

The Treasury  
Australian Government  
Via web form at <https://consult.treasury.gov.au>  
Date: 15 December 2017

## **Submission on priorities for the 2018-19 Budget**

Thank-you for the opportunity to make a submission on priorities for the 2018-19 Budget.

### [About the Australian Women Against Violence Alliance \(AWAVA\)](#)

Australian Women Against Violence Alliance (AWAVA) is one of the six National Women's Alliances funded by the Australian Government to bring together women's organisations and individuals across Australia to share information, identify issues and contribute to solutions. AWAVA's focus is on responding to and preventing violence against women and their children. AWAVA's role is to ensure that women's voices and particularly marginalised women's voices are heard by Government, and to amplify the work of its member organisations and Friends and Supporters. AWAVA's members include organisations from every State and Territory in Australia, representing domestic and family violence services, sexual assault services, and women's legal services, as well as organisations representing Aboriginal and Torres Strait Islander women, young women, women educators, women in the sex industry and other groups. AWAVA's lead agency is the Women's Services Network (WESNET).

### **Consolidated recommendations**

AWAVA makes the following recommendations to the Australian Government for priorities to be addressed in the 2018-19 Budget:

#### [National Plan to Reduce Violence Against Women and Their Children](#)

1. Make a funding commitment over the forward years that is proportionate to the Victorian Government's commitment to implementing the recommendation of the Royal Commission on Family Violence, with an amount sufficient to deliver all the outcomes of the National Plan to Reduce Violence against Women and their Children
2. Through COAG, work with all States and Territories to increase funding for the safety of women and children
3. Maintain this elevated funding level until there is clear evidence that the safety of women and children is increasing and this improvement is sustainable
4. Work with the other members of COAG to commit to and fund the recommendations of the report by the COAG Advisory Panel on Reducing Violence Against Women and their Children

### Housing and homelessness services for women and children leaving violence

5. Significantly increase spending on social housing to meet growing demand.
6. Develop a federal strategy to end homelessness that addresses critical drivers of homelessness, including social security spending, family violence prevention, and measures to deliver affordable rental housing.
7. Work to ensure that the new National Housing and Homelessness Agreement is introduced as a package negotiated and agreed with the States and Territories, together with the accountability measures (what the Agreement aims to achieve), and the performance framework (how the measures will be monitored).
8. Together with the States and Territories, adopt a gender-responsive approach to housing and homelessness policy, as outlined in a recent joint letter to all jurisdictions from AWAVA and ERA.
9. Take immediate steps to ensure that any agreements (bilateral or overarching) addressing homelessness include the requirement not only that State/Territory strategies include measures to support women and children escaping violence but also that funding spent under these strategies goes to services with specialist capability to address the gendered dynamics of violence and homelessness (i.e. specialist women's services and/or generalist services with documented specialist capability.)

### Other services and payments for women facing violence

10. Expand funding for accessible, specialist, targeted, culturally safe, client-centred services that meet the health, housing, justice and legal needs of Aboriginal and Torres Strait Islander, LGBTIQ, culturally and linguistically diverse, migrant and refugee women, women living in regional, rural and remote areas, women working in the sex industry and women with disability.
11. In light of the ongoing trends of increasing demand as well as the impact of media campaigns on violence against women, allocate substantial additional funding to 1800RESPECT in consultation with the women's services sector
12. Increase funding to sexual violence services to meet existing and increasing demand for services, and work with governments in other jurisdictions to achieve increased funding for these services
13. Fund Family Violence Prevention Legal Services and specialist Aboriginal and Torres Strait Islander legal services so that they are accessible to every community.
14. Ensure that every Family Violence Prevention Legal Service include (and be resourced to include) a specialist child sexual assault position.
15. Develop an economic strategy and/or funding stream to fund dedicated Aboriginal and Torres Strait Islander sexual violence prevention initiatives.
16. Institute measures to ensure that any contracts associated with the provision of medical and support services in immigration detention centres require the delivery of services to meet good-practice Australian standards, including services for people seeking asylum who have been alleged or been found to have been subject to abuse, neglect or self-harm while in the centres or nearby communities as a result of seeking asylum.

17. De-link access to the Support for Trafficked People Program from compliance with criminal investigations

#### Economic empowerment

18. Ensure responses to violence against women include actions to secure women's continuing workplace engagement, such as domestic and family violence leave, recognising the disruption caused by this violence to women's lives and the unique opportunities available to workplaces to support their employees.
19. Amend the Fair Work Act to establish a minimum entitlement to 10 days paid family and domestic violence leave as part of the National Employment Standards.
20. Prioritise economic and social policies that will help to close the gender pay gap and the gender gap in retirement incomes, end workplace harassment, address the feminisation of poverty, and reduce the pressure on women to provide the bulk of unpaid domestic and care work.

