

AWAVA

Australian Women Against Violence Alliance

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Submission on priorities for the 2019-2020 Budget:

Budget measures to address violence against women

Thank-you for the opportunity to make a submission on priorities for the 2019-2020 Budget.

About Australian Women Against Violence Alliance

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, services working with women in the sex industry and women's legal services, as well as organisations representing Aboriginal and Torres Strait Islander women, young women, women educators, and other groups. AWAVA's contract manager is the Women's Services Network (WESNET).

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Measures to reduce violence against women: General Comments

Violence against women remains prevalent and pervasive in Australia.

- One in four women have experienced emotional abuse by a current or former partner since the age of 15;
- One in five women have experienced sexual violence since the age of 15;¹
- On average, one woman a week is murdered by her current or former partner.²
- 85% of Australian women have been sexually harassed;³
- Domestic and family violence is a leading cause of homelessness in Australia.⁴

Violence against women is the leading preventable contributor to death, disability and illness in women aged 15 to 44. In 2015 in Australia, it imposed an estimated financial cost of \$21.7 billion a year, with victims/survivors bearing the main burden.⁵ If appropriate action is not taken, this toll could rise to \$323.4 billion by 2045.

It has been well established that violence against women is driven by gender inequality.⁶ Drivers of violence against women and an urgent need to act have been acknowledged by the government. In September 2015, then-Prime Minister Malcolm Turnbull acknowledged that gender inequality is the key underlying cause of violence against women. Additionally, the most recent Statement from the Delegates at the Council of Australian Governments Summit on Reducing Violence Against Women referred to domestic, family and sexual violence as “a national emergency”.⁷

While there has been a recognition of the need for an urgent action, the funding allocated to the task is still adequate. For example, in 2017-2018 the Victorian government allocated \$1.9 billion to implement recommendations of the Victorian Royal Commission into Family Violence. At the same time, Federal budget measures on counterterrorism and border protection are significantly higher than any measures to keep women safe. For instance, in 2018, the Federal budget allocated more than \$800 million⁸ under a set of initiatives titled ‘Keeping Australians Safe’. This included a range of measures from Australian Border Security funding to infrastructure improvements for the Department of Home Affairs and the establishment of the Australian Centre to Counter Child Exploitation. While it is often noted that funding is limited, ending the system of detaining people seeking asylum in offshore processing centres would release funding, improve Australia’s record on human rights and ensure that no further violence including sexual violence against women and children is perpetrated in these settings. AWAVA has previously called on the Australian Government to uphold the rights of people

¹ Australian Bureau of Statistics. (2017). Personal Safety Survey 2016. ABS cat. no. 4906.0. Canberra: ABS. Retrieved from: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>

² Bryant, W. & Bricknall, S. (2017). Homicide in Australia 2012-2014: National Homicide Monitoring Program report. Canberra: Australian Institute of Criminology. Retrieved from: <https://bit.ly/2ozctxh>.

³ AHRC (2018). Everyone’s business: 4th National survey on sexual harassment in Australian workplaces. Retrieved from: <https://whiteribbon.org/2Ea7Q6C>

⁴ Australian Institute of Health and Welfare 2018. Family, domestic and sexual violence in Australia 2018. Cat. no. FDV 2. Canberra: AIHW.

⁵ PWC (2015) A High Price to Pay. Economic Case for Preventing Violence Against Women <https://www.pwc.com.au/pdf/a-high-price-to-pay.pdf>

⁶ 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/What-We-Do/National-Primary-Prevention-Framework>

⁷ 2018 Statement from the Delegates at the Council of Australian Governments Summit on Reducing Violence Against Women <https://www.coag.gov.au/sites/default/files/communique/statement-delegates-coag-summit-reducing-violence-women.pdf>

⁸ https://www.budget.gov.au/2018-19/content/sections/overview/downloads/Budget_2018-19_Budget_Overview.pdf

seeking asylum in Australia.⁹ Efforts to reduce violence against women in Australia cannot be successful without ensuring that women seeking asylum live without violence too.

The level of funding provided to prevent and reduce violence against women is not comparable to the above stated examples. The safety of women in Australia is not afforded the same priority. Instead, measures such as an early release of superannuation in situations of family violence¹⁰ are proposed where the burden to regain financial security is placed on a victim/survivor, risking a situation in which the gap in superannuation between men and women is widened further.¹¹ Additionally, more restrictive welfare policies, such as extended waiting periods for migrants, cashless debit cards and the ParentsNext Program are introduced that in situations of domestic and family violence will disproportionately and negatively impact women's lives.

The National Plan to Reduce Violence Against Women and Their Children (2010-2022) represents a major commitment by the Australian Government. Through its implementation many positive outcomes have been achieved, including the establishment and ongoing work of the flagship initiatives such as 1800RESPECT, Our Watch, DV Alert, and ANROWS; increasing the research and evidence base, as well as increasing public awareness about the prevalence and unacceptable nature of violence against women.¹² Support for the National Plan has been an important part of AWAVA's work since the inception of the Plan. We have provided advice on the development of the four Action Plans so far, and have provided feedback on their implementation.

With all progress up to date, it has been also widely accepted that a reduction in prevalence of violence against women is a long-term task, requiring substantial commitment, funding and continuity of efforts. With just four years of the Plan remaining and with little evidence of decreasing prevalence of key forms of violence against women¹³, 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.

Efforts to reduce violence against women need to be undertaken in a coordinated manner building on the progress achieved so far. Reducing violence against women is a long-term goal that cannot be achieved in isolation. It needs to be approached holistically by taking intersectional approaches, addressing violence against diverse groups of women and their children, addressing different types of violence against women, strengthening systems and services, and improving coordination and governance.

In light of the long-term goal of ending violence against women, we support and strongly encourage the development of a second National Plan, drawing on a full open and participatory evaluation of progress under the first National Plan. AWAVA has produced a position paper on the development of the Fourth Action Plan of the National Plan that offers a holistic framework to prevent and reduce violence against women. We believe that the second National Plan needs to be developed with

⁹ AWAVA (2017) Sexual violence: Law reform and access to justice Issues paper https://awava.org.au/2017/05/19/research-and-reports/sexual-violence-law-reform-access-justice?doing_wp_cron=1548737229.7344379425048828125000

¹⁰ Prime Minister and Cabinet, Women's Economic Security Statement <https://www.pmc.gov.au/sites/default/files/publications/womens-economic-security-statement-2018.pdf>; Review of the early release of superannuation benefits by the Treasury <https://treasury.gov.au/consultation/c2018-t341625/>

¹¹ Workplace Gender Equality Agency <https://www.wgea.gov.au/addressing-pay-equity/what-gender-pay-gap>; Australian Institute of Superannuation Trustees, Women in Super (2016) Women's Super Summit 2016, http://www.aist.asn.au/media/881217/2016_aist-wis_women_s_super_summit_web.pdf

¹² AWAVA (2018) Consulting on the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children. Summary of survey results https://awava.org.au/2018/09/03/research/awava-fourth-action-plan-survey-report?doing_wp_cron=1547511285.1076300144195556640625

¹³ ABS PSS 2016 <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>

reference to our Position Paper¹⁴ and other key documents including Our Watch's Counting on Change guide.¹⁵

Most importantly, efforts to reduce violence against women must properly address the diversity of women in Australia, recognising the multiple and interacting forms of marginalisation as well as the different kinds of resources that people can draw on in building communities free of violence. Any discrimination against women and girls contributes to their inequality, so preventing violence requires us to challenge racism, ableism, homophobia, transphobia, class discrimination and age discrimination as well as sexism.¹⁶

Additionally, this must also include budget transparency and integration of the budgets related to the reduction of violence against women initiatives across all relevant portfolios.

