia* (reported August 2015).
- 1.25 The inquiry conducted by the Senate Legal and Constitutional Affairs References Committee in 2020 formed the view that ‘conducting another lengthy, broad-ranging public inquiry into domestic and family violence in

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<sup>6</sup> For example, see: Australian Medical Association, *Submission 39*, p. 1; Law Council of Australia, *Submission 101*, pp. 53-54; Australian Women Against Violence Alliance, *Submission 122*, pp. 72-74; Women’s Safety NSW, *Submission 150*, pp. 237-240; NSW Women’s Alliance, *Submission 197*, p. 40.

Australia at this time would be of limited value'.<sup>7</sup> It therefore did not call for submissions or hold public hearings, and its report consisted of a review of other recent inquiry reports, with no recommendations. At the time its report was tabled the Law Council of Australia described the inquiry as 'little more than a literature review'.<sup>8</sup>

- 1.26 The second interim report of the Joint Select Committee on Australia's Family Law System, presented on 15 March 2020, noted that issues relating to family violence were raised in many submissions to its inquiry.<sup>9</sup> The report included some recommendations about family violence and family law, including improvements to the consistency of legal definitions and proceedings, information sharing, and training for legal professionals.
- 1.27 Appendix A contains a list of the recommendations of the inquiries listed above, and the Government's responses to them. Recommendations made by these previous inquiries on matters considered in this inquiry are also further discussed in the relevant sections of this report.

## Other notable reports

- 1.28 The Committee also noted reviews and reports relevant to family and domestic violence conducted by bodies other than the Australian Parliament in recent years.
- 1.29 Some state and territory parliamentary committees have conducted recent inquiries into family violence policy issues or legislation, including the ACT in 2019<sup>10</sup> and Western Australia in 2020.<sup>11</sup> In addition, a 'Special Taskforce'

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<sup>7</sup> Senate Legal and Constitutional Affairs References Committee, *Inquiry into domestic violence with particular regard to violence against women and their children*, May 2020, p. 2.

<sup>8</sup> Law Council of Australia, 'Law Council President, Pauline Wright, statement on object failure of domestic violence inquiry', *Media release*, 20 May 2020, <<https://www.lawcouncil.asn.au/media/media-releases/law-council-president-pauline-wright-statement-on-object-failure-of-domestic-violence-inquiry>>.

<sup>9</sup> Joint Select Committee on Australia's Family Law System, *Improvements in family law proceedings: Second interim report*, March 2021, p. xxii.

<sup>10</sup> ACT Legislative Assembly Standing Committee on Justice and Community Safety, *Report on Inquiry into Domestic and Family Violence: Policy Approaches and Responses*, Report 6, August 2019.

<sup>11</sup> WA Legislative Assembly Community Development and Justice Standing Committee, *Supporting victims by improving the management of family and domestic violence matters in the Magistrates Court of Western Australia*, Report no. 8, August 2020.

convened in Queensland in 2014-15 conducted a major inquiry resulting in 140 recommendations to that state's government.<sup>12</sup>

- 1.30 Two recent reviews of particular significance to this inquiry, conducted by non-parliamentary bodies, are discussed in relevant sections of this report.
- 1.31 In 2018-19 the Australian National Audit Office (ANAO) undertook an audit of the targeting of funding and actions under the National Plan, and whether the Department of Social Services had been effective in administering the Plan. The Auditor-General's report was presented in June 2019.<sup>13</sup>
- 1.32 The ANAO report and the Department's response to it are discussed in more detail in the Senate Legal and Constitutional Affairs References Committee's 2020 report.<sup>14</sup>
- 1.33 In Victoria, a Royal Commission was established in 2015 following a number of family violence-related deaths, notably that of Luke Batty. The Royal Commission's inquiry was comprehensive and its eight-volume report, presented in March 2016, contained 227 recommendations.<sup>15</sup> The Victorian Government accepted and committed to implement all of them.<sup>16</sup> The Royal Commission had a major impact on domestic violence policies and actions in Victoria, and its recommendations were mentioned in many submissions from organisations in that state.

## Defining family violence

- 1.34 At the Commonwealth level, the *Family Law Act 1975* was amended in 2011<sup>17</sup> to include the following definition of family violence:

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<sup>12</sup> Special Taskforce on Domestic and Family Violence in Queensland, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland*, 28 February 2015, <<https://www.cyjma.qld.gov.au/campaign/end-domestic-family-violence/about/not-now-not-ever-report>>.

<sup>13</sup> Australian National Audit Office, *Audit Report No. 45 2018-19: Coordination and Targeting of Domestic Violence Funding and Actions*, 13 June 2019.

<sup>14</sup> Senate Legal and Constitutional Affairs References Committee, *Inquiry into domestic violence with particular regard to violence against women and their children*, May 2020, Chapter 5.

<sup>15</sup> State of Victoria, *Royal Commission into Family Violence: Summary and Recommendations*, Parl. Paper No. 132 (2014-16), March 2016.

<sup>16</sup> Victorian Government, 'About the Royal Commission into Family Violence', <<https://www.vic.gov.au/about-royal-commission-family-violence>>.

<sup>17</sup> *Family Law Legislation Amendment (Family Violence and Other Measures) Act 2011* (Cth), Schedule 1, Item 8.

violent, threatening or other behaviour by a person that coerces or controls a member of the person's family... or causes the family member to be fearful.<sup>18</sup>

- 1.35 The provision also sets out examples of behaviour that may constitute family violence (without limiting the definition):
- a. an assault; or
  - b. a sexual assault or other sexually abusive behaviour; or
  - c. stalking; or
  - d. repeated derogatory taunts; or
  - e. intentionally damaging or destroying property; or
  - f. intentionally causing death or injury to an animal; or
  - g. unreasonably denying the family member the financial autonomy that he or she would otherwise have had; or
  - h. unreasonably withholding financial support needed to meet the reasonable living expenses of the family member, or his or her child, at a time when the family member is entirely or predominantly dependent on the person for financial support; or
  - i. preventing the family member from making or keeping connections with his or her family, friends or culture; or
  - j. unlawfully depriving the family member, or any member of the family member's family, of his or her liberty.<sup>19</sup>

1.36 The definition does not include a requirement that any fear experienced by the victim-survivor of the violence is objectively 'reasonable'.

1.37 Defining family violence can be complex, and the legal definition of family, domestic and sexual violence varies between Australia's federal, state and territory jurisdictions. Chapter 2 considers this issue of inconsistency in more detail. Other chapters in the report also note issues raised in evidence to the Committee about what may not be adequately covered in current definitions of family violence.

## Structure of this report

1.38 This report consists of eight chapters.

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<sup>18</sup> *Family Law Act 1975* (Cth), s. 4AB(1).

<sup>19</sup> *Family Law Act 1975* (Cth), s. 4AB(2).

- 1.39 Chapter 2 provides background on family violence in Australia, and the National Plan. It discusses related matters including the adequacy of data and statistics about family and domestic violence, and evidence received about issues and priorities for the next National Plan.
- 1.40 Chapter 3 discusses the roles of and coordination between the Australian Government, state and territory governments, and local governments concerning policies and programs to prevent and respond to family violence, as well as the monitoring and evaluation of activities in that regard.
- 1.41 Chapter 4 examines non-physical forms of family and domestic violence, including coercive control, technology-facilitated abuse and financial abuse.
- 1.42 Chapter 5 focuses on responses to family violence in specific communities within Australia whose experiences and needs require particular consideration. These include Indigenous communities, LGBTQI people, people with disability, culturally and linguistically diverse communities, older people and children.
- 1.43 Chapters 6, 7 and 8 examine the three key areas into which responses to family and domestic violence are generally divided:
- Chapter 6: primary prevention;
  - Chapter 7: early intervention (including behaviour change); and
  - Chapter 8: responses to assist victim-survivors, including support services, related services and the justice system.

In each case the chapter examines work already underway, and issues and suggestions raised in evidence to improve and strengthen the national effort.

- 1.44 Each chapter outlines evidence considered by the Committee on multiple issues. It then concludes by setting out the Committee's comments and recommendations in relation to all of the matters covered in the chapter.

## **A note on terminology**

- 1.45 There is much variation in the terminology used to describe the behaviours discussed in this report, those who perpetrate them, and those who are affected by them. The Committee does not take a view on the correctness or otherwise of particular terminology, but has sought to adopt consistent terms for some key concepts in this report.
- 1.46 The Committee is also conscious of strong views among many who contributed to the inquiry about the gendered nature of family, domestic

and sexual violence and the people engaged with it. Those issues are explored in parts of this report, particularly in Chapters 5 and 6. The Committee has otherwise avoided adopting gendered terms for perpetrators and victim-survivors of violence.

- 1.47 Quotes from submitters and witnesses in this report respect and retain the terminology used by those who provided them.
- 1.48 Where the Committee has drafted text, the following terminology has generally been adopted, unless otherwise specified:
- where family, domestic and sexual violence is abbreviated: ‘family violence’ or ‘FDSV’;
  - those who commit FDSV are referred to as ‘perpetrators’; and
  - people who experience FDSV may be described as such, or as ‘victim-survivors’.



## 2. Family violence in Australia and the National Plan

- 2.1 This chapter begins with a discussion of the definition of family, domestic and sexual violence (FDSV) and evidence on the need for a common definition across jurisdictions and legislative frameworks.
- 2.2 The chapter then considers the prevalence of FDSV in Australia, and suggestions for improvements to data collection and reporting. The implications of the COVID-19 pandemic are also discussed.
- 2.3 The chapter concludes with a discussion of the *National Plan to Reduce Violence against Women and their Children 2012-2022*, and a review of suggestions received in evidence on the next National Plan.

### Definition of family violence

- 2.4 As noted in Chapter 1, according to the Australian Bureau of Statistics, there is no single nationally or internationally agreed definition of family violence, domestic violence, or similar terms. Definitions of family and domestic violence ‘can have a broad or narrow scope, and may be focussed on legislative requirements, particular behaviours, or impacts upon victims and the community’.<sup>1</sup>
- 2.5 Furthermore, as outlined by the Australian Institute of Health and Welfare, there is no single definition of what constitutes complex forms of violence, which can include ‘a range of behaviours and practices that exist outside common understanding of physical, sexual and emotional violence’:

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<sup>1</sup> Australian Bureau of Statistics, ‘Conceptual Framework for Family and Domestic Violence’, <<https://www.abs.gov.au/ausstats/abs@.nsf/Products/F346821A88ED5F6ACA2575B700176310>>.

Complex forms of violence may include: forced marriage, trafficking of women and children for sexual exploitation, female genital mutilation/cutting, prolonged incest, dowry abuse and dowry-related violence.<sup>2</sup>

- 2.6 There is also no uniform definition of FDSV across the federal and state and territory jurisdictions. As the Australian Law Reform Commission (ALRC) has observed:

Definitions of family violence vary widely across family violence legislation, the *Family Law Act 1975* (Cth), the criminal law, and other types of legislation such as victims' compensation legislation and migration regulations.<sup>3</sup>

- 2.7 The Victorian Royal Commission into Family Violence highlighted both practical and symbolic benefits of having a 'clear and comprehensive' definition:

To define conduct as family violence is to express the community's shared condemnation of that conduct. It also determines the circumstances in which police can seek an intervention order on behalf of a victim and when a magistrate can make an order to protect a victim.<sup>4</sup>

- 2.8 In its 2010 report, *Family Violence—A National Legal Response*, the ALRC observed there was 'substantial stakeholder support' for consistent definitions across different legislative frameworks.<sup>5</sup>

- 2.9 It made a series of recommendations relating to the adoption of a core definition of family violence with a shared understanding of the types of conduct that may fall within the definition across different legislative schemes.<sup>6</sup> In making its recommendations, the ALRC said there would be 'significant systematic benefits' in such an approach, which would promote the principles of seamlessness and effectiveness.<sup>7</sup>

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<sup>2</sup> Australian Institute of Health and Welfare, *Submission 24*, p. 5.

<sup>3</sup> Australian Law Reform Commission and NSW Law Reform Commission, *Family Violence: Improving Legal Frameworks – Consultation Paper Summary*, ALRC CPS 1, 2010, p. 9.

<sup>4</sup> State of Victoria, *Royal Commission into Family Violence: Report and recommendations, Vol I*, Parl. Paper No. 132 (2014–16), p. 16.

<sup>5</sup> Australian Law Reform Commission and NSW Law Reform Commission, *Family Violence—A National Legal Response*, ALRC Report 114, 2020, p. 289.

<sup>6</sup> Australian Law Reform Commission and NSW Law Reform Commission, *Family Violence—A National Legal Response*, ALRC Report 114, 2020, recs. 5–1 to 5–5 and 6–1 to 6–4, pp. 17–19.

<sup>7</sup> Australian Law Reform Commission and NSW Law Reform Commission, *Family Violence—A National Legal Response*, ALRC Report 114, 2020, p. 290.

- 2.10 It cited a number of specific benefits, including a more consistent approach for victim-survivors of violence involved in multiple proceedings; a positive flow-on effect in the gathering of evidence for use in multiple proceedings; and the collection of more useful and comparable data about family violence.<sup>8</sup>
- 2.11 Evidence to the present inquiry revealed significant support for a more consistent approach to understanding and defining FDSV across jurisdictions.
- 2.12 Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria said the different definitions and understanding of family violence across jurisdictions ‘can create contradictory rather than complementary and mutually reinforcing outcomes’, which it said was problematic for victim-survivors involved in proceedings in different jurisdictions:

This contradiction is evident in the family law system, which requires women to negotiate their child(ren)’s contact with a person when previously they have been issued with an intervention order in the State jurisdiction that prevents that same person having contact with the child(ren) due to concerns for their safety as a result of experiencing family violence.<sup>9</sup>

- 2.13 Bravehearts noted ‘a lack of uniformity in legislative and policy responses’ across jurisdictions and argued that a lack of a shared understanding of FDSV makes it difficult to accurately determine incidence and prevalence rates:

Having shared definitions of behaviours allows for direct comparisons and more robust and reliable figures. Similarly, different legislative definitions of offence types, complicate understanding rates of official offences across jurisdictions.<sup>10</sup>

- 2.14 The NSW Women’s Alliance also noted that definitions of FDSV vary across jurisdictions, and argued that more narrow definitions can restrict access to justice, safety, and wellbeing. It recommended the development of an

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<sup>8</sup> Australian Law Reform Commission and NSW Law Reform Commission, *Family Violence—A National Legal Response*, ALRC Report 114, 2020, p. 290.

<sup>9</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 31.

<sup>10</sup> Bravehearts, *Submission 83*, pp. 5, 7. See also: Women’s Safety NSW, *Submission 150*, pp. 171, 173; NSW Women’s Alliance, *Submission 197*, p. 23.

‘inclusive and progressive’ definition that is endorsed across all jurisdictions nationally.<sup>11</sup>

- 2.15 Similarly, Ms Renata Field from Domestic Violence NSW said that the lack of a shared understanding of what constitutes family and domestic violence limits the ability of law enforcement and the legal system to respond:

If we have thorough and agreed upon understanding of what constitutes domestic and family violence nationally then we can better address it.<sup>12</sup>

- 2.16 In its submission, the Law Council of Australia noted differences between states and territories in respect to who is classified as a victim-survivor and what constitutes family violence, and differences in conditions of restraining orders and police powers. It said that the ‘achievement of some level of harmonisation’ in legislative frameworks is desirable.<sup>13</sup>

- 2.17 Ms Hayley Foster from Women’s Safety NSW recommended a national agreement on ‘core foundational elements’ of family and domestic violence:

It is not about a single act; it is about the entire context of a relationship. It is about conduct; it is about the dynamics in that relationship. We need to change our definitions right across the country in our criminal justice system and our civil justice system to recognise that.<sup>14</sup>

- 2.18 Aboriginal Legal Service (NSW/ACT) recommended the adoption of a national definition of FDSV which incorporates all forms of violence. It said the definition should:

... not be restricted to physical, sexual or emotional abuse, but also encompass behaviours such as abuse facilitated by technology (including image-based abuse), destroying property, stalking and harassment (including over the internet), exposing a child to violence and destroying property.<sup>15</sup>

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<sup>11</sup> NSW Women’s Alliance, *Submission 197*, p. 21.

<sup>12</sup> Ms Renata Field, Research and Policy Manager, Domestic Violence NSW, *Committee Hansard*, Canberra, 18 September 2020, p. 20.

<sup>13</sup> Law Council of Australia, *Submission 101*, pp. 13-14. See also: Dr Jacoba Brasch QC, President-elect, Law Council of Australia, *Committee Hansard*, Canberra, 8 September 2020, p. 32; Ms Pauline Wright, President, Law Council of Australia, *Committee Hansard*, Canberra, 8 September 2020, p. 32.

<sup>14</sup> Ms Hayley Foster, Chief Executive Officer, Women's Safety NSW, *Committee Hansard*, Canberra, 18 September 2020, p. 14.

<sup>15</sup> Aboriginal Legal Service (NSW/ACT), *Submission 195*, pp. 13-14.

It also argued that any national definition not be ‘time-limited’ to the duration of a relevant relationship and instead ‘recognise the potential for the violence to continue for a long time even after separation of the parties’.<sup>16</sup>

2.19 Dr Rachael Burgin from Rape and Sexual Assault Research and Advocacy said that a national approach to sexual violence could include a national definition of affirmative sexual consent, which could underpin criminal justice responses to rape and sexual assault and inform prevention efforts.<sup>17</sup>

2.20 Other witnesses and submitters highlighted issues relating to particular forms of violence or particular communities. In addition to the evidence discussed below, evidence on a consistent definition of coercive control is discussed in Chapter 4.

2.21 The LGBTI Legal Service noted differences in the definitions of ‘domestic violence’ and ‘family violence’ in respective legislation in Queensland and Victoria, and said there is ‘a need for uniformity and consistency across all legal frameworks’. It emphasised the need to ensure coverage of forms of violence perpetrated against LGBTQI people, and to recognise that violence can occur over periods of time.<sup>18</sup>

2.22 The Australian Human Rights Commission noted lack of clarity about whether congregated or supported living settings are ‘family’ or ‘domestic’:

For example, in both Victoria and New South Wales, ‘family violence’ includes actions of a paid carer, whereas in Queensland the definition does not include carers acting under a commercial arrangement. Nor does the 2016 [Personal Safety Survey] include people living in congregate settings.<sup>19</sup>

It said these arrangements could be included in a nationally consistent definition of family and domestic violence.<sup>20</sup>

2.23 Good Shepherd Australia and New Zealand recommended the inclusion of a nationally consistent definition of economic abuse in relevant legislation across Australia.<sup>21</sup>

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<sup>16</sup> Aboriginal Legal Service (NSW/ACT), *Submission 195*, p. 14.

<sup>17</sup> Dr Rachael Burgin, Chair and Executive Director, Rape and Sexual Assault Research and Advocacy; Lecturer, Swinburne University of Technology, *Committee Hansard*, Canberra, 12 October 2020, pp. 45, 47-48.

<sup>18</sup> LGBTI Legal Service, *Submission 96*, pp. 2-4.

<sup>19</sup> Australian Human Rights Commission, *Submission 16*, p. 19.

<sup>20</sup> Australian Human Rights Commission, *Submission 16*, p. 20.

- 2.24 In its submission, the inTouch Multicultural Centre Against Family Violence recommended that a national definition of family violence be used across all Australian jurisdictions. It also recommended the inclusion of dowry abuse in the definition of family violence as a form of economic abuse.<sup>22</sup>
- 2.25 Ms Michal Morris from inTouch and Harmony Alliance expanded on this recommendation, saying that in the past 15 years the Australian community has ‘gone on a long journey into reconceptualising what family violence is’:
- This needs to be reflected with a single national definition, and changing the definition isn't as simple as wordsmithing. When we change the definition we need to make sure that the interpretation will be the same with the police, the courts, family violence services and community leaders.<sup>23</sup>
- 2.26 She said that a consistent national definition ‘will provide certainty to victims of violence and deliver a really strong message to individuals who actually use that violence’.<sup>24</sup>

## Data and statistics on family, domestic and sexual violence

- 2.27 This section discusses evidence on the prevalence of FDSV across Australia. This evidence indicated that FDSV remains a matter of serious concern across the nation and that rates of FDSV have not fallen significantly over the duration of the current National Plan.
- 2.28 The section also considers evidence on data collection and reporting.

### Prevalence of family, domestic and sexual violence

- 2.29 The Committee received considerable written and oral evidence regarding the prevalence of FDSV, including from frontline service providers, peak bodies, and government agencies.
- 2.30 Much of this evidence noted that FDSV rates do not appear to be declining.

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<sup>21</sup> Good Shepherd Australia New Zealand, *Submission 49*, p. 33.

<sup>22</sup> inTouch Multicultural Centre Against Family Violence, *Submission 144*, p. 11.

<sup>23</sup> Ms Michal Morris, Chief Executive Officer, inTouch Multicultural Centre Against Family Violence; Council Member, Harmony Alliance: Migrant and Refugee Women for Change, *Committee Hansard*, Canberra, 12 October 2020, p. 37.

<sup>24</sup> Ms Michal Morris, Chief Executive Officer, inTouch Multicultural Centre Against Family Violence; Council Member, Harmony Alliance: Migrant and Refugee Women for Change, *Committee Hansard*, Canberra, 12 October 2020, pp. 37-38.

2.31 In its report on the *Inquiry into domestic violence with particular regard to violence against women and their children*, the Senate Legal and Constitutional Affairs References Committee summarised some recent statistics in relation to family violence, as collected through the Personal Safety Survey and the National Community Attitudes Survey:

The results are mixed. While there has been a reduction in total violence experienced by women, evidence indicates that violence in intimate partner relationships has not decreased since 2005, and sexual violence against women has not decreased since 1996.<sup>25</sup>

2.32 In evidence to this inquiry, Ms Liz Hefren-Webb from the Department of Social Services told the Committee:

Putting aside COVID, the trend for violence against women is stable overall. The trend for sexual violence is increasing.<sup>26</sup>

2.33 The St Vincent de Paul Society's submitted that the National Plan has not reduced violence against women and their children:

Although the National Plan has been in place for 12 years, statistics indicate that family and domestic violence against women and their children has not decreased and sexual assault has increased. However, violence within the community has decreased.<sup>27</sup>

2.34 In its submission to the inquiry, the Australian Institute of Health and Welfare (AIHW) provided statistics on the prevalence of family violence based on data from the 2016 Australian Bureau of Statistics (ABS) Personal Safety Survey (PSS).

2.35 The PSS collects information from men and women aged 18 and over about the nature and extent of violence experienced since the age of 15. The Australian Government has funded the ABS to conduct the PSS every four years under the National Plan, in 2012, 2016, and 2020.<sup>28</sup>

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<sup>25</sup> Senate Legal and Constitutional Affairs References Committee, *Inquiry into domestic violence with particular regard to violence against women and their children*, May 2020, p. 7.

<sup>26</sup> Ms Liz Hefren-Webb, Deputy Secretary, Families and Communities, Department of Social Services, *Committee Hansard*, Canberra, 7 September 2020, p. 2.

<sup>27</sup> St Vincent de Paul Society, *Submission 121*, p. 5.

<sup>28</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 16.

2.36 The AIHW explained that the data from the 2016 PSS show:

- 1 in 6 (17 per cent, or 1.6 million) women and 1 in 16 (6.1 per cent, or 548,000) men had experienced physical and/or sexual violence from a current or previous cohabiting partner;
- 1 in 20 (5.1 per cent, or 935,000) people had experienced violence from a current or previous boyfriend, girlfriend or date—7.4 per cent (694,000) women and 1.9 per cent (174,000) men;
- 1 in 4 (23 per cent, or 2.2 million) women and 1 in 6 (16 per cent, or 1.4 million) men had experienced emotional abuse (which includes coercive control) from a current or previous partner;
- more than 1 in 2 (57 per cent, or 958,000) women and 1 in 4 (24 per cent, or 247,000) men who had experienced emotional abuse from a previous partner had also been assaulted or threatened with assault; and
- 1 in 5 (18 per cent, or 1.7 million) women and 1 in 20 (4.7 per cent, or 429,000) men had experienced sexual violence.<sup>29</sup>

2.37 The AIHW said that while family violence occurs across all age and sociodemographic groups, ‘women were overwhelmingly the victims of these types of violence’.<sup>30</sup>

2.38 However, the AIHW also noted that national surveys such as the PSS may be limited in their ability to capture data on smaller population groups:

This is because it is difficult to obtain large representative samples of at-risk populations and data become less reliable and robust when small samples from specific populations are analysed.<sup>31</sup>

2.39 The Committee notes that in its 2015 report on domestic violence in Australia, the Senate Finance and Public Administration References Committee made a recommendation concerning sampling sizes of particular subgroups.<sup>32</sup> In its submission to this inquiry, the Department of Social Services provided information on the challenges in collecting data on vulnerable groups.<sup>33</sup>

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<sup>29</sup> Australian Institute of Health and Welfare, *Submission 24*, p. 3.

<sup>30</sup> Australian Institute of Health and Welfare, *Submission 24*, p. 3.

<sup>31</sup> Australian Institute of Health and Welfare, *Submission 24*, p. 4.

<sup>32</sup> Senate Finance and Public Administration References Committee, *Domestic violence in Australia*, August 2015, rec. 4, p. 47.

<sup>33</sup> Department of Social Services (multi-agency submission), *Submission 71*, pp. 56-59.



- 2.40 The AIHW also observed that there were no uniform processes to identify family violence across all states and territories, and limited published data on legal aid, family court responses, and apprehended violence orders.<sup>34</sup>
- 2.41 The Committee also received concerning evidence regarding community perception and attitudes towards FDSV. The Australian Human Rights Commission noted in its submission that:
- In the 2017 National Community Attitudes towards Violence against Women Survey (NCAS), one in five respondents believed domestic violence was a normal reaction to stress, and two in five respondents believed that women make up false reports of sexual assault to punish men.<sup>35</sup>
- 2.42 Evidence on primary prevention and measures to encourage changes in attitudes about FDSV is discussed in detail in Chapter 6.
- 2.43 As additional context to the prevalence of FDSV in Australia, the AIHW reported that a United Nations comparison of 22 countries with national surveys about violence against women showed that Australia has the seventh lowest rate of violence from a partner since the age of 15.<sup>36</sup>
- 2.44 However, the Australian Research Alliance for Children and Youth noted that international comparisons of violence prevalence are limited by comparability of data.<sup>37</sup>
- 2.45 A number of submitters and witnesses also referred to an estimate of the cost of violence against women and their children undertaken by KPMG in 2016. The Australian Human Rights Commission explained:
- ... KPMG estimated that the cost of violence against women and their children in Australia was \$22 billion in 2015-16. KPMG also noted that the under-representation of Aboriginal and Torres Strait Islander women, pregnant women, women with disability, and women who are homeless within national prevalence estimates could add a further \$4 billion to the cost of violence against women and their children in Australia in 2015-16.<sup>38</sup>

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<sup>34</sup> Australian Institute of Health and Welfare, *Submission 24*, p. 6.

<sup>35</sup> Australian Human Rights Commission, *Submission 16*, p. 5.

<sup>36</sup> Australian Institute of Health and Welfare, *Family, domestic and sexual violence in Australia 2018*, 2018, p. 30.

<sup>37</sup> Australian Research Alliance for Children and Youth, *Submission 203*, pp. 8-9.

<sup>38</sup> Australian Human Rights Commission, *Submission 16.1*, p. 1.

- 2.46 This estimate included a \$10.4 billion impact in pain, suffering, and premature mortality; a \$1.4 billion impact on the private and public health systems; and a \$1.9 billion impact on production and the business sector.<sup>39</sup>

## Data collection and reporting

- 2.47 A number of gaps in the data collection and reporting were highlighted in evidence to the Committee.
- 2.48 A common theme in evidence was a perceived lack of nationally consistent data regarding FDSV. For example, No to Violence submitted:

The continuation of collection of data, such as the Personal Safety Survey and NCAS, is important as we transition to a new National Plan. This needs to better collect data from diverse populations. Nationally consistent data is limited due to the state-based nature of police datasets, and needs to be informed by detailed insights on outcomes for victim survivors and perpetrators.<sup>40</sup>

- 2.49 Similarly, Our Watch said that one of the challenges in accurately tracking progress is the lack of consistency in data:

... with significant variation across jurisdictions; in the definitions used for types of violence and the range of behaviours associated with each, as well as in legal and policy frameworks and data collection methods. The Australian Bureau of Statistics and Australian Institute of Health and Welfare have begun addressing many of the data gaps in this area, however challenges and inconsistencies remain at the state and territory level.<sup>41</sup>

- 2.50 Our Watch argued that there are gaps and limitations in existing population-level data, which it said lead to under-representation and under-recording of some population groups, limited data on some forms of violence, and data that is not able to be disaggregated. It also highlighted a gap in data on perpetration, which is discussed further in Chapter 7.<sup>42</sup>

- 2.51 Our Watch also noted a lack of data regarding attitudes, norms and backgrounds of men and boys in Australia:

Another gap is the lack of robust data, especially data allowing for analysis of change over time, on the kinds of attitudes and norms related to masculinity

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<sup>39</sup> Australian Human Rights Commission, *Submission 16.1*, pp. 1-2.

<sup>40</sup> No to Violence, *Submission 199*, p. 26.

<sup>41</sup> Our Watch, *Submission 48*, p. 46.

<sup>42</sup> Our Watch, *Submission 48*, p. 47.

that are subscribed to by men and boys in Australia. This is an area in which there is a significant need for data development.<sup>43</sup>

2.52 NSW Women's Alliance linked a lack of consistent data collection with a lack of accountability:

Consistent data collection enables core measures of domestic and family violence to be tracked and promotes accountability in performance. Currently, there is variation in data collection methods, definitions used for types of violence and the range of behaviours that are associated with domestic violence and legal/policy frameworks. The inconsistencies within and cross-jurisdictions complicate the reality of a national data-set.<sup>44</sup>

2.53 Ms Louise York from the AIHW highlighted a gap in the national collation of data on the use of services:

... that is spanning things like specialist family and domestic violence services and other more mainstream services like appearances in emergency departments or help-seeking through general practice. We don't currently have a good handle, including in a timely way, of information in those settings.<sup>45</sup>

2.54 In its submission, the AIHW suggested that the development of a national specialist FDSV data collection, which would build an evidence base 'so that policies can better respond to victims and perpetrators':

Specifically, this asset would answer questions such as, what services are provided, where, to whom and with what outcome?<sup>46</sup>

2.55 The AIHW said that an initial focus could be to define services in scope, and that the approach to data collection could be based on that used for the existing Specialist Homelessness Services Collection.<sup>47</sup>

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<sup>43</sup> Our Watch, *Submission 48*, p. 48.

<sup>44</sup> NSW Women's Alliance, *Submission 197*, p. 23. See also: Women's Safety NSW, *Submission 150*, p. 171.

<sup>45</sup> Ms Louise York, Head, Community Services Group, Australian Institute of Health and Welfare, *Committee Hansard*, Canberra, 7 September 2020, p. 28.

<sup>46</sup> Australian Institute of Health and Welfare, *Submission 24*, pp. 8-9.

<sup>47</sup> Australian Institute of Health and Welfare, *Submission 24*, p. 9.

- 2.56 The Australian Women Against Violence Alliance submitted that diversity of experiences needed to be better captured:

While data on women's health and safety are routinely collected by the government, there remains a need for consistency in accounting for the diversity of the victims/survivors and their lived experience along with types of violence. Issues including sexual harassment, dowry abuse, reproductive coercion, forced marriage, Female Genital Mutilation/Cutting (FGMC), and technology-facilitated abuse are not routinely collected which can create challenges in understanding, preventing and addressing the experiences of violence holistically.<sup>48</sup>

- 2.57 Australia's National Research Organisation for Women's Safety (ANROWS) said there is a need for 'more robust national data, including longitudinal data, to demonstrate the experiences and impacts of violence against women across the lifespan'.<sup>49</sup> ANROWS highlighted a number of findings revealing the need to address under-reporting and inadequate data collection across a number of diverse groups.<sup>50</sup>

- 2.58 The Federation of Ethnic Communities' Councils of Australia highlighted a need for data on the prevalence of family violence in culturally and linguistically diverse (CALD) communities:

Disaggregated data and research on the prevalence of FDV within CALD communities should be collected at every level to determine the rates of violence and the different variables and factors that influence it, including cultural or ethnic background, economic status, level of education, religious/cultural beliefs and location. While studies show that FDV occurs across cultures and economic backgrounds without discrimination, these data can be used to inform targeted strategies and help identify service gaps.<sup>51</sup>

- 2.59 Evidence on the lack of data relating to CALD communities and other diverse groups is discussed in further detail in Chapter 5.

- 2.60 Some witnesses noted that while perpetrator behaviour change programs are seen as an important component of reducing rates of FDSV, there is limited data on their effectiveness. This is discussed further in Chapter 7.

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<sup>48</sup> Australian Women Against Violence Alliance, *Submission 122*, p. 16.

<sup>49</sup> Australia's National Research Organisation for Women's Safety, *Submission 132*, p. 2.

<sup>50</sup> Australia's National Research Organisation for Women's Safety, *Submission 132*, pp. 25-27.

<sup>51</sup> The Federation of Ethnic Communities' Councils of Australia, *Submission 47*, pp. 5-6.

### *A national death toll and death reviews*

2.61 Evidence to the inquiry included suggestions for the introduction of a national death toll to count family and domestic violence related deaths, and improvements to death review mechanisms.

2.62 Associate Professor Kate Fitz-Gibbon from the Monash Gender and Family Violence Prevention Centre explained:

We have no national toll index or count, depending on how you describe it, in the same way that we do for other deaths, such as the road toll. Creating this won't necessarily prevent these deaths, but it will go a significant way in terms of building the data and the consistent data collection that we need to inform prevention.<sup>52</sup>

2.63 In its submission, the Monash Gender and Family Violence Prevention Centre also noted that a national death toll would:

... provide national recognition of the lives lost and a commitment to building the evidence base required to prevent future deaths.<sup>53</sup>

2.64 It further explained that a national death toll responded to calls to better understand and respond to family violence risks:

The findings will have direct policy and service relevance in each Australian state and territory. The Index will produce guidance targeted at improving family violence risk identification, assessment and management processes for women and children, and enhanced perpetrator interventions.

... The lack of systematic overview and coordination of data relating to family homicides in Australia presently results in inefficiencies and lost opportunities to build the most comprehensive evidence base needed to prevent these killings.<sup>54</sup>

2.65 The Australian Association of Social Workers noted the absence of an official national death toll:

Despite the news reporting of women who have been murdered in family violence incidents, there is still no official government death count for family

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<sup>52</sup> Associate Professor Kate Fitz-Gibbon, Director, Monash Gender and Family Violence Prevention Centre, *Committee Hansard*, Canberra, 8 September 2020, p. 8.

<sup>53</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 12.

<sup>54</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 12.

violence deaths across the country as is the case for deaths related to road accidents or COVID-19.<sup>55</sup>

2.66 Women's Safety NSW voiced support for national data collection regarding domestic and family violence related homicides:

We need a national body to collect real time information about domestic and family violence related homicides so we can track trends and changes over time and be accountable for our progress.<sup>56</sup>

2.67 It explained the aim of death reviews was to:

... examine how systems and services performed (i.e. through the history of service use of the deceased and the perpetrator) to evaluate factors that could have prevented the death. Death reviews collate both qualitative and quantitative data that assist in the identification of patterns, improve the detection of vulnerable groups and determine lethality factors.<sup>57</sup>

2.68 The Australian Women Against Violence Alliance explained that there was no consistent practice across state and territory jurisdictions with respect to reviewing and reporting on deaths relating to FDSV, and said there was a need to 'strengthen data collection and ensure consistent system for reviews of women's deaths relating to gender-based violence'.<sup>58</sup>

### ***National Data Collection and Reporting Framework***

2.69 The Committee received evidence on the National Data Collection and Reporting Framework (DCRF), which was an outcome of the National Plan and aims to provide a basis for consistent family violence data collection.

2.70 The Department of Social Services explained:

The DCRF is a is a broad level conceptual map that provides a systematic way of organising data on family, domestic and sexual violence into information units for statistical collection. It provides the basis for consistent collection of administrative data on family, domestic and sexual violence and identifies the key data items and recording formats required to standardise the collection of family, domestic and sexual violence data in Australia.<sup>59</sup>

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<sup>55</sup> Australian Association of Social Workers, *Submission 135*, p. 11.

<sup>56</sup> Women's Safety NSW, *Submission 150*, p. 172.

<sup>57</sup> Women's Safety NSW, *Submission 150*, p. 172.

<sup>58</sup> Australian Women Against Violence Alliance, *Submission 122*, pp. 53-54.

<sup>59</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 59.

2.71 According to the Department, the DCRF was published on the ABS website in 2014 and is now applied by key statistical agencies, including the ABS and the AIHW.<sup>60</sup>

2.72 The AIHW said that the development of the DCRF assisted in improving the evidence base:

Over the last 10 years the evidence base for family, domestic and sexual violence has substantially improved, through both the Australian Bureau of Statistics' (ABS) development of a National Data Collection and Reporting Framework for family, domestic and sexual violence and the AIHW's work to report holistically against this framework.<sup>61</sup>

2.73 Families Australia submitted that the DCRF was a 'significant step towards improving the organisation and consistency of data ... assuming it is on track to be operationalised in 2022'.<sup>62</sup>

2.74 However, Women's Safety NSW submitted that progress on the implementation of the DCRF is unknown.<sup>63</sup>

2.75 In its report on coordination and targeting of domestic violence funding and actions, the Auditor-General stated:

In the absence of a plan identifying the sequence and priority of activities required to ensure that DCRF is operational by its target date of 2022, the department cannot demonstrate that jurisdictions are on track to deliver this outcome.<sup>64</sup>

2.76 The Municipal Association of Victoria submitted:

While the list of potential data items relating to the individual is quite comprehensive; the data available is not. This suggests the IT and operational challenges involved in applying the DCRF have been too costly.<sup>65</sup>

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<sup>60</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 59.

<sup>61</sup> Australian Institute of Health and Welfare, *Submission 24*, p. 1.

<sup>62</sup> Families Australia, *Submission 30*, p. 12.

<sup>63</sup> Women's Safety NSW, *Submission 150*, p. 171.

<sup>64</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, p. 9.

<sup>65</sup> Municipal Association of Victoria, *Submission 109*, p. 25.

- 2.77 NSW Women's Alliance recommended that the DCRF be 'broadened to include all forms of gender-based violence, regardless of the setting in which it occurs and regardless of who perpetrates the violence'.<sup>66</sup>

## Implications of the COVID-19 pandemic

- 2.78 The experiences of Australians during lockdowns and other COVID-19 related measures differed significantly depending on factors such as geographical location and socio-economic factors. Evidence to the inquiry indicates that there were widespread effects on the prevalence and nature of FDSV and the support available to victim-survivors.
- 2.79 This section considers the Australian Government's response to the COVID-19 pandemic and reviews evidence from submitters and witnesses on the impact of the pandemic and possible lessons for all governments to consider in the ongoing response to FDSV.

## Australian Government response to COVID-19

- 2.80 Recognising the impact of the COVID-19 pandemic on family and domestic violence, on 29 March 2020 the Australian Government announced the Coronavirus Domestic Violence Support Package, which was designed to support Australians experiencing family violence during this period.<sup>67</sup>
- 2.81 The package included \$150 million in funding, including \$130 million to be provided to state and territory governments to increase frontline family and domestic violence services through a new National Partnership Agreement on COVID-19 Domestic and Family Violence Responses (NPA).<sup>68</sup>
- 2.82 Women's Safety Ministers agreed that this funding would be directed to meet the needs of those experiencing violence, with a particular focus on:
- safer housing and emergency accommodation;
  - counselling and outreach;
  - crisis support and helplines;
  - men's behaviour change programs and other perpetrator interventions;
  - assisting frontline services to manage the demand and explore new technology-based service delivery methods; and

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<sup>66</sup> NSW Women's Alliance, *Submission 197*, p. 24.

<sup>67</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 42.

<sup>68</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 42.



- responding to the unique challenges in regional, rural, and remote locations.<sup>69</sup>
- 2.83 The remaining \$20 million was directed to increase the capacity of nationwide family violence services, including:
- the 1800RESPECT and MensLine Australia counselling services;
  - the Men’s Referral Service;
  - the Keeping Women Safe in their Homes Program, which provides safety advice and upgrades to assist women and children to stay in their home;
  - and the Support for Trafficked People Program.<sup>70</sup>
- 2.84 As outlined in its submission to the inquiry, the Australian Government took a number of other measures in response to the COVID-19 pandemic directly or indirectly related to FDSV.<sup>71</sup> These include:
- more than \$64 million to extend grant agreements administered by the Department of Social Services for essential services, which had been due to cease in 31 March 2021;
  - \$63.3 million to help the legal assistance sector respond to COVID-19, including funding for frontline legal services and to assist legal services in transitioning to online service delivery; and
  - \$10 million to assist the eSafety Commissioner to respond to an increase in image-based abuse;
  - \$6 million to support drug and alcohol activities to help reduce drug and alcohol usage and harms;
  - keeping staff in place in the Family Violence Unit at the Department of Home Affairs to manage serious cases; and
  - changes to Services Australia’s payment and support systems, including the development of online Crisis Payment claims.<sup>72</sup>
- 2.85 The Committee is also aware of state and territory government measures to prevent and respond to FDSV during the COVID-19 pandemic. For example, in April 2020, the Victorian Government announced an investment of

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<sup>69</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 42.

<sup>70</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 42.

<sup>71</sup> Department of Social Services (multi-agency submission), *Submission 71*, pp. 43-45.

<sup>72</sup> Department of Social Services (multi-agency submission), *Submission 71*, pp. 43-45.

\$40.2 million in crisis accommodation and specialist services for people suffering or at risk of violence.<sup>73</sup>

## Impact of the COVID-19 pandemic

- 2.86 The Committee received evidence from submitters and witnesses outlining the impact of the COVID-19 pandemic on the prevalence and nature of FDSV and the demand for support services.
- 2.87 The impact of the pandemic on frontline specialist FDSV workers is discussed in further detail in Chapter 8.
- 2.88 ANROWS cautioned that reporting numbers are ‘influenced by many factors and do not necessarily provide a reliable picture of prevalence’:
- For example, reports to police are most likely to concern physical violence, as this is the tactic most commonly reported to police, hospitals and other agencies. However, it is just one of many tactics of abuse of women—use of physical violence may increase or decrease according to the degree of overall control the perpetrator has over the life of the woman...<sup>74</sup>
- 2.89 ANROWS said that evidence suggested that ‘the health, economic and social crises that have followed COVID-19 have exacerbated pre-existing violence and led to the intensification of certain tactics of violence’.<sup>75</sup>
- 2.90 A number of submitters and witnesses including ANROWS referred to a paper on the prevalence of family violence against women during the COVID-19 pandemic, which was published in July 2020 by the Australian Institute of Criminology. The paper was based on an online survey of 15,000 women in the initial stages of the pandemic in May and June.<sup>76</sup>
- 2.91 The paper said that in the three months before the survey:
- 4.6 per cent of women who responded to the survey reported experiencing physical or sexual violence from a current or former cohabiting partner;
  - 5.8 per cent of women reported experiencing coercive control; and

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<sup>73</sup> Victorian Government, *Submission 182*, p. 14.

<sup>74</sup> Australia’s National Research Organisation for Women’s Safety, *Submission 132*, p. 33.

<sup>75</sup> Australia’s National Research Organisation for Women’s Safety, *Submission 132*, p. 34.

<sup>76</sup> Australian Institute of Criminology, *The prevalence of domestic violence among women during the COVID-19 pandemic*, Statistical Bulletin 28, July 2020.

- 11.6 per cent of women reported experiencing at least one form of emotionally abusive, harassing or controlling behaviour.<sup>77</sup>

## 2.92 Furthermore:

For many women, the pandemic coincided with the onset or escalation of violence and abuse. Two-thirds of women who experienced physical or sexual violence by a current or former cohabiting partner since the start of the COVID-19 pandemic said the violence had started or escalated in the three months prior to the survey.

Many women, particularly those experiencing more serious or complex forms of violence and abuse, reported safety concerns were a barrier to help-seeking.<sup>78</sup>

2.93 The authors concluded that ‘it appears likely that the conditions and consequences associated with the COVID-19 pandemic contributed to an increase in domestic violence’. They noted that the drivers of increased violence likely involved ‘some combination of the increased time spent at home, social isolation due to social distancing requirements and financial stressors associated with the economic impact of COVID-19’.<sup>79</sup>

2.94 National Legal Aid also stated that demand for its services had increased during the pandemic. With particular regard to the Family Violence Law Help website it reported that:

Compared to an average 7 week period (e.g. 1 Sep 2019 - 15 Oct 2019) there was a 25% increase in page views (11,371) and a 39% increase in users (2,454).<sup>80</sup>

2.95 The Salvation Army reported a rise in demand for its family violence support services:

Between March and April 2020, demand for supports offered by us through family and domestic violence flexible support packages grew by almost

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<sup>77</sup> Australian Institute of Criminology, *The prevalence of domestic violence among women during the COVID-19 pandemic*, Statistical Bulletin 28, July 2020, p. 1.

<sup>78</sup> Australian Institute of Criminology, *The prevalence of domestic violence among women during the COVID-19 pandemic*, Statistical Bulletin 28, July 2020, p. 1.

<sup>79</sup> Australian Institute of Criminology, *The prevalence of domestic violence among women during the COVID-19 pandemic*, Statistical Bulletin 28, July 2020, p. 16.

<sup>80</sup> National Legal Aid, *Submission 145*, p. 22.

60 per cent. In the same period, demand for safe accommodation and trauma-informed case management grew by 7 per cent.<sup>81</sup>

2.96 In addition to the pandemic having increased rates of family violence, there were also changes in patterns of demand for services.

2.97 Ms Liz Hefren-Webb from the Department of Social Services explained that there had been an increase in calls to 1800RESPECT, the national support service for people affected by family violence and sexual assault:

We've been following the patterns of calls to that line. They definitely surged at the commencement of the pandemic. They have fluctuated throughout, but there has definitely been an increase.<sup>82</sup>

2.98 However, she also explained there had been variation in demand across different geographic areas:

There are some areas where there has definitely been an increase in calls and demand on the service sector. There have been other areas where we've seen demand drop.<sup>83</sup>

2.99 The Victorian Government explained that Victoria experienced an initial decrease in demand for police and family violence services with the introduction of social distancing measures, but that:

... there are now indications of increasing demand and complexity of calls and referrals to services, with anecdotal indications of fatigue in the family violence sector as coronavirus continues.<sup>84</sup>

2.100 The Victorian Government said that this pattern of demand is consistent with research about past disasters and emerging research about the coronavirus pandemic.<sup>85</sup>

2.101 The Committee received evidence about the increasing complexity of cases presenting to family violence services.

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<sup>81</sup> The Salvation Army, *Submission 19*, p. 3.

<sup>82</sup> Ms Liz Hefren-Webb, Deputy Secretary, Families and Communities, Department of Social Services, *Committee Hansard*, Canberra, 7 September 2020, p. 4.

<sup>83</sup> Ms Liz Hefren-Webb, Deputy Secretary, Families and Communities, Department of Social Services, *Committee Hansard*, Canberra, 7 September 2020, p. 4.

<sup>84</sup> Victorian Government, *Submission 182*, pp. 12-13. See also: NSW Department of Communities and Justice, *Submission 131*, p. 34.

<sup>85</sup> Victorian Government, *Submission 182*, p. 13.

2.102 A team from the Queensland University of Technology (QUT) Centre for Justice provided interim findings to the Committee from a nation-wide survey on the impact of the pandemic on the family violence workforce and clients between June and August. It found that 88 per cent of respondents reported an increase in the complexity of client needs.<sup>86</sup> It also noted that a concerning find was that 57 per cent of respondents reported new clients seeking help for the first time:

This is a significant finding, indicating that pandemic conditions are likely affecting the rate of domestic violence.<sup>87</sup>

2.103 Similarly, the Monash Gender and Family Violence Prevention Centre submitted that its research in Victoria in Queensland had identified ‘an increase in the prevalence, severity and complexity of violence against women’ reported to practitioners since the onset of the pandemic.<sup>88</sup>

2.104 The Monash Centre also explained that clients were increasingly presenting with additional concerns, including mental health issues, increase in drug and alcohol use, and employment and housing concerns.<sup>89</sup>

2.105 The Committee also heard that the pandemic may have changed patterns of perpetration, and created additional risks for particular groups.

2.106 For example, Dr Naomi Pfitzner from the Monash Gender and Family Violence Prevention Centre told the Committee that ‘pandemic control measures were providing new opportunities for perpetrators to exert power and control over women and their children’:

We often heard that this involved weaponising children, so they were using the excuse that they had shared children to force women to move back into sharing a residence or to control who women could see and restrict their movement outside of the home. We also heard about perpetrators using COVID-19 and the threat of infection to restrict women's movements, further isolate them from friends and family and other support networks.<sup>90</sup>

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<sup>86</sup> QUT Centre for Justice, *Submission 37*, p. 9.

<sup>87</sup> QUT Centre for Justice, *Submission 37*, p. 8.

<sup>88</sup> Monash Gender and Family Violence Prevention Centre, *Submission 150*, pp. 17-18.

<sup>89</sup> Monash Gender and Family Violence Prevention Centre, *Submission 150*, pp. 17-18.

<sup>90</sup> Dr Naomi Pfitzner, Postdoctoral Research Fellow, Monash Gender and Family Violence Prevention Centre, *Committee Hansard*, Canberra, 8 September 2020, p. 12.

2.107 She also told the Committee about increased surveillance on women's communication devices while isolating at home, which was reflected in how they were seeking help from practitioners:

They are reporting that women are more likely to call in late hours, when their children or perpetrator might be asleep and that there is a reduced opportunity to seek help because there isn't a safe environment in their homes during these strict lockdowns to have an open conversation about their needs and their safety concerns.<sup>91</sup>

2.108 Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria said that 'opportunities for perpetrators to isolate, monitor and control victims have exponentially increased' while protective factors including contact with family and friends had 'all but vanished'.<sup>92</sup>

2.109 These organisations also reported that the types of perpetrator behaviour and the severity of harm caused had changed during the pandemic:

Anecdotal evidence suggests increases in surveillance of communication devices, controlling behaviour, psychological and emotional abuse, severe sexual and physical assault and instances of strangulation. Across the board, reports from victim-survivors consistently highlight the weaponising of COVID-19 by perpetrators, including by:

- Saying they have COVID-19 so the victim-survivor and children have to remain in social isolation;
- Threatening to expose children to COVID-19;
- Inviting people into the home and then saying they 'have' COVID-19;
- Taking children under family law parenting orders and refusing to return them claiming they have 'been exposed' to COVID-19 or 'don't trust' that the victim-survivor has not tested negative to COVID-19; and
- Telling victim-survivors they are not allowed to leave the house for any reason.<sup>93</sup>

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<sup>91</sup> Dr Naomi Pfitzner, Postdoctoral Research Fellow, Monash Gender and Family Violence Prevention Centre, *Committee Hansard*, Canberra, 8 September 2020, p. 12.

<sup>92</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, pp. 46-47.

<sup>93</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 49.

2.110 The Monash Gender and Family Violence Prevention Centre highlighted the risk to people on temporary visas:

Service providers in Victoria reported a 20% increase in temporary visa holders coming forward needing assistance in the context of family violence, while Domestic Violence NSW reported that 60% of women on temporary visas they were supporting had less access to income, food and essentials.<sup>94</sup>

2.111 The Monash Centre said that, for this group of people, ‘there are no safe options’:

... leaving a violent partner is inherently risky because of the absence of any guarantees of ongoing support, yet remaining with a violent partner is also significantly risky in terms of the immediate and long-term safety of women and their children. These conditions have escalated during the pandemic.<sup>95</sup>

2.112 The LGBTI Legal Service highlighted the impact of the pandemic on the people in the LGBTIQI community:

As a result of COVID-19 restrictions, the closing of community and cultural spaces have greatly impacted the mental and physical health of LGBTI people. The LGBTI community already experiences disproportionately high rates of anxiety, depression, self-harm and suicide, which will be further exacerbated especially due to financial, employment and home-life stresses.<sup>96</sup>

2.113 The Monash Gender and Family Violence Prevention Centre suggested that evidence of the economic impact of COVID-19 supported the ‘mounting evidence’ of the ways in which the pandemic is exacerbating existing gender inequalities.<sup>97</sup>

2.114 Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria explained that a significant risk factor associated with increased rates of family violence during and after a disaster was ‘a tendency to revert to stereotypical and “traditional” gender-binary roles during times of uncertainty’:

... namely men taking the role of protectors and decision makers while women are seen as carers. When these strict gender norms resurface in the home, out of sight, they limit women’s independence and autonomy and can

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<sup>94</sup> Monash Gender and Family Violence Prevention Centre, *Submission 150*, pp. 20-21.

<sup>95</sup> Monash Gender and Family Violence Prevention Centre, *Submission 150*, p. 21.

<sup>96</sup> LGBTI Legal Service, *Submission 96*, pp. 12-13.

<sup>97</sup> Monash Gender and Family Violence Prevention Centre, *Submission 150*, p. 17.

put them and their children at risk. Financial stress, unemployment and housing insecurity are other known risk factors for family violence that are often present post disaster. These risk factors, combined with strict gender norms, create an environment where family violence is likely to increase.<sup>98</sup>

## Lessons from the COVID-19 pandemic

2.115 A number of suggestions were made in evidence to the inquiry drawing on the experience of FDSV in the COVID-19 pandemic.

2.116 The Victorian Government highlighted the way in which the family violence sector had adapted, with some frontline staff working from home and delivering services remotely:

This has provided opportunities to use technological innovations and new service delivery models that ensure the safety of victim survivors.<sup>99</sup>

2.117 The Monash Gender and Family Violence Prevention Centre said the introduction of innovative service models during the pandemic ‘has demonstrated that a range of services addressing domestic and family violence perpetration and victimisation can be delivered remotely if absolutely necessary’.<sup>100</sup>

2.118 Dr Naomi Pfitzner from the Centre expanded on this similar point:

We have heard about significant service innovation in Victoria and Queensland, with many services moving towards web based and message based services, using encrypted call links so that perpetrators wouldn’t be able to see that there was a particular app on a phone so it is not traceable.<sup>101</sup>

2.119 While noting the need for effective client engagement, support, and perpetrator accountability, the Centre submitted that ‘learnings from services provided under COVID-19 restrictions may be able to inform technology-facilitated service provision trials in regional, rural and remote communities’.<sup>102</sup>

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<sup>98</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 44.

<sup>99</sup> Victorian Government, *Submission 182*, pp. 15-16.

<sup>100</sup> Monash Gender and Family Violence Prevention Centre, *Submission 150*, p. 23.

<sup>101</sup> Dr Naomi Pfitzner, Postdoctoral Research Fellow, Monash Gender and Family Violence Prevention Centre, *Committee Hansard*, Canberra, 8 September 2020, p. 12.

<sup>102</sup> Monash Gender and Family Violence Prevention Centre, *Submission 150*, p. 23.



- 2.120 But the QUT Centre for Justice noted challenges for workers and clients accessing technology, and said attention should be given to the ‘digital divide’. It recommended additional government funding to support ‘technological outfitting’ for the sector.<sup>103</sup>
- 2.121 ANROWS made a number of recommendations involving expanding service delivery, including increased access to alternatives to phone calls such as webchat, and expanding the number of telehealth bulk billing sessions for sexual and reproductive health and mental health care.<sup>104</sup>
- 2.122 The QUT Centre for Justice also made recommendations following its research on the impact of the pandemic. This included supporting greater access to technology in the family violence sector, and considering the workforce and funding needs of the sector to prepare for disasters.<sup>105</sup>
- 2.123 The QUT Centre for Justice also stressed the need to urgently revise disaster management frameworks to:
- plan, in collaboration with the family violence and support sectors, for spikes in family violence in preparedness, response and recovery phases;
  - provide for additional funding for family violence services through adjusting scope and eligibility of *National Disaster Response and Relief Arrangements*;
  - adjust personal disaster planning guides and tools, and communications strategies, to provide enhanced safe access to information about family violence services and supports.<sup>106</sup>
- 2.124 The Australian Women Against Violence Alliance also addressed the need for disaster planning to include specialist family and domestic violence services. Furthermore, it said:

Disaster planning needs to include specialised services for domestic and family violence. Further, support service workers responding to disasters must be training [sic] to recognise and respond to domestic and family violence. Previous experience shows that involving domestic and family

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<sup>103</sup> QUT Centre for Justice, *Submission 37*, p. 13. See also: Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 47.

<sup>104</sup> Australia’s National Research Organisation for Women’s Safety, *Submission 132*, p. 35.

<sup>105</sup> QUT Centre for Justice, *Submission 37*, pp. 14-15.

<sup>106</sup> QUT Centre for Justice, *Submission 37*, pp. 14-15; QUT Centre for Justice, *Impact of COVID on Domestic and Family Violence Services and Clients: QUT Centre for Justice Research Report*, 2020, p. 50.

violence and women's health specialists from the beginning is crucial for gender-sensitive approaches to recovery.<sup>107</sup>

2.125 Associate Professor Kate Fitz-Gibbon from the Monash Gender and Family Violence Prevention Centre also spoke about the need for:

... family and domestic violence to be integrated into plans for all periods of crisis, including any future wave of COVID across the Australian states and territories as well as natural disasters, both expected and unexpected. That is absolutely essential.<sup>108</sup>

2.126 The Monash Gender and Family Violence Prevention Centre highlighted the need to consider responses to perpetrators:

Since the outset of the COVID-19 crisis and related restrictions there has been minimal attention paid to how this will impact responses to family violence perpetrators – in terms of the justice system's ability to hold perpetrators to account during the COVID-19 crisis and the wider family violence system's need to keep perpetrators 'in view'. Both are critical to manage and monitor the identified heightened risk and dangerousness during this period of uncertainty.<sup>109</sup>

2.127 The Monash Centre stressed it is 'essential that the momentum of the work advanced nationally to keep perpetrators in view is not lost during the COVID-19 pandemic and beyond'. It also suggested that service innovations may lead to improvements in the delivery of behaviour change interventions.<sup>110</sup> This is discussed in further detail in Chapter 7.

2.128 Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria expressed concern about a shift away from 'preventing and responding' to a more singular focus on addressing the immediate impact of FDSV in the pandemic:

We are deeply concerned that this practice is reflective of a perception that prevention work is a 'luxury' or add on, rather than a crucial and

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<sup>107</sup> Australian Women Against Violence Alliance, *Submission 122*, p. 72.

<sup>108</sup> Associate Professor Kate Fitz-Gibbon, Director, Monash Gender and Family Violence Prevention Centre, *Committee Hansard*, Canberra, 13 November, p. 30.

<sup>109</sup> Monash Gender and Family Violence Prevention Centre, *Submission 150*, pp. 19-20.

<sup>110</sup> Monash Gender and Family Violence Prevention Centre, *Submission 150*, p. 20.

complimentary element of the continuum of efforts to end violence against women and family violence.<sup>111</sup>

2.129 The organisations went on:

In order to ensure that the considerable gains made nationally to address the gendered drivers of violence against women are not lost, to address the particular articulations of those drivers in the context of COVID-19, and to ensure that lessons from the response period are captured, applied and expanded during recovery, it is crucial that the prevention sector remains supported, funded and its legitimacy protected.<sup>112</sup>

## The current and next National Plan

2.130 This section provides a brief overview of the current National Plan, before considering evidence received on the next iteration of the National Plan.

### Overview of the current National Plan

2.131 *The National Plan to Reduce Violence against Women and their Children 2010-2022* (the National Plan) is the Australian Government's overarching policy framework for responding to FDSV. The National Plan was endorsed by the then Council of Australian Governments in 2011.<sup>113</sup>

2.132 The Department of Social Services is the Australian Government agency with primary responsibility for implementation of the National Plan. Coordination and governance arrangements for the implementation of the National Plan are set out in a submission to the inquiry from the Department of Social Services.<sup>114</sup>

2.133 Further evidence relating to governance and coordination is discussed in Chapter 3.

2.134 In its submission, the Department of Social Services explained that the National Plan:

... articulates a shared vision that 'Australian women and their children live free from violence in safe communities'. The National Plan was a landmark

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<sup>111</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, pp. 49-50.

<sup>112</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 50.

<sup>113</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 8.

<sup>114</sup> Department of Social Services (multi-agency submission), *Submission 71*, pp. 10-11.

step towards achieving this vision, providing a comprehensive framework to coordinate national action.<sup>115</sup>

2.135 The National Plan sets out six national outcomes for all governments to deliver from 2010 to 2022. These are:

- communities are safe and free from violence;
- relationships are respectful;
- Indigenous communities are strengthened;
- services meet the needs of women and their children experiencing violence;
- justice responses are effective; and
- perpetrators stop their violence and are held to account.<sup>116</sup>

2.136 Implementation of the National Plan occurred through four three-year actions plans, which identify priority areas of focus and practical actions to drive national improvements, and including policy and funding commitments from each jurisdiction.<sup>117</sup>

2.137 Key outcomes of the National Plan have included:

- establishing 1800RESPECT, DV-alert, ANROWS, and Our Watch;
- funding the *Stop it at the Start* primary prevention campaign; and
- measures to improve data collection and coordination across jurisdictions, and funding for new specialist services.<sup>118</sup>

2.138 The fourth and final Action Plan was launched in 2019 and runs to mid-2022, and sets out the following five priorities:

- primary prevention is key;
- support Aboriginal and Torres Strait Islander women and their children;
- respect, listen and respond to the diverse lived experiences and knowledge of women and their children affected by violence;
- respond to sexual violence and sexual harassment; and
- improve support and service system responses.<sup>119</sup>

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<sup>115</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 5.

<sup>116</sup> Commonwealth of Australia, *National Plan to Reduce Violence against Women and their Children 2010–2022*, pp. 14-31.

<sup>117</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 8.

<sup>118</sup> Department of Social Services (multi-agency submission), *Submission 71*, pp. 11-17.

<sup>119</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 9.

2.139 The Department of Social Services' submission provided a summary of all measures implemented by Australian Government agencies under the Fourth Action Plan.<sup>120</sup> Measures implemented by state and territory governments under the Fourth Action Plan are outlined in the National Implementation Plan.<sup>121</sup>

### *Findings of the Auditor-General's report*

2.140 In its report on coordination and targeting of domestic violence funding and actions, the Auditor-General made a number of observations about the implementation of the current National Plan.

2.141 The Auditor-General stated that Department of Social Services implementation of the National Plan is 'reduced by a lack of attention to implementation planning and performance measurement'.<sup>122</sup>

2.142 It said the Department has established effective governance arrangements to support the implementation of the National Plan, and has 'used a variety of mechanisms to engage formal stakeholders at key points throughout the life of the National Plan'.<sup>123</sup>

2.143 However, it also said that:

Performance monitoring, evaluation and reporting is not sufficient to provide assurance that governments are on track to achieve the National Plan's overarching target and outcomes.<sup>124</sup>

2.144 The Auditor-General made five recommendations, including that the Department:

... identify and develop new measures of success, data sources and specific outcomes for the Fourth Action Plan, and any future National Plan.<sup>125</sup>

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<sup>120</sup> Department of Social Services (multi-agency submission), *Submission 71*, pp. 46-54.

<sup>121</sup> Australian Government, 'National Plan to Reduce Violence against Women and their Children—Implementation Plan', <<https://plan4womenssafety.dss.gov.au/implementation-plan/>>.

<sup>122</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, p. 8.

<sup>123</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, p. 8.

<sup>124</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, p. 9.

<sup>125</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, pp. 10-11.

2.145 Other recommendations related to research and data projects, development of a national implementation plan for the Fourth Action Plan, evaluations of individual programs and services to inform overall evaluations of the Fourth Action Plan and the National Plan, and more detailed public annual progress reports.<sup>126</sup>

2.146 The Auditor-General highlighted the following key messages identified in the audit:

When delivering large-scale and long-term initiatives it is important to signpost success by developing interim performance expectations backed by practical implementation plans.

It may also be necessary to invest in developing new and improved data sources or more frequent data collections. Identifying what works and why it works helps drive towards ultimate outcomes through better targeting resources to high value add activities.<sup>127</sup>

2.147 In its response to the Auditor-General's report, the Department of Social Services agreed with all five recommendations and said work to implement these was already underway.<sup>128</sup> The Department's submission to this inquiry provided an update on progress against these recommendations since 2019.<sup>129</sup>

### *View of the Senate Legal and Constitutional Affairs References Committee*

2.148 While it did not make formal recommendations, the Senate Legal and Constitutional Affairs References Committee set out in its 2020 report a list of questions that it suggested should be considered in the development of the next National Plan:

(a) Has the National Plan achieved what it set out to achieve? If not, why not?

(b) What evidence is there that the initiatives undertaken to date will lead to generational change? When will we reap the rewards of current investment?

<sup>126</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, pp. 10-11.

<sup>127</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, p. 11.

<sup>128</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, p. 60.

<sup>129</sup> Department of Social Services (multi-agency submission), *Submission 71*, pp. 87-89.

- (c) Are the theory and approaches that underpin Australia's National Plan still in-line with international evidence and best-practice?
- (d) Is Australia doing enough under the Plan to support women and children from Indigenous and non-English speaking communities who are experiencing gender based and family violence?
- (e) Is there enough support for women with disabilities?
- (f) How will governments ensure the next iteration of the National Plan incorporates the learnings from the implementation of each Action Plan?
- (g) How comprehensive and reliable is Australia's data, and is enough being invested in data and research?
- (h) Have departments and delivery partners taken on board criticisms around the mechanisms in place for evaluating initiatives? What are the new evaluation mechanisms, and are they sufficient?
- (i) How effective and efficient is the governance model in place for implementing the Plan? Are all states and territories 'pulling their weight', or are some not investing enough? Are there any areas where more Commonwealth control or coordination may be warranted?
- (j) What lessons can be learned from past experiences in relation to the procurement processes and service delivery model for 1800RESPECT?
- (k) How can the government ensure the 1800RESPECT service is fulfilling its vital role?
- (l) How have COVID-19 and the associated lockdowns and job losses contributed to domestic and family violence? Has the government response been fast enough, and has it been effective?
- (m) Are there any lasting impacts of COVID-19 to be considered in drafting the new National Plan?<sup>130</sup>

2.149 The Committee also expressed the view that before making the new National Plan, governments should invest in work 'to determine if it is

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<sup>130</sup> Senate Legal and Constitutional Affairs References Committee, *Inquiry into domestic violence with particular regard to violence against women and their children*, May 2020, pp. 38-39.

simply a matter of waiting for current efforts to come to fruition, or if a new approach is needed'.<sup>131</sup>

## Evidence to inform the next National Plan

- 2.150 Throughout the inquiry the Committee has received a significant volume of evidence that reflects on the current National Plan and includes suggestions for consideration in the development of the next National Plan.
- 2.151 In this section, the Committee provides a brief overview of some of this evidence, but also notes that many of these issues are discussed in further detail at other sections of the report.
- 2.152 Our Watch recommended that, like the first National Plan, the next National Plan include 'a specific, dedicated and continued emphasis on primary prevention'.<sup>132</sup>
- 2.153 Our Watch said that through the current plan Australia has 'developed the foundations for a bipartisan, cross-jurisdictional approach'. However, it said that cross-jurisdictional effort needed to be improved and strengthened to address gaps and opportunities for improvement.<sup>133</sup>
- 2.154 Our Watch also recommended 'mechanisms for civil society engagement in the development and implementation' of the next National Plan.<sup>134</sup>
- 2.155 Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria submitted that the National Plan 'has laid the foundations for a national approach', but that 'there is much that can be strengthened to provide increased coordination and consistency'.<sup>135</sup>
- 2.156 Women's Safety NSW submitted that the National Plan included only 'vague measures of success':

Without any real targets, governments have not had an accountability mechanism against which to measure their performance and have gotten away with relatively minor investment in addressing what is the single biggest

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<sup>131</sup> Senate Legal and Constitutional Affairs References Committee, *Inquiry into domestic violence with particular regard to violence against women and their children*, May 2020, p. 39.

<sup>132</sup> Our Watch, *Submission 48*, p. 11.

<sup>133</sup> Our Watch, *Submission 48*, p. 8.

<sup>134</sup> Our Watch, *Submission 48*, p. 8.

<sup>135</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 6.



preventable driver of death, disability and illness in women aged 15 to 44 years of age.<sup>136</sup>

- 2.157 It argued that 'key aspects of the implementation of the National Plan remain underfunded and thus under-implemented, resulting in a lack of progress against its lofty vision'.<sup>137</sup>
- 2.158 The Samaritans Foundation submitted that the next National Plan 'must include measures around increasing perpetrator responsibility as well as accountability'.<sup>138</sup>
- 2.159 While noting that there have been areas of significant progress and intergovernmental collaboration since the commencement of the first National Plan, No to Violence stressed the need for the next National Plan to be 'embedded in a framework of coordination, collaboration and accountability':

... a level of consistency in responses is essential for such an important matter; it is inequitable to not have adequate support for family violence – whether you are a victim or a perpetrator – depending on which state, territory, town or city you live in.<sup>139</sup>

- 2.160 The St Vincent de Paul Society submitted that the National Plan has not reduced family violence:

When National Outcomes under the National Plan are assessed, it is apparent that the incidents and rates of family and domestic violence against women and their children have not reduced over the years. Policy and service responses to family violence across the country remain fragmented and variable.<sup>140</sup>

- 2.161 It said that a 'general, broad-brush community approach to addressing violence means that those cohorts who are at greater risk of violence continue to fall through the cracks' and that:

A targeted approach is needed to assist groups at risk of family violence namely young women, Aboriginal and Torres Strait Islander women, women living in regional and remote communities, women living with disability,

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<sup>136</sup> Women's Safety NSW, *Submission 150*, pp. 40-41.

<sup>137</sup> Women's Safety NSW, *Submission 150*, p. 41.

<sup>138</sup> Samaritans Foundation, *Submission 85*, p. 11.

<sup>139</sup> No to Violence, *Submission 199*, pp. 16, 18.

<sup>140</sup> St Vincent de Paul Society, *Submission 121*, pp. 5, 8.

women experiencing financial hardship, pregnant women, women separating from their partners, women on temporary visas and older women.<sup>141</sup>

- 2.162 Consistent with this evidence, many other witnesses and submitters said that the next National Plan should have greater focus on groups with particular vulnerability.
- 2.163 For example, ACON submitted that the exclusion ofGBTQ men and non-binary people in the next National Plan would result in an incomplete picture of FDSV and ‘further the sense of invisibility experienced by many members of our communities’:

We believe that it is not only possible to acknowledge that violence affects LGBTQ people of all genders, but that doing so will strengthen the ability of the Government to respond to the needs of all Australians who experience gender-based violence.<sup>142</sup>

- 2.164 Women With Disabilities Australia argued that the current National Plan has ‘focused largely narrow conceptual understandings’ of family violence and sexual assault:

This narrow definition of violence against women within the National Plan is inherently limiting, problematic and outdated. It does not reflect contemporary understandings of what constitutes violence against women nor the complexity of the myriad of forms it takes, and the settings in which it occurs.<sup>143</sup>

- 2.165 Women With Disabilities Australia recommended that any new National Plan preserve the language of violence against women but ‘better articulate its conceptual and definitional nuances in order to respond holistically to different manifestations of this violence’.<sup>144</sup>
- 2.166 National Aboriginal and Torres Strait Islander Legal Services submitted that there needs to be a specialised National Action Plan for Indigenous people ‘that is led, and has final accountability to, our people, communities, and organisations’.<sup>145</sup>

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<sup>141</sup> St Vincent de Paul Society, *Submission 121*, p. 8.

<sup>142</sup> ACON, *Submission 78*, p. 25. See also: Kai Noonan, Associate Director, Health Programming and Development, ACON, *Committee Hansard*, Canberra, 14 October 2020, pp. 18-19.

<sup>143</sup> Women With Disabilities Australia, *Submission 160*, pp. 7-8.

<sup>144</sup> Women With Disabilities Australia, *Submission 160*, p. 11.

<sup>145</sup> National Aboriginal and Torres Strait Islander Legal Services, *Submission 181*, p. 5.

2.167 Other submissions emphasised the need to recognise the needs of children and young people in their own right. For example, the Australian Human Rights Commission submitted:

While reducing the proportion of children exposed to domestic violence is one of the key indicators under the [current National] Plan, its critical focus is on women, not children.

The next National Framework for Protecting Australia's Children and the next National Plan should include strategies and initiatives that meet the distinct services and support needs of children who are exposed to, or are direct victims of, all forms of violence, abuse and neglect in the home.<sup>146</sup>

2.168 FamilyVoice Australia, the One In Three Campaign, and the Australian Brotherhood of Fathers all expressed support for the scope of the National Plan to be broadened to recognise that men, women and children can be both perpetrators and victim-survivors.<sup>147</sup>

2.169 Our Watch said that the next National Plan should be framed as a plan to address and prevent 'violence against women' and its scope should be described as including 'all forms of violence against women', paying specific attention to:

... the inclusion of forms of violence against women that have to date received less attention; including non-physical forms of violence, violence perpetrated in a range of settings, and new and emerging forms of violence.<sup>148</sup>

2.170 The Australian Human Rights Commission said that the 'broadening of focus in the Fourth Action Plan, to include sexual harassment and technology-facilitated abuse' should be continued in the next National Plan.<sup>149</sup>

2.171 The Foundation for Alcohol Research and Education and the Centre for Alcohol Policy Research recommended that the next National Plan

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<sup>146</sup> Australian Human Rights Commission, *Submission 16*, p. 11.

<sup>147</sup> FamilyVoice Australia, *Submission 168*, p. 8; One in Three Campaign, *Submission 57*, p. 22; Australian Brotherhood of Fathers, *Submission 224*, p. 5.

<sup>148</sup> Our Watch, *Submission 48*, p. 11.

<sup>149</sup> Australian Human Rights Commission, *Submission 16*, p. 12.

incorporate ‘primary, secondary and tertiary strategies to reduce alcohol-related family violence and child maltreatment’.<sup>150</sup>

- 2.172 The Australian Local Government Association argued that local governments and their representatives already provide FDSV services and should therefore be a part of the broader FDSV collaboration process.<sup>151</sup> This is discussed further in Chapter 3.
- 2.173 The Victorian Government said the pandemic had ‘highlighted the value and opportunities in consistent messaging at a national level’ and argued for the creation of a communication strategy for the next National Plan.<sup>152</sup>

### *Alignment with other plans and frameworks*

- 2.174 The Committee received evidence about alignment between the current and next National Plan and other national plans and frameworks.
- 2.175 Women With Disabilities Australia recommended that both the new National Plan and any new National Disability Strategy have a strong focus on primary prevention and on changing social norms, behaviours, and community attitudes, and that:
- ... policy language in both frameworks is consistent, overlapping and mutually reinforcing.<sup>153</sup>
- 2.176 Ms Carolyn Frohmader from Women With Disabilities Australia told the Committee that the many forms of violence perpetrated against women and girls with disability continue to remain unaddressed by both the National Plan and the existing *National Disability Strategy 2010-2020*:
- So what this means in practice is that violence against women and girls with disability continues to fall through violence prevention legislation, policy programs and service delivery gaps.<sup>154</sup>

- 2.177 The Institute of Child Protection Studies at the Australian Catholic University submitted that there is ‘insufficient coordination across policy

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<sup>150</sup> Foundation for Alcohol Research and Education and Centre for Alcohol Policy Research, *Submission 125*, p. 9.

<sup>151</sup> Australian Local Government Association, *Submission 22*, p. 3.

<sup>152</sup> Victorian Government, *Submission 182*, p. 25.

<sup>153</sup> Women With Disabilities Australia, *Submission 160*, p. 21.

<sup>154</sup> Ms Carolyn Frohmader, Executive Director, Women With Disabilities Australia, *Committee Hansard*, Canberra, 12 October 2020, p. 9.

agendas at the national level' and between the National Plan and the *National Framework for Protecting Australia's Children 2009-2020*.<sup>155</sup>

2.178 Families Australia also made this point. It said insufficient coordination between the National Plan and the Framework:

... has a detrimental flow-on effect into programs, service delivery and practice, fragmenting responses and perpetuating siloed approaches. National leadership is required to better link policy agendas, leverage investments by all levels of governments, hold all stakeholders accountable and help drive a shift towards system-level, integrated approaches.<sup>156</sup>

2.179 Caxton Legal Centre recommended cross-referencing of activities undertaken in the implementation of the *National Plan to Respond to the Abuse of Older Australians 2019-2023* with future planning regarding FDSV.<sup>157</sup>

2.180 Ms Bonney Corbin, Chair of the Australian Women's Health Network, recommended that the next National Plan embed the relevant measures of success from the *National Women's Health Strategy 2020-2030*. Ms Corbin said this was critical 'in order to enable cross-sector collaboration and efficient planning, resourcing, implementation measurement and evaluation'.<sup>158</sup>

2.181 In relation to the health impacts of violence against women and girls, the Strategy includes five key measures of success:

- increase in number of services available, and women accessing these services;
- decrease in deaths from physical violence on women;
- reduction in the proportion of women who have experienced abuse or trauma in their life;
- reduction in the rate of reproductive coercion; and
- reduction in the gap in mental and physical health trajectories between women who have and have not experienced violence.<sup>159</sup>

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<sup>155</sup> Institute of Child Protection Studies, *Submission 50*, p. 2.

<sup>156</sup> Families Australia, *Submission 30*, p. 2.

<sup>157</sup> Caxton Legal Centre Inc., *Submission 186*, p. 9.

<sup>158</sup> Ms Bonney Corbin, Chair, Australian Women's Health Network, *Committee Hansard*, Canberra, 19 November 2020, p. 21.

<sup>159</sup> Australian Government, *National Women's Health Strategy 2020-2030*, p. 41.

## Committee comment

- 2.182 The Committee acknowledges the evidence that the rate of FDSV has not decreased over the life of the National Plan, and the rate of sexual violence is in fact increasing. In that respect—despite its success in bringing Australia’s governments together—the National Plan does not appear to have met its stated objective of a significant and sustained reduction in violence against women and their children.
- 2.183 The Committee also acknowledges the findings of the Auditor-General’s report into the coordination and targeting of domestic violence funding, which in the Committee’s view raises concerns about the Department of Social Services’ implementation of the National Plan.
- 2.184 The stark reality is that all Australian governments have much more work to do in preventing FDSV.
- 2.185 But governments cannot eliminate FDSV on their own. The Committee stresses that there is an important role for business, community groups, and other non-government bodies in preventing and responding to FDSV in our community. A whole-of-society response is vital.
- 2.186 All violence comes from a lack of respect, and we all have a role in changing the attitudes and behaviours that lead to violence.

### *A uniform national definition*

- 2.187 Evidence to the inquiry suggested to the Committee that the lack of a uniform national definition of FDSV creates barriers to coordination and information-sharing across jurisdictions and contributes to poorer outcomes for victim-survivors.
- 2.188 The Committee agrees that significant benefits would flow from a consistent definition and shared understanding of FDSV across jurisdictions, which is inclusive of the range of relationships in which violence can occur, and the many and varied forms of violence, including non-physical forms of violence such as coercive control, reproductive coercion, economic abuse, and complex forms of violence.
- 2.189 The Committee is of the view that a shared understanding of FDSV is fundamental to our collective effort to end violence, and sends a clear message to the community about behaviours that should not be tolerated.
- 2.190 The Committee considers that there is an important leadership role for the Australian Government in bringing together the states and territories to

agree on a shared definition, which can subsequently be implemented in relevant legislative frameworks, including state and territory family and domestic violence legislation and the Family Law Act.

## **Recommendation 1**

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**2.191 The Committee recommends that the Australian Government work with state and territory governments to adopt a uniform definition of family, domestic and sexual violence, which:**

- **reflects a common understanding of the features and dynamics of such violence and the breadth of relationships in which violence can occur;**
- **encompasses a broad range of violence, including but not limited to coercive control, reproductive coercion, economic abuse, and complex forms of violence, such as forced marriage, female genital mutilation/cutting and dowry abuse; and**
- **recognises the diversity of victim-survivors and perpetrators and the particular vulnerability of certain groups.**

### *The next National Plan*

2.192 While the Committee encourages the Australian Government and state and territory governments to consider all of the recommendation in this report in the context of the next National Plan, this section outlines the Committee's recommendations about the overarching scope, coverage, and priorities of the next National Plan.

2.193 The Committee stresses that primary prevention should remain a core focus of the next National Plan. This is discussed in detail in Chapter 6.

2.194 Second, the Committee considers that the success or otherwise of the next National Plan must be measured against quantitative targets. It is crucial that progress is properly evaluated, and that governments are held to account in their response to FDSV. The Committee has suggested a number of targets for consideration, however it emphasises that any targets to be included in the Plan should be the subject of consultation with non-government organisations, experts, and victim-survivors.

2.195 Third, the next National Plan should aim to be more inclusive of the diversity of victim-survivors, perpetrators and the particular vulnerability of certain groups. In this regard, the Committee considers that the Plan should

not be directed solely towards violence against ‘women and their children’, but should also include measures to prevent and respond to violence against all people, including children in their own right, men, and LGBTQI people.

- 2.196 The Committee stresses that it recognises that the majority of FDSV is perpetrated by men against women, and that it also recognises the evidence of the gendered nature of such violence, as discussed throughout this report. The Committee does not seek to diminish that fact.
- 2.197 However, the Committee’s strong view is that all forms of FDSV are abhorrent, and that the community as a whole has a right to expect their governments to be undertaking all reasonable measures to eliminate it, irrespective of the age, gender, and sexuality of the perpetrator or of the victim-survivor.
- 2.198 Fourth, the next National Plan should as a priority seek to identify, prevent, and address a broad range of FDSV, including non-physical forms of violence—such as coercive control, systems abuse, and technology-facilitated abuse—and complex forms of violence.
- 2.199 The Committee considers that the name of the next National Plan should reflect this broader focus, and that this would send a strong message that any form of FDSV against any Australian will not be tolerated.
- 2.200 Fifth, the next National Plan should ensure that responses to FDSV are integrated across systems, portfolios, jurisdictions, and legislative frameworks. A whole-of-service-system approach to preventing and responding to such violence should be a priority of the Plan.
- 2.201 Sixth, the Committee wishes to see greater involvement from business, community groups, schools, and other non-government organisations in the next National Plan, reflecting a whole-of-society approach.
- 2.202 Lastly, the Committee acknowledges that there is confusion amongst stakeholders as to the governance arrangements for FDSV at the federal level. The Committee considers that responsibility for the implementation of the next National Plan should continue to rest with the Department of Social Services.
- 2.203 The Committee notes that more specific recommendations addressing many of the issues outlined above are included in later chapters of this report.



## Recommendation 2

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**2.204** The Committee recommends that the next National Plan include quantitative measures, which should be agreed following consultation with non-government organisations, experts, and victim-survivors.

The Committee proposes the following measures for consideration:

- reduction in the number of deaths attributed to family, domestic and sexual violence;
- reduction in the rate of incidents of family, domestic and sexual violence;
- reduction in the rate of re-offending by perpetrators;
- reduction in the rate of family, domestic and sexual violence in diverse communities, including Aboriginal and Torres Strait Islander people; LGBTQI people; culturally and linguistically diverse people; and people with disability;
- increase in the availability and quality of support services for victim-survivors;
- significant and long-term increase in the number of perpetrators attending and completing perpetrator behaviour change programs;
- reduction in the number of incidents of family, domestic and sexual violence involving alcohol and/or other drugs;
- reduction in the number of incidents of family, domestic and sexual violence involving children as either victim-survivors or perpetrators;
- reduction in the number of incidents of family, domestic and sexual violence involving elder abuse, whether within the aged care system or in the home;
- increase in the reporting rate of incidents of family, domestic and sexual violence; and

- **significant improvement in community awareness and understanding of, and attitudes about, all forms of family, domestic and sexual violence.**

### **Recommendation 3**

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**2.205 The Committee recommends that the next National Plan be inclusive of the diversity of victim-survivors. In particular, the next National Plan should recognise the rights and needs of:**

- **women;**
- **children in their own right;**
- **men;**
- **older Australians;**
- **LGBTQI people; and**
- **people living with a disability.**

**Further, the Committee recommends that the Australian Government, and state and territory governments, ensure that the next National Plan and the *National Framework for Protecting Australia's Children 2009-2020* are clearly aligned.**

### **Recommendation 4**

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**2.206 The Committee recommends that the next National Plan seek to prevent all forms of family, domestic and sexual violence, including physical violence, sexual violence, exposure to violence in childhood, repeated violence, non-physical forms of violence including coercive control and technology-facilitated abuse, and complex forms of violence such as forced marriage, female genital mutilation/cutting and dowry abuse.**

### **Recommendation 5**

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**2.207 The Committee recommends that the next National Plan be named the 'National plan to reduce family, domestic and sexual violence'.**

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## **Recommendation 6**

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**2.208 The Committee recommends that the next National Plan promote and enhance an integrated whole-of-service-system response to family, domestic and sexual violence across jurisdictions.**

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## **Recommendation 7**

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**2.209 The Committee recommends that the next National Plan promote and enhance a whole-of-society response to family, domestic and sexual violence that involves businesses, community groups and other non-government bodies, as well as governments.**

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## **Recommendation 8**

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**2.210 The Committee recommends that responsibility for the implementation of the next National Plan continue to rest with the Department of Social Services.**

### *Data and statistics*

2.211 The Committee acknowledges the shocking evidence about the prevalence of FDSV. However, it is also apparent from evidence to the inquiry that much of the FDSV in our community remains hidden and unseen.

2.212 The Committee acknowledges that significant work has been done on improving data collection and reporting, including the development of the Data Collection and Reporting Framework under the National Plan. However, there is more to do to ensure that governments and the community have a clear picture of FDSV.

2.213 Improving data collection and reporting is critical to measuring success and holding governments to account, and to understanding what works and why.

2.214 The Committee recognises the importance of the Australian Bureau of Statistics' Personal Safety Survey to informing government policies and services, and recommends that the Australian Government provide funding for the survey to be conducted on an annual basis, rather than every four years, and that the survey collect information about the prevalence of specific forms of FDSV and complex forms of violence.

2.215 Based on evidence to the inquiry, the Committee also considers there is a need for more consistent data collection, enabling data to be compared and

combined across different settings and jurisdictions. The Committee considers there should be:

- a national collection on service-system contacts with victim-survivors and perpetrators, which would bring together data from primary health care, ambulance, emergency department, police, and other services;
- a national collection on the use of specialist FDSV services, which would assist in understanding how these services are used and with what outcomes; and
- a national FDSV death toll.

2.216 Collectively, the Committee expects that these measures will assist in building a stronger evidence base and ultimately a more comprehensive understanding of the prevalence and impacts of FDSV, the demand for specialist and other services, and outcomes for victim-survivors.

2.217 The Committee also expects that efforts to achieve greater consistency in data collection across jurisdictions will be aided by all governments adopting a common definition of FDSV, as discussed above.

## **Recommendation 9**

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**2.218 The Committee recommends that the Australian Government direct and appropriately resource the Australian Bureau of Statistics to conduct the Personal Safety Survey on an annual basis and ensure that the survey collects information about the prevalence of specific forms of family, domestic and sexual violence and complex forms of violence.**

## **Recommendation 10**

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**2.219 The Committee recommends that the Australian Government direct and appropriately resource the Australian Institute of Health and Welfare to develop a national data collection on service-system contacts with victim-survivors and perpetrators, including data from primary health care, ambulance, emergency department, police, justice, and legal services.**

**Further, the Committee recommends that the Australian Government, and state and territory governments, provide appropriate funding and support to service providers to implement consistent data collection procedures.**

## **Recommendation 11**

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- 2.220 The Committee recommends that the Australian Government direct and appropriately resource the Australian Institute of Health and Welfare to develop a national data collection on the use of, and unmet demand for, specialist family, domestic and sexual violence services.**

## **Recommendation 12**

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- 2.221 The Committee recommends that the Australian Government lead the development of a national family, domestic and sexual violence death toll.**

**Further, the Committee recommends the Australian Government consider the need for additional measures to ensure better integration of data from family, domestic and sexual violence death reviews across all Australian jurisdictions.**

### *Implications of the COVID-19 pandemic*

- 2.222 The Committee is acutely aware of the impact of the COVID-19 pandemic on victim-survivors and frontline workers.
- 2.223 The Committee acknowledges the outstanding response to the pandemic by the people of Australia and its governments, which has ensured that critical frontline services continue to be available to support victim-survivors.
- 2.224 The Committee is of the view that additional funding provided during the first phase of COVID-19 should be maintained to meet demand for services while the pandemic and the risks associated with restrictions and lockdowns remain.
- 2.225 The Committee notes some concerns about the distribution of funding to state and territory governments on a per capita basis, which is considered in further detail in Chapter 3.
- 2.226 Lastly, the Committee considers that the experience of the COVID-19 pandemic offers lessons for governments' collective response to FDSV, both in times of natural disaster and national emergency, but also more generally. These lessons include the need for FDSV to be integrated into emergency planning and disaster response frameworks, and the need for support for the ongoing health and welfare of frontline workers.

### **Recommendation 13**

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**2.227 The Committee recommends that the Australian Government, and state and territory governments, continue to provide increased funding for frontline family, domestic and sexual violence services in the COVID-19 pandemic.**

### **Recommendation 14**

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**2.228 The Committee recommends that the next National Plan include measures informed by the experience of family, domestic and sexual violence in the COVID-19 pandemic, including but not limited to:**

- **integration of family, domestic and sexual violence in emergency planning and disaster response frameworks;**
- **increased support for the health and welfare of frontline workers, at all times but particularly during emergencies and disasters; and**
- **increased use of technology and new service delivery models to improve access to services.**

## 3. Governance, coordination and evaluation

- 3.1 As outlined in the previous chapter, the National Plan was designed to facilitate increased coordination between jurisdictions, and to promote a national approach to the issue of family, domestic and sexual violence (FDSV).
- 3.2 In this chapter, the Committee highlights a number of opportunities for federal, state and territory, and local governments to work more effectively together in their response to FDSV. The chapter also considers evidence on monitoring and evaluation.
- 3.3 The Committee notes that a strong theme in evidence was the fragmentation of the family law system at the federal level and child protection and family violence systems at the state and territory level.<sup>1</sup> This issue was considered in this Committee's previous inquiry into the family law system, and the Committee expects it will be the subject of further consideration by the current Joint Select Committee on Australia's Family Law System.