#### Access to justice

21. Implement WLSA's 5 Step Plan for Safety First in Family Law including additional funding for early identification of domestic and family violence in family law proceedings and early and ongoing risk assessment; regular and ongoing training of judiciary, legal practitioners, family dispute resolution practitioners and family report writers in nature and understanding of domestic violence and trauma informed practice, cultural competency and disability awareness; additional funding for lawyer assisted family dispute resolution.
22. Increase funding to services supporting women leaving prison, including services to address trauma and sexual, domestic and family violence.
23. In order to address access to justice concerns affecting people with disability, 'all Australian jurisdictions, in partnership with people with disability, develop and implement Disability Justice Strategies that identify and address barriers to justice for people with disability and that are in line with the recommendations from the Australian Human Rights Commission's report, *Equal Before the Law: Towards Disability Justice Strategies*.'
24. Ensure that adequate funding is allocated (and clearly identified) for the Third Action Plan actions: 4.5(a) Work with Attorneys-General, justice departments, health workers (doctors and nurses) and professional associations to broaden the categories of health workers who can collect forensic evidence; and 4.5(b) Trial different models for the appropriate collection of forensic evidence and victim support in rural and regional locations.

#### Violence prevention

25. Expand funding to support actions 1.2 and 1.3 under the Third Action Plan (2016-19) of the National Plan to Reduce Violence against Women and their Children to support: local communities to take effective action to reduce violence against women and their children and; schools and teachers to deliver age-appropriate and evidence-based respectful relationships education to all schoolchildren covering sexual violence and gender equality issues and a range of other relationship issues and tailored to vulnerable cohorts.

26. Increase funding for community-led and culturally safe primary prevention and early intervention initiatives in diverse communities including Aboriginal and Torres Strait Islander, LGBTIQ, culturally and 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.
27. Together with governments and funding bodies at all levels, provide greater financial and institutional support to effective local and state based organisations and programs working in the area of sexual violence prevention, in line with governments' commitments under the National Plan.
28. Allocate adequate additional funding to build upon and extend the 'Stop it at the Start' campaign, including bystander capacity-building, and to build in representations of diversity.

#### Technology safety

29. Extend funding for technology safety measures established under the Women's Safety Package, including the e-Safety Commissioner's work on women's online safety and image based abuse, the project on removing surveillance technology from victims'/survivors' homes, and WESNET's Safer Connections / Safety Net Australia – Safer Technology for Women program, and to ensure there is no funding gap which would cause loss of key expert staff and expertise.

## Background

### National Plan to Reduce Violence Against Women and Their Children

The National Plan to Reduce Violence Against Women and their Children (2010-2022) represents a major commitment by the Australian Government, and has underpinned the development of crucial services such as 1800RESPECT and important prevention initiatives, including those led by Our Watch. However, with just four years of the Plan remaining and with little evidence of decreasing prevalence of key forms of violence against women<sup>1</sup>, there is an urgent need for the Australian Government to step up its funding and commitment to the National Plan to ensure that the Plan meets even its goal of reducing (rather than eliminating) violence against women. In addition, since its inception, there has been increasing awareness of the importance of a broader understanding of different forms of violence and the needs of different groups of women, which also entails a major increase in the Australian Government's funding and policy capacity.

In terms of balancing revenue and spending measures, we believe that with an appropriate level of commitment there is scope to substantially increase funding under the National Plan. The Australian Government could recalibrate its funding to anti-terror and national security measures, in line with the huge disparity between the scale of fatalities due to terrorism and those due to family violence (as well as the impacts in terms of injury, disability, health and well-being). As the Monash University's Gender and Family Violence team has pointed out, the Global Terrorism Index and the AIC homicide monitoring show

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<sup>1</sup> ABS PSS 2016 <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>

that, from the period 2005–2015, 520 women were killed by an intimate (ex)partner while six people were killed in terrorist attacks (and this figure includes the assailants).<sup>2</sup> By contrast, the Monash team found that the 2017 Budget allocated \$321 million to the Australian Federal Police alone for national security measures, compared with \$50 million for domestic and family violence services.

Price Waterhouse Coopers has estimated that violence against women in Australia imposes a financial cost of \$21.7 billion a year, with victims/survivors bearing the main burden of this cost. Governments (national and State and Territory) bear the next largest portion, estimated at \$7.8 billion a year, which comprises health, administration and social welfare costs.<sup>3</sup> In this context, the costs of a substantially greater investment in comprehensive prevention and response initiatives, with measures directed to the specific needs of women in their diversity, would be offset by reductions in costs elsewhere, most importantly in the cost to victims/survivors themselves.

As outlined in Equality Rights Alliance’s pre-budget submission, there are also important tax measures that can be used to mobilise resources for housing affordability and support, which are of critical importance for women and children facing violence. These include options for reforming negative gearing.