While the project to reduce violence against women is a long-term one, a number of short-term steps are required to sustain and build on the progress up-to-date. Thus, we call on the Commonwealth Government to ensure that key initiatives under the plan are sufficiently and sustainably resourced and adequate long-term funding is provided for quality prevention, early intervention and ongoing specialist response and support initiatives and monitoring and evaluation of these initiatives. National flagship initiatives such as the Personal Safety Survey, the National Community Attitudes towards Violence Against Women Survey, Our Watch, ANROWS, DV Alert and 1800RESPECT need to be continued and sufficiently funded.

In the sections below we outline necessary measures and investments to reduce violence against women that need to be budgeted in the 2019-2020 Federal Budget. These recommendations draw on AWAVA's policy and position in relation to the development of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children. In 2018 AWAVA ran a survey with a number of organisations across Australia seeking feedback on the progress achieved under the Third Action Plan and consulting on the development of the Fourth Action Plan. In total, 243 people responded to the survey. Among them there were 79 service providers, 7 peak bodies and 157 individual responses.¹⁷ The recommendations outlined below draw on the findings of the survey.

The Fourth Action Plan of the National Plan to Reduce Violence Against Women and their Children is a milestone in the efforts to respond to violence against women in Australia. Being the last four-year plan of the 12-year timeframe, it represents a crucial opportunity for honest evaluation and thoughtful planning towards ongoing, consistent and well-resourced efforts to reduce and ultimately end violence against women. In this submission we outline steps in six areas that need to be a focus of all efforts to reduce violence against women. Their implementation can underpin both the Fourth Action Plan and a subsequent second National Plan.

¹⁴ AWAVA (2018) Position Paper on the Development of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children <https://awava.org.au/2018/09/26/in-focus/submission-fourth-action-plan>;

¹⁵ Our Watch (2018) Counting on change: a guide to prevention monitoring. https://www.ourwatch.org.au/getattachment/2093134d-5470-43eb-a04f-2c4f8809efe4/OurWatch_TheGuide_Online.pdf.aspx?ext=.pdf

¹⁶ J. Chen (2017) Intersectionality Matters: A guide to engaging immigrant and refugee communities in Australia. Multicultural Centre for Women's Health. Melbourne <http://www.mcwh.com.au/downloads/Intersectionality-Matters-Guide-2017.pdf>; Domestic Violence Resource Centre Victoria, Multicultural Centre for Women's Health (2018) Framing family violence prevention in meaningful ways for migrant and refugee communities http://www.dvrcv.org.au/sites/default/files/Advocate_2018_Dec_WEB%2015%20PVAW%20migrant%20refugee%20communities.pdf

¹⁷ AWAVA (2018) Consulting on the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children. Summary of survey results https://awava.org.au/2018/09/03/research/awava-fourth-action-plan-survey-report?doing_wp_cron=1547511285.1076300144195556640625

1. APPROACHES TO END VIOLENCE AGAINST WOMEN

1.1. Primary prevention initiatives

Primary prevention initiatives need to be undertaken through an **intersectional and culturally-sensitive** lens and must be sufficiently funded across Australia. Prevention of violence against women is a long-term project requiring ongoing resourcing and firm commitment over many decades.

Recommendations:

1.1.1 That the Australian Government increase funding for community-led intersectional and culturally-sensitive 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.

1.2. Mainstreaming gender equality

Ongoing work to **mainstream gender equality** is required to end violence against women and their children. Our Watch's Change the Story framework identified the four key gendered drivers that need to be challenged: the condoning of violence against women; men's control of decision-making and limits to women's independence; rigid gender roles and identities; and male peer relations that emphasise aggression and disrespect to women.

To ensure that the Commonwealth policy focuses on the needs of women, the establishment of the **gender responsive budgeting** is required. Gender analysis needs to include all measures in particular in relation increasing women's safety, strengthening women's economic security, supporting more women into leadership, and taxation. Gender responsive budgeting needs to include:

- Tracking government expenditure to improve accountability and transparency for the government's gender equality goals, in line with our SDG commitments;
- Recognising and making visible differential impacts across genders of all budgetary measures;
- Comprehensively linking policies across areas through a gender equality lens to address policy incoherence and siloed approaches to gender equality;
- Using this analysis to influence budgetary decision-making so as to limit the negative impacts on women of revenue or expenditure measures and identify measures to advance gender equality.¹⁸

Recommendations:

1.2.1 That the Australian Government consult on and implement models of gender responsive budgeting for integration into the budget process.

1.2.2 That the Australian Government implement a whole-of-government commitment to mainstreaming gender equality across all areas of policy and budgeting.

¹⁸ See Equality Rights Alliance's Mind the GAPP project (Gender Aware Policies and Processes): <https://www.equalityrightsalliance.org.au/projects/gapp/>

1.3. Greater financial and institutional support for prevention initiatives

Governments and funding bodies at all levels need to provide **greater financial and institutional support** to effective local and state based organisations and programs working in the area of violence prevention, including education about gender.

As Our Watch's Counting on Change guide to prevention monitoring makes clear, demand for response services is expected to increase in the medium term as violence condoning attitudes are challenged and reporting is encouraged.¹⁹ Therefore we need a commitment to **comprehensive, secure and ongoing funding for prevention** across jurisdictions as well as, not taken from, response service funding (which itself needs to be increased).

We need to increase **funding and support for community-led intersectional and culturally-sensitive 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 in the sex industry, women in rural and regional areas, older women and young women.

Recommendations:

1.3.1 That 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 violence prevention, including education about gender, in line with governments' commitments under the National Plan.

1.3.2. That the Australian Government provide greater financial and institutional support for Our Watch to lead implementation of Change the Story (the shared framework on primary prevention of violence against women and their children), the Line (a primary prevention behaviour change campaign for young people aged 12 to 20 years) and Changing the Picture (the national resources to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children).

1.3.3. That more support be provided to local communities to take effective action to reduce violence against women and their children, including to 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.

1.3.4. That the Australian Government expand secure funding both for prevention and for response services, within a commitment to a comprehensive society-wide effort to end violence against women.