### Roles and responsibilities of Australian governments

- 3.4 This section outlines:
  - the roles and responsibilities of Australian governments in relation to FDSV;
  - the need for a greater role for local governments; and
  - funding allocated to FDSV initiatives by Australian governments.

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<sup>1</sup> For example, see: Australian Institute of Family Studies, *Submission 23*, pp. 13-16.

## Australian government

- 3.5 The Australian Government is responsible for the overarching national programs designed to reduce FDSV, including those funded under the National Plan. As noted in Chapter 2, the Department of Social Services has primary policy responsibility for implementing the National Plan.
- 3.6 The Australian Government submission to the inquiry outlines key national initiatives and a number of complementary measures, which include:
- investment in primary prevention (including funding for Our Watch, a national centre of excellence for primary prevention);
  - a national counselling and support service (1800RESPECT);
  - nationally accredited training for frontline workers (DV-alert);
  - investment in improving data and evidence (including funding for Australia's National Research Organisation for Women's Safety);
  - payments and assistance for women who have experienced violence;
  - responding to violence against Aboriginal and Torres Strait Islander women; and
  - improving the family law system and family law services.<sup>2</sup>
- 3.7 The Australian Government also provides funding, including through state and territory governments, for related programs and services, such as housing and legal assistance.<sup>3</sup>

## State and territory governments

- 3.8 State and territory governments have primary responsibility for funding frontline services to respond to family and domestic violence, including justice, policing, housing, health, and mental health services.<sup>4</sup>
- 3.9 The Committee received submissions from the governments of the Australian Capital Territory, New South Wales, the Northern Territory, Queensland, Tasmania, Victoria, and Western Australia, which give a summary of relevant actions and initiatives in each state and territory.<sup>5</sup>

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<sup>2</sup> Department of Social Services (multi-agency submission), *Submission 71*, pp. 11-32.

<sup>3</sup> Department of Social Services (multi-agency submission), *Submission 71*, pp. 31-32, 48.

<sup>4</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 13.

<sup>5</sup> ACT Government, *Submission 146*; NSW Department of Communities and Justice, *Submission 131*; Department of Territory Families, Northern Territory Government, *Submission 86*; Queensland Government, *Submission 234*; Tasmanian Government, *Submission 236*; Victorian Government, *Submission 182*; Government of Western Australia, *Submission 183*.



- 3.10 The Committee heard further evidence from representatives of most states and territories at public hearings during the inquiry (see Appendix D).
- 3.11 As the Auditor-General noted in its report on coordination and targeting of domestic violence funding and actions, most state and territory governments have their own plans or strategies separate from the National Plan.<sup>6</sup>
- 3.12 A summary of jurisdictional responsibilities relating to FDSV (reproduced from the Senate Legal and Constitutional Affairs References Committee) is included at Table 3.1.<sup>7</sup>

**Table 3.1 Summary of jurisdictional responsibilities for family, domestic and sexual violence**

<b>Area of action</b>	<b>State and territory governments</b>	<b>Australian Government</b>
Family law support services	Legal aid commissions	<b>Primary responsibility</b>
Crisis services	<b>Primary responsibility</b>	Recent Commonwealth investments, including for men's support workers
Crisis payments and social security		<b>Primary responsibility</b>
Housing	<b>Primary responsibility</b>	Provides funding
Justice and policing	<b>Primary responsibility</b>	
Child protection	<b>Primary responsibility</b>	
Primary prevention programs	Must have local programs	<b>Primary responsibility</b>

<sup>6</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, p. 18.

<sup>7</sup> Senate Legal and Constitutional Affairs References Committee, *Inquiry into domestic violence with particular regard to violence against women and their children, Final Report*, 2020, p. 5; Australian National Audit Office, *Performance Audit Report No. 45 2018-19: Coordination and Targeting of Domestic Violence Funding and Actions*, 2019, pp. 18-19.

Training and upskilling frontline workers	Local initiatives	<b>Primary responsibility and investment</b>
National support services (eg: 1800 RESPECT)	Local collection and initiatives	<b>Primary responsibility</b>
Research and data	Local collection and initiatives	<b>Primary responsibility for national collection</b>

*Source: Senate Legal and Constitutional Affairs References Committee.*

## Local governments

- 3.13 The Committee heard from several local councils and local government representative bodies about the role of local governments in preventing and responding to FDSV.
- 3.14 In its submission, the Australian Local Government Association (ALGA) explained that Victoria is the only jurisdiction that places a legislative responsibility on local government in relation to FDSV.<sup>8</sup>
- 3.15 However, regardless of the formal responsibilities placed on councils, ALGA submitted that local governments' position in the community gives them awareness of the impact of violence and an understanding of which approaches are likely to be effective:

As the closest level of government to the community, councils are uniquely placed to influence and drive social change to reduce domestic, family and sexual violence through existing partnerships, networks and structures. They also engage with people across their life span, from their early years to their senior years and councils interact with, and in some cases provide, children's and youth services, aged care and disability programs, libraries and community facilities, community groups and providers of support.<sup>9</sup>

- 3.16 Similarly, the Local Government Association of South Australia (LGA of SA) submitted:

The breadth of services and community infrastructure delivered by councils allows an opportunity for activity to prevent violence against women and allow a gender lens to be applied across a wide range of council services and

<sup>8</sup> Australian Local Government Association, *Submission 22*, p. 2.

<sup>9</sup> Australian Local Government Association, *Submission 22*, p. 1.

settings, such as health and community services, arts, sports and recreation, education and care settings and public spaces.<sup>10</sup>

- 3.17 ALGA relayed the view of the Local Government Association of the Northern Territory that councils have the largest footprint across regional and remote Australia of any government or organisation:

This proximity to communities in sparsely populated remote regions means that councils interact with some of the most vulnerable and isolated families and in the Territory are pivotal in the protection and safety of vulnerable community members.<sup>11</sup>

- 3.18 Ms Kellie Nagle from the Municipal Association of Victoria gave examples of local government initiatives in Victoria, including the development of an action plan for preventing violence against women in emergencies, training to assist animal management officers to recognise and respond to FDSV incidents, and investments in infrastructure to enable equal participation by women and girls.<sup>12</sup>

- 3.19 Another example was provided in a submission from Darebin City Council, which explained that the Council had been supporting early years educators to promote positive gender norms and practices.<sup>13</sup>

- 3.20 The Committee also heard about the role of maternal and child health services in the early identification of FDSV, which is discussed in Chapter 7, and about the role of local government in responding to natural disasters and emergencies.<sup>14</sup>

- 3.21 The LGA of SA argued that local governments are ‘uniquely placed’ to support local organisations through managing funding and reporting, providing facilities, promoting programs, and brokering relationships.<sup>15</sup>

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<sup>10</sup> Local Government Association of South Australia, *Submission 41*, p. 5.

<sup>11</sup> Australian Local Government Association, *Submission 22*, p. 2. See also: Mr Peter McLinden, Director, Transport and Infrastructure Services, Local Government Association of the Northern Territory, *Committee Hansard*, Canberra, 18 September 2020, p. 4.

<sup>12</sup> Ms Kellie Nagle, Policy Adviser, Preventing Violence Against Women, Municipal Association of Victoria, *Committee Hansard*, Canberra, 18 September 2020, p. 2.

<sup>13</sup> Darebin City Council, *Submission 25*, p. 4.

<sup>14</sup> Australian Local Government Association, *Submission 22*, p. 10; Municipal Association of Victoria, *Submission 109*, p. 29.

<sup>15</sup> Local Government Association of South Australia, *Submission 41*, p. 5.

3.22 Ms Nagle from the Municipal Association of Victoria made a similar point:

Councils are uniquely placed to bring partners together as almost a neutral ground and have the infrastructure to support those partnerships.<sup>16</sup>

3.23 Our Watch submitted that ‘local governments are well placed to prevent violence against women and their children through their existing roles and services, as well as through partnerships with other organisations in the community’.<sup>17</sup>

3.24 Ms Nagle stressed that there are many ‘untapped opportunities’ for councils and there is ‘no single role where councils could not play a part in the prevention of family violence and improving gender equality’:

The time is right now to invest in the next national plan to really recognise what local government can offer, providing a platform of infrastructure that reaches coast to coast across the life course from birth to death, across every setting where people work, learn, play and live. It is really the one piece of infrastructure that hasn't currently been recognised and invested in.<sup>18</sup>

3.25 Mr Peter McLinden from the Local Government Association of the Northern Territory said local government in the Northern Territory was ‘probably frustrated’ that it could not have a bigger role in addressing the causes of violence in the community.<sup>19</sup>

3.26 This message was echoed in submissions from other organisations, which argued that councils were limited in their ability to do more due to a lack of resources.<sup>20</sup>

3.27 Women’s Safety NSW said there is a ‘lack of integration’ between the Australian, state and territory, and local governments in relation to women’s safety policy.<sup>21</sup>

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<sup>16</sup> Ms Kellie Nagle, Policy Adviser, Preventing Violence Against Women, Municipal Association of Victoria, *Committee Hansard*, Canberra, 18 September 2020, p. 4.

<sup>17</sup> Our Watch, *Submission 48*, p. 34. See also: Women’s Safety NSW, *Submission 150*, p. 44.

<sup>18</sup> Ms Kellie Nagle, Policy Adviser, Preventing Violence Against Women, Municipal Association of Victoria, *Committee Hansard*, Canberra, 18 September 2020, pp. 1-2.

<sup>19</sup> Mr Peter McLinden, Director, Transport and Infrastructure Services, Local Government Association of the Northern Territory, *Committee Hansard*, Canberra, 18 September 2020, p. 3.

<sup>20</sup> For example, see: Australian Local Government Association, *Submission 22*, p. 12.

<sup>21</sup> Women’s Safety NSW, *Submission 150*, p. 44.

- 3.28 The remainder of this section discussions suggestions put forward to assist local governments to have a greater role in the collective response to FDSV.

### *Prevention toolkit for local government*

- 3.29 The *Prevention toolkit for local government* was raised in evidence as a resource to assist local governments in their response to FDSV.
- 3.30 The toolkit was an outcome of the Third Action Plan, as part of the Plan's commitment to 'co-design tools and resources with local governments to engage with business, sporting organisations and community groups to promote action against violence'.<sup>22</sup>
- 3.31 The toolkit was developed by Our Watch with the involvement of ALGA and state and territory local government associations. Following a trial at five local government sites across metropolitan and regional areas, the toolkit was launched in 2020.<sup>23</sup>
- 3.32 Our Watch explained that the toolkit includes:
- ... practical, evidence-based resources, tools and templates to help local governments plan, implement and evaluate initiatives and strategies to prevent violence against women and their children. The toolkit can be used by all local governments across Australia, including those that already have strategies to reduce violence against women, and those that are just beginning to work in this area.<sup>24</sup>
- 3.33 The LGA of SA said the toolkit includes 'information to help local governments get prepared, set up internal practices, take action and share and improve prevention processes and activities'.<sup>25</sup>
- 3.34 Ms Roslyn Chivers, Executive Director of Policy at ALGA told the Committee that the toolkit is a resource that councils can use to implement 'low-cost or no-cost initiatives'.<sup>26</sup>

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<sup>22</sup> Commonwealth of Australia, *Third Action Plan 2016–2019 of the National Plan to Reduce Violence against Women and their Children 2010–2022*, p. 9.

<sup>23</sup> Australian Local Government Association, *Submission 22*, pp. 3-4. The toolkit is available at: <<https://handbook.ourwatch.org.au/localgovtoolkit/>>.

<sup>24</sup> Our Watch, *Submission 48*, p. 34.

<sup>25</sup> Local Government Association of South Australia, *Submission 41*, pp. 7-8.

<sup>26</sup> Ms Roslyn Chivers, Executive Director, Policy, Australian Local Government Association, *Committee Hansard*, Canberra, 18 September 2020, p. 2.

- 3.35 However, a consistent theme in evidence was that, while the toolkit was a good resource, further work was required to assist councils to use it.
- 3.36 Ms Chivers said that ALGA was working with Our Watch and the Department of Social Services to increase awareness and use of the toolkit by councils:
- The potential of supporting material such as webinars to assist councils to understand and adopt the toolkit is also being discussed. Support packages and awareness raising will be important in maximising uptake of the toolkit by councils.<sup>27</sup>
- 3.37 However, ALGA also stressed the need for additional funding, pointing out that the councils involved in the trial would not be able to continue their domestic violence initiatives once the funding for the trial had ceased. It noted that the Fourth Action Plan did not include recurrent funding to assist local governments to implement the toolkit:
- Without financial assistance, both the trial site councils and [state and territory local government associations] believed that many councils would not be in a financial position to implement the Toolkit.<sup>28</sup>
- 3.38 Ms Nagle from the Municipal Association of Victoria said that while the toolkit was a ‘great initiative’, it would take resourcing to ‘get the ball rolling’.<sup>29</sup>
- 3.39 In its submission, the Municipal Association of Victoria also argued there is an opportunity to further tailor the toolkit to reflect the special role of local government in primary prevention.<sup>30</sup>

### *Dedicated family and domestic violence policy officers*

- 3.40 Another suggestion to assist local governments was for funding to be provided for a dedicated domestic violence policy officer in each state and territory local government association.

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<sup>27</sup> Ms Roslyn Chivers, Executive Director, Policy, Australian Local Government Association, *Committee Hansard*, Canberra, 18 September 2020, p. 2.

<sup>28</sup> Australian Local Government Association, *Submission 22*, pp. 4, 6.

<sup>29</sup> Ms Kellie Nagle, Policy Adviser, Preventing Violence Against Women, Municipal Association of Victoria, *Committee Hansard*, Canberra, 18 September 2020, p. 2.

<sup>30</sup> Municipal Association of Victoria, *Submission 109*, pp. 6, 19.

- 3.41 While ALGA said that its preference was for funding to be provided to councils directly, it said that having a dedicated officer in each state and territory local government association would be a cost-effective way of assisting all councils to implement preventative domestic violence measures.<sup>31</sup>
- 3.42 Its recommendation was based on the experience of the Municipal Association of Victoria, which has employed a dedicated officer since 2011, funded by the Victorian government.<sup>32</sup> The Local Government Association of Queensland has also employed a domestic violence policy officer in 2020 for one year in a cost sharing agreement with the Queensland Government.<sup>33</sup>
- 3.43 The Committee also heard that in 2019, 32 out of 79 councils in Victoria funded a dedicated officer for the prevention of violence against women.<sup>34</sup>
- 3.44 ALGA suggested that having a dedicated officer in each local government association could assist councils to implement the prevention toolkit for local government (discussed above). It listed a number of other benefits of the position, including:
- coordinating and sharing knowledge among councils and other agencies;
  - connecting council officers working in domestic violence with other councils for peer support and to share learnings; and
  - providing a single point of contact for local government in every state and territory, which would improve coordination between levels of government, community organisations, and business.<sup>35</sup>
- 3.45 The Municipal Association of Victoria said that without the policy officer in that state, it is unlikely that the progress in Victorian local governments on gender equity and the prevention of violence against women would have been as significant as it had been over the last decade.<sup>36</sup>

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<sup>31</sup> Australian Local Government Association, *Submission 22*, p. 7.

<sup>32</sup> Australian Local Government Association, *Submission 22*, p. 7.

<sup>33</sup> Australian Local Government Association, *Submission 22*, pp. 2-8. See also: Queensland Government, 'Palaszczuk Government partners with LGAQ to prevent DFV', *Media release*, <<https://statements.qld.gov.au/statements/89117>>.

<sup>34</sup> Ms Kellie Nagle, Policy Adviser, Preventing Violence Against Women, Municipal Association of Victoria, *Committee Hansard*, Canberra, 18 September 2020, p. 2.

<sup>35</sup> Australian Local Government Association, *Submission 22*, pp. 7-8.

<sup>36</sup> Municipal Association of Victoria, *Submission 109*, pp. 4-5.

- 3.46 The LGA of SA highlighted the Municipal Association of Victoria's model as an example of good practice in local government leadership.<sup>37</sup>
- 3.47 ALGA and the LGA of SA both recommended that the Australian Government provide funding for a minimum of five years for a dedicated officer in each state and territory local government association, with states and territories to provide supplementary funding to meet specific objectives and priorities in each jurisdiction.<sup>38</sup>
- 3.48 When asked by the Committee, Ms Chivers from ALGA said the cost of a dedicated officer was \$120,000, but that it was a 'game-changer', particularly for small rural and remote councils.<sup>39</sup>

### *Having a seat at the table*

- 3.49 Lastly, some submitters and witnesses suggested that local government should be involved in the development of policy initiatives, including the next National Plan.
- 3.50 ALGA explained that it had provided updates to the Council of Australian Governments (COAG) on domestic violence initiatives, but that it had not yet been advised whether it will be a member of the National Federation Reform Council (NFRC) Taskforce on Women's Safety.<sup>40</sup>
- 3.51 ALGA argued that local government should have a seat at the table:

As the level of government at the coalface of communities across the nation, ALGA believes that local government should be represented on the Taskforce. This is important to ensure that the voice of Local Government and communities is reflected in policy development and initiatives. All levels of government need to be at the table. Together, the three tiers of government can develop collective solutions to these widespread problems and allow solutions to be tailored to the unique needs of different communities.<sup>41</sup>

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<sup>37</sup> Local Government Association of South Australia, *Submission 41*, pp. 8-9.

<sup>38</sup> Australian Local Government Association, *Submission 22*, p. 8; Local Government Association of South Australia, *Submission 41*, p. 9.

<sup>39</sup> Ms Roslyn Chivers, Executive Director, Policy, Australian Local Government Association, *Committee Hansard*, Canberra, 18 September 2020, p. 7.

<sup>40</sup> Australian Local Government Association, *Submission 22*, p. 5. See also: Ms Roslyn Chivers, Executive Director, Policy, Australian Local Government Association, *Committee Hansard*, Canberra, 18 September 2020, p. 6.

<sup>41</sup> Australian Local Government Association, *Submission 22*, p. 5.



3.52 Ms Chivers from ALGA told the Committee that local government should be involved in the development of the next National Plan:

Our experience from working across government and across multiple sectors is that we should be at the table when that plan is being developed. We should not be brought in once it's advanced and we should not be engaged in token consultation, which is part of the reason that we think that having a seat at the task force is important.<sup>42</sup>

3.53 She went on to say that not having local government involved would be a 'missed opportunity':

... we may end up with a national plan that's not nuanced enough to deal with the very complex nature of this issue across all the different people of Australia.<sup>43</sup>

3.54 The LGA of SA supported ALGA's position that local government should be represented on the Taskforce on Women's Safety.<sup>44</sup>

3.55 The Municipal Association of Victoria recommended that local government be included in the next National Plan and any associated plans whenever there is a reference to Australia's governments, to recognise local government's lead role in preventing violence against women and its achievements in supporting victim-survivors, working to prevent violence before it occurs, and advancing gender equality.<sup>45</sup>

## Investing in preventing and responding to family violence

3.56 A strong theme in evidence to the inquiry was that all governments should invest more in preventing and responding to FDSV. Much of the evidence related to particular programs and services, and is discussed in relevant sections of the report.

3.57 Ms Hayley Foster from Women's Safety NSW articulated what she saw as the need for a higher overall level of investment in preventing and

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<sup>42</sup> Ms Roslyn Chivers, Executive Director, Policy, Australian Local Government Association, *Committee Hansard*, Canberra, 18 September 2020, p. 6.

<sup>43</sup> Ms Roslyn Chivers, Executive Director, Policy, Australian Local Government Association, *Committee Hansard*, Canberra, 18 September 2020, p. 9.

<sup>44</sup> Local Government Association of South Australia, *Submission 41*, pp. 18-19.

<sup>45</sup> Municipal Association of Victoria, *Submission 109*, p. 35.

responding to FDSV. Referring to the estimated cost of violence against women and their children in Australia, she said:

It is a stark truth that violence against women in this country costs the Australian economy over \$23 billion a year and it is the biggest preventable driver of death, disability and illness for half of the population in the prime of their lives, and yet our national plan to address and tackle this problem has only a little over \$100 million a year in the tank.

We're not short of answers in tackling this crisis. ... We've had inquiry upon inquiry and investigation upon investigation with sound, evidence-based solutions to this crisis. What has held us back is not a lack of knowledge, expertise or evidence or solutions but political will to invest in them.<sup>46</sup>

3.58 She called for the next National Plan to include a commitment of \$12 billion over 12 years:

... to invest in the evidence-based solutions which will genuinely see a reduction in violence against women and children in this country and...safer, happier, healthier and more fulfilling lives for everyone.<sup>47</sup>

3.59 Ms Foster explained that this level of investment was required to address gaps in the FDSV services system:

To provide actual universal access to these critical services, like we do with health and a whole range of other aspects of health issues, and also to invest in a proper cultural change program—*Change the story*—the things that we need to do will cost us around \$1 billion a year. So that's where it's coming from. If we genuinely want to make a change, we need to invest in that. At the end of the day, if we're going to keep asking for some innovative new solution and throwing a few dollars here or there at it, we're always going to skim the surface. We're going to end up here time and time again for decades.<sup>48</sup>

3.60 The Committee heard about the significant investment made by the Victorian Government following the report and recommendations of that state's Royal Commission into Family Violence. For example, Ms Jacqui

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<sup>46</sup> Ms Hayley Foster, Chief Executive Officer, Women's Safety NSW, *Committee Hansard*, Canberra, 18 September 2020, p 10.

<sup>47</sup> Ms Hayley Foster, Chief Executive Officer, Women's Safety NSW, *Committee Hansard*, Canberra, 18 September 2020, p 10. See also: Women's Safety NSW, *Submission 150*, p. 49.

<sup>48</sup> Ms Hayley Foster, Chief Executive Officer, Women's Safety NSW, *Committee Hansard*, Canberra, 18 September 2020, p. 13.

Watt from No to Violence said that Victoria was ‘spending more money on family violence than the rest of the country put together’.<sup>49</sup>

- 3.61 In its submission to this inquiry, the Victorian Government stated that over the five state budgets to 2019-20, it has invested \$2.91 billion ‘to drive family violence reform’. It said a further \$557 million in ongoing funding is ‘embedding frontline services and the supporting institutions, processes and programs that are central to the Government’s approach’.<sup>50</sup>
- 3.62 To provide context to this evidence, the Committee was interested in better understanding the level of investment from other Australian governments over a similar time period. The information included below is primarily drawn from submissions to the inquiry. The Committee notes that this information is not exhaustive and is not intended to serve as a comparison between jurisdictions, noting the difficulty of disaggregating funding in areas such as policing, justice, housing, and homelessness.
- 3.63 In its submission, the Australian Government advised it has committed ‘record funding’ of \$340 million to implement the priorities of the National Plan’s fourth Action Plan, which runs from 2019 to 2022.<sup>51</sup>
- 3.64 In a 2019 media release announcing funding for the Fourth Action Plan, the then Minister for Families and Social Services said that the investment ‘brings Commonwealth investment in this space since 2013 to over \$840 million’.<sup>52</sup>
- 3.65 As discussed in the previous chapter, the Australian Government also invested a further \$150 million through the National Partnership Agreement on COVID-19 Domestic and Family Violence Responses, \$130 million of which would be provided to states and territories for frontline services.<sup>53</sup> Distribution of these funds is discussed in further detail in the following section.

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<sup>49</sup> Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 16 October 2020, pp. 5-6.

<sup>50</sup> Victorian Government, *Submission 182*, p. 6.

<sup>51</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 9.

<sup>52</sup> Prime Minister, the Hon. Scott Morrison MP, Minister for Women, the Hon. Kelly O’Dwyer MP, and Minister for Families and Social Services, the Hon. Paul Fletcher MP, ‘Record funding to reduce domestic violence’, *Media release*, 5 March 2019.

<sup>53</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 42.

- 3.66 Asked about state and territory funding commitments, a representative of the Department of Social Services advised the Committee that it is ‘not always transparent’ to the Australian Government what these commitments are.<sup>54</sup>
- 3.67 State and territory contributions to key initiatives under the National Plan, including Australia’s National Research Organisation for Women’s Safety (ANROWS) and Our Watch, are outlined in a supplementary submission from the Department.<sup>55</sup>
- 3.68 In its submission, the ACT Government cited a commitment of \$21.42 million over four years under the 2016 ACT Government *Response to Family Violence* to address family violence and provide additional supports to families, women, and children. This was increased to \$24 million over four years in the 2019-20 budget.<sup>56</sup>
- 3.69 The New South Wales Department of Communities and Justice said the government was investing more than \$431 million over four years under the *NSW Domestic and Family Violence Blueprint for Reform 2016-2021*, its whole-of-government strategy to address family violence.<sup>57</sup>
- 3.70 The Northern Territory Department of Territory Families said that in 2019-20 \$29.4 million was allocated to the domestic, family, and sexual violence portfolio as part of the *Domestic, Family and Sexual Violence Reduction Framework 2018-2028 - Safe respected and free from violence*.<sup>58</sup>
- 3.71 The Queensland Government submitted that it had made a record investment of \$328.9 million since 2015-16 through the *Domestic and Family Violence Prevention Strategy 2016–2026*, which involved delivering all of the 140 recommendations made by the *Not Now, Not Ever* report in 2015.<sup>59</sup>
- 3.72 In South Australia, the 2018-19 state budget included a \$12 million package of measures to address family and domestic violence.<sup>60</sup>

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<sup>54</sup> Ms Greta Doherty, Branch Manager, Family Safety, Department of Social Services, *Committee Hansard*, Canberra, 7 September 2020, p. 9.

<sup>55</sup> Department of Social Services, *Submission 71.3*, pp. 11-13.

<sup>56</sup> ACT Government, *Submission 146*, p. 4.

<sup>57</sup> NSW Department of Communities and Justice, *Submission 131*, p. 7.

<sup>58</sup> Department of Territory Families, Northern Territory Government, *Submission 86*, pp. 1-2.

<sup>59</sup> Queensland Government, *Submission 234*, p. 1.

<sup>60</sup> Government of South Australia, *State Budget 2019-19, Budget Paper 1: Budget Overview*, p. 17.

- 3.73 The Tasmanian Government referred to its *Safe Homes, Families, Communities: Tasmania's action plan for family and sexual violence 2019-2022*, which sets out a \$26 million whole-of-government commitment to progress 'long-term change in the attitudes and behaviours that lead to family and sexual violence and support affected victims and families'.<sup>61</sup>
- 3.74 Western Australia referred to the *Stopping Family and Domestic Violence policy*, which had resulted in an additional \$53 million investment since 2017 into family and domestic violence prevention measures in the state.<sup>62</sup>

## Distribution of COVID-19 funding

- 3.75 One issue that arose in evidence to the inquiry was the distribution of the \$130 million Australian Government funding to states and territories through the National Partnership Agreement on COVID-19 Domestic and Family Violence Responses (NPA), which was mentioned above and discussed in Chapter 2.
- 3.76 At a public hearing, Ms Jane Lloyd from the Department of Territory Families, Housing and Communities explained that the allocation of the funding to the Northern Territory was \$2.462 million.<sup>63</sup>
- 3.77 This figure was confirmed in a supplementary submission from the Department of Social Services, which provided a breakdown of the payments to states and territories under the NPA.<sup>64</sup>
- 3.78 While acknowledging that the funding was appreciated and came with a degree of flexibility that was 'crucial', Ms Lloyd said that the largest part of the funding was allocated based on population and not need. She went on:

We would say in some ways that using the population base is not the most useful way to be allocating or thinking about funding.<sup>65</sup>

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<sup>61</sup> Tasmanian Government, *Submission 236*, p. 4.

<sup>62</sup> Government of Western Australia, *Submission 183*, p. 4.

<sup>63</sup> Ms Jane Lloyd Principal Adviser, Programs and Engagement, Department of Territory Families, Housing and Communities, Northern Territory, *Committee Hansard*, Canberra, 15 October 2020, p. 18.

<sup>64</sup> Department of Social Services, *Submission 71.3*, p. 2.

<sup>65</sup> Ms Jane Lloyd Principal Adviser, Programs and Engagement, Department of Territory Families, Housing and Communities, Northern Territory, *Committee Hansard*, Canberra, 15 October 2020, p. 18.

3.79 Related to this issue, referring to Australian Government funding of \$63.3 million for frontline legal services to support people impacted by COVID-19, Women's Legal Services Australia and Central Australian Women's Legal Service said:

Distribution on a per capita basis also adversely impacted specialist women's services located in remote and regional settings which face additional challenges in reaching vulnerable women.<sup>66</sup>

3.80 Ms Liz Hefren-Webb from the Department of Social Services provided background on the decision to distribute the funding based on a per capita basis under the NPA:

The Commonwealth had put forward the proposition that the funding be distributed based on demand. The states and territories were of the view that the patterns of demand under coronavirus were very volatile, rapidly changing and unpredictable. Their view was that it would be better if the funding were distributed on a per capita basis and then they could allocate it based on demand within their jurisdiction. On that basis, the Commonwealth agreed to allocate it on a per capita basis. ... in the end there was a view that a demand-driven approach was going to be too complex.<sup>67</sup>

3.81 Ms Hefren-Webb went on to outline a number of different ways to measure demand, including contacts with police, the issuing of apprehended violence orders, presentations of FDSV services, and calls to helplines. She said that the states and territories 'were seeing volatility and lack of clarity in the picture of those different forms of demand'.<sup>68</sup>

3.82 However, Ms Hefren-Webb also advised that approximately half of the \$130 million funding allocation included 'some loading to take account of remote and very remote' classifications.<sup>69</sup>

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<sup>66</sup> Women's Legal Services Australia and Central Australian Women's Legal Service, *Submission 52.1*, p. 2.

<sup>67</sup> Ms Liz Hefren-Webb, Deputy Secretary, Families and Communities, Department of Social Services, *Committee Hansard*, Canberra, 7 September 2020, pp. 5-6.

<sup>68</sup> Ms Liz Hefren-Webb, Deputy Secretary, Families and Communities, Department of Social Services, *Committee Hansard*, Canberra, 7 September 2020, pp. 5-6.

<sup>69</sup> Ms Liz Hefren-Webb, Deputy Secretary, Families and Communities, Department of Social Services, *Committee Hansard*, Canberra, 7 September 2020, p. 13.

## Opportunities for improved coordination

- 3.83 This section considers some of the suggestions received in evidence for improved coordination in Australian governments' responses to FDSV.
- 3.84 The Committee notes that other evidence relating to coordination is discussed elsewhere in the report. In particular:
- a more coordinated approach to data collection, data reporting, and information sharing is discussed in Chapter 2;
  - a uniform national definition of FDSV is discussed in Chapter 2;
  - a more consistent national approach to risk assessment is discussed in Chapter 7; and
  - improving consistency in approaches to domestic violence orders is discussed in Chapter 8.

### Coordination mechanisms

- 3.85 Inter-governmental coordination on FDSV occurs through the National Federation Reform Council (NFRC) Taskforce on Women's Safety, which was established in May 2020 to continue the work of the former COAG Women's Safety Council.<sup>70</sup>
- 3.86 The Department of Social Services advised that women's safety ministers would continue to meet regularly while arrangements for the NFRC and the Taskforce were finalised.<sup>71</sup> The terms of reference for the Taskforce were endorsed by the NFRC on 11 December 2020 and the Taskforce held its first meeting on 14 December 2020. The terms of reference for the Taskforce were made available on the Department of the Prime Minister and Cabinet's website in early 2021.<sup>72</sup>
- 3.87 The Committee is also aware of other councils, forums, and working groups that have a role in advising and supporting governments in their response to FDSV and related matters, including the Women's Safety Senior Officials Group and the Council of Attorneys-General Family Violence Working Group.

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<sup>70</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 11.

<sup>71</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 11.

<sup>72</sup> Australian Government, 'Women's Safety Taskforce', <<https://www.pmc.gov.au/office-women/womens-safety-taskforce>>.

### *Effectiveness of current arrangements*

3.88 In its report on coordination and targeting of domestic violence funding and actions, the Auditor-General found that the roles and responsibilities for the implementation and monitoring of the National Plan are clear and fit-for-purpose for the cross-jurisdictional delivery of the National Plan.<sup>73</sup>

3.89 However, evidence to the inquiry indicated significant concern among stakeholders about a lack of effective coordination across jurisdictions in the broader response to FDSV.

3.90 For example, Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria submitted:

... there remains significant fragmentation and lack of clear governance and accountability mechanisms when it comes to cross-jurisdiction decision-making and leadership (both across states and territories, and between the federal and state and territory jurisdictions). There are many examples where the lack of consistency in message, ambiguity of role, and independent attempts at investment have resulted in gaps or conflicts in policy, legislation and system responses.<sup>74</sup>

3.91 It went on to argue that ‘a clear authorising environment is critical to the coordination and collaboration efforts across and between states, territories and national departments and portfolios’:

A forum such as the Women’s Safety Council must hold some decision-making powers to enable and promote coordination and be accountable for overseeing a shared and national approach to family violence and violence against women and children.<sup>75</sup>

3.92 The Australian Women Against Violence Alliance submitted there is ‘a lack of consistency and coordinated responses to all forms of violence against women and their children across states and territories’:

This is manifested through policy and legislation (for instance, there is a need to harmonise legislation on sexual assaults across states and territories, and to

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<sup>73</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, pp. 22-26.

<sup>74</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 17.

<sup>75</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 17.



harmonise state and federal child protection measures), working in ‘silos’ and differing levels of investment for prevention and response.<sup>76</sup>

3.93 Women’s Safety NSW submitted that ‘policy at the Commonwealth and state and territory level continues to be disjointed, with limited integration’:

Often, Commonwealth and state and territory responsibility is blurred, and there is confusion surrounding who is responsible for what. The Commonwealth government often references the responsibility of the states and territories in delivering services, yet is itself responsible for resourcing the National Plan and has a range of partnership agreements with state and territory governments in relation to the specific delivery of services ... whilst also directly funding and administering a range of services ... Further, there is the overlap between Commonwealth service agencies, such as Centrelink, the Child Support Agency, Medicare, and the Federal Courts, state and territory funded service agencies, such as health, child protection, housing, justice (police, courts and corrective services), and education and training, and the range of non-government services which make up the domestic and family violence support system.<sup>77</sup>

3.94 It also said that federally funded programs are not properly integrated with state and territory-based programs, ‘essentially creating gaps, inconsistency and duplication’.<sup>78</sup>

3.95 Our Watch emphasised the importance of coordinated actions and approaches across all prevention activities, but said that more work needed to be done:

... the last ten years has seen the establishment of some mechanisms to support coordination across different levels of government, designed to ensure consistency between legislative and policy reforms, programs, communications, campaigns and other prevention efforts. These are encouraging signs of steps towards building this element of prevention infrastructure. However, there is more work required to ensure that these mechanisms are able to coordinate and manage the complex work of undertaking the multi-level staged systems reforms required for the sustained, long-term prevention of violence against women.<sup>79</sup>

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<sup>76</sup> Australian Women Against Violence Alliance, *Submission 122*, p. 26.

<sup>77</sup> Women’s Safety NSW, *Submission 150*, p. 44.

<sup>78</sup> Women’s Safety NSW, *Submission 150*, p. 44.

<sup>79</sup> Our Watch, *Submission 48*, pp. 36-37. See also: Respect Victoria, *Submission 163*, p. 7.

3.96 Ms Kim Henderson from Our Watch elaborated on this point:

We've certainly got a more coordinated approach than when the national plan was developed and then when Our Watch was established, but we really need to build on that because we know that the Commonwealth government is responsible for many areas of policy that are critical for primary prevention, and so are the states and territories. That's across jurisdictions. So we really need a genuine national coordinated approach and a coordinating mechanism.<sup>80</sup>

3.97 Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria also stressed the importance of coordination and collaboration across prevention activities:

Governance mechanisms must include partnerships to 'join the dots' between state or territory-based prevention activities, and connection points to national initiatives. These must also include opportunities for civil society organisations working in prevention to inform and participate in policy development and coordination processes.<sup>81</sup>

### ***Proposals to improve coordination***

3.98 Several organisations argued for increased involvement of victim-survivors and specialist service providers in coordination mechanisms. For example, the Australian Women Against Violence Alliance submitted:

Stronger structures for coordination, including through the National Plan, need to be developed with transparency and inclusion of victim/survivors, civil society and specialist women's services service providers.<sup>82</sup>

3.99 It argued that 'meaningful and ongoing consultation and engagement with the civil society' should be embedded in the work of the Women's Safety Council (now the NFRC Taskforce on Women's Safety).<sup>83</sup> It also said that governments supporting specialist women's services involved not only providing adequate funding but also supporting meaningful structures to enable coordination across jurisdictions.<sup>84</sup>

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<sup>80</sup> Ms Kim Henderson, Director, Policy and Evaluation, Our Watch, *Committee Hansard*, Canberra, 7 September 2020, p. 21.

<sup>81</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, pp. 17-18.

<sup>82</sup> Australian Women Against Violence Alliance, *Submission 122*, p. 26.

<sup>83</sup> Australian Women Against Violence Alliance, *Submission 122*, p. 26.

<sup>84</sup> Australian Women Against Violence Alliance, *Submission 122*, p. 18.

- 3.100 Our Watch also recommended ‘increased formal, funded and transparent’ opportunities for effective civil society engagement in policy, including in the development of the next National Plan.<sup>85</sup>
- 3.101 Other suggestions were received to improve coordination in the context of the next National Plan. For example, ANROWS argued that ‘coordination across states and territories would be enhanced by the forthcoming National Plan having a clear focus on accountability for each jurisdiction’, in addition to measurable goals.<sup>86</sup>
- 3.102 Respect Victoria said the next National Plan should ‘ensure shared identification of priorities across and within jurisdictions, and the identification of a small number of specific priorities for intensive cross-jurisdictional effort over each three-four year implementation period’.<sup>87</sup>
- 3.103 No to Violence recommended that the next National Plan be established under the Intergovernmental Agreement on Federal Financial Relations, which it believed would assist in ensuring consistency in responses across jurisdictions.<sup>88</sup> At a public hearing, Mr Russell Hooper from No to Violence expanded on the rationale for this recommendation:

What it will do is create a conversation specifically around what is required to respond to family violence in every jurisdiction. That is a conversation that hasn't been had because each jurisdiction is doing things differently.

... the states and territories do their own thing, and the national plan has very limited influence in the way things are happening on the ground. So we think a coordinated approach where people define their patch will be useful in producing that accountability and hopefully increasing service provision.<sup>89</sup>

- 3.104 Ms Amy Prendergast from Respect Victoria also said that binding financial agreements could form part of a stronger governance framework:

Currently, there's a lot of goodwill around the national plan, but there's not a means to ensure that there's accountability and ongoing investment, particularly in primary prevention across the board. While it continues to be

<sup>85</sup> Our Watch, *Submission 48*, pp. 37, 54-55. See also: Women's Safety NSW, *Submission 150*, p. 48.

<sup>86</sup> Australia's National Research Organisation for Women's Safety, *Submission 132*, p. 11.

<sup>87</sup> Respect Victoria, *Submission 163*, p. 9.

<sup>88</sup> No to Violence, *Submission 199*, p. 18. See also: Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 16 October 2020, pp. 2-4.

<sup>89</sup> Mr Russell Hooper, Head of Advocacy, No to Violence, *Committee Hansard*, Canberra, 16 October 2020, pp. 3-4.

piecemeal and patchy, as the Victorian royal commission found, we're not going to see a change in outcomes.<sup>90</sup>

- 3.105 Ms Kate Jenkins, the Australian Sex Discrimination Commissioner, recommended that the National Cabinet establish an advisory panel on gender equity, in addition to retaining the Taskforce on Women's Safety:

Such a panel would feed expert voices on women's safety and economic security to government and create efficiencies and avoid duplication of efforts between jurisdictions.<sup>91</sup>

- 3.106 The Australian Human Rights Commission went into further detail in its submission:

Several states and territories have run inquiries into family and domestic violence, often following local tragedies. The Advisory Panel would be an effective tool to ensure that lessons learned in one inquiry are shared with all jurisdictions, and that responses are aligned. For instance, the Victorian Royal Commission into Family Violence, finalised in 2016, has many useful recommendations which could be progressed in all jurisdictions.<sup>92</sup>

- 3.107 Some submitters referred to the Victorian Government's efforts to address the fragmentation identified by the Royal Commission into Family Violence, and said that lessons from that experience could inform efforts at the national level. For example, Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria explained:

The Royal Commission into Family Violence (RCFV) found that despite clear policy intent, responsibility for family violence remained fragmented and diffused across government departments and agencies. It also identified that the lack of accountability, oversight and shared goals led to gaps in policy and investment. These key lessons have since influenced Victoria's revitalised efforts to design and implement a coordinated and consistent system response to family violence.<sup>93</sup>

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<sup>90</sup> Ms Amy Prendergast, Director, Strategy, Policy and Planning, Respect Victoria, *Committee Hansard*, Canberra, 18 September 2020, p. 45. See also: Respect Victoria, *Submission 163*, pp. 7-8.

<sup>91</sup> Ms Kate Jenkins, Sex Discrimination Commissioner, Australian Human Rights Commission, *Committee Hansard*, Canberra, 7 September 2020, p. 42.

<sup>92</sup> Australian Human Rights Commission, *Submission 16*, p. 7.

<sup>93</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 16.

### 3.108 It went on:

Reform at this level requires significant whole-of-government planning and expert project management, taking into consideration sequencing of activities, coordination of implementation, and ongoing risk management. It also requires a willingness to adapt to the emerging environment, ability to take on feedback and advice from experts (including victim-survivors and advocates), capacity to implement recommendations from evaluation findings to modify course and acceptance of responsibility when mistakes have been made.<sup>94</sup>

### 3.109 In its submission, the Victorian Government stressed the importance of an integrated approach:

Family violence is often complicated by multiple socioeconomic issues such as involvement with the justice system, housing insecurity, financial pressures, substance abuse and other health comorbidities. An integrated services response is crucial to ensure problems are not siloed, particularly where risk-relevant information that could inform risk assessments is located across jurisdictions, and under different legislative frameworks and service systems.<sup>95</sup>

### 3.110 A number of witnesses were asked about the merits of establishing a national commissioner for FDSV, which could have as one of its responsibilities improving coordination and consistency. This evidence is discussed later in this chapter.

## Monitoring and evaluation

### 3.111 This section considers evidence on the monitoring and evaluation of the National Plan and its constituent actions plans, followed by evidence on the monitoring and evaluation of individual FDSV programs and services.

### 3.112 The Committee notes that other evidence relating to evaluation is discussed elsewhere in the report. In particular on:

- evaluation of programs relating to Aboriginal and Torres Strait Islander peoples is discussed in Chapter 5;
- evaluation of primary prevention initiatives is discussed in Chapter 6; and
- evaluation of perpetrator interventions is discussed in Chapter 7.

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<sup>94</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 16.

<sup>95</sup> Victorian Government, *Submission 182*, p. 17.

## Monitoring and evaluation of the National Plan

### *Findings of the Auditor-General's report*

- 3.113 In its report on coordination and targeting of domestic violence funding and actions, the Auditor-General considered whether monitoring and reporting of performance for the National Plan was effective.
- 3.114 The Auditor-General noted that the Department of Social Services is the lead Australian Government entity responsible for monitoring implementation of the National Plan, and found that 'appropriate administrative arrangements' were in place to monitor progress against the Australian Government's commitments under the plan.<sup>96</sup>
- 3.115 With respect to evaluation, the Auditor-General noted that the National Plan specifies that an evaluation would be conducted at the conclusion of each three-year Action Plan, and that a report would be produced at the end of the life of the plan to review its achievements and set future policy directions.<sup>97</sup>
- 3.116 It also noted that an evaluation plan was agreed by women's safety ministers and was released in June 2014, coinciding with the release of the Second Action Plan.<sup>98</sup>
- 3.117 However, the Auditor-General found that while the evaluations of the second and third actions plans had been completed or were planned, these did 'not sufficiently focus on assessing the achievement of outcomes'. The Auditor-General highlighted a lack of data to support evaluations:

The Third Action Plan evaluation methodology proposes assessing the contribution of this plan to the National Plan outcomes, but without robust data, is unlikely to achieve this purpose.

The quality of data and assessment of the impacts of actions undertaken across jurisdictions need to be improved to support outcome-focused action plan

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<sup>96</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, p. 10.

<sup>97</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, pp. 52-53. See also: Commonwealth of Australia, *National Plan to Reduce Violence against Women and their Children 2010–2022*, pp. 33-34.

<sup>98</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, p. 53; See also: Australian Government, *National Plan to Reduce Violence against Women and their Children 2010–2022: Evaluation Plan*, 2014.

evaluations. Without these improvements, the overall achievements of the National Plan will not be able to be fully assessed.<sup>99</sup>

3.118 The Auditor-General also found that annual progress reporting did ‘not provide a sufficient level of information for public transparency and accountability’.<sup>100</sup>

3.119 The Auditor-General’s recommendations included that the Department of Social Services work with states and territories to plan evaluations of individual services and programs to inform an outcome evaluation of the Fourth Action Plan, and that public annual progress reports for the Plan document the status of each action item and the outcomes of the National Plan as a whole. The Department agreed to the recommendations.<sup>101</sup>

### *Australian Government evaluation*

3.120 In evidence to the present inquiry, the Department of Social Services advised that a ‘comprehensive’ evaluation of the National Plan, incorporating the Fourth Action Plan, was in development, and that:

To support this evaluation, a performance monitoring and reporting framework is being developed, in consultation with state and territory governments.<sup>102</sup>

3.121 Representatives of the Department advised that KMPG had been engaged to undertake the evaluation, with an interim report due in the second half of 2021.<sup>103</sup>

3.122 They also advised that the government evaluated individual programs funded under the National Plan—including national initiatives such as

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<sup>99</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, p. 10.

<sup>100</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, p. 10.

<sup>101</sup> Australian National Audit Office, *Auditor-General Report No. 45 2018–19 Coordination and Targeting of Domestic Violence Funding and Actions*, pp. 10-11.

<sup>102</sup> Department of Social Services (multi-agency submission), *Submission 71*, pp. 15, 47.

<sup>103</sup> Ms Liz Hefren-Webb, Deputy Secretary, Families and Communities, Department of Social Services, *Committee Hansard*, Canberra, 7 September 2020, p. 12; Ms Greta Doherty, Branch Manager, Family Safety, Department of Social Services, *Committee Hansard*, Canberra, 4 December 2020, p. 5.

Our Watch and DV-alert—and that some trials and pilot projects had been discontinued.<sup>104</sup>

- 3.123 Ms Liz Hefren-Webb from the Department said that the complex nature of the National Plan—with ‘multiple activities across multiple levels of government’—made evaluation ‘quite tricky’. She then went on to elaborate on some of the challenges involved in evaluation more generally:

I think, over all, evaluation is the thing that is sometimes a bit of an afterthought. It doesn't always necessarily factor into our thinking as much as it should. It's a complex area. You're doing interviews with very vulnerable people. There are a lot of ethics considerations about interviewing people, talking about this very difficult traumatising, sensitive moment in their life. So, it's not an easy area to evaluate but I agree with you: we could be doing better.<sup>105</sup>

### *Proposals to improve evaluation*

- 3.124 Evidence from other stakeholders highlighted concerns about evaluation processes included in the first National Plan, and included suggestions for more rigorous monitoring and evaluation in the next National Plan.
- 3.125 The Australian Women Against Violence Alliance (AWAVA) said that it was concerned about the lack of broader consultation and feedback on the National Plan. As an example, it noted that the evaluation of the Second Action Plan was released six months after the Third Action Plan commenced.<sup>106</sup>
- 3.126 Women's Safety NSW said that evaluations of the action plans had not been undertaken or not published, and that there were limited opportunities for open and transparent feedback on the plan from the community.<sup>107</sup>
- 3.127 Women's Safety NSW also referred to an evaluation of the Third Action Plan by the Australian Institute of Family Studies (AIFS).<sup>108</sup> In outlining the challenges and limitations of the evaluation, the AIFS noted:

<sup>104</sup> Ms Liz Hefren-Webb, Deputy Secretary, Families and Communities, Department of Social Services, *Committee Hansard*, Canberra, 4 December 2020, p. 9; Mr Brenton Philp, Group Manager, Families, Department of Social Services, *Committee Hansard*, Canberra, 4 December 2020, p. 9.

<sup>105</sup> Ms Liz Hefren-Webb, Deputy Secretary, Families and Communities, Department of Social Services, *Committee Hansard*, Canberra, 7 September 2020, p. 12.

<sup>106</sup> Australian Women Against Violence Alliance, *Submission 122*, p. 27.

<sup>107</sup> Women's Safety NSW, *Submission 150*, p. 46.



- the absence of a central, comprehensive source of information about what actions have been implemented;
- challenges in assessing which activities or outcomes were attributable to the Third Action Plan and which were part of broader responses to violence against women and their children;
- limited opportunities to assess whether the program of work under the Third Action Plan is making a concrete contribution to the National Plan's measures of success or indicators of change; and
- a lack of available or relevant outcomes data pertaining to individual actions or programs undertaken under the Third Action Plan, which hindered assessment of the effectiveness of specific actions or priority areas as a whole.<sup>109</sup>

3.128 AWAVA argued there was a need for a robust monitoring and evaluation system to be embedded in the next National Plan:

A robust monitoring and evaluation mechanism must be in place to allow 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.<sup>110</sup>

3.129 AWAVA said that evaluation should be transparent, accountable, and consultative with 'ongoing provisions for the incorporation of civil society, experts, victim/survivors and peak bodies'. It also recommended provision for the evaluation of all initiatives funded under the plan, with this ideally being built in to program design.<sup>111</sup>

3.130 Good Shepherd Australia New Zealand recommended the establishment of an 'independent multi-sectoral monitoring and evaluation mechanism, which incorporates accountability and governance—and which is focused on outcomes'. It suggested the mechanism should aim to:

- improve consistency of data;
- assess the performance of the FDSV system as a whole; and
- provide a mechanism for monitoring and evaluation to be informed by input from victim-survivors.<sup>112</sup>

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<sup>108</sup> Women's Safety NSW, *Submission 150*, p. 46.

<sup>109</sup> Australian Institute of Family Studies, *Process evaluation of the Third Action Plan 2016–19*, 2019, p. 8.

<sup>110</sup> Australian Women Against Violence Alliance, *Submission 122*, pp. 27-28.

<sup>111</sup> Australian Women Against Violence Alliance, *Submission 122*, p. 28.

<sup>112</sup> Good Shepherd Australia New Zealand, *Submission 49*, p. 54.

- 3.131 In discussing the recommendation for a for-purpose monitoring and evaluation body, Dr Madeleine Ulbrick from Good Shepherd Australia New Zealand stressed the importance of monitoring and evaluation occurring in an ongoing way to enable continuous improvement, and it being done with an understanding of the complexity of FDSV.<sup>113</sup>
- 3.132 Respect Victoria submitted that the next National Plan should ‘include and require robust monitoring, evaluation, learning systems and data sharing agreements between jurisdictions in a comprehensive framework to support and drive uptake of evidence-based programming and activity’.<sup>114</sup>
- 3.133 The Monash Gender and Family Violence Prevention Centre said that data generated through research and evaluation is ‘largely siloed, archived on a project by project basis, and has not been coordinated or collated in any centralised way’.<sup>115</sup>
- 3.134 It argued for a coordinated and systemic approach to data collection, which would ensure ‘that the impacts of the government’s commitment in this space can be accurately measured’:

The Australian Government must invest in building and coordinating the data necessary to monitor, measure and evaluate the impact of national and state level reforms in practice. The next national plan provides an opportunity to [do] this.<sup>116</sup>

- 3.135 Further evidence on data collection is discussed in Chapter 2.

## **Evaluation of programs and services**

- 3.136 A number of witnesses and submitters expressed concern about current funding arrangements for the evaluation of individual programs and services, which they said were insufficient, piecemeal, or short term.

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<sup>113</sup> Dr Madeleine Ulbrick, Senior Policy Adviser, Good Shepherd Australia New Zealand, *Committee Hansard*, Canberra, 17 November 2020, pp. 47-48.

<sup>114</sup> Respect Victoria, *Submission 163*, pp. 8-9. See also: Ms Tracey Gaudry, Chief Executive Officer, Respect Victoria, *Committee Hansard*, Canberra, 18 September 2020, pp. 45-46.

<sup>115</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 11. See also: Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 14.

<sup>116</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 11.

3.137 Dr Jonathon Louth from the University of South Australia and Centacare Catholic Family Services told the Committee:

What you'll often find is that within the tender process for organisations is that there isn't a significant allocation for evaluation. One of the most significant blockages you'll get is that sector wide, whether it's state, territory or federal government, there's a push for evaluation and understanding that evaluation needs to be done without appropriately funding it.<sup>117</sup>

3.138 Dr Louth stressed that evaluation should be done both quantitatively and qualitatively, and that evaluation requires talking and listening, which takes time and therefore needs to be accounted for in a program's funding.<sup>118</sup>

3.139 Similarly, Ms Renata Field from Domestic Violence NSW said:

First and foremost, I think most of the gaps around evaluation occur because there is simply not enough funding. And the funding for the evaluation needs to be built in from the very beginning.<sup>119</sup>

3.140 Ms Field also noted that funding from different sources can be linked to different reporting and evaluation requirements.<sup>120</sup>

3.141 Speaking about prevention programs and activities, Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria argued that a 'piecemeal approach to program funding continues to constrain our evidence-building capacity':

... opportunities to successfully embed prevention activities are limited and result in predominately narrowly-focused evaluations which have limited ability to contribute to longer-term impact evaluation.<sup>121</sup>

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<sup>117</sup> Dr Jonathon Louth, Adjunct, The Australian Alliance for Social Enterprise, University of South Australia; Executive Manager, Strategy, Research and Evaluation, Centacare Catholic Family Services, *Committee Hansard*, Canberra, 13 October 2020, p. 43.

<sup>118</sup> Dr Jonathon Louth, Adjunct, The Australian Alliance for Social Enterprise, University of South Australia; Executive Manager, Strategy, Research and Evaluation, Centacare Catholic Family Services, *Committee Hansard*, Canberra, 13 October 2020, p. 43.

<sup>119</sup> Ms Renata Field, Research and Policy Manager, Domestic Violence NSW, *Committee Hansard*, Canberra, 18 September 2020, p. 21.

<sup>120</sup> Ms Renata Field, Research and Policy Manager, Domestic Violence NSW, *Committee Hansard*, Canberra, 18 September 2020, p. 21.

<sup>121</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 38.

The organisations also explained that there is limited support available to assist professionals and organisations to undertake robust project and impact evaluations.<sup>122</sup>

3.142 Women’s Safety NSW submitted that there are limited published evaluations on women’s safety initiatives, and those that are published are often not conducted by an independent body.<sup>123</sup>

3.143 Relationships Australia highlighted what it described as an ‘over-reliance’ on short-term trials and pilot programs. Among other concerns with this approach, it noted that evaluation is limited to a short period:

... which substantially diminishes the potential for sound data to be collected and evaluated to establish whether the piloted service was, or could with more time or modifications or both, be effective.<sup>124</sup>

3.144 A similar point was made by Dr Naomi Pfitzner from the Monash Gender and Family Violence Prevention Centre:

I think in terms of gender equality interventions and primary preventions , the evidence base in Australia is unfortunately quite underdeveloped, and often these pilot programs are only funded for a very short period of time. That means that we're limited in the evidence that we can draw from those programs, particularly I think in terms of changing attitudes and behaviour over the long term. We need to resource evaluations to track behaviour and attitude change beyond just the length of the program...<sup>125</sup>

3.145 Relationships Australia submitted that ‘even positively evaluated and successful pilots are discontinued’.<sup>126</sup> The Committee heard similar concerns from other witnesses about pilot programs not receiving further funding to scale up despite having a positive evaluation.<sup>127</sup>

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<sup>122</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 14.

<sup>123</sup> Women’s Safety NSW, *Submission 150*, p. 46.

<sup>124</sup> Relationships Australia, *Submission 27*, pp. 32-33.

<sup>125</sup> Dr Naomi Pfitzner, Postdoctoral Research Fellow, Monash Gender and Family Violence Prevention Centre, *Committee Hansard*, Canberra, 8 September 2020, pp. 15-16.

<sup>126</sup> Relationships Australia, *Submission 27*, p. 32. See also: Dr Susan Cochrane, National Policy Manager, Relationships Australia, *Committee Hansard*, Canberra, 18 September 2020, p 33.

<sup>127</sup> For example, see: Ms Kim Henderson, Director, Policy and Evaluation, Our Watch, *Committee Hansard*, Canberra, 7 September 2020, p. 21; Ms Maria Graterol, Engagement Manager, Community Legal Centres Australia, *Committee Hansard*, Canberra, 17 September 2020, pp. 12-13.

3.146 Ms Karen Bentley from the Women's Services Network (WESNET), the national peak body for specialist women's family and domestic violence services, suggested that evaluations are often not published, making it difficult to determine whether new approaches are effective:

We can have multiple pilots and interventions and things like that, but we must understand whether they're effective before we pour more money into them.<sup>128</sup>

3.147 Representatives of Domestic Violence NSW said that consistent national standards for family and domestic violence services would assist in ensuring that evaluation was done consistently across different projects:

... it would be really good as part of this work if we consider accredited standards for our sector so that we can deliver high quality services and that we are unified and coordinated in that. Then I think that will help better inform evaluation.<sup>129</sup>

They also said that victim-survivors should be included in the evaluation process.<sup>130</sup>

3.148 Speaking about behaviour change programs, Mr Nicholas Glauser from Mens Outreach Service Aboriginal Corporation, said there was no agreed measure of success across the sector:

One of the barriers that we run into is that people want that evidence, obviously, to fund us. That's one of the major barriers that we have: if you ask for evidence but there is actually no recognised way to provide that evidence.<sup>131</sup>

3.149 Dr Heather Nancarrow, Chief Executive Officer of ANROWS, described the adverse impact of short-term funding for research on understanding 'what works':

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<sup>128</sup> Ms Karen Bentley, Chief Executive Officer, Women's Services Network (WESNET), *Committee Hansard*, Canberra, 8 September 2020, p. 48. See also: WESNET, *Submission 102*, pp. 13-14.

<sup>129</sup> Ms Renata Field, Research and Policy Manager, Domestic Violence NSW, *Committee Hansard*, Canberra, 18 September 2020, p. 21; Ms Delia Donovan, Interim Chief Executive Officer, Domestic Violence NSW, *Committee Hansard*, Canberra, 18 September 2020, p. 21.

<sup>130</sup> Ms Renata Field, Research and Policy Manager, Domestic Violence NSW, *Committee Hansard*, Canberra, 18 September 2020, p. 21.

<sup>131</sup> Mr Nicholas Glauser, Program Facilitator, Change Em Ways, Mens Outreach Service Aboriginal Corporation, *Committee Hansard*, 15 October 2020, p. 30. See also: Ms Sarah Macnee, Chief Operating Officer, Mens Outreach Service Aboriginal Corporation, *Committee Hansard*, 15 October 2020, p. 30.

... it's very difficult to design a program of research, particularly when we're trying to understand, for example, the efficacy of men's behaviour change programs. In order to do that sort of work, you need a long-term commitment of funding.<sup>132</sup>

3.150 Dr Nancarrow explained that to date ANROWS has been required to design and deliver its research program based on relatively short (between two and four year) funding cycles. She underscored the need for funding certainty over a longer period to support more rigorous research:

... if you're wanting to look at rigorous research that can quantify what works in what circumstances, you certainly can't be delivering a program within a 15-month period or even a three-year period. ANROWS needs to be established with long-term, continuing funding—obviously subject to satisfactory performance. But there should be a degree of continuity so that it's not time frames that are driving the research design and the methodology and so on. Rather, they should be driven by the nature of the problem that we're trying to address and what methodology is required to get a rigorous result from research to inform policy and practice.<sup>133</sup>

3.151 Djirra, an Aboriginal Community Controlled Organisation, recommended 'Aboriginal-led evaluation' for programs and services in Aboriginal and Torres Strait Islander communities.<sup>134</sup> This is discussed in further detail in Chapter 5.

3.152 Other evidence highlighted the importance of having more consistent data collection to support monitoring and evaluation. For example, the Australian Institute and Health and Welfare submitted:

In the long term, improved data on FDSV in administrative data sets, and greater data linkage will support further policy development and service monitoring and evaluation...<sup>135</sup>

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<sup>132</sup> Dr Heather Nancarrow, Chief Executive Officer, Australia's National Research Organisation for Women's Safety, *Committee Hansard*, Canberra, 8 September 2020, p. 4.

<sup>133</sup> Dr Heather Nancarrow, Chief Executive Officer, Australia's National Research Organisation for Women's Safety, *Committee Hansard*, Canberra, 8 September 2020, p. 4.

<sup>134</sup> Djirra, *Submission 106*, pp. 22-23.

<sup>135</sup> Australian Institute and Health and Welfare, *Submission 24*, p. 10. See also: Monash Gender and Family Violence Prevention Centre, *Submission 55*, pp. 6, 11.

3.153 ANROWS said there is ‘an urgent need for better evaluation data to assess the effectiveness of current service responses and prevention activities’:

That is, all program funding must include a standard evaluation component to enable future systematic reviews to identify “what works”.<sup>136</sup>

## **A national commissioner for family, domestic and sexual violence**

3.154 As noted above, a number of witnesses were asked about the merits of establishing a national commissioner for FDSV, which could spearhead improved coordination and consistency across jurisdictions, and enhance monitoring and evaluation.

3.155 Associate Professor Kate Fitz-Gibbon from the Monash Gender and Family Violence Prevention Centre said the establishment of a national commissioner could be an indication of the seriousness with which Australia takes family violence.<sup>137</sup> However, she said the ‘key to making any position like that effective would be to ensure that it is resourced to support a whole-of-system response’:

Certainly, no one person is going to be able to achieve this, no matter their title. What sits below that position will be absolutely key to the effectiveness of it.<sup>138</sup>

3.156 Ms Watt from No to Violence said a commissioner ‘needs to have a bit of teeth’:

We think it needs to have a bit of teeth if it's going to really have merit around measuring improvements and being able to report annually to the government on data, on what's actually being done here. ... if a national commissioner could really set some benchmarks, set some targets for improvement and make sure that is considered in the context of full family safety, we would welcome that and we would want that.<sup>139</sup>

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<sup>136</sup> Australia’s National Research Organisation for Women’s Safety, *Submission 132*, pp. 27-28.

<sup>137</sup> Associate Professor Kate Fitz-Gibbon, Director, Monash Gender and Family Violence Prevention Centre, *Committee Hansard*, Canberra, 8 September 2020, p. 10.

<sup>138</sup> Associate Professor Kate Fitz-Gibbon, Director, Monash Gender and Family Violence Prevention Centre, *Committee Hansard*, Canberra, 8 September 2020, p. 15.

<sup>139</sup> Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 18 November 2020, p. 16.

- 3.157 Mr Hooper also from No to Violence suggested a commissioner could oversee collection of funding information and other data, similar to what the Productivity Commission provides in its annual *Report on Government Services*, which he said was ‘critical’ in other social sectors.<sup>140</sup>
- 3.158 While noting that it was a matter for government, a representative of the Attorney-General’s Department said it would be important for any national commissioner not to duplicate or interfere with any existing coordination mechanisms.<sup>141</sup>
- 3.159 The Committee had the benefit of seeking views on the concept of a national commissioner from two officials in broadly comparable roles: the Sex Discrimination Commissioner, Ms Kate Jenkins; and the Chief Executive Officer of the National Mental Health Commission and National Suicide Prevention Adviser to the Prime Minister, Ms Christine Morgan.
- 3.160 Ms Jenkins said that coordination had been a challenge in the first National Plan, and agreed that it was worth considering a mechanism such as national commissioner in the next National Plan to reduce fragmentation and improve coordination across the sector. She said that in her position she received ‘incredible cooperation and coordination’.<sup>142</sup>
- 3.161 Ms Morgan said that the benefit of the position of National Suicide Prevention Adviser to the Prime Minister was creating the opportunity to consider suicide prevention from a whole-of-government perspective, separate to the broader issue of mental health:

It enables and legitimises a much more nuanced conversation and opportunity for review and reflection on recommendations when issues can be identified. Similarly to narrowing in on specific vulnerable groups in suicide such as veterans and serving defence personnel, there is benefit in looking at specific issues and specific cohorts.<sup>143</sup>

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<sup>140</sup> Mr Russell Hooper, Head of Advocacy, No to Violence, *Committee Hansard*, Canberra, 18 November 2020, p. 16.

<sup>141</sup> Mr Iain Anderson, Deputy Secretary, Legal Services and Families Group, Attorney-General’s Department, *Committee Hansard*, Canberra, 17 September 2020, pp. 29-30.

<sup>142</sup> Ms Kate Jenkins, Sex Discrimination Commissioner, Australian Human Rights Commission, *Committee Hansard*, Canberra, 7 September 2020, p. 44.

<sup>143</sup> Ms Christine Morgan Chief Executive Officer, National Mental Health Commission, *Committee Hansard*, Canberra, 4 December 2020, p. 15.



- 3.162 She said there was benefit in putting a 'specific lens' on issues such as FDSV which she said cross over 'so many different portfolios and lever points of government'.<sup>144</sup>
- 3.163 When asked by the Committee, Ms Louise York from the Australian Institute of Health and Welfare agreed that a national commissioner could have a useful role in collecting and reviewing information and advocating on behalf of victim-survivors. She said this could be similar to the work of the National Children's Commissioner and state and territory children's commissioners.<sup>145</sup>
- 3.164 Others suggested alternatives to a commissioner. For example, Ms Tania Farha from Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria said there was value in having an 'independent voice' on the prevention and response to family and domestic violence.<sup>146</sup> However, in a supplementary submission, her organisation recommended that, rather than establishing a new commissioner, 'the remit of the existing Commissioners within the Australian Human Rights Commission all explicitly include monitoring family, domestic and sexual violence'.<sup>147</sup>
- 3.165 Ms Hayley Foster from Women's Safety NSW said she thought there would be more support in the sector for a national peak body, rather than a commissioner, and that a peak body would be a more effective accountability measure:
- If you have a national peak it's going to be independent and it's going to be grassroots. You'll never have a worry about it being independent, about having a captain's pick from government just sort of keeping everything kind of under wraps and being a bit lacklustre. You're never going to have that because you will have domestic violence agencies, thousands of them across the country, being held to account, to be honest about the real issues.<sup>148</sup>

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<sup>144</sup> Ms Christine Morgan Chief Executive Officer, National Mental Health Commission, *Committee Hansard*, Canberra, 4 December 2020, p. 15.

<sup>145</sup> Ms Louise York, Head, Community Services Group, Australian Institute of Health and Welfare, *Committee Hansard*, Canberra, 7 September 2020, p. 34.

<sup>146</sup> Ms Tania Farha, Chief Executive Officer, Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Committee Hansard*, Canberra, 17 September 2020, p. 3.

<sup>147</sup> Domestic Violence Victoria, *Submission 147.1*, p. 2.

<sup>148</sup> Ms Hayley Foster, Chief Executive Officer, Women's Safety NSW, *Committee Hansard*, Canberra, 18 September 2020, p 18.

- 3.166 In its submission, Women’s Safety NSW recommended that the Australian Government, in partnership with states and territories, establish a representative, member-based national peak body for women’s safety ‘so as to support the best possible policy and law reform and accountability for progress’ at the federal level.<sup>149</sup>
- 3.167 The Committee is also aware of existing bodies at the state and territory level that could inform consideration of a possible national commissioner – in particular, the Family Violence Reform Implementation Monitor in Victoria and the Coordinator-General for Family Safety in the ACT. These are discussed briefly below.

### **Victorian Family Violence Reform Implementation Monitor**

- 3.168 The Family Violence Reform Implementation Monitor (FVRIM) was formally established in 2017 as an independent statutory officer of the Victorian Parliament following the release of the report of the Royal Commission into Family Violence in 2016.<sup>150</sup>
- 3.169 The FVRIM is responsible for monitoring and reviewing how effective the Victorian Government and its agencies are in implementing Victoria’s *Ending Family Violence – Victoria’s Plan for Change* reform program, a 10-year plan encompassing the Royal Commission’s 227 recommendations, along with outcomes, and initial targets.<sup>151</sup>
- 3.170 The FVRIM is required to table an annual report to the Victorian Parliament on the progress of the reforms each year from 2017 to 2020.<sup>152</sup>
- 3.171 In performing its role, the FVRIM uses information gathered from consultations with government agency staff, consultations with community groups and victim-survivor support groups, attendance at key governance

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<sup>149</sup> Women’s Safety NSW, *Submission 150*, p. 235.

<sup>150</sup> Family Violence Reform Implementation Monitor, *Report of the Family Violence Reform Implementation Monitor as at 1 November 2019*, p. 3.

<sup>151</sup> Family Violence Reform Implementation Monitor, *Report of the Family Violence Reform Implementation Monitor as at 1 November 2019*, p. 59; Victorian Government, *Submission 182*, p. 10. See also: Victorian Government, *Ending family violence - Victoria’s 10-year plan for change*.

<sup>152</sup> Family Violence Reform Implementation Monitor, *Report of the Family Violence Reform Implementation Monitor as at 1 November 2019*, p. 59.

and advisory committee meetings, and a review of documentation from implementation agencies and government bodies.<sup>153</sup>

3.172 The submission from the Victorian Government also referred to other accountability measures, including: the Victim Survivors' Advisory Council, which enables people with lived experiences of violence to contribute to family violence reform; and the Dhelk Dja Partnership Forum, which brings together Aboriginal community leaders and Victorian Government partners.<sup>154</sup>

### **ACT Coordinator-General for Family Safety**

3.173 The ACT Coordinator-General for Family Safety is a non-statutory position established in 2016 to provide strategic leadership and drive whole-of-government collaboration and coordination for the ACT response to family and domestic violence.<sup>155</sup>

3.174 The Coordinator-General is supported by the Office of the Coordinator-General for Family Safety, which is part of the ACT Community Services Directorate, and reports to the Minister for the Prevention of Domestic and Family Violence.<sup>156</sup>

3.175 In its submission, the ACT Government explained that the Coordinator-General's work includes:

- creating and fostering relationships and collaboration between government, non-government and business sectors to improve how support services and systems are delivered;
- bringing people together to identify and test new responses;
- providing strategic policy analysis and advice;
- overseeing the development, coordination, implementation and reporting of government responses to relevant recommendations, strategies, inquiries and plans; and
- driving cultural and attitudinal change.<sup>157</sup>

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<sup>153</sup> Family Violence Reform Implementation Monitor, *Report of the Family Violence Reform Implementation Monitor as at 1 November 2019*, p. 61.

<sup>154</sup> Victorian Government, *Submission 182*, pp. 9-10.

<sup>155</sup> ACT Government, *Submission 146*, p. 4; Ms Kirsty Windeyer, Coordinator-General, Family Safety, ACT Government, *Committee Hansard*, Canberra, 4 December 2020, p. 38.

<sup>156</sup> ACT Government, *Submission 146*, p. 4; Ms Kirsty Windeyer, Coordinator-General, Family Safety, ACT Government, *Committee Hansard*, Canberra, 4 December 2020, p. 38.

<sup>157</sup> ACT Government, *Submission 146*, p. 4.

3.176 At a public hearing, the current Coordinator-General, Ms Kirsty Windeyer, told the Committee that various aspects of her role could be translated to an equivalent model at the national level. She said there was a leadership component to her role:

... to ensure that the different aspects, services and agencies who are involved in or touch domestic and family violence ...coordinate and talk to each other and we are leading and moving towards a more integrated response.<sup>158</sup>

3.177 Ms Windeyer also explained that her work involves reviewing data and evidence (including from other jurisdictions) to identify emerging issues and best-practice responses:

An example of that in the ACT is that at the moment some other jurisdictions have models, like Victoria, where they have The Orange Door model and the collocation of agencies. The advantage we have in the ACT is that we can look at that, we can look at the evaluations coming out of those models, see whether or not it really is making a difference to people who are experiencing violence...<sup>159</sup>

## Committee comment

3.178 It is clear to the Committee that governments across Australia have made significant progress in the past decade in working together more effectively in their collective response to FDSV.

3.179 But the strong message in evidence to the inquiry is that coordination is still lacking in many areas, resulting in missed opportunities to prevent and respond to violence, duplicative or contradictory approaches, and ultimately worse outcomes for victim-survivors.

### *Local government*

3.180 Preventing and responding to FDSV requires a response across all levels of government.

3.181 The Committee acknowledges the significant role that local government has had to date in this effort. However, local government associations were clear

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<sup>158</sup> Ms Kirsty Windeyer, Coordinator-General, Family Safety, ACT Government, *Committee Hansard*, Canberra, 4 December 2020, p. 37.

<sup>159</sup> Ms Kirsty Windeyer, Coordinator-General, Family Safety, ACT Government, *Committee Hansard*, Canberra, 4 December 2020, pp. 37-38.

and unanimous in advocating that, with appropriate support, councils are willing and able to have a more active role.

- 3.182 The Committee shares the view there is potential for much greater involvement of local government, particularly in prevention and early intervention initiatives, and also notes the reach that local government has into regional, rural, and remote communities, which are not always well served by other service providers.
- 3.183 The Committee's view is that local government should be represented on the National Federation Reform Council Taskforce on Women's Safety, and that local government should have a seat at the table in the development and implementation of the next National Plan.
- 3.184 The Committee also accepts that councils need to be supported to have a more active role. The Committee considers that funding for a dedicated family and domestic violence policy officer in every state and territory local government association is a cost-effective measure that will assist all councils to implement new initiatives to prevent and respond to violence. Further work should also be done to determine what other resources, including additional funding, should be provided to assist councils.

### **Recommendation 15**

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- 3.185 **The Committee recommends that the Australian Government seek the agreement of state and territory governments to make a representative of the Australian Local Government Association a member of the National Federation Reform Council Taskforce on Women's Safety.**

### **Recommendation 16**

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- 3.186 **The Committee recommends that the Australian Government and state and territory governments directly involve local government in the development and implementation of the next National Plan. If not achieved through the Australian Local Government Association's (ALGA) membership on the National Federation Reform Council Taskforce on Women's Safety, another appropriate mechanism should be utilised to facilitate ALGA's engagement.**

### **Recommendation 17**

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- 3.187 **The Committee recommends that the Australian Government and each state and territory government co-fund on a 50-50 basis a dedicated family**

**and domestic violence policy officer in each state and territory local government association for an initial period of five years.**

**In addition, the Australian Government and state and territory governments should work with the Australian Local Government Association to consider whether additional resources are required to assist individual local governments to have a more active role in preventing and responding to family, domestic and sexual violence, and to implement the *Prevention toolkit for local government*.**

### *Funding allocation*

- 3.188 The Committee recognises the significant level of expenditure by all Australian governments on preventing and responding to FDSV. The Committee also acknowledges the view of some stakeholders that current funding levels are not commensurate to the task.
- 3.189 In considering the issue of funding, the Committee was particularly interested in the experience in Victoria, where the Victorian Government has invested \$2.91 billion over the five years to 2019-20 to implement the 227 recommendations of the Royal Commission into Family Violence.
- 3.190 The Committee acknowledges that the reforms in Victoria are still underway, and it also acknowledges that reducing the prevalence of FDSV will not happen overnight. The Committee also notes evidence that the Victorian Government's commitment is beginning to result in better and more services being available to victim-survivors.
- 3.191 However, the Committee considers that investment in preventing and responding to FDSV should be clearly linked to outcomes, and in particular a reduction in the prevalence of FDSV. Governments' progress should not simply be measured by money spent.
- 3.192 In this regard, evidence from Victoria about the effectiveness of investment in reducing rates of FDSV will be critical in informing future funding decisions by all Australian governments.
- 3.193 The Committee is concerned that state and territory government expenditure is not always visible to the Australian Government, and that funding across jurisdictions may not be sufficiently aligned. The Committee is also concerned to see greater transparency and accountability with respect to government expenditure.

- 3.194 Evidence to this inquiry has included suggestions for binding financial agreements for the establishment of the next National Plan under the Intergovernmental Agreement on Federal Financial Relations. The Committee is not convinced of the merits of these suggestions, but does accept the principle that improved coordination and accountability can be achieved through clearer funding arrangements between the Australian Government and state and territory governments.
- 3.195 To this end, the Committee recommends that funding provided by the Australian Government to states and territories be linked to a requirement for those governments to provide greater transparency about their own expenditure on related programs and services.
- 3.196 Furthermore, state and territory governments should be required to fund programs within their own jurisdictions on an agreed minimum ratio basis of any funding provided by the Australian Government.
- 3.197 In addition, the Committee is concerned to see that government expenditure is directed to where there is the most need. When providing funding for programs and services, the Australian Government should not look to simply allocate these funds to states and territories on a per capita basis. This approach fails to take into account the relatively high prevalence of FDSV in particular jurisdictions such as the Northern Territory.
- 3.198 Instead, it is the Committee's view that a needs-based funding methodology should be developed to account for differences in the nature and prevalence of FDSV in different communities across Australia.

## **Recommendation 18**

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- 3.199 The Committee recommends that the next National Plan include a commitment to improve the transparency of funding for family, domestic and sexual violence programs and services.**

**The Committee further recommends that Australian Government funding provided to state and territory governments for family, domestic and sexual violence programs and services be linked to requirements that those governments:**

- **fund related programs and services within their own jurisdictions on an agreed minimum ratio basis of the funding provided by the Australian Government; and**

- **report regularly on their own funding for related programs and services.**

## **Recommendation 19**

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**3.200 The Committee recommends that the Australian Government, in consultation with state and territory governments, develop a needs-based funding methodology to account for variations in the presentation of family, domestic and sexual violence in different jurisdictions.**

**This methodology should be applied to future Australian Government and state and territory governments' funding for family, domestic and sexual violence programs.**

### *Monitoring and evaluation*

- 3.201 The Committee notes the concerns raised by the Auditor-General in 2019 with respect to performance monitoring, evaluation, and reporting for the National Plan.
- 3.202 Based on evidence to this inquiry, the Committee is not satisfied that enough has been done since the release of the Auditor-General's report to address these concerns. It is evident to the Committee that there has been a lack of rigorous policy and program evaluation throughout the life of the National Plan.
- 3.203 It is also clear that, despite some progress, there is not yet a systematic approach and a sufficient commitment from all governments to building the evidence base about what works, what does not, and why. Nor is there an agreed set of outcomes or standards that would ensure that evaluations are done consistently across different programs and services.
- 3.204 Furthermore, a strong message in this inquiry has been the piecemeal approach to the evaluation of individual programs and services—often due to a lack of dedicated program funding for evaluation—and a lack of any systematic approach to the use of trials and pilot programs.
- 3.205 As all governments continue to invest in measures to prevent and respond to FDSV, it is critical that this investment is subject to rigorous monitoring and evaluation.
- 3.206 The next National Plan should include a strong commitment from the outset to an ongoing program of independent and transparent monitoring and evaluation of policies and programs, with more formal opportunities for



victim-survivors and other non-government stakeholders to provide input. The Committee considers that oversight of this process should be one of the functions of a proposed national commissioner, which is discussed below.

- 3.207 The next National Plan should also include a commitment to fund Australia's National Research Organisation for Women's Safety (ANROWS) for the life of the plan, to ensure that it can carry out rigorous long-term research to build the evidence base about what works, which can subsequently inform better policy and practice.
- 3.208 In addition, it is the Committee's view that all Australian Government funding for FDSV programs and services should be linked to a requirement for a standardised evaluation to be conducted. Evaluations should be published wherever possible to inform future initiatives.
- 3.209 Finally, the Committee encourages the Australian Government to consider the need for additional measures to facilitate a more thorough and more consistent approach to evaluation, such as the development of accredited standards or outcomes measures, and the provision of additional support and training.

## **Recommendation 20**

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- 3.210 The Committee recommends that the next National Plan include a commitment to an ongoing program of independent and transparent monitoring and evaluation, which:**
- **includes formal opportunities for victim-survivors and other non-government stakeholders to provide input; and**
  - **is overseen by the proposed National Commissioner for the prevention of family, domestic and sexual violence, or another independent body.**

## **Recommendation 21**

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- 3.211 The Committee recommends that the next National Plan include a commitment to provide funding for Australia's National Research Organisation for Women's Safety for the life of the plan.**

## **Recommendation 22**

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**3.212 The Committee recommends that the Australian Government ensure that specific family, domestic and sexual violence programs funded either directly or indirectly by the Australian Government include funding for a standardised evaluation component. Evaluations should be published where possible.**

**Further, the Committee recommends that the Australian Government, in consultation with state and territory governments, consider the need for:**

- **the development of accredited standards or agreed outcomes measures to guide evaluations of family, domestic and sexual violence programs and services;**
- **additional support and training to assist organisations in undertaking evaluations; and**
- **a national platform for the publication of evaluations.**

### *A national commissioner for family, domestic and sexual violence*

3.213 As the evidence to this inquiry has demonstrated, a comprehensive response to FDSV requires coordination and integration across different jurisdictions, portfolios, legislative frameworks and service systems.

3.214 While the recommendations made in this chapter seek to address aspects of governance, coordination, and monitoring and evaluation, the Committee is concerned that responsibility for FDSV will remain fragmented.

3.215 A new approach is needed to ensure there is a whole-of-government, cross-jurisdictional response to FDSV.

3.216 A strong, independent voice is needed to hold all levels of government to account and ensure that through the National Plan they remain focused on the task of reducing violence in our community.

3.217 While acknowledging the view of some stakeholders that a new national peak body or another existing structure could perform these functions, the Committee recommends that a new independent statutory office—a national commissioner for the prevention of family, domestic and sexual violence—be established to fulfil this role.

- 3.218 A number of models have guided the Committee's thinking on the scope and functions of such a national commissioner. At the federal level, these include the Sex Discrimination Commissioner, the National Suicide Prevention Adviser to the Prime Minister, and the eSafety Commissioner. At state and territory level, they include the Victorian Family Violence Reform Implementation Monitor and the ACT Coordinator-General for Family Safety.
- 3.219 It is the Committee's expectation that a national commissioner will have clearly defined responsibilities in relation to policy development, research, data collection, and monitoring and evaluation, and will provide independent monitoring and evaluation of the next National Plan. Importantly, the commissioner should provide a formal mechanism for victim-survivors and non-government organisations to have input in this work.
- 3.220 The Committee also recommends that the national commissioner be an observer member of the National Federation Reform Council Taskforce on Women's Safety, in order to promote and enhance coordination across jurisdictions. It is important for the national commissioner to observe how the next National Plan is developed and implemented, while maintaining sufficient separation from the formal decision-making process to provide independent monitoring and evaluation of the Plan.

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### **Recommendation 23**

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- 3.221 The Committee recommends that the Australian Government establish as an independent statutory office a National Commissioner for the prevention of family, domestic and sexual violence.**

**The functions of the Commissioner should include promoting and enhancing a whole-of-government, cross-jurisdictional approach to policy development, research, data collection, and monitoring and evaluation with respect to family, domestic and sexual violence initiatives.**

**The Commissioner should:**

- **report to the Minister for Social Services;**
- **be an *ex officio* observer on the National Federation Reform Council Taskforce on Women's Safety;**

- **be responsible for monitoring and evaluation of the next National Plan;**
- **provide a formal mechanism for consultation with victim-survivors and non-government organisations; and**
- **provide an annual report to the Parliament.**

**The Commissioner should be provided with appropriate resources to perform its functions for the duration of the next National Plan.**

## 4. Non-physical forms of violence

- 4.1 Not all family, domestic and sexual violence (FDSV) is physical. Abuse can take forms that are complex, some that do not necessarily involve any direct physical assault, and some that lead to, or are accompanied by, physical violence.
- 4.2 This chapter discusses the broad issue of coercive control as a pattern of behaviour where perpetrators seek to control and manipulate the lives of victim-survivors, considering the impact of coercive control and the indications that it is a predictor of physical violence. Approaches to the criminalisation of coercive control are examined—especially in Tasmania, England and Wales, and Scotland—and views about the introduction of new offences of coercive control and other responses to the problem are considered.
- 4.3 The chapter also looks at some of the ways in which coercive control can be exercised—technologically-facilitated abuse, financial abuse, and other forms of complex and non-physical violence—and discusses responses to such kinds of abuse and the need for them to be approached in an inter-sectional and culturally-sensitive fashion.

### Coercive control

- 4.4 Throughout the inquiry, the Committee has heard evidence about the insidious form of violence known as coercive control—a pattern of controlling and manipulative behaviour designed to intimidate, isolate, and control a person.
- 4.5 Coercive control is central to FDSV. It is commonly described by victim-survivors as the worst form of abuse they experience, and can have more

immediate and ongoing impact than physical forms of violence. Coercive control is also a predictor of severe physical violence and homicide.

- 4.6 This section considers evidence to the inquiry in relation to coercive control, and in particular the suggestion to establish a specific criminal offence of coercive control, as has occurred in some jurisdictions. The section also considers other suggestions to address coercive control, including risk identification, education, and training.

### **What is coercive control?**

- 4.7 The concept of coercive control was developed by Professor Evan Stark, a sociologist and forensic social worker, who defined it as a ‘pattern of domination that includes tactics to isolate, degrade, exploit and control’ a person, ‘as well as to frighten them or hurt them physically’.<sup>1</sup> Professor Stark describes coercive control as a ‘liberty crime’<sup>2</sup>, and it has also been described as ‘intimate terrorism’.<sup>3</sup>
- 4.8 Submitters to the inquiry characterised coercive control in various terms, but a common theme in evidence was that coercive control is not incident based, but instead involves a pattern of behaviour.
- 4.9 The Australian Women Against Violence Alliance explained that coercive control is ‘an umbrella term that refers to an ongoing pattern of controlling and coercive behaviours that are not exclusively physical but can pervade an individual’s daily life with a devastating impact’.<sup>4</sup>
- 4.10 Women’s Safety NSW described coercive control as:
- ... the use by one person of controlling and manipulative behaviours such as isolation, emotional manipulation, surveillance, psychological abuse and financial restriction against another person over a period of time for the purpose of establishing and maintaining control. In relationships characterised by coercive control, abusers use tactics of fear and intimidation to exert power over their victim, undermining their independence and self-worth.<sup>5</sup>
- 4.11 Similarly, the Youth Affairs Council of South Australia (YACSA) submitted:

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<sup>1</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 34.

<sup>2</sup> Domestic Violence NSW, *Submission 170*, p. 87.

<sup>3</sup> New South Wales Government, Coercive control – discussion paper, *Exhibit 26*, p. 8.

<sup>4</sup> Australian Women Against Violence Alliance, *Submission 122.1*, p. 4.

<sup>5</sup> Women’s Safety NSW, *Submission 150.1: Attachment 1*, p. 6.

Coercive control describes a tactical pattern of behaviours that are designed by the perpetrator to control, intimidate, create dependency, and render the victim powerless. The perpetrator will use a range of tactics to leverage the emotional investment the victim has in the relationship to introduce rules and regulations that only apply to the victim, as well as penalties for non-compliance.<sup>6</sup>

- 4.12 The Committee heard that coercive control can manifest in many different ways. For example, Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria submitted that coercive control involves ‘many tactics of violence used by a perpetrator that are patterned, repeated and integrated into everyday life’.<sup>7</sup>
- 4.13 The Monash Gender and Family Violence Prevention Centre submitted that research indicates that coercive control is a ‘significant dynamic’ of family violence and that ‘it manifests in a wide variety of ways including financial, psychological and technology-facilitated abusive practices’.<sup>8</sup>
- 4.14 Further to this, the Committee also heard that reproductive coercion—behaviour that interferes with the autonomy of a person to make decisions about their reproductive health—could be recognised as a form of coercive control.<sup>9</sup>
- 4.15 YACSA explained that in relationships characterised by coercive control, the perpetrator ‘may control all facets of a woman’s life and may isolate her from family, friends, and support networks (either physically or online) and may exclude her from financial control’.<sup>10</sup>
- 4.16 YACSA went on to list some specific examples of coercive and controlling behaviours used by perpetrators:
- ... intimidation, put-downs, threats of self-harm, threats to destroy property, threats to use a weapon, gaslighting, stalking and physical violence to ensure compliance.<sup>11</sup>

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<sup>6</sup> Youth Affairs Council of South Australia (YACSA), *Submission 112*, p. 6.

<sup>7</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 34.

<sup>8</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55.1*, p. 15.

<sup>9</sup> Embolden SA, *Submission 238*, p. 34.

<sup>10</sup> Youth Affairs Council of South Australia (YACSA), *Submission 112*, p. 6.

<sup>11</sup> Youth Affairs Council of South Australia (YACSA), *Submission 112*, p. 6.

4.17 Similarly, the New South Wales Department of Communities and Justice provided some specific examples of coercive and controlling behaviours:

- deprivation of liberty and autonomy;
- isolating an individual from friends, family and wider society;
- withholding or controlling access to resources, including money;
- psychological control and manipulation;
- threats and creation of a climate of fear, including threats towards children; and
- controlling or withholding access to health care, education or employment opportunities.<sup>12</sup>

4.18 However, a discussion paper on coercive control prepared by the New South Wales Government also highlighted that coercive control may be difficult to define and identify due to the contextual nature of the relevant behaviours:

The triggers of fear and intimidation that enable control may be so frequent and subtle they are not evident from the outside of the relationship.

Additionally, the demarcation between coercive and controlling behaviours on the [one] hand and voluntary choices in a relationship on the other hand may be difficult to determine. For example, one indicator of coercive control may be that one individual controls the finances of the household. In some relationships, this could be indicative of a pattern of oppression or exploitation, whereas in others it could indicate a consensual position between the individuals.<sup>13</sup>

4.19 Representatives of the Northern Territory Government explained how there are some differences but many similarities in how coercive control presents in remote communities compared with other parts of Australia, and across different cultural groups:

... being denied access to visit family or to leave the house, not being able to shower, having your clothes burnt or being prevented from going to work.

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<sup>12</sup> NSW Department of Communities and Justice, *Submission 131*, p. 30.

<sup>13</sup> New South Wales Government, *Coercive control – discussion paper, Exhibit 26*, p. 8.