In summary there are both spending and revenue measures that could be used to fund the direction of greater resources to preventing and responding to violence against women. Furthermore, there are compelling reasons for doing so. In addition to the responsibility of national governments to establish safety for all residents, there is the need to prioritise funding according to the real impact and threat of harm. Finally, it is possible to prevent the very high burden of cost which falls predominantly on the individual lives of women and children who are subjected to violence, but also impacts on government budgets.

The commitment of \$1.9 billion in the Victorian Government’s 2017-2018 Budget indicates the scale of investment needed to make women safer and the Victorian Royal Commission into Family Violence demonstrates one process to identify what actions need to be taken<sup>4</sup>.

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<sup>2</sup> <http://artsonline.monash.edu.au/gender-and-family-violence/federal-budget-fails-those-affected-by-family-violence-again/>

<sup>3</sup> <https://www.pwc.com.au/pdf/a-high-price-to-pay.pdf>

<sup>4</sup> The Victorian Royal Commission into Family Violence produced a multi-volume report that canvasses the many views heard by the Commission during its consultation processes and covers a broad range of topics including risk assessment, information sharing, service system pathways, police, courts, offences and sentencing, housing, financial security, recovery, the experience of children and young people and people from diverse communities, system governance and oversight, industry planning, primary prevention, and the role the health system, faith communities and workplaces can play in addressing family violence. The Commission's 227 recommendations are directed at improving the foundations of the current system, seizing opportunities to transform the responses to family violence, and building the structures that will guide and oversee a long-term reform program that deals with all aspects of family violence. <http://www.rcfv.com.au/Report-Recommendations>

We recommend that the Australian Government:

- 1. Make a funding commitment over the forward years that is proportionate to the Victorian Government's commitment to implementing the recommendation of the Royal Commission into Family Violence, with an amount sufficient to deliver all the outcomes of the National Plan to Reduce Violence against Women and their Children**
- 2. Through COAG, work with all States and Territories to increase funding for the safety of women and children**
- 3. Maintain this elevated funding level until there is clear evidence that the safety of women and children is increasing and this improvement is sustainable**
- 4. Work with the other members of COAG to commit to and fund the recommendations of the report by the COAG Advisory Panel on Reducing Violence Against Women and their Children.<sup>5</sup>**

### Housing and homelessness services for women and children leaving violence

Women are the primary beneficiaries of housing support systems, making up the majority of public housing tenants, Commonwealth Rent Assistance (CRA) recipients and people approaching specialist homelessness services.<sup>6</sup> Six out of ten homelessness service clients in 2014-15 were female.<sup>7</sup> Domestic and sexual violence is the leading cause of homelessness and housing instability in Australia, and is consistently one of the most common reasons clients seek assistance from specialist homelessness services (SHSs).<sup>8</sup> In 2015-16, 38% of SHS clients had experienced family and domestic violence and 92% of these were women and children.<sup>9</sup> The number of family and domestic violence clients has increased by 33% since 2011-12.<sup>10</sup> The 2016-17 AIHW report on specialist homelessness services, including services supporting women and children facing domestic and family violence, found that two in five clients had experienced domestic and family violence.<sup>11</sup> The same report found that on average there were 261 requests for assistance per day that were unable to be met, most commonly because agencies were unable to meet requests for accommodation because there was no accommodation available at the time.<sup>12</sup> The majority of unassisted requests

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<sup>5</sup> Available at: <https://www.pmc.gov.au/office-women/womens-safety/coag-advisory-panel-reducing-violence-against-women-and-their-children>

<sup>6</sup> Australian Women Against Violence Alliance (AWAVA) and Equality Rights Alliance (ERA) 2017, Submission to the Productivity Commission Introducing Competition and Informed User Choice into Human Services Draft Report, P.5 <http://www.equalityrightsalliance.org.au/wp-content/uploads/2017/07/AWAVA-and-ERA-Submission-to-PC-Draft-Report-on-Human-Services-20170714.pdf>

<sup>7</sup> Australian Institute of Health and Welfare 2015, Specialist Homelessness Services 2014-15: Clients, Services and Outcomes, Australian Government, Canberra  
<http://www.aihw.gov.au/homelessness/specialist-homelessness-services-2014-15/clients-services-outcomes/>

<sup>8</sup> <https://www.aihw.gov.au/reports/australias-welfare/australias-welfare-2017-in-brief/contents/housing-and-homelessness>

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2016-17/contents/client-groups-of-interest/clients-who-have-experienced-domestic-and-family-violence>

<sup>12</sup> <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2016-17/contents/unmet-demand-for-specialist-homelessness-services>

came from people identifying as female (66%).<sup>13</sup> Therefore issues of gender and violence are not marginal to the 'main problem' of homelessness and housing; they are central. An effective national homelessness policy has to put them at the centre.