1.3.5. That the Australian Government 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.

1.4. Coordination of prevention initiatives

There is currently no mechanism to **coordinate primary prevention initiatives** across Australia. A coordination body or network is needed to create opportunities to draw on good practice, identify gaps and learn from other practitioners.

Recommendations:

1.4.1. That the Australian Government invest in the cross-jurisdictional coordination of primary prevention across Australia.

¹⁹https://www.ourwatch.org.au/getmedia/8c6df8f7-5d01-4e32-9e6a-a8bff04f0673/OurWatch_GuideToMonitoring_A3Summary_horizontal.pdf.aspx

1.5. Tracking progress on the key drivers of violence against women

In addition to the National Community Attitudes Survey (NCAS), Personal Safety Survey (PSS) and the Australian Longitudinal Study on Women's Health there is also a need to track progress on the key drivers of violence against women at the population level, recognising the long-term, multi-faceted nature of primary prevention. Our Watch's Counting on Change guide is the key resource on which this work can be based.

Recommendations:

1.5.1 That the Australian Government invest to measure the incremental change taking place that will allow for the goal of the National Plan to be met. Governments should commit to a national monitoring framework aligned with the National Plan, Change the Story, and Counting on change: A guide to prevention monitoring, and fund an independent body to monitor progress against this framework.

1.5.2 That the Australian Government commence the consultation and cross-jurisdictional work to develop a second National Plan.

2. ADDRESSING VIOLENCE AGAINST DIVERSE GROUPS OF WOMEN

2.1. Intersectional lens in efforts addressing violence against women

Efforts to reduce violence against women require **a use of an intersectional lens** to address violence against diverse groups of women. Addressing violence against diverse groups of women requires meaningful consultation, co-design and community-led initiatives.

As well as the groups addressed in detail below, the impact of violence on several other groups has increasingly become of concern, and thus these groups need to be included in prevention and responses to violence. These include women on temporary visas who are experiencing violence, women experiencing financial hardship and/or poverty, women who have been trafficked, women in the sex industry, women in rural and regional areas, and children.²⁰

Recommendations:

2.1.1 That the Australian Government provides sufficient funding to specialist women's services and other relevant generalist services to ensure that all women who are/have experienced violence have access to services and justice that are competent and responsive to their needs.

2.1.2 That the Australian Government invest in research about the experiences of domestic, family and sexual violence of diverse groups of women, in particular those not commonly addressed.

2.1.3 Ensure that mainstream services are trained and resourced to adopt inclusive, culturally safe practices and provide appropriate and accessible support for diverse groups of women experiencing violence.

2.2. Addressing violence against women Aboriginal and Torres Strait Islander Women

Responses to violence against Aboriginal and Torres Strait Islander women need to be co-designed and community-led. Sufficient funding needs to be guaranteed to Aboriginal-owned and -controlled organisations. It is vital that organisations such as Family Violence Prevention Legal Services (FVPLS) are funded and operate in urban, regional, rural and remote areas of Australia. Currently, there are only 14 FVPLSs which means that in the areas they do not cover Aboriginal and Torres Strait Islander victims/survivors have no access to a culturally safe family violence prevention legal service, despite

²⁰ AWAVA (2018) Position Paper on the Development of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children <https://awava.org.au/2018/09/26/in-focus/submission-fourth-action-plan>;

high rates of family violence.²¹ At present FVPLSs collectively service an area that only covers approximately half of the Aboriginal and Torres Strait Islander population.

Mainstream services working with Aboriginal and Torres Strait Islander communities need to ensure cultural competency of service provision.²²

It is essential to address the fact that Aboriginal and Torres Strait Island communities are overrepresented in the prison system with women comprising 30%²³ and men 24% of the total prison population²⁴ and constitute the fastest growing prison population. Research indicates the generally petty nature of most offending.²⁵ Larger numbers of Aboriginal and Torres Strait Islander women are coming into prison as a result of high rates of family violence, high levels of unemployment, poverty and homelessness.²⁶

Family violence intersects with other areas of legal need such as homelessness, child protection and credit issues.²⁷ For example, family violence is a leading cause of child removal for Aboriginal and Torres Strait Islander children.²⁸ It is also a factor that leads to women having greater interaction with the criminal justice system, contributing to high rates of Aboriginal and Torres Strait Islander women imprisoned.²⁹

²¹ National Family Violence Prevention Legal Services Forum (2018) Submission to the Australian Government Department of Social Services. Development of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children http://www.nationalfvpls.org/images/files/20181001_NFVPLS_submission_to_the_Fourth_Action_Plan.pdf ; National Family Violence Prevention Legal Services Forum (2018) Submission to the Australian Human Rights Commission Wiyi Yani U Thangani (Women's Voices)

http://www.nationalfvpls.org/images/files/20181206_NFVPLS_Submission_to_Wiyi_Yani_U_Thangani_APPROVED.pdf

²² AWAVA (2018) Position Paper on the Development of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children <https://awava.org.au/2018/09/26/in-focus/submission-fourth-action-plan>; National Family Violence Prevention Legal Services Forum (2018) Submission to the Australian Government Department of Social Services. Development of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children http://www.nationalfvpls.org/images/files/20181001_NFVPLS_submission_to_the_Fourth_Action_Plan.pdf

²³ ABC News, December 2018, Why are our prisons full of domestic violence victims? <https://www.abc.net.au/news/2018-12-20/womens-prisons-full-of-domestic-violence-victims/10599232?fbclid=IwAR2u0JDNFv3UV8ZFr5UYDEi1T5Ymyag58KTd07ZAj2TjVHtmv5wKkdtCSrg>

²⁴ Australian Bureau of Statistics 2010a. Corrective Services Australia. In: Australian Bureau of Statistics (ed.). Canberra: ABS.

²⁵ Indigenous women and their incarceration for minor crime A Report for the National Council of Women of WA Monica Viviani April 2016.

²⁶ Grant, E. (2014), Approaches to the design and provision of prison accommodation and facilities for Australian Indigenous prisoners after the Royal Commission into Aboriginal deaths in custody Australian Indigenous Law Review, 17 (1) 47-55; Human Rights and Equal Opportunity Commission (2002) Social Justice Report 2002, (W Jonas, Commissioner), Human Rights and Equal Opportunity Commission, Sydney.

²⁷ Human Rights Law Centre and Change the Record (2017) Over-represented and Over-looked: the Crisis of Aboriginal and Torres Strait Islander Women's Growing Over-imprisonment; Weatherburn, D. (2014) Arresting Incarceration: Pathways Out of Indigenous Imprisonment. Aboriginal Studies Press; Aboriginal and Torres Strait Islander Social Justice Commissioner, Social Justice Report 2008 (Human Rights and Equal Opportunity Commission, 2008); Bartels, L. (2010) Indigenous Women's Offending Patterns: A Literature Review, Research and Public Policy Series No 107. Australian Institute of Criminology; Law Council of Australia (2015) Addressing Indigenous Imprisonment National Symposium Discussion Paper.