They are often very common factors in the nature of the domestic and family violence experienced by women in remote communities.<sup>14</sup>

- 4.20 They noted that people experiencing coercive control can be controlled not just by the perpetrator, but also by family members:

In remote communities, where communities are small and people are very well interconnected through cultural and family ties, that is a significant issue for women.<sup>15</sup>

- 4.21 In the discussion about coercive control, the Committee was reminded that coercive control should not be considered as being separate from other forms of violence. On the contrary, Women's Safety NSW described coercive control as a 'foundational element' of family violence.<sup>16</sup>

- 4.22 At a public hearing, Ms Jacquie Kilburn, Manager of the National Training Centre at the Women's Aid Federation of England, discussed the relationship between coercive control and physical violence:

... physical abuse is part of the coercion. There may have been a lot of psychological abuse going on and this huge amount of surveillance, which is part of coercive control, and the physical abuse often happens when that survivor steps outside of those rules and norms that have been put in place in that relationship. When they step out, those physical punishments happen.<sup>17</sup>

- 4.23 Similarly, Dr Marsha Scott, Chief Executive Officer of Scottish Women's Aid, explained:

... I think it's really important not to think of coercive control as this totally separate phenomenon that happens and that physical assault happens in a different relationship. They are all embedded together.<sup>18</sup>

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<sup>14</sup> Ms Jane Lloyd, Principal Adviser, Programs and Engagement, Department of Territory Families, Housing and Communities, Northern Territory, *Committee Hansard*, Canberra, 15 October 2020, p. 22.

<sup>15</sup> Ms Jane Lloyd, Principal Adviser, Programs and Engagement, Department of Territory Families, Housing and Communities, Northern Territory, *Committee Hansard*, Canberra, 15 October 2020, p. 23.

<sup>16</sup> Women's Safety NSW, *Submission 150.1: Attachment 1*, p. 6.

<sup>17</sup> Ms Jacqui Kilburn, Manager, National Training Centre, Women's Aid Federation England, *Committee Hansard*, Canberra, 3 December 2020, p. 6.

<sup>18</sup> Dr Marsha Scott, Chief Executive Officer, Scottish Women's Aid, *Committee Hansard*, Canberra, 3 December 2020, p. 6.

4.24 The central role of coercive control in family violence was clearly outlined in the final report of the Victorian Royal Commission into Family Violence:

Family violence differs from other forms of violence: it is generally underpinned by a pattern of coercion, control and domination by one person over another. In the case of intimate partners, the coercion may begin immediately after a relationship begins; in others it creeps up, sometimes masked by flattery and charm. Family violence can involve emotional, psychological or financial abuse as well as physical abuse.<sup>19</sup>

## **The impact of coercive control**

4.25 The Committee heard a range of evidence about the harms inflicted by coercive control.

4.26 YACSA explained that coercive control ‘eventually erodes the victim’s confidence, self-esteem, and independence’.<sup>20</sup>

4.27 Similarly, Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria submitted that coercive control ‘has a cumulative effect on the life, safety, wellbeing and freedom of victims’.<sup>21</sup>

4.28 The New South Wales Government discussion paper explained that the primary outcome of coercive control is ‘a condition of entrapment that can be hostage-like in the harms it inflicts on dignity, liberty, autonomy and personhood, as well as to physical and psychological integrity’.<sup>22</sup>

4.29 A common theme in evidence about coercive control was that its immediate and ongoing impact on victim-survivors could be even more severe than the impact of physical violence.

4.30 For example, Women’s Legal Service Victoria submitted:

Coercive control is a defining feature of family violence, and it is the experience of coercive and controlling behaviour that victims commonly describe as the worst type of abuse they experience.<sup>23</sup>

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<sup>19</sup> State of Victoria, *Royal Commission into Family Violence: Summary and recommendations*, Parl. Paper No. 132 (2014–16), p. 17.

<sup>20</sup> Youth Affairs Council of South Australia (YACSA), *Submission 112*, p. 6.

<sup>21</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 34.

<sup>22</sup> NSW Department of Communities and Justice, *Submission 131*, p. 30.

<sup>23</sup> Women’s Legal Service Victoria, Policy brief – justice system response to coercive control, *Exhibit 2*, p. 3.

- 4.31 Similarly, Women’s Safety NSW suggested that while family violence was often perceived as incident based, involving acts of physical violence, coercive control can be ‘just as detrimental, if not more so, to victim-survivors’.<sup>24</sup>
- 4.32 Hayley Foster, Chief Executive Officer of Women’s Safety NSW, explained:  
The most harmful forms of abuse, when we talked with some survivors, in terms of the immediate impact and the ongoing impact, is really the coercive control element.<sup>25</sup>
- 4.33 Embolden SA, the state-wide peak body for FDSV services in South Australia, submitted that while coercive control can be difficult to recognise, even for victim-survivors themselves, ‘the negative impacts can be severe and long lasting, even after escaping the abuse’.<sup>26</sup>

### **Coercive control as a predictor of physical violence**

- 4.34 The Committee also heard that coercive control was a predictor of severe physical violence and homicide.
- 4.35 Associate Professor Kate Fitz-Gibbon, Director of the Monash Gender and Family Violence Prevention Centre, stressed that research indicates that coercive control is a precursor to intimate partner homicide.<sup>27</sup>
- 4.36 Similarly, Women’s Safety NSW submitted that coercive control is a ‘major predictor’ of severe physical violence and homicide.<sup>28</sup>
- 4.37 In a policy paper on coercive control, Women’s Legal Service Victoria stated that coercive control is a ‘known predictor of escalating physical violence, including domestic homicide’.<sup>29</sup> It quoted the Victorian Royal Commission into Family Violence, which found:

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<sup>24</sup> Women’s Safety NSW, *Submission 150.1: Attachment 1*, p. 6.

<sup>25</sup> Ms Hayley Foster, Chief Executive Officer, Women’s Safety NSW, *Committee Hansard*, Canberra, 18 September 2020, p. 11.

<sup>26</sup> Embolden SA, *Submission 238*, p. 34.

<sup>27</sup> Associate Professor Kate Fitz-Gibbon, Director, Monash Gender and Family Violence Prevention Centre, *Committee Hansard*, Canberra, 13 November 2020, p. 34. See also: Monash Gender and Family Violence Prevention Centre, *Submission 55.1*, p. 15.

<sup>28</sup> Women’s Safety NSW, *Submission 150.1: Attachment 1*, p. 6.

<sup>29</sup> Women’s Legal Service Victoria, Policy brief – justice system response to coercive control, *Exhibit 2*, p. 3.

Ignoring patterns of controlling behaviour and focusing only on physical violence trivialises the abuse victims endure and traps them in violence. It can also have lethal consequences.<sup>30</sup>

- 4.38 The Royal Commission into Family Violence cited the findings of a UK study, which indicated that the extent of a father’s control over the family, rather than the frequency of physical violence, was an indicator that the father was at high risk of killing his children.<sup>31</sup>
- 4.39 As evidence of the link between coercive control and physical violence, some submitters and witnesses referred to the findings contained in a 2020 report of the New South Wales Domestic Violence Death Review Team, which reviewed 112 intimate partner domestic violence homicides that occurred in NSW between 10 March 2008 and 30 June 2016. The report found:
- In 111 of the 112 cases in this dataset (99%), the relationship between the domestic violence victim and the domestic violence abuser was characterised by the abuser’s use of coercive and controlling behaviours towards the victim. In each of these cases the domestic violence abuser (all male) perpetrated various forms of abuse against the victim, including psychological abuse and emotional abuse.<sup>32</sup>
- 4.40 The report also noted that a number of homicides were not preceded by an evident history of physical abuse, but were instead preceded by histories of other forms of coercive and controlling behaviour.<sup>33</sup>
- 4.41 YACSA also cited US research that found that 60 to 80 per cent of women who sought help for FDSV had experienced coercive control and that ‘the level of control in these relationships was a significant predictor of severe and fatal violence’.<sup>34</sup>
- 4.42 Mens Outreach Service Aboriginal Corporation, an organisation that provides support services to men in the Kimberley region of Western

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<sup>30</sup> Women’s Legal Service Victoria, Policy brief – justice system response to coercive control, *Exhibit 2*, p. 5. See also: State of Victoria, *Royal Commission into Family Violence: Report and recommendations, Vol I*, Parl. Paper No. 132 (2014–16), p. 25.

<sup>31</sup> State of Victoria, *Royal Commission into Family Violence: Report and recommendations, Vol I*, Parl. Paper No. 132 (2014–16), p. 25.

<sup>32</sup> New South Wales Government, Domestic Violence Death Review Team, *Report 2017-2019*, p. 154.

<sup>33</sup> New South Wales Government, Domestic Violence Death Review Team, *Report 2017-2019*, p. 68.

<sup>34</sup> Youth Affairs Council of South Australia (YACSA), *Submission 112*, p. 6.

Australia, submitted that its experience was that ‘patterns of behaviour involving coercive control are often red flags for escalating behaviour that leads to physical violence’.<sup>35</sup>

- 4.43 However, despite evidence of the harm of coercive and controlling behaviour, and its link with severe physical violence, the Committee heard that more was required to prevent and address coercive control in Australia. The Monash Gender and Family Violence Prevention Centre submitted that ‘Australia has yet to grapple in a coordinated and meaningful way with the pervasiveness and severity of coercive control in the lives of abused Australian women’.<sup>36</sup>
- 4.44 The remainder of this section considers suggestions for measures to address coercive control.

## **Criminalisation of coercive control**

- 4.45 Throughout the inquiry, much of the discussion on measures to address coercive control centred on the proposal for the introduction of a specific criminal offence of coercive and controlling behaviour.
- 4.46 The Committee heard that there are differences in how state and territory family violence legislation captures ‘coercion’ or ‘coercive behaviour’ in the definition of what constitutes family violence.<sup>37</sup>
- 4.47 However, Tasmania is the only jurisdiction with a specific criminal offence aimed at non-physical family violence such as economic abuse and emotional abuse or intimidation.
- 4.48 The Committee received some evidence on the extent to which coercive control is captured by other criminal law offences, such as assault and stalking.
- 4.49 Women’s Legal Service Tasmania submitted that criminal law offences in Australia ‘such as assault, damage to property, and stalking do not cover the scope of behaviours that would be captured by a coercion and control offence’.<sup>38</sup> It also noted that, to the extent that the crime of assault includes

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<sup>35</sup> Mens Outreach Service Aboriginal Corporation *Submission 110*, p. 10.

<sup>36</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 9.

<sup>37</sup> Women’s Safety NSW, *Submission 150.1: Attachment 1*, pp. 22-27.

<sup>38</sup> Women’s Legal Service Tasmania, *Submission 31*, p. 3.

non-physical injury in the form of mental or psychological harm, 'satisfying the requisite degree of mental harm suffered is generally a high threshold'.<sup>39</sup>

- 4.50 Women's Legal Service Tasmania and Women's Safety NSW also explained that in some cases the existing criminal law is incident based and does not recognise that a 'course of conduct' or a series of acts over a period of time, taken together, may constitute an offence.<sup>40</sup>
- 4.51 The Committee further notes that existing offences for stalking and intimidation in criminal law are not specific to intimate partners and their family members.
- 4.52 The following section reviews a selection of existing coercive control offences in Australia and overseas. Further evidence on the introduction of a specific criminal offence of coercive control is then considered in detail.
- 4.53 Other suggestions to address coercive control, including risk identification, education, and training, are discussed later in this chapter.

### Existing coercive control offences

- 4.54 Reflecting the weight of the evidence received, this section discusses coercive control offences in Tasmania, England and Wales, and Scotland.
- 4.55 However, the Committee notes that in Ireland coercive or controlling behaviour in a current or former intimate relationship is captured under section 39 of the *Domestic Violence Act 2018* (Ireland), which closely resembles the English and Welsh model.
- 4.56 The Committee also notes that, at the time of writing, many state and territory jurisdictions in Australia are actively considering new measures to address coercive control, including criminalisation:
- in New South Wales a Joint Select Committee on Coercive Control was established in October 2020 to inquire into and report on coercive control in domestic relationships;<sup>41</sup>

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<sup>39</sup> Women's Legal Service Tasmania, *Submission 31*, p. 3.

<sup>40</sup> Women's Legal Service Tasmania, *Submission 31*, pp. 3-4; Women's Safety NSW, *Submission 150.1: Attachment 1*, p. 52.

<sup>41</sup> Parliament of New South Wales, Joint Select Committee on Coercive Control, <<https://www.parliament.nsw.gov.au/committees/listofcommittees/Pages/committee-details.aspx?pk=271>>.

- in the Northern Territory the government is considering options for criminalising coercive control as part of its review of the Northern Territory *Domestic and Family Violence Act 2007*;<sup>42</sup>
- in South Australia, a private member's bill to criminalise coercive control is presently before parliament;<sup>43</sup>
- the Queensland Government announced in February 2021 that it would establish an independent taskforce to examine the issue of coercive control and recommend how best to 'legislate against coercive control as a form of domestic and family violence';<sup>44</sup> and
- the ACT Government announced in February 2021 its 'in-principle support' for criminalising coercive control, subject to consulting stakeholders as to whether there was a gap in its current legislation.<sup>45</sup>

4.57 In Western Australia, a package of family violence reforms which took effect in October 2020 included a new criminal offence of 'persistent family violence'.<sup>46</sup> This aimed to recognise patterns of abuse by criminalising three or more acts of family violence against one victim-survivor within a ten-year period.<sup>47</sup>

## Tasmania

4.58 The *Family Violence Act 2004* (Tasmania) includes two offences relevant to coercive control: economic abuse and emotional abuse or intimidation.

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<sup>42</sup> Australian Broadcasting Corporation (ABC) News, 'New domestic violence laws may criminalise coercive control in the Northern Territory', 12 February 2021, <<https://www.abc.net.au/news/2021-02-12/coercive-control-criminalise-nt-domestic-violence-laws/13096102>>.

<sup>43</sup> As at December 2020, the Criminal Law Consolidation (Coercive Control) Amendment Bill 2020 was at second reading stage in the House of Assembly.

<sup>44</sup> Queensland Government, 'Former Court of Appeal judge to lead taskforce into coercive control', *Media release*, 17 February 2021, <<https://statements.qld.gov.au/statements/91494>>.

<sup>45</sup> The RiotACT, 'ACT Government provides in-principle support to criminalise coercive control', 23 February 2021, <<https://the-riotact.com/act-government-provides-in-principle-support-to-criminalise-coercive-control/440903>>. The ACT's legislation relating to family violence orders includes coercive and controlling behaviour in its definition of family violence: *Family Violence Act 2016* (ACT), subsection 8(1)(a)(vi).

<sup>46</sup> Government of Western Australia, *Submission 183*, p. 8.

<sup>47</sup> Government of Western Australia, 'New laws target strangulation, persistent family violence', *Media release*, 5 October 2020, <<https://www.wa.gov.au/government/announcements/new-laws-target-strangulation-persistent-family-violence>>. The acts captured by the persistent family violence offence include some non-physical forms of violence such as threats of violence, stalking, and sharing of intimate images without consent.

4.59 Section 8 of the Act creates an offence of a course of conduct made up of one or more of the following behaviours:

- coercing a spouse or partner to relinquish control over assets or income;
- disposing of property owned either by a spouse or partner, jointly with a spouse or partner, or by an affected child without their consent;
- preventing a spouse or partner from participating in decisions over household expenditure or from accessing joint financial assets for the purposes of meeting normal household expenses; and
- withholding, or threatening to withhold, the financial support reasonably necessary for the maintenance of a spouse or partner or an affected child.

4.60 The offence requires that the course of conduct is pursued with intent to unreasonably control or intimidate a spouse or partner or cause mental harm, apprehension, or fear.

4.61 Section 9 of the Act creates an offence of a course of conduct which a person knows, or ought to know, is likely to have the effect of unreasonably controlling or intimidating, or causing mental harm, apprehension or fear in a spouse or partner. The Act gives an example of the offence as a course of conduct limiting the freedom of movement of a person's spouse or partner by means of threats or intimidation.

4.62 The maximum penalty for both offences is a fine not exceeding 40 penalty units or a term of imprisonment of two years.

4.63 Women's Legal Service Tasmania provided statistics on the use of the economic and emotional abuse provisions, suggesting they had been 'relatively underused':

No charges were laid in the 3 years following the introduction of the offences. By the end of 2019, a combined total of 198 charges had been laid, with the significant majority (186) of these being for emotional abuse. By way of comparison, in a single year (2015 – 2016) there were 3,174 incidents of family violence that resulted in charges (generally in the form of breach of police family violence orders) being laid.<sup>48</sup>

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<sup>48</sup> Women's Legal Service Tasmania, *Submission 31*, pp. 5-6. See also: K. Barwick, P. McGorrery, and M. McMahon, 'Ahead of their time? The offences of economic and emotional abuse in Tasmania, Australia', in M. McMahon and P. McGorrery, eds, *Criminalising coercive control: family violence and the criminal law*, Springer, 2020, Chapter 7, pp. 144-147.



4.64 It suggested two contributing factors to the slow uptake of the offences:

- that the offences as originally enacted did not contain a statutory limitation period for initiating proceedings, which led to a default six-month statutory limitation period applying (in 2015 this period was increased to 12 months from the day on which the most recent act constituting part of the ‘course of conduct’ occurred); and
- a lack of community awareness about the existence and scope of the provisions, and a widespread community perception that family violence is primarily limited to physical assault.<sup>49</sup>

4.65 It also submitted that there was no training for police on what constituted emotional or economic abuse when the offences were first introduced, and that this resulted in missed opportunities for identifying offending at the earliest stages. It also noted possible reluctance within the legal profession to fully embrace the offences, associated with the move away from an incident-based offence framework.<sup>50</sup>

4.66 Women’s Legal Services Tasmania argued that the ‘critical lesson’ of the Tasmanian experience is that ‘legislative change alone ... is insufficient without appropriate implementation support’.<sup>51</sup> This broader point was supported by Women’s Safety NSW, which submitted that the introduction of the offences was not accompanied by systemic reforms.<sup>52</sup>

### *England and Wales*

4.67 Section 76 of the *Serious Crime Act 2015* (UK) creates an offence of ‘controlling or coercive behaviour in an intimate or family relationship’. To fall within the scope of the offence, the behaviour must:

- take place repeatedly or continuously; and
- have a ‘serious effect’ on the victim-survivor—that is, it must cause the person to fear, on more than one occasion, that violence will be used against them, or it must cause them serious alarm or distress which has a substantial adverse effect on their day-to-day activities.

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<sup>49</sup> Women’s Legal Service Tasmania, *Submission 31*, p. 7.

<sup>50</sup> Women’s Legal Service Tasmania, *Submission 31*, p. 8.

<sup>51</sup> Women’s Legal Service Tasmania, *Submission 31*, p. 9.

<sup>52</sup> Women’s Safety NSW, *Submission 150.1: Attachment 1*, p. 26. See also: Ms Hayley Foster, Chief Executive Officer, Women’s Safety NSW, *Committee Hansard*, Canberra, 18 September 2020, p. 12.

- 4.68 Additionally, the perpetrator must know or ought to know that the behaviour will have a serious effect on the victim-survivor. However, the offence does not require a specific intention to coerce or control.
- 4.69 In evidence to the inquiry, two features of the England and Wales offence were highlighted.
- 4.70 First, the offence requires a ‘serious effect’ on the victim-survivor to be proven. Women’s Safety NSW explained that this sets a subjective standard of proof when assessing harm, ‘in that it requires a subjective assessment of the impact of the offender’s behaviour on the victim’:

This legislation requires the court to consider whether an individual victim felt fearful or was alarmed and distressed to the extent that their daily activities were disrupted, in order to establish that an offence has occurred.<sup>53</sup>

- 4.71 Second, the offence is not limited to abuse in intimate relationships, but extends to include people who were ‘personally connected’ at the time of the behaviour. Women’s Safety NSW explained that this includes members of the same family, such as:

... partners and ex-partners, relatives, parties who are both parents of the same child or who share parental responsibility of the same child, and parties who are engaged or have agreed to enter into a civil partnership.<sup>54</sup>

- 4.72 The maximum penalty for the offence is 12 months imprisonment on summary conviction or five years imprisonment on indictment.
- 4.73 Noting that the offence came into effect in December 2015, the following table based on data from the UK Office of National Statistics<sup>55</sup> sets out the number of coercive control offences reported to police.

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<sup>53</sup> Women’s Safety NSW, *Submission 150.1: Attachment 1*, pp. 28-29.

<sup>54</sup> Women’s Safety NSW, *Submission 150.1: Attachment 1*, p. 67.

<sup>55</sup> Office of National Statistics (UK), ‘Domestic abuse prevalence and victim characteristics—appendix tables’ (for 2019, 2020) and ‘Domestic abuse in England and Wales: year ending March 2018’ (for 2018).

**Table 4.1** Number of coercive control offence investigations recorded by England and Wales police (year ending March)

2018	2019	2020
9,053	17,616	24,856

Source: UK Office of National Statistics

4.74 While not directly comparable to the data in Table 4.1 (due to the use of different time periods and other methodological differences), data on the number of convictions for cases where coercive control was the principal offence<sup>56</sup> is set out in the following table:

**Table 4.2** Number of convictions under Section 76 of the *Serious Crime Act 2015* (UK) where coercive control was the principal offence

	2016	2017	2018	2019
Proceedings	155	468	516	584
Convictions	59	235	308	305

Source: UK Office of National Statistics

4.75 Domestic Violence NSW provided examples of convicted cases in England and Wales, which involve offenders who had:

- threatened to expose private photographs of their partner or ex-partner;
- confiscated or destroyed their partner's mobile phone;
- prohibited their partner from seeking or continuing employment; and
- conducted regular inspections of their partner's home or body for evidence of infidelity.<sup>57</sup>

4.76 In discussing the operation of the offence to date, Women's Safety NSW described the take-up of the offence as 'promising'. However, it also noted concerns raised regarding the varied responses from different police forces, and about the ability of police to identify and provide evidence of coercive

<sup>56</sup> Office of National Statistics (UK), 'Domestic abuse in England and Wales—appendix tables' (for 2016, 2017) and 'Domestic abuse and the criminal justice system—appendix tables' (for 2018).

<sup>57</sup> Domestic Violence NSW, *Submission 170*, pp. 87-88.

control, which 'significantly affected the number of reports that eventuated into a charge'.<sup>58</sup>

- 4.77 Women's Legal Service Tasmania submitted that early investigations into the operationalisation of the offence had 'echoed the Tasmanian experience', highlighting issues with police and practitioner understanding of coercive control and with providing evidence of the offence.<sup>59</sup>
- 4.78 The Monash Gender and Family Violence Prevention Centre explained there had been little empirical investigation and evaluation of policing responses to the offence. However, it noted the findings of a study of one police force, which included that:
- victim-survivors rarely contacted the police specifically to report coercive control, and coercive control often only became apparent as a result of other offences (such as assault or criminal damage) being reported;
  - coercive control cases were given a lower priority grading by call handlers, and were less likely to lead to arrest or be solved in comparison to other forms of abuse;
  - first and other responders found it difficult to identify patterns of behaviour commensurate with coercive control; and
  - a significant number of potential coercive control cases resulted in no further action because of difficulties in securing appropriate evidence.<sup>60</sup>
- 4.79 The Monash Gender and Family Violence Prevention Centre also noted a finding that the range of behaviours encapsulated by the offence was ambiguous and that this impeded its implementation.<sup>61</sup>
- 4.80 At a public hearing in December, the Committee had the opportunity to discuss the introduction and operation of the offence with Ms Jacquie Kilburn from the Women's Aid Federation of England.
- 4.81 Ms Kilburn highlighted the importance of the offence focusing on a 'pattern of incidents':

Up to that point, the police in particular were working in a very incident led way. They were going out to a domestic, they were responding to that incident and they were not even always connecting the links and looking at the proper

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<sup>58</sup> Women's Safety NSW, *Submission 150.1: Attachment 1*, p. 32.

<sup>59</sup> Women's Legal Service Tasmania, *Submission 31*, p. 8.

<sup>60</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55.1*, p. 13.

<sup>61</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55.1*, p. 14.

history of that couple in order to get the full picture of what was happening in that relationship.<sup>62</sup>

4.82 She also highlighted the importance of the offence focusing on the effects on the victim-survivor:

You can see bruises, you can see people's behaviour, but you can't actually see coercive control. That was why the legislation concentrated very much on the effects of what was happening in that relationship. You take the abusive behaviour, and you have to concentrate on the effects on that person and on that family.<sup>63</sup>

4.83 However, Ms Kilburn noted that these aspects of the offence made training important, particularly for police. She explained that the Women's Aid Federation of England worked with the College of Policing in England to deliver training, but this had not yet occurred across all of the police forces.<sup>64</sup> Ms Kilburn went on to discuss the challenge involved in training police about coercive control:

When you're delivering that training, you're changing police behaviour, you're changing hearts and minds, and you're trying to change people's understanding of what they've been taught ... But, not only that, you've got to start from scratch, because they've haven't learnt about coercive control. Learning about coercive control means that you have to teach them that this is insidious. It's an insidious crime. It's something that they haven't experienced before and it's something they're not used to asking about.<sup>65</sup>

4.84 Ms Kilburn noted that evaluations of the training based on victim-survivors' experiences had indicated a shift in police practices:

... the focus definitely shifted from risk led processes to looking at what that relationship is really about, and evidencing the coercion so they can be prosecuted.<sup>66</sup>

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<sup>62</sup> Ms Jacqui Kilburn, Manager, National Training Centre, Women's Aid Federation England, *Committee Hansard*, Canberra, 3 December 2020, pp. 2-3.

<sup>63</sup> Ms Jacqui Kilburn, Manager, National Training Centre, Women's Aid Federation England, *Committee Hansard*, Canberra, 3 December 2020, p. 3.

<sup>64</sup> Ms Jacqui Kilburn, Manager, National Training Centre, Women's Aid Federation England, *Committee Hansard*, Canberra, 3 December 2020, p. 3.

<sup>65</sup> Ms Jacqui Kilburn, Manager, National Training Centre, Women's Aid Federation England, *Committee Hansard*, Canberra, 3 December 2020, p. 3.

<sup>66</sup> Ms Jacqui Kilburn, Manager, National Training Centre, Women's Aid Federation England, *Committee Hansard*, Canberra, 3 December 2020, p. 5.

4.85 Ms Kilburn suggested that one of the shortcomings of the implementation of the offence was the lack of a 'systematic approach' involving not only police, but also prosecutors, other professionals, and members of the public:

If I were to start again, I would actually train the police and the prosecutors together, because you're bringing them together by doing that and you're getting a common understanding. I'd go further with that common understanding and say that should be attributed to all professionals, and the public as well, who could ever be part of that evidence collection. ... All the professionals come into contact with victims of domestic abuse—health professionals, social care professionals—and they need to understand the nature of coercive control. They need to understand that it's fluid and dynamic. They need to understand that it instils fear in that person and they need to understand that it's a form of control that entraps them in a relationship and it's very difficult to get out of that relationship.<sup>67</sup>

4.86 Ms Kilburn suggested that training for specialist services and other professions should be mandated where possible.<sup>68</sup>

### *Scotland*

4.87 The *Domestic Abuse (Scotland) Act 2018* provides a discrete offence of domestic abuse, including engaging in a 'course of behaviour which is abusive' of a partner or ex-partner. Abusive behaviour is defined under the Act as behaviour that is:

- violent, threatening or intimidating, or
- has as its purpose, or would be considered by a reasonable person to be likely to have, one or more of the effects of:
  - making the victim-survivor dependent on or subordinate to the offender;
  - isolating the victim-survivor from their friends, relatives or other sources of support;
  - controlling, regulating or monitoring the victim-survivor's day to day activities;
  - depriving or restricting the victim-survivor's freedom of action; and
  - frightening, humiliating, degrading or punishing the victim-survivor.

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<sup>67</sup> Ms Jacqui Kilburn, Manager, National Training Centre, Women's Aid Federation England, *Committee Hansard*, Canberra, 3 December 2020, p. 3.

<sup>68</sup> Ms Jacqui Kilburn, Manager, National Training Centre, Women's Aid Federation England, *Committee Hansard*, Canberra, 3 December 2020, p. 7.

- 4.88 The maximum penalty for the offence is 12 months imprisonment on summary conviction or 14 years imprisonment on indictment.
- 4.89 Two key differences between the Scotland offence and the England and Wales offence were highlighted in evidence to the inquiry.
- 4.90 First, unlike the England and Wales offence, the Scotland offence does not require evidence of the effect on the victim-survivor. Women's Safety NSW explained that the legislation instead imposes an objective standard of proof when assessing harm:
- Using a 'reasonable person' test to establish whether the defendant's behaviour was harmful to the victim, shifts the standard of proof away from a subjective assessment of an individual victim's response to abuse, and instead considers what the reasonable, objective person would consider to be inherently harmful behaviour. Significantly, there is no requirement that the acts of the defendant actually inflicted harm on the victim.<sup>69</sup>
- 4.91 However, Women's Safety NSW also noted that the legislation adopts a more subjective approach in considering the intent of the offender, requiring them to have deliberately caused harm, or been criminally reckless as to their behaviour's impact on the victim-survivor in order to be convicted.<sup>70</sup>
- 4.92 Second, unlike the more expansive England and Wales offence, the Scotland offence is limited to abuse of a partner or ex-partner.<sup>71</sup>
- 4.93 According to Scotland's Prosecution Service, in 2019-20, 1,065 charges of engaging in a course of abusive behaviour were reported, accounting for 3.5 per cent of all domestic abuse charges reported. Court proceedings were commenced in 96 per cent of these charges and 96 per cent of the charges reported were in cases where the accused was male.<sup>72</sup>
- 4.94 The New South Wales Government discussion paper on coercive control noted measures put in place to support the commencement of the legislation in 2019:

... funding was provided by the Scottish government to deliver enhanced training to 14,000 police officers and staff ... Funding was also provided to Scottish Women's Aid for dedicated training for frontline staff to prepare

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<sup>69</sup> Women's Safety NSW, *Submission 150.1: Attachment 1*, p. 33.

<sup>70</sup> Women's Safety NSW, *Submission 150.1: Attachment 1*, p. 33.

<sup>71</sup> New South Wales Government, *Coercive control – discussion paper, Exhibit 26*, p. 15.

<sup>72</sup> Crown Office and Procurator Fiscal Service (Scotland), 'Domestic abuse and stalking charges in Scotland 2019–2020'.

service providers ahead of commencement. The commencement of the legislation was also supported by a public awareness campaign to increase understanding of the scope of domestic abuse and encourage victims to come forward.<sup>73</sup>

- 4.95 Women's Safety NSW suggested that training provided to police officers and others contributed to the relatively high uptake of the offence.<sup>74</sup>
- 4.96 The Committee was able to discuss the development and introduction of the offence with Dr Marsha Scott from Scottish Women's Aid.
- 4.97 Dr Scott emphasised that the legislation was developed 'carefully over time' in consultation with women's organisations and with significant input from both adult and children survivors.<sup>75</sup>
- 4.98 Dr Scott explained that there was 'widespread training' in the year between the passage of the legislation and its commencement, involving sheriffs, judges, police, victim-survivor services, and social workers.<sup>76</sup> While she noted the importance of this training, she also stressed it was essential that it was part of a larger implementation strategy over five to ten years:
- Training alone is a bit of a waste unless you have accountability built into the system. In other words: you can train police, but if their supervisors aren't holding them accountable for their change and good practice, if we don't have data that measures that, if our parliamentarians don't ask for report-backs on the consequences of legislation, then we wind up with really good legislation sitting on the shelf and not changing people's lives.<sup>77</sup>
- 4.99 Dr Scott explained that a concern before implementation was that the introduction of the offence would lead to victim-survivors being misidentified as perpetrators and arrested, and that preventing this from occurring was a focus of preparation work with police.<sup>78</sup> She also noted that

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<sup>73</sup> New South Wales Government, Coercive control – discussion paper, *Exhibit 26*, p. 15.

<sup>74</sup> Women's Safety NSW, *Submission 150.1: Attachment 1*, pp. 36-37.

<sup>75</sup> Dr Marsha Scott, Chief Executive Officer, Scottish Women's Aid, *Committee Hansard*, Canberra, 3 December 2020, pp. 1-2.

<sup>76</sup> Dr Marsha Scott, Chief Executive Officer, Scottish Women's Aid, *Committee Hansard*, Canberra, 3 December 2020, pp. 2, 7.

<sup>77</sup> Dr Marsha Scott, Chief Executive Officer, Scottish Women's Aid, *Committee Hansard*, Canberra, 3 December 2020, p. 7.

<sup>78</sup> Dr Marsha Scott, Chief Executive Officer, Scottish Women's Aid, *Committee Hansard*, Canberra, 3 December 2020, pp. 4-5.



police and the prosecution service had developed effective protocols for gathering evidence, which reduced the need for victim-survivors to repeatedly provide the same evidence.<sup>79</sup>

4.100 Dr Scott stressed that a ‘critical’ feature of the offence was that it was not necessary to prove harm against the victim-survivor:

... you don't have to, essentially, bring a witness into court and then demonstrate how they've been traumatised, which is traumatising in itself. Also it's problematic because courts' sheriffs often have very strange ideas: that people aren't upset enough, so they haven't been harmed, or they're too upset—they're hysterical—so they obviously can't be giving good evidence. It was always a lose-lose situation for women.<sup>80</sup>

4.101 She also noted that the offence expanded the range of evidence that could be used by prosecutors to obtain a conviction of domestic abuse:

... the evidence of coercive control is everywhere. It's on people's mobile phones; it's in their bank records—it's in all kinds of places. ... So I think that there are real, positive consequences for doing a good job of describing the complexity of this phenomenon, because it gives prosecutors tools to get convictions.<sup>81</sup>

## **Views on the introduction of new specific coercive control offences**

4.102 The Committee received a range of evidence both for and against the introduction of specific coercive control offences in criminal jurisdictions other than Tasmania.

4.103 Ms Hayley Foster, Chief Executive Officer of Women's Safety NSW, stated that her organisation was ‘strongly in favour’ of criminalisation and that this position was supported by 96 per cent of survivors who it had surveyed on

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<sup>79</sup> Dr Marsha Scott, Chief Executive Officer, Scottish Women's Aid, *Committee Hansard*, Canberra, 3 December 2020, p. 5.

<sup>80</sup> Dr Marsha Scott, Chief Executive Officer, Scottish Women's Aid, *Committee Hansard*, Canberra, 3 December 2020, p. 5.

<sup>81</sup> Dr Marsha Scott, Chief Executive Officer, Scottish Women's Aid, *Committee Hansard*, Canberra, 3 December 2020, p. 6.

the issue.<sup>82</sup> She also noted strong support from advocates of survivors from a multicultural background.<sup>83</sup>

4.104 Ms Foster noted both the prevalence and impact of coercive control, and its role as a predictor of homicide, arguing:

... if we want to reduce violence against women in this country, if we want to stop homicides, we need to criminalise it.<sup>84</sup>

4.105 Similarly, representatives of the Australian Association of Social Workers said the organisation supported the criminalisation of coercive control.<sup>85</sup>

4.106 The Law Council of Australia argued that the number of convictions under the coercive control offence in England and Wales showed that it is possible to prove the offence beyond reasonable doubt and is high enough to warrant consideration of the value of such an offence in Australia.<sup>86</sup>

4.107 However, drawing on the experiences of Tasmania, England and Wales, and Scotland, as discussed above, a consistent theme in evidence was that any new coercive control offences should be accompanied by broader reforms.

4.108 Women's Safety NSW submitted that without systemic reforms, any new coercive control laws would result in 'very little change in practice, and therefore women's access to safety, justice and wellbeing' and could introduce the risk of abuse by perpetrators and a lack of safety for victim-survivors.<sup>87</sup>

4.109 It recommended changes to screening and risk assessment tools; police policy and procedural guidelines; and prosecution, judicial and sentencing

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<sup>82</sup> Ms Hayley Foster, Chief Executive Officer, Women's Safety NSW, *Committee Hansard*, Canberra, 18 September 2020, p. 11. See also: Women's Safety NSW, *Submission 150*, pp. 24-28.

<sup>83</sup> Ms Hayley Foster, Chief Executive Officer, Women's Safety NSW, *Committee Hansard*, Canberra, 18 September 2020, pp. 15-16.

<sup>84</sup> Ms Hayley Foster, Chief Executive Officer, Women's Safety NSW, *Committee Hansard*, Canberra, 18 September 2020, p. 11.

<sup>85</sup> Ms Abbey Newman, Convenor, Family Violence Practice Group, Australian Association of Social Workers, *Committee Hansard*, Canberra, 13 November 2020, p. 19; Ms Christine Craik, Immediate Past President, Australian Association of Social Workers, *Committee Hansard*, Canberra, 13 November 2020, p. 19.

<sup>86</sup> Law Council of Australia, *Submission 101.1*, p. 10.

<sup>87</sup> Women's Safety NSW, *Submission 150.1: Attachment 1*, p. 78.

guidelines; as well as increased training and specialisation of frontline police, police prosecutors and judicial officers.<sup>88</sup>

4.110 Women's Legal Service Tasmania also expressed support for the induction of specific offences targeting coercive and controlling behaviours, but with the caveat that:

... the creation of new offences alone is unlikely to achieve the intended impact, without substantial institutional reform and support for implementation measures. This in part requires, police, lawyers and courts to embrace and consider coercion and control as a series of behaviours and actions as opposed to focusing on single incidents. It also requires an investment in facilitated discussions within the community to challenge norms permissive of family violence. It requires the links between gender inequality and family violence to be recognised by all those responding to family violence.<sup>89</sup>

4.111 Similarly, while supporting the consideration of a new coercive control offence, Domestic Violence NSW emphasised that this should be accompanied by training for professionals in the justice system and resourcing for frontline services to support victim-survivors.<sup>90</sup> Ms Renata Field, Research and Policy Manager at Domestic Violence NSW, stressed that criminalisation of coercive control would not be effective if it was 'only a change in a piece of paper':

What will be effective is if it's part of a suite of reforms that include increasing the understanding and expertise of the legal system and the police responses to ensure that they are well equipped to better understand what domestic and family violence looks like, and to increase understanding in the communities so that people can better identify what's happening to them and what's happening to people in their families.<sup>91</sup>

4.112 In considering the form of any new coercive control offences, Women's Safety NSW made a series of recommendations drawing on the experiences of other jurisdictions. This included that the offences:

- explicitly recognise the 'course of conduct' element of family violence;

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<sup>88</sup> Women's Safety NSW, *Submission 150.1: Attachment 1*, p. 98.

<sup>89</sup> Women's Legal Service Tasmania, *Submission 31*, p. 11.

<sup>90</sup> Domestic Violence NSW, *Submission 170*, p. 48.

<sup>91</sup> Ms Renata Field, Research and Policy Manager, Domestic Violence NSW, *Committee Hansard*, Canberra, 18 September 2020, p. 23.

- contain an objective standard of proof when assessing the impact of an offender’s behaviour on the victim-survivor; and
- are not limited to intimate or cohabiting relationships.<sup>92</sup>

4.113 Other submitters expressed concerns about the introduction of any new coercive control offences in Australia. Issues raised in evidence included the lack of evidence supporting the effectiveness of such offences, and the potential for adverse outcomes for victim-survivors.

4.114 For example, Associate Professor Kate Fitz-Gibbon, Director of the Monash Gender and Family Violence Prevention Centre, explained:

As yet, there is no evidence which shows that introducing a standalone offence of coercive control increases women’s safety outcomes and improves their access to justice. We do have a really significant body of research which points to the ways in which the justice system fails to respond adequately to women’s experiences of violence and fails to provide justice and, in some cases, actually further traumatises women who come within the confines of the criminal justice system. So we really believe that there’s quite significant work to be done before Australia is ready to have an offence of coercive control.<sup>93</sup>

4.115 Associate Professor Fitz-Gibbon addressed this point again at a subsequent public hearing, noting that ‘there has not been a change in femicide rates in any of the jurisdictions where a criminal law of coercive control has been introduced’. She also noted concerns about the potential impact of any new offence on marginalised communities, such as Aboriginal and Torres Strait Islander communities.<sup>94</sup>

4.116 In its submissions, the Centre cautioned state and territory governments against the introduction of a stand-alone criminal offence of coercive and controlling behaviour without a sufficient evidence base.<sup>95</sup>

4.117 Similarly, Ms Alison Birchall, representing Domestic Violence Victoria, recommended that further research was required into whether coercive

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<sup>92</sup> Women’s Safety NSW, *Submission 150.1: Attachment 1*, pp. 97-98.

<sup>93</sup> Associate Professor Kate Fitz-Gibbon, Director, Monash Gender and Family Violence Prevention Centre, *Committee Hansard*, Canberra, 8 September 2020, p. 10.

<sup>94</sup> Associate Professor Kate Fitz-Gibbon, Director, Monash Gender and Family Violence Prevention Centre, *Committee Hansard*, Canberra, 13 November 2020, p. 35.

<sup>95</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 11; Monash Gender and Family Violence Prevention Centre, *Submission 55.1*, p. 15.

control offences in other jurisdictions has improved safety for victim-survivors and resulted in changes in perpetrator behaviour:

I think one of the questions around introducing further criminalisation of types of family violence has to be the question around whether that is effective in changing perpetrator patterns of behaviour. To date, there isn't a lot of evidence that would demonstrate that it's the case with coercive control legislation.<sup>96</sup>

4.118 Good Shepherd Australia New Zealand submitted:

... a new criminal offence for coercive control is not supported by sufficient evidence to suggest the efficacy of such laws. Laws responding to coercive controlling behaviours already exist across all Australian state and territory jurisdictions; a new law in this area would be overly simplistic and could in fact be misused against women as respondents.<sup>97</sup>

4.119 Women's Legal Service Victoria recommended that coercive control not be criminalised:

There is insufficient evidence that the creation of new coercive control offences will improve the safety of women and children experiencing or at risk of family violence. Laws to criminalise coercive control are an overly simplistic response to a complex problem. They are and are likely to have adverse consequences for victim survivor safety and perpetrator accountability, as well as disproportionately and detrimentally impacting disadvantaged population groups.<sup>98</sup>

4.120 The Australian Women Against Violence Alliance argued that criminalisation of coercive control may exacerbate existing issues with police responses to family and domestic violence, including 'fear of gender bias, discrimination, not being believed, fear that the abuse will escalate following police intervention, or that they will be blamed for the abuse committed against them'. It noted that many organisations were cautious about the effectiveness of criminalisation without 'careful planning'.<sup>99</sup>

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<sup>96</sup> Ms Alison Birchall, Acting Manager, Policy Unit, Domestic Violence Victoria, *Committee Hansard*, Canberra, 17 September 2020, p. 6. See also: Domestic Violence Victoria and Domestic Violence Resource Centre Violence, *Submission 147*, p. 34.

<sup>97</sup> Good Shepherd Australia New Zealand, *Submission 49*, p. 21.

<sup>98</sup> Women's Legal Service Victoria, *Submission 17*, p. 9.

<sup>99</sup> Australian Women Against Violence Alliance, *Submission 122.1*, p. 5.

- 4.121 The Monash Gender and Family Violence Prevention Centre also argued that women in coercive and controlling relationships may experience significant barriers in accessing the criminal justice system.<sup>100</sup>
- 4.122 Responding to a question about measuring the success of a new offence of coercive control, Ms Kilburn from the Women's Aid Federation of England said there were three elements:
- Will introducing this legislation increase the long-term safety of women and children? Will it support them in their path of healing... And, most importantly, is there any way that it will change the behaviour of those perpetrators?<sup>101</sup>
- 4.123 No to Violence submitted that the benefits of a new offence of coercive control could be achieved through improving expertise in the police and legal professions, strengthening risk assessment processes, and increasing community awareness of coercive control.<sup>102</sup> These measures are discussed in further detail in the next section.
- 4.124 While acknowledging that the criminalisation of coercive control is a matter for states and territories, a number of witnesses and submitters discussed possible roles for the Australian Government.
- 4.125 For example, the Law Council of Australia submitted that the Australian Government is 'well-placed to facilitate a national dialogue' on whether a new offence should be created.<sup>103</sup> It also suggested there was a role for the Australian Government in establishing a consistent definition of family and domestic violence for all states and territories that included coercive control, and in considering what educational materials should be made available alongside any legislative reform.<sup>104</sup>

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<sup>100</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, pp. 10-11; Monash Gender and Family Violence Prevention Centre, *Submission 55.1*, p. 16. See also: Women's Legal Service Victoria, *Submission 17*, pp. 9-12; The Salvation Army, *Submission 19*, p. 25.

<sup>101</sup> Ms Jacqui Kilburn, Manager, National Training Centre, Women's Aid Federation England, *Committee Hansard*, Canberra, 3 December 2020, p. 11.

<sup>102</sup> No to Violence, *Submission 199*, pp. 3-4.

<sup>103</sup> Law Council of Australia, *Submission 101.1*, p. 10. See also: Ms Hayley Foster, Chief Executive Officer, Women's Safety NSW, *Committee Hansard*, Canberra, 18 September 2020, p. 16.

<sup>104</sup> Law Council of Australia, *Submission 101.1*, pp. 9-10; Dr Jacoba Brasch QC, President-elect, Law Council of Australia, *Committee Hansard*, Canberra, 8 September 2020, p. 32; Ms Pauline Wright, President, Law Council of Australia, *Committee Hansard*, Canberra, 8 September 2020, p. 32. See

## Other responses to coercive control

- 4.126 The Committee received evidence on a number of other possible measures to address coercive control.
- 4.127 Several submitters highlighted the importance of working to increase awareness of coercive and controlling behaviour.
- 4.128 Australia's National Research Organisation for Women's Safety (ANROWS) advised that 'research indicates that Australians have a poorer understanding of non-physical tactics of violence against women, as compared to physical tactics'.<sup>105</sup> National Legal Aid also submitted that '[a]wareness that non-physical violence can breach various criminal laws is considered to be generally capable of improvement'.<sup>106</sup>
- 4.129 Mrs Jacqueline Crombie, a friend of a victim of intimate partner homicide, argued it was important to raise awareness of the dangers of coercive control:

Hard-hitting awareness campaigns alerting the early warning signs would have impact and would encourage women to seek help as soon as possible in the relationship before abusive behaviours become established and the victim becomes trapped. Many victims of coercive control are unaware that they are in an abusive relationship. This may well also provoke abusive men to question themselves on their behaviours before they become ingrained. Such a campaign would also create awareness for the family and friends of victims and perpetrators and give clearer information about the dangerous behaviours that are often clouded or difficult to articulate.<sup>107</sup>

- 4.130 Similarly, Ms Christine Craik, immediate past President of the Australian Association of Social Workers, told the Committee that many victim-survivors do not understand they are in a coercive and controlling relationship:

A lot of people in society have this understanding that family violence needs to be physical ... But from coronial inquests around the country, we understand that in the cases where women are killed coercive control has been a really paramount factor. In some of those cases, the first instance of physical

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also: Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 18 November 2020, p. 10.

<sup>105</sup> Australia's National Research Organisation for Women's Safety, *Submission 132*, p. 19

<sup>106</sup> National Legal Aid, *Submission 145.1*, p. 5.

<sup>107</sup> Mrs Jacqueline Crombie, *Submission 212*, p. 2.

abuse in that relationship has been the lethal use of physical abuse, and if we'd been able to understand coercive control better as a community that woman might have understood the sort of danger she was in.<sup>108</sup>

- 4.131 Mr Russell Hooper from No to Violence, Australia's largest peak body for organisations and individuals who work with perpetrators, said that increased community awareness of coercive control was a 'precondition' for the criminalisation of coercive control.<sup>109</sup> Ms Lizette Twisleton, also from No to Violence, stressed the importance of changing public perceptions of family violence to recognise non-physical forms of violence:

We know that most people still see family violence as physical. Even when we're working with men and they start to come into a program, the area of working with coercive control ... is tricky because they'll come in with the sense that, 'I didn't hit her; I'd never hit a woman'.<sup>110</sup>

- 4.132 In evidence to the inquiry, Assistant Commissioner Lauren Callaway from Victoria Police expressed her support for a national awareness campaign on coercive control.<sup>111</sup>
- 4.133 As noted in the previous section, several submitters recommended education and training on coercive control for police, prosecution services and judicial officers.
- 4.134 The Monash Gender and Family Violence Prevention Centre recommended consistent and mandated training for state and territory police and other criminal justice practitioners on identifying and responding to coercive and controlling behaviours in family violence matters:

This should include education on the range of behaviours that can constitute coercive control, the impact and seriousness of coercive control, the barriers it creates to help-seeking for and disclosure of DFV and the need to understand DFV as a pattern of behaviours rather than an isolated event.<sup>112</sup>

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<sup>108</sup> Ms Christine Craik, Immediate Past President, Australian Association of Social Workers, *Committee Hansard*, Canberra, 13 November 2020, p. 19.

<sup>109</sup> Mr Russell Hooper, Head of Advocacy, No to Violence, *Committee Hansard*, Canberra, 18 November 2020, p. 10.

<sup>110</sup> Ms Lizette Twisleton, Head of Sector Development, No to Violence, *Committee Hansard*, Canberra, 18 November 2020, pp. 10-11.

<sup>111</sup> Assistant Commissioner Lauren Callaway, Family Violence Command, Victoria Police, *Committee Hansard*, Canberra, 13 October 2020, p. 23

<sup>112</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55.1*, p. 16.



4.135 Women’s Legal Service Victoria submitted that improvements to justice system responses to coercive control required ‘improved understanding of coercive control as family violence and, where coercive control is reflected in existing legislation, legal actors exercising their existing responsibilities’:

Embedding best practice and family violence expertise across the justice system requires training and education of all justice system stakeholders – including police, legal practitioners, judicial officers and court staff – and system improvements that support implementation.<sup>113</sup>

4.136 No to Violence recommended that information about coercive control be included in training in the mental health, justice, medical, and family violence sectors.<sup>114</sup>

4.137 Submitters also highlighted the importance of improving risk assessment practices to better identify and respond to coercive control.

4.138 Ms Kylie Beckhouse, representing National Legal Aid, explained that some risk-assessment tools do not identify coercive and controlling behaviours. She said the need for risk-assessment tools to assist professionals was ‘a big issue’.<sup>115</sup>

4.139 Noting that coercive control is a risk factor preceding intimate partner homicide and restricts a victim-survivor’s ability to seek help, the Monash Gender and Family Violence Prevention Centre submitted:

It is essential that all common risk assessment and management frameworks across Australian states and territories embed a shared language on, and an understanding of, the behaviours that constitute coercive control. Developing practice guidance for the identification, assessment and management of risk for coercively controlled relationships is central to improving practitioners’ ability to facilitate women’s help seeking behaviours, meet their support needs and better identify and respond to the high level of risk that this form of DFV presents.<sup>116</sup>

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<sup>113</sup> Women’s Legal Service Victoria, *Submission 17*, pp. 11-12.

<sup>114</sup> No to Violence, *Submission 199*, p. 25.

<sup>115</sup> Ms Kylie Beckhouse, Director, Family Law—Legal Aid NSW, National Legal Aid, *Committee Hansard*, Canberra, 17 September 2020, p. 26.

<sup>116</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55.1*, p. 15. See also: Associate Professor Kate Fitz-Gibbon, Director, Monash Gender and Family Violence Prevention Centre, *Committee Hansard*, Canberra, 13 November 2020, p. 34.

4.140 The Centre recommended a review of state and territory risk identification, assessment, and management practices for coercive and controlling behaviours to ensure that coercive control is embedded in all relevant policies and practices across Australia.<sup>117</sup>

4.141 Dr Heather Nancarrow, Chief Executive Officer of ANROWS, argued that systems responses needed to be more aware of the coercive and controlling element of violence:

When we have a broader community based understanding of these kinds of tactics of control and this extreme sense of entitlement in relationships, perpetrators of violence will be less able to manipulate those systems to further perpetrate abuse on their partners, and control in particular.<sup>118</sup>

4.142 Lastly, as noted in the previous section, some submitters called for a consistent definition of coercive control across all states and territories. The Committee heard that, at present, some jurisdictions, while not having specific offence of coercive control, expressly recognise coercive control as a form of family violence, while others do not.<sup>119</sup>

4.143 Women's Legal Service Victoria explained that coercive control is recognised in Victorian legislation:

In its definition of family violence, Victoria's Family Violence Protection Act (2008) recognises that family violence includes 'threatening and coercive behaviour' and 'behaviour that in any other way controls or dominates a family member and causes them to feel fear for their safety or wellbeing or for that of another person'. Recognition of coercive control in the Victorian legislation ensures a person is held criminally accountable where a Family Violence Intervention Order is breached.<sup>120</sup>

4.144 It recommended that other states and territories draw on the Victorian legislation in developing 'a consistent understanding and legislated definition of family violence, in all its forms, nationally'.<sup>121</sup>

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<sup>117</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55.1*, pp. 15-16.

<sup>118</sup> Dr Heather Nancarrow, Chief Executive Officer, Australia's National Research Organisation for Women's Safety, *Committee Hansard*, Canberra, 8 September 2020, p. 5.

<sup>119</sup> For example, see: Monash Gender and Family Violence Prevention Centre, *Submission 55.1*, p. 15.

<sup>120</sup> Women's Legal Service Victoria, *Submission 17*, p. 10.

<sup>121</sup> Women's Legal Service Victoria, *Submission 17*, p. 12.

4.145 Similarly, the Monash Gender and Family Violence Prevention Centre recommended a review of definitions of coercive control in civil law to ensure consistency across states and territories:

The lack of a consistent definition can provide barriers to obtaining an intervention order/protection order, among other policy and practice challenges.<sup>122</sup>

4.146 A similar point was made by the Law Council of Australia:

... it would be wonderful if each state and territory had the same definitions, if 'coercive controlling' was defined in the same way. It defeats the purpose if financial control is considered to be family violence in one jurisdiction but not another.<sup>123</sup>

4.147 No to Violence also recommended the inclusion of coercive control in legal definitions of family violence at the state and federal levels.<sup>124</sup>

4.148 Further evidence on a consistent national definition of FDSV is discussed in Chapter 2.

## Technology-facilitated abuse

4.149 Technology-facilitated abuse (TFA) is the use of technology to aid the perpetration of abuse against a current or former intimate partner or family member. It is usually a form of coercive control and part of a pattern of controlling behaviour designed to exert power over a victim-survivor and/or to intimidate, inflict harm or embarrassment. It is both a manifestation of coercive control and a means to facilitate control and abuse.

4.150 This section discusses the forms and features of TFA and the responses to the problem with regard to professional practices, training and awareness for professionals and at-risk groups, and the role of commercial media platforms and providers.

4.151 The Committee received extensive evidence about the growing prevalence of TFA in circumstances of family violence. The submission from the eSafety Commissioner defined TFA as:

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<sup>122</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55.1*, p. 15.

<sup>123</sup> Dr Jacoba Brasch QC, President-elect, Law Council of Australia, *Committee Hansard*, Canberra, 8 September 2020, p. 32

<sup>124</sup> No to Violence, *Submission 199*, p. 25.

... any behaviour that uses technology to isolate, harass, monitor, stalk, impersonate, threaten or humiliate someone. Within family and domestic violence situations, technology can be used as a tool to exert power and control over women and allow perpetrators to inflict harm and abuse that is often invisible to others. It often forms part of a pattern of coercive control.<sup>125</sup>

4.152 Elaborating on the forms of TFA, the submission explained that:

TFA takes place through a wide range of platforms and devices. This includes social media services, email, mobile phones and computers, as well as through the use of tracking and recording devices, GPS services, children's toys, internet-enabled cars and household goods. Examples include:

- sending multiple abusive or threatening texts
- sending menacing images, such as a noose or a coffin
- sharing – or threatening to share – intimate images without consent
- accessing (or 'hacking') a woman's email or social media account to discover her personal information or to send offensive emails to her friends, family or workplace that appear to come from the woman
- using surveillance devices to spy on the woman or her children, planted in the home or the family car; this includes the use of drones, smart devices such as televisions and other household appliances
- installing spyware and malware to override a device's security systems
- monitoring a woman's activities through information gained from social media via her children, extended family and friends
- setting up impersonator accounts to harass and cause additional stress and anxiety, or to impersonate the woman on porn or dating sites
- using apps or GPS devices to track location, for example, putting a tracking device on the collar of the family pet or hidden in children's toys
- isolating the women [sic] by changing her passwords and locking her out of her own accounts and devices, or by physically destroying her devices, and
- making threats in obscure or indirect ways to avoid being seen to breach protective orders, but which still have an impact on the woman.<sup>126</sup>

4.153 Such forms of abuse have grown along with the rapid development of information and communication technology since the end of last century and the take-up of smartphones into almost every Australian household.

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<sup>125</sup> eSafety Commissioner, *Submission 18*, p. 7.

<sup>126</sup> eSafety Commissioner, *Submission 18*, pp. 7-8.

- 4.154 While there is currently limited data nationally on technology-facilitated abuse, ANROWS has received funding for a project to develop knowledge about national prevalence rates, the experience of victim-survivors, the characteristics of such abuse and evidence about responses.<sup>127</sup>
- 4.155 Ms Karen Bentley from the Women's Services Network (WESNET) informed the Committee about surveys of family violence practitioners showing the increase in all forms of online abuse in the last five years. A survey conducted in 2015 found 82 per cent of practitioners' clients reporting abuse through smartphones, a figure increasing to 96 per cent in a 2020 survey. Reflecting the increased sophistication of perpetrators' techniques, 'GPS tracking using apps on smartphones has risen from 33 per cent to 60 per cent' between 2015 and 2020.<sup>128</sup>
- 4.156 Statistics from the Office of the eSafety Commissioner showed that, at the end of June 2020, the Office had received over 3,900 reports of image-based abuse. Despite nearly all the websites that have been reported to date being hosted overseas, the Office has successfully removed image-based abuse material in about 90% of cases where removal was requested.<sup>129</sup>
- 4.157 Ms Julie Inman Grant, the eSafety Commissioner, foresaw that the vectors of abuse would continue to expand as technology developed:
- Right now most forms of technology facilitated abuse are very low tech. ... It's 100 texts in an hour, vicious emails or impersonator accounts on Facebook... Now we are seeing internet-of-things devices being hacked into. You can now control your lights or thermostat through remote mobile phone apps. We've heard about people whose partners are turning up the heat to 45 degrees to sweat their family out.<sup>130</sup>
- 4.158 Regarding the targets of TFA, it has become recognised that, like family violence generally, the problem has disproportionate effects on particular communities and social groups. The eSafety Commissioner's submission noted that:

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<sup>127</sup> Australia's National Research Organisation for Women's Safety, *Submission 24*, p. 24.

<sup>128</sup> Ms Karen Bentley, Chief Executive Officer, Women's Services Network (WESNET), *Committee Hansard*, Canberra, 8 September 2020, p. 47.

<sup>129</sup> Attorney-General's Department, *Submission 71.2*, p. 15.

<sup>130</sup> Ms Julie Inman Grant, eSafety Commissioner, *Committee Hansard*, Canberra, 8 September 2020, p. 43.

While TFA can affect anyone, irrespective of age, geographic location or cultural background, some communities and cohorts are at greater risk. They also experience abuse in particular ways.

Research demonstrates that Aboriginal and Torres Strait Island women, women living with a disability, women from CALD [culturally and linguistically diverse] communities and women identifying at [sic] LGBTQI+ are at increased risk of TFA.<sup>131</sup>

4.159 One of the concerning features of TFA is that while practitioners and victim-survivors have become aware of the seriousness of the problem, there is less recognition amongst state institutions, such as the criminal justice system, and amongst the community at large.

4.160 Perpetrators are able to carry out abuse with little risk of sanction, as outlined by Ms Inman Grant:

One of the issues is that perpetrators can do this now with relative impunity. AVOs and intervention orders don't consider technology-facilitated abuse or gaslighting or any of the things that they do to continue harassing a woman, almost under the radar. These aren't penalised.<sup>132</sup>

4.161 The Committee received evidence that, in many cases, authorities did not appear to understand the problem and were thus taking ineffective or even counterproductive action. The submission from Domestic Violence Victoria (DV Vic) and the Domestic Violence Resource Centre Victoria (DVRCV) explained:

In DVRCV's 2015 national survey of practitioners across Australia, we found that when women experience technology-facilitated abuse, the response from both police and courts is often inconsistent and unhelpful. Practitioners identified that technology-facilitated abuse made it more difficult to protect victims, and that services struggled to know how to advise them. Practitioners stated that the common advice that professionals offered to victims is to simply 'switch off' devices or social media accounts; however, doing so can be counterproductive, create greater isolation and risk for the victim-survivor, and in some cases has not effectively stopped the abuse and harassment.<sup>133</sup>

<sup>131</sup> eSafety Commissioner, *Submission 18*, p. 13.

<sup>132</sup> Ms Julie Inman Grant, eSafety Commissioner, *Committee Hansard*, Canberra, 8 September 2020, p. 39.

<sup>133</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, pp. 35-36.

- 4.162 When asked about technology-facilitated abuse as a form of coercive control, Ms Kylie Beckhouse, representing National Legal Aid, suggested it was not well understood by professionals who are not specialists in family violence:

I think it's fair to also say that a lot of the professionals who deal with people who are victims of technology-facilitated abuse are sometimes not well trained and don't understand the risks and the extent to which technology can be used in that way.<sup>134</sup>

- 4.163 The Monash University Gender and Family Violence Prevention Centre outlined factors hindering law enforcement professionals and the need for training:

Research has shown a range of factors that hinder police from being able to provide appropriate support and responses to victims of image-based sexual abuse, including a lack of resources, evidentiary limitations, jurisdictional boundaries, victim-blaming, or harm minimization attitudes held by police, and an absence of training on relevant laws or on appropriate responses to victims. ... The challenges and limitations of policing and prosecuting technology-facilitated offences that are motivated by control must be addressed through more education, training, and resources for police, prosecutors, judicial officers, and victim support services, specifically on technology-facilitated abuse.<sup>135</sup>

- 4.164 Nevertheless, there are signs of progress, as discussed by Ms Bentley in relation to magistrates' recognition of TFA:

I think it varies from magistrate to magistrate—the population of magistrates has many different views. In my time, I feel like more magistrates are taking notice of it and that, slowly, there is more notice being taken of digital evidence as it comes in front of them.<sup>136</sup>

- 4.165 The relative neglect of TFA as a subject of professional attention can be seen as reflecting community attitudes that see the manipulative use of communication technology as a minor or trivial matter. The submission from No to Violence observed that:

Research has also found that when expressing a formal concern to Police about technology facilitated abuse, victim survivors commonly encounter

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<sup>134</sup> Ms Kylie Beckhouse, Director, Family Law—Legal Aid NSW, National Legal Aid, *Committee Hansard*, Canberra, 17 September 2020, p. 26.

<sup>135</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55.1*, p. 21.

<sup>136</sup> Ms Karen Bentley, Chief Executive Officer, Women's Services Network (WESNET), *Committee Hansard*, Canberra, 8 September 2020, p. 53.

perceptions that technology-facilitated abuse is less serious than other types of abuse.<sup>137</sup>

4.166 Similarly, Ms Inman Grant cited the example of:

... young men who might be engaging in image based abuse because they're big-noting themselves or they think it's a bit of fun—don't understand the devastating impacts that this can have on the victim.<sup>138</sup>

## Responses to technology-facilitated abuse

4.167 Evidence to the Committee about what can be done to respond to the growing phenomenon of TFA included legislative changes, professional practices, training and awareness for both professional staff and at-risk groups, and the role of commercial media platforms and providers.

4.168 The Committee was informed by the Attorney-General's Department that the Australian Government had made legislative changes in response to technology-facilitated abuse. In August 2018, criminal offences were introduced into the Criminal Code (s474.17A) through the *Enhancing Online Safety (Non-consensual Sharing of Intimate Images) Act 2018*. The offences criminalise the use of a carriage service to threaten or menace, harass and cause offence.<sup>139</sup> Since the change, two people have been convicted of offences under the legislation and, at the time of writing, three other prosecutions were before the courts.<sup>140</sup>

4.169 The Australian Government, in December 2019, launched the consultation process for a new Online Safety Act. Proposals in the draft legislation include expanding the role of the eSafety Commissioner and a 'new cyber abuse scheme for Australian adults to facilitate the removal of serious online abuse and harassment and introduce a new end user takedown and civil penalty regime'.<sup>141</sup>

4.170 The Committee received evidence that the current regime around apprehended violence orders (AVOs) was inadequate in dealing with TFA. As noted above, Ms Inman Grant argued that TFA was sometimes used by

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<sup>137</sup> No to Violence, *Submission 199*, p. 22.

<sup>138</sup> Ms Julie Inman Grant, eSafety Commissioner, *Committee Hansard*, Canberra, 8 September 2020, p. 42.

<sup>139</sup> Attorney-General's Department, *Submission 71.2*, p. 14.

<sup>140</sup> Attorney-General's Department, *Submission 71.2*, p. 15.

<sup>141</sup> eSafety Commissioner, *Submission 18*, pp. 18-19.



perpetrators as a way of 'skirting AVOs and other intervention orders'<sup>142</sup> because such interventions do not penalise technology-facilitated abuse.<sup>143</sup> Ms Inman Grant added:

We ... need to encourage employers and institutions to do more, and we need to be talking to the judiciary and law enforcement about the impacts that this has. I just spoke to the Judicial College of Victoria and I said, 'Hey, make sure you strengthen those provisions around technology facilitated abuse and AVOs, and make sure you don't just give perpetrators a slap on the wrist.'<sup>144</sup>

- 4.171 Regarding professional practices and training, Ms Inman Grant submitted that professionals in the field should treat TFA 'as a flag, as an indicator of intention for further abuse'.<sup>145</sup>
- 4.172 Legal Aid NSW told the Committee that its compulsory staff training on family violence includes a component on TFA.<sup>146</sup>
- 4.173 The Committee noted that in a 2019 report on information and communications technology, the Parliamentary Joint Committee on Law Enforcement recommended that the Government develop education materials to inform law enforcement agencies and personnel about new and emerging technology that offenders may use to facilitate family violence, and to provide guidance on appropriate strategies for responding.<sup>147</sup> The Committee was advised that the Government was considering its response to this recommendation.<sup>148</sup>

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<sup>142</sup> Ms Julie Inman Grant, eSafety Commissioner, *Committee Hansard*, Canberra, 8 September 2020, p. 38.

<sup>143</sup> Ms Julie Inman Grant, eSafety Commissioner, *Committee Hansard*, Canberra, 8 September 2020, p. 39.

<sup>144</sup> Ms Julie Inman Grant, eSafety Commissioner, *Committee Hansard*, Canberra, 8 September 2020, p. 41.

<sup>145</sup> Ms Julie Inman Grant, eSafety Commissioner, *Committee Hansard*, Canberra, 8 September 2020, p. 43.

<sup>146</sup> NSW Department of Communities and Justice, *Submission 131*, p. 31.

<sup>147</sup> Parliamentary Joint Committee on Law Enforcement, *Impact of new and emerging information and communications technology*, April 2019, rec. 10.

<sup>148</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 38.

4.174 The eSafety Commissioner launched eSafetyWomen in 2016 to increase knowledge about the issues amongst key stakeholders, aiming to:

... empower all Australian women to manage technology risks and abuse. The program helps women take control of their online experiences by:

- providing practical tools and information to equip women to protect themselves and their families against all forms of online abuse
- training frontline, specialist and support staff in the domestic and family violence sector, giving them the knowledge, skills and resources to effectively support women and their families, and
- actively raising awareness and understanding of TFA to help women identify it and take steps towards preventing it.

... As at June 2020, more than 12,000 domestic and family violence frontline workers, advocacy groups and women’s organisations have participated in eSafety’s face-to-face workshops or webinar seminars.<sup>149</sup>

4.175 The eSafety Commissioner submitted that ‘capacity building in online safety and digital literacy is critical for women of all ages’ and should be embedded in the school curriculum.<sup>150</sup> The Commission said that ‘eSafety refers to the “four Rs of online safety”: respect, responsibility, resilience and reasoning’.<sup>151</sup>

4.176 The eSafety Commissioner also suggested that women should be encouraged into science, technology, engineering and mathematics (STEM) industries to ‘create a gender equal future’:

Promoting gender equality within STEM has a number of benefits. It assists in shifting the traditionally male paradigm of STEM. It also addresses the leadership pipeline, as it positions and progresses women to take leadership roles in the STEM industry.

... Having an equal number of women at the forefront of the STEM industry expands who is influencing and shaping the technological developments and services that are becoming increasingly pervasive and important in our lives.<sup>152</sup>

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<sup>149</sup> eSafety Commissioner, *Submission 18*, pp. 10-12.

<sup>150</sup> eSafety Commissioner, *Submission 18*, p. 19.

<sup>151</sup> eSafety Commissioner, *Submission 18*, p. 20.

<sup>152</sup> eSafety Commissioner, *Submission 18*, p. 22.

- 4.177 More broadly, the Australian Human Rights Commission submitted that upskilling women in STEM and digital literacy could increase women's economic security and boost women's workforce participation, which it said were crucial to facilitating the ability of women to escape family violence without risking poverty or homelessness.<sup>153</sup>
- 4.178 Economic security is discussed later in this chapter, and gender inequality as a driver of FDSV is discussed in Chapter 6.
- 4.179 Ms Bentley from WESNET mentioned the example of a program to support a specific group of TFA victim-survivors, women who needed to replace their smartphones because a perpetrator was sending abusive messages to their existing device. WESNET has, since 2014, been working in cooperation with Telstra to provide up to 6,000 free phones per year to the clients of WESNET who need a new phone to escape harassment.<sup>154</sup>
- 4.180 Given the importance of social media platforms and other communication technology in the spread of TFA, the Committee examined the issue of the role and responsibilities of private sector providers in the field.
- 4.181 The eSafety Commissioner put the argument that technology companies had a responsibility to police the systems they had created:

You build the roads. You need to build the guardrails. But you also need to police these roads for dangerous drivers and get them off so that other people aren't being damaged. You're the only ones that have the tools to be able to identify when attacks like this are happening at scale.'

Ms Inman Grant added:

When companies are designing, developing and deploying these technologies, they need to think about how they can be weaponised and try to build as many protections in at the front end so that we're building it in, rather than bolting it on and retrofitting after the damage has been done.<sup>155</sup>

- 4.182 The Committee heard evidence from Google, Facebook and Snap about their approaches to dealing with abusive material sent through their respective systems and platforms.

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<sup>153</sup> Australian Human Rights Commission, *Submission 16*, pp. 8-9.

<sup>154</sup> Ms Karen Bentley, Chief Executive Officer, Women's Services Network (WESNET), *Committee Hansard*, Canberra, 8 September 2020, p. 50.

<sup>155</sup> Ms Julie Inman Grant, eSafety Commissioner, *Committee Hansard*, Canberra, 8 September 2020, p. 43.

4.183 The companies said that they recognised their responsibility to safeguard users against the threat of on-line abuse. For example, Ms Samantha Yorke from Google Australia told the Committee:

... protecting those members of society who are most vulnerable, be they children or people fleeing abusive relationships, is a responsibility that is shared across government, law enforcement, the tech industry and support and advocacy groups. We all have a role to play, and my presence here today signals Google's commitment to making a responsible contribution to keeping Australians safe.<sup>156</sup>

4.184 Each company outlined its own policies and practices to protect users and ensure their systems were not vectors of abuse.

4.185 Facebook provided information about its:

... multi-faceted approach to safety that spans the following four areas:

- developing policies to keep people safe, and investing in cutting-edge technology to enforce our policies
- building tools to help people control their individual experience
- developing resources to support people who may need them
- building partnerships to help support women to be empowered online, especially with Australian safety partners such as WESNET and the Alannah & Madeline Foundation, and consulting with other experts such as Dr Nicola Henry and Dr Asher Flynn.<sup>157</sup>

4.186 A representative from Facebook, Mrs Mia Garlick, elaborated to the Committee on the ways that users can manage their settings on the application to protect themselves against abuse, and mentioned that the organisation regularly removes millions of posts containing harassing content, hate speech and nudity.<sup>158</sup>

4.187 Ms Yorke explained that Google's systems:

... remove content from our search results globally in a few limited circumstances, and they include child sex abuse material; web spam, malware and phishing sites; certain personal information, such as bank account details;

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<sup>156</sup> Ms Samantha Yorke, Government Affairs and Public Policy, Google Australia, *Committee Hansard*, Canberra, 17 November 2020, p. 21.

<sup>157</sup> Facebook, *Submission 284*, p. 2.

<sup>158</sup> Mrs Mia Garlick, Director of Public Policy, Australia, New Zealand and Pacific Islands, Facebook, *Committee Hansard*, Canberra, 8 November 2020, p. 25.

and the non-consensual sharing of explicit images, which of course is also known colloquially as 'revenge porn'.<sup>159</sup>

4.188 Ms Yorke told the Committee that it used 'both computer science tools and human reviewers to identify and stop a range of online abuse'.<sup>160</sup> This included removing millions of videos from its You Tube application for 'policy violations'.<sup>161</sup>

4.189 Snap explained its approach to user safety as follows:

- Prevention: Our "Safety by Design" (SbD) approach anticipates and prevents the opportunity for abuse before it can happen. Snapchat is designed with a focus on real friendships: we've made it difficult for strangers or predators to identify (in particular, younger) users. ...
- Action: We give users the ability to take action on inappropriate content or behaviour, by providing simple-to-use in-app reporting tools where users can quickly notify us of any safety issues. ...
- Response: In response to reports from users, law enforcement, trusted flaggers and Snapchat itself, our global, 24/7 Trust & Safety team reviews reports and takes appropriate action...
- Partnership: we work with a range of expert safety organizations and leaders to inform our approach to safety and make sure Snapchat is a safe environment for our users.<sup>162</sup>

4.190 The providers emphasised that they were cooperating with government agencies and non-government organisations to strengthen their responses to the problem. For example, Mrs Garlick from Facebook mentioned that her organisation was working with the eSafety Commissioner's office to establish a pilot scheme under which people can prevent intimate images from being shared on Facebook.<sup>163</sup>

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<sup>159</sup> Ms Samantha Yorke, Government Affairs and Public Policy, Google Australia, *Committee Hansard*, 17 November 2020, Canberra, p. 19.

<sup>160</sup> Ms Samantha Yorke, Government Affairs and Public Policy, Google Australia, *Committee Hansard*, 17 November 2020, Canberra, p. 19.

<sup>161</sup> Ms Samantha Yorke, Government Affairs and Public Policy, Google Australia, *Committee Hansard*, 17 November 2020, Canberra, p. 20.

<sup>162</sup> Snap Inc., *Submission 280*, pp. 1-2.

<sup>163</sup> Mrs Mia Garlick, Director of Public Policy, Australia, New Zealand and Pacific Islands, Facebook, *Committee Hansard*, Canberra, 8 November 2020, p. 18.

4.191 Ms Yorke from Google Australia told the Committee about:

... the support that we offer to non-government organisations seeking to prevent violence against women and children, including WESNET, the Alannah & Madeline Foundation, Bravehearts and the joint Monash-RMIT two-year research study into technology facilitated abuse that's been funded by Australia's National Research Organisation for Women's Safety, and I am proud to be an adviser to that research project.<sup>164</sup>

## Financial abuse

4.192 Financial abuse is a form of coercive control where a perpetrator takes control of a victim-survivor's financial affairs, such as personal expenditure and the management of bank accounts, investments, superannuation and assets such as the family home, in order to restrict the victim-survivor's access to economic resources, to hinder their financial independence and/or to inflict economic harm.

4.193 The section discusses financial abuse as an aspect of women's relative lack of economic autonomy, describes the forms and means of the abuse, and discusses responses to the issue, such as those proposed by the 2015-16 Victorian Royal Commission into Family Violence.

4.194 Women are especially vulnerable to financial abuse because of the economic situation of women in Australian society. Women, on average, have lower incomes than men and usually earn less than their partners. They also have lower levels of superannuation savings. Women's rate of participation in the workforce is below that of men and they perform the majority of unpaid domestic work. During the course of their working lives, women are more likely to take extended periods of time off work to care for children, elderly parents or for other family-related reasons.<sup>165</sup>

4.195 Women's relative lack of economic independence can create opportunities for abuse of their current or former partners by perpetrators of family violence.

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<sup>164</sup> Ms Samantha Yorke, Government Affairs and Public Policy, Google Australia, *Committee Hansard*, 17 November 2020, Canberra, p. 20.

<sup>165</sup> Law Institute of Victoria, *Submission 113*, p. 13.

4.196 The Australian Banking Association (ABA) defined financial abuse as a 'form of family violence that negatively impacts a person financially and undermines their efforts to become economically independent'.<sup>166</sup>

4.197 In the view of ANROWS:

... economic/financial abuse involves a perpetrator restricting their victim's access to economic resources, to apply control and hinder their victim's independence... Financial abuse can take place pre-separation, throughout legal processes, and post-separation.<sup>167</sup>

4.198 The Economic Abuse Reference Group (EARG), a network of community organisations working to influence government and business responses to the financial impact of family violence, noted that '...between 78-99% of women presenting to family violence services, report a history of economic abuse.'<sup>168</sup>

4.199 The ABA told the Committee:

The abuser may use violence and intimidation to restrict access to a person's bank accounts, force a person to relinquish control over assets or take out loans, prevent them from working or accessing benefits, withhold living expenses from them or their children, use the transaction description free-text field in electronic transfers to harass / intimidate or abuse, and restrict / monitor access to mobile phones and the internet.<sup>169</sup>

4.200 This kind of abuse can leave victim-survivors with:

... insufficient funds to meet basic needs, homelessness, the prospect of long-term financial hardship, being forced to pay all joint loan payments, and potentially acquiring a poor credit history from a joint loan. It may also result in a person being prevented from engaging in regular employment.<sup>170</sup>

4.201 Like other forms of coercive control, financial abuse is not incident based, but instead involves patterns of behaviour. Financial abuse is likely to continue over a long term and, in many cases, can lock a victim-survivor of family violence into an abusive relationship because she does not have the economic means to escape. In some cases, women who have left an abusive

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<sup>166</sup> Australian Banking Association, *Submission 45*, p. 1.

<sup>167</sup> Australia's National Research Organisation for Women's Safety, *Submission 132*, p. 21.

<sup>168</sup> Economic Abuse Reference Group, *Submission 196: Attachment 1*, p. 10.

<sup>169</sup> Australian Banking Association, *Submission 45*, p. 2.

<sup>170</sup> Australian Banking Association, *Submission 45*, p. 2.

relationship will return to their partner because they cannot sustain themselves financially outside the abuser's household.

- 4.202 ANROWS cited research findings that 'around one in five women returned to violent partners because they had no financial support, or nowhere else to go'.<sup>171</sup> The organisation noted that 'financial stress is a significant but under-addressed barrier to safety for women experiencing domestic and family violence'<sup>172</sup> and that 'employment is an important pathway for women leaving violent relationships'.<sup>173</sup>
- 4.203 Lack of capacity to afford alternative accommodation is also a major factor forcing women back into abusive relationships. ANROWS argued that 'women were more likely to return to their partner if they had difficulty maintaining independent accommodation'.<sup>174</sup> Housing issues are discussed further in Chapter 8. The organisation added that:

Insecure housing has many flow-on effects: it can affect child protection issues, custody issues, the ability to retain possessions, the ability to get and keep a job, and the ability to maintain social connections ...<sup>175</sup>

### *Forms and means of financial abuse*

- 4.204 The Committee was given information about ways in which the banking system was used to perpetrate financial abuse. The ABA provided examples of the many mechanisms through which such abuse can occur:
- coercion into taking out loans;
  - withholding funds to prevent a partner leaving an abusive relationship;
  - preventing withdrawal of funds to pay for basic expenses;
  - joint funds spent on extravagant purchases or gambling;
  - one partner left to meet all loan repayments;
  - refusal or delay in selling a joint home; and
  - failure to abide by court orders to make mortgage repayments.<sup>176</sup>
- 4.205 Bank accounts can be exploited to carry out one form of technology-facilitated abuse. Several submitters mentioned that perpetrators can make

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<sup>171</sup> Australia's National Research Organisation for Women's Safety, *Submission 132*, p. 14.

<sup>172</sup> Australia's National Research Organisation for Women's Safety, *Submission 132*, p. 18.

<sup>173</sup> Australia's National Research Organisation for Women's Safety, *Submission 132*, p. 18.

<sup>174</sup> Australia's National Research Organisation for Women's Safety, *Submission 132*, p. 14.

<sup>175</sup> Australia's National Research Organisation for Women's Safety, *Submission 132*, p. 14.

<sup>176</sup> Australian Banking Association, *Submission 45*, pp. 8-11.



child support payments or multiple low-value transactions (for example, one cent) in a victim-survivor's bank account and leave threatening or abusive messages in the free text transaction description field.<sup>177</sup>

4.206 The ABA told the Committee that perpetrators exercising coercive control 'may not allow their partner to have their own bank account'.<sup>178</sup> And even if a victim-survivor does escape, abuse can continue because:

When fleeing a violent situation, it may not be possible to collect identification documents, or the perpetrator may withhold them, or they don't show a new address, making it difficult to meet bank identification standards.<sup>179</sup>

4.207 The social welfare system can also be a place where financial abuse is perpetrated and where women's lack of economic independence is manifested. Economic Justice Australia, a peak organisation for providers of advice on social security issues, pointed out that there are 'systemic barriers that victims can face in dealing with Centrelink and accessing appropriate support'.<sup>180</sup>

4.208 Economic Justice Australia described how 'perpetrators of DFV are often able to use, or threaten to use, legal and government systems to coercively control their victims'.<sup>181</sup> They cited examples of cases where perpetrators force partners to mis-report their circumstances, cause victim-survivors to lose income by mis-reporting childcare arrangements, or where victim-survivors become criminally liable to fraudulent claims made by an abusive partner.<sup>182</sup>

4.209 The ABA cited the example of perpetrators using their access to joint accounts to withdraw funds from social welfare payments meant for a victim-survivor.<sup>183</sup>

4.210 The submission from Women in Super described some of the issues faced by victim-survivors from lack of superannuation. Perpetrators may hold all

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<sup>177</sup> Australian Banking Association, *Submission 45*, p. 3; Ms Julie Inman Grant, eSafety Commissioner, *Committee Hansard*, Canberra, 8 September 2020, p. 37.

<sup>178</sup> Australian Banking Association, *Submission 45*, p. 3.

<sup>179</sup> Australian Banking Association, *Submission 45*, p. 3.

<sup>180</sup> Economic Justice Australia, *Submission 95*, p. 1.

<sup>181</sup> Economic Justice Australia, *Submission 95*, p. 12.

<sup>182</sup> Economic Justice Australia, *Submission 95*, pp. 12-13.

<sup>183</sup> Australian Banking Association, *Submission 45*, pp. 2, 9.

superannuation funds and prevent partners from earning income and thus accumulating superannuation. This can strengthen coercive control and add to the barriers to leaving an abusive partner. Victim-survivors find that problems with low superannuation savings ‘follow them even when they escape such relationships and stay with them into retirement’.<sup>184</sup>

4.211 Related evidence was given by Dr Susan Cochrane from Relationships Australia:

... for many separating families superannuation is the one big asset. It might, in fact, be the only asset. At the moment, if there is a violent relationship, if there is a controlling coercive relationship and if there is an imbalance of knowledge about the family finances, often the person who has the superannuation account has been able to withhold information and delay sharing that information in a way that essentially stalls the matter, prolongs the matter.<sup>185</sup>

4.212 One group that is particularly vulnerable to financial abuse is elderly people. The broader issue of elder abuse is discussed in Chapter 5. In relation to financial abuse of older people, the Law Institute of Victoria mentioned that:

Older women are a particularly vulnerable cohort with regards to FV [family violence]. They are less likely to report violence as a result of financial dependence on their partner, fear of isolation and risk of estrangement from their children and/or grandchildren, feelings of shame and a general lack of knowledge about available services and the law. FV extending to circumstances commonly described as ‘elder abuse’ is pervasive and often involves physical, emotional and financial abuse.<sup>186</sup>

4.213 Elaborating, the Institute added that:

In terms of elder abuse, statistics show that financial abuse is identified as the fastest growing type of abuse. Elder financial abuse can give rise to causes of action under contract, property, equity and family law. In relation to intervention orders, misidentifying an elderly person as the perpetrator of FV may result in homelessness and/or loss of financial and/or economic support. This in turn may lead to a loss of access to adequate health services, and increased risk of mental health issues due to isolation and/or neglect.<sup>187</sup>

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<sup>184</sup> Women in Super, *Submission 74*, p. 2.

<sup>185</sup> Dr Susan Cochrane, National Policy Manager, Relationships Australia, *Committee Hansard*, Canberra, 18 September 2020, p. 34.

<sup>186</sup> Law Institute of Victoria, *Submission 113*, p. 14.

<sup>187</sup> Law Institute of Victoria, *Submission 113*, p. 14.

## Responses to financial abuse

4.214 One of the most comprehensive inquiries into responses to family violence in Australia, including the financial and economic aspects of the problem, was undertaken by the Victorian Royal Commission into Family Violence of 2015-16. The report of the Royal Commission made 15 recommendations (recommendations 107-121) regarding financial and economic matters.<sup>188</sup>

4.215 The Economic Abuse Reference Group (EARG) mentioned that the Royal Commission's recommendations on financial abuse covered three main areas:

- enhance ability of community services to help address, and prevent, personal economic problems and financial distress that result from family violence;
- change business processes to reduce the financial impact of family violence on customers (this includes staff training and improved responses to signs of family violence and the resulting financial hardship); and
- change legislation, specifically in the area of tenancy laws and fines, to improve outcomes for people experiencing family violence.<sup>189</sup>

4.216 Following the report of the Royal Commission, EARG conducted research from March 2016 to December 2019 into community, business and government responses to the financial impact of family violence, and published its report in January 2020.<sup>190</sup> With a primary focus on the 15 recommendations from the Royal Commission relating to financial security and economic abuse, the three-fold objectives of the report were to:

- review the recent context of family violence and economic abuse in Victoria
- examine progress in reducing the economic impact of family violence
- support further work and discussions to influence government and business responses to family violence.<sup>191</sup>

4.217 In reviewing the context of financial abuse in Victoria, the EARG report discussed the obstacles faced by women in dealing with financial abuse, the important role of financial counselling and future directions for EARG. In

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<sup>188</sup> State of Victoria, *Royal Commission into Family Violence: Summary and Recommendations*, Parl. Paper No. 132 (2014-16), pp. 74-78.

<sup>189</sup> Economic Abuse Reference Group, *Submission 196: Attachment 1*, p. 7.

<sup>190</sup> Economic Abuse Reference Group, *Submission 196: Attachment 1*.

<sup>191</sup> Economic Abuse Reference Group, *Submission 196: Attachment 1*, p. 3.

regard to progress since the Royal Commission, EARG noted that the inquiry ‘triggered a significant shift in momentum for business and government to respond to the financial impact of family violence’ and highlighted the ‘leadership ... demonstrated by many larger industry organisations across banking, insurance, utilities and telecommunications’.<sup>192</sup> In relation to future priorities, EARG suggested continued commitment to encouragement of awareness of family violence amongst business and government, embedding good practice across businesses and consideration of potential violence risks when granting credit.<sup>193</sup>

4.218 In addition to its discussion about responses and further work at the Victorian state level, EARG made recommendations for federal government action. The ten recommendations relate to legislation, processes and services in connection with social security, taxation, superannuation, family courts, credit, consumer protection and counselling services.<sup>194</sup>

4.219 The EARG report paid particular attention to the role of financial counsellors ‘at the frontline of economic abuse recovery’. The report stressed that:

Financial counselling is an essential part of recovery for family violence and economic abuse as it supports women to navigate across the complex territories of family law, family violence and debt.<sup>195</sup>

4.220 Other submitters also attested to the important role played by financial counsellors in assisting victim-survivors of financial abuse and facilitating their exodus from abusive relationship by helping them to build financial independence.

4.221 The submission from Financial Counselling Australia (FCA), the peak body for financial counsellors in Australia, argued that:

Working with people affected by family violence can be incredibly complex. As such, there is a need for specialist family violence financial counsellors.<sup>196</sup>

4.222 FCA said that, following the recommendations of the Victorian Royal Commission, the Victorian Government now funds positions for 22 full-time financial counsellors. The organisation noted that if other states and

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<sup>192</sup> Economic Abuse Reference Group, *Submission 196: Attachment 1*, p. 5.

<sup>193</sup> Economic Abuse Reference Group, *Submission 196: Attachment 1*, p. 6.

<sup>194</sup> Economic Abuse Reference Group, *Submission 196*, p. 6.

<sup>195</sup> Economic Abuse Reference Group, *Submission 196: Attachment 1*, p. 11.

<sup>196</sup> Financial Counselling Australia, *Submission 151*, p. 6.

territories provided similar levels of funding there would be a significant increase in the number of much-needed counsellors across the country.<sup>197</sup>

4.223 The call for increased numbers of financial counsellors was supported by the University of New South Wales Tax Clinic, which argued that many people in need of assistance would not be ‘aware of the existence of financial counsellors’.<sup>198</sup>

4.224 Ms Anna Bligh from the ABA expressed the support for financial counsellors within the banking sector:

... where particularly vulnerable customers are assisted by a financial counsellor, they are significantly more likely to be able to restore that customer to some form of financial wellbeing, and that's in the banks' interests.<sup>199</sup>

4.225 Submissions to the Committee were in agreement that financial counsellors were most effective when they were able to work in concert with other professionals and make connections between different types of support services. FCA cited the example of a typical case where a:

... financial counsellor worked with the family violence case worker, therapeutic counsellor, a community legal service (dealing with the insurance issues) and a women's legal service (which led to a referral to a pro-bono lawyer).

... Having specialist family violence financial counsellors working in integrated service models is best practice. Family violence financial counsellors work with industry, community and government to improve the systems that people affected by family violence engage with.<sup>200</sup>

4.226 The Committee also received evidence about the work of the ABA in protecting customers at risk of FDSV. The ABA's Banking Code of Practice requires its member banks ‘to take extra care with vulnerable customers, including those experiencing family or domestic violence’.<sup>201</sup> The ABA has also issued the *Industry Guideline: Financial Abuse and Family and Domestic*

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<sup>197</sup> Financial Counselling Australia, *Submission 151*, pp. 6-8.

<sup>198</sup> University of New South Wales Tax Clinic, *Submission 9*, p. 3.

<sup>199</sup> Ms Anna Bligh, Chief Executive Officer, Australian Banking Association, *Committee Hansard*, Canberra, 16 November 2020, p. 21.

<sup>200</sup> Financial Counselling Australia, *Submission 151*, p. 7.

<sup>201</sup> Australian Banking Association, *Submission 45*, p. 3.