A gender-responsive approach to housing and homelessness policy<sup>14</sup> in Australia is needed to engage effectively with the structural disadvantages experienced by women generally as well as the particular situations of different groups of women facing housing insecurity and unaffordability. Such an approach would also be focused on preventing homelessness arising from domestic and family violence as well as supporting victims/survivors of violence by ensuring and enabling the focus of specialist services to address and respond to the gendered drivers of women's experience of violence and homelessness. Recognition that the feminisation of poverty and violence shapes women's housing outcomes is vital if the new National Housing and Homelessness Agreement is to reshape housing systems in a way that does not disadvantage women.

Together with other peak bodies, we are concerned that under the new agreement the social housing and homelessness sector may be expected to increase its capacity without additional investment.<sup>15</sup> While reforms are needed, these must be implemented in a way that does not exacerbate the pressure on service providers and social infrastructure, recognising that these are already over-stretched and under-funded. As AWAVA has previously stated, substantial additional investment is needed to meet housing needs and provide homelessness services.<sup>16</sup>

We note that the Third Action Plan of the National Plan<sup>17</sup> includes the following commitment:

3.3: Strengthen safe and appropriate accommodation options and supports for women and their children escaping violence, including specialist women's services.

3.3(a) Assess and work to address the immediate, medium-term and long-term accommodation needs of women who are escaping violence.

3.3(b) Increase the stock of affordable, accessible and social housing and the support needed to enable women and their children, if they want to, to stay in their own homes through Safe at Home initiatives.

3.3(c) Improve the availability of accommodation for perpetrators who are removed from the home to ensure the safety of women and children in their homes.

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<sup>13</sup> <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2016-17/contents/unmet-demand-for-specialist-homelessness-services>

<sup>14</sup> <https://awava.org.au/2017/10/12/submissions/era-awava-letter-state-territory-governments-re-gender-responsive-national-housing-homelessness-agreement>

<sup>15</sup> NSW Housing and Homelessness peaks- Statement on the confirmation of Commonwealth funding, July 2017 <https://files.tenants.org.au/resources/2017-NSW-Housing-and-Homelessness-peaks-Statement-on-the-confirmation-of-Commonwealth-funding>

<sup>16</sup> Australian Women Against Violence Alliance, 2017, Pre-Budget Submission, 19 January, [https://static.treasury.gov.au/uploads/sites/1/2017/06/C2016-052\\_Australian-Women-Against-Violence-Alliance.pdf](https://static.treasury.gov.au/uploads/sites/1/2017/06/C2016-052_Australian-Women-Against-Violence-Alliance.pdf)

<sup>17</sup> <https://www.dss.gov.au/women/programs-services/reducing-violence/third-action-plan>

3.3(d) Assess the effectiveness of Victoria’s use of Individual Flexible Packages for women and their children who are escaping violence as the basis of a joint review of future funding models, including a possible broader rollout.

3.3(e) Develop national principles for tenancy legislation to ensure consistency across jurisdictions for women who are experiencing violence.

In order to meet this commitment, it is vital that the Commonwealth’s commitment to the new NHHA includes funding increases and that the new Agreement embeds principles of gender-responsiveness within a broader national strategy. These principles must include measures to strengthen the position of specialist women’s services and the provision of competent gender-informed support by other services.

Alongside the new Agreement, there are key immediate steps that the Australian Government can take to assist women who are in temporary migration situations and are facing family violence, and to ease pressure on the services attempting to support them. Recommendations on these issues are contained in a joint pre-budget submission by AWAVA and Harmony Alliance.

AWAVA endorses the recommendations made by Council to Homeless Persons<sup>18</sup>, and recommends that the Australian Government:

- 5. Significantly increase spending on social housing to meet growing demand.**
- 6. Develop a federal strategy to end homelessness that addresses critical drivers of homelessness, including social security spending, family violence prevention, and measures to deliver affordable rental housing.**
- 7. Work to ensure that the new National Housing and Homelessness Agreement is introduced as a package negotiated and agreed with the States and Territories, together with the accountability measures (what the Agreement aims to achieve), and the performance framework (how the measures will be monitored).**

In addition we urge the Commonwealth to:

- 8. Together with the States and Territories, adopt a gender-responsive approach to housing and homelessness policy, as outlined in a recent joint letter to all jurisdictions from AWAVA and ERA.<sup>19</sup>**
- 9. Take immediate steps to ensure that any agreements (bilateral or overarching) addressing homelessness include the requirement not only that State/Territory strategies include measures to support women and children escaping violence but also that funding spent under these strategies goes to services with specialist capability to address the gendered dynamics of violence and homelessness<sup>20</sup> (i.e.**

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<sup>18</sup> <http://chp.org.au/news-and-events/enewsletters/sector-bulletin-1-november-national-housing-homelessness-agreement-nhha/>