²⁸ National Family Violence Prevention Legal Services Forum (2017) Submission to the Royal Commission into the Protection and Detention of Children in the Northern Territory, citing Australian Institute of Health and Welfare, Child Protection Australia 2014-15 (2016), 54, table 5.4.

²⁹ Human Rights Law Centre and Change the Record (2017) Over-represented and Over-looked: the Crisis of Aboriginal and Torres Strait Islander Women's Growing Over-imprisonment; Weatherburn, D. (2014) Arresting Incarceration: Pathways Out of Indigenous Imprisonment. Aboriginal Studies Press; Aboriginal and Torres Strait Islander Social Justice Commissioner, Social Justice Report 2008 (Human Rights and Equal Opportunity Commission, 2008); Bartels, L. (2010) Indigenous Women's Offending Patterns: A Literature Review, Research and Public Policy Series No 107. Australian Institute of Criminology; Law Council of Australia (2015) Addressing Indigenous Imprisonment National Symposium Discussion Paper.

A stand-alone family violence prevention target must be introduced in the Closing the Gap Refresh Targets. Currently, a family violence prevention target is only listed within the area of child protection. All levels of government need to take responsibility for its implementation.

Recommendations:

2.2.1 We echo the position of the National Aboriginal and Torres Strait Islander Women Alliance (NATSIWA) and the National Family Violence Prevention Legal Service Forum on the need to have further cooperation between government, domestic and family violence agencies, sexual assault services, Aboriginal Community Controlled Organisations, social workers, universities and legal services.³⁰

2.2.2 The Australian Government should ensure adequate and sustainable funding for Aboriginal-owned and controlled organisations, Family Violence Prevention Legal Services, and the National Aboriginal and Torres Strait Islander Women Alliance that includes CPI increases and is not tied to short term grants.

2.2.3 The Australian Government should sufficiently fund Family Violence Prevention Legal Services to ensure the coverage of all regions in Australia.

2.2.4 In developing new initiatives that will impact Aboriginal and Torres Strait Islander communities, the Australian Government should undertake a substantial gender analysis to ensure that proposed policies do not create further obstacles for diverse groups of women to live the life free of violence.

2.2.5 Incorporate Our Watch's Changing the Picture framework within primary prevention efforts to ensure that these are responsive to and take into account the experiences of Aboriginal and Torres Strait Islander women.

2.2.6 Implement recommendations from 2017 ALRC Report 'Pathways to Justice'³¹, in particular those relating to Aboriginal and Torres Strait Islander Women:

- Recommendation 11–1: Programs and services delivered to female Aboriginal and Torres Strait Islander offenders within the criminal justice system—leading up to, during and post-incarceration—should take into account their particular needs so as to improve their chances of rehabilitation, reduce their likelihood of reoffending and decrease their involvement with the criminal justice system. Such programs and services, including those provided by NGOs, police, courts and corrections, must be a) developed with and delivered by Aboriginal and Torres Strait Islander women; and b) trauma-informed and culturally appropriate.
- Recommendation 11–2: Police engaging with Aboriginal and Torres Strait Islander people and communities should receive instruction in best practice for handling allegations and incidents of family violence—including preventative intervention and prompt response—in those communities.

2.2.7 That the Australian Government support the strategy of Change the Record³² to close the gap in rates of imprisonment and cut the disproportionate rates of violence affecting women and their children.

³⁰ NATSIWA (2017) Submission to the UN Special Rapporteur on Violence Against Women, available online at <http://natsiwa.org.au/wp-content/uploads/2014/02/NATSIWA-submission-Special-Rapporteur-on-Violence-Against-Women.pdf>; National Family Violence Prevention Legal Services Forum (2018) Submission to the Australian Government Department of Social Services. Development of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children http://www.nationalfvpls.org/images/files/20181001_NFVPLS_submission_to_the_Fourth_Action_Plan.pdf

³¹ Australian Law Reform Commission (2017) Pathways to Justice—An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples. Final Report No 133.

³² See more at: <https://changetherecord.org.au/>

2.2.8 That the Australian Government introduce a stand-alone family violence prevention target within the Closing the Gap Targets.

2.3. Addressing violence against women from culturally and linguistically diverse backgrounds

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, and responses need to be co-designed and community-led. The diversity and different circumstances of women from culturally and linguistically diverse backgrounds (e.g. women on temporary visas facing violence) needs to be properly addressed.³³

Recommendations:

2.3.1 Ensure all relevant government-funded service providers—including health, legal, domestic, family and sexual violence crisis services, and community organisations providing support to victims/survivors—receive adequate funding and have procedures in place for engaging appropriate interpreting services. This funding should be distinct from program budgets to remove any opportunity cost to services facilitating such services.

2.3.2 Develop recommended standards for government-funded service providers with regard to engaging and working with interpreters in the context of sexual, family and domestic violence.

2.3.3 Tackle structural barriers hindering the participation of perpetrators from culturally and linguistically diverse backgrounds in intervention and support pathways, such as Men’s Behaviour Change programs.

2.3.4 Engage individuals and leaders from diverse cultural, migrant and refugee backgrounds to assist in the design and delivery of programs combatting domestic and family violence to increase cultural sensitivity.

2.4. Addressing violence against women with disability

To address violence against women with disability an emphasis on more competent and responsive services is required, as well as consultation and coordination with organisations that are led by women with disability. A Royal Commission into Violence against People with Disability needs to be established. The recommendations of the ‘Stop the Violence’ project need to be implemented, monitored and evaluated.³⁴

Recommendations:

2.4.1 That the Australian Government establish a Royal Commission into violence against people with disability.

2.4.2 That the Australian Government funds and implements the ‘Stop the Violence’ project.³⁵

2.4.3 That, 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

³³ AWAVA (2018) Position Paper on the Development of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children <https://awava.org.au/2018/09/26/in-focus/submission-fourth-action-plan>; Harmony Alliance Migrant and Refugee Women for Change (2018) Submission to Department of Social Services consultation process regarding the development of the Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022 <https://www.harmonyalliance.org.au/wp-content/uploads/2018/10/Fourth-Action-Plan-Harmony-Alliance-Submission.pdf>

³⁴ AWAVA (2018) Position Paper on the Development of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children <https://awava.org.au/2018/09/26/in-focus/submission-fourth-action-plan>; Women with Disabilities Australia (2018) Submission to inform the Fourth Action Plan (2019-2022) of the National Plan to Reduce Violence Against Women and their Children 2010-2022 and the development of a National Plan beyond 2021 http://wwda.org.au/wp-content/uploads/2016/01/WWDA_Sub_NPVAW_2018.pdf

³⁵ See more at: http://wwda.org.au/wp-content/uploads/2013/12/STV_Background_Paper_FINAL.pdf

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*.³⁶

2.5. Addressing violence against LGBTIQ people

Sustainable and adequate funding is needed for the development of **LGBTIQ**-specific resources, programs and targeted community education campaigns, as well as effective prevention strategies. Mainstream services must be resourced and trained to adopt inclusive practices and provide appropriate support. More investment in research about domestic and family violence and sexual assault in the LGBTIQ community is required.³⁷

Recommendations:

2.5.1 That the Australian Government provide sustainable and adequate funding to LGBTIQ+-controlled services and the development of LGBTIQ+-specific resources, programs and targeted community education campaigns as well as identification of research priorities and effective prevention strategies.