*Violence* which ‘outlines a framework for member banks to raise awareness, promote consistent arrangements to support customers, and to encourage best practice across the banking industry’.<sup>202</sup>

4.227 The Commonwealth Bank of Australia funded research on how banks can better address financial abuse, conducted by UNSW’s Gendered Violence Research Network.<sup>203</sup> The report on the research, made public and shared with the ABA as reference for its member banks, outlines key areas for banks considering measures to support customers in dealing with financial abuse, including:

- examine ways to tailor products for victim-survivors;
- establish a domestic and family violence team to assess the potential for products and procedures to be misused by perpetrators;
- provide specialist training for domestic and family violence teams; and
- provide content for education programs to support young people to adopt financial capability and financial management practices that do not disadvantage young women.<sup>204</sup>

## Other complex forms of violence

4.228 The Committee received evidence on other complex forms of violence that are used by perpetrators to enforce control over various aspects of victim-survivors’ lives and to reduce their personal autonomy, such as reproductive coercion, dowry abuse, forced marriage and female genital mutilation/cutting.

4.229 Referring to the problem of reproductive coercion, Australian Women against Violence Alliance (AWAVA) said that the term:

... is used to define a range of interpersonal and structural coercive behaviours that impact on a woman’s reproductive autonomy. These behaviours can include birth control sabotage (where contraception is deliberately thrown away or tampered with), threats and use of physical violence if a woman

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<sup>202</sup> Australian Banking Association, *Submission 45*, p. 4.

<sup>203</sup> UNSW Gendered Violence Research Network and Commonwealth Bank of Australia, *Understanding economic and financial abuse in intimate partner relationships*, October 2020, <<https://www.commbank.com.au/content/dam/caas/newsroom/docs/UNSW-report1-Financial-Abuse-and-IPV-newsroom.pdf>>.

<sup>204</sup> Commonwealth Bank of Australia, ‘New research shows how banks can better address economic and financial abuse’, 12 November 2020, <<https://www.commbank.com.au/articles/newsroom/2020/11/UNSW-financial-abuse.html>>.

insists on condoms or other forms of contraception, coercing a woman to have sex or to fall pregnant, or to have an abortion, as well as forced sex and rape.<sup>205</sup>

4.230 Marie Stopes Australia elaborated on reproductive coercion as a kind of abuse that can include:

- sabotage of another person's contraception;
- pressuring another person into pregnancy;
- controlling the outcome of another person's pregnancy;
- forcing or coercing another person into sterilisation; and
- any other behaviour that interferes with the autonomy of a person to make decisions about their reproductive health.<sup>206</sup>

4.231 AWAVA advised that organisations involved in supporting victim-survivors reported that women from CALD and indigenous communities are over-represented among women subjected to reproductive coercion.<sup>207</sup> The broader issues facing women from these communities are discussed in more detail in Chapter 5.

4.232 With regard to dowry abuse, the AustralAsian Centre for Human Rights and Health (ACHRH) told the Committee that:

Abusive behaviours linked to the giving of dowry may include demands for property, cash, white goods and jewellery, gifts that are expected on recurrent basis, after the wedding. Dowry-related demands or extortion may take the form of threats or acts of physical violence or abandonment, in order to extract more dowry from the victim and their family, leaving the victim increasingly threatened and financially dependent on the perpetrator.<sup>208</sup>

4.233 The Senate Legal and Constitutional Affairs Committee 2019 inquiry into dowry and dowry abuse concluded that dowry abuse was a form of economic abuse and recommended that such abuse should be included in the definition of family violence in relevant legislation.<sup>209</sup> The Committee's other recommendations related to immigration procedures such as protection of women on temporary visas, development of data and an

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<sup>205</sup> Australian Women against Violence Alliance, *Submission 122*, p. 45.

<sup>206</sup> Marie Stopes Australia, *Submission 185*, p. 10.

<sup>207</sup> Australian Women against Violence Alliance, *Submission 122*, pp. 45-46.

<sup>208</sup> AustralAsian Centre for Human Rights and Health, *Submission 6*, p. 7.

<sup>209</sup> Senate Legal and Constitutional Affairs Committee, *Practice of dowry and the incidence of dowry abuse in Australia*, February 2019, p. 40.

evidence base on dowry abuse, the provision of information to at-risk groups and education campaigns for community and professional stakeholders.<sup>210</sup>

4.234 Forced marriage was described to the Committee as:

... a complex form of gender and family-based violence that primarily affects women and girls. Forced marriage occurs when a person gets married without freely and fully consenting because they have been coerced, threatened or deceived, or because they are incapable of understanding the nature and effect of a marriage ceremony, or when the person was under the age of 16 when they were married.<sup>211</sup>

4.235 Witnesses submitted that all forms of non-physical abuse intersect with each other and manifest themselves differently within the norms and practices of various communities. The issue therefore needs to be informed by ‘intersectional and culturally-sensitive approaches to prevention’.<sup>212</sup>

4.236 A study on reproductive coercion and its wider cultural context presented to the Committee by Marie Stopes Australia argued that:

... power and control [are] key elements of all of these forms of violence and coercion. Some societal norms regarding behaviours, practices and attitudes support or enable a perpetrator of RC [reproductive coercion] to exert power or control over another person. These societal behaviours, practices and attitudes are, in turn, shaped by the social, economic, political and cultural environment.<sup>213</sup>

4.237 Similarly, AWAVA submitted that: ‘forced marriage is a form of gender-based violence as well as family violence. The impacts and experiences include (but are not limited to) physical abuse, sexual abuse, reproductive coercion, financial abuse, and social isolation’.<sup>214</sup> AWAVA added that ‘the practice of dowry can be associated with abuse, control and demands for more substantial gifts or financial contributions’.<sup>215</sup>

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<sup>210</sup> Senate Legal and Constitutional Affairs Committee, *Practice of dowry and the incidence of dowry abuse in Australia*, February 2019, pp. vii-ix.

<sup>211</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 21.

<sup>212</sup> Australian Women against Violence Alliance, *Submission 122*, p. 20.

<sup>213</sup> Marie Stopes Australia, *Hidden forces: Shining a light on reproductive coercion*, 2018, *Exhibit 23*, p. 21.

<sup>214</sup> Australian Women against Violence Alliance, *Submission 122*, p. 50.

<sup>215</sup> Australian Women against Violence Alliance, *Submission 122*, p. 48



- 4.238 Dowry abuse and forced marriage are both forms of abuse that, in the view of Dr Madeleine Ulbrick from Good Shepherd Australia New Zealand, are ‘part of that continuum of family violence that engages multiple members of one family, creating pressure on individuals within the family as well’. Dr Ulbrick therefore submitted that victim-survivors should be ‘supported through greater service provision outside of a criminal justice setting and within a specialist family violence service setting and, particularly, within an intervention order system as well’.<sup>216</sup>
- 4.239 Good Shepherd Australia New Zealand also contended that the current understanding of forced marriage in the context of modern slavery was too narrow. It defined the problem largely as a matter for the criminal justice system which hampered the capacity to deal with cases in a way which is ‘culturally appropriate for victims-survivors’.<sup>217</sup> The current reliance on an Australian Federal Police (AFP) investigation creates a number of challenges, including:
- 1 Limited participation in the system by victim/survivors of forced marriage because the perpetrator/s is a family member;
  - 2 Lack of access to support, compounded by the fact that the Commonwealth framework requires referrals from the Australian Federal Police, meaning that individuals not wishing to report their circumstances to the police are unable to access the federally funded support programs for victim/survivors of forced marriage;
  - 3 Young women aged 16-18 represent a significant number of those at risk, and therefore, a more nuanced intervention than the current approach is required to meet their unique needs.<sup>218</sup>
- 4.240 Support for this view can be found in evidence from the AFP which emphasised that cases of forced marriage ‘can be based internationally and part of close-knit cultural and family networks, and members can be reluctant to report matters or give evidence’.<sup>219</sup> The AFP added that there

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<sup>216</sup> Dr Madeleine Ulbrick, Senior Policy Adviser, Good Shepherd Australia New Zealand, *Committee Hansard*, Canberra, 17 November 2020, p. 44.

<sup>217</sup> Dr Madeleine Ulbrick, Senior Policy Adviser, Good Shepherd Australia New Zealand, *Committee Hansard*, Canberra, 17 November 2020, p. 44.

<sup>218</sup> Good Shepherd Australia New Zealand, *Submission 49*, p. 29.

<sup>219</sup> Australian Federal Police, *Submission 82*, p. 4.

can be complex interactions with issues of ‘immigration and visa status’<sup>220</sup>, as further discussed in Chapter 5.

- 4.241 The practice of female genital mutilation/cutting (FGM/C) as a form of abuse was raised with the Committee. The Australian Institute of Health and Welfare undertook research in 2019 attempting to estimate the prevalence of FGM/C in Australia. Its report described the estimates as ‘rudimentary’, noting that evidence on FGM/C in Australia is limited and proposing topics for further research to improve the evidence on FGM/C at the national level.<sup>221</sup>
- 4.242 AWAVA submitted that:
- This harmful practice is rooted in gender inequality and should not be attributed to purely religious or cultural practice. It needs to be addressed through...human-rights and intersectional lenses.<sup>222</sup>
- 4.243 Jesuit Refugee Service and the Refugee Advice and Casework Service proposed that ‘the health sector would benefit from training and further research focused on issues’ such as FGM/C.<sup>223</sup>
- 4.244 AWAVA recommended that the Australian Government provide ongoing support for the National Education Toolkit for Female Genital Mutilation/Cutting Awareness (NETFA).<sup>224</sup> NETFA is an Australian Government-funded project that aims to train health professionals supporting women who have experienced FGM/C, to raise awareness in affected communities and to gather information on the issue.<sup>225</sup>
- 4.245 A further important issue raised in evidence was the need for clear and nationally-consistent definitions of the various types of complex and non-physical abuse and to ensure that they are considered as part of broader responses to FDSV. This would contribute to better resourcing of support services, improve legislative responses and facilitate actions such as intervention orders and criminal proceedings.

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<sup>220</sup> Australian Federal Police, *Submission 82*, p. 4.

<sup>221</sup> Australian Institute of Health and Welfare, *Towards estimating the prevalence of female genital mutilation/cutting in Australia*, February 2019.

<sup>222</sup> Australian Women against Violence Alliance, *Submission 122*, p. 46.

<sup>223</sup> Jesuit Refugee Service and Refugee Advice and Casework Service, *Submission 192*, p. 7.

<sup>224</sup> Australian Women against Violence Alliance, *Submission 122*, p. 46.

<sup>225</sup> NEFTA / Multicultural Centre for Women’s Health, ‘National Education Toolkit for Female Genital Mutilation/Cutting Awareness’, <<https://netfa.com.au/>>.

4.246 Marie Stopes Australia added that integrating non-physical abuse into primary prevention measures, such as public health campaigns, would prevent victim-survivors of this kind of abuse from being made 'invisible'.<sup>226</sup>

4.247 In the case of dowry abuse and forced marriage, Dr Ulbrick argued in favour of:

... across all Australian state and territory jurisdictions, a nationally consistent definition of 'family violence' which includes dowry abuse as part of economic abuse and also includes examples such as forced marriage as part of family violence so victims-survivors would be able to obtain an intervention order which would provide some level of protection...<sup>227</sup>

4.248 An example of how the issue of dowry abuse could be integrated into legislation was cited by ACHRH, which told the Committee of its success in lobbying for the inclusion of dowry abuse in the Victorian Family Violence Protection Act in 2019.<sup>228</sup>

4.249 Similarly, AWAVA submitted that 'the definition of family violence needs to be expanded to include forced marriage. This would open up opportunities for wider multi-sectoral engagement and information and support services for individuals at risk.'<sup>229</sup> AWAVA made the same case in relation to dowry abuse.<sup>230</sup>

4.250 The question of definitions is also related to the need for better data on complex and non-physical violence, which was raised in submissions.

4.251 AWAVA detailed a range of issues on which data should be gathered:

While data on women's health and safety are routinely collected by the government, there remains a need for consistency in accounting for the diversity of the victims/survivors and their lived experience along with types of violence. Issues including sexual harassment, dowry abuse, reproductive coercion, forced marriage, Female Genital Mutilation/Cutting (FGMC), and technology-facilitated abuse are not routinely collected which can create

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<sup>226</sup> Marie Stopes Australia, *Submission 185*, p. 4.

<sup>227</sup> Dr Madeleine Ulbrick, Senior Policy Adviser, Good Shepherd Australia New Zealand, *Committee Hansard*, Canberra, 17 November 2020, p. 45.

<sup>228</sup> AustralAsian Centre for Human Rights and Health, *Submission 6*, p. 2.

<sup>229</sup> Australian Women against Violence Alliance, *Submission 122*, p. 50.

<sup>230</sup> Australian Women against Violence Alliance, *Submission 122*, p. 49.

challenges in understanding, preventing and addressing the experiences of violence holistically.<sup>231</sup>

- 4.252 Marie Stopes Australia argued that the Australian Bureau of Statistics (ABS) Personal Safety Survey would be an ‘ideal means’<sup>232</sup> to gather data on non-physical violence and ‘create impetus for its consideration in the suite of research, policy and practice initiatives to address violence against women’.<sup>233</sup>

## Committee comment

### *Coercive control*

- 4.253 The Committee recognises that coercive control is a central element of FDSV, and has the potential to inflict serious and long-lasting harms on victim-survivors, including children. The Committee also recognises the evidence linking coercive control to severe physical violence and homicide.
- 4.254 However, the issue of whether or not to criminalise coercive and controlling behaviour is complex and vexed, and has challenged policy makers for some time.
- 4.255 Many arguments were put forward in evidence to this inquiry as to why coercive control should be criminalised. Equally, other evidence suggested caution in the introduction of new criminal offences, or recommended against this approach. In this respect, the evidence to this inquiry was consistent with the findings of other inquiries and reviews that have considered this issue, in that there was no consensus of opinion amongst stakeholders as to the merits of criminalisation.
- 4.256 The Committee is also cognisant of the operation of the existing Tasmanian offences relating to economic abuse and emotional abuse or intimidation, which have resulted in very few charges, let alone convictions. However, the Committee also notes the operation of new offences in England and Wales and Scotland, which, based on evidence to this inquiry, appear to be more promising.
- 4.257 It must be also emphasised that the Australian Government has no constitutional power to legislate for the criminalisation of coercive control.

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<sup>231</sup> Australian Women against Violence Alliance, *Submission 122*, p. 16.

<sup>232</sup> Marie Stopes Australia, *Submission 185*, p. 10

<sup>233</sup> Marie Stopes Australia, *Submission 185*, p. 11.

The decision to criminalise coercive control is a matter entirely for the legislature of each state and territory.

- 4.258 The Committee notes that, at the time of this inquiry, the issue of coercive control, including the merits or otherwise of criminalisation, is under active consideration in several states and territories, including New South Wales, Queensland, and the Northern Territory.
- 4.259 For the reasons set out above, the Committee does not consider it appropriate to make a recommendation regarding the criminalisation of coercive and controlling behaviour.
- 4.260 The Committee does, however, consider that the Australian Government can work constructively with state and territory governments to ensure that any future decisions to criminalise coercive control are, as much as possible, taken in a consistent manner across jurisdictions. This is only logical in light of the Committee's views and recommendations set out in Chapter 2, about resolving the present inconsistency in family violence definitions across Australian jurisdictions.
- 4.261 Moreover, the Committee notes that in February 2021 both Houses of Parliament passed a resolution recognising the harm caused by persistent controlling behaviour, and calling on the Australian Government to 'coordinate a national discussion regarding criminalising coercive control and related implementation support'.<sup>234</sup>
- 4.262 There is also a role for the Australian Government in working with the states and territories to ensure that any new offences are informed by the experiences of the approaches taken in Tasmania, England and Wales, and Scotland.
- 4.263 In particular, systemic changes are required for any new offence to be effective. It is therefore imperative that the design and implementation of a criminal regime for coercive control be done in close consultation with police, the judiciary, the legal profession, family violence services, and victim-survivors.
- 4.264 Comprehensive training and community awareness campaigns are also critical in the implementation of any new offences, and should be appropriately funded.

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<sup>234</sup> *Journals of the Senate*, No. 87, 17 February 2021, p. 3072; *House of Representatives Votes and Proceedings*, No. 100, 18 February 2021, p. 1654.

## Recommendation 24

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**4.265 The Committee recommends that the Australian Government and state and territory governments develop shared principles to guide any future offences of coercive and controlling behaviour, with a view to ensuring consistency across jurisdictions to the extent possible.**

**These principles should address:**

- **the behaviours and patterns of behaviour captured by any new offences;**
- **the breadth of relationships captured by any new offences;**
- **the standard of proof required by any new offences;**
- **mitigating the impact of any new offences on groups with particular vulnerabilities; and**
- **associated implementation issues, including but not limited to minimum standards for training in any new offences; and, very importantly, public awareness raising about any new offences.**

4.266 The Committee also recognises that criminalisation is not the only response to coercive and controlling behaviour. The fact that the Committee has not made a recommendation to criminalise coercive control does not mean that combating it should not be a priority for all governments. The Committee makes three additional recommendations in this regard.

4.267 It is apparent to the Committee that coercive control is not widely understood in the community. Public awareness campaigns are vital to bring attention to the fact that coercive control is a form of family violence that should not be tolerated.

4.268 Given that coercive control is established as being a predictor of severe physical violence and homicide, improving the early identification of coercive control should be a priority. To this end, training about coercive control should occur across a range of sectors, and coercive control should be embedded in relevant risk assessment and management practices.

4.269 In addition, the Committee notes its recommendation in Chapter 2 that a uniform national definition of FDSV should include coercive and controlling behaviour alongside other non-physical forms of violence. This would assist

in resolving the current variation in how state and territory legislation currently captures coercive control.

### **Recommendation 25**

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**4.270** The Committee recommends that the Australian Government fund a specific public awareness campaign about coercive and controlling behaviour as a form of family, domestic and sexual violence and a predictor of severe physical violence and homicide.

### **Recommendation 26**

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**4.271** The Committee recommends that the Australian Government, and state and territory governments, develop and provide funding for training for the identification of coercive and controlling behaviour for police; justice and legal sector practitioners; and health, mental health, social services, and specialist family, domestic and sexual violence service workers.

The Committee further recommends that the Australian Government and state and territory governments consider developing minimum standards for training on coercive control and including training on coercive control in relevant professional qualifications.

### **Recommendation 27**

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**4.272** The Committee recommends that the Australian Government and state and territory governments undertake a review of relevant risk identification, risk assessment, and risk management practices to ensure that coercive and controlling behaviour is adequately captured.

#### *Technology-facilitated abuse*

**4.273** The Committee considers that TFA is a major element of the problem of FDSV, one that is growing in scale and seriousness and that needs to be addressed at a number of different levels.

**4.274** While it is true that a great of deal of TFA uses relatively straightforward technology—for example, text messages and abusive messages in bank transactions—there is evidence that a growing number of perpetrators are taking advantage of more sophisticated technology and methods such as installing spyware and malware on electronic devices and using tracking devices.

- 4.275 Not all existing measures to deal with TFA have kept up with the pace of technological change, and the current legislative and regulatory regime is sometimes inadequate. Perpetrators are not only making wider use of technology, they are exploiting loopholes in current provisions—for example, the limited conditions imposed by apprehended violence orders—that allow them to continue to perpetrate abuse while remaining technically within legal boundaries.
- 4.276 The Committee takes the view that there is a need for greater community awareness of the abusive nature and legal implications of TFA. Education resources should be developed in consultation with at-risk communities to improve their understanding and management of information technology and social media and to increase skills in online safety and digital literacy.
- 4.277 Social media platforms need to take greater responsibility for the use and abuse of their applications and implement more extensive measures to prevent their platforms being used for TFA. The Committee commends the work already being undertaken in cooperation between the eSafety Commissioner and Google and Facebook on the principles of Safety by Design, where safety features are built into systems from the design stage.
- 4.278 The Committee notes that the Australian Government made changes to the Criminal Code in 2018 to criminalise the use of an electronic carriage service to threaten, menace, harass or cause offence. But the Committee also notes that the number of prosecutions since the change has been small. Despite the relatively short time since the change was made, the Committee is concerned that the small number of prosecutions may reflect problems with enforcing the provision or with police willingness to make use of it.

## **Recommendation 28**

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- 4.279 The Committee recommends that the Australian Government continue funding for critical research around the context, motives and outcomes of technology-facilitated abuse—in particular, by providing dedicated funding to the Office of the eSafety Commissioner and Australia’s National Research Organisation for Women’s Safety.**

## **Recommendation 29**

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- 4.280 Based on recommendations from the eSafety Commissioner, the Committee recommends that the Australian Government, in cooperation with state and territory governments where applicable:**



- **Develop and implement education initiatives that drive cultural change and increase awareness about the abusive nature and legal implications of technology-facilitated abuse, focused on women and girls at risk of experiencing technology-facilitated abuse and men and boys at risk of perpetrating it.**
- **Through a process of co-design, work with at-risk communities to develop resources to raise their awareness of technology-facilitated abuse and their capacity to identify and manage it.**
- **Develop resources for children and young people to help them understand and manage the ways that technology is used in family, domestic and sexual violence.**
- **Develop and implement capacity building initiatives to increase all women's and girls' skills in online safety and digital literacy.**
- **Embed comprehensive and nationally coordinated respectful relationships and online safety education into the Australian curriculum across all learning stages.**
- **Facilitate more gender-balanced science, technology, engineering and maths (STEM) industries by developing initiatives to upskill and reskill women for entry opportunities and leadership pathways in STEM.**
- **Ensure Australia is represented on, and contributes to, global initiatives and coalitions to advance the rights of women and girls and uphold and deliver on international agreements, including in relation to technology-facilitated abuse, the potential for technology to drive gender equality, and Safety by Design.**
- **Ensure that capacity building initiatives to increase women's skills in online safety and digital literacy occur both in Australia and in our region.**
- **Ensure government support and funding for Safety by Design and encourage industry players to implement and champion its principles, to promote a safer online environment for women and girls.**

- Fund the eSafety Women program on an ongoing basis.
- Expand the eSafety Women program to deliver education and training to the judiciary, legal profession, and law enforcement.
- Establish a new program to provide training for frontline workers and others about how children are involved in technology-facilitated abuse cases involving their parents.
- Fund eSafety to evaluate and advise on technical solutions to protect victim-survivors experiencing technology-facilitated abuse.
- Provide dedicated funding for Safety by Design to assist in increasing its adoption and impact.
- Develop an education and awareness campaign on dating applications.

### **Recommendation 30**

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**4.281** The Committee makes the additional following recommendations relating to technology-facilitated abuse:

- There should be greater acknowledgement that appropriate technology use is a shared community responsibility. It is not simply a responsibility of platforms to host and police content.
- There should be greater clarity around a platform's obligation to remove content, including through the Online Safety Act.
- In order to open or maintain an existing social media account, customers should be required by law to identify themselves to a platform using 100 points of identification, in the same way as a person must provide identification for a mobile phone account, or to buy a mobile SIM card.
- Social media platforms must provide those identifying details when requested by the eSafety Commissioner, law enforcement or as directed by a court.

- **The Government should consider regulating to enable law enforcement agencies to access a platform’s end-to-end encrypted data, by warrant, in matters involving a threat to the physical or mental wellbeing of an individual or in cases of national security.**
- **There should be a substantial increase in criminal and civil penalties for technology-facilitated abuse to act as a greater deterrent for errant behaviour.**
- **All government hosted websites and applications should have readily available (and searchable) avenues where a victim-survivor of technology-facilitated abuse can seek assistance to have abusive material removed expeditiously.**

### *Financial abuse*

- 4.282 The Committee notes that women are especially vulnerable to financial abuse because of their economic situation in Australian society. Women’s relative lack of economic independence can create opportunities for perpetrators of FDSV to abuse their current or former partners. Financial abuse can lock a victim-survivor of family violence into an abusive relationship because they do not have the economic means to escape or, if they decide to leave, to stay away permanently.
- 4.283 The Committee notes the current dearth of financial counsellors employed by state and territory governments and endorses the view that financial counselling plays an important role in assisting victim-survivors of financial abuse and facilitating their exodus from abusive relationships by helping them to build financial independence.
- 4.284 The Committee welcomes the work being undertaken by members of the Australian Banking Association in addressing the harms of FDSV suffered by their customers. The Committee notes that the Banking Code of Practice is now five years old and suggests that it be updated to recognise the modern challenges faced by customers who are victim-survivors of FDSV, particularly in light of the increasing threats caused by TFA.
- 4.285 The Committee notes the issues raised in evidence about access to superannuation and splitting superannuation, and reiterates Recommendation 15 of this Committee’s 2017 report on *A better family law system to support and protect those affected by family violence* (see Appendix A) in relation to these matters.

### **Recommendation 31**

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**4.286 The Committee recommends that the next National Plan provide funding for programs, including in schools, to improve the financial literacy and reduce the financial abuse of women.**

### **Recommendation 32**

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**4.287 The Committee recommends that the Australian Government work with the states and territories (other than Victoria) to provide funding for an increased number of financial counsellors.**

### **Recommendation 33**

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**4.288 The Committee recommends that the Attorney-General take the following measures to enable the identification of financial information and facilitate superannuation splitting:**

- **develop an administrative mechanism to enable swift identification of financial information, including superannuation, by parties to family law proceedings or victim-survivors of family, domestic or sexual violence; and**
- **amend the *Family Law Act 1975* and relevant regulations to reduce the procedural and substantive complexity associated with superannuation splitting orders, including by simplifying forms required to be submitted to superannuation funds.**

### ***Other complex forms of violence***

**4.289 The Committee notes the evidence about other complex forms of physical and non-physical violence and supports the position that reproductive coercion, forced marriage, dowry abuse and female genital mutilation/cutting should be seen as part of the broader problem of FDSV, and that responses should be informed by an understanding of the cultural contexts in which they may occur.**

**4.290 The Committee notes recommendations in Chapter 2 to include all forms of family violence including complex forms of violence in future Australian Bureau of Statistics Personal Safety Surveys and in a uniform national definition of family violence.**

4.291 The Committee notes in particular that the harmful practice of female genital mutilation/cutting still occurs in parts of the Australian community. The Committee believes there is a need for further research on this issue, as well as awareness raising in affected communities.

### **Recommendation 34**

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**4.292 The Committee recommends that the Australian Government, and state and territory governments, provide support for research and community awareness raising on the harmful practice of female genital mutilation/cutting, including by providing ongoing funding for the National Education Toolkit for Female Genital Mutilation/Cutting Awareness.**



## 5. Violence in diverse communities

- 5.1 Family, domestic and sexual violence (FDSV) occurs across Australia, but it affects different groups in society in different ways. This chapter deals with a range of different communities within Australia where there are victim-survivors of abuse: children, Aboriginal and Torres Strait Islander peoples, regional, rural and remote communities, people identifying as LGBTQI, people living with disability, culturally and linguistically distinct communities (CALD), older people, and men as victim-survivors of FDSV.
- 5.2 The groups discussed in this chapter were generally recognised by submitters as at-risk groups, while the extent of FDSV involving men as victim-survivors was the subject of some disagreement.
- 5.3 The chapter examines the evidence as presented to the Committee about the characteristics of abuse against each group and the special challenges in providing effective support service delivery to each cohort in the community.
- 5.4 The various groups are discussed individually, but evidence to the Committee made it clear that there is a large degree of overlap or intersectionality between different communities that are at risk of FDSV. For example, while regional, rural and remote communities have particular challenges as a whole, they also have populations of particular at-risk groups – for example, people with disabilities and people identifying as LGBTQI – with their own special problems that must be understood and addressed.
- 5.5 The chapter is therefore based on a recognition that the challenges for the groups discussed – and for the service-providers attempting to assist them – interact with each other in complex ways.

- 5.6 The complexity of the situation across Australia was summed up by the Australian Institute of Family Studies, which noted the particular vulnerability of some groups and the difficulty in assessing the quality of support services provided to them:

AIFS' research of domestic and family violence prevention initiatives identifies the gaps in services and programs as more pronounced for people who identify as LGBTIQ, for women in regional, rural and remote communities and for women with disabilities and mental health issues. This research also raises concerns with the lack of evidence about the effectiveness of prevention and early intervention strategies for at-risk communities, and highlighted the need for further research and evaluation about DFV prevention and early intervention work in Australia to guide existing and future initiatives, particularly in relation to at-risk communities.<sup>1</sup>

## Children and young people

- 5.7 Children are possibly the group most at risk from the direct and indirect effects of FDSV. They can be affected by FDSV in at least two major ways: firstly, they may be the direct targets of abusers and secondly, they may suffer the effects of witnessing abuse or becoming unwillingly involved in it.
- 5.8 Regarding the first, the submission from a non-government agency working to protect child victim-survivors of FDSV, Bravehearts, cited research evidence that 16 per cent of women and 11 per cent of men in Australia were 'physically or sexually abused before the age of 15'.<sup>2</sup>
- 5.9 In relation to the second, the Alannah and Madeline Foundation, another organisation working to keep children safe from violence, told the Committee of the many ways that children can 'be subjected to some deeply distressing experiences'<sup>3</sup> through intimate partner violence. These include witnessing violence and injury in their home, being forced to deal with abusive family members, domestic upheavals, disruption to schooling and friendships, exposure to economic hardship, witnessing their father being arrested and feelings of isolation and shame.<sup>4</sup>

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<sup>1</sup> Australian Institute of Family Studies, *Submission 23*, p. 6.

<sup>2</sup> Bravehearts, *Submission 83*, p. 1.

<sup>3</sup> Alannah and Madeline Foundation, *Submission 172*, p. 2.

<sup>4</sup> Alannah and Madeline Foundation, *Submission 172*, p. 2.



- 5.10 Family and Relationship Services Australia cited an Australian Institute of Health and Welfare report summarising the effects of FDSV as:
- diminished educational attainment
  - reduced social participation in early adulthood
  - physical and psychological disorders
  - suicidal ideation
  - behavioural difficulties
  - homelessness
  - future victimisation and/or violent offending.<sup>5</sup>
- 5.11 Representatives from the non-government organisation, Our Watch, discussed the negative impact of family violence on young children and stressed the critical importance of ‘the first thousand days’ of a child’s experience in shaping their future development and lifetime attitudes, and hence the need to intervene at an early age.<sup>6</sup>
- 5.12 The Alannah and Madeline Foundation pointed out that one especially vulnerable group is ‘children who have lost a parent to intimate partner violence’.<sup>7</sup> The Foundation argued that such children have special needs for services – both because of the immediate impact of the loss and because of the ‘likelihood that these children have already been exposed to abuse in their home, before the violent death of one or both of their parents’.<sup>8</sup>
- 5.13 Evidence to the Committee highlighted the difficulties faced by children making disclosures about abuse they have either personally suffered or have seen inflicted on family members. Children’s testimony needs to be trusted and they should be provided with a supportive environment that can encourage disclosure and not intimidate or re-traumatise young victim-survivors.
- 5.14 Mrs Hetty Johnston from Bravehearts gave the example of the problems associated with taking a child to a police station, stressing that ‘it’s a foreign

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<sup>5</sup> Family and Relationship Services Australia, *Submission 13*, p. 11

<sup>6</sup> Ms Patty Kinnersly, Chief Executive Officer, Our Watch and Dr Emma Partridge, Manager, Policy, Our Watch, *Committee Hansard*, Canberra, 7 September 2020, p. 24.

<sup>7</sup> Alannah and Madeline Foundation, *Submission 172*, p. 2.

<sup>8</sup> Alannah and Madeline Foundation, *Submission 172*, p. 2.

environment; it's not child friendly; it's a place where bad people go, in a child's world.<sup>9</sup>

- 5.15 Barnardos Australia highlighted the fact that issues confronting children in situations of domestic violence are multi-faceted and inter-generational.

In our experience, it is the impact of intergenerational and recurring experiences of trauma coupled with the effects of entrenched social and economic disadvantage, which is the reason families need our services.<sup>10</sup>

- 5.16 Challenges for service providers can therefore arise when a history of family violence and associated issues and 'multiple barriers to create an effective safety net'<sup>11</sup> involves interaction with many different agencies. Ms Deirdre Cheers from Barnados Australia told the Committee

Where we sometimes struggle ... is where ... for example, in health—means that it's not cross-connected with statutory services or where the funded services for installing safety equipment in homes, for instance, doesn't move quickly enough. At the most extreme end, it can mean that children go into the care system. Once that happens, of course, the legal system, once it's involved, will kick in and it will have those established processes for assessment around whether children can return home.<sup>12</sup>

- 5.17 Bravehearts explained that its approach to the issue of integrated services in a non-intimidating environment has been to advocate for the establishment of Child and Family Advocacy Centres (CFACs), inspired by an example in the US which the organisation has been studying for some years. In line with this approach, Bravehearts is:

... bringing all our child sexual assault specialised, holistic, and professional services together in one place and to work in collaboration with and referral to, other professionals, agencies and government authorities to deliver on the best interests of the child.<sup>13</sup>

- 5.18 Bravehearts' submission said several Australian jurisdictions had experimented with 'various versions of multi-disciplinary teams', but that

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<sup>9</sup> Mrs Hetty Johnston, Founder and Executive Director, Bravehearts, *Committee Hansard*, Canberra, 17 September 2020, p. 39.

<sup>10</sup> Barnardos Australia, *Submission 222*, p. 2.

<sup>11</sup> Barnardos Australia, *Submission 222*, p. 3.

<sup>12</sup> Ms Deirdre Cheers, Chief Executive Officer, Barnardos Australia, *Committee Hansard*, Canberra, 18 November 2020, p. 39.

<sup>13</sup> Bravehearts, *Submission 83*, p. 6.

implementation had been ‘inconsistent, with many models not reflecting the holistic best practice approach that is essential to the CFAC model...’<sup>14</sup>

- 5.19 Continuing with the theme of the need for coordinated service-delivery, Families Australia, a peak body of organisations striving to improve family well-being, submitted that ‘there is a need to better link national policy agendas to a deliver a systems approach’ and, as noted in Chapter 2, called for enhanced:

... coordination across policy agendas at the national level, in particular in relation to the National Plan to Reduce Violence against Women and their Children 2012-2022 and the National Framework for Protecting Australia’s Children 2009-2020.<sup>15</sup>

This should aim to ensure that children and young people as victim-survivors receive ‘adequate support to address their individual needs’,<sup>16</sup> that gaps in service are filled and that there is better integration of services and responses.<sup>17</sup>

- 5.20 Families Australia emphasised that children and young people who experience FDSV have special needs for support and assistance, apart from their position as dependents of mothers suffering from abuse. The agency’s submission stressed:

While there has, quite rightly, been a heavy policy, research and programmatic focus on the rights and needs of women as victims and survivors of family, domestic and sexual violence, including women who have children, this focus has resulted in a failure to recognise and respond to the needs of children and young people as victims and survivors **in their own right** [emphasis in original].<sup>18</sup>

The agency added that:

Recognising the needs of children and young people and supporting [them] will enable a longer term focus on their experiences and needs in relation to recovery from trauma while complementing investments in services...<sup>19</sup>

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<sup>14</sup> Bravehearts, *Submission 83*, p. 6.

<sup>15</sup> Families Australia, *Submission 30*, p. 2.

<sup>16</sup> Families Australia, *Submission 30*, p. 6.

<sup>17</sup> Families Australia, *Submission 30*, p. 7.

<sup>18</sup> Families Australia, *Submission 30*, p. 1.

<sup>19</sup> Families Australia, *Submission 30*, p. 2.

5.21 The Committee also received evidence about the phenomenon of adolescent perpetrators and the need to address it. The Monash Gender and Family Violence Prevention Centre said that:

Adolescent family violence describes violence perpetrated by young people against family members, including parents, siblings, carers and other members of the family. Adolescents who use violence in the home engage in a range of different strategies to control, coerce and threaten family members that create harm.<sup>20</sup>

5.22 The Centre noted that the ‘complex needs of adolescents who use violence in the home and those caring for them require specialist service responses outside of the criminal justice system’,<sup>21</sup> but that:

To date, there is limited research examining AFV [adolescent family violence] in Australia and elsewhere, and few tailored responses and programs either for those who use or those who are affected by this unique form of family violence.<sup>22</sup>

The Centre submitted that this form of violence should be ‘included as a specific focus in the next National Plan’.<sup>23</sup>

5.23 The gap in both knowledge and service provision was also brought to the attention of the Committee by the Law Council of NSW:

There are few robust evaluations of adolescent perpetrator programs and interventions. However, emerging evidence suggests that due to the differences between adolescent family violence and adult family violence, such programs need to be tailored to adolescents and not just adapted from adult programs. Examples of programs currently being trialled in NSW include:

- Youth on Track (an early intervention program);
- Name, Narrate, Navigate (currently being trialled by University of Newcastle, NSW); and
- Family Functional Therapy (currently being trialled by OzChild in Gosford).<sup>24</sup>

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<sup>20</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 25.

<sup>21</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 25.

<sup>22</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 25.

<sup>23</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 25.

<sup>24</sup> Law Council of Australia, *Submission 101*, p. 24.

## Indigenous Australians

5.24 The Committee received a wealth of evidence from organisations representing Indigenous Australian peoples. The Committee was struck by the devastating effects of family violence in Indigenous communities, as well as the variety of different ways in which diverse communities are affected by, and are responding to, FDSV.

5.25 National Aboriginal and Torres Strait Islander Legal Services (NATSILS) told the Committee:

The social, cultural, spiritual, physical, and economic impact that family violence has on our communities is devastating, described widely as a national crisis. The greatest and most direct impact of family violence is on our women, trans women, and sistergirls which leads our children to also be especially vulnerable to the direct and indirect impacts of family violence – causing deep and lasting harm and contributing significantly to Aboriginal and Torres Strait Islander children’s over-representation in Australia’s child protection systems.<sup>25</sup>

5.26 NATSILS made the additional point that family violence compounds other problems:

Family violence also contributes significantly to our people’s experiences of homelessness, poverty, poor physical and mental health and substance abuse which in turn places our people on pathways into the criminal legal system.<sup>26</sup>

5.27 Ms Cheryl Axleby from NATSILS observed that:

Violence against Aboriginal and Torres Strait Islander people, predominantly our women and children, devastates communities and destroys families. In comparison with other women, Aboriginal and Torres Strait Islander women are 34 times more likely to be hospitalised from family violence and ten times more likely to die as a result of a violent assault.<sup>27</sup>

5.28 Particular emphasis was laid on the fact that, for Indigenous people, family violence must be understood in the context of historical experience. For example, in the words of the Queensland Indigenous Family Violence Legal Service (QIFVLS):

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<sup>25</sup> National Aboriginal and Torres Strait Islander Legal Services, *Submission 181*, p. 3.

<sup>26</sup> National Aboriginal and Torres Strait Islander Legal Services, *Submission 181*, p. 15.

<sup>27</sup> Ms Cheryl Axleby, Co-chair, National Aboriginal and Torres Strait Islander Legal Services, *Committee Hansard*, Canberra, 15 October 2020, p. 1.

Social disadvantage and intergenerational trauma have their roots embedded within a history of destruction, disadvantage and dispossession from land, culture, family and community, stemming back to colonisation.<sup>28</sup>

5.29 Similarly, the Central Australian Aboriginal Congress told the Committee that:

... family, domestic and sexual violence within communities is related to the overall inequity and disadvantage experienced by Aboriginal people, as a result of colonisation and disempowerment.<sup>29</sup>

5.30 Ms Axleby said that the legacy of community trauma and dispossession was central to both the causes of, and ways to deal with, family violence:

At the heart of family violence lies the ongoing legacy of colonisation, individual and communal grief and loss, disempowerment and trauma. We believe the central way to effectively end violence is through community driven, trauma informed approaches to family violence that prioritise cultural healing and restore the inherent strength, dignity and self-determination of our families and communities, especially our women and children.<sup>30</sup>

5.31 A submission from Mrs Bess Price took issue with such interpretations and argued that there was a 'refusal to recognise' that family violence in Indigenous communities had 'its roots in customary law'<sup>31</sup>,

5.32 But most submitters took a similar position to that advocated by Men's Outreach Service Aboriginal Corporation (MOSAC), a community support organisation in the Kimberley region of Western Australia. MOSAC argued that the gendered nature of violence in Indigenous communities must be placed in the broader context of colonisation, violence against Indigenous women by non-Indigenous men, dispossession, cultural dislocation and forced removal of children.<sup>32</sup> MOSAC further submitted that:

This context, and the continuing effects that policies and practices have on Aboriginal people across the Kimberley, are significant factors contributing to trauma, disadvantage, violence and the use of alcohol and other drugs in Aboriginal families and communities... It is only with this context that the

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<sup>28</sup> Queensland Indigenous Family Violence Legal Service, *Submission 88*, p. 8.

<sup>29</sup> Central Australian Aboriginal Congress, *Submission 124*, p. 1.

<sup>30</sup> Ms Cheryl Axleby, Co-chair, National Aboriginal and Torres Strait Islander Legal Services, *Committee Hansard*, Canberra, 15 October 2020, p. 1.

<sup>31</sup> Mrs Bess Price, *Submission 248*, p. 1.

<sup>32</sup> Men's Outreach Service Aboriginal Corporation, *Submission 110*, p. 4.

magnitude of the effects on the health and wellbeing of Aboriginal families and communities can begin to be understood.<sup>33</sup>

5.33 The legacy of dispossession from land and culture, and the associated history of traumatic interaction with the police, welfare agencies and other government bodies continues to mark Indigenous peoples' experience today and to influence their perceptions of representatives of the state, however well-intentioned.

5.34 One manifestation of this is the extremely disproportionate rate of incarceration of Indigenous people, both women and men, and its interaction with family violence issues. Ms Axleby pointed out that Indigenous women in prison were highly likely to be victim-survivors of family violence:

The over incarceration of Aboriginal and Torres Strait Islander women is a family violence issue from our perspective, and the evidence demonstrates that. There are about 3,600 women in Australian prisons and 34 percent of those women are Aboriginal or Torres Strait Islander women. Aboriginal women are the fastest growing prison population, being 17 times more likely than non-Indigenous women to be incarcerated. In the last year, there has been a 10 percent increase in the number of women in prison. Up to 90 per cent of Aboriginal women in prison are themselves victims of violence.<sup>34</sup>

5.35 Fears about the consequences of reporting abuse to police can make Indigenous women wary of seeking police protection. Ms Axleby described situations where:

Instead of being treated as a survivor of violence, when police attend a family violence situation, women can be criminalised as a result; they are charged with assault. ... This is a situation that is well documented with Aboriginal women as is their reluctance to go to police and raise issues. We've also had women have warrant checks undertaken on them by police at a time when they are a victim of family violence. The police will arrest them for warrants that may be related to unpaid fines et cetera.<sup>35</sup>

5.36 The fear of police is particularly associated with the history of removal of Indigenous children from their families. This was mentioned by Ms Phynea

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<sup>33</sup> Men's Outreach Service Aboriginal Corporation, *Submission 110*, p. 4.

<sup>34</sup> Ms Cheryl Axleby, Co-chair, National Aboriginal and Torres Strait Islander Legal Services, *Committee Hansard*, Canberra, 15 October 2020, p. 3.

<sup>35</sup> Ms Cheryl Axleby, Co-chair, National Aboriginal and Torres Strait Islander Legal Services, *Committee Hansard*, Canberra, 15 October 2020, p. 4.

Clarke from the National Family Violence Prevention and Legal Services Forum:

The law historically has been used as a tool of oppression against our people, and women not reporting violence because their children will be removed by police.<sup>36</sup>

5.37 Such wariness of authority can extend to other types of agencies. A long family history of witnessing and experiencing negative consequences from interactions with authority leads Aboriginal and Torres Strait Islander women to be very reluctant to approach any representatives of government, including to make use of supportive services. Mrs Debbie Medhurst from Mens Outreach Service Aboriginal Corporation said that, as a consequence, Indigenous women:

... can also be very difficult to engage and that can be for reasons such as getting overwhelmed. There could be fear around losing their children. They are very suspicious of services.<sup>37</sup>

5.38 The barriers to Indigenous women making use of services were summarised by Djirra, an Aboriginal community organisation providing services in Victoria:

... Aboriginal women are markedly less likely to disclose family violence due to a multitude of complex barriers, including:

- Lack of trust by Aboriginal women in mainstream services and organisations
- Lack of culturally safe services delivered by mainstream organisations
- Reluctance to report due to fear of children being removed.<sup>38</sup>

5.39 One result of this is that the rate of reportage of family violence in Indigenous families is even lower than other parts of the Australian community. QIFVLS told the Committee of estimates that up to 90 per cent

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<sup>36</sup> Ms Phynea Clarke, Deputy Chairperson, National Family Violence Prevention and Legal Services Forum, *Committee Hansard*, Canberra, 16 November 2020, p. 41.

<sup>37</sup> Mrs Debbie Medhurst, Team Leader, Change Em Ways / Strong Women, Strong Families Program, Mens Outreach Service Aboriginal Corporation, *Committee Hansard*, 15 October 2020, Canberra, p. 30.

<sup>38</sup> Djirra, *Submission 106*, p. 4.



of violence against Aboriginal and Torres Strait Islander women is not reported.<sup>39</sup>

5.40 Witnesses also highlighted the many different circumstances of Indigenous communities and the challenges of providing appropriate services. Ms Liza Balmer from the Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara Women's Council told the Committee:

... that not all Indigenous domestic and family violence looks the same or has the same causality. And we really need to be clear that the issues in our region are very unique to our region, particularly around the remoteness and therefore the access to services and resources. There's also an extreme level of poverty and unemployment in our region, much higher than in urban areas and other regional centres. And the size of the communities, the small communities that people live in, puts another layer of cultural complexity around the issues.<sup>40</sup>

5.41 A key element of the issue is the great cultural and linguistic diversity found amongst Australia's Indigenous peoples. Detective Superintendent Lauren Hill, from the Northern Territory Police Force, told the Committee about the situation in her jurisdiction:

There are up to 104 Aboriginal languages and dialects spoken across the NT, and 77 per cent of our indigenous Territorians live in remote communities. There is something like 96 remote Aboriginal communities and over 600 homelands in the NT. It makes for a challenging policing environment.<sup>41</sup>

5.42 The Northern Territory has a number of special 'demographic and geographical issues which increase the challenges associated with service delivery' in the area of FDSV in Indigenous communities.<sup>42</sup> Territory Families, the NT Government agency responsible for responses to family, domestic and sexual violence, presented the following facts about the extent of the challenge:

- 30 per cent of the NT population identify as Aboriginal

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<sup>39</sup> Queensland Indigenous Family Violence Legal Service, *Submission 88*, p. 2.

<sup>40</sup> Ms Liza Balmer, Chief Executive Officer, Ngaanyatjarra, Pitjantjatjara and Yankunytjatjara Women's Council, *Committee Hansard*, Canberra, 15 October 2020, p. 10.

<sup>41</sup> Detective Superintendent Lauren Hill, Acting Commander, Domestic Violence and Sex Crimes Division, Northern Territory Police Force, *Committee Hansard*, Canberra, 13 October 2020, p. 5.

<sup>42</sup> Department of Territory Families, Northern Territory Government, *Submission 86*, p. 1.

- NT makes up 17 per cent of the Australian land mass, including many remote areas with extreme weather patterns making access to services challenging
- Domestic and family violence comprises over 60 per cent of all assaults
- The rate of domestic and family violence is 2.6 per cent higher than other states and territories
- Women and girls are 1.6 times more likely to be sexually assaulted than in other parts of the country
- An average of 80 Domestic Violence Orders are applied for each week
- 77 per cent of prisoners in the Territory have had a prior apprehension by the policy for family and domestic violence.<sup>43</sup>

5.43 As mentioned in Chapter 3, despite these especially acute problems, Territory Families said that the Australian Government support package for family, domestic and sexual violence during the COVID-19 pandemic made an allocation for the NT mostly ‘based on population and not on need’.<sup>44</sup>

5.44 Similar problems of size, remoteness and a deep problem with family violence can be found in the Kimberley region of Western Australia, which comprises 16 per cent of the state’s land area and is twice the size of Victoria. A total population of around 40,000 people lives across 6 towns and almost 200 Aboriginal communities. MOSAC said that some research shows that up to 70 per cent of Indigenous families in the region have experienced family violence.<sup>45</sup>

5.45 Australia-wide, language issues can make nationally-based emergency phone services ineffective if there are insufficient numbers of interpreters available in Indigenous languages. Ms Phynea Clarke from the National Family Violence Prevention and Legal Services Forum cited the example of the 1800RESPECT service which she said ‘does not work for Aboriginal and Torres Strait Islander women’ because ‘there are not always interpreters around or available’.<sup>46</sup>

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<sup>43</sup> Department of Territory Families, Northern Territory Government, Submission 86, p. 1.

<sup>44</sup> Ms Jane Lloyd Principal Adviser, Programs and Engagement, Department of Territory Families, Housing and Communities, Northern Territory, *Committee Hansard*, Canberra, 15 October 2020, p. 18.

<sup>45</sup> Men’s Outreach Service Aboriginal Corporation, *Submission 110*, p. 2.

<sup>46</sup> Ms Phynea Clarke, Deputy Chairperson, National Family Violence Prevention and Legal Services Forum, *Committee Hansard*, Canberra, 16 November 2020, p. 41.

5.46 Ms Inez Carey from Breaking the Silence also pointed out that Indigenous peoples' country often crossed administrative and state boundaries and the functional divisions amongst different service providers made little practical sense:

... changes in demand in parts of Australia often fluctuate based on wet and dry seasons. People will quite often move out of a region ... or often out of the state. People from APY lands in the Northern Territory will move down towards Port Augusta, where those services may not be funded ... people are going to homelessness services rather than to family and domestic violence services because there simply aren't enough resources to accommodate them or those services don't exist in those areas.<sup>47</sup>

5.47 Against the background of such issues, there was strong agreement amongst service providers, both Indigenous and non-Indigenous, that efforts to respond effectively to FDSV against Aboriginal and Torres Strait Islander peoples had to be designed around the specific needs of diverse Indigenous communities. What witnesses frequently called 'mainstream' services often failed to deal with these special realities.

5.48 The term most often used by Indigenous organisations to describe services that are responsive to Indigenous needs was 'culturally safe', while 'cultural competence' was also sometimes used. While not precisely defined by witnesses, the terms included elements such as the provision of services by Indigenous people themselves and/or by staff specifically trained for cultural awareness, services and legislation created in consultation with Indigenous people, services that are culturally appropriate for Indigenous people in a particular location, and services that are integrated and comprehensive or, in the words of many witnesses, are 'holistic' and 'wrap-around'.

5.49 A more academic definition submitted to the Committee was that 'culturally safe' means:

Works in a way that is respectful and celebrates Indigenous culture; builds relationships with community; listens to community and values their knowledge and expertise.<sup>48</sup>

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<sup>47</sup> Ms Inez Carey, Client Services Manager, Breaking the Silence (trading as DV Assist), *Committee Hansard*, Canberra, 13 October 2020, p. 25.

<sup>48</sup> Associate Professor Ray Lovett and Dr Anna Olsen, College of Health and Medicine, Australian National University, *Submission 75*, pp. 1-2.

- 5.50 The Law Council of Australia elaborated on the concept of ‘cultural competency’ in relation to matters such as systems and services that recognise ‘the lived experiences of First Nations people’ and policies that are developed and implemented with meaningful consultation and engagement with First Nations communities and organisations.<sup>49</sup>
- 5.51 The submission from Aboriginal Family Legal Service Southern Queensland argued that ‘there is trauma that results from culturally inappropriate service delivery’<sup>50</sup>, citing the example of ‘women being unable or unwilling to ask for options of returning to community and country after social workers arrange other, less appropriate, accommodation’.<sup>51</sup>
- 5.52 In more comprehensive terms, the submission recommended:

... the prioritisation by frontline services of cultural safety and the inclusion of Aboriginal and Torres Strait Islander workers as first points of contact. ... This prioritisation needs to be borne out of consultation with local Aboriginal and Torres Strait Islander communities that regularly access these services and should involve:

- Programs to support and promote Indigenous workers employed or volunteering with frontline services;
- Cultural awareness procedures for community housing, including ensuring culturally appropriate locations are taken into account when housing Aboriginal and Torres Strait Islander victims of family violence;
- Allowing for safe and open communication channels between frontline services and Indigenous families accessing the services, so that unsafe situations can be addressed promptly and appropriately; and
- Recognising the priority of Aboriginal and Torres Strait Islander experiences and voices (including those external to the service, e.g. an Aboriginal and Torres Strait Islander person's lawyer or social worker) when making decisions for or about victims of family violence.<sup>52</sup>

- 5.53 NATSILS expressed the view that:

... the central way to effectively break the cycle of violence is through community-driven, trauma-informed approaches to family violence that prioritise cultural healing and restore the inherent strength, dignity and self-

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<sup>49</sup> Law Council of Australia, *Submission 101*, p. 26.

<sup>50</sup> Aboriginal Family Legal Service Southern Queensland, *Submission 99*, p. 13.

<sup>51</sup> Aboriginal Family Legal Service Southern Queensland, *Submission 99*, p. 13.

<sup>52</sup> Aboriginal Family Legal Service Southern Queensland, *Submission 99*, p. 13.

determination of our families and communities – especially our women and children.<sup>53</sup>

- 5.54 A similar culturally-appropriate and community-based approach was described to the Committee by QIFVLS:

QIFVLS approach to implementing long term measures to prevent violence against Aboriginal and Torres Strait Islander women and children has been in the creation and delivery of culturally appropriate community education (CE) and community legal education sessions (CLEs) in rural, regional and remote Queensland. Embedded within the core of the CEs and CLEs is education around healthy and unhealthy relationships, with an emphasis on empowering gender equality. Our stand alone CE on ‘Healthy and unhealthy relationships’ is geared towards school aged children (pre-teens and teenagers) and can be delivered within a school setting environment.<sup>54</sup>

- 5.55 The importance of holistic approaches in Indigenous communities and the problems of grant-based funding by multiple government agencies was highlighted by Mr Ian Perdrisat:

Reports, inquiries and papers consistently identify the siloed approach where governments and departments within governments do not collaborate freely with other departments and agencies or the community. Despite multi-stakeholder approaches being government policy; government appears to maintain a fragmented silo approach to providing a range of disparate services in an ad hoc [sic] grant lottery approach. Historically the government’s issue specific, election cycle competitive grant system has not demonstrated a coordinated approach.<sup>55</sup>

- 5.56 NATSILS expressed its support for community-led approaches informed by an understanding of underlying issues and said the organisation was:

... heartened that the Fourth Action Plan clearly states the need to value and engage the expertise of our people, communities and organisations to lead the creation and implementation of community led solutions, and to address the immediate impacts, including the deep underlying drivers of family violence in our communities due to the intergenerational trauma caused by the ongoing effects of colonisation.<sup>56</sup>

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<sup>53</sup> National Aboriginal and Torres Strait Islander Legal Services, *Submission 181*, p. 3.

<sup>54</sup> Queensland Indigenous Family Violence Legal Service, *Submission 88*, p. 9.

<sup>55</sup> Mr Ian Perdrisat, *Submission 239*, p. 6.

<sup>56</sup> National Aboriginal and Torres Strait Islander Legal Services, *Submission 181*, pp. 4-5.

- 5.57 NATSILS also submitted that there needs to be a specialised National Action Plan for Indigenous people ‘that is led, and has final accountability to, our people, communities, and organisations’.<sup>57</sup>
- 5.58 Djirra proposed that there should be a ‘move to genuine Aboriginal led evaluation’ for the purposes of data collection, assessment of issues and development of programs, including a long-term commitment to ‘building a pool of Aboriginal and Torres Strait Islander evaluators’. Djirra submitted that Indigenous organisations:
- ... must be brought into decision-making on whether to conduct an evaluation, how the evaluation should be conducted, designing the evaluation plan and methodology and selection of evaluators. Only then will evaluations support the agendas of Aboriginal and Torres Strait Islander organisations delivering services or programs.<sup>58</sup>

## Regional, rural and remote communities

- 5.59 Family and domestic violence affects victim-survivors in a range of particular ways in regional, rural and remote communities and there are special challenges in assisting women in those areas to escape from violence.
- 5.60 Breaking the Silence, an organisation formed to provide assistance to victim-survivors in regional, rural and remote communities, made the case that:
- For those living in regional, remote, and rural areas of Australia their experiences with domestic or family violence are very different to those in urban areas. In Australia those living in these areas are more likely to experience family and domestic violence than those living in urban areas.<sup>59</sup>
- 5.61 Breaking the Silence described various issues facing people from such areas. These include:
- difficulty for couples separating where there are complex financial arrangements such as assets in land, leading to financial dependence and lack of employable or renewable skills;
  - perpetrators using geographical isolation to control victim-survivors;
  - lack of close-by and accessible support services;
  - problems with privacy, confidentiality and anonymity in small communities for victims seeking support;

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<sup>57</sup> National Aboriginal and Torres Strait Islander Legal Services, *Submission 181*, p. 5.

<sup>58</sup> Djirra, *Submission 106*, p. 23.

<sup>59</sup> Breaking the Silence, *Submission 73*, p. 4

- poor mobile phone coverage and/or landline services, creating difficulties for the use of support services and providing opportunities for perpetrators' controlling behaviour; and
- trauma and tensions generated by natural disasters such as bushfires, droughts and floods and by financial problems caused by fluctuating markets for primary products.<sup>60</sup>

5.62 A similar view was outlined by the Australian Institute of Family Studies, describing the challenges for victim-survivors in regional, rural and remote Australia:

Women living in regional, rural and remote areas who experience DFV also face specific issues related to their geographical location and the cultural and social characteristics of living in small communities. Some distinct barriers were identified to seeking help, such as a fear of stigma, shame, community gossip, and a lack of perpetrator accountability. ... A lack of privacy due to the high likelihood that police, health professionals and domestic and family violence workers know both the victim and perpetrator can also inhibit women's willingness to use local services. Furthermore, women who do seek help find difficulty in accessing services due to geographical isolation, lack of transportation options and not having access to their own income.<sup>61</sup>

5.63 Referring to the long-term impact of FDSV in rural areas, Northern Midlands Council of Tasmania expressed the view that, in some communities, 'intergenerational violence persists, with children growing up believing violence and disrespectful behaviour is a normal way to live and behave'.<sup>62</sup> The Council added that 'the shame and stigma sometimes felt when seeking help can be exacerbated by intergenerational disrespectful attitudes being normalised'.<sup>63</sup>

5.64 While there are common elements to the issues facing victim-survivors in regional, rural and remote areas, each area has its own particular features and challenges. This point was stressed by the Northern Midlands Council who said that 'Tasmania has the most decentralised population in Australia' and a topography that can create special problems for mobility and delivery of support services.<sup>64</sup>

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<sup>60</sup> Breaking the Silence, *Submission 73*, pp. 4-7.

<sup>61</sup> Australian Institute of Family Studies, *Submission 23*, pp. 20-21.

<sup>62</sup> Northern Midlands Council, *Submission 8*, p. 2.

<sup>63</sup> Northern Midlands Council, *Submission 8*, p. 7.

<sup>64</sup> Northern Midlands Council, *Submission 8*, p. 2.

- 5.65 Highlighting the special problems created by poor quality internet or telephone services, Ms Inez Carey from Breaking the Silence noted that in some areas ‘people are often sharing a mobile phone’, so even if they have coverage they may not ‘have safe means of making calls or communicating’.<sup>65</sup>
- 5.66 When they are able to reach out, victim-survivors may find it difficult to seek specialised support from a practitioner who understands the special difficulty facing people seeking to escape violence in a regional, rural or remote area. Ms Carey made the point that:
- Nearly every web chat provider is a national service based out of either Sydney or Melbourne, and so very few of the practitioners and counsellors and people that answer those calls have any professional understanding or knowledge of RRR communities. ...it's so crucial for people in the RRR areas to be able to speak to someone that has some understanding of the nuances of trying to seek help in a regional or remote area.<sup>66</sup>
- 5.67 Problems arising from extreme remoteness particularly affect some Indigenous communities. These are discussed in the previous section of this chapter.

## People identifying as LGBTQI

- 5.68 Evidence to the Committee about family violence issues related to people identifying as lesbian, gay, bisexual, transsexual, queer and intersex (LGBTQI) had a particular focus on the gaps in knowledge on the issues involved and the paucity of specialist services for LGBTQI communities.
- 5.69 Referring to the paucity of evidence about FDSV affecting LGBTQI communities, the National LGBTI Health Alliance took the view that:

There is still a significant knowledge and evidence gap about intimate partner and family violence within LGBTI communities, meaning that it is a relatively uncommon area of expertise within health and social service settings, including for many agencies that specialise in non-LGBTI intimate partner and family violence.<sup>67</sup>

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<sup>65</sup> Ms Inez Carey, Client Services Manager, Breaking the Silence (trading as DV Assist), *Committee Hansard*, Canberra, 13 October 2020, p. 27.

<sup>66</sup> Ms Inez Carey, Client Services Manager, Breaking the Silence (trading as DV Assist), *Committee Hansard*, Canberra, 13 October 2020, p. 28.

<sup>67</sup> National LGBTI Health Alliance, *Submission 67*, p. 1.



5.70 Speaking about the more general lack of disaggregated data about people identifying as LGBTQI, Associate Professor Adam Bourne from Rainbow Health Victoria told the Committee:

... most general population surveys don't adequately capture gender diversity or sexuality. I do know, however, that the Australian Bureau of Statistics convened a reference group earlier this year to try to create new standards around capturing gender identity and sexuality in government services. This is something that they are attempting to do.<sup>68</sup>

5.71 The Committee heard evidence from Dr Michael Salter, Mx Joe Ball and Nicky Bath from the National LGBTI Health Alliance that LGBTQI communities are particularly at risk of sexual violence and intimate partner violence in various forms. But they submitted that available evidence does not fully account for the complex circumstances of people affected by FDSV who identify as belonging to one of the different LGBTQI communities. This includes the nature of the violence within the communities, and the abuse to which LGBTQI people can be subjected to by people outside the community, including their own family members.<sup>69</sup>

5.72 Dr Salter elaborated that:

When we're thinking about family violence, we're including all members of people's families, so that includes reports of violence and abuse from parents, siblings and relatives. Under that broad definition of family violence, all LGBTIQ people—the whole community—are reporting significant rates of homophobic and transphobic abuse within their natal families.<sup>70</sup>

5.73 The National LGBTI Health Alliance mentioned that a 2012 Australian Law Reform Commission (ALRC) inquiry found distinctive forms of intimate partner and family violence in LGBTQI communities, including:

- threatening to disclose an individual's sexual orientation, gender identity, and/or intersex status to family members, friends or colleagues
- telling a partner that they will lose custody of their children as a result of their LGBTI status being disclosed

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<sup>68</sup> Associate Professor Adam Bourne, Research Development Adviser, Rainbow Health Victoria, *Committee Hansard*, Canberra, 14 October 2020, p. 26.

<sup>69</sup> Dr Michael Salter, Mx Joe Ball, and Nicky Bath, Chief Executive Officer, National LGBTI Health Alliance, *Committee Hansard*, Canberra, 14 October 2020, pp. 12-14.

<sup>70</sup> Dr Michael Salter, National LGBTI Health Alliance, *Committee Hansard*, Canberra, 14 October 2020, p. 12.

- a perpetrator claiming that the police, justice system, and/or intimate partner and family violence support services are not culturally safe for LGBTI people and therefore will not help the victim
- transphobic abuse whereby a person deliberately misgenders their trans partner, ridicules their body or gender identity, or prevents them accessing gender affirming care or services
- threatening to or revealing HIV status or withdrawing care, where one partner or family member is dependent, for example arising from their HIV status
- sexual violence, such as coercing a partner to have sex through manipulation of the victim's shame related to their sexual orientation and/or gender identity
- physical violence committed by a family member due to their homophobia, transphobia and/or transphobia [sic].<sup>71</sup>

5.74 The Alliance also drew the Committee's attention to the ALRC's findings about barriers to service delivery and disclosure facing LGBTQI communities, including:

- privacy concerns
- actual or anticipated stigmatisation or discrimination and that such disclosure will jeopardise their job or career, or that the person/system to whom they disclose will not be responsive and affirmative
- gendered concepts and language around intimate partner and family violence.<sup>72</sup>

5.75 In a similar vein, ACON, a LGBTQTI community organisation, said:

Sexuality and gender diverse people are far less likely than the general population to find support services that meet their specific needs. ... LGBTQ people experience barriers to recognising and reporting SDFV. Barriers include fear of not being taken seriously; fear of discrimination; a higher threshold to abuse; and not being aware of the existence of any services that could provide support.<sup>73</sup>

5.76 One example of the social exclusion of LGBTQI communities and the paucity of services to support them was cited by the Australian Women

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<sup>71</sup> National LGBTI Health Alliance, *Submission 67*, p. 2.

<sup>72</sup> National LGBTI Health Alliance, *Submission 67*, p. 2.

<sup>73</sup> ACON, *Submission 78*, p. 12.

against Violence Alliance (AWAVA) who said that young LGBTQI people are at a higher risk of homelessness than their peers.<sup>74</sup>

5.77 A lack of recognition in the court system of the issues facing LGBTQI people experiencing family violence was reported by the Law Council of Australia:

... within and outside the courts, a number of different forms of family violence are insufficiently recognised and responses are not always tailored to the particular circumstances and needs of diverse victims, including ... LGBTQI.<sup>75</sup>

5.78 The National LGBTI Health Alliance noted that a failure by service providers to appreciate the experience of LGBTQI people created the risk that cases of family violence would go unidentified. The Alliance therefore advocated 'investment in specialist LGBTI services' and that 'LGBTI community-controlled organisations must be involved in the planning and delivery of training to mainstream services'.<sup>76</sup>

5.79 The Committee was told that the current legal definitions of family, domestic and sexual violence were inadequate. The LGBTI Legal Service argued that:

A broadened and consistent definition would also ensure coverage of LGBTI experiences are included under relevant domestic violence legislation. A more uniform definition should account for parents, siblings and other family members being capable of perpetrating violence against LGBTI people, especially young LGBTI people. A reevaluation of the definition of 'domestic violence' should ensure coverage of the differing behaviours by perpetrators that can include threats of 'outing' an individual's sexual orientation, gender or HIV status, withholding hormone treatments or other vital health treatments, prevention of participation in LGBTI specific community events that are often vital for young LGBTI people's mental wellbeing, and acts of public humiliation or LGBTI exclusionary behaviour.<sup>77</sup>

5.80 Reflecting the view that LGBTQI communities have been rendered invisible in both the understanding of family violence and the responses to it, three organisations working in the area, Rainbow Health Victoria, Thorne Harbour Health and Switchboard Victoria, argued that:

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<sup>74</sup> Australian Women Against Violence Alliance, *Submission 122*, p. 61.

<sup>75</sup> Law Council of Australia, *Submission 101*, pp. 25-26.

<sup>76</sup> National LGBTI Health Alliance, *Submission 67*, p. 2.

<sup>77</sup> LGBTI Legal Service, *Submission 96*, p. 3.

... the dominance of heteronormative (and cisnormative) models of family violence make it harder for LGBTQ people to recognise and label intimate partner violence as such, creating silence around this violence. ... LGBTQ people have been found to delay or avoid seeking health and support services due to actual or anticipated stigma and discrimination, and the lack of an affirmative provider.<sup>78</sup>

- 5.81 The organisations therefore called for the ‘meaningful inclusion all LGBTQ communities in the next National Plan to Reduce Violence against Women and their Children’.<sup>79</sup> Kai Noonan from ACON and Associate Professor Adam Bourne from Rainbow Health Victoria also advocated the inclusion of questions about LGBTQI identity in official surveys, including the census.<sup>80</sup>
- 5.82 The submission from Our Watch informed the Committee that the organisation recently undertook research, as part of its National Framework to prevent violence against women, *Change the Story*, to ‘explore the intersections between the gendered drivers of violence and other forms of oppression and discrimination’ against LGBTQI communities.<sup>81</sup>

## People living with disability

- 5.83 A number of submitters provided evidence about the high incidence of family violence perpetrated against women living with a disability and the need for special services to cater for them.
- 5.84 The Australian Human Rights Commission referred to statistics indicating that:

In 2019, Australian women with disability were almost twice as likely to experience physical or sexual violence from a current or previous partner in the previous 12 months than women without disability, and significantly more likely to experience emotional abuse by a partner or sexual violence.<sup>82</sup>

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<sup>78</sup> Rainbow Health Victoria, Thorne Harbour Health and Switchboard Victoria, *Submission 154*, p. 1.

<sup>79</sup> Rainbow Health Victoria, Thorne Harbour Health and Switchboard Victoria, *Submission 154*, p. 1.

<sup>80</sup> Kai Noonan, Associate Director, Health Programming and Development, ACON, *Committee Hansard*, Canberra, 14 October 2020, p. 19; Associate Professor Adam Bourne, Research Development Adviser, Rainbow Health Victoria, *Committee Hansard*, Canberra, 14 October 2020, p. 26.

<sup>81</sup> Our Watch, *Submission 48*, p. 23.

<sup>82</sup> Australian Human Rights Commission, *Submission 116*, p. 19.

5.85 Citing similar data from research on the intersection of gender and disability, the Domestic Violence Victoria and Domestic Violence Resource Centre informed the Committee that:

Women and girls with disabilities experience higher rates of sexual and family violence than men with disabilities, are more likely to experience family violence than women without disabilities ... current available research indicates that women with disabilities are 40 percent more likely to experience DFV than other women and that more than 70 percent of women with disabilities have been victims of sexual violence.<sup>83</sup>

5.86 The Commission elaborated on other issues, such as violence against women and children with disability frequently not being reported, problems with the physical accessibility of support services, uncoordinated support services across more than one agency, lack of 'disability-specific supports', and additional risks 'such as forced sterilisation and violence in a congregate or shared living arrangements'.<sup>84</sup>

5.87 This view was supported by Women With Disabilities Australia who added that women with disabilities were at risk of a wide range of abuse:

... such as forced sterilisation, forced abortion, forced contraception, denial of legal capacity, forced treatment, restrictive practices, seclusion, restraint, indefinite detention, and forced and coerced marriage.<sup>85</sup>

5.88 The organisation argued that common definitions of family violence were too narrowly focused on violence by an intimate partner or spouse and did not capture the full spectrum of the abuse suffered by women with disabilities. An example cited was that of a disabled woman living in collective accommodation being assaulted by another resident, but the incident not being recognised as family violence:

Research shows that it is partly because women and girls with disability's experiences of violence may not fit contemporary definitions and understandings, that violence perpetrated against them often goes unidentified, unreported, un-investigated, inadequately investigated, or results in poor outcomes for the person concerned.<sup>86</sup>

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<sup>83</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 41.

<sup>84</sup> Australian Human Rights Commission, *Submission 116*, pp. 19-20.

<sup>85</sup> Women With Disabilities Australia, *Submission 160*, p. 8.

<sup>86</sup> Women With Disabilities Australia, *Submission 160*, p. 8.

5.89 Existing legislation lacks clarity and is inconsistent across jurisdictions:

An additional complication is the lack of clarity around the issue of whether congregate or supported living settings are ‘family’ or ‘domestic’. For example, in both Victoria and New South Wales, ‘family violence’ includes actions of a paid carer, whereas in Queensland the definition does not include carers acting under a commercial arrangement.<sup>87</sup>

5.90 People with Disability Australia (PWDA) argued that policies, practices and legislation for people with disability should be based on the social model of disability which sees disability ‘as arising in the interaction between an impaired body and a disabling society’,<sup>88</sup> citing the example of stairs only being a problem for a person in a wheelchair because architects mostly design buildings with stairs. But PWDA pointed out that, on the contrary, the medical model of disability, focusing on a disability as the ‘medicalised deficit’ of an individual is still prevalent, both amongst government and in public perceptions.<sup>89</sup>

5.91 PWDA further submitted that attitudes towards people with disability can create a kind of ‘social apartheid’ where ‘stereotypes and perceptions are not only a barrier to an inclusive society, but are also instrumental in enabling the devaluing of, and violence towards, people with disability’.<sup>90</sup> People with disability who fall victim of FDSV are then not properly protected by government agencies because of ‘limited social connections, multiple service providers, limited choice and control afforded to an individual and limited community oversight’.<sup>91</sup>

5.92 PWDA concluded that:

Police, domestic and family violence services, the court system and government and non-government agencies must develop disability-informed strategies for responding to domestic and family violence against people with disability.<sup>92</sup>

5.93 The organisation recommended that the next National Plan include women with disability as a priority population. It also made a series of

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<sup>87</sup> Australian Human Rights Commission, *Submission 116*, p. 19.

<sup>88</sup> People with Disability Australia, *Submission 191*, p. 6.

<sup>89</sup> People with Disability Australia, *Submission 191*, p. 6.

<sup>90</sup> People with Disability Australia, *Submission 191*, p. 7.

<sup>91</sup> People with Disability Australia, *Submission 191*, p. 7.

<sup>92</sup> People with Disability Australia, *Submission 191*, p. 10.

recommendations for legislative reform, policy reform, ensuring access to justice for people with disability, and strengthening capacity building and resourcing.<sup>93</sup> These included the creation of an independent national ‘watchdog’ with broad functions and powers, including implementation of a mandatory incident reporting scheme.<sup>94</sup>

## Culturally and linguistically diverse (CALD) communities

5.94 Various organisations submitted that people from culturally and linguistically diverse (CALD) backgrounds face particular issues in relation to FDSV and need to be supported with different approaches.

5.95 Nationally consistent data on the prevalence and characteristics of violence against women in CALD communities is still underdeveloped, an observation made by a number of submitters.<sup>95</sup>

5.96 Ms Sandra Elhelw Wright from the Settlement Council of Australia said:

For migrant and refugee women, we know from the experiences of the members at the front line across the country that they do often have unique experiences and often different needs.<sup>96</sup>

5.97 Settlement Services International (SSI) said that circumstances that particularly affect migrants include:

... recent arrival, temporary visa status, entrenched patriarchal structures and attitudes, financial dependence on the perpetrator, lack of community support and fear of shaming the family and community.<sup>97</sup>

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<sup>93</sup> People with Disability Australia, *Submission 191*, pp. 11-14.

<sup>94</sup> People with Disability Australia, *Submission 191*, p. 12.

<sup>95</sup> Ms Alexandra Raphael, Director of Policy and Advocacy, Federation of Ethnic Communities’ Councils of Australia, *Committee Hansard*, Canberra, 12 October 2020, p. 1; Ms Maria Dimopoulos AM, Immediate Past Chair and Member, Governance Advisory Committee, Harmony Alliance: Migrant and Refugee Women for Change, *Committee Hansard*, Canberra, 12 October 2020, p. 36; Ms Maha Krayem Abdo OAM, Chief Executive Officer, Muslim Women Australia; Council Member, Harmony Alliance: Migrant and Refugee Women for Change, *Committee Hansard*, Canberra, 12 October 2020, p. 42.

<sup>96</sup> Ms Sandra Elhelw Wright, Chief Executive Officer, Settlement Council of Australia, *Committee Hansard*, Canberra, 12 October 2020, p. 18.

<sup>97</sup> Settlement Services International, *Submission 156*, p. 3.

5.98 Along similar lines, SSI said that there are complex forms of family violence experienced by women and children in CALD communities, including dowry abuse, modern forms of slavery, forced marriage, immigration-facilitated abuse, technology-facilitated abuse, elder abuse, violence by extended family members and coercive control.<sup>98</sup>

5.99 SSI also described the additional complexity that refugees can face:

Due to their experience of war, fleeing from their country and subsequent settlement journey, additional vulnerabilities are present that need to be approached with expertise. Refugees are traumatised by what they have experienced during war, including sexual assault. Sometimes partners have been separated overseas for a long time, also due to war related circumstances. While they have arrived in Australia on a joint visa, their relationship is no longer functional.<sup>99</sup>

5.100 The Committee received evidence about the importance of programs of support for victim-survivors of violence being tailored for diverse communities.

5.101 SSI argued that there is a 'lack of focus on FDV service delivery for CALD communities especially in the area of primary prevention and early intervention'.<sup>100</sup>

5.102 Culturally appropriate and community-led education was highlighted by AWAVA:

Mainstream services working with women from culturally and linguistically diverse backgrounds need to ensure that service provision is culturally competent. More culturally appropriate community education is required. Responses to violence against women from culturally and linguistically diverse backgrounds need to be co-designed and community-led.<sup>101</sup>

5.103 Ms Alexandra Raphael from the Federation of Ethnic Communities' Councils of Australia (FECCA) argued that:

... it is incredibly important to repeatedly provide to all migrants coming into Australia information both around their rights as Australians and their responsibilities as Australians. That information, from what I can see at the moment [is] presented in a way that is often very off-putting and often implies

<sup>98</sup> Settlement Services International, *Submission 156*, p. 3.

<sup>99</sup> Settlement Services International, *Submission 156*, p. 14.

<sup>100</sup> Settlement Services International, *Submission 156*, p. 3.

<sup>101</sup> Australian Women Against Violence Alliance, *Submission 122*, p. 56.



those kinds of narratives around the propensity of domestic violence amongst other cultures.<sup>102</sup>

5.104 Ms Raphael also stressed the need for family violence practitioners to be culturally competent. She identified that:

... cultural competency itself does not rely on a deep understanding of culture... a lot of cultural competency is about any people understanding the skills and gaining the ability to listen without their own cultural biases, which we all have no matter what culture we're from. Those skills, in terms of open listening and asking questions in a way that removes your own kinds of cultural assumptions, are skills that don't require a deep understanding of every single culture in Australia...<sup>103</sup>

5.105 A number of submitters raised the matter of the special difficulties for women in CALD communities that arise from their visa status.

5.106 The Asylum Seeker Resource Centre apprised that Committee about the ways that perpetrators can manipulate the situation of temporary visa holders and 'threaten adverse consequences for their visa status if they report family violence'.<sup>104</sup> As a result:

... victims of family violence without income often have no choice but to remain cohabiting with a violent partner, trapping both the victim and often her children at very high risk of continuing violence.<sup>105</sup>

5.107 If a victim-survivor does leave the family home, additional problems with the processing of their visa application can arise because correspondence from the Department will continue to be sent to the primary applicant, resulting in the victim-survivor missing appointments and deadlines for their application.<sup>106</sup>

5.108 The Centre further explained that:

If the perpetrator is the primary applicant or visa holder and his visa is cancelled, then under current law the visas of the dependent wife and children

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<sup>102</sup> Ms Alexandra Raphael, Director of Policy and Advocacy, Federation of Ethnic Communities' Councils of Australia, *Committee Hansard*, Canberra, 12 October 2020, p. 3.

<sup>103</sup> Ms Alexandra Raphael, Director of Policy and Advocacy, Federation of Ethnic Communities' Councils of Australia, *Committee Hansard*, Canberra, 12 October 2020, p. 2.

<sup>104</sup> Asylum Seeker Resource Centre, *Submission 29*, p. 6.

<sup>105</sup> Asylum Seeker Resource Centre, *Submission 29*, p. 9.

<sup>106</sup> Asylum Seeker Resource Centre, *Submission 29*, p. 10.

will also be consequentially refused or cancelled, despite those family members being the victims of the behaviour that triggered the cancellation decision.<sup>107</sup>

5.109 Dr Carolyn Graydon from the Asylum Seeker Resource Centre indicated that refugees were unable to be protected under the visa system where their refugee status is reliant on the perpetrator of family violence. Dr Graydon noted that domestic violence provisions, which allow for those on a temporary partner visa to apply for a partner visa where their relationship has broken down:

... don't apply to people who are seeking protection and they don't apply to people on certain categories of spouse visas or student visas or others on bridging visas. So it's a very narrow exception that exists under migration law. For all others who are going through other kinds of visa application processes, there's no specific legal account taken of the additional vulnerability or issues they face as a consequence of being a victim of family violence, and we certainly see that in the protection space.<sup>108</sup>

5.110 Dr Graydon highlighted the significant barriers for refugee victim-survivors to make disclosures of family violence:

A nonconviction, an intervention order or even a charge could be enough to trigger visa cancellation or refusal. And the views of victims are given limited weight. Even if complaints are later withdrawn, even if the couple reconcile, where no further violence occurs, the damage to [the perpetrator's] visa status is often irreversible...

In our example, following cancellation of Dad's visa, Mum and the children's visas could also be consequentially refused or cancelled if they are dependent on his visa application... Mum and the children will then need to show they meet the definition of a refugee in their own right, and their case may be weaker than Dad's, and this could result in their visas being refused.<sup>109</sup>

5.111 FECCA mentioned a number of points about the current situation regarding visas. FECCA noted that 80 per cent of CALD clients of the support organisation, Safe Steps 'were not permanent residents',<sup>110</sup> yet crisis services

<sup>107</sup> Asylum Seeker Resource Centre, *Submission 29*, p. 6.

<sup>108</sup> Dr Carolyn Graydon, Principal Solicitor and Manager Human Rights Law Program, Asylum Seeker Resource Centre, *Committee Hansard*, Canberra, 12 October 2020, p. 29.

<sup>109</sup> Dr Carolyn Graydon, Principal Solicitor and Manager Human Rights Law Program, Asylum Seeker Resource Centre, *Committee Hansard*, Canberra, 12 October 2020, p. 26.

<sup>110</sup> Federation of Ethnic Communities' Councils of Australia, *Submission 47*, p. 4.

in many states provided only short-term support for women on temporary visas.<sup>111</sup>

5.112 FECCA continued:

Domestic violence victims on temporary visas are more vulnerable and more likely to remain in violent situations because they do not have access to crucial supports such as Medicare (including access to subsidised abortion services or contraceptive services), Centrelink benefits or access to social housing.<sup>112</sup>

FECCA also contended that, should women decide to seek judicial protection, they encounter considerable barriers:

Entering the legal system is intimidating, time-consuming, and expensive even for Australian citizens who are familiar with their rights. For women who are unfamiliar with court proceedings, have no family support system in Australia, and do not have English as their first language, obtaining a court order may seem like an impossible task.<sup>113</sup>

5.113 Ms Tania Farha from Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria said of migrants on some visa types, that the current system:

... creates barriers to them leaving the relationship in which they are experiencing violence and seeking support, barriers that have been exacerbated during the COVID-19 pandemic.<sup>114</sup>

5.114 The submission from Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria pointed out that:

Temporary visa status can be used by perpetrators as an additional tool for coercion and control. If victims are in Australia with no family or friendship networks, they are increasingly isolated and dependent on the perpetrator.<sup>115</sup>

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<sup>111</sup> Federation of Ethnic Communities' Councils of Australia, *Submission 47*, p. 5

<sup>112</sup> Federation of Ethnic Communities' Councils of Australia, *Submission 47*, p. 4.

<sup>113</sup> Federation of Ethnic Communities' Councils of Australia, *Submission 47*, p. 5.

<sup>114</sup> Ms Tania Farha, Chief Executive Officer, Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Committee Hansard*, Canberra, 17 September 2020, p. 2.

<sup>115</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 39.

5.115 Ms Raphael advocated greater access to support for victim-survivors on temporary visas:

... it needs to be much, much easier for women on temporary visas, when they raise issues of domestic or family violence, to be placed on bridging visas that allow them adequate access to Australian services.<sup>116</sup>

5.116 Ms Michal Morris, from the inTouch Multicultural Centre Against Family Violence and Harmony Alliance also called for the establishment of a bridging visa for temporary visa recipients experiencing family violence in Australia.<sup>117</sup>

## Elder abuse

5.117 The abuse of older people in family and domestic environments was highlighted in evidence to the Committee.

5.118 A definition of elder abuse was provided by the Health Law and Ageing Research Unit at Monash University:

Elder abuse is any form of violence or mistreatment that causes harm to an older person and occurs within a relationship of trust. Sexual abuse is included in the term elder abuse. Elder abuse can happen in many contexts, including the home and residential aged care.<sup>118</sup>

5.119 The non-government organisation, Good Shepherd Australia New Zealand, told the Committee that:

The term 'elder abuse' covers a range of harmful behaviours, including physical, emotional, sexual and financial abuse and neglect, and can be a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust. Elder abuse can also include categories of abuse distinct to institutional care settings, such as the abuse or inappropriate use of chemical restraint against the elder person's consent.<sup>119</sup>

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<sup>116</sup> Ms Alexandra Raphael, Director of Policy and Advocacy, Federation of Ethnic Communities' Councils of Australia, *Committee Hansard*, Canberra, 12 October 2020, p. 5.

<sup>117</sup> Ms Michal Morris, Chief Executive Officer, inTouch Multicultural Centre Against Family Violence; Council Member, Harmony Alliance: Migrant and Refugee Women for Change, *Committee Hansard*, Canberra, 12 October 2020, p. 36.

<sup>118</sup> Health Law and Ageing Research Unit, Monash University, *Submission 11*, p. 3.

<sup>119</sup> Good Shepherd Australia New Zealand, *Submission 49.1*, p. 6.

5.120 According to Good Shepherd, two of the most common forms of elder abuse are financial abuse and abuse in institutional care. Financial abuse includes the ‘misuse or theft of money or assets, using a legal document such as an enduring power of attorney’ and ‘emotionally pressuring an older parent or relative to relinquish their primary asset’, especially the family home. Perpetrators can be ‘caregivers, relatives, friends, informal carers and those in a functional position of trust’.<sup>120</sup>

5.121 Regarding abuse in institutional care, Good Shepherd said that, with an aging population, more people are entering residential home care, but the ‘privatisation of aged care, alongside decades of significant budget cuts, has led to widespread abuse in institutional care settings’.<sup>121</sup> The organisation took the view that:

... the state of aged care in Australia is reflective of deep structural inequalities, but it also generates acceptance – and tolerance – of substandard care of elderly people in the community more generally.<sup>122</sup>

5.122 Submitters provided information that the great majority of older victim-survivors are women. AWAVA said:

Data collected by helplines in Australia indicates that approximately 70 per cent of elder abuse victims are women. Gender inequality and the way it is expressed in society has been identified as the social condition underlying violence against women which also extends to elder abuse. As older women are subject to both ageism and gender inequality, they may be more likely to experience elder abuse than men.<sup>123</sup>

5.123 The view was put to the Committee that elder abuse was often misleadingly thought of as a separate problem distinct from FDSV. Mrs Cybele Koning from the Caxton Legal Centre said that:

... because we’ve called intergenerational abuse ‘elder abuse’ instead of ‘family violence against older persons’, that may have contributed to this dissection of the two issues rather than viewing elder abuse as a form of family violence.<sup>124</sup>

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<sup>120</sup> Good Shepherd Australia New Zealand, *Submission 49.1*, p. 7.

<sup>121</sup> Good Shepherd Australia New Zealand, *Submission 49.1*, p. 9.

<sup>122</sup> Good Shepherd Australia New Zealand, *Submission 49.1*, p. 9.

<sup>123</sup> Australian Women Against Violence Alliance, *Submission 122*, p. 63.

<sup>124</sup> Mrs Cybele Koning, Chief Executive Officer, Caxton Legal Centre, *Committee Hansard*, Canberra, 17 November 2020, p. 38.

Mrs Koning argued that, while there should be separate planning on elder abuse, there should be coordination with the National Plan on family and domestic violence 'to incorporate what the crossover areas are'.<sup>125</sup>

5.124 Information about the incidence of sexual violence against residents of aged care facilities was put before the Committee. Ms Daisy Smith from the Health Law and Ageing Research Unit at Monash University emphasised that:

Sexual violence in residential aged care is a major issue that deserves far more attention, as it's the most hidden, least acknowledged and least reported form of elder abuse. This is partially due to ill-defined terms, complex reporting obligations and a lack of awareness and knowledge of the topic.<sup>126</sup>

5.125 The submission from the Unit contended that there was a failure 'to have a national system or policy to manage' the challenge of sexual violence.<sup>127</sup> The submission said that the 'Australian Aged Care Commission is a regulator and is not equipped [n]or does it have the expertise to analyse and determine preventive action for sexual violence'.<sup>128</sup> Ms Smith told the Committee that:

The current reporting scheme is ill-informed and makes compulsory reporting pathways complex and too easily misjudged by aged-care staff. It also promotes underreporting.<sup>129</sup>

5.126 The Unit also argued that there was 'inconsistency' in reporting requirements for aged care institutions in relation to abuse of residents. This particularly applied to cases where the perpetrator had cognitive impairment. In addition, there were inadequate measures taken in many institutions for prevention of abuse and care of victim-survivors.<sup>130</sup>

5.127 In response to the above critique, Ms Janet Anderson, Commissioner of the Aged Care Quality and Safety Commission, stated that, from 1 January 2020,

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<sup>125</sup> Mrs Cybele Koning, Chief Executive Officer, Caxton Legal Centre, *Committee Hansard*, Canberra, 17 November 2020, p. 38.

<sup>126</sup> Ms Daisy Smith, Research Officer, Health Law and Ageing Research Unit, Monash University, *Committee Hansard*, Canberra, 13 October 2020, p. 49.

<sup>127</sup> Health Law and Ageing Research Unit, Monash University, *Submission 11*, p. 5.

<sup>128</sup> Health Law and Ageing Research Unit, Monash University, *Submission 11*, p. 13.

<sup>129</sup> Ms Daisy Smith, Research Officer, Health Law and Ageing Research Unit, Monash University, *Committee Hansard*, Canberra, 13 October 2020, p. 49.

<sup>130</sup> Health Law and Ageing Research Unit, Monash University, *Submission 11*, pp. 6, 9.

aged care providers are required to report all cases of assault to the Commission, in the form of either ‘unreasonable use of force’ or of ‘unlawful sexual contact’.<sup>131</sup>

5.128 Ms Amy Laffan from the Department of Health also told the Committee that

In recognition of some of the limitations of the current, compulsory reporting system, the government has committed to introducing a new serious incident response scheme for aged-care services. The serious incident response scheme will be in place from early 2021.<sup>132</sup>

5.129 Ms Laffan added that:

Significantly, the new serious incident response scheme will also lift the current exemption on the reporting of resident-on-resident incidents where the person has an assessed cognitive impairment.<sup>133</sup>

The requirements of the new system will mean that an incident perpetrated by a resident with cognitive impairment will need to be reported and identified, resolved and managed in the same way as all other incidents.<sup>134</sup>

5.130 In the context of ambiguity and inconsistency in definitions, categorisation and reporting requirements about elder abuse, the Caxton Legal Centre argued that there is a ‘lack of research on elder abuse and thus a lack of theoretical models that help frame the response to elder abuse’.<sup>135</sup> In addition, the intersectional approach that is increasingly being applied to other areas of violence against women—recognising overlapping identities, discrimination and disadvantage—is rarely referred to in the literature on elder abuse.<sup>136</sup>

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<sup>131</sup> Ms Janet Anderson, Commissioner, Aged Care Quality and Safety Commission, *Committee Hansard*, Canberra, 17 November 2020, pp. 2-3.