<sup>19</sup> <https://awava.org.au/2017/10/12/submissions/era-awava-letter-state-territory-governments-re-gender-responsive-national-housing-homelessness-agreement>

<sup>20</sup> <https://awava.org.au/2017/08/10/research/brochure-unique-role-specialist-womens-services>



**specialist women’s services and/or generalist services with documented specialist capability.)**

#### Other services and payments for women facing violence

Violence against women as a policy issue intersects with a wide range of programs, services and payments across several portfolios including the health, legal, and immigration areas as well as social services and Centrelink. Drawing on the advice and expertise of our member organisations, AWAVA has put forward recommendations in these areas over the last two years, focusing on the need for dedicated services and support for diverse groups of women<sup>21</sup>, measures to address sexual violence<sup>22</sup>, the 1800RESPECT national help-line<sup>23</sup>, and the impact of visa conditions on women’s and children’s safety.<sup>24</sup>

As well as considering AWAVA’s submissions in general, we urge the Australian Government to implement the following recommendations in the 2018-19 Budget, as key priorities identified in AWAVA’s detailed policy work:

- 10. Expand funding for accessible, specialist, targeted, culturally safe, client-centred services that meet the health, housing, justice and legal needs of Aboriginal and Torres Strait Islander, LGBTIQ, culturally and linguistically diverse, migrant and refugee women, women living in regional, rural and remote areas, women working in the sex industry, and women with disability.**
- 11. In light of the ongoing trends of increasing demand as well as the impact of media campaigns on violence against women, allocate substantial additional funding to 1800RESPECT in consultation with the women’s services sector**
- 12. Increase funding to sexual violence services to meet existing and increasing demand for services, and work with governments in other jurisdictions to achieve increased funding for these services**
- 13. Fund Family Violence Prevention Legal Services and specialist Aboriginal and Torres Strait Islander legal services so that they are accessible to every community.<sup>25</sup>**
- 14. Ensure that every Family Violence Prevention Legal Service include (and be resourced to include) a specialist child sexual assault position.**
- 15. Develop an economic strategy and/or funding stream to fund dedicated Aboriginal and Torres Strait Islander sexual violence prevention initiatives.**
- 16. Institute measures to ensure that any contracts associated with the provision of medical and support services in immigration detention centres require the delivery of services to meet good-practice Australian standards, including services for people seeking asylum who have been alleged or been found to have been subject to abuse, neglect or self-harm while in the centres or nearby communities as a result of seeking asylum.**

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<sup>21</sup> Specialist Women’s Services policy paper; ALP submission

<sup>22</sup> Sexual violence issues paper

<sup>23</sup> 1800RESPECT submission

<sup>24</sup> Visa simplification submission

<sup>25</sup> ACSAT (2006), *Breaking the Silence*, Recommendation 5(a)

## 17. De-link access to the Support for Trafficked People Program from compliance with criminal investigations.

### Economic empowerment

Gender inequality has been identified by Our Watch as the key driver of violence against women.<sup>26</sup> This means that, to end violence against women, we need to create gender equality. Gender inequality manifests itself in a range of ways including economic opportunities. Currently in Australia the national gender pay gap is 15.3%.<sup>27</sup> The full-time total remuneration gender pay gap based on the Workplace Gender Equality Agency (WGEA) data is 23.1%, meaning men working full-time earn nearly \$27,000 a year more than women working full-time. Data collected by the Australian Bureau of Statistics and WGEA highlights the “gender pay gap favouring full-time working men over full-time working women in every industry and occupational category in Australia”.<sup>28</sup>

There are several causes of the gender pay gap. They are rooted in gender inequality, one manifestation of which is discrimination and bias in hiring and pay decisions. The existence of male and female-dominated professions and industries that attract higher wages for men and lower for women is in itself rooted in rigid gender stereotypes and binaries. A nuanced analysis is required to understand why women are more likely on average to choose caring roles instead of careers in STEM, and this analysis cannot be done without acknowledging the impacts of gender stereotypes and prescribed roles and expectations on women.

The gendered division of labour results in women’s disproportionate share of unpaid caring and domestic work and thus constitutes another cause of the gender pay gap. In Australia, mothers on average spend more than twice as many hours (8 hours and 33 minutes) each week looking after children aged under 15, compared to fathers (3 hours and 55 minutes).<sup>29</sup> Furthermore, Australian women account for 92 per cent of primary carers for children with disabilities, 70 per cent of primary carers for parents and 52 per cent of primary carers for partners.<sup>30</sup>

Given that women are more engaged in domestic and care work, the lack of workplace flexibility to accommodate caring and other responsibilities, especially in senior roles, is another cause of the gender pay gap. Finally, women’s greater time out of the workforce impacts on career progression and opportunities.