2.6. Addressing violence against young women

Violence against **young women** needs to be addressed, in particular in the context of sexual harassment and assault in university settings, dating violence and access to services and justice for international students regardless of their visa status.

Recommendations:

2.6.1 That sector development for services working in the area of domestic and family violence include steps to make services more responsive to the needs of young women.

2.7. Addressing violence against older women

Violence against **older women** needs to be addressed as an intersectional problem across the lifespan, rooted in discrimination, gender inequality and ageism. It is manifested in the context of family violence, sexual violence, elder abuse, homelessness and economic insecurity and inequality.

Recommendations:

2.7.2 That efforts to reduce violence against women are inclusive of and attentive to the specific needs and circumstances of older women.

2.7.1 That the National Plan to Reduce Violence Against Women and their Children establishes strong linkages to the forthcoming National Plan on Elder Abuse.

2.8. Addressing violence against women in prisons

Between 70% and 90% of **women in prisons** have been physically, sexually or emotionally abused as children or adults — an experience experts say frequently leads to their offending and criminalisation.³⁸ Women in prison are widely considered to be at particular risk of ongoing victimisation following release from custody.³⁹ Upon release, they are likely to experience a number of barriers accessing services

³⁶ 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.

³⁷ UNSW (2014) *Calling it What It Is: A Report into Lesbian, Gay, Bisexual, Transgender, Gender Diverse, Intersex and Queer Experiences of Domestic and Family Violence*. Recommendations 3.1-3.9.

³⁸ Lawrie, Rowena --- "Speak Out Speak Strong: Rising Imprisonment Rates of Aboriginal Women" [2003] IndigLawB 24; (2003) 5(24) *Indigenous Law Bulletin* 5; Willson, M. et al (2017) *Violence in the Lives of Incarcerated Aboriginal Mothers in Western Australia*, Sage Open 7/1, available <https://journals.sagepub.com/doi/full/10.1177/2158244016686814>

³⁹ Ibid.

which include the following: a) women in prison are a particularly vulnerable group who are likely to be at a high risk of ongoing victimisation; b) significant barriers exist that prevent women in prison from accessing intimate partner violence support services while in prison and post-release; c) current service models are unresponsive to the specific needs of women in prison and post-release; d) a specialised approach for women in prison is needed based on their particular social and individual circumstances; e) the development of culturally specific support services is required for women in prison who identify as Aboriginal and/or Torres Strait Islander; and f) women with lived experience of incarceration should be part of the service framework in the community sector at all levels of program governance, design and delivery.⁴⁰

Recommendations:

2.8.1 That the experiences and service needs of women in prisons are addressed by the Fourth Action Plan and/or the National Plan to Reduce Violence Against Women and Their Children.

2.8.2 That the current processes for identifying female prisoners at risk of or with a history of family violence be reviewed and therapeutic interventions and education programs are provided for women victims/survivors of violence.

2.8.3 That the Australian Government ensure that therapeutic interventions such as individual counselling and group-based programs such as Out of the Dark are available for all women in prison who have experienced family violence.

3. ADDRESSING DIFFERENT TYPES OF VIOLENCE AGAINST WOMEN

3.1. Responses to sexual violence

Responses to sexual violence (including sexual harassment) require a higher prioritisation and visibility in their own right. Sexual violence remains subsumed under the definition of domestic and family violence, which is contributing to the invisibility of the issue.

It is essential that prevention of and responses to sexual violence are **integrated** across all priorities of the National Plan and Action Plans.

Prevention of sexual violence should include **comprehensive sexuality education, education about gender and respectful relationships** that is inclusive of diverse ages, cultures and sexualities as well as support for sexual health at all stages of life and in all settings. Prevention of and responses to sexual violence need to be done through an intersectional lens taking into account compounding effects arising from interacting diverse identities and experiences.

Law reform and policy development should focus on measures to enhance **safe mechanisms of disclosure, promote reporting and evidence collection and challenge the community, police and judicial attitudes** to sexual assault that continue to reinforce its invisibility. There is a strong need for consistent legislation and responses to sexual violence.

Every state and territory has specific legislation protecting **counselling communications in sexual violence proceedings**, with some variations.⁴¹ Nevertheless, there are serious shortcomings nation-wide in terms of the operation of the privilege in practice, in particular a growing number of subpoenas being

⁴⁰ Ibid.

⁴¹ *Evidence (Miscellaneous Provisions) Act 1991 (ACT) s54; Criminal Procedure Act 1986 (NSW), s296–396; Evidence Act 1939 (NT) s56; Evidence Act 1929 (SA) s67D–67F; Evidence Act 2001 (Tas) s 127B; Evidence Act 1958 (Vic) Division 2A s32B–32G; Evidence Act 1906 (WA) s 19A–19L; Victims of Crime Assistance and Other Legislation Amendment Act. 2017 (Qld). On variations between the State and Territory laws (to 2012) see Jilliard, A., Loughman, J. and MacDonald, E. (2012), 'From Pilot Project to Systemic Reform: Keeping sexual assault victims' counselling records confidential', *Alternative Law Journal*, 37(4), pp. 254-258.*

issues to service providers and the need for services to access legal assistance themselves to oppose them.⁴²

Recommendations:

3.1.1. That the Fourth Action Plan and a subsequent National Plan include sexual harassment within its scope, both in terms of prevention and in terms of justice and service responses.

3.1.2. That the Australian Government implements future recommendations made by the Australian Human Rights Commission following the National Inquiry into Sexual Harassment in the Workplace, and sets aside funding to implement the recommendations.

3.1.3. That the Australian Government funds dedicated long-term initiatives to strengthen services, education and prevention activities for Aboriginal and Torres Strait victims/survivors of sexual assault (both as children and adults).

3.1.4. That Aboriginal communities be empowered to respond to sexual assault that may be occurring in their community through the provision of education and the development and support of local initiatives.⁴³

3.1.5. That the Australian Government funds accessible and culturally appropriate sex and respectful relationships education for children and young people with disability.

3.1.6. Develop and deliver training on responding to sexual violence to CALD community leaders and organisations.

3.1.7. That the Australian Government develop communication strategies to disseminate information in different languages and formats, about sexual violence against women, what it is and practical advice about what can be done to prevent and report it.