<sup>132</sup> Ms Amy Laffan, Acting First Assistant Secretary, Aged Care Quality Reform, Department of Health, *Committee Hansard*, Canberra, 17 November 2020, p. 4.

<sup>133</sup> Ms Amy Laffan, Acting First Assistant Secretary, Aged Care Quality Reform, Department of Health, *Committee Hansard*, Canberra, 17 November 2020, p. 4.

<sup>134</sup> Ms Amy Laffan, Acting First Assistant Secretary, Aged Care Quality Reform, Department of Health, *Committee Hansard*, Canberra, 17 November 2020, p. 4.

<sup>135</sup> Caxton Legal Centre Inc., *Submission 186*, p. 6.

<sup>136</sup> Caxton Legal Centre Inc., *Submission 186*, p. 6.

## Men as victim-survivors

- 5.131 By far the largest proportion of submitters agreed that the great majority of perpetrators of FDSV are men. For example, the leading statistical agency on health, the Australian Institute of Health and Welfare, stated that ‘the dominant profile is, unfortunately, of men as perpetrators and women and children as victims’.<sup>137</sup> The Institute reported the Australian Bureau of Statistics (ABS) Personal Safety Survey 2016 figures that one in six women had experienced physical and/or sexual violence, compared to one in sixteen men.<sup>138</sup>
- 5.132 Similarly, Ms Jacqui Watt, from the organisation, No to Violence, argued that ‘90 per cent or more of violence in families is committed by men against women’.<sup>139</sup>
- 5.133 Ms Amy Prendergast from Respect Victoria submitted that violence against men should be put in the context of the ‘various permutations of family violence’:
- ... whether it's older men in care relationships or in family relationships, whether it's boys, whether it's men in same-sex or heterosexual relationships, there are a number of different experiences men also have around family violence.<sup>140</sup>
- 5.134 But some of the above statistics were contested by other submitters, who contended that the number of male victim-survivors was much higher. One organisation advocating on the issue of men as victim-survivors of domestic violence, the One in Three Campaign, cited statistics from the ABS Personal Safety Survey 2016, that:
- ... demonstrate that while men make up a minority of persons who say they experience family, domestic and sexual violence, they make up a significant

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<sup>137</sup> Ms Louise York, Head, Community Services Group, Australian Institute of Health and Welfare, *Committee Hansard*, Canberra, 7 September 2020, p. 27.

<sup>138</sup> Australian Institute of Health and Welfare, *Submission 24*, p. 3.

<sup>139</sup> Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 18 November 2020, p. 15.

<sup>140</sup> Ms Amy Prendergast, Director, Strategy, Policy and Planning, Respect Victoria, *Committee Hansard*, Canberra, 18 September 2020, p. 41.



proportion indeed - between one in five and almost half, depending on the type of violence or abuse.<sup>141</sup>

5.135 The above ABS data was also cited in a submission from FamilyVoice Australia.<sup>142</sup>

5.136 One in Three cited figures from the NSW Bureau of Crime Statistics and Research, reporting that:

... 75 per cent of domestic violence related assault offenders in NSW between April 2015 to March 2020 were male, while 32 per cent (around one in three) victims were male.<sup>143</sup>

5.137 The submission by the non-government organisation Australian Brotherhood of Fathers cited a range of academic work that the organisation said countered the dominant view or 'the false narrative'<sup>144</sup> that most FDSV is perpetrated by men, that men are rarely victim-survivors and that 'domestic violence is at heart about gender inequality' rather than a range of other social and economic factors.<sup>145</sup>

5.138 The organisation also presented the Committee with anecdotal evidence about what it said was the 'systemic gendered discrimination [against men]'<sup>146</sup> amongst the courts, police, media and service-providers 'based upon a discredited, unsupported, false model that is not supported by research over the last couple of decades'.<sup>147</sup>

5.139 An issue raised was that men reporting as victim-survivors of family violence were not believed by police or other service-providers, were suspected of being perpetrators themselves or were not provided with support services.

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<sup>141</sup> One in Three Campaign, *Submission 57*, p. 10.

<sup>142</sup> FamilyVoice Australia, *Submission 168*, p. 2.

<sup>143</sup> One in Three Campaign, *Submission 57*, p. 25.

<sup>144</sup> Australian Brotherhood of Fathers, *Submission 224*, p. 21.

<sup>145</sup> Australian Brotherhood of Fathers, *Submission 224*, pp. 17-45.

<sup>146</sup> Mr Leith Erikson, Founder, Australian Brotherhood of Fathers, *Committee Hansard*, Canberra, 18 November 2020, p. 32.

<sup>147</sup> Mr Michael Jose, Consultant, Australian Brotherhood of Fathers, *Committee Hansard*, Canberra, 18 November 2020, p. 33.

5.140 For example, referring to the NSW Government's SPEAK OUT program encouraging people to report abuse, One in Three contended that:

The NSW Government's approach to domestic violence support during the COVID-19 pandemic appears to be as follows: ...

If you are a woman, we will listen to you, believe you, and help you.

If you are a man, we will refer you elsewhere where they will listen to you, question you, possibly believe you, possibly decide you are a perpetrator, and probably not help you as there are few services available to refer you to.<sup>148</sup>

5.141 Mr Andrew Humphreys, a social worker with One in Three, spoke of the shame felt by male victim-survivors and the trivialisation of their complaints:

Firstly, men do feel great shame that their partner has assaulted them, but they then meet the dilemma that they will be disbelieved. Not only are they embarrassed by what has happened to them, but they're certainly likely to get disbelief from police or services, which in most cases won't assist them anyway. I've certainly had men say to me: 'I've gone to the police with a black eye. I've complained to them, and they've said to me, 'Look at the size of you; man up, mate!''<sup>149</sup>

5.142 Lack of appropriate services as an issue for male victim-survivors was mentioned by Mr Leith Erikson from the Australian Brotherhood of Fathers, who told the Committee that governments were:

... not investing in programs for men. There are programs for women when they present as victims, and limited programs—if any—for men when they present as victims...<sup>150</sup>

5.143 These perspectives were contested by other submitters, who disagreed with claims about the numbers of men who are victim-survivors of abuse and criticised the anecdotal nature of some evidence.

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<sup>148</sup> One in Three Campaign, *Submission 57*, p. 32.

<sup>149</sup> Mr Andrew Humphreys, Social Worker, One in Three Campaign, *Committee Hansard*, Canberra, 18 November 2020, p. 18.

<sup>150</sup> Mr Leith Erikson, Founder, Australian Brotherhood of Fathers, *Committee Hansard*, Canberra, 18 November 2020, p. 38.

5.144 Mr Russell Hooper from No to Violence told the Committee:

Of course, we recognise that there are male victims out there. I think it's really important to note that it is statistically a much lower proportion; it's much lower than one in three.<sup>151</sup>

5.145 His colleague, Ms Watt argued that much anecdotal evidence on the subject is based on denial:

You'll hear that there's too much money going to women's services or, 'I got put in front of the court and I actually didn't do these things'. In our experience, men will always deny, minimise and blame—we know that from 25 or nearly 30 years now of doing this work.<sup>152</sup>

5.146 Evidence was presented to the Committee about the complex history of violence within families and between men and women. This complexity and the need for further research on the subject was stressed by Ms Watt, who pointed out that:

... the evidence base around male victims is that many, many men will describe themselves as victims, and will actually believe they are victims, and they will possibly also be perpetrating family violence. ... Men who are perpetrating violence may also have been victims, so it's really about unpicking more of the story and the pattern of what has actually happened.<sup>153</sup>

5.147 Ms Lizette Twisleton from No to Violence said that, while recognising that there may be a complex history of violence within a family, the priority needs to be on those most in need of protection, namely women and children.

... whilst a perpetrator may also be a victim, ... he might not be living with the same fear in his daily life as a female victim, and it's a complex piece of work around how do we support for a family to be safer. Sometimes it is about doing some work with both parties, with supporting the victims-survivors.<sup>154</sup>

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<sup>151</sup> Mr Russell Hooper, Head of Advocacy, No to Violence, *Committee Hansard*, Canberra, 18 November 2020, p. 13.

<sup>152</sup> Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 18 November 2020, p. 11.

<sup>153</sup> Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 18 November 2020, p. 13.

<sup>154</sup> Ms Lizette Twisleton, Head of Sector Development, No to Violence, *Committee Hansard*, Canberra, 18 November 2020, p. 13.

5.148 The importance of providing comprehensive services across genders was also mentioned by Bravehearts, who told the Committee that:

While acknowledging that those who perpetrate family, domestic and sexual violence are in the large majority male, we should not ignore that women can also perpetrate acts of control and violence (in same-sex and heterosexual relationships, against adults and children). If this is not acknowledged or discussed in developing prevention and intervention measures, the victims experiencing violence by female perpetrators will continue to face barriers in speaking out and seeking support.<sup>155</sup>

## Committee comment

### *Children and young people*

5.149 The Committee was struck by the evidence about the multiple ways in which children and young people can be directly and indirectly affected by FDSV. The Committee notes with concern evidence that exposure to FDSV at an early age—especially during the first thousand days of life—can cause lasting damage to a child, including affecting educational attainment, health and behavioural outcomes in adult life and the possibility for future victimisation and/or violent offending.

## Recommendation 35

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**5.150 The Committee recommends that the Australian Government fund research into the prevalence and impact of family, domestic and sexual violence on children and young people, including:**

- **during the first one thousand days after birth; and**
- **from infancy to adolescence.**

### *Indigenous Australians*

5.151 The Committee was moved by the compelling evidence from a broad spectrum of organisations representing Indigenous Australian communities about the traumatic impact of colonial dispossession, physical and cultural dislocation, and policies such as removal of children, on Indigenous communities, the results of which continue until this day.

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<sup>155</sup> Bravehearts, *Submission 83*, p. 4.

5.152 The Committee considers that, in order to understand and respond to this legacy of exclusion and disadvantage, all legislation, policies and programs affecting Indigenous communities must be co-designed and evaluated by Indigenous communities along with government. One essential requirement for this is the provision of cultural awareness programs for all non-Indigenous stakeholders.

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### **Recommendation 36**

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**5.153 The Committee recommends that, in accordance with National Priority Two of the Fourth Action Plan, any family, domestic and sexual violence policies, programs and legislative frameworks which affect Indigenous Australians must be co-designed by Indigenous peoples along with government. Similarly, the evaluation of such policies, programs and legislative frameworks must be appropriately funded and be designed with and led by Indigenous Australians working with government.**

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### **Recommendation 37**

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**5.154 The Committee recommends that the Australian Government and state and territory governments work to ensure the provision of appropriate funding for culturally specific Indigenous awareness programs for all stakeholders in government, including police, service providers and the judiciary; to enable an improved understanding of the particular challenges faced by Indigenous Australians affected by family, domestic and sexual violence. This should include the options available to them for referral to Aboriginal Community Controlled Organisations, whether they be victim-survivors or perpetrators.**

#### *Regional, rural and remote communities*

5.155 The Committee recognises that the economic and physical challenges faced by regional, rural and remote communities can create pressures that increase the prevalence of FDSV, and that the special character of small communities can make the disclosure of violence particularly difficult for victim-survivors. This makes it especially important that all government agencies providing services in these communities are aware of the factors that generate violence and are able to detect the early signs of possible abuse.

5.156 Bearing in mind Recommendation 67 on the increased use of technology to deliver perpetrator behaviour change programs, the Committee considers

that there is a broader need for funding for internet-based programs in regional, rural and remote areas.

### **Recommendation 38**

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**5.157 The Committee recommends that the Australian Government and state and territory governments provide additional training to police, General Practitioners, child health nurses, Remote Area Clinic nurses and any other service providers that have contact with people in rural and remote areas to assist in the early identification of family, domestic and sexual violence. Service personnel working in Indigenous communities should receive appropriate Indigenous culturally aware training.**

### **Recommendation 39**

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**5.158 The Committee recommends that the Australian Government and state and territory governments explore opportunities to use technology to provide more services for victim-survivors and perpetrators in regional, rural and remote areas.**

### *People identifying as LGBTQI*

- 5.159 The Committee recognises that there are considerable gaps in knowledge and evidence about ways in which people identifying as LGBTQI are affected by FDSV. There is still a lack of clarity in definitions of FDSV as they are experienced by LGBTQI people. To this are added deficiencies in the collection of disaggregated data in general population surveys, including census and other ABS statistics.
- 5.160 Together these factors inhibit an understanding of trends and characteristics of FDSV affecting LGBTQI communities, including violence from within the community and abuse inflicted by non-LGBTQI people, including family members. The problem is exacerbated by barriers to disclosure of violence caused by privacy concerns and fear of stigmatisation.
- 5.161 These knowledge gaps have an impact on the quality of support services provided to LGBTQI communities. The Committee considers that there is a need for improved education and awareness training amongst mainstream and specialist service providers to ensure personnel are sensitive to the particular needs of the communities. Policies and programs for LGBTQI communities should be developed in partnership between government agencies and LGBTQI organisations.

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## Recommendation 40

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5.162 The Committee recommends that, to improve data relevant to LGBTQI communities, the Australian Government:

- develop guidelines for data collection about sexuality and gender as it relates to experiences of violence, as part of government-funded research and service provision;
- include a question about LGBTQI identification in future Commonwealth censuses; and
- fund a national research project to examine the impact of family, domestic and sexual violence affecting the LGBTQI community, and review best practice models to inform appropriate responses.

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## Recommendation 41

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5.163 The Committee recommends that the Australian Government, in cooperation with the states and territories, develop and implement nationally consistent, regular and targeted education and training within mainstream services, including police and paramedics, in relation to the nature, features and dynamics of intimate partner violence and its particular impact on those from LGBTQI communities.

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## Recommendation 42

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5.164 The Committee recommends that the Australian Government provide funding for Our Watch to update its *Change the Story* framework to be inclusive, and to develop an LGBTQI specific prevention guide, highlighting how gendered violence impacts LGBTQI communities in different ways compared to the broader community.

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## Recommendation 43

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5.165 The Committee recommends that policies and programs relating to family, domestic and sexual violence as it affects LGBTQI communities be developed in partnership between government agencies and LGBTQI organisations.

### *People living with disability*

- 5.166 The Committee notes with concern the high prevalence of FDSV perpetrated against people living with disability. The Committee has concerns that current definitions of FDSV do not capture the full spectrum of violence suffered by people with disability, including violence in collective accommodation. Effective responses to violence against people with disability are constrained by a lack of coordination amongst agencies responsible for dealing with the risk of FDSV and those responsible for providing disability support services. It is critical that disability and family violence service systems provide a coordinated continuum of support to victim-survivors (and their families) that address both their family violence risk and safety needs and disability support needs.
- 5.167 The Committee recognises that FDSV is perpetrated against people with disability in both homes and residential care settings, by family members, carers and other staff. The Committee notes that the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability is currently inquiring into the prevention of violence against people with disability, best practice in responses to abuse, and the promotion of a more inclusive society that supports people with disability.<sup>156</sup>

### **Recommendation 44**

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- 5.168 The Committee recommends that the Australian Government ensure that the next National Plan specifies people living with disability as a priority cohort, to ensure that legislation, policies and programs (across all jurisdictions) include consultation to support specific consideration of the impacts on, and needs of, these members of the community.**

### **Recommendation 45**

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- 5.169 The Committee recommends that the Australian Government, together with the states and territories, develop a national strategy, in consultation with people living with disability and their representative organisations, to improve access to comprehensive, equitable, accessible, and disability-inclusive sexual and reproductive health education and information.**

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<sup>156</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 'About the Royal Commission', <<https://disability.royalcommission.gov.au/about-royal-commission>> viewed 18 February 2021.



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## **Recommendation 46**

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**5.170 The Committee recommends that National Disability Insurance Agency staff (including planners and those with decision making delegation) and disability service workers funded by the National Disability Insurance Scheme (NDIS) complete mandatory training in identifying and responding to family, domestic and sexual violence affecting people with disability.**

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## **Recommendation 47**

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**5.171 The Committee recommends that, to support the implementation of the above recommendations, the Australian Government, in cooperation with the states and territories, implement national uniform legislation establishing mandatory reporting by registered disability service providers to police and the proposed National Commissioner for the prevention of family, domestic and sexual violence of all incidents of violence perpetrated against people living with disability, whether in residential care facilities or people's own homes.**

### *Culturally and linguistically diverse (CALD) communities*

**5.172 The Committee notes that people from CALD communities face a range of special issues in relation to FDSV and need to be supported with different approaches that respond to their particular circumstances.**

**5.173 There is currently a paucity of data about the prevalence of FDSV within CALD communities. A research program is needed that focuses on CALD communities, cultural practices that may increase the risk of abuse, and problems related to visas, immigration matters and settlement issues that might be connected with increased prevalence of FDSV.**

**5.174 The Committee agrees that any information disseminated by government and service providers that FDSV is particularly rife in CALD communities is not helpful or respectful.**

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## **Recommendation 48**

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**5.175 The Committee recommends that the next National Plan be more inclusive of people from culturally and linguistically diverse communities, their experiences and their needs.**

## **Recommendation 49**

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**5.176** The Committee recommends that the Australian Government focus on providing more, and more effective, culturally appropriate education on family, domestic and sexual violence to culturally and linguistically diverse communities.

## **Recommendation 50**

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**5.177** The Committee recommends that the Australian Government, and state and territory governments, provide a specifically funded resource to assist larger multicultural organisations to enhance family, domestic and sexual violence service delivery for culturally and linguistically diverse communities.

## **Recommendation 51**

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**5.178** The Committee recommends that the Australian Government and, where applicable, state and territory governments, make the following changes to immigration legislation and procedures:

- amend the *Migration Act 1958* to prevent ‘consequential visa cancellation’ where a victim-survivor of family violence has their visa cancelled due to domestic violence perpetrated against them by the primary visa holder;
- where a visa applicant is in crisis or temporary accommodation, create an exception to the requirement that a residential address is required to lodge a valid protection visa application;
- address official correspondence related to visa applications to each individual applicant, so that if one of them leaves the family home, the correspondence can then be re-directed to a new address;
- provide access to legal services, specialist police services and income support for a broader range of temporary visa holders who are victim-survivors of family violence, and consider revisions to migration regulations to offer legal protection to victim-survivors on temporary visas;

- **broaden the definition of family violence in the Migration Regulations 1994 to be consistent with the *Family Violence Protection Act 2008* (Vic) and to ensure that people seeking to escape violence are entitled to crisis payments, regardless of their visa status;**
- **exempt women on temporary visas and women seeking asylum who have experienced domestic and family violence from meeting residency requirements for the purposes of access to Centrelink and Medicare while their visa is being processed; and**
- **review and amend the eligibility requirements for victim-survivors of violence to access financial and other crisis supports, particularly for those on temporary visas.**

### *Elder abuse*

- 5.179 The Committee notes that the most common forms of abuse of older people are financial abuse, including that committed by family members, and abuse in institutional care. The Committee considers that elder abuse should not be viewed as a separate problem distinct from FDSV.
- 5.180 The Committee notes that the Australian Government has recently introduced legislative changes to incident reporting and management in residential aged care, removing the exemption from reporting assaults where the alleged perpetrator is a resident with a cognitive or mental impairment.<sup>157</sup>

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## **Recommendation 52**

- 5.181 **The Committee recommends that the next National Plan provide funding to investigate the prevalence and prevention of elder abuse, both in residential care facilities and in people's own homes, whether by facility staff, carers or family members.**

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## **Recommendation 53**

- 5.182 **The Committee recommends that the Department of Health release all de-identified data and information pertaining to incidents and allegations of**

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<sup>157</sup> Aged Care Legislation Amendment (Serious Incident Response Scheme and Other Measures) Bill 2020, Schedule 1. The Bill was passed by both Houses of Parliament in February 2021.

**sexual assault in residential aged care, including incidents where the perpetrator was alleged to have had a cognitive or mental impairment.**

### *Men as victim-survivors*

5.183 The Committee notes that, while the great majority of perpetrators of FDSV are men, there are also men who are victim-survivors of violence. The Committee is concerned that there is a lack of support services for male victim-survivors of FDSV, and a lack of evidence about the prevalence and impact of FDSV against male victim-survivors.

### **Recommendation 54**

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**5.184 The Committee recommends that the Australian Government commission research into the prevalence of family, domestic and sexual violence against men and its impact on male victim-survivors. The research should include a focus on any connections between male victim-survivors and their exposure to family, domestic and sexual violence as children.**

**The Committee further recommends that the Department of Social Services review the adequacy of advice and referral services for men as victim-survivors of family, domestic and sexual violence.**

## 6. Primary prevention

- 6.1 This chapter examines the important role of primary prevention strategies in reducing the incidence of family, domestic and sexual violence (FDSV). Primary prevention approaches and programs aim to encourage change in social attitudes in the community, combatting ideas about the use of violent and abusive behaviour in human relationships.
- 6.2 Primary prevention is targeted at the societal and cultural drivers that produce FDSV or, in other words, the basic factors that induce people to act in a violent or abusive way to their intimate partners, family members or others in their domestic situation.
- 6.3 The chapter discusses:
- the features of primary prevention as a strategy aimed at changing the long-term drivers of FDSV;
  - the nature of the drivers of FDSV;
  - primary prevention initiatives currently under way in Australia;
  - the importance of tailoring primary prevention to the needs of diverse communities; and
  - data and evaluation on primary prevention.

### What is primary prevention?

- 6.4 Primary prevention was described for the Committee in the submission from the Australian Government as follows:

Primary prevention refers to preventing violence by working across the whole population to address the underlying factors or causes of violence. In the case of violence against women, Australian and international research has demonstrated that these underlying factors include gender inequality,

attitudes that condone violence and disrespect towards women, and beliefs about adhering to rigid or stereotypical gender roles.<sup>1</sup>

6.5 Several submitters mentioned that practitioners in the field usually distinguish between primary, secondary and tertiary approaches. Our Watch described the three complementary approaches in the following terms:

- primary prevention: whole-of-population initiatives that address primary ('first' or underlying) drivers of violence;
- secondary prevention or early intervention: aims to 'change the trajectory' for individuals at higher-than-average risk of perpetrating or experiencing violence;
- tertiary prevention or response: supports survivors and holds perpetrators to account (and aims to prevent the recurrence of violence).<sup>2</sup>

6.6 The Australian Government submission pointed out that:

Primary prevention is a relatively new approach to addressing the issue of violence against women, and although such work requires a long-term perspective on outcomes, there is a growing body of evidence to demonstrate its effectiveness.<sup>3</sup>

6.7 The submission from Interrelate described the movement towards primary prevention initiatives in recent times. The submission noted that, historically, most responses to family and domestic violence focused on crisis-management and support services, beginning from the 1960s and 1970s when women's groups organised initiatives such as women's refuges. In recent years, however, more attention has been given to ways to reduce or prevent violence, in addition to dealing with its effects.<sup>4</sup>

6.8 As the Tangentyere Council Aboriginal Corporation expressed it: 'we were talking about family violence before we started talking about primary prevention'.<sup>5</sup>

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<sup>1</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 11.

<sup>2</sup> Our Watch, *Submission 48*, p. 21.

<sup>3</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 11.

<sup>4</sup> Interrelate, *Submission 14*, p. 4.

<sup>5</sup> Tangentyere Council Aboriginal Corporation, *Submission 198*, p. 26.

- 6.9 The Fourth Action Plan of the National Plan continued the increasing emphasis on preventative strategies and declared that ‘primary prevention is key’.<sup>6</sup> The basic premise of the approach is that ‘gender equality is the key to ending violence against women and their children, and that women will never be safe if they are not equal’.<sup>7</sup>
- 6.10 Primary prevention derives from the view that attitudes held by individuals are socially constructed and emerge out of the great variety of experiences and influences to which people are exposed over their lifetimes. Dr Emma Partridge from Our Watch<sup>8</sup> described this perspective in the following terms:
- ... the drivers of violence against women are located at multiple different levels. People can have very problematic attitudes towards women—disrespectful, aggressive, violent attitudes—yes, but those attitudes don't arise in a vacuum. People don't just suddenly develop those attitudes. They develop them in a society where they are exposed to different ideas about men and women; women's place in society; respect for women; and relationships in the home, in families, in schools, in their workplaces and in their sporting clubs right across communities.<sup>9</sup>
- 6.11 The ultimate objective of primary prevention is to stop family and domestic violence before it occurs, rather than dealing with the problem through the criminal justice system and trying to ameliorate the effects of violent abuse on individual victim-survivors.
- 6.12 This was the view put to the Committee by Our Watch:
- ... a primary prevention approach is necessary to stop violence against women from occurring in the first place and reduce the prevalence of violence in the long-term.<sup>10</sup>

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<sup>6</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 9.

<sup>7</sup> Our Watch, *Submission 48*, p. 27.

<sup>8</sup> Our Watch was established by the Australian and Victorian governments in 2013 as an independent, not-for-profit organisation to focus on primary prevention. It is discussed in more detail later in the chapter.

<sup>9</sup> Dr Emma Partridge, Manager, Policy, Our Watch, *Committee Hansard*, Canberra, 7 September 2020, p. 18.

<sup>10</sup> Our Watch, *Submission 48*, p. 21.

- 6.13 The objective of prevention before occurrence was also described by Interrelate, a not-for-profit relationships service provider:

It is well recognised that prevention is the most effective way to eliminate violence against women and their children... The Royal Commission into Family Violence in Victoria identified primary prevention as key, recommending that substantial funding be directed towards educating young people with the goal of preventing DFV from occurring in the first place ... There is also growing evidence and a voice for earlier intervention to address issues at a pre-crisis stage before criminal and justice services become involved.<sup>11</sup>

- 6.14 In a similar vein, Respect Victoria elaborated that primary prevention:

... works by identifying the underlying causes or drivers of violence. Critically, these include the social norms, practices and structures that influence individual attitudes and behaviours. Rather than focusing solely on the behaviour of perpetrators, primary prevention goes deeper. It focuses on the whole community and the systemic, structural and social conditions that allow violence to happen in the first place.<sup>12</sup>

- 6.15 Evidence to the Committee made it clear that primary prevention needs to be a long-term commitment because it aims to bring about societal change. Dr Heather Nancarrow from Australia's National Research Organisation for Women's Safety (ANROWS) said that:

Australia is leading in regard to recognising the need for a long-term prevention plan. We absolutely need to have early intervention and response at tertiary level and to stop perpetrators of violence who are already perpetrating violence, but we need to keep going with a long-term commitment to primary prevention. Other jurisdictions internationally look to Australia as an example of good practice in terms of primary prevention with a clear framework for doing that.<sup>13</sup>

- 6.16 As part of a broad and long-term commitment to change which coordinates the various levels of response to family and domestic violence, Respect Victoria recommended:

The scope of the next National Plan should both:

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<sup>11</sup> Interrelate, *Submission 14*, p. 4.

<sup>12</sup> Respect Victoria, *Submission 163*, p. 6.

<sup>13</sup> Dr Heather Nancarrow, Chief Executive Officer, Australia's National Research Organisation for Women's Safety, *Committee Hansard*, Canberra, 8 September 2020, p. 6.



- elevate the importance of primary prevention in Australia’s family violence reform agenda as complementary to early intervention to response, and
- broaden the focus to include the primary prevention of all forms of family violence and violence against women.<sup>14</sup>

6.17 Primary prevention is not seen as a replacement for other responses to family and domestic violence, but rather as a complement to other approaches that should be combined with the aim of producing immediate and more long-term results. For example, Respect Victoria said

... an effective and coordinated primary prevention approach supports and complements early intervention and crisis response, reducing pressure on these parts of the system in the medium-long term.<sup>15</sup>

6.18 Respect Victoria elaborated on the importance of integrating primary prevention into other responses, in the context of lessons that were learnt from the COVID-19 pandemic but which could be generalised. In ongoing consultations with non-government organisations in the field, Respect Victoria concluded that the pandemic showed that:

- COVID-19, like other disasters, exacerbates the drivers and risk factors for family violence;
- good linkages between primary prevention, early intervention and response work are vital;
- social marketing campaigns that combine broader messaging about underlying drivers of violence with practical advice are most effective;
- mainstream campaigns and messaging do not always reach multicultural and other communities; and
- support organisations need staff specialised in primary prevention and need to uphold and enforce the value of primary prevention.<sup>16</sup>

6.19 No to Violence argued that primary prevention was essential so that interventions were not only ‘patching up the issues and responding when the house falls apart’ when a ‘rebuild’ was required which ‘eradicates the patriarchal power imbalances that cause and contribute to family violence’.<sup>17</sup>

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<sup>14</sup> Respect Victoria, *Submission 163*, p. 4.

<sup>15</sup> Respect Victoria, *Submission 163*, p. 6.

<sup>16</sup> Respect Victoria, *Submission 163.1*, p. 2.

<sup>17</sup> No to Violence, *Submission 199*, p. 7.

6.20 Examples of primary prevention programs were provided by the Youth Affairs Council of South Australia (YACSA), a peak body of organisations in the non-government youth sector in South Australia:

- school-based programs to challenge traditional notions of gender and promote respectful relationships
- campaigns to challenge and reduce the negative, inequitable, and exploitative portrayal of women in the media
- bystander training to empower individuals to challenge gender inequality, the acceptance of violence against women and to intervene when girls or women are at risk.<sup>18</sup>

6.21 YACSA added that, to be most effective, primary prevention responses should:

- challenge the acceptance of violence against women
- challenge the structures, norms and values that support and promote inequality and violence
- promote women's independence and decision-making in their personal relationships and in their communities
- challenge gendered power, gender stereotypes and gender roles
- strengthen positive, equal, and respectful relationships
- have an intersectional focus that acknowledges that the experience of gender inequality can be greater for some women based on other identities such as race, sexual and gender identity, and disability
- promote and normalise gender equality in relationships, families, communities, institutions, workplaces, and wider society.<sup>19</sup>

6.22 A similar set of principles to guide primary prevention was presented by Respect Victoria:

- 1 Strengthen primary prevention focus across whole of family violence reform effort
- 2 Build understanding of the impact of intersecting forms of discrimination and disadvantage into all our prevention efforts
- 3 Uphold the importance of independence and decision-making in public and private life

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<sup>18</sup> Youth Affairs Council of South Australia (YACSA), *Submission 112*, p. 4.

<sup>19</sup> Youth Affairs Council of South Australia (YACSA), *Submission 112*, p. 4

- 4 Challenge rigid gender roles, advance gender equality and advocate for respectful gender relationships
- 5 Engage men to adopt and maintain respectful and non-aggressive behaviours and peer relations
- 6 Challenge attitudes that condone violence through association with external stressors.<sup>20</sup>

## The drivers of family, domestic and sexual violence

- 6.23 The drivers of FDSV influence the behaviour of individuals and groups, while also normalising or even endorsing such behaviour. Primary prevention aims to shift some of these drivers and thus positively influence behaviour.
- 6.24 This raises the question of what the drivers of FDSV are.
- 6.25 The Committee received extensive evidence that the principal driver of FDSV is gender inequality and stereotypical attitudes towards gender roles, characteristics and behaviour, especially about the place of women in society. For example, Dr Partridge, describing Our Watch's research and conclusions, told the Committee that it had:
- ... surveyed all of the nationally and internationally available literature on the drivers of violence against women. ... What we found is that the key drivers of violence are gendered. They are about attitudes to gender. They are about structural gender relations and structural relations of power between men and women. These play out in many different ways. It can be in our organisations, in our boardrooms, in our sporting clubs and so on. But it can also be in our popular culture.<sup>21</sup>
- 6.26 The submission from Our Watch detailed the organisation's view in the influential *Change the Story* framework, which was a collaborative project with ANROWS and VicHealth, supported by the Australian and Victorian governments as part of the National Plan. The framework:
- ... identifies gender inequality as setting the necessary social context in which violence against women occurs. The framework demonstrates that there are particular expressions or manifestations of gender inequality that are most consistently associated with higher levels of violence against women. ... A range of international evidence finds that these gendered drivers arise from

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<sup>20</sup> Respect Victoria, *Submission 163.1, Attachment A*, p. 1.

<sup>21</sup> Dr Emma Partridge, Manager, Policy, Our Watch, *Committee Hansard*, Canberra, 7 September 2020, p. 23.

unequal and discriminatory institutional, social and economic structures, social and cultural norms, and organisational, community, family and relationship practices. Together, these structures, norms and practices create environments in which women and men are not considered equal, and violence against women is both more likely to happen, and more likely to be tolerated and even condoned.

6.27 Elaborating on examples of gendered drivers of violence, Our Watch listed:

- Condoning of violence against women
- Men's control of decision-making and limits to women's independence in public life and relationships
- Rigid gender roles and stereotyped constructions of masculinity and femininity
- Male peer relations that emphasise aggression and disrespect towards women

6.28 A number of other organisations delivering support services to victim-survivors also endorsed the analysis of the gendered drivers of family violence in the *Change the Story* framework developed by Our Watch.

6.29 YWCA Australia said that it 'valued' the gendered drivers understanding.<sup>22</sup> Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria reported that their 'approach to prevention of violence against women is centred on the evidence base detailed' in *Change the Story*.<sup>23</sup> Domestic Violence NSW called for 'comprehensive, secure and ongoing funding and institutional support for Our Watch to lead implementation of *Change the Story*'.<sup>24</sup> Women's Safety NSW recommended that the Australian Government 'invest in the implementation' of the framework.<sup>25</sup> Respect Victoria informed the Committee that it is developing a theory of change and a 'comprehensive monitoring and evaluation framework for primary prevention of family violence in all its forms' based on the gendered drivers approach in *Change the Story*.<sup>26</sup>

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<sup>22</sup> YWCA Australia, *Submission 123*, p. 8.

<sup>23</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 11.

<sup>24</sup> Domestic Violence NSW, *Submission 170*, p. 2.

<sup>25</sup> Women's Safety NSW, *Submission 150*, p. 241.

<sup>26</sup> Respect Victoria, *Submission 163*, p. 8.

6.30 The promotion of gender equality as a key to ending family violence was advocated by Domestic Violence NSW:

As a community, Australia can end SDFV by promoting gender equality and addressing the gendered drivers of violence; challenging condoning of violence against women; promoting women's independence and decision-making in public life and relationships; challenging gender stereotypes and roles; and strengthening positive, equal and respectful relations between and among women and men, girls and boys.<sup>27</sup>

6.31 As an example of an approach to address gender inequality, Respect Victoria—a statutory authority established in 2018 and dedicated to the primary prevention of all forms of family violence and violence against women—drew the Committee's attention to the Victorian *Gender Equality Act 2020* (the GE Act):

In addressing gender inequality as a known driver of family violence, the GE Act serves as a supportive structural platform. It complements and strengthens existing efforts to drive workplace reform, such as the Workplace Equality and Respect and [occupational health and safety] sexual harassment reforms. Critically, by supporting structurally focused, place-based and culturally appropriate responses to gender equality in local communities, the GE Act supports a broader primary prevention approach.<sup>28</sup>

6.32 The Victorian Government also referred in its submission to *Safe and Strong*, Victoria's gender equality strategy, which 'sets out the founding reforms to progressively build the attitudinal and behavioural changes required to reduce violence against women and improve gender equality'.<sup>29</sup> The strategy includes a series of actions to 'drive change' in schools, workplaces, community groups, sporting associations and the media.<sup>30</sup>

6.33 The Committee also heard from Ms Genevieve Dugard from the arts and social change organisation Big hArt about the primary prevention program Project O, which seeks to address gender inequality by providing mentoring and support to young women between 11 and 16 years of age. Project O was

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<sup>27</sup> Domestic Violence NSW, *Submission 170*, pp. 7-8.

<sup>28</sup> Respect Victoria, *Submission 163*, p. 6.

<sup>29</sup> Victorian Government, *Submission 182*, p. 28.

<sup>30</sup> Victorian Government, *Safe and Strong: A Victorian Gender Equality Strategy*, 2016.

piloted in North-West Tasmania in 2015 and now operates in four sites identified as having high rates of violence and barriers for young women.<sup>31</sup>

6.34 Ms Dugard explained that the aim of the program is to assist women to build skills, speak up, and become agents of change in their communities:

... the core of the program is the desire to shift those expectations and those attitudes to promote stronger gender equality. Key to this is a rise in confidence, a rise in skills and a rise in positive visibility in their community.<sup>32</sup>

6.35 Ms Dugard said the program aimed to work in each community for five years so 'the legacy of the program begins to live on in stronger ways in the community' and described the program's intergenerational approach:

We've had a lot of success working with the primary school cohort in Frankston. It was the first time we officially formally tried it with such a young age group. We've done that with a view to it being a transition program between primary schools and high schools in the same area, so you kind of get a sister-to-sister model. We've found that that's really effective. Also the successful alumni who have gone through mentorship over a number of years are coming back to mentor younger participants. That has also been really strong.<sup>33</sup>

6.36 The Committee heard from submitters who identified additional issues to be considered to explain the incidence of family violence, or as issues associated with family violence.

6.37 One of the examples of other drivers of abuse mentioned to the Committee was pornography.

6.38 This view was articulated by Youth Wellbeing Project, a youth-focused social enterprise, who argued that pornography is a 'vehicle that delivers gendered drivers of violence against women'.<sup>34</sup> The organisation listed a range of elements in 'the role of pornography in contributing to harms on children and young people':

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<sup>31</sup> Big hArt, *Submission 69*, pp. 1-3; Ms Genevieve Dugard, Associate Creative Director and National Director of Project O, Big hART, *Committee Hansard*, Canberra, 12 October 2020, pp. 35-36.

<sup>32</sup> Ms Genevieve Dugard, Associate Creative Director and National Director of Project O, Big hART, *Committee Hansard*, Canberra, 12 October 2020, p. 36.

<sup>33</sup> Ms Genevieve Dugard, Associate Creative Director and National Director of Project O, Big hART, *Committee Hansard*, Canberra, 12 October 2020, pp. 37-38.

<sup>34</sup> Youth Wellbeing Project, *Submission 221*, p. 3.

- in shaping sexual scripts, thereby influencing child and youth attitudes and behaviours and as such, their social environment.
- as a “how to” manual for children engaging in sexually abusive behaviours toward other children.
- as an influencer for youth sexual violence towards peers and children.
- in influencing sexual harassment, gender-based norms and other harmful social norms.
- as a model for technology-facilitated abuse such as image-based abuse.
- as a grooming tool for use by sexual offenders and a tool in and of itself that grooms children and normalises abuses.
- in motivating sexual offences such as rape, sexual harassment, strangulation and other (“consensual” and non-consensual) sex acts that cause emotional and physical harm.<sup>35</sup>

- 6.39 Youth Wellbeing Project submitted that pornography ‘adds fuel to the fire’<sup>36</sup> for high-risk men, citing research that exposure to violent material induced a six-fold increase in sexually aggressive behaviour in this cohort of men.<sup>37</sup> The organisation also cited research concluding that exposure to pornography increased the incidence of sexual violence and victimisation in young males and females.<sup>38</sup> It added that ‘sexualised media and marketing’ contributes to the objectification of women, stereotyped attitudes and body image problems amongst young women.<sup>39</sup>
- 6.40 The Committee also heard evidence about other factors interacting or correlating with family violence, including negative aspects of popular culture, problem gambling and abuse of alcohol and other drugs.
- 6.41 Dr Partridge from Our Watch argued that ‘structural gender relations and structural relations of power between men and women’ interact with societal trends, including popular culture. She said that ‘exposure to violence and to violent imagery, video games, pornography and so on can

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<sup>35</sup> Youth Wellbeing Project, *Submission 221*, p. 3.

<sup>36</sup> Youth Wellbeing Project, *Submission 221*, p. 9.

<sup>37</sup> Youth Wellbeing Project, *Submission 221*, p. 9.

<sup>38</sup> Youth Wellbeing Project, *Submission 221*, pp. 10-11.

<sup>39</sup> Youth Wellbeing Project, *Submission 221*, p. 8.

definitely be a reinforcing factor' in influencing the emergence of negative attitudes amongst children and young people as they grow up.<sup>40</sup>

- 6.42 The correlation of problem gambling with family violence was mentioned in the submission from the Department of Social Services, citing 2019 research showing that problem gamblers were at increased risk of being both victim-survivors and perpetrators of FDSV.<sup>41</sup>
- 6.43 The Department also noted that 'there is also some evidence on specific types of gambling', with research showing that areas with a greater number of electronic gaming machines were associated with a greater incidence of family violence assaults.<sup>42</sup>
- 6.44 The effects of alcohol and other drugs were mentioned by the Australian Alcohol and other Drugs Council:

Alcohol and other drugs use doesn't cause individuals to choose to use domestic and family violence ...[but] the problematic use of and, at times, symptoms associated with unplanned withdrawal from, alcohol and other drugs can contribute to more frequent and higher levels of aggression by domestic and family violence perpetrators, thus increasing harm to women and children.<sup>43</sup>

The Council also advised that 'physical harm is more likely and more severe in incidents of domestic and family violence where the perpetrator has consumed alcohol'.<sup>44</sup> In addition, 'women under the influence of or dependent on alcohol and other drugs may be more reliant on their abuser, especially in relation to coercive control and emotional violence'.<sup>45</sup>

- 6.45 Dr Nancarrow from ANROWS argued that there can be complex interactions between alcohol and other factors:

We know that there is a correlation, more so in some communities than others, between alcohol and violence. We know that sometimes there are mental health concerns. We can't point to those as being the causes of it, but they do intersect with other notions of what it means to be a man, for example, and

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<sup>40</sup> Dr Emma Partridge, Manager, Policy, Our Watch, *Committee Hansard*, Canberra, 7 September 2020, p. 23.

<sup>41</sup> Department of Social Services, *Submission 71.3*, p. 1.

<sup>42</sup> Department of Social Services, *Submission 71.3*, p. 2.

<sup>43</sup> Australian Alcohol and other Drugs Council, *Submission 202*, p. 5.

<sup>44</sup> Australian Alcohol and other Drugs Council, *Submission 202*, p. 5.

<sup>45</sup> Australian Alcohol and other Drugs Council, *Submission 202*, p. 8.



that men disproportionately use violence when they've consumed too much alcohol.<sup>46</sup>

6.46 Alcohol as a risk factor associated with family violence was raised by the joint submission from the Foundation for Alcohol Research and Education (FARE) and the Centre for Alcohol Policy Research (CAPR), who cited research:

... showing that alcohol is associated with up to 65 per cent of family violence incidents reported to the police and up to 47 per cent of child protection cases each year across Australia.<sup>47</sup>

In addition, the submission said that of the '121 male intimate partner violence homicide offenders who killed a woman in the years 2010-2014 in Australia, almost half (48.8%) were using alcohol at the time of the fatal episode'.<sup>48</sup> The majority (87 per cent) of intimate partner homicides in Indigenous communities were 'alcohol-related'.<sup>49</sup>

6.47 A 'growing body of evidence linking sport, alcohol and violence' was noted in the submission from FARE and CAPR, with the incidence of assault and family violence increasing during major sporting events, both in Australia and overseas. Therefore, 'reconsideration must be given to the emphasis on alcohol promotion and consumption during these events'.<sup>50</sup>

6.48 The submission also apprised the Committee about studies by the World Health Organization (WHO) that found the following:

- Alcohol use contributes to the incidence and the severity of intimate partner violence.
- Heavy alcohol use may cause or exacerbate relationship stress which increases the risk of conflict.

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<sup>46</sup> Dr Heather Nancarrow, Chief Executive Officer, Australia's National Research Organisation for Women's Safety, *Committee Hansard*, Canberra, 8 September 2020, pp. 5-6.

<sup>47</sup> Foundation for Alcohol Research and Education and Centre for Alcohol Policy Research, *Submission 125*, p. 3.

<sup>48</sup> Foundation for Alcohol Research and Education and Centre for Alcohol Policy Research, *Submission 125*, p. 5.

<sup>49</sup> Foundation for Alcohol Research and Education and Centre for Alcohol Policy Research, *Submission 125*, p. 58.

<sup>50</sup> Foundation for Alcohol Research and Education and Centre for Alcohol Policy Research, *Submission 125*, p. 17.

- Alcohol use affects cognitive and physical function and may result in perpetrators of intimate partner violence using a violent resolution to relationship conflicts, rather than a non-violent resolution.
- Excessive drinking by at least one partner can aggravate existing relationship stressors such as financial problems, thus increasing the probability of violence.
- Alcohol use is often used by perpetrators as a justification to violence, or excuse for the violence.
- Experiencing intimate partner violence can result in increased alcohol consumption as a coping mechanism.
- Intergenerational effects may occur, with children who witness intimate partner violence being more likely to develop heavy drinking patterns and alcohol dependence later in life often as a way of coping or self-medicating.<sup>51</sup>

6.49 Ms Patricia Hepworth from FARE told the Committee of evidence from programs in the Northern Territory that changes in the price and availability of alcohol in a particular area can have a marked positive effect on the incidence of violence.<sup>52</sup>

## Primary prevention initiatives

6.50 A principal initiative under the National Plan was the establishment of Our Watch in 2013 as an independent not-for-profit organisation to be the ‘national centre of excellence for primary prevention’. The mandate of Our Watch is to:

... focus on the primary *prevention* [emphasis in original] of violence against women and their children; to stop it before it starts. We aim to provide national leadership to drive change in the social norms, structures, attitudes, practices and power imbalances that underpin, drive and support violence against women and their children.<sup>53</sup>

6.51 Our Watch has been financed through a mixture of base funding and project funding under successive Action Plans of the National Plan. Our Watch submitted that greater certainty and efficiency could be obtained if funding was provided for the entire life of the next National Plan. These

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<sup>51</sup> Foundation for Alcohol Research and Education and Centre for Alcohol Policy Research, *Submission 125*, p. 6.

<sup>52</sup> Ms Patricia Hepworth, Director, Policy and Research, Foundation for Alcohol Research and Education, *Committee Hansard*, Canberra, 13 November 2020, p. 38.

<sup>53</sup> Our Watch, *Submission 48*, p. 14.

arrangements would enable the organisation to maintain continuity and work on areas that require sustained attention and long-term evaluation, 'to sustain our action and intensity when we see that something is working'.<sup>54</sup>

6.52 A leading activity of Our Watch was the development of *Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia*, as mentioned earlier this chapter, to be a 'national, evidence-based road map to coordinate efforts to prevent violence against women and their children'.<sup>55</sup>

6.53 The submission from Our Watch said that:

One of the specific strengths of Australia's approach to date has been the development of best practice approaches in particular settings, recognising the need to engage people across the many different environments where they live, work, learn, socialise and play.<sup>56</sup>

In each of the settings, a 'whole of setting' approach has been taken, recognising within a single setting there are 'many different stakeholders and influencers, and therefore a need to identify actions that address the gendered drivers of violence across the whole setting'.<sup>57</sup> For example, the sports setting includes 'players, coaches, high performance staff, administrative staff, board members, governance personnel and fans' and the school setting is 'not just a place of education, it is also a workplace and a community hub'.<sup>58</sup>

6.54 Our Watch described initiatives that have been taken as:

- respectful relationships education and violence prevention in schools;
- primary prevention approaches in workplaces and employment;
- respect and equality in sports settings; and
- social marketing campaigns.<sup>59</sup>

6.55 The following section discusses each of these four types of initiatives in turn.

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<sup>54</sup> Ms Kim Henderson, Director, Policy and Evaluation, Our Watch, *Committee Hansard*, Canberra, 7 September 2020, p. 21.

<sup>55</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 12.

<sup>56</sup> Our Watch, *Submission 48*, p. 30.

<sup>57</sup> Our Watch, *Submission 48*, p. 30.

<sup>58</sup> Our Watch, *Submission 48*, p. 30.

<sup>59</sup> Our Watch, *Submission 48*, pp. 31-35.

## Respectful relationships education

6.56 Submitters and witnesses told the Committee that the deep roots of a culture that reinforces perceptions of gender inequality and violence against women in young children underscores the importance of engaging with men and boys on these issues. Ms Patricia Kinnersly and Dr Emma Partridge from Our Watch described the programs their organisation was implementing to challenge stereotypical attitudes towards gender relations, targeted at young boys and teenagers, as well as adult men.<sup>60</sup>

6.57 Ms Kim Henderson from Our Watch elaborated on the organisation's activities in primary schools:

We recently piloted a program, in primary schools in Victoria and Queensland, working with young children around their understanding of gender stereotyping but also looking at not only the curriculum but the whole school environment—teachers, leadership, parents, the community—and how this can be reinforced across that whole-of-organisation model.<sup>61</sup>

6.58 Respectful relationships education is the 'holistic approach to school-based, primary prevention of gender-based violence', using schools' roles as educational institutions, workplaces and community hubs. A 2015 Our Watch evidence paper concluded that there are seven core elements for good practice in respectful relationships education:

- Address the drivers of gender-based violence
- Have a long term vision, approach and funding
- Take a whole school approach
- Establish mechanisms for collaboration and coordinated effort
- Ensure integrated evaluation and continual improvement
- Provide resources and support for teachers
- Use age-appropriate, interactive and participatory curriculum.<sup>62</sup>

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<sup>60</sup> Ms Patty Kinnersly, Chief Executive Officer, Our Watch and Dr Emma Partridge, Manager, Policy, Our Watch, *Committee Hansard*, Canberra, 7 September 2020, pp. 19-20.

<sup>61</sup> Ms Kim Henderson, Director, Policy and Evaluation, Our Watch, *Committee Hansard*, Canberra, 7 September 2020, p. 20.

<sup>62</sup> Our Watch, *Submission 48*, p. 31.

6.59 According to Our Watch, the best practice in respectful relationships learning is that it should be ‘integrated effectively into education system’, taking a ‘whole of school approach’ which:

... means providing students with multiple exposures to key messages across the curriculum and in different areas of the school and community... It involves engaging not just students, but school staff and the wider school community in the process of cultural change. A whole-of-school approach to respectful relationships education aims to bring about systemic, sustainable change, such that changes in student and staff attitudes and behaviour are reinforced by supportive response mechanisms, policy frameworks, and the schools’ formal and informal culture.<sup>63</sup>

6.60 International experience suggests that respectful relationships education should begin at a very early age. Ms Katrina Marson from Rape and Sexual Assault Research and Advocacy found in her 2019 research on the implementation of relationships and sex education in Europe and North America that:

... it was confirmed by those I spoke with overseas in countries that have very successful RSE [relationships and sex education] programs that it is really important—age-appropriate, of course—to start quite young. In some places I visited they started as young as preschool and primary school.<sup>64</sup>

6.61 A similar view was advocated by Our Watch, which told the Committee that:

We definitely see certain points where we have a greater opportunity to influence change in the life course of men and women, boys and girls. Young children attach to gender stereotypes quite young, in preschool and early school years.<sup>65</sup>

6.62 Mr Brad Chilcott from White Ribbon Australia made the point that there needs to be a nationally ‘consistent approach to respectful relationships curriculum and teaching across the country’ so that ‘everyone, no matter what school they went to, was getting the same education on healthy relationships, respectful relationships, what gender equality is and why it's

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<sup>63</sup> Our Watch, *Submission 48*, p. 32.

<sup>64</sup> Ms Katrina Marson, Lead, Primary Prevention Projects, Rape and Sexual Assault Research and Advocacy, *Committee Hansard*, Canberra, 12 October 2020, p. 46.

<sup>65</sup> Ms Kim Henderson, Director, Policy and Evaluation, Our Watch, *Committee Hansard*, Canberra, 7 September 2020, p. 20.

important'.<sup>66</sup> Mr Chilcott also argued that there should be nationally consistent resourcing so that programs did not depend upon the individual good will and initiative of 'a champion teacher who takes it on themselves', but is fully resourced for all teachers.<sup>67</sup>

- 6.63 There is also a need to ensure there are no barriers preventing any part of a school community from receiving respectful relationships education. For example, Ms Romola Hollywood from People with Disability Australia noted that many people living with disability may not receive sex and relationships education because 'we provide sex education as part of the core curriculum in schools, but because of our segregated settings in schools, which is also a problem, many young women actually miss out'.<sup>68</sup>

## Workplaces

- 6.64 Initiatives targeting workplaces as part of the problem of family violence have tended to focus on secondary prevention responses, for example systems to allow female employees to lodge complaints and be protected from work-based sexual harassment.<sup>69</sup> Chapter 8 discusses the evidence put to the Committee about family violence leave for victim-survivors.
- 6.65 In addition to such approaches, in the view of Our Watch, workplaces are also a 'key setting for the primary prevention of violence against women, as they provide a significant opportunity to reach large populations including men'.<sup>70</sup> Our Watch added that:

Activities that influence aspects of organisational culture, work environment and practices, have strong potential to shape social norms and relationships. This means employers have a key role to play.<sup>71</sup>

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<sup>66</sup> Mr Brad Chilcott, Executive Director, White Ribbon Australia, *Committee Hansard*, Canberra, 18 November 2020, p. 62.

<sup>67</sup> Mr Brad Chilcott, Executive Director, White Ribbon Australia, *Committee Hansard*, Canberra, 18 November 2020, p. 62.

<sup>68</sup> Ms Romola Hollywood, Director Policy and Advocacy, People with Disability Australia, *Committee Hansard*, Canberra, 12 October 2020, p. 9.

<sup>69</sup> For example, see: Unions NSW, *Submission 76*, pp. 6-7; Male Champions of Change, *Submission 32*, p. 2.

<sup>70</sup> Our Watch, *Submission 48*, p. 33.

<sup>71</sup> Our Watch, *Submission 48*, p. 33.

6.66 A whole-of-organisation approach is best practice for workplace programs. The Our Watch submission told the Committee that the approach:

... requires organisations to identify and implement broad strategies to address the structural issues that are barriers to gender equity for their staff. For example: conducting a gender pay gap analysis across the organisation and considering how inequities can be addressed; reviewing working conditions, including security of work and access to leave entitlements for employees; ensuring equal opportunities for career progression for men and women; implementing flexible working policies; and providing paid parental leave. It also requires organisations to review and change workplace culture, including avoiding stereotyping language and images, seeking staff feedback on their experiences and perspectives...<sup>72</sup>

6.67 An example of a 'whole-of-organisation' approach was provided by White Ribbon Australia's Workplace Accreditation Program, which:

... engenders a whole of organisation commitment to stop violence against women, meeting 15 criteria under three standards to create a safer and more respectful workplace. It recognises workplaces that are taking active steps to stop violence against women, accrediting them as a White Ribbon Workplace.<sup>73</sup>

6.68 Submissions from trade union organisations were of one voice in including workplace culture and norms as a part of tackling family violence as a workplace issue. For example, the National Tertiary Education Union (NTEU) told the Committee it had 'prioritised family, domestic and sexual violence as an industrial issue in the workplace',<sup>74</sup> endorsing the view advocated in the submission from the Australian Council of Trade Unions (ACTU).<sup>75</sup>

6.69 Ms Natalie Lang from the Australian Services Union highlighted the necessary connection between specific measures to respond to individual incidents of violence and long-term cultural change in workplaces and organisations, using the example of family violence leave:

If organisations have an obligation to provide paid family violence leave then they put in all the enabling policies. ... and that policy means we have a discussion in the workplace, we have education, we have managers who are

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<sup>72</sup> Our Watch, *Submission 48*, p. 33.

<sup>73</sup> White Ribbon Australia and Communicare, *Submission 136*, p. 4.

<sup>74</sup> National Tertiary Education Union, *Submission 60*, p. 3.

<sup>75</sup> Australian Council of Trade Unions, *Submission 117*, p. 4.

cognisant of the issue and able to identify when something unexpected comes up like an overnight shift to work from home.<sup>76</sup>

6.70 The Australian Salaried Medical Officers' Federation (ASMOF) also told the Committee:

It is widely accepted that workplaces have the power to promote gender equality and prevent violence against women. ASMOF believes that reforms in [the] workplace are critical to support doctors experiencing and escaping from family and domestic violence, foster more equitable workplace cultures and increase women's economic security.<sup>77</sup>

6.71 The Victorian Trades Hall Council (VTHC) said it advocated 'a work health and safety (WHS) approach to gendered violence' which should be 'adopted as a fundamental approach to addressing violence against women'.<sup>78</sup>

VTHC argued that:

... gendered violence is perpetrated against women workers and workers who do not adhere to dominant understandings of gender because of harmful gender norms. These norms position women as the 'lesser'. This attitude is present in workplaces and reinforces attitudes that contribute to family and domestic violence.<sup>79</sup>

6.72 In accordance with this approach, VTHC delivers:

... education and training focusing on family violence and gendered violence as workplace issues. The training packages are comprehensive, based on research and provide education and awareness raising in addition to practical guidance on how to eradicate and manage both in the workplace. VTHC considers workplaces as critical sites within which to address and eliminate both closely related forms of violence.<sup>80</sup>

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<sup>76</sup> Ms Natalie Lang, Branch Secretary, NSWACT (Services) Branch, Australian Services Union, *Committee Hansard*, Canberra, 13 November 2020, pp. 11-12.

<sup>77</sup> Australian Salaried Medical Officers' Federation, *Submission 119*, p. 1.

<sup>78</sup> Victorian Trades Hall Council, *Submission 53*, p. 4.

<sup>79</sup> Victorian Trades Hall Council, *Submission 53*, p. 3.

<sup>80</sup> Victorian Trades Hall Council, *Submission 53*, p. 2.



- 6.73 The Rail, Tram and Bus Union (RTBU) referred to its training program to:  
 ... equip union Officials and Delegates with practical skills to recognise situations where family violence may be present, and to help drive the cultural change needed to tackle this deep-seated social problem.<sup>81</sup>

The RTBU had engaged Griffith University's MATE Bystander program, aiming to 'educate our members about the relationship between gender inequality and family violence'.<sup>82</sup> The union recommended that all federal government agencies should conduct such training for its employees, and work with employers and unions to promote such courses for private sector employees.<sup>83</sup>

- 6.74 Our Watch also submitted that:

In addition to individual workplaces taking action to prevent violence against women, Australia's national approach must include policy and legislation reforms to address the significant systemic and structural issues in relation to gender inequality across the Australian workforce.<sup>84</sup>

## Sporting settings

- 6.75 In the case of sporting settings, Our Watch reported that:

There is a significant body of research examining the explicit links between sport and dominant norms of masculinity and highlighting the specific links between sport and violence against women. Sport remains a key site for maintaining divisions between men and women, and for proving and validating the dominant ideals of masculinity.<sup>85</sup>

- 6.76 The Our Watch submission referred to its evidence paper *A team effort: Preventing violence against women through sport* which reported that:

Internationally and in Australia, many sporting organisations are currently undertaking work in sport settings with the aim of preventing violence against women. This work can broadly be understood to fall into the following categories:

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<sup>81</sup> Rail, Tram and Bus Union, *Submission 3*, p. 1.

<sup>82</sup> Rail, Tram and Bus Union, *Submission 3*, p. 1.

<sup>83</sup> Rail, Tram and Bus Union, *Submission 3*, p. 2.

<sup>84</sup> Our Watch, *Submission 48*, p. 34.

<sup>85</sup> Our Watch, *Submission 48*, p. 34.

- organisational development – where sporting organisations have made changes to their policies and structures
- direct participation programs to improve knowledge and resources – such as coaching programs, bystander intervention programs, and empathy-based programs
- community mobilisation and strengthening – where sporting organisations work to strengthen and mobilise their local community
- communications and social marketing – using communication media to raise awareness
- civil society advocacy – sporting organisations’ partnerships with civil society organisations.<sup>86</sup>

6.77 Two examples of primary prevention programs in the sporting context were described to the Committee.

6.78 The first is Club Respect, developed by a consultancy firm, NIRODAH, and the Victorian Women’s Trust, which:

... supports grassroots sports clubs to build cultures of equality and respect. Specifically, the program seeks to deconstruct and redevelop existing club cultures, and to foster respectful attitudes and behaviours among players, parents, coaches and other club members to help prevent disrespect and violence against women.<sup>87</sup>

The program has been ‘successful at helping to increase safety and gender equality in sports organisations and clubs’.<sup>88</sup>

6.79 The second program is the NRL Respectful Relationships Sex & Ethics program (RRSE), developed in Queensland in 2009. The six week program is delivered to NRL players and aims to:

... help build players’ knowledge and skills regarding ethical sexual decision making and consent, healthy communication in relationships, how to recognise abuse in relationships, ethical use of social media, and positive bystander behaviour targeted at sexual violence and gender-based abuse.<sup>89</sup>

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<sup>86</sup> Our Watch and RMIT University, *A team effort: Preventing violence against women through sport*, 2017, <<https://www.ourwatch.org.au/resource/a-team-effort-preventing-violence-against-women-through-sport-evidence-guide/>>, pp. 20-23.

<sup>87</sup> Our Watch, *Submission 48.1: Attachment 2*, p. 71.

<sup>88</sup> Our Watch, *Submission 48.1: Attachment 2*, p. 71.

<sup>89</sup> Our Watch, *Submission 48.1: Attachment 2*, p. 72.

6.80 Discussing sport-based initiatives at the local level, the Local Government Association of South Australia provided some ‘good practice examples’ of programs to promote gender equality in community-based sports and noted that:

Sport can use its influence to extend the principles of equality and fairness beyond the field – into the boardroom, the coach’s box, the stands, the change rooms, and the media – to prevent violence against women.<sup>90</sup>

6.81 The Committee heard the view that sports-focused initiatives need to be complementary to strategies targeting broader elements of people’s lives. Interrelate submitted that ‘sport can use its influence to extend the principles of equality and fairness beyond the field’, but that:

... without changing attitudes, it will be difficult for sports clubs to manage the underlying attitudinal shift that is required for young men to understand gender awareness that will lead to a genuine shift.<sup>91</sup>

Interrelate cited the example of programs centred on men’s fathering role as very effective because ‘men stay in the fathering role for longer than they play football or other sports’.<sup>92</sup>

6.82 The submission from CatholicCare NT and the University of South Australia mentioned the importance of sporting focused initiatives in Indigenous communities where ‘football clubs in particular are a part of the rich social ecology’.<sup>93</sup>

## Media campaigns and social marketing

6.83 Media campaigns and social marketing are important primary prevention strategies, in the view of Our Watch, where ‘awareness is translated into knowledge and skills for taking action’. These include:

... campaigns that seek to raise awareness about violence against women, support help-seeking for women experiencing violence or men perpetrating violence, and promote bystander actions, challenge gender stereotypes, support women’s rights and promote gender equality.<sup>94</sup>

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<sup>90</sup> Local Government Association of South Australia, *Submission 41*, p. 15.

<sup>91</sup> Interrelate, *Submission 14.1*, p. 1.

<sup>92</sup> Interrelate, *Submission 14.1*, p. 1.

<sup>93</sup> CatholicCare NT and University of South Australia, *Submission 115*, p. 5.

<sup>94</sup> Our Watch, *Submission 48*, p. 35.

6.84 Such initiatives should be guided by four key principles:

- They should be informed by a strong evidence base and use appropriate theoretical models of change.
- They must be comprehensive and employ multiple strategies in multiple settings in order to reach more people.
- Campaigns should aim to engage their target audience, by understanding what is familiar and appealing to this audience, and by employing positive messaging, role models and other influencers. The use of male role models as ambassadors and allies in these campaigns is increasingly seen as an effective way to appeal to men and boys.
- Media campaigns must aim to be relevant to the contexts and communities in which they are delivered.<sup>95</sup>

6.85 Examples cited by Our Watch were:

*The Line* campaign on sex, dating and relationships for young people aged 12-20; *No Excuse for Abuse* campaign aimed at raising awareness of non-physical abuse; and *Doing Nothing Does Harm* campaign aimed at motivating people to do something when they see or hear disrespect toward women.<sup>96</sup>

6.86 A further initiative is the *Stop it at the Start* campaign which is a:

... national primary prevention campaign that aims to improve young people's attitudes to respectful relationships and gender equality by motivating the adults in their lives – parents, family members, teachers, coaches, employers and other community role models – to reflect on their own attitudes and have conversations about these issues.<sup>97</sup>

6.87 The campaign was launched in April 2016 and was a joint activity of the Australian Government and all state and territory governments. A second phase began in October 2018, while the third phase has been delayed by the COVID-19 pandemic. Evaluative research found that:

70 per cent of the target audience influencers recalled the campaign, with 60 per cent of those people taking action, such as:

- having a conversation with a young person about respectful relationships
- reconsidering the way they behave towards others

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<sup>95</sup> Our Watch, *Submission 48.1: Attachment 2*, p. 66.

<sup>96</sup> Our Watch, *Submission 48*, p. 35.

<sup>97</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 13.

- changing the way they behaved towards others.<sup>98</sup>

6.88 A number of submitters saw social marketing initiatives on issues of family violence as analogous to, or even essentially the same as, the health promotion programs that governments have conducted over time on problems such as smoking, road traffic safety, drink driving, HIV/AIDS and sun protection.<sup>99</sup>

6.89 Taking this view, the submission from Professor Robert Donovan and Ms Carole Kagi argued that there should be a ‘public health approach to domestic violence prevention’, noting that:

A key feature of such successful campaigns is the delivery of highly visible mass and targeted media messages that not only target the specific desired and undesired behaviours, but because of their ubiquity, also build desired social norms with respect to these behaviours. These social norms then facilitate increasing legislative and other program components that inhibit the undesired behaviours and facilitate the desired behaviours.<sup>100</sup>

6.90 In relation to education campaigns on the role of alcohol in family violence, the submission from FARE and CAPR argued that ‘public and school-based education programs that appropriately and comprehensively integrate the role of alcohol in family violence are urgently needed’.<sup>101</sup> The submission said that the two issues of violence and alcohol are not adequately linked in current programs, and that ‘all education campaigns regarding alcohol and family violence should provide advice on where people can seek help for alcohol use or family violence issues’.<sup>102</sup>

## Primary prevention for diverse communities

6.91 A common message from submitters was that primary prevention strategies had to be calibrated for the diverse communities in Australian society. Mr Brad Chilcott from White Ribbon Australia took the position that:

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<sup>98</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 13.

<sup>99</sup> For example, see: Professor Robert Donovan and Ms Carole Kagi, *Submission 241*, p. 2; Central Australian Aboriginal Congress, *Submission 124*, p. 4.

<sup>100</sup> Professor Robert Donovan and Ms Carole Kagi, *Submission 241*, p. 2.

<sup>101</sup> Foundation for Alcohol Research and Education and Centre for Alcohol Policy Research, *Submission 125*, p. 23.

<sup>102</sup> Foundation for Alcohol Research and Education and Centre for Alcohol Policy Research, *Submission 125*, p. 24.

... one size doesn't fit all, when it comes to primary prevention. We need to be working community by community, with communities leading the charge, with communities designing a response to the gender inequality and gendered violence in their communities, whether that's geographic, faith based or multicultural... [W]e need to make sure that everyone's hearing that message in a way that they can resonate with, that they can understand, that is relevant to their unique circumstance and culture ...recognising that the solutions will be different in a regional or remote town than in the inner city and different in a farming community than ... fly-in fly-out workers, for example. <sup>103</sup>

- 6.92 Evidence was received about communities and groups in society that need specially targeted messaging, particularly CALD communities, LGBTQI communities and Indigenous communities.
- 6.93 Settlement Services International contended that there is currently 'a lack of focus' on CALD communities in primary prevention messages, that messages 'need to be targeted to CALD communities' and that 'new arrival programs must include primary prevention programs'.<sup>104</sup>
- 6.94 Ms Esta Paschalidis-Chilas from Settlement Services Australia spoke about the importance of building trust when working with newly settled migrants:

If you get them early and are working with the sector early, together with the family and domestic violence sector, we can do that early work—the prevention work. That's when the disclosures come in; we have that high rate of disclosures because of the trust. So we really do need to invest in the multicultural sector having a greater role in family and domestic violence services.<sup>105</sup>

- 6.95 Mrs Juliana Nkrumah AM also from Settlement Services Australia spoke about the importance of engaging faith leaders and educating them on family violence:

However, we also realise that our religious leaders tend to have an intelligence that is steeped in the old ways... We use the religious leaders as part of our engagement pool in our adaptation process so that the religious leaders

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<sup>103</sup> Mr Brad Chilcott, Executive Director, White Ribbon Australia, *Committee Hansard*, Canberra, 18 November 2020, pp. 60-61.

<sup>104</sup> Settlement Services International, *Submission 156*, p. 4.

<sup>105</sup> Ms Esta Paschalidis-Chilas, Government and Member Relations Manager, Settlement Services Australia, *Committee Hansard*, Canberra, 12 October 2020, p. 18.

themselves understand where they're coming from and are able to nuance their own support for communities via the religion.<sup>106</sup>

- 6.96 Ms Alexandra Raphael from FECCA highlighted the difficulty of ensuring programs are accessible for men from diverse backgrounds, including culturally and linguistically diverse backgrounds:

...what we see in Australia is that there are lots of programs to address this issue... amongst mainstream Australian men. But those programs are generally inaccessible for CALD men because of the lack of cultural nuance and maybe the lack of language.<sup>107</sup>

- 6.97 With regard to LGBTQI communities, ACON put the case that:

To be effective, sexuality and gender diverse communities must lead primary prevention activities that aim to tackle violence within LGBTQ communities. Mainstream primary prevention initiatives must also integrate meaningful LGBTQ inclusion. Current prevention frameworks, such as Change the Story, do not adequately highlight and address how drivers of violence impact LGBTQ people.<sup>108</sup>

- 6.98 ACON mentioned that it had received funding from the Department of Social Services to develop a primary prevention campaign for LGBTQI communities in 2020-2022. The campaign will be a 'community-led multimedia campaign, utilising positive relationship role modelling, representation of healthy relationships and community members challenging gendered stereotypes'. ACON submitted that ongoing funding of this kind is necessary 'to address drivers of violence at multiple levels in society'.<sup>109</sup>

- 6.99 Indigenous organisations have developed primary prevention strategies targeted at the specific needs of their communities. For example, the Tangentyere Council Aboriginal Corporation in Alice Springs has created a prevention approach that 'identifies and addresses the deeper drivers of violence within Aboriginal and Torres Strait Islander communities'<sup>110</sup> called

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<sup>106</sup> Mrs Juliana Nkrumah AM, Program Manager, Settlement Services Australia, *Committee Hansard*, Canberra, 12 October 2020, p. 21.

<sup>107</sup> Ms Alexandra Raphael, Director of Policy and Advocacy, Federation of Ethnic Communities' Councils of Australia, *Committee Hansard*, Canberra, 12 October 2020, p. 3.

<sup>108</sup> ACON, *Submission 78*, p. 10.

<sup>109</sup> ACON, *Submission 78*, p. 10.

<sup>110</sup> Tangentyere Council Aboriginal Corporation, *Submission 199*, pp. 13-14.

the *Grow Model of family violence primary prevention: Changing attitudes and beliefs to stop violence before it begins*.<sup>111</sup> The Grow Model is organised around three concurrent stages of change – community consultation to assess the readiness of communities to work with prevention activities; program development for community-led and culturally safe change approaches; and resource development and implementation to provide staff and communities with appropriate resources and to assess effectiveness.<sup>112</sup>

## Data and evaluation on primary prevention

6.100 The Committee received evidence about the challenges of collecting data and evaluating the effectiveness of primary prevention initiatives. Submitters argued that primary prevention needs to be a long term commitment to be effective and that therefore evaluation should be focused on long-term change.

6.101 Respect Victoria provided the Committee with information about the evaluation of its primary prevention campaigns conducted by BehaviourWorks at Monash University. The evaluations focused on measuring attitudinal and behaviour change in:

- Awareness of family violence
- Knowledge of what constitutes family violence
- The norms and attitudes towards family violence
- Perceived priority of addressing family violence amongst other issues
- Bystander intervention and actions towards family violence.<sup>113</sup>

6.102 Respect Victoria cited the example of the evaluation of Respect Women which found that people who had seen the campaign:

... reported attitudes more supportive of the gender equality factor, were less likely to condone control / controlling behaviours / men's control of women in relationships, and were more likely to endorse the factor relating to respect between men and women.<sup>114</sup>

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<sup>111</sup> Tangentyere Council Aboriginal Corporation, *Submission 199*, pp. 17-31.

<sup>112</sup> Tangentyere Council Aboriginal Corporation, *Submission 199*, pp. 17-31.

<sup>113</sup> Respect Victoria, *Submission 163.1*, p. 3.

<sup>114</sup> Respect Victoria, *Submission 163.1*, p. 3.



- 6.103 But the Committee received evidence to suggest that evaluation of primary prevention programs was still in its infancy, with the Australian Research Alliance for Children and Youth (ARACY) submitting that ‘evidence for the effectiveness of primary prevention strategies for domestic and family violence is limited, and current primary prevention strategies are largely theory driven’.<sup>115</sup> ARACY therefore proposed that ‘it is imperative that these primary prevention strategies are evaluated for effectiveness, especially given the lack of current evidence base’.<sup>116</sup>
- 6.104 Broader issues about the evaluation of all types of responses to FDSV are discussed in Chapter 3.

## Committee comment

- 6.105 The Committee endorses the critical importance of primary prevention as one of the strategies to eliminate FDSV. Primary prevention should complement and be implemented alongside secondary and tertiary responses to the issue.
- 6.106 The Committee considers that the next National Plan should continue with the core philosophy of primary prevention being key to reducing FDSV. The provision of funding for Our Watch over the entire twelve years of the Plan would enable the organisation to plan an expanded range of activities and conduct the evaluation of outcomes over the longer term.
- 6.107 The next National Plan should:
- develop and recognise the importance of survivor informed and led primary prevention in respect to sexual violence;
  - develop evidence-based data to inform primary prevention; and
  - establish a standardised data collection methodology across all jurisdictions, to allow law makers and researchers to have a clear view of which policies are effective and where additional efforts are required.
- 6.108 The Committee accepts that gender inequality, stereotypical attitudes to gender and disrespect of girls and women are primary contributors to family, domestic and sexual violence. The Committee acknowledges that changing culture can be difficult and requires actions that are grass-roots driven from the community as well as leadership from government, business and civil society.

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<sup>115</sup> Australian Research Alliance for Children and Youth, *Submission 203*, p. 4.

<sup>116</sup> Australian Research Alliance for Children and Youth, *Submission 203*, p. 4.

### **Recommendation 55**

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**6.109 The Committee recommends that the next National Plan continue with the core philosophy of primary prevention being key to reducing family, domestic and sexual violence.**

### **Recommendation 56**

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**6.110 The Committee recommends that the Australian Government, with state and territory governments, provide increased funding for developmentally appropriate primary prevention campaigns, including protective behaviour education, to inform respectful attitudes around sexual consent, with an emphasis on community education, particularly young people in schools. This should include funding for Our Watch for the entire life of the next National Plan, so as to provide the organisation with greater certainty and program continuity.**

### **Recommendation 57**

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**6.111 The Committee recommends that the Australian Government support national research and awareness raising campaigns into sexist advertising and the negative effects of unequal gender representation.**

### **Recommendation 58**

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**6.112 Recognising that the principal drivers of family, domestic and sexual violence are gender inequality and stereotypical attitudes towards gender roles, characteristics and behaviour, together with disrespect of girls and women, the Committee recommends that the Australian Government consider establishing a gender equality strategy.**

6.113 Children need to be educated about respectful relationships and the impacts of FDSV as early as possible in their development, even before primary school begins. The Committee therefore supports an emphasis on school and community education, particularly for children and young people. Schools offer the opportunity to engage children and young people in a learning environment that is familiar, and is set up to promote new thinking. By working in these settings, we can shape development of healthy attitudes—particularly amongst boys—about gender roles and violence against women. Investing in teaching the next generation about respectful relationships is vital if cultural change is to be realised. Particular attention should be given to ensure that programs are accessible for all children, including those:

- living with disability;
- from culturally and linguistically diverse communities; and
- living in rural, regional and remote areas.

## **Recommendation 59**

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- 6.114 The Committee recommends that the Australian Government work with the states and territories to ensure that age-appropriate respectful relationships are taught in all Australian schools and early education settings.**
- 6.115 The Committee is concerned about the lack of acknowledgment within government departments, the education and the FDSV sectors of the dangers of easily accessible pornography and its correlation with the prevalence of FDSV, particularly with respect to children.
- 6.116 The next National Plan should identify that the proliferation of pornography on the internet is a significant contributing factor to the lack of respect for women by some men who are regular porn users. The next National Plan should include an emphasis on primary prevention and early intervention directed toward young people before they begin to suffer the ill-effects of porn-addiction.
- 6.117 The Committee awaits the Australian Government's response to its report, *Protecting the age of Innocence, Report of the Inquiry into age verification for online wagering and online pornography*. The evidence given to the Committee in the inquiry would suggest that the problematic nature of pornography is exacerbated the younger the user.
- 6.118 The Committee notes with concern the evidence about the correlation between the abuse of alcohol and other drugs and FDSV. The next National Plan should acknowledge the detrimental impact of the misuse of drugs and alcohol and their part in elevated risks and damage caused to victim-survivors and their families in FDSV cases. Primary prevention programs should address the elevated risks and dangers of drug and alcohol misuse, including in government sponsored advertising and education measures. In order to increase the consistency and comparability of data across states and territories, the next National Plan should introduce a national standard for recording and reporting alcohol and drug use involved in FDSV incidents.
- 6.119 The Committee supports a public health approach to preventing and managing drug and alcohol related harms experienced by families and children, similar to those for issues such as smoking, use of sunscreen and

seatbelts. The Committee expects that such an approach would involve governments of all jurisdictions working to reduce the incidence of drug and alcohol-related FDSV by:

- incorporating primary, secondary and tertiary strategies to reduce drug and alcohol-related FDSV;
- including people with lived experience of drug and alcohol related FDSV in design of programs;
- preventing areas from becoming saturated with liquor outlets, including the restriction of late night delivery of alcohol;
- reducing the excessive availability of alcohol in areas already saturated with liquor outlets, including trading hour restrictions and a minimum unit price of alcohol;
- restricting the advertising of alcohol during 'child friendly' times; and
- requiring better data collection for drug and alcohol-related FDSV and, separately, drug and alcohol-related child maltreatment incidents.

## **Recommendation 60**

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- 6.120 The Committee recommends that the next National Plan adopt a public health approach to preventing and managing drug and alcohol related harms experienced by families and children, involving all jurisdictions, including local governments.**
- 6.121 Noting the evidence about FDSV and people identifying as LGBTQI, there is a need to more fully include LGBTQI communities in primary prevention initiatives, through partnerships between mainstream organisations and LGBTQI communities. Increased Australian Government funding for Our Watch would enable the organisation to update their *Change the Story* framework to be inclusive and develop an LGBTQI specific prevention guide, highlighting how gendered violence impacts LGBTQI communities in different ways compared to the broader community.
- 6.122 The Committee reiterates its recommendations in Chapter 5 regarding LGBTQI communities, including Recommendation 42 in relation to Our Watch.

## 7. Early intervention and behaviour change

- 7.1 As discussed in the previous chapter, the role of primary prevention is to address the drivers of family, domestic and sexual violence (FDSV). However, acknowledging the reality that these forms of violence do occur, there is also an important role for more direct approaches to prevent violence from occurring or escalating.
- 7.2 These approaches can include early intervention—which involves identifying and supporting people at a higher risk of either perpetrating or experiencing violence—as well as working with perpetrators to assist them to change their behaviour and end their use of violence.
- 7.3 This chapter examines the role of early intervention and perpetrator intervention programs, and in particular perpetrator behaviour change programs, which were a focus in evidence to the inquiry.

### Early intervention

- 7.4 Throughout the inquiry, stakeholders stressed the importance of early intervention, sometimes also referred to as ‘secondary prevention’. Early intervention aims to ‘change the trajectory’ for individuals who are at higher than average risk of either perpetrating or experiencing violence. This is distinct from primary prevention, which aims to address the drivers of FDSV.<sup>1</sup>

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<sup>1</sup> Our Watch, Australia’s National Research Organisation for Women’s Safety, and VicHealth, *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia*, 2015, p. 15.

- 7.5 As noted above, evidence in relation to primary prevention is discussed in Chapter 6 of this report.
- 7.6 The Fourth Action Plan describes early intervention as being ‘key in recognising and responding to early warning signs’ of FDSV in order to:
- stop the escalation of violence against women and children;
  - protect victims from immediate harm; and
  - prevent violence from escalating further.<sup>2</sup>
- 7.7 Similarly, No to Violence, Australia’s largest peak body for organisations that work with perpetrators, submitted:
- Early intervention is focused at preventing people from needing crisis and tertiary responses due to their experiences of violence, and should be an immediate focus for preventing family violence (and the repeat offences of the men who use violence).<sup>3</sup>
- 7.8 No to Violence argued that the return on investment from an increased focus on early intervention ‘has the potential to significantly reduce trauma, and reduce more expensive tertiary responses such as crisis services, policy and justice responses’.<sup>4</sup>
- 7.9 The Committee heard about a broad range of early intervention initiatives, including:
- the Tasmanian Government’s *Step Up* program for young people aged 12 to 17 years, which assists them to understand the consequences of violent behaviour; strengthens family and intimate relationships; and provides referrals to other specialist services;<sup>5</sup>
  - the New South Wales Aboriginal Housing Office’s *Services Our Way* program, which works with Aboriginal and Torres Strait Islander people and families experiencing vulnerability to prevent or resolve issues before crisis point;<sup>6</sup> and
  - the ACT Government’s *Domestic and Family Violence Training Strategy*, which involves the delivery of family and domestic violence training to

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<sup>2</sup> Commonwealth of Australia, *Fourth Action Plan 2019–2022 of the National Plan to Reduce Violence against Women and their Children 2010–2022*, p. 35.

<sup>3</sup> No to Violence, *Submission 199*, p. 9.

<sup>4</sup> No to Violence, *Submission 199*, p. 11.

<sup>5</sup> Tasmanian Government, *Submission 236*, p. 16.

<sup>6</sup> NSW Department of Communities and Justice, *Submission 131*, p. 13.

all 21,000 ACT Government staff to recognise and respond to people experiencing violence.<sup>7</sup>

## Evidence on early intervention

- 7.10 Evidence to the inquiry highlighted opportunities for effective early intervention at pivotal transition points in a person's life when FDSV is more likely to emerge or escalate. These points include during pregnancy and postpartum; at the birth of a first child; at times of particular stress in a relationship, including during and after relationship breakdown and at times of financial stress; and during natural disasters.
- 7.11 Opportunities for early intervention in early childhood and adolescence and young adulthood, when views about relationships are forming, were also identified.

### Childhood

- 7.12 The Monash Gender and Family Violence Prevention Centre highlighted the need for early interventions to mitigate the risk of adverse social, emotional and behavioural outcomes for children and adolescents exposed to FDSV. However, it noted that 'most interventions remain parent- rather than child-centred' and fail to recognise the importance of 'ongoing, child-centred recovery needs'.<sup>8</sup>
- 7.13 It recommended consideration be given to long-term investment in early intervention and primary prevention of the inter-generational transmission of FDSV:
- While cost-benefit analyses are limited, research suggests that early intervention and primary prevention programs directed at strengthening parenting, families at risk and community support for vulnerable families show promising results in reducing the risk of intergenerational transmission of DFV and its related economic impact...<sup>9</sup>
- 7.14 Bravehearts, a child protection organisation, argued there is a need for additional resourcing for services for young people who exhibit harmful behaviours. As an example, it referred to its *Turning Corners* program, which provides individual counselling, family counselling, and other interventions

<sup>7</sup> ACT Government, *Submission 146*, p. 7.

<sup>8</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55.1*, pp. 6-7.

<sup>9</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55.1*, p. 7. See also: Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 26.

for children aged 12 to 17 years who have engaged, or are at risk of engaging, in harmful sexual behaviour.<sup>10</sup>

### *Healthcare settings*

- 7.15 Referring to 2015 research on FDSV during pregnancy, the Australian Institute of Family Studies explained that women are at greater risk of experiencing violence from an intimate partner during pregnancy and postpartum, but that there are several promising opportunities for early intervention during this period:

These interventions included universal screening for DFV in health and social support service settings, community education programs and counselling interventions. It was observed that pregnancy and early parenthood are opportune times for early intervention as women are more likely to have contact with health and other professionals.<sup>11</sup>

- 7.16 The Municipal Association of Victoria highlighted that maternal and child health (MCH) services can assist in the early identification of FDSV:

MCH follow up on every birth notification which means they can potentially connect with every family in their local government area (assuming the birth is registered); which provides the opportunity for women with young children to disclose experiences of domestic and family violence to a trusted health professional.<sup>12</sup>

- 7.17 It explained that in some local councils MCH services were supported by a dedicated family violence specialist officer.<sup>13</sup> Further evidence on the role of local governments is discussed in Chapter 3 of this report.

- 7.18 Mrs Janet Michelmore AO from Jean Hailes for Women's Health elaborated on the role MCH nurses can have in identifying FDSV:

They see women at a very vulnerable time, often where they may well be more likely to disclose this. They are a wonderful opportunity for us all to

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<sup>10</sup> Bravehearts, *Submission 83*, p. 4. See also: Bravehearts, 'Turning Corners', <<https://bravehearts.org.au/turningcorners>>.

<sup>11</sup> Australian Institute of Family Studies, *Submission 23*, p. 21.

<sup>12</sup> Municipal Association of Victoria, *Submission 109*, p. 6.

<sup>13</sup> Municipal Association of Victoria, *Submission 109*, pp. 10-12.



support women in a much more positive way and to identify a problem perhaps a little bit earlier than other professions might.<sup>14</sup>

- 7.19 However, Good Shepherd Australia New Zealand submitted that the existing MCH systems need to be strengthened to better support early identification and intervention, through workforce training and capacity to enable additional visits for at-risk families.<sup>15</sup>
- 7.20 Drummond Street Services said that investment in universal prevention and early intervention responses during pregnancy and the transition to parenthood is critical. It referred to its *Ready Steady Family* program, which seeks to reduce conflict and improve family functioning during this period, working in partnership with health services to undertake ongoing screening and risk assessment.<sup>16</sup>
- 7.21 Similarly, Ms Jacqui Watt, Chief Executive Officer of No to Violence, referred to the *Baby Makes 3* project run by VicHealth, which is designed to promote equal and respectful relationships between men and women during the transition to parenthood.<sup>17</sup> Ms Watt suggested that a 'whole-of-service-system response' and a 'whole-of-community response' is required to support people at times of additional stress.<sup>18</sup>
- 7.22 Ms Lizette Twisleton, also from No to Violence, said more work was needed to address a lack of emotional literacy in men:

So in those times that you're talking about, those times where there's additional stresses in the family, we've seen men becoming reactive and unable to process their own emotions and then express them. To me, that links very strongly to the primary prevention work, the early intervention work... where we're in there supporting right before this starts.<sup>19</sup>

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<sup>14</sup> Mrs Janet Michelmores AO, Interim Chief Executive Officer, Patron and Board Member, Jean Hailes for Women's Health, *Committee Hansard*, Canberra, 16 October 2020, p. 40.

<sup>15</sup> Good Shepherd Australia New Zealand, *Submission 49*, p. 42.

<sup>16</sup> Drummond Street Services, *Submission 138*, pp. 22-23.

<sup>17</sup> Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 16 October 2020, p. 5.

<sup>18</sup> Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 16 October 2020, p. 4.

<sup>19</sup> Ms Lizette Twisleton, Head of Sector Development, No to Violence, *Committee Hansard*, Canberra, 16 October 2020, p. 4.

- 7.23 Further to this, the Committee also heard about opportunities for health professionals more broadly to support women to disclose instances of FDSV. For example, Mrs Michelmore explained:

There are various times in a woman's life when she accesses health services. One is, perhaps, to begin contraception. That is an opportunity. A pregnancy is another opportunity. Menopause symptoms are another opportunity. What we need to do is educate and support health practitioners to ask the next question. It may not be the direct question at that time, but you might bring them back for a second consultation.<sup>20</sup>

- 7.24 Marie Stopes Australia also submitted that sexual and reproductive healthcare is a point of early intervention.<sup>21</sup>

- 7.25 Ms Nicki Russell from Jean Hailes for Women's Health told the Committee that while there were examples of good practice in training clinicians to safely facilitate disclosure, this was not consistent:

There's often still a perception that this is not a general practice issue, that it's not something that needs to be brought up or taught or done—that it's a social issue, something for the home and not a health issue. I think there's some work to be done to make the good work that's happening in small places more broadly known and to change the perception amongst clinicians themselves around where this issue lies.<sup>22</sup>

- 7.26 Marie Stopes Australia suggested that general practitioners (GPs) and other health professionals are often well-placed to identify instances of violence and coercion, and have 'active opportunities to discuss mental health and wellbeing, self-harm and suicidality, use of alcohol and other drugs, and broader behavioural patterns'. However, it also noted that their capacity to respond may be limited:

For example in rural and remote areas where there are limited clinics available, family or kinship members may all access the same clinician, provide interpreting or translating for each other, and/or accompany each other to appointments.<sup>23</sup>

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<sup>20</sup> Mrs Janet Michelmore AO, Interim Chief Executive Officer, Patron and Board Member, Jean Hailes for Women's Health, *Committee Hansard*, Canberra, 16 October 2020, p. 39.

<sup>21</sup> Marie Stopes Australia, *Submission 185*, p. 6.

<sup>22</sup> Ms Nicki Russell, Public Health and Education Manager, Jean Hailes for Women's Health, *Committee Hansard*, Canberra, 16 October 2020, p. 39.

<sup>23</sup> Marie Stopes Australia, *Submission 185*, pp. 11-12.

- 7.27 It argued that more support should be provided to clinics to provide privacy and safety planning for victim-survivors, and risk management for perpetrators. It also suggested training for all staff within primary health centres and increased access to screening tools.<sup>24</sup>
- 7.28 As an example, the Committee was made aware of the *Recognise, Respond, Refer* program (RRR program), which was developed by the Brisbane South Primary Health Network (PHN) in partnership with the Australian Centre of Social Innovation. The RRR program relies upon the expertise of GPs and other primary health care professionals to identify the early signs of FDSV, and connects GPs and their patients to FDSV referral networks. The RRR program includes whole-of-organisation training provided by FDSV specialists free of charge to general practices in the PHN region.<sup>25</sup>
- 7.29 Under the Fourth Action Plan of the National Plan, the Australian Government is providing \$7.5 million to expand the existing RRR program and trial new programs at five additional PHNs. The Government is also planning an independent evaluation of the RRR program.<sup>26</sup>
- 7.30 Embolden suggested that workers in the broader social services sector—including health workers, but also police, social workers, and educators—may be in a position to identify sexual and gender-based violence, and called for:
- training on power and control issues;
  - information on their role on early intervention responses; and
  - clear and appropriate referral pathways.<sup>27</sup>
- 7.31 It called on local, state, and federal governments to demonstrate a leadership role in this regard by providing training to their own staff.<sup>28</sup>

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<sup>24</sup> Marie Stopes Australia, *Submission 185*, p. 12.