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<sup>26</sup> Our Watch (2015), Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia, <https://www.ourwatch.org.au/getmedia/0aa0109b-6b03-43f2-85fe-a9f5ec92ae4e/Change-the-story-framework-prevent-violence-women-children-AA-new.pdf.aspx>

<sup>27</sup> <https://www.wgea.gov.au/addressing-pay-equity/what-gender-pay-gap>

<sup>28</sup> Ibid.

<sup>29</sup> Australian Bureau of Statistics, 4125.0 – Gender Indicators, Australia, Jan 2012: Caring for Children (February 2012). <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by+Subject/4125.0~Jan+2012~Main+Features~Caring+for+children~4120>

<sup>30</sup> Australian Bureau of Statistics, 4153.0-How Australians Use Their Time, 2006 (February 2008). <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4153.0>

WGEA reports that the gender pay gap starts from the time women enter the workforce. The gender pay gap immensely impacts women's lifetime economic security.<sup>31</sup> The gender pay gap and subsequent lack of economic security contributes to the feminisation of poverty. In 2016, 13.8% of all women in Australia were living in poverty.<sup>32</sup> Women's higher rate of poverty results from poorer employment opportunities, women's over-representation in lower level positions, the gendered wage gap, women's increased likelihood of performing unpaid caring roles and as a result women's lower financial security in retirement.<sup>33</sup> In 2012, 38.7% of elderly single women compared to 33.8% of elderly single men were living in poverty.<sup>34</sup>

The gender pay gap also results in women having less superannuation when they retire. The median super balance for a woman in the 55-64 age group was \$80,000 compared to \$150,000 for men. This represents a super gender gap of 47%. As a result, as argued above, women are more likely to experience poverty in their retirement years and be far more reliant on the Age Pension.<sup>35</sup>

For women facing domestic and family violence, their relative lack of economic security creates additional barriers to moving to a situation of safety. Furthermore, the costs of leaving a violent family situation and establishing a new household make it particularly important for women to be able to maintain whatever economic security they do have, especially through employment with secure and adequate conditions.

AWAVA recommends that the Australian Government:

- 18. Ensure responses to violence against women include actions to secure women's continuing workplace engagement, such as domestic and family violence leave, recognising the disruption caused by this violence to women's lives and the unique opportunities available to workplaces to support their employees.**
- 19. Amend the Fair Work Act to establish a minimum entitlement to 10 days paid family and domestic violence leave as part of the National Employment Standards.**
- 20. Prioritise economic and social policies that will help to close the gender pay gap and the gender gap in retirement incomes, end workplace harassment, address the feminisation of poverty, and reduce the pressure on women to provide the bulk of unpaid domestic and care work.**

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<sup>31</sup> [https://www.wgea.gov.au/sites/default/files/Gender\\_pay\\_and\\_superannuation\\_gaps\\_by\\_age\\_group.pdf](https://www.wgea.gov.au/sites/default/files/Gender_pay_and_superannuation_gaps_by_age_group.pdf)

<sup>32</sup> This is higher than the poverty rate of Australian men, which was 12.8 per cent. See Australian Council of Social Service (2016) Poverty in Australia: 2016, p. 32, available at: <http://www.acoss.org.au/wp-content/uploads/2016/10/Poverty-in-Australia-2016.pdf>

<sup>33</sup> Australian Council of Social Service (2014) Poverty in Australia: 2014, p. 17, Available at [http://www.acoss.org.au/images/uploads/ACOSS\\_Poverty\\_in\\_Australia\\_2014.pdf](http://www.acoss.org.au/images/uploads/ACOSS_Poverty_in_Australia_2014.pdf)

<sup>34</sup> Wilkins, R (2015), The Household, Income and Labour Dynamics in Australia Survey: Selected findings from Waves 1-12. Melbourne Institute of Applied Economic and Social Research, viewed 21 September 2016, available: [https://www.melbourneinstitute.com/downloads/hilda/Stat\\_Report/statreport\\_2015.pdf](https://www.melbourneinstitute.com/downloads/hilda/Stat_Report/statreport_2015.pdf)

<sup>35</sup> R Tanton, Y Vidyattama, J McNamara, Q Ngu Vu & A Harding, Old Single and Poor: Using Microsimulation and Microdata to Analyse Poverty and the Impact of Policy Change Among Older Australians (2008) p 15. <http://onlinelibrary.wiley.com/doi/10.1111/j.1759-3441.2009.00022.x/abstract>

## Access to justice

Women's access to justice is impacted by gender inequality and the social and economic disadvantages experienced by women. Women have less access to information about their rights, have more difficulty obtaining legal services, and are more likely to experience financial insecurity, which impacts on their access to legal support and leads to difficulty in navigating court systems. Women living with violence often face increased social and economic marginalisation. This results in them facing additional barriers in accessing legal services, thereby restricting their ability to use the legal system to seek protection or to uphold their rights and re-establish their lives after having left a violent relationship.