3.1.8. That sexual assault services are sufficiently resourced to ensure cultural competency of their support.

3.1.9. That the Australian Government investigate and prosecute Australians who have used sexual violence in armed conflict.

3.1.10. That the Australian government establish an independent, expert led taskforce to track, assess and publicly report on university and residences' measures to prevent, and improve responses to sexual violence.⁴⁴

3.1.11. The (upcoming) National Plan on Elder Abuse needs to ensure that it is responding to sexual violence against older women and resourced sufficiently to do so in research, policies, and health practices.

3.1.12. That specialist women's services in their diversity working on sexual violence across the full range of service types and target groups be resourced and supported to assist and advocate for women through the justice system and legal processes.

3.1.13. That specialist sexual violence courts be established with the objective to bring together specialist personnel to facilitate a trauma approach that centres the needs of those who experience sexual violence, while upholding the accused's right to a fair trial.

⁴² AWAVA (2018) Position Paper on the Development of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children <https://awava.org.au/2018/09/26/in-focus/submission-fourth-action-plan>

⁴³ ACSAT (2006), Breaking the Silence, p. 114

⁴⁴ Fair Agenda, End Rape on Campus, National Union of Students, The Hunting Ground Australia Project, Joint Statement https://melbourne-systems.s3.amazonaws.com/asset/file/5ae9184869702d3013861600/Joint_statement_Taskforce_final.pdf

3.1.14. That the Australian Government works towards establishing, in each State and Territory, well-resourced services to provide advice and representation in family law and child protection matters for individuals and services wishing to object to subpoenas of sensitive records.

3.1.15. That the Australian Government develops and promotes adherence to an ethical framework for information-sharing in relation to family law and domestic and family violence, along the lines proposed in WLS NSW's 2016 Report Sense and Sensitivity: Family Law, Family Violence and Confidentiality.⁴⁵

3.1.16. That the Australian Governments invests in comprehensive and ongoing training and education should be provided to all relevant decision makers to ensure that victims/survivors are able to obtain justice.

3.1.17. That the Australian Government undertake community-controlled research and data collection about prevalence, reporting rates and service provision in relation to sexual violence against Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse backgrounds, women with disability, LGBTIQ people, young women, older women, women in prisons, women in the sex industry.

3.1.18. Data on sexual violence (and other forms of violence) should be disaggregated as far as possible by characteristics including disability and mental illness status, and should be responsive to concerns raised by disability advocates about the inclusion of people in institutional residential settings and people requiring communication support.

3.2. Other forms of violence against women

More work needs to be done to increase awareness and improve responses to **other forms of violence against women** excluded from the focus on a conventional understanding of domestic and family violence, including trafficking and sexual exploitation, early and forced marriage, dowry abuse, and labour, domestic and sexual servitude. Responses to these forms of violence needs to be co-designed with diverse communities and ensure access to service irrespective of the intention to press charges. Additionally, manifestations of violence such as reproductive coercion, forced sterilisation of women with disability and medically unnecessary procedures on intersex infants and children need to be in scope of efforts to end violence against women. In particular, we reiterate the calls to prohibit forced sterilisation of women with disability⁴⁶ and medically unnecessary procedures on intersex infants and children.⁴⁷

Recommendations:

3.2.1 That the Fourth Action Plan and any subsequent National Plan addresses reproductive coercion as one of the manifestations of violence against women.

⁴⁵ Ibid.

⁴⁶ Women with Disability Australia (2013) 'Dehumanised: The Forced Sterilisation of Women and Girls with Disabilities in Australia' Submission to the Senate Inquiry into the involuntary or coerced sterilisation of people with disabilities in Australia; Committee on Elimination of Discrimination Against Women (2018) Concluding observation on the eight periodic report of Australia; AWAVA (2018) Position Paper on the Development of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children <https://awava.org.au/2018/09/26/in-focus/submission-fourth-action-plan>.

⁴⁷ Intersex Human Rights Australia (2018) Submission to the ALRC on the comprehensive review of the family law system <https://ihra.org.au/32909/submission-to-the-australian-law-reform-commission-on-reform-of-the-family-law-system/>; Intersex Human Rights Australia (2018) CEDAW Shadow Report; Committee on Elimination of Discrimination Against Women (2018) Concluding observation on the eight periodic report of Australia; AWAVA (2018) Position Paper on the Development of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children <https://awava.org.au/2018/09/26/in-focus/submission-fourth-action-plan>;

3.2.2 All services and professionals involved in responding to the needs of women experiencing violence must be resourced and informed on reproductive coercion.⁴⁸

3.2.3 That existing population studies already examining the prevalence of domestic violence or those with a reproductive health component, incorporate questions specific to reproductive coercion.⁴⁹

3.2.4 Sufficient funding is required for capacity building of all relevant domestic and family violence and sexual assault services around reproductive coercion.

3.2.5 That the Australian Government expand the definition of family violence in the Family Law Act 1975 and Migration Act and Migration Regulations to include dowry abuse.

3.2.6 That the relevant decision makers undertake extensive training on family violence, trauma-informed practice and cultural competency according to standards outlined by the National Domestic and Family Violence Bench Book.

3.2.7 Sufficient funding is required for capacity building of all relevant domestic and family violence and sexual assault services about working with women who have been trafficked.

3.2.8 That the Australian Government ensures that the access to services and justice for all victims/survivors of sexual and gender-based violence is delinked from criminal proceedings and not dependent upon the intention to raise prosecution (for instance forced marriage).

3.3. Addressing technology-facilitated abuse

Effective services assisting women and front-line services with current and emerging **technology-facilitated abuse** and improving technology safety need to be built upon and expanded.

Recommendations

3.3.1 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, evaluate the technology safety trials, and continue funding for 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.

4. STRENGTHENING SYSTEMS

4.1. Improving access to justice in the family law system

Within the **family law system**, better accessibility of courts for diverse groups of people is required, as well as improvements to the physical safety of courts and development of a national risk assessment framework. There is a great need for better training for judicial officers and professionals (independent children lawyers and family report writers) on the nature and dynamics of family violence, cultural competency, working with people with disability and people from LGBTIQ communities, trauma-informed practice and intersectionality. There is an urgent need to remove the presumption of equal shared parental responsibility when deciding on parenting orders when domestic and family violence is alleged.

⁴⁸ Children by Choice (2018) submission to Marie Stopes Australia: Reproductive Coercion White Paper.

https://www.childrenbychoice.org.au/images/downloads/CbyCSubmission_MSAReproductiveCoercionWhitePaper.pdf

⁴⁹ Ibid.