<sup>25</sup> Brisbane South Primary Health Network, 'Domestic and family violence', <<https://bsphn.org.au/support/in-our-communities/domestic-and-family-violence/>>.

<sup>26</sup> Australian Government, 'Expansion of the Recognise, Respond and Refer Pilot and National Training for the Primary Care Workforce', <<https://plan4womenssafety.dss.gov.au/initiative/expansion-of-the-recognise-respond-and-refer-pilot-and-national-training-for-the-primary-care-workforce/>>.

<sup>27</sup> Embolden, *Submission 238*, pp. 16-17.

<sup>28</sup> Embolden, *Submission 238*, p. 17.

### *Family and relationship services*

- 7.32 The Committee heard about the role of family and relationship services in early intervention from various witnesses including Family and Relationship Services Australia (FRSA), whose members include 135 organisations directly delivering services such as family law services, family and relationship counselling, and parenting programs.<sup>29</sup>
- 7.33 Mrs Jacqueline Brady, Executive Director of FRSA, told the Committee that violence in relationships can coincide with family and relationship conflict and breakdown, 'often very close to the actual breakdown of the relationship, and not just before but after as well'.<sup>30</sup>
- 7.34 In its submission, FRSA explained the role that family and relationship services have in identifying cases of family:
- Often people affected by family and domestic violence who access family and relationship services initially present with an issue other than family and domestic violence. It is often through the intake screening and assessment processes that family and domestic violence is picked up.<sup>31</sup>
- 7.35 Mrs Brady elaborated on this at a public hearing:
- ... people are coming into our service experiencing family violence. That provides us with a unique opportunity to work with them 'upstream', as we refer to it, before they get to the really pointy end and might be requiring the more tertiary-end service provision. ...we're able to work with people earlier in their experience of family violence, or even before they themselves have identified family violence.<sup>32</sup>
- 7.36 FRSA submitted that staff in the family and relationship services sector are trained to screen for early indicators of FDSV.<sup>33</sup> However, it said the role that family and relationship services play in prevention and early

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<sup>29</sup> Mrs Jacqueline Brady, Executive Director, Family and Relationship Services Australia, *Committee Hansard*, Canberra, 16 October 2020, p. 12.

<sup>30</sup> Mrs Jacqueline Brady, Executive Director, Family and Relationship Services Australia, *Committee Hansard*, Canberra, 16 October 2020, p. 13.

<sup>31</sup> Family and Relationship Services Australia, *Submission 13*, p. 6.

<sup>32</sup> Mrs Jacqueline Brady, Executive Director, Family and Relationship Services Australia, *Committee Hansard*, Canberra, 16 October 2020, p. 13.

<sup>33</sup> Family and Relationship Services Australia, *Submission 13*, p. 6.

intervention is ‘not always recognised in the broader public policy context’ and has not been fully realised.<sup>34</sup>

- 7.37 Mrs Brady said that the family and relationship services sector had a number of strengths that supported it having a stronger role in early intervention:

These include well-developed expertise and resources for working with a range of families; national coverage and extensive community links; developing expertise in the delivery and evaluation of evidence based family programs and evidence-informed practices; engagement with families across key transitions in the family life course; and non-stigmatised services relative to tertiary services, such as child protection and correction.<sup>35</sup>

- 7.38 In a supplementary submission, FRSA reiterated that there is potential for interventions to occur earlier ‘before men engage with the criminal and justice systems’ and suggested that family and relationship services are one ‘touchpoint’ for such interventions.<sup>36</sup>

- 7.39 Interrelate submitted that Family and Relationship Centres (FRCs) are ‘ideally placed to identify, respond to and assess safety and risk’ in relation to family violence and could be harnessed to provide early intervention programs.<sup>37</sup> FRCs provide information, support and referral services to families, as well as family dispute resolution and access to legal assistance for separating or separated families.<sup>38</sup>

### *Early intervention in diverse communities*

- 7.40 A number of submitters highlighted the importance of early intervention measures in diverse communities.
- 7.41 The Australian Women Against Violence Alliance recommended increased funding for ‘community-led intersectional and culturally-sensitive prevention and early intervention initiatives in diverse communities’, including Aboriginal and Torres Strait Islander, LGBTIQI, culturally and

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<sup>34</sup> Family and Relationship Services Australia, *Submission 13*, pp. 5-6, 8.

<sup>35</sup> Mrs Jacqueline Brady, Executive Director, Family and Relationship Services Australia, *Committee Hansard*, Canberra, 16 October 2020, p. 12.

<sup>36</sup> Family and Relationship Services Australia, *Submission 13.1*, p. 3.

<sup>37</sup> Interrelate, *Submission 14*, p. 11.

<sup>38</sup> Australian Government, ‘Family Relationship Centres’, <<https://www.familyrelationships.gov.au/talk-someone/centres>>.

linguistically diverse, migrant, and refugee communities, and at risk cohorts including women with disability, women working in the sex industry, older women, and young women.<sup>39</sup>

- 7.42 Djirra and the Queensland Indigenous Family Violence Legal Service both stressed the importance of culturally safe approaches that address Aboriginal and Torres Strait Islander women and children's unique needs, perspectives, and barriers to receiving assistance. Both organisations gave examples of their early intervention and prevention programs, and called for additional funding for these programs to be expanded.<sup>40</sup>
- 7.43 The Aboriginal Family Legal Service Southern Queensland highlighted that in rural, regional, and remote communities, the financial cost involved in travelling to attend FDSV services presented a barrier to accessing support, particularly at an early intervention stage.<sup>41</sup>
- 7.44 Mission Australia explained that women who are newly arrived to Australia may have limited understanding of relevant laws and may be unfamiliar with services available to them, including specialist FDSV services and homelessness services:

Lack of early intervention is therefore common among this group, leading to their overrepresentation among those needing crisis services. Therefore, proactive measures must be adopted to ensure that these women are able to access early intervention and other supports.<sup>42</sup>

- 7.45 Similarly, Muslim Women Australia recommended that specialist services be supported to develop community-led prevention and early intervention programs for men from culturally and linguistically diverse communities.<sup>43</sup>
- 7.46 The New South Wales Government explained that one of its focus areas was building capacity for early intervention in specific target communities:

An individual's experience of violence must be considered in the context of different forms of systemic, social, political and economic disadvantage and discrimination. Characteristics including race, religion, ethnicity, sexuality and

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<sup>39</sup> Australian Women Against Violence Alliance, *Submission 122*, p. 21.

<sup>40</sup> Queensland Indigenous Family Violence Legal Service, *Submission 88*, pp. 9-12; Djirra, *Submission 106*, pp. 15-17. See also: Aboriginal Family Legal Service Southern Queensland, *Submission 99*, pp. 14-15.

<sup>41</sup> Aboriginal Family Legal Service Southern Queensland, *Submission 99*, p. 11.

<sup>42</sup> Mission Australia, *Submission 56*, p. 25.

<sup>43</sup> Muslim Women Australia, *Submission 42*, p. 14.

gender identity, age and disability do not cause violence, however, taking a person's experience of these into account can improve the design and delivery of DFV responses.<sup>44</sup>

7.47 Evidence on family violence in diverse communities is discussed in detail in Chapter 5 of this report, and evidence on need for interventions tailored to the specific needs and circumstances of perpetrators is discussed later in this chapter.

### *Men's referral service*

7.48 The Committee heard from No to Violence about its Men's Referral Service, which is a telephone counselling, information, and referral service for men using or at risk of using violent or controlling behaviour, and their friends and family.

7.49 No to Violence explained in its submission that many of the men it works with recognise there is an issue, but are not sure where to find help. This is supported by the results of a survey commissioned by the organisation, which found that a majority of men would not know where to go to get support to address their use of violence.<sup>45</sup>

7.50 The Men's Referral Service was established in 1993 and, until 2020, only operated in Victoria, New South Wales, and Tasmania. Other telephone intake services for men who use violence operate in Queensland and Western Australia, run by DVConnect and the Western Australian Government respectively.<sup>46</sup>

7.51 In 2020, No to Violence received funding from the Australian and South Australian Governments in response to the COVID-19 pandemic to provide a national service.<sup>47</sup>

7.52 No to Violence noted that the current arrangements during COVID-19 provided an opportunity to develop a more coordinated intake service for men seeking support. It recommended the establishment of a nationally coordinated telephone and online counselling and referral service,

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<sup>44</sup> NSW Department of Communities and Justice, *Submission 131*, pp. 12-13.

<sup>45</sup> No to Violence, *Submission 199*, p. 10. See also: Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 16 October 2020, p. 7.

<sup>46</sup> No to Violence, *Submission 199*, p. 17.

<sup>47</sup> No to Violence, *Submission 199*, p. 17; Department of Social Services (multi-agency submission), *Submission 71*, p. 42.

encompassing all jurisdictions. It said this would be a contrasting service to 1800RESPECT, focused on the perpetrator rather than on people experiencing violence and abuse.<sup>48</sup>

7.53 Ms Watt from No to Violence elaborated on this recommendation at a public hearing:

First and foremost, we would like to see a national men's referral service. We're very grateful to the Commonwealth for funding us to take our phone service into other states and territories as part of the COVID response. That is starting to bear fruit ...but there is much more work to be done for men to understand that (a) there is a service for them and (b) they can choose to do something different and they can take up offers of support and help. We feel that would be a really important national intake point. ...We believe everything starts with a conversation. The journey of change is going to be a long, bumpy one, but it starts with a conversation. I think men knowing that there's a service there for them could be an important circuit breaker and de-escalation point.<sup>49</sup>

7.54 The Monash Gender and Family Violence Prevention Centre recommended that the Australian Government provide continuing funding for the Men's Referral Service (along with MensLine, a more general counselling service) to cater for the increased demand for services associated with the COVID-19 pandemic.<sup>50</sup>

### ***Risk assessment***

7.55 Evidence to the inquiry discussed the importance of effective risk assessment and risk management, including in relation to early intervention.

7.56 The Committee heard that some states and territories have developed their own common risk assessment frameworks. For example, a number of submitters referred to Victoria's Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM), introduced in 2007 following a recommendation of the Victorian Royal Commission into Family Violence to review and redevelop the previous framework.

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<sup>48</sup> No to Violence, *Submission 199*, pp. 5, 17-18. See also: Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 18 November 2020, p. 14.

<sup>49</sup> Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 18 November 2020, p. 11.

<sup>50</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 20.



7.57 In its submission, the Victorian Government explained that MARAM:

...defines clear roles and responsibilities, information sharing authorisations, shared approaches and promotes consistent responses across the system, and builds family violence literacy and capability through all aspects of service delivery. MARAM is designed with an intersectional lens to recognise and respond appropriately to risk for Aboriginal people, people from diverse communities and at-risk age groups (including children, young and older people).<sup>51</sup>

7.58 Several submitters and witnesses noted improvements in risk assessment and information sharing since the introduction of MARAM.<sup>52</sup> It was also noted that MARAM might assist local councils to improve their responses to family violence<sup>53</sup> and was being used in training for bushfire recovery support workers.<sup>54</sup>

7.59 The ACT Government explained that it is 'developing a draft Common Risk Assessment and Management Framework to assist all ACT services to identify DFV risk, intervene earlier and improve access to support and information':

The intended outcome of this work is to assist all ACT services to consistently and effectively identify DFV risk with the aim of earlier intervention and improved access to support and information.<sup>55</sup>

7.60 Similarly, representatives from the Northern Territory Government explained that they were in the process of implementing a risk assessment and management framework:

With that is a common risk assessment tool, so that there can be a consistent approach to screening and assessment for all agencies, but also we get a consistent approach and understanding of what domestic and family violence is and what the risks are. We're currently in the process of implementing that.

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<sup>51</sup> Victorian Government, *Submission 182*, p. 8. See also: Victorian Government, 'Family Violence Multi-Agency Risk Assessment and Management Framework', <<https://www.vic.gov.au/family-violence-multi-agency-risk-assessment-and-management>>.

<sup>52</sup> For example, see: Sacred Heart Mission, *Submission 21*, pp. 3-4; Ms Tania Farha, Chief Executive Officer, Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Committee Hansard*, Canberra, 17 September 2020, p. 3.

<sup>53</sup> Municipal Association of Victoria, *Submission 109*, p. 6.

<sup>54</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 46.

<sup>55</sup> ACT Government, *Submission 146*, pp. 5-6.

We're running orientation sessions not only across government and within our own agency but also for the domestic and family violence sector.<sup>56</sup>

- 7.61 In this Committee's inquiry in 2017 into the family law system, the Committee recommended the development of a national family violence risk assessment tool.<sup>57</sup> In its response to the inquiry report, the Australian Government noted this recommendation.<sup>58</sup>
- 7.62 In its submission, the Department of Social Services explained that the Australian Government had agreed to develop national principles for risk assessment rather than a national risk assessment tool.<sup>59</sup>
- 7.63 These principles—the *National Risk Assessment Principles for Domestic and Family Violence*—were developed by Australia's National Research Organisation for Women's Safety (ANROWS) and completed in 2018.<sup>60</sup> The Family Violence Working Group of the Council of Attorneys-General subsequently developed supplementary guidance to assist policy makers to translate the principles into practice within the family law, family violence, and child protection systems.<sup>61</sup>
- 7.64 However, despite these initiatives, much of the evidence to this inquiry suggested there is a need for further work to ensure a more consistent national approach to risk assessment.
- 7.65 In its submission, ANROWS nominated developing and implementing common risk assessments and agreements to manage risk between jurisdictions as an area for improvement:

...most jurisdictions in Australia have undertaken reforms to ensure that integrated approaches are implemented in responding to high risk of domestic

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<sup>56</sup> Ms Jane Lloyd, Principal Adviser, Programs and Engagement, Department of Territory Families, Housing and Communities, Northern Territory, *Committee Hansard*, Canberra, 15 October 2020, p. 17.

<sup>57</sup> House of Representatives Standing Committee on Social Policy and Legal Affairs, *A better family law system to support and protect those affected by family violence*, 2017, rec. 2, pp. 149-150.

<sup>58</sup> Australian Government, *Australian Government response to the House of Representatives Standing Committee on Social Policy and Legal Affairs report: A better family law system to support and protect those affected by family violence*, 2018, pp. 5-6.

<sup>59</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 74.

<sup>60</sup> Australia's National Research Organisation for Women's Safety, 'National risk assessment principles for family and domestic violence', <<https://www.anrows.org.au/research-program/national-risk-assessment-principles/>>.

<sup>61</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 74.

and family violence (DFV). For example, Victoria has implemented the Multi-Agency Risk Assessment and Management (MARAM) framework, while the Northern Territory uses the Family Safety Framework. Perpetrators and victims/survivors, however, often move between jurisdictions in Australia. By developing and implementing common risk assessments and agreements regarding risk management in all jurisdictions (Humphreys & Healey, 2017) we would improve safety for all Australian women and their children.<sup>62</sup>

- 7.66 The Australian Women Against Violence Alliance recommended that the Australian Government establish 'a standard screening, risk assessment and referral process nationally, to ensure public health, social and community services are trained to identify key safety risks early for people experiencing violence in their relationships, and able to refer them to the services that can help them achieve safety and recover'.<sup>63</sup>
- 7.67 Similarly, Women's Safety NSW recommended a 'nationally consistent identification and risk assessment screening process to determine the existence and/or risk of family violence and abuse, and systematic referral to specialist domestic and family violence services'.<sup>64</sup>
- 7.68 Good Shepherd Australia New Zealand said that it was 'not confident that effective risk assessments and sharing of risk information are being done' and recommended immediate action on a nationally consistent approach to risk assessment.<sup>65</sup>
- 7.69 Sacred Heart Mission submitted that the Australian Government should support states and territories to 'work collectively to adopt the MARAM Framework and ensure that assessment of risk for family violence is consistent and inclusive nationwide'.<sup>66</sup>
- 7.70 Other submitters highlighted particular areas to be included in a common approach to risk assessment.
- 7.71 For example, the ACT Human Rights Commission explained that risk assessment tools in different jurisdictions and sectors differ in their approach to children and young people. It recommended that 'common risk assessment tools developed for use across services such as health, housing,

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<sup>62</sup> Australia's National Research Organisation for Women's Safety, *Submission 132*, p. 11.

<sup>63</sup> Australian Women Against Violence Alliance, *Submission 122*, pp. 74-75.

<sup>64</sup> Women's Safety NSW, *Submission 150*, p. 151.

<sup>65</sup> Good Shepherd Australia New Zealand, *Submission 49*, pp. 14, 43.

<sup>66</sup> Sacred Heart Mission, *Submission 21*, p. 4.

police, and specialist services include all children and young people in a family, and not only primary adult clients/respondents' and nominated MARAM as an example of best practice in Australia.<sup>67</sup>

- 7.72 The Monash Gender and Family Violence Prevention Centre recommended that common risk assessment and management frameworks reflect a shared understanding of coercive control.<sup>68</sup> Coercive control discussed in further detail in Chapter 4 of this report.

## Perpetrator intervention programs

- 7.73 This section of the chapter considers evidence in relation to perpetrator intervention programs, with a particular focus on perpetrator behaviour change programs (PBCPs).
- 7.74 The Committee notes that PBCPs are also referred to as men's behaviour change programs (MBCPs) in much of the evidence, reflecting a historical focus on male perpetrators. The Committee has however chosen to use the term PBCP where possible to acknowledge the need for these programs to cater to a broader range of perpetrators, as is discussed later in this section.
- 7.75 In its submission to the inquiry, No to Violence, Australia's largest peak body for organisations that work with perpetrators, explained the rationale for working with perpetrators:

Much of the discourse exploring perpetrator accountability has focused on the justice response to perpetrators of family violence. Justice responses have long been assumed to produce both individual and general deterrence, however, it is increasingly clear that justice responses alone do not deter family violence.

While justice responses play an important part of defining what is and is not acceptable across our society and managing risk, it is essential to work much more actively with the men who use violence and abuse to prevent it happening again.

Without addressing the perpetrator's use of family violence, they will likely do it again. Without addressing the perpetrators use of family violence, we are not addressing the fundamental causes of family violence.<sup>69</sup>

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<sup>67</sup> ACT Human Rights Commission, *Submission 116*, p. 8.

<sup>68</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55.1*, pp. 15-16.

<sup>69</sup> No to Violence, *Submission 199*, p. 29.

7.76 A similar point is made in the National Plan:

Focusing just on punishing perpetrators will not bring about behaviour change. Perpetrators need assistance to end their violence.<sup>70</sup>

7.77 Ms Watt from No to Violence said it was her belief that men who use violence can change:

Our fundamental belief is that children are not born violent. Children do not need to turn into violent men. This is a learnt behaviour. ... We fundamentally believe that men who use violence can change.<sup>71</sup>

7.78 While the Committee heard that perpetrator intervention programs can include a broad range of responses, much of the evidence to the inquiry related to PBCPs.

7.79 The primary aim of PBCPs is to achieve a change in a perpetrators' violent behaviour, but other aims can include to enhance victim-survivor safety and monitor perpetrators' use of violence and associated risks.<sup>72</sup>

7.80 A range of PBCPs are delivered in Australia, primarily funded by state and territory governments, run in both community settings and correctional institutions.<sup>73</sup> A representative of the Department of Social Services advised that the Australian Government funded 'a number of perpetrator packages that are aimed at helping men and young boys to change their behaviour and build their capacity to deal with problems', which concluded in 2018-19 and are currently under evaluation.<sup>74</sup>

7.81 PBCPs are often used in conjunction with protection orders and other criminal justice responses.<sup>75</sup> A selection of PBCPs are highlighted in the next section.

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<sup>70</sup> Commonwealth of Australia, *National Plan to Reduce Violence against Women and their Children 2010–2022*, p. 29.

<sup>71</sup> Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 16 October 2020, p. 1.

<sup>72</sup> Australia's National Research Organisation for Women's Safety, *Men's behaviour change programs: Measuring outcomes and improving program quality: Key findings and future directions*, 2019, p. 1.

<sup>73</sup> Australia's National Research Organisation for Women's Safety, *Men's behaviour change programs: Measuring outcomes and improving program quality: Key findings and future directions*, 2019, p. 1; Family and Relationship Services Australia, *Submission 13*, p. 16.

<sup>74</sup> Ms Greta Doherty, Branch Manager, Family Safety, Department of Social Services, *Committee Hansard*, Canberra, 7 September 2020, pp. 8-9.

<sup>75</sup> Youth Affairs Council of South Australia (YACSA), *Submission 112*, p 7.

7.82 Participation in PBCPs may be voluntary or mandated. The Committee heard that approximately 80 per cent of men who attend a PBCP have been court-mandated (or referred via a police intervention), and 20 per cent voluntarily attend.<sup>76</sup>

7.83 In a research paper on MBCPs, ANROWS explained that:

Programs typically run over a period of 3 to 6 months, and usually comprise initial assessment, followed by weekly group sessions for men. Some program providers have the capacity to offer supplementary individual sessions and case management when required. Programs also usually entail partner support for women, comprising such elements as information, support, referral, safety planning, counselling and/or case management.<sup>77</sup>

7.84 However, the paper also noted that while MBCPs have existed in Australia for more than 30 years, they remain contentious:

Debates are ongoing about how MBCPs should be delivered, and the extent to which they are effective in improving the safety and freedom of victims/survivors.<sup>78</sup>

7.85 Similarly, the Youth Affairs Council of South Australia (YACSA) explained:

Perpetrator intervention programs have historically been controversial, with arguments that these programs divert resources from victim's services, act to reduce criminal justice system accountability and that the programs are expensive and haven't been shown to be effective in reducing perpetrator attitudes or violence.<sup>79</sup>

7.86 Ms Leonie McGuire, a former manager of the Taree Women's and Children's Refuge speaking to the Committee in a private capacity, expressed her concern about the amount of resources allocated to MBCPs:

Substantial resources are allocated to programs to change violent male behaviour, but not a single one documents long-term changes. They only

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<sup>76</sup> Family and Relationship Services Australia, *Submission 13*, p. 16.

<sup>77</sup> Australia's National Research Organisation for Women's Safety, *Men's behaviour change programs: Measuring outcomes and improving program quality: Key findings and future directions*, 2019, p. 1.

<sup>78</sup> Australia's National Research Organisation for Women's Safety, *Men's behaviour change programs: Measuring outcomes and improving program quality: Key findings and future directions*, 2019, p. 1.

<sup>79</sup> Youth Affairs Council of South Australia (YACSA), *Submission 112*, p. 7.

document how many men complete a program. While we wait for men to change their behaviour, women and children die.<sup>80</sup>

She suggested that that these resources should be diverted to education programs.<sup>81</sup>

7.87 Stakeholders' views on PBCPs and perpetrator intervention programs more broadly are discussed in further detail later in this chapter.

## Examples of perpetrator intervention programs

7.88 In evidence to the inquiry, the Committee heard about a range of perpetrator intervention programs. This section briefly highlights four programs.<sup>82</sup>

### *Breathing Space*

7.89 Breathing Space is an intensive residential-based PBCP run by Communicare, a not-for-profit organisation based in Western Australia. The program has operated since 2003, with a second site opening in 2019, and was the first program of its kind in the Southern Hemisphere. The program is funded by the Western Australian government.<sup>83</sup>

7.90 The program runs for six-months and involves moving the perpetrator out of the home (or from incarceration on parole), which enables other family members to stay in the home and remain connected with their support networks, including community services and schools.<sup>84</sup>

7.91 Following an assessment process, participants are inducted to the site and are unable to leave unaccompanied for the first two weeks. The program comprises two phases:

- a 3-4 month intensive phase, which involves participants attending two compulsory group sessions each weekday; and

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<sup>80</sup> Ms Leonie McGuire, Private capacity, *Committee Hansard*, Canberra, 4 December 2020, pp. 26-27.

<sup>81</sup> Ms Leonie McGuire, Private capacity, *Committee Hansard*, Canberra, 4 December 2020, pp. 27-28.

<sup>82</sup> For evidence about other perpetrator intervention programs, see for example: Interrelate, *Submission 14*, pp. 7-9; Relationships Australia, *Submission 27*, pp. 73-78; Mission Australia, *Submission 56*, pp. 20-21; Djirra, *Submission 106*, pp. 13-14; CatholicCare NT and University of South Australia, *Submission 115*, p. 14; NSW Department of Communities and Justice, *Submission 131*, pp. 24-27; ACT Government, *Submission 146*, pp. 14-16; Settlement Services International, *Submission 156*, p. 12.

<sup>83</sup> White Ribbon Australia and Communicare, *Submission 136*, pp. 2-4.

<sup>84</sup> White Ribbon Australia and Communicare, *Submission 136*, pp. 2-4.

- a 2-3 month transition phase, which supports participants to transition into the wider community.<sup>85</sup>

7.92 More than 1,000 men have participated in the program with a completion rate of one in three. The cost of the program is \$12,000 per participant, and the current waiting time for a place in the program is 12 weeks.<sup>86</sup>

7.93 Mr Brad Chilcott from White Ribbon Australia, which is affiliated with Communicare, explained the program was an opportunity for participants to reflect on their behaviour:

We find that men who attend Breathing Space are generally ashamed of their behaviour, especially the impact it has on the children. They enter the program without a full understanding of that impact but as they go through the six months and engage with the program it becomes clearer.<sup>87</sup>

7.94 Communicare is working with Curtin University on an evaluation of the program due to be released in 2021.<sup>88</sup>

### *Change Em Ways*

7.95 Change Em Ways is a PBCP run by Mens Outreach Service Aboriginal Corporation (MOSAC), an Aboriginal organisation based in the Kimberley region of Western Australia. The program commenced in 2018 and is funded by the Australian Government until 2022.<sup>89</sup> MOSAC noted that the program was developed after it had been identified that ‘there were no recurrently resourced or available services targeted at men who use violence, but only short-term trials’.<sup>90</sup>

7.96 The program is delivered three times each year for a group of approximately 15-20 men. The program involves:

- a process of referral and assessment, including the development of safety plans for women, children, and men;

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<sup>85</sup> White Ribbon Australia and Communicare, *Submission 136*, p. 3.

<sup>86</sup> White Ribbon Australia and Communicare, *Submission 136*, p. 4; Mr Brad Chilcott, Executive Director, White Ribbon Australia, *Committee Hansard*, Canberra, 18 November 2020, p. 62.

<sup>87</sup> Mr Brad Chilcott, Executive Director, White Ribbon Australia, *Committee Hansard*, Canberra, 18 November 2020, p. 62.

<sup>88</sup> White Ribbon Australia and Communicare, *Submission 136*, pp. 4-5.

<sup>89</sup> Mens Outreach Service Aboriginal Corporation, *Submission 110*, p. 5.

<sup>90</sup> Mens Outreach Service Aboriginal Corporation, *Submission 110*, p. 4.



- a three-day On-Country camp prior to commencement;
- an eight-week intensive workshop including cultural and healing activities and in-classroom work; and
- five months of outreach support, including connecting men with employment, counselling, and rehabilitation services.<sup>91</sup>

7.97 Approximately 140 men have had some contact with the program and more than 40 men have completed the program.<sup>92</sup>

7.98 Speaking to the Committee at a public hearing, representatives of MOSAC emphasised that the program has a strong cultural focus:

We go out on things like cultural camp. We take the men back to country and we get them immersed in activities around social and emotional wellbeing. Throughout the program, we also do regular cultural days—activities, get the men talking in a safe space. It's quite unique in the way that it runs. ... It has a lot of respect in the community for those reasons, in particular because we have a team that is made up of Indigenous and non-Indigenous staff, staff with lived experience and staff that are very well connected in the community.<sup>93</sup>

7.99 While the program is based in Broome, MOSAC is working to bring the program to other sites across the Kimberley. An external evaluation of the program is also ongoing.<sup>94</sup>

### ***Proud Partners***

7.100 Proud Partners was a pilot group-based behaviour change program for LGBTQI people run in 2019 by ACON, a health organisation for people of diverse sexualities and genders based in New South Wales. Proud Partners was the first program of its kind in New South Wales<sup>95</sup>

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<sup>91</sup> Mens Outreach Service Aboriginal Corporation, *Submission 110*, p. 5. See also: Ms Sarah Macnee, Chief Operating Officer, Mens Outreach Service Aboriginal Corporation, *Committee Hansard*, Canberra, 15 October 2020, p. 29.

<sup>92</sup> Mens Outreach Service Aboriginal Corporation, *Submission 110*, p. 5; Mrs Debbie Medhurst, Team Leader, Change Em Ways / Strong Women, Strong Families Program, Mens Outreach Service Aboriginal Corporation, *Committee Hansard*, Canberra, 15 October 2020, p. 34.

<sup>93</sup> Mrs Debbie Medhurst, Team Leader, Change Em Ways / Strong Women, Strong Families Program, Mens Outreach Service Aboriginal Corporation, *Committee Hansard*, Canberra, 15 October 2020, pp. 31-32.

<sup>94</sup> Ms Sarah Macnee, Chief Operating Officer, Mens Outreach Service Aboriginal Corporation, *Committee Hansard*, Canberra, 15 October 2020, p. 32.

<sup>95</sup> ACON, *Submission 78*, p. 22.

- 7.101 The program ran for ten weeks and addressed topics including ‘safety, emotional regulation, values, boundaries, communication skills, healthy and harmful behaviours, sex and consent and maintaining change’.<sup>96</sup>
- 7.102 The program relied on self-referrals, with 49 people expressing interest and 13 people commencing the program.<sup>97</sup>
- 7.103 In its submission, ACON explained that the program ‘demonstrated exceptional engagement, retention rates, outcomes, and satisfaction amongst participants’:
- ... most of the participants who completed Proud Partners had an increased capacity to understand that they are responsible for their behaviour in relationships, and that abuse is never justified.<sup>98</sup>
- 7.104 ACON plans to run the program again in 2020-21.<sup>99</sup>

### ***Maranguka Justice Reinvestment Project***

- 7.105 The Committee heard evidence from Ms Sarah Hopkins, Chair of Just Reinvest NSW, about the Maranguka Justice Reinvestment Project, which was established in the town of Bourke in north-west New South Wales in 2013. As Ms Hopkins explained, the program started as a result of the community seeking to address the causes of young people entering the criminal justice system. At that time, Bourke had the highest rate of domestic violence offences in the state.<sup>100</sup>
- 7.106 The project follows the justice reinvestment methodology, which involves shifting resources out of the criminal justice system and the prison system into crime prevention and early intervention in communities. Ms Hopkins identified three important aspects of the approach:
- it uses data to identify which communities are costing the most in terms of incarceration, the root causes of the offending behaviour, and possible solutions;
  - it is place-based or community-led; and

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<sup>96</sup> ACON, *Submission 78*, p. 22.

<sup>97</sup> ACON, *Submission 78*, p. 22.

<sup>98</sup> ACON, *Submission 78*, pp. 22-23.

<sup>99</sup> ACON, *Submission 78*, pp. 22-23.

<sup>100</sup> Ms Sarah Hopkins, Chair, Just Reinvest NSW; Managing Solicitor, Justice Projects, Aboriginal Legal Service NSW/ACT, *Committee Hansard*, Canberra, 16 November 2020, p. 43.

- it aims to have fiscal sustainability, as investment in crime prevention and early intervention is funded from savings achieved through a reduction in the prison population.<sup>101</sup>

7.107 In 2018, KPMG evaluated the project, comparing outcomes in 2017 to the previous year. It found:

- a 23 per cent reduction in police recorded incidence of domestic violence and comparable drops in rates of reoffending;
- a 31 per cent increase in year 12 retention rates and a 38 per cent reduction in charges across the top five juvenile offence categories; and
- a 14 per cent reduction in bail breaches and a 42 per cent reduction in days spent in custody.<sup>102</sup>

7.108 KPMG also estimated that the program resulted in a gross economic impact of \$3.1 million, approximately five times greater than its operational costs.<sup>103</sup>

7.109 Ms Hopkins stressed that while the results were ‘fantastic’ and better than in comparable communities, it was important for them to be sustained over time:

...it is really important to see that there's no magic bullet here, that this involves ongoing complex work and ongoing recognition that the community needs to lead these sorts of initiatives...<sup>104</sup>

## Standards for perpetrator intervention programs

7.110 The Committee received some evidence on standards relevant to perpetrator intervention programs.

7.111 The National Outcome Standards for Perpetrator Interventions (NOSPI) are a set of outcomes-focused standards, designed to ensure perpetrator interventions in Australia are effective. The NOSPI were endorsed by the Council of Australian Governments in December 2015.<sup>105</sup>

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<sup>101</sup> Ms Sarah Hopkins, Chair, Just Reinvest NSW; Managing Solicitor, Justice Projects, Aboriginal Legal Service NSW/ACT, *Committee Hansard*, Canberra, 16 November 2020, p. 43.

<sup>102</sup> KPMG, *Maranguka Justice Reinvestment Project: Impact Assessment*, 2018, p. 6.

<sup>103</sup> KPMG, *Maranguka Justice Reinvestment Project: Impact Assessment*, 2018, p. 6.

<sup>104</sup> Ms Sarah Hopkins, Chair, Just Reinvest NSW; Managing Solicitor, Justice Projects, Aboriginal Legal Service NSW/ACT, *Committee Hansard*, Canberra, 16 November 2020, p. 44.

<sup>105</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 27.

7.112 The six 'headline standards' in the NOSPI are:

- 1 women and their children's safety is the core priority of all perpetrator interventions;
- 2 perpetrators get the right interventions at the right time;
- 3 perpetrators face justice and legal consequences when they commit violence;
- 4 perpetrators participate in programmes and services that enable them to change their violent behaviours and attitudes;
- 5 perpetrator interventions are driven by credible evidence to continuously improve; and
- 6 people working in perpetrator intervention systems are skilled in responding to the dynamics and impacts of domestic, family and sexual violence.<sup>106</sup>

7.113 Under the Third Action Plan 2016-19, the Australian Government provided \$4 million to support states and territories to implement the NOSPI.<sup>107</sup>

7.114 A baseline report on the NOSPI based on 2015-16 data was published in 2016, reporting on 6 out of 27 indicators. The report states the government's intention that the NOSPI will be reported against nationally and annually.<sup>108</sup> The Australian Institute of Health and Welfare advised it is working to produce a report for the 2019-20 reporting period.<sup>109</sup>

7.115 However, the Tasmanian Government highlighted issues with 'complexity of data collection across jurisdictions with differing definitions, legal responses, and data sources', which it said restricted annual reporting under the NOSPI.<sup>110</sup>

7.116 An ANROWS research paper also highlighted the challenge involved in collecting national data under the NOSPI, recommending support for the

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<sup>106</sup> Commonwealth of Australia, *National Outcome Standards for Perpetrator Interventions*, p. 6.

<sup>107</sup> Commonwealth of Australia, *Third Action Plan 2016–2019 of the National Plan to Reduce Violence against Women and their Children 2010–2022*, p. 35.

<sup>108</sup> Australian Government, *National Outcome Standards for Perpetrator Interventions – Baseline report, 2015–16*, p. 5.

<sup>109</sup> Australian Institute of Health and Welfare, *Submission 24*, p. 11.

<sup>110</sup> Tasmanian Government, *Submission 236*, p. 16.

full implementation of the standards to enable this to occur<sup>111</sup>, and the Australian Women Against Violence Alliance called for resourcing and implementation of the NOSPI to be given a high priority.<sup>112</sup>

- 7.117 Women's Safety NSW submitted that, while the NOSPI is supported in the FDSV sector, it has been criticised for 'not being instructive and operationalised'.<sup>113</sup>
- 7.118 In its submission, ANROWS noted that the standards do not specifically address working with people from refugee backgrounds.<sup>114</sup> The Foundation for Alcohol Research and Education and the Centre for Alcohol Policy Research recommended that national standards for perpetrator interventions include strategies to address alcohol misuse.<sup>115</sup>
- 7.119 In addition to the NOSPI, minimum standards and guidelines for perpetrator intervention programs and MBCPs specifically have been developed at the state and territory level.<sup>116</sup> For example, in 2017 the New South Wales Government introduced the *NSW Practice Standards for Men's Domestic Violence Behaviour Change Programs*, which articulate the government's expectations of MBCP providers and give guidance to ensure that programs are safe and effective. The standards apply to all group-based MBCPs in New South Wales and are designed to be consistent with the NOSPI.<sup>117</sup> However, there are no national standards specifically for behaviour change programs.<sup>118</sup>
- 7.120 The Committee also heard about local initiatives to adapt or develop standards for PBCPs. For example, MOSAC explained that its Change Em Ways program was guided by the NOSPI as well as the West Australian

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<sup>111</sup> Australia's National Research Organisation for Women's Safety, *Men's behaviour change programs: Measuring outcomes and improving program quality: Key findings and future directions*, 2019, p. 10.

See also: Samaritans Foundation, *Submission 85*, p. 13.

<sup>112</sup> Australian Women Against Violence Alliance, *Submission 122*, p. 34.

<sup>113</sup> Women's Safety NSW, *Submission 150*, p. 178.

<sup>114</sup> Australia's National Research Organisation for Women's Safety, *Submission 132*, p. 28.

<sup>115</sup> Foundation for Alcohol Research and Education and the Centre for Alcohol Policy Research, *Submission 125*, p. 71.

<sup>116</sup> Family and Relationship Services Australia, *Submission 13*, p. 15; Foundation for Alcohol Research and Education and the Centre for Alcohol Policy Research, *Submission 125*, p. 70.

<sup>117</sup> New South Wales Government, *Practice Standards for Men's Domestic Violence Behaviour Change Programs*, pp. 5-7, 19. See also: Women's Safety NSW, *Submission 150*, pp. 178, 181.

<sup>118</sup> Relationships Australia, *Submission 27*, p. 72.

Practice Standards for Perpetrator Intervention. However, it noted that in some cases the standards were not appropriate for the local context and required modification in how they were applied.<sup>119</sup>

7.121 Another example discussed with the Committee was the Central Australian Minimum Standards (CAMS) for MBCPs, which were developed in 2020 by the Tangentyere Council Aboriginal Corporation (TCAC), an Aboriginal Community Controlled Organisation that delivers services in Alice Springs, its Town Camps, and throughout Central Australia.

7.122 In its submission, TCAC explained the CAMS were developed acknowledging the context behind the high rates of FDSV in the Northern Territory:

Contextual factors such as extreme remoteness, a vast geographical space with a small population, lack of access to goods and services, lack of housing and infrastructure, high rates of poverty and inequality, a culturally and linguistically rich context, and unreliable funding streams for services mean that there are multiple cumulative risk factors that make women in the Territory particularly vulnerable to experiencing violence.

Men in Central Australia also face additional barriers and multiple disadvantages which impact their lives and affect their engagement with programs and services.<sup>120</sup>

7.123 The CAMS articulate expectations of MBCPs operating in Central Australia through six headline standards, and provide guidance on the practice of the standards through indicator standards. Good practice and unacceptable practice are also outlined for each of the headline standards.<sup>121</sup> TCAC explained that the language the CAMS uses reflects a ‘strengths-based and holistic approach’ to preventing violence. For example:

The CAMS choses [sic] to use the language ‘men who have used violence’ and ‘women’ or ‘female partner’ rather than ‘perpetrators’ or ‘victims’ or ‘survivors’ of violence, to acknowledge their whole person and capacity to live a life free from violence and have an identity apart from violence.<sup>122</sup>

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<sup>119</sup> Mens Outreach Service Aboriginal Corporation *Submission 110*, p. 6.

<sup>120</sup> Tangentyere Council Aboriginal Corporation, *Submission 198*, p. 14. See also: Ms Maree Corbo, Co-manager, Community Safety and Social Services Division, Tangentyere Council Aboriginal Corporation, *Committee Hansard*, Canberra, 16 November 2020, pp. 29-30.

<sup>121</sup> Tangentyere Council Aboriginal Corporation, *Submission 198*, p. 14.

<sup>122</sup> Tangentyere Council Aboriginal Corporation, *Submission 198*, p. 15.

- 7.124 The CAMS were developed in consultation with a stakeholders including women's safety services, women's legal services, corrections, child protection services, Aboriginal women's and men's groups, and MBCP participants and staff.<sup>123</sup>
- 7.125 Representatives of the Northern Territory Government noted the importance of minimum standards for PBCPs and told the Committee they hoped the CAMS could be rolled out across the Territory.<sup>124</sup>

### **Views on perpetrator intervention programs**

- 7.126 Stakeholders expressed a range of views on perpetrator intervention programs and highlighted several areas for improvement.
- 7.127 Drawing on international literature, No to Violence provided a summary of program components that have been found to have either increased the safety of victim-survivors or resulted in a reduction in the perpetration of family violence, including:
- ongoing case-management work with victim-survivors in order to support their safety, wellbeing and autonomy;
  - mixed group and individual sessions with perpetrators;
  - programs that run for at least 40 weeks;
  - culturally sensitive and trauma-informed interventions;
  - enhancement of program attendance and engagement through pre-group motivational interviewing sessions;
  - evidence-informed program design, including the use of a theory of change, program logic, and evaluation protocol; and
  - case management with perpetrators that support them to address co-occurring issues such as mental ill-health, homelessness, and alcohol and drug use.<sup>125</sup>
- 7.128 Family and Relationship Services Australia submitted that perpetrator intervention programs are 'an integral part of tackling family and domestic violence', but that state and territory funding for these programs is 'uneven'. It also highlighted key issues raised by its members that deliver PBCPs and other interventions, including the critical role of support services for

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<sup>123</sup> Tangentyere Council Aboriginal Corporation, *Submission 198*, p. 14.

<sup>124</sup> Ms Jane Lloyd, Principal Adviser, Programs and Engagement, Department of Territory Families, Housing and Communities, Northern Territory, *Committee Hansard*, Canberra, 15 October 2020, p. 19.

<sup>125</sup> No to Violence, *Submission 199*, p. 30.

partners/ex-partners and the importance of tailoring programs to participants.<sup>126</sup>

7.129 Evidence on these and other issues relating to perpetrator intervention programs is discussed on the following pages.

***Perpetrator interventions should be part of an integrated response***

7.130 A consistent message was that perpetrator intervention programs should be part of an integrated response involving specialist FDSV services.

7.131 Women’s Safety NSW explained the wide array of services that interconnect with PBCPs, including ‘police, courts, corrective services, child protection, specialist domestic and family violence services supporting victims, health services, and family and relationship services’:

It is integral that these services work in a collaborative, cohesive manner to ensure that prevention and reduction of domestic and family violence remains at the forefront.<sup>127</sup>

7.132 This was highlighted in recent research by ANROWS, which found examples of good practice ‘where perpetrator intervention systems are well integrated with specialist services for women and children’.<sup>128</sup>

7.133 Mr Mark O’Hare from Stopping Family Violence, a peak body in Western Australia for supporting sectors and services involved in responding to perpetrators of FDSV, told the Committee it made a ‘huge difference’ when PBCPs were connected with other services:

... to actually make sure that these services are working from the same page, if you like—what we call DV informed—so each service is in fact complementing the other service.<sup>129</sup>

7.134 In its submission, Women’s Safety NSW recommended that, in each state and territory, PBCPs in each geographical area be aligned and integrated with the FDSV service system response. It also recommended information

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<sup>126</sup> Family and Relationship Services Australia, *Submission 13*, pp. 15-16.

<sup>127</sup> Women’s Safety NSW, *Submission 150*, pp. 178-179.

<sup>128</sup> Australia’s National Research Organisation for Women’s Safety, *Improving accountability: The role of perpetrator intervention systems: Key findings and future directions*, 2020, p. 6.

<sup>129</sup> Mr Mark O’Hare, Operations Manager, Stopping Family Violence Inc., *Committee Hansard*, Canberra, 16 October 2020, p. 23.



sharing with relevant agencies and services to increase safety and reduce risk to victim-survivors.<sup>130</sup>

- 7.135 The Tangentyere Council Aboriginal Corporation's Central Australian Minimum Standards for MBCPs articulate the importance of women's safety and men's accountability being part of a holistic response with 'integrated programs that complement each other and build over time':

These programs share a commonality of practice and are mutually reinforcing, and they identify and respond to dynamic risk.<sup>131</sup>

- 7.136 The standards set out an expectation that MBCPs should receive referrals from a wide range of services, and also make referrals to a wide range of services including mental health, drug and alcohol, housing, and financial support services. MBCPs should also communicate with a women's safety worker, corrections officers, lawyers, and police to inform them of a participant's progress.<sup>132</sup>

- 7.137 Family and Relationship Services Australia also argued that PBCPs should be part of a broader suite of interventions, including individual case management, and linked to other support services, such as drug and alcohol services and mental health services.<sup>133</sup> Furthermore, it said:

... if the basic needs (notably, accommodation) of participants in MBCPs are not being met, their capacity to engage meaningfully in the program is significantly curtailed.<sup>134</sup>

- 7.138 Mission Australia also recommended that perpetrator programs have links with drug, alcohol, and gambling services.<sup>135</sup>

- 7.139 White Ribbon Australia and Communicare highlighted the importance of specialist perpetrator intervention training in the broader social service sector.<sup>136</sup> Interrelate also recommended capacity building to enable the

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<sup>130</sup> Women's Safety NSW, *Submission 150*, pp. 183-184.

<sup>131</sup> Tangentyere Council Aboriginal Corporation, *Submission 198*, p. 14.

<sup>132</sup> Tangentyere Council Aboriginal Corporation, *Submission 198*, p. 46.

<sup>133</sup> Family and Relationship Services Australia, *Submission 13.1*, p. 2. See also: Family and Relationship Services Australia, *Submission 13*, p. 15.

<sup>134</sup> Family and Relationship Services Australia, *Submission 13.1*, p. 3.

<sup>135</sup> Mission Australia, *Submission 56*, p. 20.

<sup>136</sup> White Ribbon Australia and Communicare, *Submission 136*, p. 7.

workforce to work with men, and training for staff working 'at the coal face' of FDSV through relationship services.<sup>137</sup>

- 7.140 The role of family and relationship services and other social services in early intervention is discussed earlier in this chapter.

*The safety and wellbeing of victim-survivors is paramount*

- 7.141 Witnesses and submitters highlighted the importance of perpetrator interventions prioritising the safety of victim-survivors, including through the provision of partner support services.
- 7.142 For example, the Northern Territory Council of Social Service submitted that PBCPs are 'underpinned by the need to continually assess and manage the risk to victims (including children), ensuring their safety and freedom'.<sup>138</sup>
- 7.143 Family and Relationship Services Australia submitted that it is 'critical' that PBCPs have companion support services for the partners or ex-partners of participants and for their children:

Their safety and wellbeing are paramount.<sup>139</sup>

- 7.144 It expressed the view of its members that the lack of support services for children in their own right is a gap in the service delivery system.<sup>140</sup>
- 7.145 The ACT Government submitted that partner support is the 'cornerstone' of the wrap-around safety involved in perpetrator intervention work:

Without contact with the people most impacted by a participant's use of violence and abuse, it is impossible to determine if change has occurred or to manage risk. This work may, from the outside, present as if the focus is on men. However, this work needs to be focused on the safety of women and children. When that focus is lost, we run the risk of colluding with the person using violence and we lose the opportunity to effect real change.<sup>141</sup>

- 7.146 Referring to its Room4Change behaviour change program, it explained that partner support is provided to all current partners of men in the program, as well as any ex-partners with whom they may have had children, and is often

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<sup>137</sup> Interrelate, *Submission 14*, p. 3.

<sup>138</sup> Northern Territory Council of Social Service, *Submission 165*, p. 8.

<sup>139</sup> Family and Relationship Services Australia, *Submission 13*, p. 16.

<sup>140</sup> Family and Relationship Services Australia, *Submission 13.1*, p. 3.

<sup>141</sup> ACT Government, *Submission 146*, p. 15.

also extended to other family members such as parents who may have been impacted by their use of violence.<sup>142</sup>

- 7.147 The Tangentyere Council Aboriginal Corporation's Central Australian Minimum Standards for MBCPs set out the requirement for a women's safety worker to work with women whose partners attend MBCPs. Among other things, the women's safety worker assesses and monitors risk and shares information with other services to keep women safe.<sup>143</sup>
- 7.148 However, Mr O'Hare from Stopping Family Violence told the Committee that funding had not increased in line with the increasing understanding about what is required to support safety for women and children. When asked by the Committee, Mr O'Hare agreed there was a lack of recognition that partner contact was a critical component of PBCPs.<sup>144</sup> This is supported by ANROWS research that found that the 'role of MBCPs in monitoring risk and providing partner support is undervalued'.<sup>145</sup>
- 7.149 Women's Safety NSW explained that there is variability as to whether and how the partner support component of PBCPs is provided, noting that it may be provided directly by the program provider or may be outsourced to a specialist FDSV service.<sup>146</sup> However, it expressed the view that partner support should be provided by a specialist women's service (or equivalent service for male victim-survivors), and that this should be done in a coordinated way so as to reduce the need for victim-survivors to 'retell their stories and [be] passed from service to service'.<sup>147</sup>

### *One size does not fit all*

- 7.150 A common theme in evidence to the inquiry was that there is a need for interventions that are tailored to the specific needs and circumstances of perpetrators. This view was encapsulated by No to Violence, which explained that 'one size does not fit all':

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<sup>142</sup> ACT Government, *Submission 146*, p. 15.

<sup>143</sup> Tangentyere Council Aboriginal Corporation, *Submission 198*, p. 50.

<sup>144</sup> Mr Mark O'Hare, Operations Manager, Stopping Family Violence Inc., *Committee Hansard*, Canberra, 16 October 2020, p. 23.

<sup>145</sup> Australia's National Research Organisation for Women's Safety, *Improving accountability: The role of perpetrator intervention systems: Key findings and future directions*, 2020, p. 7.

<sup>146</sup> Women's Safety NSW, *Submission 150*, pp. 180.

<sup>147</sup> Women's Safety NSW, *Submission 150*, pp. 183.

First and foremost, one-size-fits all programs in response to perpetrators of family violence are less effective than interventions that target specific needs and risks of perpetrators.

... For example, interventions that seek to address both gendered power and socialisation as well as perpetrator needs, such as mental illness and ill health, substance misuse, and housing have demonstrated greater client retention and slightly higher reductions in recidivism compared to programs that address only gendered factors.<sup>148</sup>

7.151 Ms Watt from No to Violence, elaborated on this point at a public hearing:

Like you and me, perpetrators have different life experiences. Men who choose to use violence have different trauma, different backgrounds, different upbringings and different cultural heritage, and they also pose different levels of risk. We basically need programs and interventions that are able to respond to these differences so that they are their most effective and they can prevent family violence into the future.<sup>149</sup>

7.152 Family and Relationship Services Australia also argued that perpetrator intervention programs require 'a nuanced approach':

For example, practitioners may need to be alert to particular dynamics and experiences across different LGBTIQ+ groups, or have specialist expertise (including community connections) to work with different culturally and linguistically diverse communities and Aboriginal and Torres Strait Islander peoples.<sup>150</sup>

7.153 It also noted the importance of understanding perpetrators' personal histories and 'factors that may have put them at greater risk of perpetration, such as childhood trauma, mental illness or alcohol/ substance abuse'.<sup>151</sup>

7.154 However, as the Monash Gender and Family Violence Prevention Centre explained, currently many PBCPs combine men from diverse backgrounds 'including cultural and linguistic diversity, different perpetrator profiles, men with physical and/or cognitive disabilities' in a single mainstream program.<sup>152</sup>

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<sup>148</sup> No to Violence, *Submission 199*, pp. 12-14.

<sup>149</sup> Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 16 October 2020, p. 2.

<sup>150</sup> Family and Relationship Services Australia, *Submission 13*, p. 16.

<sup>151</sup> Family and Relationship Services Australia, *Submission 13*, p. 16.

<sup>152</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 13.

- 7.155 No to Violence recommended a shift to evidence-based programs that ‘address individual variables leading to the choice to use abuse and violence’, including specialised programs for Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds, people with mental illness, adolescents, and people of diverse sexuality and gender.<sup>153</sup> It suggested that such programs should be led by, or conducted in partnership with, organisations representing these communities.<sup>154</sup>
- 7.156 Women’s Safety NSW argued that programs designed for specific groups result in more meaningful engagement and an increased likelihood of effectiveness.<sup>155</sup>
- 7.157 White Ribbon Australia and Communicare suggested that perpetrator accountability and behaviour change could be supported through a ‘wider range of programs and services that more sufficiently encompass the diversity of ways perpetrators may present’.<sup>156</sup>
- 7.158 ACON highlighted the need for behaviour change programs tailored for LGBTQI people who use violence. ACON explained that almost all perpetrator interventions in Australia are aimed at cisgender heterosexual men, with New South Wales and Victoria as the only states with any LGBTQI specific programs:
- While men’s behaviour change programs do not explicitly exclude GBTQ men, they can be inappropriate as they are based on heteronormative assumptions, and GBTQ men may feel unsafe accessing these programs. These programs are not inclusive of female (cis and trans) or non-binary people who use violence. The lack of LGBTQ specific perpetrator programs is a significant barrier for community members needing to change their behaviour.<sup>157</sup>
- 7.159 ACON recommended ongoing funding to develop, trial, and implement tailored group behaviour change programs for LGBTQI people who use violence, noting that these should be designed by or in partnership with LGBTQI community organisations.<sup>158</sup>

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<sup>153</sup> No to Violence, *Submission 199*, pp. 14, 32.

<sup>154</sup> No to Violence, *Submission 199*, p. 32.

<sup>155</sup> Women’s Safety NSW, *Submission 150*, p. 182.

<sup>156</sup> White Ribbon Australia and Communicare, *Submission 136*, p. 6.

<sup>157</sup> ACON, *Submission 78*, pp. 22-23.

<sup>158</sup> ACON, *Submission 78*, pp. 23-24.

- 7.160 ACON also noted that frameworks and standards for behaviour change programs exclude non-male perpetrators of intimate partner violence, and recommended these be updated to guide interventions for LGBTQI people of all genders.<sup>159</sup>
- 7.161 Muslim Women Australia suggested that PBCPs are not effective for culturally and religiously diverse groups, and recommended a specialist approach to the development of PBCPs from these communities ‘with particular reference to the role faith and culture plays as a tool for empowerment’.<sup>160</sup>
- 7.162 Settlement Services International, a community organisation that supports migrants and refugees, recommended the introduction of PBCPs that are in-language and in-culture. It argued that mainstream programs exclude some men from CALD communities and ‘are often not culturally responsive and do not recognise the nuances in understandings related to gender drivers, coercive control and domestic and family violence’.
- As such, there is a lack of equity and justice in relation to accessing MBC programs for violent CALD men, putting women at risk.<sup>161</sup>
- 7.163 At a public hearing, Mrs Juliana Nkrumah AM from Settlement Services Australia told the Committee about her work successfully adapting MBCPs for men from the Tamil, Hazara, Rohingya, and Arabic-speaking communities.<sup>162</sup>
- 7.164 The Committee also heard from Mr Charlie King from CatholicCare NT about the *NO MORE* campaign, which commenced in 2006 with the aim of highlighting the issue of violence against women and girls across the Northern Territory. Reflecting on the program, Mr King said that men need to have ownership of the problem and the solution, but that women’s involvement is also critical to give a perspective of a lived experience of violence.<sup>163</sup>

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<sup>159</sup> ACON, *Submission 78*, pp. 23-24.

<sup>160</sup> Muslim Women Australia, *Submission 42*, pp. 13-14.

<sup>161</sup> Settlement Services International, *Submission 156*, pp. 3, 12-13.

<sup>162</sup> Mrs Juliana Nkrumah AM, Manager, Domestic and Family Violence, Settlement Services Australia, *Committee Hansard*, Canberra, 12 October 2020, pp. 20-22. See also: Settlement Services International, *Submission 156*, p. 12.

<sup>163</sup> Mr Charlie King, *NO MORE* and Men and Relationships Consultant, CatholicCare NT, *Committee Hansard*, Canberra, 13 October 2020, pp. 41-42; CatholicCare NT and University of South Australia, *Submission 115*, p. 3.

- 7.165 Mr King also told the Committee about efforts to address violence through community sport, which he said led to a significant reduction in family violence in the community.<sup>164</sup>
- 7.166 Mr King said it was important to identify men ‘who want things to be better’ and work with them to bring about change in the community.<sup>165</sup>
- 7.167 Bravehearts said that while the large majority of perpetrators are male, it should also be acknowledged that some women perpetrate violence in both same-sex and heterosexual relationships and against adults and children:
- If this is not acknowledged or discussed in developing prevention and intervention measures, the victims experiencing violence by female perpetrators will continue to face barriers in speaking out and seeking support.<sup>166</sup>
- 7.168 Caxton Legal Centre highlighted what it considered to be a number of inadequacies in the provision of perpetrator intervention programs. These included an absence of programs for female and younger perpetrators, a lack of culturally safe programs for Aboriginal and Torres Strait Islander and culturally and linguistically diverse perpetrators, and limited availability of individual counselling, which may be preferred by some perpetrators.<sup>167</sup>
- 7.169 It also highlighted the importance of having a court support worker available to refer perpetrators to appropriate intervention programs:
- Whilst duty lawyers can also do this, they do not possess the specialist skills to manage the trauma, complex relationships dynamics, mental health issues, shame, fear, anger that may be impacting the respondent.<sup>168</sup>

### *A critical lack of evidence*

- 7.170 Numerous submitters highlighted a lack of evidence about perpetrator intervention programs and a need for more evaluation to determine which approaches work.

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<sup>164</sup> Mr Charlie King, NO MORE and Men and Relationships Consultant, CatholicCare NT, *Committee Hansard*, Canberra, 13 October 2020, p. 43.

<sup>165</sup> Mr Charlie King, NO MORE and Men and Relationships Consultant, CatholicCare NT, *Committee Hansard*, Canberra, 13 October 2020, p. 44.

<sup>166</sup> Bravehearts, *Submission 83*, p. 4,

<sup>167</sup> Caxton Legal Centre Inc., *Submission 186*, p. 13.

<sup>168</sup> Caxton Legal Centre Inc., *Submission 186*, p. 12.

7.171 The Australian Institute of Health and Welfare (AIHW) explained ‘there are limited data about how many MBCPs are being run nationally, the profile of clients, and the extent to which they are effective in reducing violence’. It nominated challenges involved in national reporting including the fragmented nature of the sector and inconsistencies in definitions and practices across states and territories.<sup>169</sup>

7.172 The Committee heard that the AIHW was working with the states and territories to collect data on perpetrator interventions. Ms Louise York from the AIHW explained:

What we would really like to achieve is a better handle at least on the people going through these programs, the extent to which they complete them and the extent to which they are court ordered, and then use that information as a way to follow up on whether the behaviour changed in the long run.<sup>170</sup>

7.173 She said that until this information was available at a national level, research on the efficacy of perpetrator interventions may be limited to local examples.<sup>171</sup>

7.174 In its submission, the Monash Gender and Family Violence Prevention Centre highlighted the lack of evidence about the efficacy of PBCPs:

To date, there have been a significant number of MBCPs trialed, piloted and/or funded by the government, however, with the exception of work funded by ANROWS under the perpetrator research stream, there remains a critical lack of evidence as to what works in engaging men in behaviour change. ... Building this evidence base is critical to inform future reform activity and funding decisions at the state and national levels.<sup>172</sup>

7.175 No to Violence similarly argued that there is a ‘dearth of evaluation-based evidence’ on perpetrator interventions, but also noted there is an increasing focus on research in this area, in particular through ANROWS’ Perpetrator

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<sup>169</sup> Australian Institute of Health and Welfare, *Submission 24*, pp. 6, 10.

<sup>170</sup> Ms Louise York, Head, Community Services Group, Australian Institute of Health and Welfare, *Committee Hansard*, Canberra, 7 September 2020, pp. 29-30.

<sup>171</sup> Ms Louise York, Head, Community Services Group, Australian Institute of Health and Welfare, *Committee Hansard*, Canberra, 7 September 2020, p. 30.

<sup>172</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, pp. 12-13.



Interventions Research Stream, which was a priority under the Second and Third Action Plans.<sup>173</sup>

- 7.176 Interrelate submitted that there is a contentious debate regarding the efficacy of MBCPs. It argued that there is ‘no solid evidence that [MBCPs based on the Duluth model] are successful in preventing family violence even in countries where they have considerable traction’.<sup>174</sup>
- 7.177 The Department of Social Services advised that international evidence suggested there is a low efficacy rate (around ten per cent) for perpetrator interventions, however it also pointed out that evidence is still emerging.<sup>175</sup>
- 7.178 Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria said that perpetrator intervention programs and accountability measures have been ‘vastly under-researched’ and that debate about outcomes stemmed from ‘ongoing confusion and conflicting views about evaluation outcome measures, which have historically focussed on recidivism’.<sup>176</sup>
- 7.179 In its submission, the Monash Gender and Family Violence Prevention Centre elaborated on the challenges involved in evaluating PBCPs:

A key challenge here remains the utilisation of many MBCPs as a one-size fits all approach... Evaluation of such programs often cannot account for the diversity of program participants in the breakdown of findings due to small participant numbers, rendering many evaluation findings inconclusive or non-significant. Further, the majority of existing program evaluations are funded to examine short-term outcomes, often limited to observable behaviour change at program exit and potentially short-term follow up, leaving questions around the longevity of any behaviour change and its long-term impact on family safety and wellbeing. Further, while research evidence highlights the importance of a dedicated victim advocacy/ family safety worker component

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<sup>173</sup> No to Violence, *Submission 199*, pp. 30-31. See also: Australia’s National Research Organisation for Women’s Safety, ‘Perpetrator Interventions Research’, <<https://www.anrows.org.au/perpetrator-interventions-research/>>.

<sup>174</sup> Interrelate, *Submission 14*, p. 6.

<sup>175</sup> Ms Liz Hefren-Webb, Deputy Secretary, Families and Communities, Department of Social Services, *Committee Hansard*, Canberra, 7 September 2020, p. 9; Department of Social Services, *Submission 71.3*, p. 3.

<sup>176</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 38.

in each MBCP (Chung et al, 2020, Meyer et al, 2020), this component continues to vary across programs.<sup>177</sup>

7.180 White Ribbon Australia and Communicare also highlighted that evaluation of perpetrator intervention programs is impeded by limited funding or short-term funding arrangements:

Behaviour change must be understood as a long-term process, therefore measuring behaviour change requires long-term engagement; however, funding levels for perpetrator engagement programs do not enable extended follow-up that would support assessments of behaviour change. Instead, funding levels limit evaluation to short-term behaviour change indicators of which may not yet be discernible. This is further hampered by short, two to three-year contract durations that prevents long-term evaluation from being included in the service model design.<sup>178</sup>

7.181 The Monash Gender and Family Violence Prevention Centre recommended funding through the next National Plan for further trials of new perpetrator intervention models, along with evaluations of at least 24 months, and that these include programs specifically catering for the needs of diverse groups, consistent with the evidence outlined in the previous section.<sup>179</sup>

7.182 No to Violence emphasised the need for a consistent framework to ensure that evidence is comparable across different perpetrator interventions.<sup>180</sup> It referred to research from ANROWS that identified a need for support for program providers to better and more consistently design and evaluate programs, and recommended the establishment of an expert working group to design and implement a national evaluation framework.<sup>181</sup>

7.183 No to Violence emphasised that outcome measures for perpetrator programs should include both supporting the safety of victim-survivors, and supporting perpetrators to end their use of violence.<sup>182</sup>

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<sup>177</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 13. See also: Relationships Australia, *Submission 27*, pp. 78-79.

<sup>178</sup> White Ribbon Australia and Communicare, *Submission 136*, p. 6.

<sup>179</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 13.

<sup>180</sup> No to Violence, *Submission 199*, p. 31. See also: Mission Australia, *Submission 56*, p. 19.

<sup>181</sup> No to Violence, *Submission 199*, pp. 15, 32.

<sup>182</sup> No to Violence, *Submission 199*, p. 30.

7.184 Ms Watt from No to Violence said this was an area that would benefit from a national approach:

What I've often said in our work is that we're sort of building the plane as we're flying it. And that's where, again, national leadership on this issue could be really helpful to say, 'Well, what is the evidence base that works for that type of man or this type of man?'<sup>183</sup>

7.185 Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria also supported the development of a national outcomes framework for PBCPs and said it was critical that programs are provided with adequate resourcing to 'embed a quality evaluation culture'.<sup>184</sup>

7.186 More generally, Our Watch submitted that there is a significant gap in data on the perpetration of violence. It argued that existing surveys such as the Personal Safety Survey and the Crime Victimization Survey provide little information about the 'dynamics and patterns of perpetration, or the characteristics of perpetrators', and recommended consideration be given to a national, population level survey on perpetration.<sup>185</sup>

### *Enhancing access and innovative approaches*

7.187 Evidence to the inquiry also included suggestions for new approaches to perpetrator interventions to address concerns including the high attrition rate and the limited availability of programs.

7.188 No to Violence described the attrition rate for perpetrator intervention programs as a 'major issue', with data indicating that a 'significant number of clients are not completing programs'. It highlighted international studies demonstrating that the use of 'motivational interviewing' can lead to increased retention and reductions in recidivism, and recommended funding for a pilot of this approach in Australia.<sup>186</sup>

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<sup>183</sup> Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 16 October 2020, p. 7. See also: Ms Lizette Twisleton, Head of Sector Development, No to Violence, *Committee Hansard*, Canberra, 16 October 2020, pp. 9-10.

<sup>184</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 39.

<sup>185</sup> Our Watch, *Submission 48*, p. 47. See also: Ms Kim Henderson, Director, Policy and Evaluation, Our Watch, *Committee Hansard*, Canberra, 7 September 2020, p. 25.

<sup>186</sup> No to Violence, *Submission 199*, pp. 14-15.

- 7.189 Family and Relationship Services Australia said its members delivering PBCPs had emphasised that is important to find the motivation in men to change, and that this is often the desire to be a better parent.<sup>187</sup>
- 7.190 Interrelate, a not-for-profit provider of relationship services, pointed out that, at present, a minority of men who use violence attend MBCPs and an even smaller number complete programs. Further, it argued that the eligibility criteria for MBCPs mean that programs are ‘working with a cohort who are ready and willing to make changes’.<sup>188</sup>
- 7.191 Women’s Safety NSW shared survey data in which 14 per cent of victim-survivors said that their abuser had accessed a PBCP.<sup>189</sup>
- 7.192 Interrelate also questioned what it said was the ‘punitive law and order approach’ of many MBCPs, arguing there is ‘growing evidence that punitive responses alone have a limited deterrent effect on men who use violence and external punitive motivators do not work’. Instead, it recommended that men be engaged earlier, ‘rather than waiting until the level of abuse brings them into contact with the justice system’:
- Many men who present to relationship services, mediation, or supervised contact, that are using abuse or violent behaviour have not yet entered the criminal justice system or are at earlier stages of offending. This is the point where engaging men in a change program can have a marked effect on outcomes for children and ultimately for the way they think about and treat women.<sup>190</sup>
- 7.193 It pointed to its Respectful Man program as an example of an alternative approach to behaviour change that ‘aims to help men better understand their behaviours and the impacts of their behaviours on others and themselves’.<sup>191</sup>
- 7.194 White Ribbon Australia and Communicare also noted that while participation in MBCPs is often a result of involvement in the criminal justice system:

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<sup>187</sup> Family and Relationship Services Australia, *Submission 13*, p. 16. See also: Interrelate, *Submission 14*, pp. 8-9; Relationships Australia, *Submission 27*, pp. 73-75.

<sup>188</sup> Interrelate, *Submission 14*, p. 6.

<sup>189</sup> Women’s Safety NSW, *Submission 150*, p. 183.

<sup>190</sup> Interrelate, *Submission 14*, pp. 6-7.

<sup>191</sup> Interrelate, *Submission 14*, pp. 7-9.

... some men may exhibit abusive behaviour that has evaded or not risen to a level to initiate criminal justice intervention. Offering [MBCPs] that are not 'offender-based' or described as 'targeting perpetrators' may serve to build multiple system access points prior to escalating to the need for criminal justice intervention.<sup>192</sup>

7.195 Evidence in relation to early intervention is discussed earlier in this chapter.

7.196 As noted above, a number of witnesses and submitters explained that there are not enough programs to meet demand. Particular concerns were raised about the limited availability of programs in regional and remote locations. For example, No to Violence submitted that 'there remain many locations across Australia with no access to [PBCPs]'.

The more regional you get, the less likely there is a program...<sup>193</sup>

7.197 Mr Russell Hooper from No to Violence expanded on this point at a public hearing:

For example, members in Queensland have spoken to us about a waiting list of up to 18 months. In some places in remote Western Australia there is just no support available.<sup>194</sup>

7.198 Mission Australia also relayed concerns about a lack of services for perpetrators in regional, rural and remote areas, outside of the police and courts:

Consultation with local communities in many areas of Australia has indicated that community members are concerned about the lack of options for dealing with perpetrators, including lack of temporary accommodation and men's behaviour change programs.<sup>195</sup>

7.199 In a Women's Safety NSW survey of 46 FDSV specialists, 62 per cent reported having an accredited MBCP in their geographical area.<sup>196</sup>

7.200 White Ribbon Australia and Communicare stated there are not enough PBCPs to meet demand, placing 'enormous strain' on service providers and

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<sup>192</sup> White Ribbon Australia and Communicare, *Submission 136*, p. 6.

<sup>193</sup> No to Violence, *Submission 199.1*, p. 2.

<sup>194</sup> Mr Russell Hooper, Head of Advocacy, No to Violence, *Committee Hansard*, Canberra, 16 October 2020, p. 3.

<sup>195</sup> Mission Australia, *Submission 56*, p. 20.

<sup>196</sup> Women's Safety NSW, *Submission 150*, p. 180.

requiring programs to cater to a diverse group of perpetrators—that is, to be ‘all things to all people’. It referred to research by No to Violence that found the average wait time for services is 2.5 months, with the longest wait time being 40 weeks. As noted earlier in this chapter, the current waiting time for a place in Communicare’s Breathing Space program is 12 weeks:

These are men who know they need help, but are unable to access it, putting women and children in further danger.<sup>197</sup>

7.201 Mr O’Hare from Stopping Family Violence stressed that there needed to be enough programs for both mandated and non-mandated participants:

We know that the longer somebody is waiting to get into a program post-referral, the less successful that program is going to be for them. So at the time of motivation, at the time that they are motivated to attend the program, we really need to be getting them into that program as soon as possible.<sup>198</sup>

7.202 No to Violence argued that investment in the sector should be lifted, but also said it was investigating new approaches, including through the use of technology, to increase access to services in areas where there are currently none available. It referred to its Brief Intervention Service, funded by the Australian Government as part of its response to the COVID-19 pandemic, which provides multiple telephone sessions to engage with men who are on waiting lists or do not have access to programs:

This does not replace programs, but something is better than nothing.<sup>199</sup>

7.203 Similarly, the Northern Territory Council of Social Service recommended specific funding for community services to provide specialised FDSV counselling for perpetrators who cannot access PBCPs.<sup>200</sup>

7.204 Mr Hooper from No to Violence reflected on changes made during the COVID-19 pandemic, when behaviour change groups were carried out online rather than in-person to meet physical distancing requirements. He said there was potential for innovations to come out of this period:

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<sup>197</sup> White Ribbon Australia and Communicare, *Submission 136*, p. 6.

<sup>198</sup> Mr Mark O’Hare, Operations Manager, Stopping Family Violence Inc., *Committee Hansard*, Canberra, 16 October 2020, p. 23.

<sup>199</sup> No to Violence, *Submission 199.1*, p. 2. See also: Ms Jacqui Watt, Chief Executive Officer, No to Violence, *Committee Hansard*, Canberra, 18 November 2020, p. 12; Ms Lizette Twisleton, Head of Sector Development, No to Violence, *Committee Hansard*, Canberra, 18 November 2020, p. 14.

<sup>200</sup> Northern Territory Council of Social Service, *Submission 165*, p. 9.

For example, for GBTI men it's hard in regional areas to get enough for a men's behaviour change group, but, if you were going across different jurisdictions or different towns, you could get a critical mass to deliver these programs.<sup>201</sup>

7.205 Also reflecting on the period since the onset of the COVID-19 pandemic, the Monash Gender and Family Violence Prevention Centre explained that in shifting online, some programs had reached known perpetrators who otherwise would be unsupported. Contact with women and children linked to men in such programs had also been done remotely, with some advantages to this approach:

Practitioners reflected that when delivered remotely, these points of contact were not restricted by geographic and time challenges associated with face-to-face client meetings.<sup>202</sup>

7.206 Like No to Violence, the Centre argued that these innovations could lead to improvements in the delivery of perpetrator intervention programs in the post COVID-19 period, especially in remote areas. However, it also stressed that, given the 'heightened invisibility of perpetrators' during this period, it would be important to 'rigorously evaluate the benefits of any innovations operating during this period to maintain contact with perpetrators and ensure ongoing engagement'.<sup>203</sup>

### ***Holding perpetrators to account***

7.207 Some stakeholders also discussed broader issues relating to perpetrator accountability.

7.208 Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria argued that perpetrator accountability extends beyond legal remedies or attendance at a perpetrator intervention program:

It also speaks to the system's responsibility to widen its focus to perpetrators in our collective effort to end family violence.<sup>204</sup>

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<sup>201</sup> Mr Russell Hooper, Head of Advocacy, No to Violence, *Committee Hansard*, Canberra, 16 October 2020, p. 7.

<sup>202</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 20.

<sup>203</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 20.

<sup>204</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 38.

7.209 Quoting a 2018 report of the Victorian Government’s Expert Advisory Committee on Perpetrator Interventions, it went on:

This means that when ‘changes are made in one part of the system, the flow-on impacts to other parts of the system are considered and managed effectively’.<sup>205</sup>

7.210 It recommended that the Australian Government have a ‘clear perpetrator accountability lens in all decisions about family violence policy, systems, legislation, program funding and research’.<sup>206</sup>

7.211 The Monash Gender and Family Violence Prevention Centre discussed its research that indicated the need for improved perpetrator accountability in court processes. It recommended measures to assist in judicial decision making in FDSV matters, including the development of a centralised online register of perpetrator intervention programs.<sup>207</sup>

7.212 Some submitters referred to research published in 2020 by ANROWS on improving perpetrator accountability. The research found that there are ‘exceptionally high expectations’ placed on MBCPs:

A systemic assumption appeared to be that a perpetrator had been held to account by the court simply through being a respondent to a court order and referred to an MBCP, and that the MBCP would, in turn, “make him accountable”. MBCP practitioners noted that this was not always realistic, given that MBCPs only had a relatively short period in which to address what might be highly entrenched attitudes and behaviour, in the context of societal acceptance of a level of gender inequality.<sup>208</sup>

7.213 The research also found that a broader conception of perpetrator intervention systems could see an opportunity for human services agencies to have a greater role in identifying and responding to perpetrators:

Keeping the perpetrator in view is a key challenge for perpetrator intervention systems. Human services agencies (particularly mental health, alcohol and other drugs, and child protection services) regularly come into contact with perpetrators of domestic and family violence, however men’s use of violence

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<sup>205</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 38.

<sup>206</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 38.

<sup>207</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, pp. 13-14.

<sup>208</sup> Australia’s National Research Organisation for Women’s Safety, *Improving accountability: The role of perpetrator intervention systems: Key findings and future directions*, 2020, p. 7.



is often invisible or secondary in these contexts. With appropriate training and increased information sharing between agencies, human services agencies could work together with the justice system and with specialist domestic and family violence agencies to create a “web of accountability”, and to guide men towards changing their violent behaviours, their violence-supportive attitudes and their use of coercive control.<sup>209</sup>

7.214 Interrelate submitted that the ‘historical focus on getting women to leave violent relationships and using criminal responses as the only means to address violence has resulted in the social services sector under developing skills in working with men’.<sup>210</sup>

7.215 Samaritans Foundation argued for a focus on increasing perpetrator responsibility as well as accountability. It quoted the ANROWS research referred to above, which explained that accountability can be externally imposed or internally developed:

The second form of perpetrator accountability is one that is internally developed through men’s behaviour change programs (MBCPs), with the intention that men who use violence develop a sense of responsibility and commit to being accountable to their partners and children. This form of accountability involves the cultivation of an internal sense of responsibility for behaviour, rather than the imposition of external sanctions.<sup>211</sup>

## Committee comment

7.216 The Committee agrees that the next National Plan should include measures to increase perpetrator responsibility and accountability. However, the Committee does not suggest that this should simply involve an increase in civil and criminal penalties.

7.217 Perpetrator responsibility and accountability must come from a multi-factored approach to working with perpetrators, victim-survivors, and their families. Early intervention is also critical, along with education and primary prevention, as discussed in Chapter 6 of this report.

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<sup>209</sup> Australia’s National Research Organisation for Women’s Safety, *Improving accountability: The role of perpetrator intervention systems: Key findings and future directions*, 2020, pp. 5, 10.

<sup>210</sup> Interrelate, *Submission 14*, p. 3.

<sup>211</sup> Samaritans Foundation, *Submission 85*, pp. 11-12. See also: Australia’s National Research Organisation for Women’s Safety, *Improving accountability: The role of perpetrator intervention systems: Key findings and future directions*, 2020, p. 2.

- 7.218 The Committee considers there are opportunities for organisations and agencies in the broader social services sector to play a greater role in both early intervention and perpetrator intervention. The Committee considers that this would benefit from a more consistent national approach to risk assessment and risk management.
- 7.219 The Committee is particularly attracted to programs which leverage existing networks, such as the Brisbane South Primary Health Network's *Recognise, Respond, Refer* program discussed earlier in this chapter. Programs such as this have the potential to scale up to involve participating GPs throughout the nation, particularly benefitting victim-survivors and perpetrators based in regional, rural and remote areas.

### **Recommendation 61**

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- 7.220 The Committee recommends that the next National Plan include measures to support the social services sector (including the health, mental health, disability, family and relationships, and alcohol and other drugs sectors) to have a greater role in identifying and responding to family, domestic and sexual violence.**

**These measures should include but not be limited to:**

- **training for all staff in identifying family, domestic and sexual violence and working with perpetrators;**
- **measures to support increased information sharing about perpetrators; and**
- **measures to support a more consistent national approach to risk assessment and risk management.**

### **Recommendation 62**

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- 7.221 The Committee recommends that the next National Plan include measures to leverage the existing network of Primary Health Networks to improve the identification and response to family, domestic and sexual violence in general practices. These should include consideration of a national rollout of the *Recognise, Respond, Refer* program, subject to a positive evaluation of the current trial.**

### *Perpetrator referral services*

- 7.222 The Committee supports an extension of the Australian Government's temporary COVID-19 funding to No to Violence to support the continued operation of the Men's Referral Service across all states and territories for a further 18 months.
- 7.223 However, at the same time, the Committee recommends a review of referral services with a view to ensuring that, in the longer term, appropriate support is available to all perpetrators who are seeking support to change their behaviour. This review should give consideration to the need for a single nationally coordinated intake point for perpetrators.

### **Recommendation 63**

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- 7.224 The Committee recommends that the Australian Government provide additional funding to No to Violence to support the national operation of the Men's Referral Service for a further three years.**

### **Recommendation 64**

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- 7.225 The Committee recommends that the Department of Social Services review the adequacy of referral services for perpetrators of family, domestic and sexual violence. The review should give consideration to the need for greater consistency across jurisdictions and the establishment of a single nationally coordinated intake point for perpetrators seeking behavioural change.**

### *Perpetrator behaviour change programs*

- 7.226 In relation to perpetrator intervention programs, and behaviour change programs in particular, the Committee acknowledges that there is some concern that these programs divert funding from essential support services for women and children.
- 7.227 However, the Committee considers that this view disregards the importance of early intervention, and suggests that perpetrators are incapable of reforming their behaviour. The Committee does not accept this proposition.
- 7.228 The Committee considers that increased funding for behaviour change programs is critical to reducing the prevalence of FDSV. It is also clear that specialised behaviour change programs are needed to cater to a wider range of perpetrators.

- 7.229 As the Committee has recommended in Chapter 2 of this report, the next National Plan should include a target of a significant and long-term increase in the number of perpetrators attending and successfully completing behaviour change programs.
- 7.230 To support the achievement of this target, the Committee wishes to see the establishment of a centralised online register of perpetrator intervention programs and funding for dedicated perpetrator court support workers to enable offenders to be referred to appropriate programs and other support services.
- 7.231 The experience of providers of perpetrator intervention programs since the onset of the COVID-19 pandemic suggests there is an also opportunity to embrace the use of technology to enable a broader and more flexible range of programs, and ultimately assist more perpetrators to change their behaviour. The Committee encourages governments to explore further opportunities to use technology in improving program delivery, both during and after the COVID-19 period.
- 7.232 The Committee also wishes to see greater recognition, including through the provision of increased funding, of the important role of support services delivered in conjunction with behaviour change programs.

## **Recommendation 65**

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- 7.233 The Committee recommends that the Australian Government and state and territory governments provide additional dedicated funding for perpetrator behaviour change programs.**

**This should include funding to trial new perpetrator intervention models, and specialised perpetrator behaviour change programs for Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds, people with mental illness, people with disability, adolescents, people of diverse sexuality and gender, and women.**

**Funded programs should be integrated with specialist family and domestic violence and other services, and should include an evaluation component consistent with the proposed national outcomes framework, which will contribute to building the evidence base on perpetrator interventions.**

**This funding should not be delivered through reductions in funding to services for victim-survivors.**

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### **Recommendation 66**

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**7.234 To support an increase in the number of perpetrators attending and completing behaviour change programs, the Committee recommends that:**

- **the Australian Government and state and territory governments establish a centralised online register of perpetrator intervention programs; and**
- **state and territory governments provide funding for perpetrator court support workers to enable offenders to be referred to appropriate behaviour change programs and other support services.**

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### **Recommendation 67**

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**7.235 The Committee recommends that the next National Plan include measures to support increased use of technology in delivering perpetrator behaviour change programs, where it is safe to do so. These measures should aim to support programs including but not limited to:**

- **programs for specific cohorts in sparsely populated regional, rural and remote areas who would not otherwise have access to specialised programs; and**
- **alternatives to group-based programs for perpetrators for whom such programs are not appropriate.**

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### **Recommendation 68**

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**7.236 The Committee recommends that the Australian Government and state and territory governments provide dedicated funding to perpetrator behaviour change program providers and specialist family and domestic violence services to deliver support services for partners, ex-partners, children, and other family members of perpetrators enrolled in perpetrator behaviour change programs.**

**7.237 While supportive of an increase in the use of behaviour change programs, the Committee is concerned that too little is known about what works to**

change perpetrators' behaviour, reduce the risk of recidivism, and ensure the safety of victim-survivors.

- 7.238 The Committee supports the development of a national outcomes framework for behaviour change programs, which it expects will contribute to better and more consistent practice across the country, and more rigorous evaluation to build the evidence base over time.
- 7.239 The Committee also recommends funding for more research to better understand who commits acts of family violence and why, and how often they reoffend.

### **Recommendation 69**

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- 7.240 The Committee recommends that the Department of Social Services lead the development of a national outcomes framework for evidence-based perpetrator behaviour change programs.**

### **Recommendation 70**

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- 7.241 The Committee recommends that the Australian Government, working with states and territories where appropriate, provide funding for research on the backgrounds, characteristics, and recidivism rates of perpetrators of family violence with a view to informing future policy and practice in relation to perpetrator interventions. This should include research on adolescents, women, and children who perpetrate violence against their parents, as well as men.**

**The Committee further recommends that the Australian Government consider the development of an annual national, population level survey on the perpetration of family violence.**

### ***Justice reinvestment***

- 7.242 Lastly, the Committee acknowledges the success of the Maranguka Justice Reinvestment Project, and recognises the importance of empowering Indigenous people to lead in the creation and implementation of place-based approaches to addressing FDSV. The Committee also acknowledges the New South Wales Police Force and the manner in which they have collaborated in partnership with the Indigenous community in Bourke in the design and ongoing implementation of the project.
- 7.243 The Committee wishes to see other communities and organisations around Australia be supported to build on the success of the project.

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## **Recommendation 71**

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**7.244 The Committee recommends that state and territory governments work with local community-based organisations to design and implement place-based models of justice reinvestment, similar to that used in the Maranguka Justice Reinvestment Project, as a matter of priority across Australia.**





## 8. Responses to assist victim-survivors

- 8.1 In the course of its inquiry the Committee received evidence from and regarding the wide array of services that respond to family, domestic and sexual violence (FDSV).
- 8.2 These included government and non-government services whose responses to FDSV are only one component of their work, such as organisations in the housing, health, justice, policing and financial sectors.
- 8.3 As noted in Chapter 1 of this report, responses to violence and related services have been examined in detail in a number of previous parliamentary and other inquiries. Response initiatives and services were comprehensively described in many submissions to this inquiry, which assisted the Committee's understanding of the sector.
- 8.4 This chapter considers some key matters highlighted in relation to responses to family violence and service providers, including funding, flexibility, coordination and workforce development. It firstly considers specialist family violence services, then access to other services in the FDSV context: housing, health, justice and law enforcement, and financial support.
- 8.5 This chapter also examines evidence heard by the Committee about addressing FDSV issues for workplaces and workers. This includes the wellbeing of frontline workers in the FDSV services sector, and particularly the impact on them of circumstances during the COVID-19 pandemic.
- 8.6 Finally, this chapter discusses proposals for mandated paid family violence leave.

## Specialist family and domestic violence services

- 8.7 The Committee heard evidence about specialist family and domestic violence services, which is an umbrella term covering a variety of services designed to provide direct support and assistance to victim-survivors. A definition was provided by the Victorian Royal Commission into Family Violence which said such services are:
- ... services funded to specifically respond to family violence, although the organisations that deliver these services may do work in other areas as well. There are three main types of specialist family violence services for women and children: support services, accommodation services (refuges), and family violence counselling services.<sup>1</sup>
- 8.8 The character of these services as front-line support organisations which grew up as a direct and practical response to an identified need was highlighted by the Royal Commission's description of their origin as a 'network of community-based women's refuges established in the 1970s and [which] has expanded to provide a range of support services for women and children affected by family violence'.<sup>2</sup> Elaborating, the Royal Commission found that 'Government policies and service responses to family violence in Victoria have been shaped by history and the efforts of women to bring this problem into the open to gain the recognition it deserves'.<sup>3</sup>
- 8.9 Specialist family and domestic violence services were originally established as voluntary organisations. But in the wake of growing public awareness, changing police approaches, and legislative and policy changes, these services are now largely delivered by not-for-profit organisations funded by government.
- 8.10 Generally, organisations tend to focus services around a particular aspect of the needs of victim-survivors of FDSV, such as accommodation, health, and legal assistance, but in recognition of the multi-dimensional and interconnected challenges facing people experiencing violence, often provide a range of other related services.

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<sup>1</sup> State of Victoria, *Royal Commission into Family Violence: Report and recommendations*, Vol II, Parl. Paper No. 132 (2014–16), p. 2.

<sup>2</sup> State of Victoria, *Royal Commission into Family Violence: Report and recommendations*, Vol II, Parl. Paper No. 132 (2014–16), p. 2.

<sup>3</sup> State of Victoria, *Royal Commission into Family Violence: Report and recommendations*, Vol II, Parl. Paper No. 132 (2014–16), p. 63.

8.11 For example, McAuley Community Services for Women specialises in providing accommodation and other support for women and children who have faced family violence and/or homelessness. The organisation told the Committee it provides:

... safe crisis and refuge services, temporary and longer-term accommodation, as well as a respite bed for those needing a short period of intensive support. An essential feature of our model is the provision of intensive support 24/7, 365 days of the year. ... We also provide direct support to children in their own right and help nurture the confidence of their mothers.<sup>4</sup>

8.12 In addition to remediating clients' problems with accommodation, however, McAuley focuses on economic empowerment through an employment support program. It explained how the extension of services beyond immediate accommodation needs facilitates an integrated response to complex challenges:

Locating an intensive employment support service within a family violence and homelessness support agency means an integrated and accessible response to all the other needs that arise. McAuley can, for example, assist women to access family violence flexible support packages for moving costs or security upgrades at their home, offer connections to legal help and mental health support, and connect them with our skill development programs and local training services.<sup>5</sup>

8.13 Illawarra Women's Health Centre is a different example, of a specialist family and domestic violence service focused on integrated health care and social support for victim-survivors. The Centre described its operations as follows:

... the Illawarra Women's Health Centre has a focus on mental health, women experiencing domestic and family violence and sexual assault, and sexual and reproductive health. The community-based Centre sees over 6,000 women a year...providing integrated care and social support to women with complex needs using a social model of health and a community development approach to service delivery...

The Centre offers specialised domestic and family violence programs for girls, boys and young women, and women with intellectual disabilities.<sup>6</sup>

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<sup>4</sup> McAuley Community Services for Women, *Submission 103*, p. 1.

<sup>5</sup> McAuley Community Services for Women, *Submission 103*, p. 5.

<sup>6</sup> Illawarra Women's Health Centre and the University of New South Wales, *Submission 180*, p. 3.

- 8.14 Women’s Legal Services Australia focuses on specialist legal support and has recently extended its services to complementary financial counselling and social work:

Women’s Legal Services provide legal assistance to members of our community identifying as women in a holistic approach. Primarily we address all forms of gender discrimination, providing advice on family law, family violence, child protection and discrimination, in most cases where there has been a relationship breakdown and/or violence. Legal assistance services our organisations provide include a mix of legal advice on the phone, duty lawyer services (on the spot legal assistance in courts), mediation, ongoing legal representation for priority cohorts experiencing particular disadvantage, as well as outreach and community legal education.

More recently, many Women’s Legal Services have expanded our service provision to include financial counselling and social work to complement our legal assistance.<sup>7</sup>

- 8.15 As discussed in Chapter 7, other specialist family and domestic violence services conduct perpetrator prevention programs, which may be part of early intervention strategies, but are also often engaged on referral from services, police or courts after acts of FDSV have taken place.
- 8.16 The Committee received arguments from many specialist service providers for additional recognition, resources, flexibility and support.
- 8.17 Many witnesses stated that more funding was required for their organisations to adequately provide services.
- 8.18 For example, Ms Roxanne Moore from National Aboriginal and Torres Strait Islander Legal Services told the Committee that:

...we've made a number of recommendations around the need for urgent funding to be put into Aboriginal community controlled services and wrap-around supports—that cultural healing and culturally safe counselling and all of those supports that are needed.<sup>8</sup>

- 8.19 Ms Alison Birchall from Domestic Violence Victoria also spoke of insufficient resources for specialist family violence services:

... wellbeing issues have been difficult to mitigate due to workforce challenges within the specialist family violence sector that existed prior to the onset of the

<sup>7</sup> Women’s Legal Services Australia, *Submission 52*, p. 1.