While significant steps have been undertaken to improve the legal system's responsiveness and establish stronger safeguards for women and children experiencing and at risk of experiencing violence, it still does not deal well with some aspects of violence against women and children. In many instances, women and children still face significant barriers in accessing justice, and shortcomings of the justice system often continue to fail them. As a result, they are often re-traumatised and placed at a heightened risk of further violence or death. In addition, important services that work to remove these barriers continue to be subject to funding shortages and harsh funding cuts, further limiting women's and children's ability to access justice and often resulting in adverse outcomes. Specific targeted measures are required for several groups, including women with disability and Aboriginal and Torres Strait Islander women who are or have been imprisoned.

Aboriginal and Torres Strait Islander women are far more likely to be imprisoned than non-Indigenous men.<sup>36</sup> This makes Aboriginal and Torres Strait Islander women the fastest growing prison population. A 2003 study of Aboriginal women in NSW prisons found that over 75% of Aboriginal women had been sexually assaulted as a child, just under 50% had been sexually assaulted as adults and almost 80% were victims of family violence.<sup>37</sup> This situation requires specific service as well as justice responses, including increased funding for services to support women leaving prison.

Women with disability experience many of the same barriers that women without disability face when engaging with the criminal justice system, such as police unwillingness to take a case seriously, a fear of not being believed or a lack of awareness or understanding about the legal process.<sup>38</sup> In addition to these, women with disability face further barriers,

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<sup>36</sup> Baldry, E., Cunneen, C. (2014). Imprisoned Indigenous women and the shadow of colonial patriarchy. *Australian and New Zealand Journal of Criminology*.

<sup>37</sup> Lawrie cited in Natalie Taylor & Judy Putt, "Adult sexual violence in Indigenous and culturally and linguistically diverse communities in Australia," *Trends and Issues in crime and criminal justice*, Australian Institute of Criminology, September 2007 at p.2.

<sup>38</sup> Frohmader, C. (2011), *Submission to the Preparation Phase of the UN Analytical Study on Violence against Women and Girls with Disabilities*, (A/HRC/RES/17/11). Prepared for Women With Disabilities Australia (WWDA). Further discussion of the barriers to accessing justice experienced by people with disability can be found in Australian Human Rights Commission, (2014). *Equal Before the Law: Towards disability justice strategies*

[https://www.humanrights.gov.au/sites/default/files/document/publication/2014\\_Equal\\_Before\\_the\\_Law.pdf](https://www.humanrights.gov.au/sites/default/files/document/publication/2014_Equal_Before_the_Law.pdf)

including those found in legislation, policies and attitudes. Discriminatory stereotypes and perceptions about disability often intersect with damaging preconceived ideas about women and violence, including sexual violence. These beliefs, especially those relating to the reliability of women with disability as witnesses, or the legal capacity of these individuals, can lead to cases involving women with disability not being taken seriously or investigated adequately.<sup>39</sup> It is concerning that due to a lack of access to justice for women with disabilities facing violence in Australia, there are continuing serious violations of human rights under Article 16 of the United Nations Convention on the Rights of Persons with Disability (CRPD).

AWAVA's recent reports, *Access to justice for women and children living with or at risk of violence* (2016) and *Sexual violence: Law reform and access to justice* (2017) lay out key issues and put forward a range of recommendations for reforms. In this pre-budget submission, we wish to highlight the following.

AWAVA recommends that the Australian Government:

- 21. Implement WLSA's 5 Step Plan for Safety First in Family Law<sup>40</sup> including additional funding for early identification of domestic and family violence in family law proceedings and early and ongoing risk assessment; regular and ongoing training of judiciary, legal practitioners, family dispute resolution practitioners and family report writers in nature and understanding of domestic violence and trauma informed practice, cultural competency and disability awareness; additional funding for lawyer assisted family dispute resolution.**
- 22. Increase funding to services supporting women leaving prison, including services to address trauma and sexual, domestic and family violence.**
- 23. In order to address access to justice concerns affecting people with disability, 'all Australian jurisdictions, in partnership with people with disability, develop and implement Disability Justice Strategies that identify and address barriers to justice for people with disability and that are in line with the recommendations from the Australian Human Rights Commission's report, *Equal Before the Law: Towards Disability Justice Strategies*.'<sup>41</sup>**
- 24. Ensure that adequate funding is allocated (and clearly identified) for the Third Action Plan actions: 4.5(a) Work with Attorneys-General, justice departments, health workers (doctors and nurses) and professional associations to broaden the categories of health workers who can collect forensic evidence; and 4.5(b) Trial**

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<sup>39</sup> French, P. (2007) *Disabled Justice: The Barriers to Justice for Persons With Disability In Queensland* (Report, Queensland Advocacy Incorporated).