We also calling for a significant **investment to implement the forthcoming recommendation of the Comprehensive review of the family law system** undertaken by the Australian Law Reform Commission. In particular, we are drawing your attention to the need of the following:

- We urge the Australian Government to implement previously made recommendations in relation to increasing the funding allocated to community legal centres (CLCs). In particular, we call on the Australian Government to budget for a required investment to community legal services in the amount of \$390 million per annum at minimum.⁵⁰
- We call on the Australian Government to budget for an expansion and roll out the Family Advocacy Support Service (FASS).⁵¹
- We acknowledge that ALRC has put forward a number of proposals pertaining to the improvements of courts in the family law system. This included ensuring simplification of forms (including in terms of language), availability of translations, improvements of physical safety in courts as well as ensuring training of all court professionals. We welcomed all of those proposals. Changes to the family law system that include all aspects of system engagement (physical, informational and staff-wise) are the first step to ensure efficacy and accessibility of the system to litigants. These changes are especially essential to diverse groups of women experiencing violence. Thus, we urge the Australian Government to ensure that sufficient funding is allocated to courts to implement these proposals.
- In addition to structural changes to courts, there is a need to appoint more judges with family violence expertise.⁵² Appointing more judges will improve the early identification of risks and decrease waiting periods.

Recommendations:

4.1.1. That the Australian Government makes a significant investment and implements forthcoming recommendations of the Australian Law Reform Commission’s review of the family law system.

4.1.2. That the Australian Government budgets for a required investment to community legal services in the amount of \$390 million per annum at minimum.

4.1.3. That the Australian Government budget for an expansion and roll out the Family Advocacy Support Service (FASS)

4.1.4. That the Australian Government appoint more judges with family violence expertise.

4.2. Improving access to justice in the immigration system

Within the **immigration system**, for women on temporary visas, access to family violence provisions afforded under the migration regulations needs to be expanded to include all dependent visa categories. Definitions of family violence used under the Migration Act and regulations need to be expanded to include multiple perpetrators and manifestations of violence. In the process of reviewing the eligibility to access family violence provisions, relevant decision makers need to determine the existence of family violence before seeking to assess the existence of a ‘genuine relationship’, to ensure relationships impacted by violence are evaluated in an informed and appropriate way that does not risk

⁵⁰ This recommendation draws on the Law Council of Australia ‘The Justice Project’ final report.

⁵¹ AWAVA (2018) Submission in response to the ALRC Discussion Paper Review of the Family Law System https://awava.org.au/2018/11/16/submissions/submission-in-response-to-the-alc-discussion-paper-review-of-the-family-law-system?doing_wp_cron=1547419937.0977990627288818359375; Australian Law Reform Commission (2018) Discussion Paper Review of the Family Law System, Section 4 Getting Advice and Support page 90.

⁵² The Law Council of Australia reports that “it is not uncommon for there be 30 or more cases before a judge on the first hearing date, which gives each case about 10 minutes.” Law Council of Australia (2017) Parliamentary inquiry into a better family law system to support and protect those affected by family violence.

further traumatising the victim/survivor. Women on temporary visas experiencing violence need to have access to all essential services regardless of their visas status.⁵³

Recommendations:

4.2.1 Expand access to family violence provisions afforded under the Migration Act 1958 and associated regulations to include all dependent visa categories.

4.2.2 Introduce temporary visa provisions for all seeking to flee domestic and family violence situations to allow time and space for victims/survivors to make plans to leave a dangerous situation, without the threat of immediate deportation.

4.2.3 Expand the definition of family violence within the family violence provisions afforded under the Migration Act 1958 and associated regulations so that it is consistent with the Family Law Act 1975 (Cth) and the National Domestic and Family Violence Bench Book.

4.2.4 Determine the existence of family violence before seeking to assess the existence of a 'genuine relationship', to ensure relationships impacted by violence are evaluated in an informed and appropriate way that does not risk further traumatising the victim/survivor.

4.2.5 Expand eligibility for relevant payments and services, including crisis and welfare payments and emergency housing, to all victims/survivors of domestic, family and sexual violence, irrespective of current visa status, across all states, territories and federal legislation.

4.2.6 Ensure all relevant service providers offering support to women with no income on temporary visas experiencing violence are sufficiently funded to undertake extensive training on cultural competency, trauma-informed practice and family violence.

4.2.7 Ensure access to free independent interpreters to all disadvantaged populations via appropriate funding of interpreter services to community organisations in the areas of family violence, migrations, sexual assault support services, multicultural services and others.

4.2.8 Reinstate funding to community legal centres formerly distributed under the Immigration Advice and Assistance Scheme (IAAAS) to ensure that women applying for family violence provisions have access to free legal advice and representation.

4.3. Social Security System

The focus on the access to **social security** as an enabler for women and their children to re-establish their lives and gain financial independence needs to continue. Access to government-funded services, including crisis payments and emergency housing, to all victims/survivors of domestic, family, sexual and intimate partner violence needs to be expanded irrespective of current visa status, across all states and territories. A gender lens in developing welfare policies as well as more training and policy improvements are needed to ensure that victims/survivors are not disempowered, further marginalised, disadvantaged or put at further risk.

We wish to reiterate our concerns with the legislation **extending waiting periods for newly arrived migrants**. This measure may disproportionately affect women, especially those experiencing domestic and family violence. These measures should be abandoned as they can be expected to entrench migrant women's economic disadvantage and jeopardise the wellbeing of a substantial proportion of children in Australia.

⁵³ National Advocacy Group on Women on Temporary Visas Experiencing Violence (2018) Path to Nowhere: Women on Temporary Visas Experiencing Violence and Their Children. Available at https://awava.org.au/2018/12/11/research/path-to-nowhere-report-women-on-temporary-visas-experiencing-violence-and-their-children?doing_wp_cron=1547089841.3421640396118164062500

The trial of the **cashless debit card** has been extended for another year until 30 June 2019. We recommend against the expansion of the cashless debit cards trials in light of the absence of the evidence of their positive impact. We reiterate concerns previously raised about the connection between family violence and cashless debit cards. Receiving welfare support through cashless debit cards only may impact the ability of victims/survivors to leave violent relationships given there is no disposable cash. Cashless debit cards also have strong gendered and racial implications, especially for Aboriginal and Torres Strait Islander women. In addition, there is anecdotal evidence to suggest that limited access to technology in rural, regional and remote Australia may impede access to the cashless debit cards, thus leaving people unable to purchase basic necessities.⁵⁴

We support the calls to **increase social security payments** (Newstart, parenting payments, youth payment) by \$75 a week⁵⁵. The newly released report confirms the benefit of raising the rates⁵⁶

We recommend the **overhaul of the ParentsNext** employment program for a number of reasons:

- ParentsNext disproportionately targets women in particular single mothers entrenching in this way harmful gender stereotypes about domestic labor, care responsibilities and women's role.
- ParentsNext approaches mothers through the lens of unemployment rather than regarding caring labour and domestic work as work. The Workplace Gender Equality Agency estimates that Australian women work on average 56.4 hours per week, but only 36 per cent of this time is in paid employment. Conversely, Australian men work 55.5 hours per week and are remunerated for 64 per cent of these hours.⁵⁷
- There has been no evaluation released publically proving that participation in the ParentsNext program shows increase in job opportunities and financial security.
- We are concerned that exemption of participation in the program such as experiencing family violence lie at hands of service providers administering this program. This results in the need for victims/survivors to retell their story on multiple occasions. We also raise concerns about the appropriate level of domestic and family violence training of all service providers administering the program.
- We are concerned that the bonus for finding employment is paid to a service provider administering the program rather a client. With a current gender pay gap in Australia and casualisation of work, women would significantly benefit from receiving extra income.
- Anecdotal evidence suggests that women in regional, rural and remote areas of Australia get cut off from payments for failing to report to Centrelink in time. No consideration is given to the availability of the access to technology and access to transport in those areas.