<sup>8</sup> Ms Roxanne Moore, Executive Officer, National Aboriginal and Torres Strait Islander Legal Services, *Committee Hansard*, Canberra, 15 October 2020, p. 2.

pandemic. Foremost amongst these is that it's a sector which is not yet adequately resourced to respond to victim survivors' demands for specialist family violence services. Although there has been significant and welcome investment into family violence reform by the Victorian government, including increased funding for specialist family violence services, it's still not enough to respond to the increasing number of victim survivors seeking support.<sup>9</sup>

- 8.20 Sally Stevenson from the Illawarra Women's Health Centre told the Committee that despite the great increase in demand for its services since the onset of the COVID-19 pandemic in January 2020, 'we've had no new funding at all throughout this pandemic to respond to that overwhelming need'.<sup>10</sup>
- 8.21 Chapters 2 and 3 of this report discuss funding provided for FDSV services by the Australian Government and state and territory governments, including funding initiatives launched in response to COVID-19.
- 8.22 Several witnesses representing specialist family and domestic violence services also recommended that funding in the FDSV sector be made more flexible.
- 8.23 Mrs Jacqueline Brady from Family and Relationship Services Australia spoke in favour of more flexible funding for specialist family and domestic violence groups:
- I'd suggest that there will be a necessity to find a way to provide funding for these services that allows a level of flexibility. I think that that is the nature of what we find in the delivery of the sorts of programs that we're talking about to children, families and communities throughout Australia. It is something that does need to feature and, I suppose, has been a point that we have various conversations with the Department of Social Services and the Attorney-General's Department in that you can have an overarching framework or guideline but having flexibility in how it's delivered.<sup>11</sup>
- 8.24 The Victorian Government provides family violence flexible support packages as a flexible funding option for specialist services working with

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<sup>9</sup> Ms Alison Birchall, Acting Manager, Policy Unit, Domestic Violence Victoria, *Committee Hansard*, Canberra, 13 November 2020, p. 29.

<sup>10</sup> Sally Stevenson AM, General Manager, Illawarra Women's Health Centre, *Committee Hansard*, Canberra, 16 October 2020, p. 31.

<sup>11</sup> Mrs Jacqueline Brady, Executive Director, Family and Relationship Services Australia, *Committee Hansard*, Canberra, 16 October 2020, p. 15.

victim-survivors. Ms Tania Farha from Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria spoke to their benefits:

The other thing we've found here in Victoria is the provision of flexible funding packages for services to use with women in order for those finances to be used as a means to address the individual needs of the victim-survivors rather than them being confined to a particular funding allocation or funding stream. These flexible support packages have really increased the dignity and choice of victims-survivors when they're rebuilding their lives as a result of family violence and helped them regain autonomy and independence in the face of family violence. It has really become an integral intervention option in the specialist family violence support model here in Victoria.<sup>12</sup>

8.25 Ms Farha went on to describe the flexible funding package in more detail:

In this system, I guess you'd call it a bundle or a package of funding that can be utilised for the needs of an individual rather than allocated for a specific stream. For example, rather than being allocated purely to accommodation, it's a bundle of money that the specialists in family violence can use. For example, it might not be accommodation that is required for that individual; it might be a whole range of other services and needs. They can allocate according to the victim's needs.<sup>13</sup>

### *Innovative use of technology*

8.26 The Committee also heard about innovations in the methods by which family violence response organisations provided services, including use of technology, and adaptation to circumstances brought about by COVID-19.

8.27 Ms Abbey Newman from the Australian Association of Social Workers told the Committee that many specialist family and domestic violence frontline workers had increased their skill base to meet remote work requirements:

There was a very quick upskill for a lot of family violence workers in the transition from face-to-face practice to telehealth and the use of technology. There was some thinking around safe technology plans and how we check with women whether or not they are aware of how safe their technology is,

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<sup>12</sup> Ms Tania Farha, Chief Executive Officer, Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Committee Hansard*, Canberra 17 September 2020, p. 4.

<sup>13</sup> Ms Tania Farha, Chief Executive Officer, Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Committee Hansard*, Canberra, 17 September 2020, p. 5.

and also making sure that workers are asking the appropriate questions before they go ahead with any work.<sup>14</sup>

8.28 One innovative approach using technology to support victim-survivors was offered to the Committee by the StandbyU Foundation, which outlined a new system it had created to assist women experiencing family violence to remain safe and access support. The project provides victim-survivors with smart watches and coordinates them with a group of friends, family and supporters.

8.29 The StandbyU Shield was described as follows:

Your StandbyU Shield is made up of three parts:

PEOPLE - We bring together your friends, family and case workers into a personal support network

PLAN - Together, we create an action plan based on your personal scenarios and safety concerns

DEVICE - Your plan is uploaded into your wearable device and linked to your supporters<sup>15</sup>

8.30 Mr Chris Boyle from the StandbyU Foundation elaborated on how the Shield functions:

With our solution, the software workflows fit within any smart watch type of device which can make a call, and it's independent in a SIM. So we use off-the-shelf products...and we modify that hardware through shutting down certain features to ensure that we get maximum battery life. The functions of our StandbyU Shield can work through a call tree workflow... which sends out the location and also sends alerts to on-call responders... It's something that just looks like an Apple type watch, but it is not; it is a simple bit of hardware which can tell the time, as with everything, and can count your steps and your calories. And that's part of the introduction that some women use; they say, 'This is my new Fitbit.' But at the side of this is an SOS feature which really discreetly allows that workflow to occur.<sup>16</sup>

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<sup>14</sup> Ms Abbey Newman, Convenor, Family Violence Practice Group, Australian Association of Social Workers, *Committee Hansard*, Canberra, 13 November 2020, p. 17.

<sup>15</sup> StandbyU Foundation, *Submission 176*, p. 6.

<sup>16</sup> Mr Chris Boyle, Chief Executive Officer, StandbyU Foundation, *Committee Hansard*, Canberra, 18 November 2020, p. 2.

- 8.31 The StandbyU Foundation received \$500,000 in funding in 2019 under the National Plan to trial its program with 100 digital safety watches for a one-year period, which ended in June 2020.<sup>17</sup>

### *Workforce development*

- 8.32 Contributors to the inquiry raised concerns about the challenges to the specialist FDSV workforce, and the need for more attention to be given to workforce development, security, planning and support.
- 8.33 Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria outlined the difficulty of developing and maintaining an adequately skilled and trained FDSV workforce, submitting that despite recognition of this issue by various inquiries and under the National Plan, ‘both the response and prevention sectors have continued to experience significant workforce shortages and a lack of coordination and resourcing to support retention, skill development and leadership’. They stated that these workforce deficits have undermined the reach and effectiveness of programs and interventions.<sup>18</sup>
- 8.34 Others focused on the need for a better approach to workforce planning and qualifications in the sector. The Monash Gender and Family Violence Prevention Centre recommended the establishment of a ‘family and domestic violence workforce taskforce that provides expert advice on training and education needs, pathways and funding models to support workforce development’<sup>19</sup>, while the Salvation Army recommended a national family violence workforce strategy, including minimum qualification and service standards.<sup>20</sup>
- 8.35 Domestic Violence Victoria and the Domestic Violence Resource Centre Victoria proposed that:

...one of the benefits of national work would be around a workforce capability framework, to ensure consistency across the workforce. There’s also the attraction and retention of staff into this workforce...it’s also the structural and systemic issues around pay, promotion, career progression and a number of

<sup>17</sup> StandbyU Foundation, *Submission 176*, p. 7.

<sup>18</sup> Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Submission 147*, p. 18.

<sup>19</sup> Monash Gender and Family Violence Prevention Centre, *Submission 55*, p. 25.

<sup>20</sup> The Salvation Army Australia, *Submission 19*, p. 10.



issues that impact family violence services and other community services. That is something that could be discussed across states and at the national level.<sup>21</sup>

8.36 The Victorian Government advised the Committee about its efforts to build a highly skilled workforce through an Industry Plan, including mandatory minimum standards for practitioners in the FDSV sector.<sup>22</sup>

8.37 On a related point, the Australian Services Union (ASU) argued that the competitive tender model of funding for family violence services had been ‘incredibly disruptive’,<sup>23</sup> to the extent of driving support workers out of the sector. Ms Natalie Lang from the ASU’s NSW/ACT Branch stated that:

There is a workforce implication, but the workforce implication has an output implication. Skilled, experienced workers who have a high degree of qualifications and work to professional standards are being driven out of the sector or from doing frontline work because competitive tendering erodes the working standards. But it's also incredibly disruptive because organisations in the community sector don't actually have tender writing departments; they're completely focused on putting every dollar and cent into frontline work. So when a competitive tendering arrangement comes out, during a time such as this, they have to devote their time and energy not to doing the important frontline service delivery work but to simply ensuring they have funding to be able to continue their services.<sup>24</sup>

## Access to other services

8.38 There are a range of services involved in the response to FDSV in Australia. Many of these services have a broad remit that includes responses to FDSV as one of several areas of focus.

8.39 The Committee received evidence from several witnesses that these services needed to be better integrated. There were various suggestions about what form better coordination and integration would take.

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<sup>21</sup> Ms Tania Farha, Chief Executive Officer, Domestic Violence Victoria and Domestic Violence Resource Centre Victoria, *Committee Hansard, Canberra*, 17 September 2020, p. 8.

<sup>22</sup> Victorian Government, *Submission 182*, p. 18.

<sup>23</sup> Ms Natalie Lang, Branch Secretary NSWACT (Services) Branch, Australian Services Union, *Committee Hansard, Canberra*, 13 November 2020, p. 4.

<sup>24</sup> Ms Natalie Lang, Branch Secretary NSWACT (Services) Branch, Australian Services Union, *Committee Hansard, Canberra*, 13 November 2020, p. 9.

- 8.40 Mrs Kirsty Windeyer, Coordinator-General of Family Safety for the ACT Government spoke to the benefit of cooperation across the service provision spectrum:

The next national plan would also benefit from ensuring participation of all sectors in the development and monitoring of the plan and the actions under it. This would include bringing the police, the courts, the health system and others closer to the process so it's not only seen as the job of the various offices for women around the country to participate. Each of the focus areas requires national and territory commitment and investment and [joint] development, and the ACT is looking forward to this.<sup>25</sup>

- 8.41 Ms Jocelyn Bignold from McAuley Community Services for Women spoke about the lack of an accepted definition for what coordination in the sector would look like:

Most of our research tells us that integration is critically important, both vertical between states and horizontal between systems. One of the things that we're looking at is that we don't have, across either states or nationally, an articulated definition of what coordinational integration means.<sup>26</sup>

- 8.42 The Australian Institute of Family Studies highlighted that:

...the systems and services with which separated families interact are fragmented, with the potential for this fragmentation to contribute to the ineffective identification of, and response to, risks of harm, including violence against women and their children.<sup>27</sup>

- 8.43 Dr Jacoba Brasch QC, President-elect of the Law Council of Australia, submitted that the siloing of responses to family violence risked victim-survivors not being appropriately protected:

... a magistrate, a County Court judge or whoever might be hearing a family violence issue also needs to know about what's going on with housing. What's available? Are the children going to school? What are the children's needs? Are there also Family Court issues going on? ... [The] family violence system

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<sup>25</sup> Ms Kirsty Windeyer, Coordinator-General, Family Safety, ACT Government, *Committee Hansard*, Canberra, 4 December 2020, p. 36.

<sup>26</sup> Ms Jocelyn Bignold, Chief Executive Officer, McAuley Community Services for Women, *Committee Hansard*, Canberra, 19 November 2020, p. 30.

<sup>27</sup> Australian Institute of Family Studies, *Submission 23*, p. 24.

cannot be siloed off from all the other systems that need to look at the family as a whole.<sup>28</sup>

- 8.44 Ms Katherine Boyle from Economic Justice Australia and the Welfare Rights Centre provided the Committee with an example of the importance of coordination, highlighting the interaction between financial issues, the legal system and social work support in one victim-survivor's experience:

I wanted to provide an example of what can happen when you don't have social workers on the ground, in the first instance, addressing issues, and I think it really illustrates how important they are. Not too long ago, we had a client come to us who was at the general division of the Administrative Appeals Tribunal. She was appealing a debt raised by Centrelink. The debt was on the basis that she had received too much family tax benefit because she had not declared the income support that she had received from her ex-partner, who was a perpetrator of domestic violence. She had received no income support from him. She had not claimed it for fear of her ex-partner. So she had never received it, but the way Centrelink's rules work is you're deemed to have received it even if you haven't. She got all the way to the general division before she even knew that we existed and contacted us. We put her in contact with a social worker who did a retrospective exemption from the requirement to claim child support and suddenly that whole legal proceeding went away. The debt was waived and she was also exempted in the future from having to claim child support. If that had been picked up early on, she would never have ended up in the tribunal. Quite apart from the stress it clearly placed on her, that whole process was an enormous waste of resources. A single referral to a social worker would have prevented that cascading of events.<sup>29</sup>

## Housing

- 8.45 Women who experience violence and abuse are more likely to have insecure housing or to become homeless. Improving coordination between domestic and family violence services and housing services can reduce the risk of victim-survivors experiencing homelessness.
- 8.46 The Law Council of Australia's submission to the Committee urged more focus on preventing homelessness for victim-survivors:

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<sup>28</sup> Dr Jacoba Brasch QC, President-elect, Law Council of Australia, *Committee Hansard*, Canberra, 8 September 2020, p. 31.

<sup>29</sup> Ms Katharine Boyle, Deputy Chair, Economic Justice Australia; Executive Director, Welfare Rights Centre, *Committee Hansard*, Canberra, 16 November 2020, pp. 4-5.

In this regard, Justice Project stakeholders overwhelmingly stressed the multiple ways in which lack of housing and crisis accommodation contributes to homelessness and prevents victims from escaping their situation. In order to address critical shortages and gaps, legal, policy and service frameworks should be improved to prioritise homelessness prevention.<sup>30</sup>

- 8.47 Ms Louise Miller Frost from the St Vincent De Paul Society South Australia provided the Committee with an example of the role a housing service can play in supporting victim-survivors:

We run a 20-bed accommodation facility. It's actually a former nursing home, so every room has an en suite, and we provide food so that people who come here don't actually have to leave; they can stay and all of their needs are provided for. The women and children who come to us are often very traumatised. They have usually just walked out of a dangerous situation. The ability to be safe—and to be safe in an enclosed environment with security, with panic buttons, with duress rooms and with police surveillance—as opposed to staying in a motel, where you are somewhat exposed to the public, is a really important part of why they feel safe with us.<sup>31</sup>

- 8.48 Contributors to the inquiry also emphasised the importance of housing approaches and solutions beyond immediate crisis accommodation.

- 8.49 Ms Christine Craik, representing the Australian Association of Social Workers, highlighted the importance of housing for victim-survivors and their families in both the short- and long-term:

The most unsafe time for women and children is the three months following separation but also the first year. There needs to be a range of housing options from crisis housing through to long-term housing. We find with a lot of the housing options that 12 months supported housing would be considered an amazing support for women and children escaping family violence. Yet in 12 months you've hardly scratched the surface in terms of rebuilding and recovering. You've probably not even finalised things in court, had a chance to do some training or get back into the workforce if you've been out of the workforce or continue with work, given the ins and outs of medical appointments for the children and you for legal requirements et cetera. Twelve months is a drop in the ocean. If we're going to talk recovery, we need to think

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<sup>30</sup> Law Council of Australia, *Submission 101*, p. 19.

<sup>31</sup> Ms Louise Miller Frost, Chief Executive Officer, St Vincent De Paul Society South Australia, *Committee Hansard*, Canberra, 19 November 2020, p. 4.

long-term affordable housing for women and children who are rebuilding their lives after family violence.<sup>32</sup>

- 8.50 Australia's National Research Organisation for Women's Safety (ANROWS) emphasised how housing stress can prevent a victim-survivors being able to permanently leave a violent partner:

Housing stress is a huge barrier to safety or to permanently leaving a violent partner. Breckenridge, Rees, valentine, and Murray (2016) found that women were more likely to return to their partner if they had difficulty maintaining independent accommodation. According to the 2016 Australian Bureau of Statistics (ABS) Personal Safety Survey (2017), around one in five women returned to violent partners because they had no financial support, or nowhere else to go. Insecure housing has many flow-on effects: it can affect child protection issues, custody issues, the ability to retain possessions, the ability to get and keep a job, and the ability to maintain social connections (Cortis & Bullen, 2016).<sup>33</sup>

- 8.51 Ms Jocelyn Bignold from McAuley Community Services for Women highlighted an international response to the question of housing after incidents of FDSV:

What the Austrian system does, which is different to ours, is use what's called barring orders. At the very first point of contact from police, they have a strong and swift legal response with a very clear message. Their message to all of their citizens is: whoever hits must leave. It's very simple and very clear. Everybody understands it. So, at the point of contact, when police attend an incident, the perpetrator of violence must leave the house for 14 days and the police must check compliance within the first three days.<sup>34</sup>

- 8.52 The Committee also heard from Ms Thelma Schwartz from Queensland Indigenous Family Violence Legal Services that FDSV shelter housing needs to be provided for both victim-survivors and perpetrators:

Ideally, in some of these regional and remote communities, there should be a solid investment in relation to support shelters and crisis shelters. We're not

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<sup>32</sup> Ms Christine Craik, Immediate Past President, Australian Association of Social Workers, *Committee Hansard*, Canberra, 13 November 2020, p. 14.

<sup>33</sup> Australia's National Research Organisation for Women's Safety, *Submission 132*, p. 14.

<sup>34</sup> Ms Jocelyn Bignold, Chief Executive Officer, McAuley Community Services for Women, *Committee Hansard*, Canberra, 19 November 2020, p. 29.

only talking for mum and children, but we actually need a place for men to go to.<sup>35</sup>

## Health

8.53 Both physical and mental health services can be extremely important to victim-survivors of FDSV. Ensuring access to these services is a priority for many organisations and several groups are exploring new methods to coordinate with health providers.

8.54 Relationships Australia highlighted that FDSV often goes hand in hand with health issues:

...family violence is rarely present in isolation from other issues such as substance abuse, mental health problems or personality disorders.<sup>36</sup>

8.55 Speaking to the issue of mental health provision, Mrs Christine Morgan from the National Mental Health Commission stated that:

In the National Mental [Health] Commission's submission to this committee, we noted that more and better quality effort and coordination is needed at the national level to address the needs of women dealing with both mental health illness and domestic family sexual violence, to increase systemic cooperation between the domestic family and sexual violence and mental health sectors, to improve data quality around violence and...mental illness, and to intensify approaches that are...informed and primary prevention informed.<sup>37</sup>

8.56 The National Mental Health Commission also advised that:

...the intersection between domestic violence and mental health is clear, with DFSV impacting on the ability to achieve public mental health objectives. Despite this, there is typically limited capability across mental health and DFSV services to effectively respond to both issues.<sup>38</sup>

8.57 As in other areas, there were concerns about a lack of coordination between health and other response plans and services in cases of FDSV.

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<sup>35</sup> Ms Thelma Schwartz, Principal Legal Officer, Queensland Indigenous Family Violence Legal Services, *Committee Hansard*, Canberra, 15 October 2020, p. 40.

<sup>36</sup> Relationships Australia, *Submission 27*, p. 11.

<sup>37</sup> Ms Christine Morgan, Chief Executive Officer, National Mental Health Commission, *Committee Hansard*, Canberra, 4 December 2020, p. 10.

<sup>38</sup> National Mental Health Commission, *Submission 28*, p. 1.

8.58 Ms Denele Crozier from the Australian Women's Health Network, expressed concern regarding a lack of coordination between various national plans:

If there was cohesion between the national disaster plans, the men's health plans and the women's health plans so that they didn't contradict each other, then, if somewhere some work was happening that was exceptional, you could expand that work instead of reinventing the wheel. The lack of oversight and coordination is quite astounding in terms of efficiencies and vision.<sup>39</sup>

8.59 Examples of good practice in coordination of service provision at the community level were provided to the Committee. Ms Crozier highlighted wrap-around health services in New South Wales:

In New South Wales, for example, we've got the Women's Domestic Violence Court Assistance Service. Every time the police attend an incident, within 48 hours the service will contact the woman to offer care, especially care getting an AVO or getting to court, and also referrals for further support. When someone is ready to leave or is in a state of trauma, the sooner they get to care, the better. So taking a look at health needs would make a big difference to the number of women who can get out, stay out, restabilise and take control over their lives. They say women who experience really complex trauma need anything up to 100 hours counselling over three to five years.<sup>40</sup>

8.60 The Committee received evidence from the Illawarra Women's Health Centre and the University of New South Wales regarding a new initiative to set up a specialist Women's Trauma Recovery Centre:

In response to this complex and urgent need, and in line with best practice recommendations outlined above, the Illawarra Women's Health Centre in partnership with UNSW is working to establish a Women's Trauma Recovery Centre...

This Centre of Excellence will offer a whole-of-organisation trauma sensitive approach that enables recovery from FDSV trauma and helps to break the intergenerational cycle of violence. A range of holistic, and free, health, legal and psychosocial services will be provided.<sup>41</sup>

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<sup>39</sup> Ms Denele Crozier AM, Treasurer, Australian Women's Health Network, *Committee Hansard*, Canberra, 19 November 2020, p. 26.

<sup>40</sup> Ms Denele Crozier AM, Treasurer, Australian Women's Health Network, *Committee Hansard*, Canberra, 19 November 2020, p. 22.

<sup>41</sup> Illawarra Women's Health Centre and the University of New South Wales, *Submission 180*, p. 11.

8.61 In discussion of FDSV and health issues, the proposal for a specific Medicare item number for family violence was also raised.

8.62 Ms Christine Craik from the National Mental Health Commission spoke of the benefits for mental health service provision if a Medicare item number was created:

We can learn from international programs as well, but we can bring in change and be the world leader in this space. There's nothing stopping us. Some examples of that would be if we were to bring in a Medicare item number for family violence counselling. That would make quite clear the reason for some specific mental health issues or the reason for a mental health plan.<sup>42</sup>

8.63 Ms Abbey Newman from the Australian Association of Social Workers was also supportive of the creation of a Medicare number when she appeared before the Committee:

It's also really important to have a family violence Medicare number so that it directs GPs in making referrals to specialist services. There's an assessment called the K10, which identifies specific mental health conditions, like the rate of depression and the rate of anxiety. What we find is that depression and anxiety are a result of experiencing family violence.<sup>43</sup>

8.64 The Committee was advised that in 2019, at the request of the then Council of Australian Governments (COAG), the independent Medicare Benefits Schedule Review Taskforce considered this issue, following a recommendation of the 2016 Victorian Royal Commission into Family Violence. The Taskforce advised against the establishment of a specific Medicare item number for family violence, noting that:

- establishment of MBS items for family violence services, or any specific MBS item that may identify a person as a survivor of family violence, presents a significant risk to patient privacy and to the physical and emotional safety of affected patients;
- such an item may also increase survivor reluctance to disclose this information to their GP, preventing or delaying access to services; and
- the MBS is principally a mechanism for the payment of medical benefits for clinically relevant services according to patient clinical need, not based on

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<sup>42</sup> Ms Christine Craik, Immediate Past President, Australian Association of Social Workers, *Committee Hansard*, Canberra 13 November 2020, p. 14.

<sup>43</sup> Ms Abbey Newman, Convenor, Family Violence Practice Group, Australian Association of Social Workers, *Committee Hansard*, Canberra 13 November 2020, p. 15.



consideration of the cause of the condition. As such, the MBS is not well placed to capture data on this issue.<sup>44</sup>

8.65 In the health context, access to treatment for substance abuse for clients with a history of domestic and family violence was another issue raised in evidence before the Committee. Chapter 6 discusses evidence regarding the role of alcohol and other drug use as contributing factors to FDSV.

8.66 Ms Jennifer Duncan from the Australian Alcohol and Other Drugs Council advised that initiatives to reduce problematic levels of alcohol consumption were known to have benefits in reducing violence, including FDSV. She recommended increased access to treatment services for those experiencing alcohol and other drug dependency:

... in the development of the next National Plan to Reduce Violence Against Women and their Children we would encourage the identification and resourcing of strategies that will deliver capacity to guarantee rapid and supported treatment access to clients where domestic and family violence and the problematic use of alcohol and other drugs are both indicated in case history.<sup>45</sup>

8.67 One response to alcohol-related FDSV discussed in evidence was the use of Alcohol Management Plans (AMPs). The Northern Territory Government describes an AMP as:

... an agreement to tackle the harm caused by alcohol abuse in a way that works for the community. It must have a strong focus on reducing alcohol-related harm and improving community safety, particularly for women and children.

The plan is developed in partnership with the community and with support from local organisations and government staff. It must be agreed to by the community and government.

Alcohol management plans employ an integrated approach with supply, demand and harm reduction strategies.

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<sup>44</sup> Department of Health, *Submission 71.11*, p. 1.

<sup>45</sup> Ms Jennifer Duncan, Chief Executive Officer, Australian Alcohol and Other Drugs Council, *Committee Hansard*, Canberra, 13 November 2020, p. 36.

They aim to minimise the nature and extent of harm caused by the excessive consumption of alcohol.<sup>46</sup>

- 8.68 The Foundation for Alcohol Research and Education and the Centre for Alcohol Policy Research discussed AMPs within the context of addressing alcohol supply and consumption in Aboriginal and Torres Strait Islander communities where problematic drinking has been identified as a major concern:

The central principle of AMPs is harm minimisation across a community, particularly in relation to women and children. Strategies for AMPs vary across communities and can encompass a variety of measures such as restrictions on the hours of alcohol sale, restrictions on particular types of alcohol known to be associated with problematic drinking, the declaration of dry areas, awareness and education campaigns, youth diversion activities, and setting up or strengthening the capacity of women's shelters and support groups.<sup>47</sup>

## Justice

- 8.69 The justice system is an important but also complicated segment of the services accessed by victim-survivors. As it is spread across both state and federal jurisdictions, and is comprised of multiple complex processes, coordination can be particularly difficult.
- 8.70 While Chapter 2 discusses the problem of inconsistent legal definitions of FDSV, and Chapter 3 considers broader issues of coordination between jurisdictions within Australia in relation to FDSV planning and policy, the Committee also heard about the challenges and coordination issues facing police and justice responses.

### *Coordination between systems*

- 8.71 Several contributors to the inquiry raised concerns about insufficient cooperation and coordination in police and justice responses to FDSV.

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<sup>46</sup> Northern Territory Government, 'Alcohol management plans', <<https://health.nt.gov.au/professionals/alcohol-and-other-drugs-health-professionals/alcohol-for-health-professionals/alcohol-management-plans>>.

<sup>47</sup> Foundation for Alcohol Research and Education and Centre for Alcohol Policy Research, *Submission 125*, p. 32.

- 8.72 Dr Brasch from the Law Council of Australia highlighted poor communication in the legal and related sectors:

The Law Council has long drawn to the attention of various governments the difficulties in family violence with silos. Family violence is the system here. Child protection is another system elsewhere. And then we have the reality of family law as another section elsewhere. But those systems don't articulate to each other. Then you have the allied difficulties of housing and education. Until all of those silos, as they are often called, cease being separate—the child protection court is integral when we are looking at family violence. It is about children as victims as well, which is sometimes forgotten; we concentrate on the adults. When you don't have those systems articulating and talking to each other, the right hand doesn't know what the left hand is doing.<sup>48</sup>

- 8.73 Several witnesses highlighted the need to provide legal services in coordination with other supports. The Committee heard how some groups in the sector were adapting so as to provide more targeted and integrated resources and support to clients.

- 8.74 National Legal Aid noted that Legal Aid Commissions are increasingly employing social workers to support their clients:

Whilst LACs have always worked closely with respective local social support providers in relation to non-legal needs associated with family violence, LACs are increasingly employing in-house social workers to support clients experiencing issues in connection with the use of violence.<sup>49</sup>

### *Access to justice*

- 8.75 The Committee received evidence arguing that the often high costs of legal support were a barrier to many victim-survivors in the justice system.

- 8.76 Women's Legal Services Australia submitted that financial disadvantage can prevent victim-survivors from accessing the justice system:

Many women facing significant disadvantage and barriers to access to justice are unable to get the legal help they need. Private legal representation in family law is prohibitively expensive and free legal assistance in family law, even for the most disadvantaged, is difficult to access.<sup>50</sup>

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<sup>48</sup> Dr Jacoba Brasch QC, President-elect, Law Council of Australia, *Committee Hansard*, Canberra, 8 September 2020, p. 31.

<sup>49</sup> National Legal Aid, *Submission 145*, p. 15.

<sup>50</sup> Women's Legal Services Australia, *Submission 52*, p. 11.

8.77 Mrs Gabrielle Canny, representing National Legal Aid, told the Committee:

Income tests are below many established measures of relative poverty. It is not the case that people are too wealthy to be eligible for legal aid; rather, they are not sufficiently impoverished.<sup>51</sup>

8.78 In its submission National Legal Aid noted the 2014 finding of the Productivity Commission that ‘more people were living in poverty (14%) than were eligible for legal aid (8%)’.<sup>52</sup>

8.79 National Legal Aid drew the Committee’s attention to a Legal Aid Commission trial to provide assistance with family law property matters up to \$500,000, which commenced in January 2020. It also noted a pilot for legal assistance with small claims property matters taking place at four Federal Circuit Court registries.<sup>53</sup>

8.80 Another challenge is prioritisation and case management, and particularly the need to protect vulnerable parties and children in proceedings.

8.81 A key trial project discussed in evidence was the Lighthouse Project, which was launched in December 2020 in the Federal Circuit Court in Adelaide, Brisbane and Parramatta, and will be extended to the Family Court of Australia in 2021. The Federal Circuit Court of Australia explains that the Lighthouse Project:

... will play a central role in the Courts’ response to cases which may involve family violence, by shaping the allocation of resources and urgency given to such cases. It will improve the safety of litigants who may have experienced family violence and children who may have experienced associated risks such as child abuse.<sup>54</sup>

8.82 While noting that it is a pilot project, Domestic Violence Victoria argued that the Lighthouse Project is not a specialist family violence response and recommended improvements to the project’s family violence screening and triage tools.<sup>55</sup>

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<sup>51</sup> Mrs Gabrielle Canny, Director, Family Law Working Group, National Legal Aid, Legal Services Commission of South Australia, *Committee Hansard*, Canberra, 17 September 2020, p. 20.

<sup>52</sup> National Legal Aid, *Submission 145*, p. 5.

<sup>53</sup> National Legal Aid, *Submission 145*, p. 15.

<sup>54</sup> Federal Circuit Court of Australia, ‘The Lighthouse Project’, <[www.federalcircuitcourt.gov.au/lighthouse](http://www.federalcircuitcourt.gov.au/lighthouse)>.

<sup>55</sup> Domestic Violence Victoria, *Submission 147.1*, pp. 1-2.

8.83 Women's Safety NSW highlighted the importance of specialist family violence courts:

Specialist domestic and family violence courts have been trialled and established in many jurisdictions around the world, including in Canada, New Zealand, the UK and the USA. Various trials of the specialised courts have been conducted in most Australian states since the 1990s. They have evolved in recognition of the prevalence of domestic and family violence, and the crucial role that the criminal justice system plays in protecting victims and holding perpetrators to account...

Specialist courts recognise that the court process is often a traumatic experience for victims of domestic and family violence. By ensuring that victims have access to specialist support and advocacy services and providing all court staff with specialist training on domestic and family violence, they prioritise victims' wellbeing and facilitate greater sensitivity to the experiences of victims throughout the justice process.<sup>56</sup>

8.84 In a submission, the Attorney General's Department provided a breakdown of Australian Government funding for legal assistance programs and initiatives, including the National Legal Assistance Partnership 2020-25 (NLAP). Under the NLAP, the Australian Government is providing over \$2 billion to states and territories for frontline legal assistance services delivered by community legal centres, legal aid commissions, Aboriginal and Torres Strait Islander Legal Services, Domestic Violence Units and Health Justice Partnerships, and the Family Advocacy and Support Service.<sup>57</sup>

8.85 In addition, the Department advised that in May 2020 the Australian Government announced an additional \$63.3 million in funding to help address the impact of COVID-19.<sup>58</sup>

### *A national electronic domestic violence order database*

8.86 Some submitters referred to the National Domestic Violence Order Scheme (NDVOS) as an example of effective cooperation and coordination across jurisdictions in the legal sector.<sup>59</sup>

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<sup>56</sup> Women's Safety NSW, *Submission 150*, pp. 36-37.

<sup>57</sup> Attorney-General's Department, *Submission 71.2*, pp. 6-11.

<sup>58</sup> Attorney-General's Department, *Submission 71.2*, pp. 7, 12.

<sup>59</sup> For example, see: Law Council of Australia, *Submission 101*, p. 14; Law Institute of Victoria, *Submission 113*, p. 18; Ms Hayley Foster, Chief Executive Officer, Women's Safety NSW, *Committee Hansard*, Canberra, 18 September 2020, p 18.

8.87 The NDVOS is a statutory scheme under which domestic violence orders issued in any Australian state or territory will be automatically recognised and enforceable nationwide, removing the need for individuals to manually register their orders in a new jurisdiction. The NDVOS was agreed by COAG in 2015 and commenced in November 2017.<sup>60</sup>

8.88 The Department of Social Services advised that the NDVOS is currently supported by an ‘interim information-sharing solution that leverages the National Police Reference System, which enables courts and police to obtain information about domestic violence orders issued across Australia’:

These information-sharing capabilities ensure police have greater situational awareness when responding to domestic violence incidents, improving both victim and police safety, and ensure local courts can recognise, amend and otherwise effectively deal with domestic violence orders, even if issued interstate...<sup>61</sup>

8.89 In this Committee’s 2017 inquiry into family violence and the family law system, the Committee recommended the expansion of the information-sharing platform to include orders issued under the *Family Law Act 1975* and state and territory child protection legislation.<sup>62</sup>

8.90 In the present inquiry, evidence included a number of other suggestions to enhance the NDVOS, which focused on the lack of a national electronic database giving police and courts access to domestic violence orders.

8.91 Legal Aid NSW said that while it welcomed the introduction of the NDVOS:

... in practical terms, there is difficulty in the implementation of the scheme in that there is no national electronic database where all DVOs can be accessed by state and territory police or family courts. Such electronic access would make the process of enforcing DVOs much easier for the victims of family violence...<sup>63</sup>

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<sup>60</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 27; Tasmanian Government, *Submission 236*, p. 22. See also: Australian Government, ‘National Domestic Violence Order Scheme’, <<https://www.ag.gov.au/ndvos>>.

<sup>61</sup> Department of Social Services (multi-agency submission), *Submission 71*, pp. 27, 66, 76.

<sup>62</sup> House of Representatives Standing Committee on Social Policy and Legal Affairs, *A better family law system to support and protect those affected by family violence*, 2017, rec. 6, p. 155. See also: Australian Law Reform Commission, *Family Law for the Future – An Inquiry into the Family Law System*, ALRC Report 135, 2019, p. 152.

<sup>63</sup> Legal Aid NSW, *Submission 126*, pp. 23-24.

8.92 The Law Council of Australia said a national electronic database would make the process of enforcing orders in other jurisdictions easier for victim-survivors:

... in the absence of a national database, [having an order registered with a court in another jurisdiction] is difficult to achieve and not straightforward for a victim to navigate. Additionally, if a protected person seeks to vary a DVO or to extend a DVO when it nears its expiry date, the process can also be complicated to navigate and may place the protected person at risk of exposure to the defendant.<sup>64</sup>

8.93 The Law Council said the establishment of a national database should be accompanied by training of relevant staff to ensure entries to the register are standardised. It relayed the Law Society of New South Wales's suggestion that provisional, interim, and final domestic violence orders be stored, as the grounds are only recorded on the provision order.<sup>65</sup>

8.94 When asked about information sharing across jurisdictions, Commander Sue Young from the Western Australia Police Force said that 'policing jurisdictions have difficulty sharing information in a timely way around domestic violence orders':

If you then introduce the courts, the child protection agencies and a whole raft of other areas that hold data relating to family violence, that would create a much richer response. ...it's really reliant on information-sharing capability and the complexity that comes with that. If the Commonwealth government could help that problem, it would be useful.<sup>66</sup>

8.95 The Victorian Government highlighted the inability to make domestic violence orders in one jurisdiction for incidents of violence that occur in another jurisdiction:

At present, Victorian Magistrates are unable to grant an intervention order in circumstances where all the alleged family violence took place interstate and occurred while the affected family member was outside Victoria. This creates challenges for victim survivors who have relocated for safety reasons and is contrary to the intent of the [NDVOS].<sup>67</sup>

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<sup>64</sup> Law Council of Australia, *Submission 101*, p. 14.

<sup>65</sup> Law Council of Australia, *Submission 101*, p. 14. See also: Legal Aid NSW, *Submission 126*, p. 24.

<sup>66</sup> Commander Sue Young, Operations Support Portfolio, Western Australia Police Force, *Committee Hansard*, Canberra, 13 October 2020, p. 21.

<sup>67</sup> Victorian Government, *Submission 182*, p. 20.

8.96 It recommended that the Commonwealth consider expanding the NDVOS to enable an intervention order to be made in any jurisdiction, regardless of where the incident occurred.<sup>68</sup>

8.97 The Committee heard evidence from the Attorney-General's Department that current legislation allows state and territory courts to vary family law orders in additional jurisdictions:

...if there is a family violence matter which is before a state or territory court, that court already has the power, for example, to vary a family law parenting order that might be in place so that it's consistent with the family violence order which it might impose.<sup>69</sup>

### ***Policing***

8.98 Law enforcement plays an important role among the services responding to FDSV. Police are responsible for gathering evidence which can subsequently be used in the justice process, and they also enforce apprehended or domestic violence orders (AVOs/DVOs) to prevent continued violence or abuse from perpetrators. Therefore, access to and trust in police services is integral to tackling FDSV.

8.99 Assistant Commissioner Mark Jones from the NSW Police Force highlighted the amount of focus NSW Police devoted to FDSV:

For our general duties police, 40 per cent of their time is spent responding to instances of domestic and family violence.<sup>70</sup>

8.100 Assistant Commissioner Jones also stated that the NSW Police Force had specially trained police to focus on domestic violence:

...there are specialist DV police to assist in the monitoring and to assist in the compliance checks, for example, and to assist in locating high-risk offenders.<sup>71</sup>

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<sup>68</sup> Victorian Government, *Submission 182*, p. 21.

<sup>69</sup> Ms Alexandra Mathews, Assistant Secretary, Attorney-General's Department, *Committee Hansard*, Canberra, 17 September 2020, p. 30.

<sup>70</sup> Assistant Commissioner Mark Jones, New South Wales Police Force, *Committee Hansard*, Canberra, 4 December 2020, p. 35.

<sup>71</sup> Assistant Commissioner Mark Jones, New South Wales Police Force, *Committee Hansard*, Canberra, 4 December 2020, p. 43.



8.101 He noted the NSW Police Force's focus on the reporting of FDSV:

If the reporting of DV were to go up, we would be okay with that, because that simply means the community has greater confidence and we would say that all our campaigns, such as No Innocent Bystanders, are working because the reports would go up. We don't want the incidence to go up—that's clearly the case—but we want the reports to go up, because this is an underreported crime, very much like sexual assault.<sup>72</sup>

8.102 The Committee heard that another approach to support access to police services was to station non-police frontline workers in police stations to create a space that might be more comfortable to victim-survivors.

Ms Leonie McGuire spoke about one such program that she had previously overseen:

The police really liked it because it took away from them the onus of the emotional work and the trauma that they are not particularly comfortable or skilled at dealing with. It enabled them often to get evidence from women when they would not otherwise have thought about other crimes that were happening. It made the police station a safe place for Aboriginal women in particular to approach, and they do say people vote with their feet. There were evaluations of that program and they all said it was a great success, with large and increasing numbers approaching. Those four women had a delightful little office in the police station that they set up with flowers and posters. It was a very safe little spot in an otherwise fairly organised setting.<sup>73</sup>

8.103 The Committee also heard about how Australian state and territory police services are attempting to increase service provision and coordination.

8.104 Inspector Michelle Plumpton from the Tasmanian Department of Police, Fire and Emergency Management highlighted one new approach to increase coordination by Tasmania police:

... The Safe Families Coordination Unit, which is managed by Tasmania Police. That's a multiagency co-located unit based on South Australia's MAPS model. There are employees of all government agencies based in that unit, and each of those employees has access to all the systems that each agency has

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<sup>72</sup> Assistant Commissioner Mark Jones, New South Wales Police Force, *Committee Hansard*, Canberra, 4 December 2020, p. 38.

<sup>73</sup> Ms Leonie McGuire, Private capacity, *Committee Hansard*, Canberra, 4 December 2020, p. 29.

responsibility for—that is over 60 IT systems within the Tasmanian government that this multiagency co-located unit has access to.<sup>74</sup>

8.105 Inspector Plumpton also noted that Tasmania Police has a pro-intervention approach to FDSV:

We have specific powers that are extended to allow us to take someone into custody for the purpose of investigating a family violence offence, and that includes the ability to issue what we call police family violence orders, which are issued by an authorised officer or a sergeant of police. It lasts for 12 months. These mirror the similar orders that are in most states, in relation to preventing a perpetrator from contacting a victim or child or from going to various areas or sending messages and going through about those protective type of orders. We do, obviously, have court based orders and family violence orders issued by a magistrate, but Tasmania Police can issue orders that last 12 months without the need to go to a court.<sup>75</sup>

8.106 The Committee heard evidence from Acting Deputy Commissioner Michael Chew about ACT Policing's new initiative to engage with families via early intervention:

ACT Policing has implemented some key initiatives to support victims and minimise the causes of family violence, including taking on a multiagency family violence model. This is a perpetrator focused model concentrating on identifying early indicators of at-risk behaviour, and is designed to make perpetrators accountable for their actions and behaviours. This model shifts the focus onto early intervention of low-level family violence perpetrators, which alleviates the burden on victims to take action to seek solutions and support for themselves and for their families. ACT Policing alone cannot break the cycle of family violence, and the success of the model is reliant on ACT Policing's collaboration with partner agencies and other government directorates within the ACT.<sup>76</sup>

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<sup>74</sup> Inspector Michelle Plumpton, Staff Officer to the Assistant Commissioner, Tasmanian Department of Police, Fire and Emergency Management, *Committee Hansard*, Canberra, 13 October 2020, p. 7.

<sup>75</sup> Inspector Michelle Plumpton, Staff Officer to the Assistant Commissioner, Tasmanian Department of Police, Fire and Emergency Management, *Committee Hansard*, Canberra, 13 October 2020, p. 7.

<sup>76</sup> Acting Deputy Commissioner Michael Chew, Acting Chief Police Officer for the Australian Capital Territory, Australian Capital Territory Policing, *Committee Hansard*, Canberra, 13 October 2020, p. 4.

8.107 The Committee also received evidence about an innovative approach to police responses, focused on silent calls for assistance. In its submission to the Committee, Women's Safety NSW highlighted the United Kingdom's system which is called 'The Silent Solution':

In the UK, mobile calls to 999 (the official emergency number) that are silent are diverted to the police's 'Silent Solution' system – a system to filter out accidental or hoax emergency calls, but also to help people who are unable to speak. Through this system, callers hear an automated police message that asks them to press 55 to be transferred to their local police force. Once connected, the police call handler will attempt to communicate with the caller by asking simple yes or no questions.<sup>77</sup>

#### *Women's police stations*

8.108 The Committee heard evidence on 'Women's Police Stations', a concept that originated in Latin America in the 1980s. The police stations are predominantly staffed by women and focus on responding to gender-based violence.

8.109 The Queensland University of Technology (QUT) Centre for Justice summarised the role of these stations:

Women's Police Stations are a unique invention that emerged in Latin America in the mid-1980s specially designed to respond to victims of gender-based violence in response to the demands of women's rights movements. (Carrington et al. 2019; 2020a; 2020b). They work from a gender perspective in multi-disciplinary teams with social workers, counsellors and lawyers to respond to women who seek their assistance. They provide childcare and offer victims a gateway to other support, but do not prioritise a criminal justice response over the wishes of those who seek their services.<sup>78</sup>

8.110 Professor Kerry Carrington from the Centre elaborated on the operation of these stations when she appeared before the Committee:

They operate very differently to normal police stations. First off, the major benefit is that they have multidisciplinary teams, so they have social workers, psychologists, counsellors, lawyers and police, who work together. The majority of the workforce are still police. There are usually around about 20 per station. They don't have a holding cells, so it makes them very cheap to run. They operate usually out of converted houses. They all have child care. So, as soon as a woman reports, they take the children to child care at that site.

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<sup>77</sup> Women's Safety NSW, *Submission 150*, p. 8.

<sup>78</sup> QUT Centre for Justice, *Submission 37.1*, p. 3.

The children are provided child care and counselling; they're provided a one-stop shop. All the officers and employees have specialist training to deal with domestic and family violence.<sup>79</sup>

8.111 Professor Carrington went on to describe one of the reasons she believed these stations were so successful:

The other way that they enhance prevention is that they encourage women, especially women with children, to seek help and intervention much, much earlier. That, I think, is the key to their success. They form very strong bonds with the local community, local preschools, kindergartens and childcare centres. They work very closely with churches and neighbourhood centres. They bond themselves in the community, and through those bonds and loyalty networks they have enormous respect in the community and enormous trust and loyalty, and that's what makes women go early.<sup>80</sup>

8.112 Women's Safety NSW also discussed women's police stations in its submission:

The establishment of women's police stations in a number of countries provides a best practice model of policing that may be used to re-evaluate Australia's police response to domestic and family violence.<sup>81</sup>

8.113 While acknowledging that the widespread establishment of women's police stations in Australia 'may not yet be feasible', Women's Safety NSW noted that there were elements of the practice that could be adapted and integrated in the Australian context:

- Greater presence of women police in police stations and within the ranks of general duties officers, specifically to support victim-survivors making reports of violence;
- Implementation of a more integrated service response to domestic and family violence, combining policing with counselling, social work, legal support and other crucial support services through an onsite partnership approach with a women's specialist domestic and family violence service program;

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<sup>79</sup> Professor Kerry Carrington, Research Professor, QUT Centre for Justice, *Committee Hansard*, Canberra, 13 November 2020, p. 23.

<sup>80</sup> Professor Kerry Carrington, Research Professor, QUT Centre for Justice, *Committee Hansard*, Canberra, 13 November 2020, p. 24.

<sup>81</sup> Women's Safety NSW, *Submission 150*, p. 21.

- Use of a more informal environment with comfortable facilities and spaces appropriate for children to increase women's comfort and likelihood to engage with police;
- Support provided to victim-survivors at police stations not being conditional on a formal police report being made;
- Increased community engagement through awareness campaigns, events, outreach programs, support groups, and education; and
- Increased community work targeting offender behaviour.<sup>82</sup>

## Financial support

8.114 Many victim-survivors will require access to financial support. Leaving an abusive situation can be expensive with costs including deposits on new dwellings, rental bonds, travel costs, furnishing costs and the costs of providing for any dependents the victim-survivor might have.

8.115 In its submission to the Committee, Australian women Against Violence Alliance highlighted the expense of leaving an abusive relationship:

Victims/survivors of violence often have to be the ones to bear the costs for leaving the relationship, the family home and their community. It is estimated that on average, it costs \$18000 for a victim/survivor to leave [a] violent relationship and establish safety. This would include costs associated with reallocation, safety upgrades, legal costs and medical costs.<sup>83</sup>

8.116 Debt was also a subject brought to the Committee's attention by several witnesses. Many victim-survivors may accumulate debt either from the cost of leaving an abusive relationship or from a perpetrator who may have access to their financial accounts.

8.117 Ms Leanne Ho from Economic Justice Australia spoke to the Committee regarding the issue of victim-survivors and debt:

We've been pleased in recent years to see that the Department of Social Services and Services Australia have been willing to make practical reforms in response to our recommendations. These have included changes by the DSS to the guide to social security law. We're seeing through our centres that these are having a real and positive effect in cases turning on whether a person was a member of a couple and whether to waive recovery of debts. This is preventing the revictimisation of people being forced to repay substantial debts that are the result of coercion or duress on the part of violent partners or

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<sup>82</sup> Women's Safety NSW, *Submission 150*, p. 23.

<sup>83</sup> Australian Women Against Violence Alliance, *Submission 122*, p. 35.

family members. However, we are concerned that, unless there are measurable benchmarks included or attached to the national plan and the Services Australia Family and Domestic Violence Strategy, the effectiveness of these plans and strategies will be severely limited. We need to see continued funding of legal services and research based on frontline experience to identify the critical areas where support should be targeted and implemented.<sup>84</sup>

8.118 The Committee also heard evidence on whether victim-survivors of FDSV should be allowed early access to their superannuation.

8.119 Mrs Sandra Buckley from Women in Super spoke about superannuation access when she appeared before the Committee:

I think it's a double-edged sword. Obviously, it would enable women to gain access to a particular amount of superannuation under hardship provisions, but what it does mean is that we're then not enabling them to have future financial insecurity, because very often people who do gain access under these provisions don't actually have anything else to fall back on.<sup>85</sup>

8.120 In 2018 the Australian Government's Women's Economic Security Statement included a commitment to extend the ability to access early release of superannuation to victim-survivors of family violence. The statement said:

While superannuation should ideally be preserved until retirement, there are certain immediate and extreme circumstances where the benefits today outweigh the benefits of maintaining those savings until retirement. The Government considers that family and domestic violence is one of these special circumstances based on stakeholder feedback.<sup>86</sup>

8.121 However, the Committee was advised by Mrs Buckley from Women in Super that this announcement has not been enacted.<sup>87</sup>

8.122 The Committee also heard evidence that programs to assist victim-survivors with employment can be a valuable financial service. Ms Bignold presented to the Committee on a program McAuley Community Services for Women runs to support employment for victim-survivors:

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<sup>84</sup> Ms Leanne Ho, Executive Officer, Economic Justice Australia, *Committee Hansard*, Canberra, 16 November 2020, p. 1.

<sup>85</sup> Mrs Sandra Buckley, Chief Executive Officer, Women in Super, *Committee Hansard*, Canberra, 16 November 2020, p. 10.

<sup>86</sup> Australian Government, *Women's Economic Security Statement 2018*, p. 37.

<sup>87</sup> Mrs Sandra Buckley, Chief Executive Officer, Women in Super, *Committee Hansard*, Canberra, 16 November 2020, p. 15; Women in Super, *Submission 74.1*, p. 2.

We found that the generic Commonwealth job services were not meeting the needs of women who were seeking employment at that point when they were still experiencing family violence. They were advising women to sort out those problems first and then come back to meet the employment needs. Women were saying to us that they actually wanted to address their employment needs as a form of getting out of a violent situation. So, it's a very careful method of working with women in that we need to make sure they are safe and that we have a duty of care to employers and also attend to the women's aspiration for employment. So, it is really job preparation—CV or resume writing, interview practice—as well as an awful lot of psychological and social support and encouragement and practical support such as driving them to interviews and supporting them after the interview and following up through the employment if they've been successful.<sup>88</sup>

8.123 The Committee also heard evidence about the value of linking employment services to family violence support, because traditional job service networks are not meeting the needs of victim-survivors of FDSV. Ms Bignold told the Committee that specialist FDSV employment workers should be co-located with more general FDSV services, citing the advantage of locating an employment service with a homelessness or family violence service.<sup>89</sup>

## Workplaces and workers

8.124 The Australian Council of Trade Unions told the Committee that:

Family, domestic and sexual violence against women is a workplace issue. It is a workplace issue because it can and does occur at work or using work resources; it is a workplace issue because it impacts significantly on women's ability to attend and participate in work; it is a workplace issue because financial stability and employment are absolutely crucial to enable women to leave violent relationships and to recover from violence. It is a workplace issue because violence against women is estimated to cost the Australian economy about \$22 billion per year, including \$1.3 billion in lost productivity, victim and perpetrator absenteeism, and the cost of replacing employees who have left the workforce, either through injury or death, due to family and domestic violence.<sup>90</sup>

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<sup>88</sup> Ms Jocelyn Bignold, Chief Executive Officer, McAuley Community Services for Women, *Committee Hansard*, Canberra, 19 November 2020, p. 28.

<sup>89</sup> Ms Jocelyn Bignold, Chief Executive Officer, McAuley Community Services for Women, *Committee Hansard*, Canberra, 19 November 2020, pp. 28-29.

<sup>90</sup> Australian Council of Trade Unions, *Submission 117*, p. 4.

- 8.125 Two aspects of family violence and workplaces highlighted in evidence to the Committee were the experiences of frontline FDSV workers, particularly during the COVID-19 pandemic, and the issue of family violence leave for employees under Australian law.

### **Wellbeing of frontline workers**

- 8.126 Work in the family violence sector is demanding and stressful, and the wellbeing of frontline workers was raised during the inquiry.
- 8.127 In a submission to the inquiry the Health Services Union NSW/ACT/QLD noted that:

Workers in frontline services perform work that, by its nature, can often be emotionally demanding. In many cases, workers might experience burnout, secondary traumatic stress, and vicarious trauma in the course of their duties.<sup>91</sup>

- 8.128 One particular issue highlighted to the Committee was that 2020 was an exceptionally challenging year for frontline workers in the FDSV sector. As noted in Chapter 2, the pandemic and related ‘lockdowns’ in individual states and territories, and the resulting spike in reported incidents, strained the resources of some organisations providing frontline services.<sup>92</sup>
- 8.129 As the Australian state with the most significant experience of long-term restrictions, frontline workers in Victoria faced a broad range of challenges for both service provision and employee health and safety.
- 8.130 A joint report from the Monash Gender and Family Violence Prevention Centre and Domestic Violence Victoria found a significant increase in the workload of Victorian frontline workers in the FDSV space:

... many practitioners observed that they were working longer hours to meet the increased demand on the sector and to navigate disruptions to service pathways because of the COVID-19 restrictions... Similarly, practitioners explained how service disruptions have extended the time taken to complete tasks.<sup>93</sup>

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<sup>91</sup> Health Services Union NSW/ACT/QLD, *Submission 162*, p. 8.

<sup>92</sup> Ms Tina Dixon, Acting Program Manager, Australian Women Against Violence Alliance, *Committee Hansard*, Canberra, 17 September 2020, p. 50.

<sup>93</sup> Monash Gender and Family Violence Prevention Centre and Domestic Violence Victoria, *When home becomes the workplace: family violence, practitioner wellbeing and remote service delivery during COVID-19 restrictions*, October 2020, p. 20.



8.131 Ms Alison Birchall from Domestic Violence Victoria told the Committee about the heavy burdens on its workforce created by COVID-19:

... providing specialist family violence support during the pandemic has both exacerbated pre-existing workforce challenges and created new ones. ... the experience of delivering specialist family violence services remotely from their homes has created a new set of workforce wellbeing concerns for services and practitioners, related to: carrying risk in responding to new manifestations of family violence emerging during the pandemic, working in isolation and without incidental support, working longer hours, and the blurring of personal and professional and home and work boundaries. ... As a predominantly female workforce, specialist family violence practitioners have also experienced the gendered impacts of COVID-19 on top of this.<sup>94</sup>

8.132 It was noted that a shortage of qualified practitioners (as discussed above) may have exacerbated the stress on frontline workers. Ms Birchall explained:

There's a chronic shortage of supply of qualified and experienced practitioners seeking employment in the specialist family violence sector. This has made it difficult for services to fill vacancies and to provide backfill for staff absences. Our members have reported anecdotally that staff absences for wellbeing issues have increased during the two lockdowns. And vacancies create increased workloads for other practitioners and service managers, resulting in further absences for wellbeing issues and practitioners carrying larger workloads and working with higher levels of stress.<sup>95</sup>

8.133 Dr Naomi Pfitzner of the Monash Gender and Family Violence Prevention Centre expanded on the particular challenges for FDSV specialists working from home:

What our research really highlighted was that the COVID-19 restrictions, and particularly the working from home directive, has made it extremely challenging for domestic and family violence practitioners to maintain professional and personal boundaries. As with the rest of the Australian community, during these lockdowns, practitioners have experienced general stress and anxiety related to the pandemic. But they have this added burden of

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<sup>94</sup> Ms Alison Birchall, Acting Manager, Policy Unit, Domestic Violence Victoria, *Committee Hansard*, Canberra, 13 November 2020, p. 29.

<sup>95</sup> Ms Alison Birchall, Acting Manager, Policy Unit, Domestic Violence Victoria, *Committee Hansard*, Canberra, 13 November 2020, p. 29.

having to talk about highly emotional and traumatic situations from their living rooms and sometimes, unfortunately, from their bedrooms.<sup>96</sup>

8.134 As noted above, remote work also required frontline workers to quickly acquire or strengthen skills in telehealth and technology, in order to adapt to supporting their clients remotely.

8.135 Dr Pfitzner spoke about learning and applying the lessons of the pandemic for workers' wellbeing:

... with national leadership through the national plan you have a great opportunity to develop national guidelines for how to support practitioners' wellbeing and health when they have to pivot to remote service delivery models, whether it's bushfire season, whether it's at times of flood or whether it's at times of global health crises.<sup>97</sup>

8.136 The challenges posed by the pandemic did result in some positive changes in how organisations support frontline workers during periods of crisis. Dr Pfitzner noted:

In our research that we conducted during the stage 3 and 4 restrictions in Victoria we did collect evidence about some promising practises that we saw in terms of supporting practitioners' wellbeing. One of the strategies that we heard about and that practitioners praised was the development of a wellbeing buddy system, where practitioners were paired with colleagues that they stayed connected to during the whole of the restrictions. The key here was, with remote practice, the burden really fell on practitioners to pick up the call and tell their manager that they were struggling or that they needed support, whereas when they're onsite, in an office, you can see when someone's had a hard phone call or is dealing with a distressing situation and you can just have a chat in the kitchen or in the corridor. That debriefing is so critical to their wellbeing.<sup>98</sup>

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<sup>96</sup> Dr Naomi Pfitzner, Postdoctoral Research Fellow, Monash Gender and Family Violence Prevention Centre, *Committee Hansard*, Canberra, 13 November 2020, p. 29.

<sup>97</sup> Dr Naomi Pfitzner, Postdoctoral Research Fellow, Monash Gender and Family Violence Prevention Centre, *Committee Hansard*, Canberra, 13 November 2020, p. 30.

<sup>98</sup> Dr Naomi Pfitzner, Postdoctoral Research Fellow, Monash Gender and Family Violence Prevention Centre, *Committee Hansard*, Canberra, 13 November, pp. 32-33.

## Family violence leave

- 8.137 As part of the evidence received regarding FDSV and the workplace, the Committee heard from witnesses discussing the possible introduction of ten days paid family violence leave into industrial awards.
- 8.138 On 26 March 2018, the Full Bench of the Fair Work Commission varied all modern awards to include a new entitlement to five days' unpaid family violence leave <sup>99</sup>
- 8.139 Following the decision by the Fair Work Commission, the *Fair Work Act 2009* was amended to insert an entitlement to the National Employment Standards for five days of unpaid family violence leave in an annual period.<sup>100</sup>
- 8.140 The Commission indicated that it would undertake a review of unpaid family violence leave in 2021 with consideration as to whether further unpaid leave should be granted, whether employees should be given greater rights to access personal and carer's leave in order to assist with family violence and whether paid family violence leave entitlements should be revisited.
- 8.141 Some state and territory governments voluntarily offer paid family violence leave to their employees, as do some large employers such as PriceWaterhouseCoopers and Qantas.
- 8.142 In cases where organisations do offer paid family violence leave, there are a range of ways a victim-survivor can provide proof of abuse to an employer. For example, under the Victorian State Government public enterprise agreement:

Evidence of family violence may be required and can be in the form of an agreed document issued by the Police Service, a Court, a registered health practitioner, a Family Violence Support Service, district nurse, maternal and health care nurse or Lawyer.<sup>101</sup>

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<sup>99</sup> FairWork Commission, *4 yearly review of modern awards – Family and Domestic Violence*, Summary of Decision, [2018] FWCFB 1691, 26 March 2018, <<https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/2018fwcfb1691-summary.pdf>>.

<sup>100</sup> *Fair Work Amendment (Family and Domestic Violence Leave) Act 2018* (Cth).

<sup>101</sup> Victorian Public Service Commission, 'Common policies on the Victorian Public Service Enterprise Agreement', <<https://vpvc.vic.gov.au/resources/vps-enterprise-agreement-common-policies-resource-page/>>.

- 8.143 The Committee heard from union groups and service providers advocating that the present five days' unpaid family violence leave should be increased to ten days' paid leave, as has occurred in some other jurisdictions internationally.
- 8.144 Groups in favour of paid leave asserted that it was extremely important in enabling victim-survivors (predominantly women) to maintain their employment, access services and escape from dangerous home circumstances.
- 8.145 The National Tertiary Education Union argued that, regardless of their mode of employment, every worker should have access to paid leave 'to deal with issues around family and domestic violence/intimate partner violence':

This should be available as a discrete form of paid leave without limit, to ensure that employees facing domestic violence are not forced into resignation or loss of income at a time of crisis. Such leave should cover all matters arising from or as a result of domestic violence, including but not limited to:

- Seeking safe housing.
- Attending medical/counselling appointments.
- Attending court hearings and accessing legal advice.
- Organising alternate care or education arrangements for children.
- Rebuilding support networks with children, family or others.<sup>102</sup>

- 8.146 In its submission the ASU stated that:

The evidence is very clear that paid domestic violence leave provides survivors with an opportunity to undertake legal and medical appointments, relocation of home, school, childcare and other essential measures to address their situation without the risk of losing their job or income at a time when access to reliable income has been proven to be one of the most significant determinants in the decision to leave a violent relationship and remain away.<sup>103</sup>

- 8.147 The ASU also highlighted a study by Dr Jim Stanford from the Centre for Future Work that:

... did some economic modelling on the cost of providing paid family violence leave as a universal entitlement to all workers. That research

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<sup>102</sup> National Tertiary Education Union, *Submission 60*, p. 8.

<sup>103</sup> Australian Services Union, *Submission 169*, p. 5.

identified that it would cost just 5c per worker per day across our economy if we provided paid family violence leave for all workers.<sup>104</sup>

8.148 ASU representatives also made the point that:

Most domestic violence services only operate during business hours, so women do need to take time off work to access that support.<sup>105</sup>

8.149 White Ribbon Australia and Communicare submitted:

Until 10 days paid FDV leave is a universal minimum employment standard, vulnerable employees will have to make an unacceptable choice between their safety and having a regular income.<sup>106</sup>

8.150 To gauge broader support for paid family violence leave the Committee heard from witnesses representing Australian business interests.

8.151 None of the business groups that appeared before the Committee were at that time prepared to support the introduction of paid family violence leave entitlements.

8.152 Mr Peter Strong, Chief Executive Officer of the Council of Small Business Organisations of Australia (COSBOA), stated that the organisation was not in favour of mandated paid family violence leave:

There will be a lot of unintended consequences. There will be perpetrators who will ask for domestic violence leave because they've been unfairly accused—and some people are unfairly accused. There are so many situations we'll have to get ready for that, instead of focusing on the real issue, we will be talking about the rules around proof, the rules around when you get it, the rules around how many days, the rules around pay. It is not something any employer I know wants to get involved with in small business.<sup>107</sup>

8.153 Instead, Mr Strong suggested that Centrelink could shoulder the costs of paid leave for FDSV:

Our solution is to give the experts a greater role in this. Give the women's health services and all those very fine organisations around the country the

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<sup>104</sup> Ms Natalie Lang, Branch Secretary, NSWACT (Services) Branch, Australian Services Union, *Committee Hansard*, Canberra, 13 November 2020, pp. 5-6.

<sup>105</sup> Ms Samantha Parker, Treasurer, Australian Services Union, *Committee Hansard*, Canberra, 13 November 2020, p. 6.

<sup>106</sup> White Ribbon Australia and Communicare, *Submission 136*, p. 4.

<sup>107</sup> Mr Peter Strong, Chief Executive Officer, Council of Small Business Organisations of Australia, *Committee Hansard*, Canberra, 4 December 2020, p. 16.

capacity to go to Centrelink and say, 'This person has no leave. This person has an issue.' You have some capacity to give that person access to Centrelink funds, if that's what they need.<sup>108</sup>

8.154 Other concerns raised by COSBOA were that formalising the process of paid family violence leave might complicate a process which is best handled informally in smaller businesses and that business owners were already legally responsible for their employee's health and wellbeing.

8.155 Ms Lindsay Carrol from the National Retail Association (NRA), told the Committee:

When the full bench of the Fair Work Commission determined to vary 120 modern awards to include the entitlement to five days of unpaid family and domestic violence leave, we fully supported this measure. Since that entitlement came into effect in August 2018, we've actively sought feedback from our members about the take-up of that leave. That feedback has led us to conclude that the impact of that entitlement on our members was negligible. One of our larger members, with over 2,000 employees, had budgeted for an increased cost of a minuscule 0.05 per cent.<sup>109</sup>

8.156 However, Ms Carrol advised that the NRA had not canvassed its members' views on the proposal for paid family violence leave and did not have a formal position on the proposal.<sup>110</sup>

8.157 Mr Brent Ferguson from the Australian Industry Group noted that the Fair Work Commission is scheduled to review family violence leave provisions in 2021, and proposed that:

... a proper approach is to not do anything further in this space until we've at least read the commission's review, and we're particularly concerned about the impact it would have on smaller businesses, were they to have to meet the additional costs. We say it's a step too far now to impose this additional obligation on top of all the other obligations that employers have to provide—the various measures to assist employees.<sup>111</sup>

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<sup>108</sup> Mr Peter Strong, Chief Executive Officer, Council of Small Businesses Australia, *Committee Hansard*, Canberra, 4 December 2021, p. 16.

<sup>109</sup> Ms Lindsay Carrol, Deputy Chief Executive Officer and Legal Practice Director, National Retail Association, *Committee Hansard*, Canberra, 4 December, p. 17.

<sup>110</sup> Ms Lindsay Carrol, Deputy Chief Executive Officer and Legal Practice Director, National Retail Association, *Committee Hansard*, Canberra, 4 December, pp. 17, 19.

<sup>111</sup> Mr Brent Ferguson, National Manager, Workplace Relations Advocacy and Policy, Australian Industry Group, *Committee Hansard*, Canberra, 4 December 2020, p. 33.

## Committee comment

### *Specialist services*

- 8.158 The Committee recognises the invaluable and also extremely difficult nature of the work done by specialist family and domestic violence services.
- 8.159 The Committee acknowledges the significant funds provided for specialist services under the National Plan and through other initiatives, including the Commonwealth's outstanding response in providing additional funding for FDSV violence services during the COVID-19 pandemic. Combating FDSV and supporting victim-survivors remains of the utmost importance, and the Committee recognises the views of many that there remains a need for additional resources to support some specialist services in their work.
- 8.160 The Committee also notes service providers' support for flexible funding models, such as those offered in Victoria, and encourages all states and territories to consider the utility of flexible funding.
- 8.161 The Committee believes that the rapid adaptation of services to the challenges of the COVID -19 pandemic is promising.
- 8.162 The Committee acknowledges innovative approaches to support for victim-survivors, such as the work performed by the StandbyU Foundation. The Committee sees the example of the StandbyU Shield pilot as demonstrating the need, as discussed in Chapter 3, to ensure a better systematic approach to evaluation and follow up on pilot and trial programs under the National Plan.
- 8.163 It also demonstrates how business can play a vital role in reducing the scourge of FDSV, something which is often overlooked. The Committee believes that business, which often brings an entrepreneurial and innovative flair, should be encouraged to develop tools to assist in primary, secondary and tertiary strategies to reduce FDSV.
- 8.164 The Committee recognises concerns raised during the inquiry in relation to challenges to workforce security and professional development in the FDSV sector. The Committee considers that this will be assisted by moves to provide longer-term funding to specialist service providers (including through the states and territories), and also notes that social work and other relevant degree studies were exempted from changes to higher education fees in 2020.

8.165 The committee recognises the testimony from submitters about the extraordinary amount of need for the services provided by specialist family and domestic violence service providers. The Committee understands that the investments made by state and territory governments and the Australian Government to date, whilst significant, are not enough to meet the unmet need.

## **Recommendation 72**

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**8.166 The Committee recommends that the Australian Government and state and territory governments commit to increasing the overall baseline funding for specialist family and domestic violence service providers.**

### *Access to other services*

8.167 The Committee recognises the importance of service integration across the broad range of services that support victim-survivors, and the need to continue supporting better communication and cooperation between sectors and organisations.

8.168 The Committee believes that state and territory governments could benefit from the creation of integration plans so that service providers are aware of the best practice for a coordinated approach in the FDSV space.

8.169 The Committee wishes to highlight the role that state and territory governments can play in facilitating improved communication between government and non-government service providers by facilitating wrap-around services where possible.

### *Housing*

8.170 The Committee acknowledges that the states and territories are primarily responsible for public housing and homelessness issues. Notwithstanding this, the Committee considers there is a role for the Australian Government to play in providing additional funding to the states and territories as well as community housing providers for the creation of additional emergency and short-term housing options, via the National Housing and Homelessness Agreement. The Committee notes this issue will be the subject of further recommendations in the forthcoming report of its inquiry into homelessness in Australia.

8.171 In considering funding for emergency housing, the Committee urges all jurisdictions to consider making more housing available for perpetrators to prevent victim-survivors from being forced to flee their homes.



8.172 The Committee considers that further examination of the Austrian system of 'barring orders' could be undertaken by state and territory legislators to evaluate its applicability in Australia.

### **Recommendation 73**

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8.173 The Committee recognises the importance of the provision and availability of supportive housing models to assist victim-survivors of family, domestic and sexual violence to find safety for themselves and their children. The Committee recommends that the Australian Government and state and territory governments collaborate to identify programs that could be implemented across the country, and ensure that specialist and 'wrap-around' support services have access to dedicated, long-term funding.

### **Recommendation 74**

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8.174 The Committee recommends that the Australian Government and state and territory governments collaborate in the provision of affordable housing solutions in Australia to meet long-term needs for those made homeless by family, domestic and sexual violence, and to address the backlog of victim-survivors who cannot access affordable housing.

### **Recommendation 75**

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- 8.175 The Committee recommends that the Australian Government and state and territory governments:
- consider implementing policies to remove perpetrators rather than victim-survivors in cases of family, domestic and sexual violence, where this can be achieved without threat to the safety of victim-survivors; and
  - consider funding for emergency accommodation for perpetrators to prevent victim-survivors being forced to flee their homes or continue residing in a violent home.

#### *Health*

8.176 The Committee takes seriously the impact of FDSV on the health of victim-survivors, including mental health and trauma. The Committee encourages

further work on understanding these issues, and ensuring integrated and effective responses.

- 8.177 The Committee considers the establishment of a multi-disciplinary Women's Trauma Recovery Centre as a pioneering and evidence-based response to the health impacts of FDSV. The Committee considers this initiative is worthy of funding by the Australian Government with the New South Wales Government in light of its potential for impact on a broader scale.
- 8.178 The Committee recognises that alcohol and other drugs are often associated with FDSV. This is discussed in Chapter 6.
- 8.179 After careful consideration and noting the view expressed by the independent MBS Review Taskforce, the Committee does not support the inclusion of a specific Medicare number for the treatment of physical or mental health issues arising from FDSV.

### **Recommendation 76**

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- 8.180 The Committee recommends that the Australian Government, in conjunction with state and territory governments, resource additional research regarding the intersection between mental health and family, domestic and sexual violence. There should be a particular focus on the lived experiences of victim-survivors and the children of victim-survivors who have experienced both family violence and mental health issues.**

### **Recommendation 77**

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- 8.181 The Committee recommends that the Australian Government, in partnership with the New South Wales Government, fund a trial program of the Illawarra Women's Health Centre's Women's Trauma Recovery Centre. This funding could be part of a pilot program over a five-year period with a view, subject to positive evaluation, to rolling out similar services around the country.**

#### *Justice*

- 8.182 The Committee notes the important role played by community legal centres, legal aid commissions and Aboriginal and Torres Strait Islander Legal Services in assisting victim-survivors of FDSV.
- 8.183 While noting that significant Commonwealth, state and territory funding has been provided for legal services in the FDSV sector, the Committee

considers that many of these organisations continue to lack adequate and secure resourcing.

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### **Recommendation 78**

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- 8.184 The Committee recommends that the Australian Government and state and territory governments provide additional funding on a 50-50 basis to community legal centres for a minimum of five years to assist victim-survivors of family, domestic and sexual violence. Such funding should be tied to appropriate reporting mechanisms and performance indicators, including but not limited to the full disclosure of funding provided to community legal centres by the states and territories.**
- 8.185 The Committee encourages making social workers available to victim-survivors going through the justice system and believes additional funding from the Australian Government, and state and territory governments, would enable legal aid commissions to better assist their clients.

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### **Recommendation 79**

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- 8.186 The Committee recommends that the Australian Government and state and territory governments provide funding on a 50-50 basis to legal aid commissions and community legal centres to engage more social workers experienced in family violence, child protection and family law matters.**
- 8.187 The Committee would hope to see improvements made to the family law system to better support families experiencing family domestic and sexual violence. These improvements should include improved information sharing, mandatory training for family law professionals and holistic service supports for families as they move through the family law system.
- 8.188 The Committee also welcomes innovative approaches to increase access to justice in family law and related matters for those experiencing family violence, including the Lighthouse Project and the Legal Aid Commission trial projects.

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### **Recommendation 80**

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- 8.189 The Committee recommends that, subject to positive evaluation of the Legal Aid Commission Small Claims Property Trials, the Australian Government along with states and territory governments fund on a 50-50 basis the establishment of a small property mediation program.**

- 8.190 The Committee believes further consideration should also be given to providing additional funding for 'tele-family advocacy services' similar to tele-health services.
- 8.191 While noting that some states and territories have already established or are already establishing specialist FDSV courts, the Committee considers that all jurisdictions should have access to these specialised courts.
- 8.192 The Committee believes there needs to be improved and systematised communication between courts and police and specialist domestic and family violence services regarding bail applications and sentencing, to ensure that victim-survivors are kept up to date on proceedings.

*A national electronic domestic violence order database*

- 8.193 The Committee notes stakeholder support for the introduction of the National Domestic Violence Order Scheme, but remains concerned that, more than three years on from its introduction, there is no comprehensive, national electronic information-sharing system in place to support the scheme.
- 8.194 The Committee considers that the intent of the NDVOS is undermined by the lack of an effective information-sharing system, and urges the Australian Government to work with state and territory governments to implement a national electronic database of domestic violence orders.

## **Recommendation 81**

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- 8.195 The Committee recommends that the Australian Government, in collaboration with state and territory governments, implement a national electronic database of domestic violence orders to support the National Domestic Violence Order Scheme. The database should include provisional, interim, and final domestic violence orders and should record breaches of orders.**

**In addition, the Australian Government should:**

- **work with state and territory governments to develop standardised training material to be delivered to relevant staff alongside the introduction of the database; and**
- **consider whether the database should be accessible by specialist family and domestic violence service providers in addition to courts and police.**

8.196 The Committee also notes continued calls for the NDVOS to be expanded to include family court orders and orders made under state and territory child protection legislation, and reiterates its previous recommendation to this effect.

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## **Recommendation 82**

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**8.197 The Committee recommends that the Australian Government, in consultation with state and territory governments, expand the National Domestic Violence Order Scheme to include orders issued under the *Family Law Act 1975* and orders issued under state and territory child protection legislation.**

8.198 Acknowledging that FDSV is rarely a one off event, the Committee is of the view that there may be merit in the introduction of a register of convicted FDSV offenders, similar to the proposed National Public Register of Child Sex Offenders.

8.199 The Committee acknowledges that this matter was not raised in detail in evidence to this inquiry, and wishes to see research undertaken on whether such a register would contribute to increased safety for victim-survivors and their families.

8.200 The Committee emphasises that careful consideration would be required to determine the parameters under which a register would operate, and that extensive consultation, including with law associations and representatives of victim-survivors, should inform the development of any proposal.

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## **Recommendation 83**

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**8.201 The Committee recommends that the Department of Social Services commission research on the potential benefits and risks to victim-survivor safety of the establishment of a publicly accessible register of convicted family, domestic and sexual violence offenders.**

### *Policing*

8.202 The Committee notes the focus that state and territory law enforcement services are devoting to responding to FDSV incidents and urges law enforcement to continue to prioritise FDSV responses and support for victim-survivors.

8.203 The Committee recognises the benefit that could result from the introduction of an option to make silent calls for police assistance and recognises that the

United Kingdom's 'Silent Solution' is a well-regarded example of this practice.

### **Recommendation 84**

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**8.204 The Committee recommends that the Australian Government work with the states and territories to adopt a variant of the United Kingdom's 'Silent Solution' for silent calls for police assistance.**

### **Recommendation 85**

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**8.205 The Committee recommends that the states and territories increase criminal penalties for breaches of apprehended or domestic violence orders, and ensure that the judiciary receives further training about the importance of security to victim-survivors of family, domestic and sexual violence and their families.**

8.206 The Committee believes that the women's police stations model primarily present in Latin American nations shows promise and should be examined by law enforcement services in Australia for any elements that could be incorporated by Australian policing.

#### *Financial support*

8.207 The Committee notes that leaving a violent relationship can incur a significant cost, which can cause financial hardship for victim-survivors. The Committee notes that the Australian Government's commitment in 2018 to extend the ability to access early release of superannuation to victim-survivors of family violence has not been enacted.

8.208 The Committee has recommended above (Recommendation 75) that the preference should be for perpetrators to leave the home where this does not threaten the safety of victim-survivors. The Committee nevertheless acknowledges that in many circumstances victim-survivors will need to leave their homes and rebuild their lives. The Committee heard evidence that the costs of leaving the family home and establishing a new one can be as high as \$18,000 and that these costs often act as an impediment to leaving an abusive relationship. The Committee urges all Australian governments to consider doing more to financially assist victim-survivors during this process.

## **Recommendation 86**

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- 8.209 **The Committee recommends that the Australian Government and state and territory governments jointly develop a mechanism to provide resources to victim-survivors to assist them to leave their home and resettle to escape a violent relationship. This should include examining ways in which the Commonwealth may recover the costs from the perpetrator.**
- 8.210 The Committee also considers that where possible FDSV specialist employment workers should be resourced to co-locate within family violence support services, to better assist victim-survivors in finding and maintaining employment and financial independence.

### *Workplace issues*

- 8.211 The Committee recognises the importance of stable employment to victim-survivors of FDSV, as well as the significant economic impact of FDSV on businesses and workplaces, in relation to lost productivity and absent or departed staff.

## **Recommendation 87**

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- 8.212 **The Committee recommends that the Australian Government, in conjunction with state and territory governments, ensure that the next National Plan recognises that family, domestic and sexual violence impacts upon workplaces.**

## **Recommendation 88**

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- 8.213 **The Committee recommends that the next National Plan include greater emphasis and specific detail on the crucial role of work and economic equality in the advancement of gender equality and the prevention of family, domestic and sexual violence.**

### *Wellbeing of frontline workers*

- 8.214 The Committee recognises the particular demands and stresses placed upon workers in the family violence sector. Australia is indebted to them for their important work, and owes it to them to protect their wellbeing. The Committee considers that the next National Plan should recognise and respond to the stress and vicarious trauma experienced by workers in the FDSV sector.

- 8.215 The Committee recognises the additional challenges faced by frontline specialist FDSV service providers throughout the COVID-19 pandemic, including the increased stressors occasioned by working at home and remotely.
- 8.216 The Committee reiterates its comments on these matters in the context of COVID-19 responses in Chapter 2, and its recommendation (Recommendation 14) that the next National Plan include increased support for the health and wellbeing of frontline workers, including during emergencies and crises.
- 8.217 Consistent with that recommendation, the Committee also encourages service providers where possible to create crisis plans to ensure support mechanisms are in place for future crises.

*Paid family violence leave*

- 8.218 As many services that support victim-survivors are only open or are primarily open during business hours, leave is an important tool to allow victim-survivors to access services. Without an ability to take leave, those experiencing FDSV may be faced with a choice between accessing services and maintaining employment.
- 8.219 The Committee believes that wherever possible victim-survivors should be supported to continue their employment if they wish.
- 8.220 The Committee recognises that many employers in both the public and private sector have voluntarily elected to provide paid family violence leave.
- 8.221 The Committee understands that there are concerns from the Australian business sector that mandating paid leave might result in negative outcomes for businesses. In this regard, while the Committee welcomed evidence from a few business representative groups, the Committee was disappointed that other major organisations were invited to provide the perspective of the business community to the Committee and declined or were unable to do so: the Business Council of Australia, the Australian Chamber of Commerce and Industry and the Australian Small Business and Family Enterprise Ombudsman.
- 8.222 The Committee believes that the upcoming Fair Work Commission review of family violence leave will provide a useful opportunity for evidence gathering and an evaluation of family violence leave.
- 8.223 Given the scope of amendments to leave entitlements is a broad and complex issue that goes beyond the scope of this inquiry, the Committee



defers to the pending Fair Work Commission review with regards to paid family violence leave.

**Mr Andrew Wallace MP**

**Chair**

**23 March 2021**



# **Additional comments – Labor members**

- 1.1 This report reflects bipartisan concern that the Australian Government’s approach to family, domestic and sexual violence over the past seven years has been inadequate.
- 1.2 The evidence taken by this Committee was unequivocal – the scale of the problem is greater than either the resources or resolve that the Australian Government has committed to date. In response, the majority of this Committee has endorsed a set of recommendations that both call on the Government to face up to the challenge and embrace the Australian Government’s capacity and obligation to do more.

## **The need for a proper policy process**

- 1.3 Many of the ideas proposed by the majority have not been recommended by other inquiries or proposed through other policy processes. Labor members applaud the ambition of the Committee’s recommendations. However further work would be needed to test the practicality of some recommendations and ensure that there are not unintended consequences. Labor members express caution about any efforts to recover costs of fleeing violence that may directly or indirectly impact on victim-survivors.
- 1.4 This Committee’s inquiry is not a substitute for proper policy processes. In estimates shortly before this report was tabled, the Minister for Families and Social Services refused to commit to the same level of consultation that was undertaken in formulating the first National Plan when formulating the next National Plan. The Minister has also suggested that the Department of Social Services may rely on this Committee’s work in developing the next National

Plan. The Australian Government cannot outsource its responsibility to listen to academics, service providers, victim-survivors, and others with an interest in the prevention of violence against women and their children.

## **Australian Government's inaction**

- 1.5 It is appropriate and sensible that the Australian Government pays attention to the work that this Committee has done. However, Labor members would suggest that the Government also look back to the recommendations of previous parliamentary inquiries, the work undertaken by the Victorian Royal Commission, and the recommendations of the COAG Advisory Panel on Reducing Violence against Women and their Children.
- 1.6 Many of the recommendations made by this Committee in our report have been made previously by previous Committees in previous reports. They could have been implemented by the Government years ago. The failure to do so has had very real consequences. The economic cost of violence against women and their children in Australia is estimated at \$26 billion each year. Victims and survivors bear more than half of this cost, as well as the long-term social, health and psychological damage.
- 1.7 This report rightly calls for further data about how gendered violence manifests itself in Australia, and what gaps are present in the services that seek to assist women and children who are in violent relationships. There is no reason why measures like this could not have been included in any of the National Action Plans created under this Government.
- 1.8 This report likewise has called for an integrated, whole-of-system response to family, domestic and sexual violence across jurisdictions. The Government has failed to date to even create an integrated, whole-of-system response across the Commonwealth's agencies and services. Over the past 12 months it has been revealed that treasury and tax office officials failed to consider the risk of financial abuse when designing multiple policies. The Government has failed to embed prevention of family, domestic and sexual violence within its own policy making processes. Labor members applaud the majority for calling for this to change.

## **Recognition of the Commonwealth's role**

- 1.9 When the Minister for Families and Social Services has been asked in estimates about service gaps and the extent of unmet need, the Minister has often intimated that it is up to the states and territories to act. This report

demonstrates the responsibility the Coalition Government has failed to take and the need it has not met.

1.10 Labor and Government members of the Committee have called for the Australian Government to provide more funding and focus for key groups including (amongst others):

- culturally and linguistically diverse communities;
- LGBTIQ people;
- people with disability;
- people living in regional, remote and rural Australia;
- people on temporary visas;
- First Nations people;
- children and young people; and
- older Australians.

1.11 Labor members also commend the Committee for recommending funding commitments that have been resisted by the Australian Government. These include:

- a funding extension for No to Violence; and
- an extension of the additional Covid funding.

1.12 Labor members note the strong evidence received by this Committee for the introduction of 10 days paid domestic violence leave per year and calls on the Australian Government to include this leave entitlement in the National Employment Standards as a matter of priority. Paid domestic violence leave would give victim-survivors the necessary time and financial support to attend to safety measures such as finding a new place to live, seeking legal advice and attending legal proceedings, counselling, attending medical and financial appointments or enrolling their children in a new school.

1.13 Having received unequivocal evidence that gender inequality is a principal driver of family, domestic and sexual violence, Labor members call on the Australian Government to develop a National Gender Equality Strategy and commit to legislative change to promote and improve gender equality as a matter of urgency.

## **Action is needed now**

1.14 Many of the recommendations in this report could be implemented immediately. The Government should not wait for the next National Plan. Labor and Government members of this Committee are calling for urgent

action to be taken. A crucial test for the Government is how quickly it responds to this report, and how willing it is to enact its recommendations.

**Ms Sharon Claydon MP**  
**Deputy Chair**

**Ms Peta Murphy MP**  
**Member**

**Dr Mike Freeland MP**  
**Member**

**Ms Kate Thwaites MP**  
**Supplementary member**

# A. Recommendations of previous parliamentary inquiries

This appendix sets out the recommendations of recent inquiries undertaken by the Australian Parliament on family violence and related issues, as listed in Chapter 1, and where available, the Government's responses to them.

## Joint Select Committee on Australia's Family Law System

**Interim report: *Improvements in Family Law Proceedings*, December 2020**

*no recommendations*

**Second interim report: *Improvements in Family Law Proceedings*, March 2021**

The recommendations of the report are listed below. At the time of this report, no Government response had been presented.

### **Recommendation 1**

2.44 The committee recommends that, subject to a positive evaluation, the Australian Government fund and expand the following pilot programs across the family law system:

- the three-year screening and triage pilot, known as the Lighthouse Project, currently being undertaken in the Federal Circuit Court of

Australia, which involves the screening of parenting matters for family safety risks at the point of filing;

- the Priority Property Pool 500 small claims property pilot in the Federal Circuit Court of Australia;
- the legally-assisted property mediation pilot being undertaken by Legal Aid Commissions;
- the legally-assisted Family Dispute Resolution pilot for Culturally and Linguistically Diverse and Aboriginal and Torres Strait Islander families; and
- the co-location of state and territory officers, such as child protection practitioners and policing officials, in family law courts across Australia.

### **Recommendation 2**

2.54 The committee recommends that the Australian Government work closely with the Family Court of Australia and the Federal Circuit Court of Australia to broaden the role of registrars through the delegation of judicial power or specific legislative amendment to further assist with the case management and hearing of appropriate matters in family law proceedings, including (but not limited to):

- in property matters, having authority to check a party's compliance with financial disclosure requirements and to make orders for compliance where disclosure has not been provided;
- in the case of senior registrars, the power to make a final order or declaration in appropriate circumstances in relation to property interests, maintenance or financial agreements, where the gross value of the property is no more than \$2 000 000; and
- the provision of dispute resolution for parenting matters and expanded availability of conciliation in property matters.

### **Recommendation 3**

2.55 The committee recommends that the Australian Government provide appropriate funding to support the engagement of 25 to 30 additional registrars as well as support staff to assist the Family Court of Australia and the Federal Circuit Court of Australia to address backlogs and delays.

### **Recommendation 4**

2.60 The committee recommends that a single point of entry into the family law system be established to facilitate effective triage and streamlined case management.



2.61 The committee also recommends that the rules, forms and case management of the Family Court of Australia and the Federal Circuit Court of Australia be harmonised as a matter of priority. If necessary, the Australian Government should amend the *Family Law Act 1975* to authorise the Chief Justice/Chief Judge and the Deputy Chief Justice/Deputy Chief Judge to draft and finalise the harmonised rules, forms and case management for both the Family Court of Australia and the Federal Circuit Court of Australia.

#### **Recommendation 5**

2.92 The committee recommends that the Australian Government amend the *Family Law Act 1975* to include the proposed provisions set out in Appendix 4 of this second interim report.

#### **Recommendation 6**

2.98 The committee recommends the prohibition of the use of disappointment fees in family law matters.

#### **Recommendation 7**

2.106 The committee recommends that the Family Court of Australia and the Federal Circuit Court of Australia include the requirement for proportionality of costs currently included within Schedule 1 of the *Family Law Rules 2004* within their new harmonised rules of court.

#### **Recommendation 8**

2.111 The committee recommends that the Commonwealth, states and territories, through the Council of Attorneys-General, expedite the work on uniform rules to support the provision of unbundled legal services by private family lawyers which commenced in May 2017.

#### **Recommendation 9**

2.147 The committee recommends that the Australian Government lead the establishment of mandatory accreditation, standards and monitoring processes, including complaints mechanisms and ongoing professional development requirements, for:

- family consultants, including family report writers employed by the court and engaged under Regulation 7 of the Family Law Regulations and privately engaged family report writers; and
- Children's Contact Services.

#### **Recommendation 10**

2.164 The committee recommends that the Australian Government re-constitute the Family Law Council and that the Family Law Council be tasked with determining how to make the family law courts less adversarial. In the interim, the committee recommends that courts better utilise the less adversarial trial approach in Division 12A of Part VII of the *Family Law Act 1975*.

2.165 The committee also recommends that in considering how to make the family court less adversarial, the re-constituted Family Law Council should consider how best to involve the voice of children in parenting proceedings in appropriate cases. This should include consideration of the establishment of a Children's and Young People's Advisory Board.