<sup>40</sup> See <https://safetyinfamilylaw.org.au/>

<sup>41</sup> Frohmader, C. and Sands, T. (2015), *Australian Cross Disability Alliance (ACDA) Submission to the Senate Inquiry into Violence, Abuse and Neglect against People with Disability in Institutional and Residential Settings*, Disabled People's Organisations Australia (formerly ACDA), Recommendation 42.26. <http://dpoa.org.au/submissions/acda-submission-to-senate-inquiry-into-violence-abuse-and-neglect-against-people-with-disability-in-institutional-and-residential-settings/>

**different models for the appropriate collection of forensic evidence and victim support in rural and regional locations.**

### Violence prevention

Australian governments and NGOs have made major steps in developing a primary prevention approach to ending violence against women. Prominent among these is the world-first shared framework for primary prevention, Our Watch's *Change the Story*.<sup>42</sup> To build on this work and embed prevention initiatives across a range of settings, resources and policy/program coordination are required.

AWAVA recommends that the Australian Government:

- 25. Expand funding to support actions 1.2 and 1.3 under the Third Action Plan (2016-19) of the National Plan to Reduce Violence against Women and their Children to support: local communities to take effective action to reduce violence against women and their children and; schools and teachers to deliver age-appropriate and evidence-based respectful relationships education to all schoolchildren covering sexual violence and gender equality issues and a range of other relationship issues and tailored to vulnerable cohorts.**
- 26. Increase funding for community-led and culturally safe primary prevention and early intervention initiatives in diverse communities including Aboriginal and Torres Strait Islander, LGBTIQ, culturally and 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.**
- 27. Together with governments and funding bodies at all levels, provide greater financial and institutional support to effective local and state based organisations and programs working in the area of sexual violence prevention, in line with governments' commitments under the National Plan.<sup>43</sup>**
- 28. Allocate adequate additional funding to build upon and extend the 'Stop it at the Start' campaign, including bystander capacity-building, and to build in representations of diversity.**

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<sup>42</sup> Our Watch (2015), *Change the Story: A shared framework for the primary prevention of violence against women and their children in Australia*, <https://www.ourwatch.org.au/getmedia/0aa0109b-6b03-43f2-85fe-a9f5ec92ae4e/Change-the-story-framework-prevent-violence-women-children-AA-new.pdf.aspx>

<sup>43</sup> AWAVA Sexual Violence: Access to Justice Issues Paper

## Technology safety

Over the last few decades, technology such as the internet, social media, mobile phones, computers and surveillance devices have increasingly been used against women by perpetrators as a tactic of control and abuse within the wider context of violence against women.

Manifestations of technology-facilitated abuse range from recording of intimate images where a victim/survivor does not have a safe option not to consent, to stalking, installing hidden applications to track woman's location<sup>44</sup> or to obtain access to her email or messages, (cyber)bullying and harassment, and the use of communications technologies to enable a sexual assault and/or to coerce a victim into an unwanted sexual act.<sup>45</sup>

Technology-facilitated abuse has also become a tool of perpetrators of domestic and family violence to threaten, harass and/or control both current and former partners.<sup>46</sup> In terms of sexual violence in both intimate partner and non-intimate partner relationships, technology is another weapon with which assault is perpetrated.

Australian governments and women's services have made substantial progress in developing programs to support victims/survivors and promote technology safety to facilitate women's engagement in online platforms. In order to build on momentum and avoid inefficiencies from short-term, stop-start funding, it is important to extend funding for programs that have established effective ways of working towards these ends.

We recommend that the Australian Government

- 29. Extend funding for technology safety measures established under the Women's Safety Package, including the e-Safety Commissioner's work on women's online safety and image based abuse, the project on removing surveillance technology from victims'/survivors' homes, and WESNET's Safer Connections / Safety Net Australia – Safer Technology for Women program, and to ensure there is no funding gap which would cause loss of key expert staff and expertise.**

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<sup>44</sup> See <http://www.smartsafe.org.au/disturbing-new-trend-domestic-violence-offenders-use-car-tracking>

<sup>45</sup> Anastasia Powell & Nicola Henry (2016): Policing technology-facilitated sexual violence against adult victims: police and service sector perspectives, *Policing and Society*, DOI:10.1080/10439463.2016.1154964

<sup>46</sup> Henry, N., Powell A. (2015) Beyond the 'sext': Technology facilitated sexual violence and harassment against adult women. *Australian & New Zealand Journal of Criminology*. Vol. 48(1) 104–118

Once again we thank you for the opportunity to provide input to the budget process. If you would like to discuss the contents of the AWAVA submission further, please contact Merrindahl Andrew, AWAVA Program Manager, using the details below.

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