### **Recommendation 11**

2.166 The committee recommends that the Australian Government implement a three year pilot of an inquisitorial tribunal model similar to that proposed by Professor Patrick Parkinson and Mr Brian Knox for deciding children's cases, and which was formerly considered by the Australian Parliament as parenting management hearings, but with adequate safeguards for families and which addresses the concerns raised about the previous model.

### **Recommendation 12**

3.42 The committee recommends that the Family Court of Australia and the Federal Circuit Court of Australia establish a mechanism by which allegations of a person wilfully misleading the court in family law proceedings can be reviewed, and where appropriate, referred for investigation for perjury.

### **Recommendation 13**

3.59 The committee recommends that the Commonwealth, states and territories, through the Council of Attorneys-General, undertake a review of the state and territory family violence order framework to consider what may be done to address the concerns raised in this inquiry, particularly in relation to the following issues:

- how police respond to requests for family violence orders or enforce breaches of existing orders where a family law matter is on foot;
- how breaches of federal personal protection orders can be acted upon by state and territory police promptly to ensure protected persons, including children, are not left without protection;

- what actions should courts take to discourage improper applications, such as those made based on allegedly false allegations not ultimately upheld on review of the evidence (including whether any record of such application should be removed from the alleged perpetrators record);
- the length of time between an interim order and a contested hearing;
- does the ability to 'consent without admission' to a family violence order have unintended consequences on family law proceedings, and if so, should any state or federal amendments be made;
- whether state and territory legislation should require a court making a family violence order to inquire about any relevant *Family Law Act 1975* orders and then take such steps as is necessary so as to avoid inconsistencies between the two orders;
- whether there should be a power for a magistrate to make changes to family law orders where one party has been convicted of a family violence offence but there are no family violence orders in place (noting that this is a matter for discussion between the states/territories and the Commonwealth and would require an amendment to the *Family Law Act 1975*); and
- whether judges of the family law courts can or should be able to amend a family violence order that is in existence between the parties before it to ensure consistency with family law orders.

3.60 The committee also recommends that the Council of Attorneys-General undertake a review of the definitions of domestic violence to ensure a uniform approach by Commonwealth, state and territory governments.

#### **Recommendation 14**

3.68 The committee recommends that, subject to the finalisation of the information-sharing regime currently being progressed through the Council of Attorneys-General, that the Australian Government lead the development of an appropriate technology platform for information-sharing between family law, child protection, and family violence systems at a Commonwealth, state and territory level.

#### **Recommendation 15**

3.75 The committee recommends that all family law professionals, including judges, undertake regular professional training, including in the areas of:

- family violence and child abuse, including coercive control;
- complex trauma/ trauma informed practice, including child responses to trauma and abuse;
- characteristics of systems abuse;

- unconscious bias;
- family systems;
- parental alienation dynamics;
- engaging and communicating with children; and
- disability awareness.

### **Recommendation 16**

3.80 The committee recommends that the Australian Government increase funding to Legal Aid and community legal centres, including funding to enable Legal Aid Commissions to relax their means tests so as to increase legal assistance to vulnerable families.

3.81 The committee also recommends that Legal Aid Commissions then review their means and merits policy to allow funding of both parties in appropriate circumstances.

### **Recommendation 17**

4.40 The committee recommends that the Australian Government urgently draft and release an exposure draft of legislation which would amend section 61DA of the *Family Law Act 1975* to address the current misunderstanding of the provision that equal shared parental responsibility equates to equal time with the children.

### **Recommendation 18**

4.61 The committee recommends that the Australian Government consider amendments to the *Family Law Act 1975* to require Independent Children's Lawyers to:

- comply with the Guidelines for Independent Children's Lawyers;
- provide a child with the opportunity to express a view in relation to the matter; and
- seek to meet with a child, unless there are extenuating circumstances.

### **Recommendation 19**

4.81 The committee recommends that the Australian Government establish and provide funding for a registrar-driven National Contravention List to deal with parties breaching court orders in the family court, with formal delegation of power to registrars to preside over contravention of order applications.

**Recommendation 20**

4.83 The committee recommends that the Australian Government review Division 13A of Part VII of the *Family Law Act 1975* with a view to:

- simplifying the operation of this Part; and
- considering whether additional penalties for non-compliance should be included to deter the contravention of orders, including specific penalties for repeated non-compliance.

**Recommendation 21**

4.113 The committee recommends that the Australian Government consider expanding the current information-sharing mechanism between the Australian Taxation Office (ATO) and the Family Court of Australia and the Federal Circuit Court of Australia to include all financial information held by the ATO.

**Recommendation 22**

4.118 The committee recommends that the Australian Government consider amendments to the *Family Law Act 1975* to relocate disclosure duties regarding financial circumstances from the Family Court Rules 2004 and Federal Circuit Court Rules 2001 to the *Family Law Act 1975*, and to further include:

- the cost consequences for a failure to disclose financial information, and reflect that non-disclosure of financial information may be taken into account in apportioning the property pool; and
- an application of this provision beyond court proceedings to include alternative dispute resolution.

**Recommendation 23**

4.128 The committee recommends that the Australian Government amend the *Family Law Act 1975* to better reflect the impact of family violence on property settlements.

**Recommendation 24**

4.133 The committee recommends that the Family Law Council be asked to examine and report on enhancing the use of binding financial agreements, and how parties can be encouraged to consider entering into pre-nuptial agreements.

**Recommendation 25**

5.20 The committee recommends that the Australian Government through the Council of Australian Governments lead a review of family violence and family law services to ensure that there are adequate support services available for all victims of family violence—male and female—and that existing services review their public information platforms to ensure that it clearly highlights that the service is available to support men and their children.

5.21 The committee recognises the need for continued funding for non-legal support services for men and women in the family law system and recommends that the Australian Government continues to fund these services in registries where there is demonstrated need.

5.22 The committee also recommends that the Australian Government work closely with state and territory governments to develop workforce planning initiatives which will encourage a more gender-balanced workforce in professions that service family violence and family law systems.

**Recommendation 26**

5.43 The committee recommends that the Australian Government expand the Family Advocacy and Support Service (FASS) program to all Family Court and Federal Circuit Court registry and circuit locations with:

- ongoing funding to be provided for all FASS locations; and
- appropriate resourcing in rural and regional areas.

5.44 The committee also recommends the Australian Government implement case management services within either the FASS or Family Relationship Centres (FRCs), with a view to also building closer associations between the FASS and FRCs so that case management is available to clients of both services.

**Recommendation 27**

5.71 The committee recommends the Australian Government expand Legally Assisted Family Dispute Resolution to:

- family and domestic violence cases, to be carried out by specialist family and domestic violence and trauma informed practitioners; and
- parties who do not qualify for legal aid.

**Recommendation 28**

5.82 The committee recommends that the Family Law Council be tasked with considering how to best document agreements made with respect to property arrangements following Family Dispute Resolution in order to reduce litigation while still protecting the rights of the parties.

**Recommendation 29**

5.85 The committee recommends that the Australian Government request the Productivity Commission to investigate the direct and indirect costs to individuals and Australia of family dysfunction, and marriage and relationship breakdown and the adequacy of preventive measures, including measures to prevent family violence.

## Senate Legal and Constitutional Affairs References Committee

### **Report: *Inquiry into domestic violence with particular regard to violence against women and their children*, May 2020**

*no recommendations*

### **Report: *Practice of dowry and the incidence of dowry abuse in Australia*, February 2019**

The recommendations of the report are listed below. At the time of this report, no Government response had been presented.

**Recommendation 1**

4.28 The committee recommends that the term 'economic abuse' is included as a form of family violence in subsection 4AB(2) of the *Family Law Act 1975*, and the subsection provide a non-exhaustive list of examples of economic abuse, including dowry abuse.

**Recommendation 2**

4.51 The committee recommends that the Australian government work with the states and territories to harmonise existing legislation providing for intervention/violence orders to explicitly recognise dowry abuse as an example of family violence or economic abuse.

**Recommendation 3**

4.54 The committee recommends that the Australian government give further consideration to legal and decision making frameworks to ensure that victims of dowry abuse are not disadvantaged in family law property settlements, given the community concerns about inconsistent approaches under the current family law framework.

**Recommendation 4**

5.31 The committee recommends that the Australian government:

- give further consideration to the recommendation of the Victorian Royal Commission into Family Violence to broaden the definition of family violence in the Migration Regulations 1994; and
- ensure that those who are forced to marry their partner or experience family violence from their partner and/or their partner's family members are protected through the family violence provisions in the Migration Regulations 1994, such that the regulatory framework is consistent with the policy intention to protect victims of domestic or family violence within the migration context.

**Recommendation 5**

5.67 The committee recommends that the Australian government act to address the injustice whereby family violence protection is not available to victims on many temporary visas and consider:

- extending the family violence provisions in the Migration Regulations 1994 beyond temporary Partner visa holders, Prospective Marriage visa holders who have married their sponsor and dependent applicants for a Distinguished Talent visa, to apply to other family visa subclasses; and
- the creation of a temporary visa—for example a 'Woman at Risk in Australia' visa—to be available for non-family temporary visa holders who have suffered serious and proven family violence including dowry abuse.



**Recommendation 6**

5.71 The committee recommends that the Australian government ensure decision makers consider the nature of alleged family violence when making an assessment on whether the relationship was genuine prior to it ending.

**Recommendation 7**

5.76 The committee recommends that the Australian government consider innovative use of the sponsorship mechanism and the new family sponsorship framework to prevent previous perpetrators from sponsoring multiple spouses, and by requiring sponsors to provide disclosures and give undertakings in relation to their circumstances and to dowry.

5.77 The committee also recommends that the Australian government look explicitly at ensuring that the work of the Department of Home Affairs is included in National Family Violence Prevention Strategies, not just from the point of view of access to visas, but also visa processing and assessment.

**Recommendation 8**

6.27 The committee recommends that the Australian government, together with state and territory governments, work with culturally and linguistically diverse communities and service providers in order to determine ways in which to establish a firm evidence base on the incidence of dowry abuse.

**Recommendation 9**

6.30 The committee recommends that the Australian government work with the States and Territories to improve and strengthen the governance of data collection practices and standards by implementing a system to capture and measure the extent and incidence of all forms of family violence in Australia, including dowry abuse as a form of economic abuse.

**Recommendation 10**

6.63 The committee recommends the Department of Social Services Family Safety Pack is provided individually to all visa applicants in their first language, such as during the health examination required as a condition of their visa application.

**Recommendation 11**

6.67 The committee recommends that the Australian, state and territory governments engage with stakeholders in order to develop ongoing education and awareness raising campaigns about family violence, including dowry abuse, in conjunction with the development of further

training of frontline professionals including social workers, police, doctors, judges and decision makers in the Department of Home Affairs.

### **Recommendation 12**

6.68 The committee recommends that the Australian government include dowry abuse as a possible indicator of exploitation for the purposes of divisions 270 and 271 of the *Criminal Code Act 1995* and ensure that this is included in any training programs.

## **House of Representatives Standing Committee on Social Policy and Legal Affairs**

### **Report: *A better family law system to support and protect those affected by family violence, December 2017***

In its 2020 interim report, the Joint Select Committee on Australia's Family Law System provided a summary of the status of government responses, including follow up actions, in relation to each recommendation of this 2017 report.<sup>1</sup> In addition, the Australian Government provided an update on progress made by the Government on these recommendations, in its submission to the present inquiry.<sup>2</sup> The information in the table below draws on both of these sources.

<b>Recommendation</b>	<b>Government response (September 2018) and actions</b>
<b>Recommendation 1</b>	Agreed in principle.
4.226 The Committee recommends that the Australian Government considers extending the Family Advocacy and Support Services program, subject to a positive evaluation, to a greater number of locations including in rural and	Following evaluation, FASS program extended to 30 June 2022.

<sup>1</sup> Joint Committee on Australia's Family Law System, *Improvements in Family Law Proceedings*, Interim Report, December 2020, Appendix 4, Table 4.1.

<sup>2</sup> Department of Social Services (multi-agency submission), *Submission 71*, pp. 73-89.

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regional Australia.

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**Recommendation 2**

4.232 The Committee recommends that the Australian Government progresses, through the Council of Australian Governments, the development of a national family violence risk assessment tool. The tool must be nationally consistent, multi-method, multi-informant and culturally sensitive and be adopted to operate across sectors, between jurisdictions and among all professionals working within the family law system.

Noted.

Government committed to developing an alternate approach using ‘national principles other than a national risk assessment tool’. ANROWS developed national risk assessment principles and published in July 2018.

The Family courts also developed ‘DOORS triage’, a bespoke risk screen for use as part of a pilot in three family law court registries commencing in 2020.

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**Recommendation 3**

4.240 The Committee recommends that the Australian Government introduces to the Parliament amendments to the *Family Law Act 1975* (Cth) to require a risk assessment for family violence be undertaken upon a matter being filed at a registry of the Family Court of Australia or the Federal Circuit Court of Australia, using the national family violence risk assessment tool. The risk assessment should utilise the national family violence risk assessment tool and be undertaken by an appropriately trained family violence specialist provider.

Noted.

Some action taken through the use of ‘existing, evidence-based, family violence risk assessment tools’.

Also see above re DOORS triage pilot.

Australian Government has also committed \$11m over three years to improve information-sharing between the family law, family violence and child protection systems.

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**Recommendation 4**

4.246 The Committee recommends, subject to a positive evaluation of the recently announced legally-assisted family dispute resolution pilot, the Australian Government seeks ways to encourage more legally-assisted family dispute resolution, which may include

Agreed in principle.

Legally-assisted family dispute resolution pilots for culturally and linguistically diverse and Aboriginal and Torres Strait Islander families were extended by one year to June 2020. An evaluation will inform decisions about future models including Family

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extending the pilot program.	Relationship Centres.
<p><b>Recommendation 5</b></p> <p>4.254 The Committee recommends that the Attorney-General considers how the Family Court of Australia and the Federal Circuit Court of Australia can improve case management of family law matters involving family violence issues, including:</p> <ul style="list-style-type: none"> <li>- the adoption of a single point of entry to the federal family law courts so that applications, depending on the type of application and its complexity, are appropriately triaged, and actively case managed to their resolution in an expedited time-frame;</li> <li>- the greater use of mediation or alternative dispute resolution by the federal family courts during proceedings to encourage earlier resolution of matters;</li> <li>- the implementation of more uniform rules and procedures in the two federal family courts to reduce unnecessary complexity and confusion for families;</li> <li>- the establishment of formal and expedited referral pathways between state and territory magistrates courts and the federal family courts; and</li> <li>- the development of a stronger regime of penalties including cost orders to respond to abuse of process, perjury and non-compliance with court orders.</li> </ul>	<p>Noted.</p> <p>The merger of Federal Circuit Court and Family Court of Australia [legislation passed in February 2021] cited as a means to create a ‘single point of entry’.</p> <p>Government considering the recommendation in the context of response to the Australian Law Reform Commission’s 2019 Report <i>Family Law for the Future</i> (ALRC review), and in conjunction with the major federal court structural reforms.</p>
<p><b>Recommendation 6</b></p> <p>4.258 The Committee recommends that the Attorney-General progresses through the Council of Australian Governments an expanded information</p>	<p>Noted.</p> <p>The Council of Attorneys-General and Ministerial Council for Police and Emergency Management have agreed in principle that family protection</p>

sharing platform as part of the National Domestic Violence Order Scheme to include orders issued under the *Family Law Act 1975* (Cth) and orders issued under state and territory child protection legislation.

injunctions will be recognised on the NDVOS and enforced by state and territory police.

As part of the Fourth Action Plan of the National Plan the Government announced \$0.6 million to scope technological solutions to facilitate information-sharing between family and, family violence and child protection systems.

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**Recommendation 7**

4.261 The Committee recommends the Australian Government introduces to the Parliament amendments to the *Family Law Act 1975* (Cth) to require a relevant court to determine family violence allegations at the earliest practicable opportunity after filing proceedings, such as by way of an urgent preliminary hearing and, where appropriate, refer to findings made, and evidence presented, in other courts.

Noted.

Government is considering the recommendation in the context of the Government's response to the ALRC review.

Government points to federal family law court pilot of a systematic approach to identifying and managing family safety risks.

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**Recommendation 8**

4.262 The Committee recommends that abuse of process in the context of family law proceedings be identified in the list of example behaviours as set out in section 4AB(2) of the *Family Law Act 1975* (Cth).

Noted.

This recommendation is being considered in the context of the Government's response to the ALRC review.

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**Recommendation 9**

4.264 The Committee recommends that the Attorney-General develops stronger restrictions in relation to access by other parties to medical records in family law proceedings.

Agreed.

Attorney-General's Department will work with federal law courts to ensure appropriate procedures are in place.

This recommendation is being considered in the context of the Government's response to the ALRC review.

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**Recommendation 10**

4.270 The Committee recommends that the Attorney-General works with state and territory counterparts through the Council of Australian Governments to reach agreements (such as in relation to resources, education and court infrastructure) to encourage state and territory magistrates to exercise family law jurisdiction, particularly in specialist family violence courts and courts which deal with a high number of family violence matters.

Agreed.

Government working to encourage and support increased exercise of family law jurisdiction by state and territory courts consideration family violence and child protection matters. *Family law Amendment (Family Violence and Other Measures) Act 2018* expanded and clarified the family law jurisdiction of state/territory courts.

Government points to pilot of the enhanced exercise of family law jurisdiction in the Northern Territory Local Court in Darwin running from 4 March 2019 to 31 December 2020.

**Recommendation 11**

4.272 The Committee recommends that the Attorney-General works with state and territory counterparts through the Council of Australian Governments to establish a trial in one or more specialist state or territory family violence courts (including reaching agreement in relation to resources, education and court infrastructure) enabling family law issues in family violence cases to be determined by the one court, including expedited pathways for breach and enforcement proceedings. One of the trial courts should ideally be located in an area of high Indigenous population.

Agreed.

See recommendation 10.

Government notes pilot program was in the Northern Territory Local Court in Darwin, where Indigenous Australians make up 8.7 per cent of the population.

**Recommendation 12**

4.275 The Committee recommends the Attorney-General introduces the Family Law Amendment (Family Violence and Cross-examination of the Parties) Bill 2017 into the Parliament for its urgent consideration such that perpetrators of

Agreed.

*Family Law Amendment (Family Violence and Cross-examination of Parties) Act 2018* now prohibits direct cross examination.

Government has provided \$13.4 million to legal aid commissions from 2019-23

<p>family violence will be prohibited from cross examining the other party including in relation to the qualifications and funding of those appointed to undertake such cross examination.</p>	<p>for legal representation for applicants under the Family Violence and Cross-examination of Parties Scheme.</p>
<p><b>Recommendation 13</b></p> <p>5.67 The Committee recommends that the Australian Government introduces to the Parliament amendments to the <i>Family Law Act 1975</i> (Cth) to enable:</p> <ul style="list-style-type: none"> <li>- the impact of family violence to be taken into account in the Court's consideration of both parties' contributions; and</li> <li>- the impact of family violence to be specifically taken into account in the Court's consideration of a party's future needs.</li> </ul>	<p>Noted.</p> <p>Government noted that courts are already able to take family violence into account.</p> <p>This recommendation is being considered in the context of the Government's response to the ALRC review.</p>
<p><b>Recommendation 14</b></p> <p>5.71 The Committee recommends that the Australian Government introduces to the Parliament amendments to the <i>Family Law Act 1975</i> (Cth) to include a requirement for an early resolution process for small claim property matters. This process should involve a case management process upon application to the Court for a property settlement, rather than a pre-filing requirement, which will provide greater certainty and more expeditious resolution.</p>	<p>Noted.</p> <p>Government announced \$5.9 million for federal family courts to conduct a pilot of simpler and faster processes for small claims property disputes. The pilot commenced on 1 January 2020 and will run for two years.</p>
<p><b>Recommendation 15</b></p> <p>5.74 The Committee recommends that the Attorney General:</p> <ul style="list-style-type: none"> <li>- develops an administrative</li> </ul>	<p>Agreed in principle.</p> <p>Government actively considering options to facilitate information sharing between parties following separation.</p>

<p>mechanism to enable swift identification of superannuation assets by parties to family law proceedings, leveraging information held by the Australian Taxation Office; and</p> <p>- amends the <i>Family Law Act 1975</i> (Cth) and relevant regulations to reduce the procedural and substantive complexity associated with superannuation splitting orders, including by simplifying forms required to be submitted to superannuation funds.</p>	<p>Government noted \$3.3 million for the Australian Tax Office as part of a joint measure with the Attorney-General's Department to develop an electronic system to share superannuation information directly with the family courts.</p> <p>The proposed legislative measures are being considered in the context of the Government's response to the ALRC review.</p>
<p><b>Recommendation 16</b></p> <p>5.80 The Committee recommends that the Attorney-General's Department considers options for legislative amendment to the <i>Family Law Act 1975</i> (Cth) to enable the federal family courts to make greater use of court orders for the split or transfer of unsecured joint debt and shared liabilities following the separation of families, particularly those affected by family violence.</p>	<p>Agreed in principle.</p> <p>This recommendation is being considered in the context of the Government's response to the ALRC review.</p>
<p><b>Recommendation 17</b></p> <p>5.83 The Committee recommends that the jurisdictional limit on state and territory magistrates' courts hearing family law property disputes be increased and that the Attorney-General introduces to the Parliament the Family Law Amendment (Family Violence and Other Measures) Bill 2017 to give effect to the increase.</p>	<p>Agreed.</p> <p>The <i>Family Law Amendment (Family Violence and Cross-examination of Parties) Act 2018</i> increased the threshold for hearing family law property disputes in state/territory courts without the consent of both parties.</p>
<p><b>Recommendation 18</b></p> <p>5.86 The Committee recommends that the <i>Family Law Act 1975</i> (Cth) be amended to extend sections 69ZN and 69ZX, which requires the Court to</p>	<p>Agreed in part.</p> <p>Amendments in <i>Family Law Amendment (Family Violence and Cross-examination of Parties) Act 2018</i> partially implemented this recommendation by introducing</p>



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conduct proceedings in a way which safeguards the parties against family violence in parenting matters, to apply in property division matters.

additional safeguards for victims of family violence in both parenting and property proceedings.

This recommendation is being further considered as part of the Government's response to the ALRC review.

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**Recommendation 19**

6.130 The Committee recommends that the Australian Law Reform Commission, as part of its current review of the family law system, develops proposed amendments to Part VII of the *Family Law Act 1975* (Cth), and specifically, that it consider removing the presumption of equal shared parental responsibility.

Noted.

The ALRC review supported a presumption of shared parental responsibility as a starting point for negotiations between parents, recommending that it be replaced with a presumption of 'joint decision-making about major long-term issues'

The Government is considering issues around the decision making framework for determining parenting matters as part of its response to the ALRC review.

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**Recommendation 20**

6.136 The Committee recommends that the Attorney-General extends the Family Advocacy and Support Services pilot, subject to positive evaluation, to include a child safety service attached to the Family Court of Australia and the Federal Circuit Court of Australia, modelled on the United Kingdom's Children and Family Court Advisory and Support Service. The expanded service, which may require additional infrastructure, should:

Noted.

See recommendation 1, regarding the extension of the FASS program.

Additionally, the government pointed to its funding of a co-location pilot of child protection and policing officials in family law courts, which commenced in January 2020.

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- provide ongoing supervision of the safety of children following orders made by a court;

- bring applications to the Court where the risk of a child's safety is of concern and where an exercise of judicial power

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is required to ensure the child's ongoing safety; and

- refer matters to state and territory child protection agencies, where required.

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**Recommendation 21**

6.148 The Committee recommends the Attorney-General, through the Council of Australian Governments where necessary, works to improve the information available to courts exercising family law jurisdiction at the earliest possible point in proceedings by:

- implementing the Family Law Council's recommendations in its 2015 *Families with complex needs and the intersection of the family law and child protection systems – Interim Report* for information sharing protocols between the federal family courts and state and territory child protection departments;
  - establishing a child safety service attached to the Court that operates as a liaison between the federal family courts and child protection departments to ensure all relevant information is available to the Court at the earliest possible stage; and
  - consider the adoption of multidisciplinary panels by state and territory governments for child abuse investigations which would assist the family law courts to determine whether family violence has occurred; and
  - works with the Family Court of Australia to extend the Magellan program to all parenting matters where
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Agreed in part.

Government is working with states and territories to improve information sharing between systems and jurisdictions, and is funding measures to support a more coordinated response to family safety issues.

Government agrees to consider multidisciplinary panels for child abuse investigations by states and territories, and to consider options for extending the Magellan program or establishing a new case management program for matters involving allegations of family violence.

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there are allegations of family violence.

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**Recommendation 22**

6.156 The Committee recommends the Attorney-General pursues legislation and policy reform to abolish private family consultants, with family consultants to be only engaged and administered by the Court itself. Further, the Committee recommends the development of an agreed fee schedule to regulate the costs of family reports and other expert witnesses.

Noted.

Government acknowledges the need to ensure that independent assessments prepared by family consultants are of a consistently high quality.

Government notes that all reports prepared by family consultants are funded by the court at no cost to the parties, but fees charged by private practitioners are not regulated by the government.

The Government is considering its response in the context of its response to the ALRC review, which recommends an accreditation scheme for family report writers.

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**Recommendation 23**

6.159 The Committee concludes that the Court must be better informed of children's views, concerns and matters affecting their welfare, and recommends that the Australian Law Reform Commission in its ongoing review of the family law system, examines and propose alternative mechanisms that would ensure children's perspectives are heard in court.

Agreed.

This issue was considered by the ALRC review, which made recommendations to improve the understanding of children's experiences in the family law system and the roles of professionals including family consultants and independent children's lawyers in engaging with children. Those recommendations are being considered by the Government in the context of its response to the ALRC review.

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**Recommendation 24**

7.96 The Committee recommends that, as a matter of urgency, the Australian Government implements the Family Law Council recommendations from both the 2012 *Improving the family law system for Aboriginal and Torres Strait Islander clients* report, and the 2016

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Noted.

The Government supported the ALRC's consideration of those Family Law Council recommendations as part of its review, and is considering improvements to the family law system for Aboriginal and Torres Strait Islander

*Families with complex needs and the intersection of the family law and child protection systems – Final Report*, as they relate to Aboriginal and Torres Strait Islander families, including those recommendations addressing:

- community education;
- cultural competency;
- service collaboration;
- culturally diverse workforce;
- early assistance and outreach;
- legal and non-legal services;
- interpreters;
- cultural reports;
- family group conferences;
- participation of elders or respected persons in court hearings; and
- consulting with Aboriginal and Torres Strait Islander representatives in the development of any reforms.

families in the context of its response to the ALRC review.

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**Recommendation 25**

7.101 The Committee recommends that, as a matter of urgency, the Australian Government implements recommendations from both the 2012 *Improving the family law system for clients from culturally and linguistically diverse backgrounds* report, and the 2016 *Families with complex needs and the intersection of the family law and child protection systems – Final Report*, as they relate to culturally and linguistically diverse families, including those recommendations addressing:

- community education;
- cultural competency;

Noted.

The Government supported the ALRC's consideration of those Family Law Council recommendations as part of its review, and is considering this recommendation in the context of its response to the ALRC review.

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- service integration;
  - culturally diverse workforce;
  - consultation with culturally and linguistically diverse communities in service evaluation;
  - interpreters;
  - cultural connection for children; and
  - family group conferences.
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**Recommendation 26**

7.103 The Committee recommends the Attorney-General extends the Family Advocacy and Support Service pilot to include collaboration and referral pathways to specialist support services for families with additional challenges, using the Children and Family Court Advisory and Support Service model.

Noted.

See recommendation 1, regarding the extension of the FASS program, as well as funding for dedicated men's support workers in all FASS locations.

Government noted that it may not be possible to replicate the same mechanisms used by [the UK] Children and Family Court Advisory and Support Service in the Australian context.

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**Recommendation 27**

8.82 The Committee recommends that the Australian Government develops a national and comprehensive professional development program for judicial officers from the family courts and from states and territory courts that preside over matters involving family violence. The Committee recommends that this program includes content on:

- the nature and dynamics of family violence;
  - working with vulnerable clients;
  - cultural competency;
  - trauma informed practice;
  - family law; and
  - 'The Safe and Together Model' for
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Agreed in principle.

Attorney-General's Department worked with National Judicial College of Australia to develop and deliver training for judicial officers, which was completed in November 2018.

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understanding the patterns of abuse and impact of family violence on children.

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**Recommendation 28**

8.83 The Committee recommends that the Australian Government develops a national, ongoing, comprehensive, and mandatory family violence training program for family law professionals, including court staff, family consultants, Independent Children’s Lawyers, and family dispute resolution practitioners. The Committee recommends that this program includes content on:

- the nature and dynamics of family violence;
  - working with vulnerable clients;
  - cultural competency;
  - trauma informed practice;
  - the intersection of family law, child protection and family violence; and
  - ‘The Safe and Together Model’ for understanding the patterns of abuse and impact of family violence on children.
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Agreed in principle.

Government noted funding to Legal Aid NSW and federal family courts for training, and is working with state and territory governments to examine ways of improving the family violence competency of professionals working in the family law and family violence systems. The results of consultations in 2020 will shape the Government’s next steps.

**Recommendation 29**

8.84 The Committee recommends the Australian Government undertakes an evaluation of the Addressing Violence: Education, resources and training (AVERT) family violence training program, with consideration of its content, format, uptake, reach and effectiveness.

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Noted.

Government advised that this recommendation will be considered in conjunction with response to Recommendation 28.

**Recommendation 30**

8.87 The Committee recommends that the Australian Government develops a

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Noted.

See response to Recommendation 22.

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national accreditation system with minimum standards and ongoing professional development for family consultants modelled on the existing accreditation system for family dispute resolution practitioners. This system should include a complaints mechanism for parties when family consultants do not meet the required professional standards.

This recommendation is being considered as part of the Government's response to the ALRC review, which recommends an accreditation scheme for family report writers.

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**Recommendation 31**

8.92 The Committee recommends that the Australian Government considers the current backlog in the federal family courts and allocates additional resources to address this situation as a matter of priority.

Noted.

The merger of the Federal Circuit and Family Court of Australia [legislation passed in February 2021] will provide for a legislated single point of entry and harmonised functions between the two courts.

Government notes the Family Court of Australia and the Federal Circuit Court continue to work on harmonisation between the two courts. The Government continues to allocate funding to support proposed reforms.

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**Recommendation 32**

9.40 The Committee recommends the Attorney-General works to introduce 'wrap-around' services co-located in the federal family courts, modelled on the provision of these legal and non-legal support services in the specialist family violence courts of the states and territories.

Agreed in principle.

Government considers that the establishment of the FASS program partially addresses this recommendation.

See Recommendation 1, regarding extension of the FASS program.

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**Recommendation 33**

9.44 The Committee recommends the Attorney-General works to establish a systematic court referral mechanism to evidence-based, evaluated, best practice

Agreed in principle.

See Recommendation 1 regarding extension of the FASS program, which includes additional funding for legal and social support services for

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behaviour change programs, through an expanded Family Advocacy and Support Services program, which includes systematic reporting from behaviour change program providers to advise the Court on ongoing risks to families' safety. Further, the Committee recommends that the Attorney-General work with state and territory counterparts to ensure adequate funding of evidence-based, evaluated, best practice behaviour change programs to support the mechanism.

intervening with perpetrators including men's support workers.

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## Senate Finance and Public Administration References Committee

### **Report: *Delivery of Outcome 4 of the National Plan to Reduce Violence Against Women and their Children 2010-2022*, December 2017**

In its submission to the present inquiry the Australian Government provided an update on progress made by the Government following its original response to these recommendations.<sup>3</sup> The information in the table below draws on that information.

<b>Recommendation</b>	<b>Government response (March 2018) and actions</b>
<b>Recommendation 1</b>	Supported.
4.10 The committee recommends that the Government ensure that 1800 RESPECT first response triage counsellors and trauma counsellors	Government noted relevant policies, procedures and qualification requirements already in place.

<sup>3</sup> Department of Social Services (multi-agency submission), *Submission 71*, pp. 71-73.



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have adequate qualifications and experience and an appropriate work environment. Specifically that:

- The 1800 RESPECT first response triage service is staffed only by counsellors with a minimum three year tertiary degree in counselling or equivalent and a demonstrated minimum three years' experience in specialised counselling in family domestic violence and sexual assault counselling and working with clients from diverse backgrounds and locations.

The committee recommends that the government review the working arrangements for first response counsellors employed by Medibank Health Solutions, and intervene to ensure that:

- first responders receive appropriate initial and ongoing training;
- appropriate clinical supervision is provided;
- the practice of working from home cease; and
- policies and procedures aimed at protecting clients, and also those aimed at protecting responders from vicarious trauma, are implemented.

More broadly, the committee recommends that the government consider whether having a principal contractor, rather than the specialist services themselves, providing first responder services represents value for money and best-practice.

Government advises that the Department of Social Services continues to ensure that Medibank Health Solutions has adequate policies and procedures in place to protect clients using the service, ensure appropriate qualifications and experience and protect counsellors from vicarious trauma.

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**Recommendation 2**

4.11 In respect of the trauma specialist counsellors, the committee recommends that sufficient funding be made available for the telephone counselling function of the 1800 RESPECT to ensure that there are sufficient specialist trauma counsellors to meet current and future demand for counselling, having regard to both quantitative and qualitative performance measures.

Supported.

Government noted extensive funding for 1800RESPECT, including increases for implementing new service models.

The Department of Social Services continues to monitor the appropriateness of 1800RESPECT funding to ensure affected people are able to access the high-quality support they need, when they need it, through 1800RESPECT.

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**Recommendation 3**

4.18 The committee notes that many of the procurement and accountability issues revealed in this inquiry are the remit of the Australian National Audit Office (ANAO) and strongly recommends that the government management of the program and its procedures is reviewed by the ANAO.

Supported.

The ANAO conducted a performance audit of the coordination and targeting of domestic violence funding and actions, including 1800RESPECT, which was released on 13 June 2019.

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**Recommendation 4**

4.19 The committee recommends that the Department of Social Services develop an evaluation schedule for the 1800 RESPECT program and release a high level evaluation plan that includes the quantitative and qualitative performance measures the contractors and sub-contractors will be measured against.

Supported.

The Government supported transparent and robust assessment of 1800RESPECT and published an evaluation report on 19 February 2020. An evaluation scheduled sits outside the evaluation report and is being considered by the department.

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**Recommendation 5**

4.20 The committee recommends the Department of Social Services brief its staff and contractors on their legal and contractual requirements in program management and Senate Standing Orders.

Supported.

The Government stated that processes are already in place to ensure all staff and contractors are adequately briefed and trained on legal and contractual requirements in program management

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	and Senate Standing Orders. The Government noted that the Department of Social Services sought and acted upon legal counsel throughout the Senate Inquiry.
<b>Recommendation 6</b>	Supported.
4.21 The committee further recommends that the government consider whether the principal contractor model, as currently arranged, represents value for money and best-practice. Specifically, the committee recommends that the government consider whether the value of the contract management services provided by Medibank Health Solutions (MHS) justifies the public funding provided to MHS for that purpose, or whether that is a function that would be better provided by government, with MHS retaining responsibility for the technological (telephony and online) aspects of the program.	The Government stated support for value for money and best-practice approaches to implementation. In September 2018, the Department of Social Services engaged the University of New South Wales to undertake an evaluation on the appropriateness of funding arrangements and sustainability of the service delivery model. The evaluation was completed in early 2020 and has informed future arrangements for the service. The Government will undertake an open approach to market in 2021 for a provider to deliver 1800RESPECT, which will consider value for money.
<b>Recommendation 7</b>	Supported.
4.26 The committee recommends that the Department of Social Services require Medibank Health Solutions to develop 1800 RESPECT specific privacy information that clearly explains how personal information will be recorded and maintained. The privacy information will detail what the individual's options are, including opting out of recordings and remaining anonymous.	The Government noted that details about how personal information will be handled, used and managed is already available on the 1800RESPECT website. The Government points to the Department of Social Services continuing to monitor MHS' compliance with contractual obligations re handling personal information.
<b>Recommendation 8</b>	Supported.
4.27 The committee recommends that	The Government stated that MHS' and

the Department of Social Services (DSS) require Medibank Health Solutions (MHS) to develop a clear statement for the 1800 Respect website detailing:

- how MHS manages information, voice records and files; and
- relevant information on the extent and limitations of privacy and confidentiality in a manner that they potential callers can fully understand.
- that the DSS develop a clear, written protocol on handling of subpoenas and applying for privilege for MHS and subcontractors by March 2018.
- that staff are informed of these protocols and their requirements.
- that this protocol is made available on the 1800 RESPECT website.

the department's approach is to act in the best interests of alleged victims while complying with the law.

The 1800RESPECT website contains content on information management, privacy and confidentiality, including the approach to handling subpoenas.

The adequacy of information provided to users is continuously monitored as a standard business practice.

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## **Report: *Domestic violence and gender inequality*, November 2016**

*no recommendations*

The Australian Government's submission to the present inquiry, while noting that there were no formal recommendations made by the domestic violence and gender inequality inquiry, advised that the Fourth Action Plan under the National Plan reaffirmed that gender equality is key to ending violence against women and their children, and included measures to improve gender equality as part of the primary prevention of domestic violence.<sup>4</sup>

## **Inquiry: Domestic Violence in Australia, 2015**

*Interim report, March 2015*

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<sup>4</sup> Department of Social Services (multi-agency submission), *Submission 71*, p. 71.

<b>Recommendation</b>	<b>Government response (December 2016)</b>
<p><b>Recommendation 1</b></p> <p>1.70 The committee recommends the Commonwealth Government restore funding cuts from legal services, housing and homelessness services and the Department of Social Services grants program, and guarantee funding under the National Partnership Agreement on Homelessness for at least four years.</p>	<p>Supported in-principle.</p> <p>Noted Government funding decisions made in April 2015 for additional emergency relief grants and specialised family violence services, and other funding already provided.</p>
<p><b>Recommendation 2</b></p> <p>1.71 The committee supports the Productivity Commission recommendation that Australian, State and Territory governments should provide an immediate funding boost to legal assistance services of \$200 million to address pressing gaps in services.</p>	<p>Supported in-principle.</p>
<p><b>Recommendation 3</b></p> <p>1.72 The committee recommends all Australian governments work together with stakeholders, including front line services and peak advocacy groups, to develop a program to increase the capacity of services in the areas of prevention, early intervention and crisis support in accordance with the objectives of the National Plan and the Action Plans.</p>	<p>Supported.</p> <p>Noted focus on primary prevention and initiatives under the Second and Third Action Plans.</p>
<p><b>Recommendation 4</b></p> <p>1.73 The committee recommends the Commonwealth Government supports increased coordination and communication between legal systems across jurisdictions.</p>	<p>Supported.</p> <p>Noted work underway on a national DVO scheme.</p>

<p><b>Recommendation 5</b></p> <p>1.74 The committee recommends the Commonwealth Government support and expedite the harmonisation of intervention orders across jurisdictions. The Commonwealth Government should also identify opportunities to share information between agencies in order to address increasingly violent behaviour by perpetrators and assist at risk individuals.</p>	<p>Supported in-principle.</p> <p>Noted that laws relating to intervention orders are the responsibility of the states and territories. Noted work underway on a national DVO scheme.</p>
<p><b>Recommendation 6</b></p> <p>1.75 The committee supports the inclusion of respectful relationships education in the national curriculum.</p>	<p>Supported.</p>
<p><b>Recommendation 7</b></p> <p>1.76 The committee recommends increasing the availability of behavioural change programs for perpetrators and ensuring programs are evidence based.</p>	<p>Supported in-principle.</p>
<p><b>Recommendation 8</b></p> <p>1.77 The committee recommends the Commonwealth Government provide funding certainty to Australia's National Research Organisation for Women's Safety and National Services beyond 2016 to support the completion of longer term research programs.</p>	<p>Supported in-principle.</p>
<p><b>Recommendation 9</b></p> <p>1.78 The committee recommends a review of policies and services dedicated to the treatment of alcohol and other drug abuse in the Northern Territory and their impact on domestic violence, including urgent consideration</p>	<p>Not supported.</p> <p>The Government does not support conducting further reviews, in light of extensive work already undertaken within the NT.</p> <p>Noted that the Banned Drinkers</p>

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to reinstate the Banned Drinkers Register.

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Register is a matter for the NT Government.

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### *Final report, August 2015*

In its submission to the present inquiry the Australian Government provided an update on progress made by the Government since its original response to these recommendations.<sup>5</sup> The information in the table below draws on that information.

<b>Recommendation</b>	<b>Government response (December 2016) and actions</b>
<p><b>Recommendation 1</b></p> <p>2.31 The committee supports victims of domestic and family violence having access to appropriate leave provisions which assist them to maintain employment and financial security while attending necessary appointments such as court appearances and seeking legal advice. The Commonwealth Government should investigate ways to implement this across the private and public sector.</p>	<p>Supported in-principle.</p> <p>The Government introduced five days' unpaid family and domestic violence leave per year into the Fair Work Act's National Employment Standards in December 2018. This followed the Fair Work Commission's decision in March 2018 to insert a clause in all modern awards. The Commission will revisit the issue in June 2021.</p>
<p><b>Recommendation 2</b></p> <p>3.62 The committee recommends that the Commonwealth Government investigate ways to improve consultation with the domestic and family violence sector, particularly in relation to the evaluation of the National Plan and Action Plans and to inform the development of future Action Plans.</p>	<p>Supported.</p> <p>The second, third and fourth Action Plans under the National Plan were developed following extensive consultation processes, and the third Action Plan was evaluated in consultation with 'a range of key stakeholders'.</p>

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<sup>5</sup> Department of Social Services (multi-agency submission), *Submission 71*, pp. 55-71.

**Recommendation 3**

3.67 The committee recommends that the Prime Minister table an annual report to Parliament on progress in the effort to eliminate domestic and family violence, including listing all relevant funding decisions.

Not supported.

Suggested that annual progress reports on the National Plan and action plans could be tabled by the Minister for Women.

Information on initiatives funded under the Fourth Action Plan is published, and updated twice per year.

**Recommendation 4**

4.49 The committee recommends that the Australian Bureau of Statistics, along with Commonwealth, state and territory bodies involved in the development of the Personal Safety Survey consider the concerns raised during this inquiry about the adequacy of sampling sizes of particular subgroups within the community, such as women with a disability, women from culturally and linguistically diverse backgrounds, immigrant and refugee women, and Indigenous communities and endeavour to address these issues prior to the conduct of the next PSS.

Supported in-principle.

Noted work undertaken by ABS and others, and the need to balance ABS data collection with feasibility, as well as procedures to maximise safety and ensure personal disclosure.

DSS has commissioned the ABS to undertake a 'deep dive' to evaluate data gaps and barriers to collecting information on vulnerable cohorts.

**Recommendation 5**

5.59 The committee recommends that the Commonwealth Government lead and coordinate the work to facilitate data collection pursuant to the National Data Collection and Reporting Framework.

Supported in-principle.

The DCRF is now applied by key statistical agencies including ABS' Directory of Family, Domestic and Sexual Violence Statistics, and AIHW compendiums of FDSV. Fourth Action Plan provided \$2m to ABS and AIHW to continue work to address data gaps and improve reporting and analysis.

**Recommendation 6**

5.61 The committee recommends that the Australian Bureau of Statistics, and

Supported in-principle.

Noted that priority is improving



<p>other relevant organisations, investigate the feasibility of developing systems and tools which would enable survey questions, delivery and data analysis developed pursuant to the National Data Collection and Reporting Framework to be modified and made available for organisations to use on a local level.</p>	<p>existing administrative systems.</p>
<p><b>Recommendation 7</b></p> <p>5.65 The committee recommends that the Commonwealth Government provide necessary secure funding to ANROWS until at least the end of the implementation of the National Plan in 2022 to provide for the continuation of its research work and to enable ANROWS to conduct longitudinal research.</p>	<p>Supported in-principle.</p> <p>The Australian Government and all state and territory governments provided ANROWS with a four-year funding agreement (2016-2020), and have now committed to further funding at the same level to 2022.</p>
<p><b>Recommendation 8</b></p> <p>6.67 The committee recommends that the Commonwealth Government consider focusing on work that reinforces the value of school based education across all age groups on respectful relationships and responses to domestic and family violence.</p>	<p>Supported.</p> <p>The 'Respect Matters' program, established in 2015, will make respectful relationships education resources freely available for use in all Australian schools from 2020-21.</p>
<p><b>Recommendation 9</b></p> <p>6.68 The committee recommends that the Commonwealth Government, in light of the strong evidence pointing to the crucial need to prioritise primary prevention, take responsibility to lead and coordinate the delivery of these essential programs.</p>	<p>Supported.</p> <p>In addition to Our Watch's national leadership role, the Fourth Action Plan included a specific role for Our Watch to deliver a National Primary Prevention Hub.</p>
<p><b>Recommendation 10</b></p> <p>6.76 The committee recommends that</p>	<p>Supported in-principle.</p> <p>Noted primary responsibility of states</p>

governments ensure additional investment in primary prevention initiatives does not result in a reduction of funding for crisis services and that sufficient resources are available for any increased demand for services following specific campaigns.

and territories. The Government continues to invest in both primary prevention and support for frontline services, and is working with states and territories to monitor the impact of Covid-19 on their services.

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**Recommendation 11**

7.52 The committee recommends that the Commonwealth Government ensures the work being undertaken by COAG to develop a set of national outcome standards for perpetrator interventions use standards which are robust and sufficiently specific to ensure perpetrators are held accountable for their actions and the standards are demonstrably effective in breaking the cycle of violence. This work should consider the particular needs of ATSI, CALD and LGBTI perpetrators as well as those in regional areas.

Supported.

A baseline report on the National Outcome Standards for Perpetrator Interventions (NOSPI), established in 2015, was published in 2018, and AIHW funded to build on this. The Government has also funded work by ANROWS to build the evidence base on perpetrator interventions.

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**Recommendation 12**

7.54 The committee recommends that the recent report by the Centre for Innovative Justice at RMIT be considered by the COAG Advisory Panel to assist COAG to identify other opportunities to hold perpetrators to account and change their behaviours.

Supported.

The authors of the study were consulted in development of the National Outcome Standards, and the Government has invested in initiatives to develop and strengthen perpetrator interventions and the evidence base.

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**Recommendation 13**

8.47 The committee recommends the Commonwealth Government, through COAG, establishes and resources a subcommittee of First Ministers to enable jurisdictions to share the results of trials and to coordinate the development of best practice policy and

Not supported.

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service responses to domestic and family violence.

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**Recommendation 14**

8.48 The committee recommends the Commonwealth Government, through COAG, take leadership in the facilitation of effective police responses to domestic and family violence, encouraging states to implement targeted training and programs.

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Not supported.

Noted that police responses are the responsibility of the states and territories. The Australian Government continues to invest in research that includes a focus on policing responses.

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**Recommendation 15**

8.54 The committee recommends that the Commonwealth Government recognise the need to provide appropriate services to male victims of domestic and family violence.

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Supported.

Acknowledged that men do experience family violence, but there is also extensive evidence that domestic and family violence is gendered and the majority of victims are women.

Noted support for MensLine as well as 1800RESPECT.

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**Recommendation 16**

9.65 The committee recommends that the Evaluation Plan for the National Plan include a coordinated status report on the consideration of the recommendations in the 2010 report by the Australian and NSW Law Reform Commissions.

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Not supported.

Evaluation Plan for National Plan not an appropriate mechanism for this.

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**Recommendation 17**

9.71 The committee recommends the Commonwealth Government through the Attorney-General's Department, coordinate the development of consistent training for and evaluation of family consultants who write family reports for the Family Court alongside the development of a national family bench book by June 2017.

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Supported in-principle.

Consistent with the independence of the judiciary, the Government will bring this recommendation to the attention of the courts.

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<p><b>Recommendation 18</b></p> <p>9.72 The committee recommends the Commonwealth Government, through the Attorney-General's Department and COAG, facilitate the training of all judicial officers who preside over family violence matters, alongside the development of a national family bench book by June 2017.</p>	<p>Supported in-principle.</p> <p>Noted that judicial education in Australia is voluntary. Since the completion of the Bench Book in 2017, the Attorney-General's Department has (co-)funded the development and delivery of family violence training for judicial officers.</p>
<p><b>Recommendation 19</b></p> <p>9.75 The committee recommends that every effort is made by the Commonwealth Government to ensure that the critical work being undertaken by the COAG ministerial council to:</p> <ul style="list-style-type: none"> <li>▪ agree a national domestic and family violence order scheme;</li> <li>▪ report progress on a national information system to enable police and courts to share information on active DVOs;</li> <li>▪ consider national standards to ensure perpetrators of violence against women are held to account at the same standard across Australia, for implementation in 2016; and</li> <li>▪ consider strategies to tackle the increased use of technology to facilitate abuse against women and to ensure women have adequate legal protections</li> <li>▪ is completed in accordance with the timetable agreed by COAG in April 2015.</li> </ul>	<p>Supported.</p> <p>The National Domestic Violence Order Scheme commenced in November 2017.</p> <p>National Outcome Standards (NOSPI) baseline report completed in 2018, and further work continues to build on that.</p> <p>Strategies to combat technology-facilitated abuse have included the enactment of the <i>Enhancing Online Safety (Non-consensual sharing of intimate images) Act</i> in 2018, and ongoing funding for the delivery of training by eSafety,</p>
<p><b>Recommendation 20</b></p> <p>10.67 The committee recognises the importance of the provision and</p>	<p>Noted.</p> <p>The provision of social housing and homelessness services is primarily the</p>

availability of supportive housing models to assist victims of domestic and family violence to find safety for themselves and their children. The committee recommends that the Commonwealth Government should play a lead role in identifying programs that could be implemented across the country, and in ensuring that specialist and 'wrap around' support services have access to dedicated, secure funding.

responsibility of state and territory governments.

In 2019 the Government announced the Safe Places package, including \$60m in grants for emergency accommodation, expected to be available from mid-2021.

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**Recommendation 21**

10.68 The committee recommends that the Commonwealth Government, through COAG, facilitate the evaluation of existing legal measures and support programs that facilitate the removal of perpetrators of domestic and family violence from the family home so that victims many remain safely at home. If those legal measures are found to be successful, that the Commonwealth encourage all states to adopt nationally consistent 'ouster order' laws and support programs.

Supported in-principle.

Noted that criminal law in relation to domestic violence is the responsibility of state and territory governments.

The Australian Government continues the 'Keeping Women Safe in their Homes' program, which funds state and territory governments and other providers for activities such as risk assessments, safety planning, case management and home security upgrades.

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**Recommendation 22**

10.72 The committee recognises the long term effort required to address domestic and family violence and recommends that the current Commonwealth short-term funding arrangements should be extended to a multi-year approach to reduce the level of uncertainty for services and to allow for adequate future planning in the sector.

Supported.

The Fourth Action Plan includes multi-year funding agreements for many measures.

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**Recommendation 23**

10.73 The committee recommends that the Commonwealth Government take a lead role in the provision of affordable housing solutions in Australia to meet long-term needs for those made homeless by domestic and family violence and in order to address the backlog of victims who cannot access affordable housing which stakeholders have identified during the inquiry.

Noted.

The provision of social housing is primarily the responsibility of state and territory governments.

**Recommendation 24**

10.75 The committee recommends that the Commonwealth Government consider the framework developed by the Foundation for Alcohol Research and Education (FARE) as part of the cross-jurisdictional work it is leading through COAG to ensure the development of an integrated and focused effort to reduce the role of alcohol as a contributing factor in cases of domestic violence.

Supported in-principle.

Noted that regulatory matters are legislated by state and territory governments.

Also that while alcohol and substance abuse can be contributing factors to violence, they are not the cause, and most people who consume alcohol or drugs do not commit acts of family or domestic violence.

**Recommendation 25**

10.77 The committee recommends that the Commonwealth Government work with the states and territories to improve the availability of alcohol rehabilitation services, including culturally appropriate services for those living in regional and remote Indigenous communities.

Supported in-principle.

The Australian Government has committed to funding drug and alcohol treatment services, as well as a number of prevention activities.

## B. List of submissions

- 1 Open Support
- 2 UNSW Forensic Psychology Clinic
- 3 Rail, Tram and Bus Union
- 4 Dr Elizabeth Reimer
- 5 Australian Lawyers Alliance
- 6 AustralAsian Centre for Human Rights and Health
- 7 Mr Jonathon Rose
- 8 Northern Midlands Council, Tasmania
- 9 UNSW Tax Clinic
- 10 Family Planning NSW
- 11 Health Law and Ageing Research Unit, Monash University
- 12 Uniting Country South Australia
- 13 Family and Relationship Services Australia
  - 13.1 Supplementary
- 14 Interrelate
  - 14.1 Supplementary
- 15 Taskforce Delta Victor
- 16 Australian Human Rights Commission
  - 16.1 Supplementary
- 17 Women's Legal Service Victoria

- 18 eSafety Commissioner
  - 18.1 Supplementary
  - 18.2 Supplementary
- 19 The Salvation Army
- 20 Harmony Alliance
- 21 Sacred Heart Mission
- 22 Australian Local Government Association
  - 22.1 Supplementary
- 23 Australian Institute of Family Studies
- 24 Australian Institute of Health and Welfare
  - 24.1 Supplementary
- 25 Darebin City Council
- 26 Queensland Family and Child Commission
- 27 Relationships Australia
  - 27.1 Supplementary
- 28 National Mental Health Commission
- 29 Asylum Seeker Resource Centre
- 30 Families Australia
- 31 Women's Legal Service Tasmania
- 32 Male Champions of Change
- 33 Anglicare Australia
- 34 Rape and Sexual Assault Research and Advocacy
  - 34.1 Supplementary
- 35 Equality Australia
- 36 Women's Legal Service Queensland
- 37 QUT Centre for Justice
  - 37.1 Supplementary
- 38 Victoria Legal Aid
- 39 Australian Medical Association



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- 40 Commissioner for Children and Young People
  - 41 Local Government Association of South Australia
  - 42 Muslim Women Australia
  - 43 Network of Alcohol and other Drugs Agencies
  - 44 Insurance Council of Australia
  - 45 Australian Banking Association
  - 46 National Foundation for Australian Women
  - 47 Federation of Ethnic Communities' Councils of Australia
  - 48 Our Watch
    - 48.1 Supplementary
  - 49 Good Shepherd Australia New Zealand
    - 49.1 Supplementary
  - 50 Institute of Child Protection Studies
  - 51 City of Greater Dandenong
  - 52 Women's Legal Services Australia
    - 52.1 Supplementary
  - 53 Victorian Trades Hall Council
  - 54 Australian Nursing & Midwifery Federation
  - 55 Monash Gender and Family Violence Prevention Centre
    - 55.1 Supplementary
  - 56 Mission Australia
  - 57 One in Three Campaign
    - 57.1 Supplementary
  - 58 Central Australian Aboriginal Family Legal Unit
  - 59 Sydney Children's Hospital Network
  - 60 National Tertiary Education Union
  - 61 The Royal Australian and New Zealand College of Psychiatrists
  - 62 Western Australian Network of Alcohol and other Drug Agencies
  - 63 National Family Violence Prevention and Legal Services Forum

- 63.1 Supplementary
- 64 Community Legal Centres Australia
  - 64.1 Supplementary
- 65 National Aboriginal and Torres Strait Islander Women's Alliance
- 66 New South Wales Nurses and Midwives' Association
- 67 National LGBTI Health Alliance
  - 67.1 Supplementary
- 68 CASA Forum - Victorian Centres Against Sexual Assault
- 69 Big hART
- 70 The Humanitarian Group
- 71 Department of Social Services (multi-agency submission)
  - 71.1 Supplementary – Department of the Prime Minister and Cabinet
  - 71.2 Supplementary – Attorney-General's Department
  - 71.3 Supplementary – Department of Social Services
  - 71.4 Supplementary – Attorney-General's Department
  - 71.5 Supplementary – Department of the Prime Minister and Cabinet
  - 71.6 Supplementary – Department of Social Services
  - 71.7 Supplementary – Department of Social Services
  - 71.8 Supplementary – Department of Health
  - 71.9 Supplementary – Services Australia
  - 71.10 Supplementary – Attorney-General's Department
  - 71.11 Supplementary – Department of Health
  - 71.12 Supplementary – Department of Social Services
- 72 Settlement Council of Australia
- 73 Breaking the Silence
- 74 Women in Super
  - 74.1 Supplementary
- 75 Adjunct Professor Ray Lovett and Dr Anna Olsen
- 76 Unions NSW
- 77 Doctors Against Violence Towards Women
- 78 ACON
  - 78.1 Supplementary

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- 79 Synod of Victoria and Tasmania, Uniting Church in Australia
- 80 St Vincent's Health Australia
- 81 *Confidential*
- 82 Australian Federal Police
- 83 Bravehearts Foundation
- 84 Universities Australia
- 85 Samaritans Foundation
- 86 Department of Territory Families, Northern Territory Government
- 87 Public Service Association of NSW
- 88 Queensland Indigenous Family Violence Legal Service
- 89 Advance Diversity Services
- 90 Health Justice Australia
- 91 Alcohol and Drug Foundation
- 92 Playgroup Australia
- 93 Jesuit Social Services
- 94 CREATE Foundation
- 95 Economic Justice Australia
- 95.1 Supplementary
- 96 LGBTI Legal Service
- 97 Sydney Multicultural Community Services
- 98 Immigration Advice and Rights Centre
- 99 Aboriginal Family Legal Service Southern Queensland
- 100 SydWest Multicultural Services
- 101 Law Council of Australia
- 101.1 Supplementary
- 102 WESNET
- 102.1 Supplementary
- 103 McAuley Community Services for Women
- 103.1 Supplementary

- 104 Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council
- 105 Red Rose Foundation
- 106 Djirra
- 107 Community Restorative Centre
- 108 Vietnamese Australian Lawyers' Association
- 109 Municipal Association of Victoria
- 110 Mens Outreach Service Aboriginal Corporation
- 111 Solo Legal
- 112 YACSA (Youth Affairs Council of South Australia)
- 113 Law Institute of Victoria
- 114 Council of Single Mothers and their Children
- 115 CatholicCare NT and University of South Australia
- 116 ACT Human Rights Commission
- 117 Australian Council of Trade Unions
  - 117.1 Supplementary
- 118 NSW Branch of the Royal Australian and New Zealand College of Psychiatrists
- 119 Australian Salaried Medical Officers' Federation
- 120 Menaka Iyengar & Associates
- 121 St Vincent de Paul Society National Council of Australia
- 122 Australian Women Against Violence Alliance
  - 122.1 Supplementary
- 123 YWCA Australia
- 124 Central Australian Aboriginal Congress
- 125 Foundation for Alcohol Research and Education and Centre for Alcohol Policy Research
- 126 Legal Aid New South Wales
- 127 Collective Shout
- 128 Ethnic Communities Council of Western Australia Incorporated
- 129 Dawn House

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- 130 Australian Education Union NSW Teachers Federation Branch
- 131 NSW Department of Communities and Justice
- 132 Australia's National Research Organisation for Women's Safety
- 133 Professor Deborah Loxton
- 133.1 Supplementary
- 134 Project Respect
- 135 Australian Association of Social Workers
- 136 White Ribbon Australia and Communicare
- 136.1 Supplementary
- 137 NorMac
- 138 Drummond Street Services
- 139 South East Community Links
- 140 *Confidential*
- 141 National Council of Single Mothers & their Children
- 142 Indian (Sub-Cont) Crisis & Support Agency
- 143 *Confidential*
- 144 inTouch Multicultural Centre Against Family Violence
- 145 National Legal Aid
- 145.1 Supplementary
- 146 ACT Government
- 147 Domestic Violence Victoria and Domestic Violence Resource Centre Victoria
- 147.1 Supplementary – Domestic Violence Victoria
- 148 Ms Zoe Rathus AM, Professor Rachael Field, Dr Samantha Jeffries,  
Dr Helena Menih
- 149 Ms Zoe Rathus AM
- 150 Women's Safety NSW
- 150.1 Supplementary
- 151 Financial Counselling Australia
- 151.1 Supplementary
  - 151.2 Supplementary

- 152 Homelessness NSW
- 153 Legal Services Commission of South Australia
- 154 Rainbow Health Victoria, Thorne Harbour Health and Switchboard Victoria
  - 154.1 Supplementary
- 155 Hope + Heal
- 156 Settlement Services International
- 157 Northern Community Legal Centre
- 158 Feminist Legal Clinic
- 159 New South Wales Bar Association
- 160 Women With Disabilities Australia
  - 160.1 Supplementary
- 161 Gender Equity Victoria
- 162 Health Services Union NSW/ACT/Qld
- 163 Respect Victoria
  - 163.1 Supplementary
- 164 National Council of Women Australia
- 165 Northern Territory Council of Social Service
- 166 Australian Education Union
- 167 The Women's Cottage
- 168 FamilyVoice Australia
- 169 Australian Services Union
  - 169.1 Supplementary
- 170 Domestic Violence NSW
- 171 Engender Equality
- 172 Alannah & Madeline Foundation
- 173 Justice Health Unit, University of Melbourne
- 174 Women's Electoral Lobby, Australia
- 175 Fighters Against Child Abuse Australia
- 176 StandbyU Foundation

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- 177 Life Course Centre
- 178 The Northern Centre
- 179 Mid North Coast Community Legal Centre
- 180 Illawarra Women’s Health Centre and the University of New South Wales
- 180.1 Supplementary
- 181 National Aboriginal and Torres Strait Islander Legal Services
- 182 Victorian Government
- 183 Government of Western Australia
- 184 Ms Julie Ratner
- 185 Marie Stopes Australia
- 186 Caxton Legal Centre Inc.
- 187 NT Shelter
- 188 Victorian Women Lawyers and Australian Women Lawyers
- 189 Australian Women’s Health Network
- 190 Women’s Health NSW
- 191 People with Disability Australia
- 191.1 Supplementary
- 192 Jesuit Refugee Service, Australia and Refugee Advice and Casework Service
- 193 Women's Legal Service NSW
- 194 NSW Young Lawyers
- 195 Aboriginal Legal Service (NSW/ACT)
- 196 Economic Abuse Reference Group
- 197 NSW Women’s Alliance
- 198 Tangentyere Council
- 199 No to Violence
- 199.1 Supplementary
- 200 Legal Aid Queensland
- 201 Laurel House
- 202 Australian Alcohol and other Drugs Council

- 203 Australian Research Alliance for Children and Youth
- 204 Western NSW Community Legal Centre and Western Women’s Legal Support
- 205 Ms Eliza Venville
- 206 Mr Benjamin Cronshaw
- 207 Ms Alison Newton
- 208 Mr Russell Vickery
- 209 *Name withheld*
- 210 Ms Ana Borges
- 211 Mr Alastair Lawrie
- 212 *Name withheld*
- 213 *Confidential*
- 214 *Confidential*
- 215 *Confidential*
- 216 *Confidential*
- 217 Macarthur Women’s Domestic Violence Court Advocacy Service
- 218 *Confidential*
- 219 Emerson Family and Migration Law
- 220 Melinda Tankard Reist
- 221 Youth Wellbeing Project
- 221.1 Supplementary
- 222 Barnardos Australia
- 223 *Confidential*
- 224 Australian Brotherhood of Fathers
- 225 Trish Atkinson
- 226 *Confidential*
- 227 *Confidential*
- 228 *Confidential*
- 229 Australian Federation of Aids Organisations



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- 230 *Confidential*
- 231 *Confidential*
- 232 *Confidential*
- 233 *Confidential*
- 234 Queensland Government
- 235 *Confidential*
- 236 Tasmanian Government
- 237 Pink Cross Foundation Australia
- 238 Embolden SA Inc.
- 239 Mr Ian Perdrisat
- 240 Women's House Shelta
- 241 Professor Robert Donovan and Ms Carole Kagi
- 242 Newcastle Domestic Violence Committee
- 243 Fair Agenda
- 244 Immigrant Women's Speakout Association NSW
- 245 Yellow Ladybugs
- 246 Australian Psychological Society
- 247 *Name withheld*
- 248 Mrs Bess Price
- 249 Harman Foundation
- 250 Ms Jatinder Kaur
- 251 Leonie McGuire
- 252 Women's Council for Domestic and Family Violence Services
- 253 *Name withheld*
- 254 *Name withheld*
- 255 *Name withheld*
- 256 *Confidential*
- 257 *Confidential*
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- 259 *Confidential*
- 259.1 Supplementary
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- 271 *Confidential*
- 272 *Confidential*
- 273 *Confidential*
- 274 *Confidential*
- 275 *Confidential*
- 275.1 Supplementary
- 276 *Confidential*
- 277 *Confidential*
- 278 *Confidential*
- 279 *Confidential*
- 280 Snap Inc.
- 281 *Confidential*
- 282 *Confidential*
- 283 Just Reinvest NSW
- 284 Facebook
- 285 *Confidential*

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- 286 *Name withheld*
- 287 Mr Robert Heron
- 288 Mr Chris Howse
- 289 *Confidential*
- 290 *Confidential*
- 291 Ms Dorothy Long
- 292 *Confidential*
- 293 Twitter
- 294 *Confidential*
- 295 Aged & Community Services Australia
- 296 *Confidential*
- 297 Blitztheblues
- 298 *Confidential*



## C. List of exhibits

- 1 Caroline Norma & Melinda Tankard Reist (eds), *Prostitution Narratives – Stories of Survival in the Sex Trade*, Spinifex press (2016)
- 2 Women’s Legal Service Victoria, *Policy Brief: Justice system response to coercive control*
- 3 Heather Douglas, *Do we need a specific domestic violence offence?*, Melbourne University Law Review (2015)
- 4 Heather Douglas, *Do we need an offence of coercive control?*, Precedent (2018)
- 5 Julia R. Tolmie, *Coercive control: To criminalize or not to criminalize?*, Criminology & Criminal Justice (2018)
- 6 Sandra Walklate & Kate Fitz-Gibbon, *The Criminalisation of Coercive Control: The Power of Law?*, International Journal for Crime, Justice and Social Democracy (2019)
- 7 Sandra Walklate et al., *Is more law the answer? Seeking justice for victims of intimate partner violence through the reform of legal categories*, Criminology & Criminal Justice (2018)
- 8 Paul McGorrery & Marilyn McMahon, *Prosecuting controlling or coercive behaviour in England and Wales: Media reports of a novel offence*, Criminology & Criminal Justice (2019)
- 9 Iain Brennan et al., *Policing a new domestic abuse crime: Effects of force-wide training on arrests for coercive control*, SocArXiv (2020)
- 10 Linda Hui Gin Pang & Susan J. Thomas, *Exposure to Domestic Violence during Adolescence: Coping Strategies and Attachment Styles as Early Moderators and their Relationship to Functioning during Adulthood*, Journal of Child & Adolescent Trauma (2020)

- 11 Drew R. Fowler et al., *Exposure to violence, typology, and recidivism in a probation sample of domestic violence perpetrators*, *Child Abuse & Neglect* (2016)
- 12 Judith McFarlane et al., *The Intergenerational Impact of Intimate Partner Violence against Mothers on Child Functioning over four Years*, *Journal of Family Violence* (2017)
- 13 M. K. M. Lünemann et al., *The intergenerational impact of trauma and family violence on parents and their children*, *Child Abuse & Neglect* (2019)
- 14 John Maddoux et al., *Using Baseline Data to Predict Chronic PTSD 48-months After Mothers Report Intimate Partner Violence: Outcomes for Mothers and the Intergenerational Impact on Child Behavioral Functioning*, *Archives of Psychiatric Nursing* (2017)
- 15 Clarice S. Madruga et al., *Pathways from witnessing parental violence during childhood to involvement in intimate partner violence in adult life: The roles of depression and substance use*, *Drug and Alcohol Review* (2017)
- 16 Carolina Øverlien & Stephanie Holt, *Letter to the Editor: Research on Children Experiencing Domestic Violence*, *Journal of Family Violence* (2019)
- 17 Ericka Kimball, *Edleson Revisited: Reviewing Children's Witnessing of Domestic Violence 15 Years Later*, *Journal of Family Violence* (2019)
- 18 Monika Dargis & Michael Koenigs, *Witnessing Domestic Violence During Childhood Is Associated With Psychopathic Traits in Adult Male Criminal Offenders*, *Law and Human Behavior* (2017)
- 19 Lyungai F. Mbilinyi et al., *Childhood Domestic Violence Exposure among a Community Sample of Adult Perpetrators: What Mediates the Connection?*, *Journal of Aggression, Maltreatment & Trauma* (2012)
- 20 Jane E. M. Callaghan et al., *Beyond "Witnessing": Children's Experiences of Coercive Control in Domestic Violence and Abuse*, *Journal of Interpersonal Violence* (2018)
- 21 Women's Safety NSW, *Police Domestic and Family Violence Policy and Practice: Position Paper* (November 2020)
- 22 Women's Safety NSW, *Court Responses to Domestic and Family Violence in New South Wales: Position Paper* (November 2020)
- 23 Marie Stopes Australia, *Hidden Forces: Shining a light on reproductive coercion*, *White Paper*, (2018)

- 24 Dr. Laura Tarzia, *How can we improve the health systems response to reproductive coercion in the Australian context?*, Safer Families Centre of Research Excellence Discussion Paper #1 (2018)
- 25 Kelsey Hegarty, *Strengthening and sustaining the primary care response to family violence: A new model*, Safer Families Centre of Research Excellence Discussion Paper #2 (2018)
- 26 NSW Government, *Coercive control: Discussion paper* (October 2018)
- 27 Katrina Marson, *Ignorance is not Innocence: Safeguarding Sexual Wellbeing through Relationships and Sex Education, International perspectives, practical experience and insights on the design and implementation of relationships and sex education: findings from a Churchill Fellowship* (2018)
- 28 D. Woodlock, K. Bentley, D. Schulze, N. Mahoney, D. Chung, and A. Pracilio, *Second National Survey on Technology Abuse and Domestic Violence*, WESNET (November 2020)
- 29 Australia's National Research Organisation for Women's Safety, *Constructions of complex trauma and implications for women's wellbeing and safety from violence: Key findings and future directions* (May 2020)
- 30 Cox Inall Ridgeway, *Review of the Indigenous Legal Assistance Program (ILAP) 2015-2020—Final report*, Prepared for the Attorney-General's Department (February 2019)
- 31 Susanna J Carlyon, *The Seduction of Suicide and the Healing Power of the Spirit – My Story*, Holy Fire Publishing (2017)





# D. List of public hearings

## Monday, 7 September 2020 - Canberra

### *Department of the Prime Minister and Cabinet*

- Ms Catherine Hawkins, First Assistant Secretary, Office for Women
- Ms Elizabeth Brayshaw, Assistant Secretary Women's Safety and International Engagement, Office for Women
- Ms Clancie Hall, Director Women's Safety, Office for Women

### *Department of Social Services*

- Ms Liz Hefren-Webb, Deputy Secretary, Families and Communities
- Mr Brenton Philp, Group Manager, Families
- Ms Greta Doherty, Branch Manager, Family Safety

### *Our Watch*

- Ms Patty Kinnersly, Chief Executive Office
- Ms Kim Henderson, Director, Policy and Evaluation
- Dr Emma Partridge, Manager, Policy

### *Australian Institute of Health and Welfare*

- Ms Sally Mills, Head, Children and Families Unit
- Ms Louise York, Head, Community Services Group

### *Australian Institute of Family Studies*

- Dr Rae Kaspiew, Senior Research Fellow and Executive Manager, Family Law, Family Violence and Elder Abuse
- Dr Rachel Carson, Senior Research Fellow, Family Law Family Violence and Elder Abuse
- Ms Kelly Hand, Deputy Director, Research

*Australian Human Rights Commission*

- Ms Kate Jenkins, Sex Discrimination Commissioner

**Tuesday, 8 September 2020 – Canberra***Australia's National Research Organisation for Women's Safety*

- Dr Heather Nancarrow, Chief Executive Officer

*Monash Gender and Family Violence Prevention Centre*

- Associate Professor Kate Fitz-Gibbon, Director
- Dr Silke Meyer, Deputy Director
- Associate Professor Marie Segrave, Associate Professor, Criminology
- Dr Naomi Pfitzner, Postdoctoral Research Fellow

*Women's Legal Services Australia*

- Ms Helen Matthews, Director of Legal and Policy, Women's Legal Services Victoria
- Ms Tania Clarke, Manager Policy and Campaigns, Women's Legal Services Victoria
- Mrs Janet Taylor, Managing Principal Solicitor, Central Australian Women's Legal Service
- Mrs Anna Ryan, Practice Manager, Lawyer, Central Australian Women's Legal Service

*Law Council of Australia*

- Ms Pauline Wright, President
- Dr Jacoba Brasch QC, President-elect
- Mr Jason Walker, Executive Member, Family Law Section

*eSafety Commissioner*

- Ms Julie Inman Grant, eSafety Commissioner

*WESNET*

- Ms Karen Bentley, Chief Executive Officer

**Thursday, 17 September 2020 - Canberra***Domestic Violence Victoria and Domestic Violence Resource Centre Victoria*

- Ms Tania Farha, Chief Executive Officer
- Ms Alison Birchall, Acting Manager, Policy Unit, Domestic Violence Victoria

*Community Legal Centres Australia*

- Mr Nassim Arrage, Chief Executive Officer
- Ms Maria Graterol, Engagement Manager

*National Legal Aid*

- Ms Kylie Beckhouse, Director, Family Law – Legal Aid NSW
- Mrs Gabrielle Canny, Director, Family Law Working Group, National Legal Aid, Legal Services Commission of South Australia

*Attorney-General's Department*

- Mr Iain Anderson, Deputy Secretary, Legal Services and Families Group
- Mr Cameron Gifford, First Assistant Secretary, Legal Services and Families Group
- Ms Alexandra Mathews, Assistant Secretary, Family Safety Branch, Legal Services and Families Group
- Mr Adam Nott, Director, Legal Assistance Branch, Legal Services and Families Group

*Bravehearts Foundation*

- Mrs Hetty Johnston, Founder and Executive Director

*Australian Women Against Violence Alliance*

- Ms Tina Dixson, Acting Program Manager
- Ms Julie Oberin, Policy Executive Group

## **Friday, 18 September 2020 - Canberra**

*Australian Local Government Association*

- Ms Roslyn Chivers, Executive Director, Policy

*Municipal Association of Victoria*

- Ms Kellie Nagle, Policy Adviser, Preventing Violence Against Women

*Local Government Association of the Northern Territory*

- Mr Peter McLinden, Director, Transport and Infrastructure Services

*Women's Safety NSW*

- Ms Hayley Foster, Chief Executive Officer

*Domestic Violence NSW*

- Ms Delia Donovan, Interim Chief Executive Officer
- Monique Dam, Advocacy and Prevention Manager
- Ms Renata Field, Research and Policy Manager

*Relationships Australia*

- Mr Nick Tebbey, National Executive Officer
- Dr Susan Cochrane, National Policy Manager

*Respect Victoria*

- Ms Tracey Gaudry, Chief Executive Officer
- Ms Amy Prendergast, Director, Strategy, Policy and Planning
- Mr Martin Turnbull, Policy Manager

**Monday, 12 October 2020 - Canberra***Federation of Ethnic Communities' Councils of Australia*

- Ms Alexandra Raphael, Director of Policy and Advocacy

*People with Disability Australia*

- Ms Romola Hollywood, Director Policy and Advocacy
- Ms Freya Higgins, Project Officer, Violence Prevention

*Women With Disabilities Australia*

- Ms Carolyn Frohmader, Executive Director
- Dr Trishima Mitra-Kahn, Director, Policy and Programs

*Settlement Council of Australia*

- Ms Sandra Elhelw Wright, Chief Executive Officer

*Settlement Services Australia*

- Mrs Juliana Nkrumah AM, Program Manager, Domestic and Family Violence
- Ms Esta Paschalidis-Chilas, Government and Member Relations Manager

*Asylum Seeker Resource Centre*

- Dr Carolyn Graydon, Principal Solicitor and Manager, Human Rights Law Program
- Ms Michaela Rhode, Solicitor and Gender Clinic Coordinator, Human Rights Law Program

*Harmony Alliance: Migrant and Refugee Women for Change*

- Ms Maria Dimopoulos AM, Immediate Past Chair and Member, Governance Advisory Committee

*InTouch Multicultural Centre Against Family Violence*

- Ms Michal Morris, Chief Executive Officer; Council Member, Harmony Alliance: Migrant and Refugee Women for Change

*Muslim Women Australia*

- Ms Maha Krayem Abdo OAM, Chief Executive Officer; Council Member, Harmony Alliance: Migrant and Refugee Women for Change

*Rape and Sexual Assault Research and Advocacy*

- Dr Rachael Burgin, Chair and Executive Director; Lecturer, Swinburne University of Technology
- Ms Saxon Mullins, Director of Advocacy
- Ms Katrina Marson, Lead, Primary Prevention Projects

**Tuesday, 13 October 2020 – Canberra***Australian Federal Police*

- Assistant Commissioner Lesa Gayle, Northern Command

*Australian Capital Territory Policing*

- Acting Deputy Commissioner Michael Chew, Acting Chief Police Officer for the Australian Capital Territory

*Northern Territory Police Force*

- Detective Superintendent Lauren Hill, Acting Commander, Domestic Violence and Sex Crimes Division

*Queensland Police Service*

- Assistant Commissioner Ben Marcus, Road Policing and Regional Support Command
- Inspector Ben Martain, Manager, State Domestic Family Violence and Vulnerable Persons Unit

*South Australia Police*

- Chief Inspector Trent Cox, Officer in Charge, Family and Domestic Violence Section, Public Protection Branch

*Tasmanian Department of Police, Fire and Emergency Management*

- Inspector Michelle Plumpton, Staff Officer to the Assistant Commissioner, Specialist Support

*Victoria Police*

- Assistant Commissioner Lauren Callaway, Family Violence Command

*Western Australia Police Force*

- Commander Sue Young, Operations Support Portfolio
- Detective Superintendent John Leembruggen, Sex Crime Division

*Breaking the Silence (trading as DV Assist)*

- Ms Fleur McDonald, Vice Chair and Founder
- Mrs Esther Schwald, Executive Officer
- Ms Inez Carey, Client Services Manager

*Big hART*

- Ms Genevieve Dugard, Associate Creative Director and National Director of Project O

*CatholicCare NT and the University of South Australia*

- Ms Jayne Lloyd, Director, CatholicCare NT
- Mr Charlie King, NO MORE and Men and Relationships Consultant, CatholicCare NT
- Dr Jonathon Louth, Adjunct, The Australian Alliance for Social Enterprise, University of South Australia; Executive Manager, Strategy, Research and Evaluation, Centacare Catholic Family Services

*Health Law and Aging Research Unit, Monash University*

- Professor Joseph Ibrahim, Head
- Ms Daisy Smith, Research Officer

## Wednesday, 14 October 2020 – Canberra

### *Interrelate*

- Ms Patricia Ocelli, Chief Executive Officer
- Mrs Eloise Neylon, Practice Specialist, Clinical Governance

### *National LGBTI Health Alliance*

- Nicky Bath, Chief Executive Officer
- Mx Joe Ball, Chief Executive Officer, Switchboard Victoria
- Dr Michael Salter

### *ACON*

- Kai Noonan, Associate Director, Health Programming and Development
- Eloise Layard, Program Coordinator, Sexual, Domestic and Family Violence

### *Rainbow Health Victoria*

- Associate Professor Adam Bourne, Research Development Adviser
- Marina Carman, Director
- Jackson Fairchild, Head of Policy and Programs

## Thursday, 15 October 2020 – Canberra

### *National Aboriginal and Torres Strait Islander Legal Services*

- Ms Cheryl Axleby, Co-chair
- Ms Roxanne Moore, Executive Officer

### *Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council*

- Ms Liza Balmer, Chief Executive Officer
- Mrs Margaret Smith, Vice Chairperson and Director
- Ms Corrina Graham, Domestic and Family Violence Service Manager

### *Northern Territory Department of Territory Families, Housing and Communities*

- Ms Jane Lloyd, Principal Advisor, Programs and Engagement
- Ms Helena Wright, Executive Director, Programs and Engagement
- Mr Luke Twyford, Executive Director, Strategy, Policy and Performance

### *Wirringa Baiya Aboriginal Women's Legal Centre*

- Ms Rachael Martin, Principal Solicitor
- Ms Christine Robinson, Coordinator

*Mens Outreach Service Aboriginal Corporation*

- Ms Sarah Macnee, Chief Operating Officer
- Mrs Debbie Medhurst, Team Leader, Change Em Ways / Strong Women, Strong Families Program
- Mr Nicholas Glauser, Program Facilitator, Change Em Ways

*Queensland Indigenous Family Violence Legal Service*

- Ms Wynetta Dewis, Chief Executive Officer
- Ms Thelma Schwartz, Principal Legal Officer
- Mr Aaron Luki, Senior Deputy Principal Legal Officer

*Aboriginal Family Legal Service Southern Queensland*

- Ms Tabatha Young, Chief Executive Officer

## **Friday, 16 October 2020 – Canberra**

*No to Violence*

- Ms Jacqui Watt, Chief Executive Officer
- Ms Lizette Twisleton, Head of Sector Development
- Mr Russell Hooper, Head of Advocacy

*Family and Relationship Services Australia*

- Mrs Jacqueline Brady, Executive Director
- Dr Robyn Clough, Manager, Policy and Research

*Stopping Family Violence*

- Mr Mark O'Hare, Operations Manager

*Illawarra Women's Health Centre*

- Judy Daunt, Chairwoman
- Dr Karen Williams, Special Advisor, Mental Health; Psychiatrist, Sydney Southwest Private Hospital
- Sally Stevenson AM, General Manager

*University of New South Wales*

- Dr Michael Salter, Scientia Associate Professor of Criminology



- Dr Patricia Cullen, Research Fellow

*Jean Hailes for Women's Health*

- Mrs Janet Michelmore AO, Interim Chief Executive Officer, Patron and Board Member
- Ms Nicki Russell, Public Health and Education Manager

*Australian Longitudinal Study on Women's Health*

- Professor Deborah Loxton, Deputy Director; Co-Director, Research Centre for Generational Health and Ageing
- Peta Forder, Senior Statistician, Research Centre for Generational Health and Ageing
- Natalie Townsend, Research Manager, Research Centre for Generational Health and Ageing

## **Friday, 13 November 2020 - Canberra**

*Australian Council of Trade Unions*

- Ms Sophie Ismail, Legal and Industrial Officer, Gender Equity

*Australian Services Union*

- Ms Emeline Gaske, Assistant National Secretary
- Ms Natalie Lang, Branch Secretary, NSWACT (Services) Branch
- Ms Samantha Parker, Treasurer, Committee of Management, Member, Social and Community Services Division, Committee of Management, NSWACT (Services) Branch

*Health Services Union*

- Mrs Lynne Russell, Assistant Secretary/Treasurer, Health Services Union New South Wales
- Ms Alison Goodwin, Research Officer, Health Services Union New South Wales

*Australian Association of Social Workers*

- Ms Christine Craik, Immediate Past President
- Ms Abbey Newman, Convenor, Family Violence Practice Group
- Ms Angela Scarfe, Senior Policy Adviser

*QUT Centre for Justice*

- Professor Kerry Carrington, Research Professor

*Monash Gender and Family Violence Prevention Centre*

- Associate Professor Kate Fitz-Gibbon, Director
- Dr Naomi Pfitzner, Postdoctoral Research Fellow

*Domestic Violence Victoria*

- Ms Alison Birchall, Acting Manager, Policy Unit

*Australian Alcohol and other Drugs Council*

- Ms Jennifer Duncan, Chief Executive Officer
- Ms Rebecca Lang, Board Member

*Foundation for Alcohol Research and Education*

- Ms Patricia Hepworth, Director, Policy and Research
- Ms Sarah Ward, National Health Campaign Manager

*Centre for Alcohol Policy Research*

- Dr Anne-Marie Laslett, Senior Research Fellow

*Macarthur Women's Domestic Violence Court Advocacy Service*

- Mrs Tanya Whitehouse OAM, Manager

## **Monday, 16 November 2020 – Canberra**

*Economic Justice Australia*

- Ms Leanne Ho, Executive Officer
- Ms Katherine Boyle, Deputy Chair; Executive Director, Welfare Rights Centre
- Ms Catherine Eagle, Member; Principal Solicitor, Welfare Rights and Advocacy Services (Western Australia)

*Women in Super*

- Mrs Sandra Buckley, Chief Executive Officer

*Australian Banking Association*

- Ms Anna Bligh, Chief Executive Officer

*Financial Counselling Australia*

- Dr Dominique Meyrick, Director Development
- Ms Julie Barrow, Coordinator, Financial Counselling Development

*Tangentyere Council Aboriginal Corporation*

- Ms Maree Corbo, Co-manager, Community Safety and Social Services Division
- Mr Michael Klerck, Social Policy and Research Manager

*National Family Violence Prevention and Legal Services Forum*

- Ms Antoinette Braybrook, Chairperson
- Ms Phynea Clarke, Deputy Chairperson

*Just Reinvest NSW*

- Ms Sarah Hopkins, Chair; Managing Solicitor, Justice Projects, Aboriginal Legal Service NSW/ACT

## **Tuesday, 17 November 2020 – Canberra**

*Department of Health*

- Ms Amy Laffan, Acting First Assistant Secretary, Aged Care Quality Reform
- Ms Tiali Goodchild, Assistant Secretary, Preventive Health Policy
- Ms Liz Dowd, Assistant Secretary, MBS Policy and Specialist Services

*Aged Care Quality and Safety Commission*

- Ms Janet Anderson, Commissioner

*Youth Wellbeing Project*

- Mrs Liz Walker, Managing Director
- Ms Louise Chung, Research Assistant

*eSafety Commissioner*

- Ms Julie Inman Grant, eSafety Commissioner

*Google Australia*

- Ms Samantha Yorke, Government Affairs and Public Policy

*Facebook*

- Mrs Mia Garlick, Director of Public Policy, Australia, New Zealand and Pacific Islands

*Caxton Legal Centre*

- Mrs Cybele Koning, Chief Executive Officer

*Good Shepherd Australia New Zealand*

- Ms Stella Avramopoulos, Chief Executive Officer
- Dr Madeleine Ulbrick, Senior Policy Adviser

## **Wednesday, 18 November 2020 – Canberra**

*StandbyU Foundation*

- Mr Chris Boyle, Chief Executive Officer

*No to Violence*

- Ms Jacqui Watt, Chief Executive Officer
- Ms Lizette Twisleton, Head of Sector Development
- Mr Russell Hooper, Head of Advocacy

*One in Three Campaign*

- Mr Greg Andresen, Senior Researcher
- Mr Andrew Humphreys, Social Worker

*FamilyVoice Australia*

- Mr David d’Lima, South Australia Director
- Mr Jerome Appleby, Policy and Research Officer

*Australian Brotherhood of Fathers*

- Mr Leith Erikson, Founder
- Mr Michael Jose, Consultant
- Mr Cody Beck, Consultant

*Barnardos Australia*

- Ms Deirdre Cheers, Chief Executive Officer

*Families Australia*

- Dr Brian Babington, Chief Executive Officer
- Ms Margaret Fisher, Senior Policy Officer

*Alannah & Madeline Foundation*

- Ms Lesley Podesta, Chief Executive Officer
- Ms Lee Cameron, Head of Care
- Ms Jessie Mitchell, Senior Advisor, Policy

*White Ribbon Australia*

- Mr Brad Chilcott, Executive Director

**Thursday, 19 November 2020 – Canberra***The Salvation Army*

- Ms Lorrinda Hamilton, General Manager, National Family Violence Services
- Ms Veronica Hunt, State Manager Family Violence Victoria

*Mission Australia*

- Ms Nada Nasser, State Director NSW, ACT and Victoria
- Ms Mychelle Curran, State Director Tasmania and South Australia

*St Vincent de Paul Society*

- Ms Louise Miller Frost, Chief Executive Officer, St Vincent De Paul Society South Australia
- Ms Rose Beynon, Director, Policy and Research, St Vincent de Paul Society National Council of Australia

*Samaritans Foundation*

- Mr Bradley Webb, Executive Director People Care

*Australian Women's Health Network*

- Ms Bonney Corbin, Chair
- Ms Denele Crozier AM, Treasurer

*McAuley Community Services for Women*

- Ms Jocelyn Bignold, Chief Executive Officer

*Marie Stopes Australia*

- Ms Cate Grindlay, Executive Director, Nursing and Clinical Services

*National Council of Single Mothers and their Children*

- Ms Terese Edwards, Chief Executive Officer
- Ms Angela Finch, Client
- Ms Thea Thomas, Client

*Council of Single Mothers and their Children*

- Ms Jenny Davidson, Chief Executive Officer

## **Thursday, 3 December 2020 – Canberra**

*Scottish Women's Aid*

- Dr Marsha Scott, Chief Executive Officer

*Women's Aid Federation England*

- Jacqui Kilburn, National Training Centre Manager

## **Friday, 4 December 2020 – Canberra**

*Department of the Prime Minister and Cabinet*

- Ms Catherine Hawkins, First Assistant Secretary, Office for Women
- Ms Elizabeth Brayshaw, Assistant Secretary, Office for Women
- Ms Clancie Hall, Senior Adviser, Office for Women

*Department of Social Services*

- Ms Liz Hefren-Webb, Deputy Secretary, Families and Communities
- Mr Brenton Philp, Group Manager, Families
- Ms Greta Doherty, Branch Manager, Family Safety

*Attorney-General's Department*

- Mr Iain Anderson, Deputy Secretary, Legal Services and Families Group
- Mr Cameron Gifford, First Assistant Secretary, Legal Services and Families Group
- Ms Alexandra Mathews, Assistant Secretary, Family Safety Branch, Legal Services and Families Group
- Mr Adam Nott, Acting Assistant Secretary, Legal Assistance Branch, Legal Services

*National Mental Health Commission*

- Ms Christine Morgan, Chief Executive Officer

*Council of Small Business Organisations of Australia*

- Mr Peter Strong, Chief Executive Officer

*National Retail Association*

- Ms Lindsay Carroll, Deputy Chief Executive Officer and Legal Practice Director

*Ms Leonie McGuire, Private capacity**Australian Industry Group*

- Mr Brent Ferguson, National Manager, Workplace Relations Advocacy and Policy

*NSW Department of Communities and Justice*

- Mrs Simone Walker, Deputy Secretary, Strategy, Policy and Commissioning

*NSW Police Force*

- Assistant Commissioner Mark Jones
- Chief Inspector Sean McDermott

*ACT Government*

- Ms Kirsty Windeyer, Coordinator-General, Family Safety