We share the concerns that at present the social security system is not responsive to the needs of women experiencing domestic and family violence. The most recent report on the intersection between

⁵⁴ https://www.welcometocountry.org/cashless-welfare-card-denied-food-electricity/?fbclid=IwAR14bnDUe0rVXY7nJ8zReyp_1HeGWwO0pxxBjJ_wLv-GFQ8U-SgMRLiNGPs

⁵⁵ ACOSS https://www.acoss.org.au/media-releases/?media_release=from-kerryn-to-derryn-bob-to-bandt-entire-lower-house-crossbench-and-key-senate-crossbenchers-support-increase-to-newstart ; Social Services Legislation Amendment (Ending the Poverty Trap) Bill 2018

https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=s1144

⁵⁶ Deloitte Access Economic (2018) for ACOSS, Analysis of the impact of raising benefit rates, available online at:

<https://www.acoss.org.au/wp-content/uploads/2018/09/DAE-Analysis-of-the-impact-of-raising-benefit-rates-FINAL-4-September-...-1.pdf>

⁵⁷ Workplace Gender Equality Agency, Unpaid care work and the labour market. Insight paper. Available at <https://www.wgea.gov.au/sites/default/files/australian-unpaid-care-work-and-the-labour-market.pdf>

social security and experiences of family violence prepared by the National Social Security Rights Network (NSSR)⁵⁸ identified obstacles victims/survivors are experiencing. These includes:

- Situations when residency requirements are not met, thus “their [women’s] inability to secure independent income meant they were unable to secure housing and stayed with the violent perpetrator”.⁵⁹
- Residency waiting periods for newly arrived migrants;
- Ineligibility of New Zealanders for social security payments;
- In cases where large amounts of financial compensation were received (rendering people ineligible for social security payments) but where this money was subsequently appropriated by abusive partners, there is a lack of recognition of the history of domestic and family violence by the Centrelink;
- Restrictive policies in relation to crisis payments such as time limit on application, the necessity to permanently leave the ‘family home’, insufficient amount of the payment and limitations of the access to such payment. Additionally, it is ‘not available to victims of family and domestic violence who are not receiving income support but are experiencing or anticipating severe financial hardship resulting from their efforts to leave a violent relationship’.⁶⁰
- We refer you to the NSSR report for the full list of recommendations and wish to reiterate the goal of the social security needs to lie in supporting people especially in such critical moments as the experience of family violence. More training and policy improvements are needed to ensure that victims/survivors are not disempowered or put at further risk.

The 2018-19 Federal budget introduced **a new scheme of encouraging lawful behavior of income support recipients**. Under the scheme, the Government will be able to make compulsory deductions from the welfare payments of serial fine defaulters who have outstanding State and Territory court-imposed fines. The Government will also be able to suspend or cancel the welfare payments of individuals who have outstanding State and Territory arrest warrant for indictable criminal offenses. We are concerned that this measure can disproportionately affect women who are fleeing or living with family violence in particular Aboriginal and Torres Strait Islander women and women with an intellectual disability.

Recommendations:

4.3.1 That the Australian Government removes the extended waiting periods for newly arrived migrants.

4.3.2 That the Australian Government abolishes the Cashless Debit Cards trials and provides their recipients with standard social security payments.

4.3.3 That the Australian Government increases social security payments (Newstart, parenting payments, youth payment) by \$75 a week.

4.3.4 That the Australian Government abolishes the ParentsNext employment program.

4.3.5 That the Australian Government abolishes any considerations of a new scheme of encouraging lawful behavior of income support recipients.

⁵⁸ National Social Security Rights Network (2018) How well does Australia’s social security system support victims of family and domestic violence? http://www.nssrn.org.au/wp/wp-content/uploads/2018/08/NSSRN_Report2018_FamilyViolence_SocialSecurity_sm.pdf

⁵⁹ Ibid.

⁶⁰ Ibid.

4.3.6 That the Australian Government ensures that the social security system does not disempower victims/survivors of domestic, family and sexual violence through its policies and procedures but provides competent and relevant support when most needed.

4.4. Housing and Homelessness Services for women and their children leaving violence

Affordable housing and appropriate support from **housing and homelessness** service providers is essential for comprehensive efforts to prevent and respond to violence against women and their children. A comprehensive gender-responsive national housing strategy needs to be developed which would include the principles of visibility, capability and accountability. An effective national strategy should set ambitious goals to reduce homelessness and increase affordable housing stock. The National Housing and Homelessness Agreement (NHHA) needs adequate resourcing and policy direction in order to deliver positive outcomes in the Fourth Action Plan.

Recommendations:

4.4.1 Develop a comprehensive gender-responsive national housing strategy incorporating the principles of visibility, capability and accountability, and setting targets for reducing homelessness and increasing affordable housing stock.

4.4.2 Adequately resource and provide policy direction for the National Housing and Homelessness Agreement (NHHA), so that it can deliver the housing options needed by the diversity of women and children facing violence.

4.5. Health system

We support the proposal for a **Medicare item to support GPs to assist victims/survivors**. We believe this proposal should be implemented with:

- significant professional development in the health sector building on steps already being taken e.g. by the Royal Australian College of General Practice, and
- appropriate guidelines for referral to competent/specialist service

We would also support the COAG Advisory Panel recommendation that governments should "strengthen general practitioner and health practitioner referral pathways to perpetrator programmes and other support services [for men who have perpetrated, or are at risk of perpetrating, violence against women and their children]" but think that the Medicare item proposal should focus on recovery options for victims/survivors at this stage.

We would support the Medicare item covering sexual violence and other forms of gender-based violence against women as well as domestic and family violence.

Recommendations:

4.5.1 That the Australian Government introduce a Medicare item to support GPs to assist victims/survivors of domestic, family and sexual violence.

4.6. Human Trafficking and Sexual Exploitation

Support in cases of **human trafficking and sexual exploitation** needs to be delinked from the criminal justice system to ensure adequate protection for all survivors of trafficking. Comprehensive data collection is necessary to ensure better understanding of the scope and evidence-based responses. A human rights lens rather than a migration lens is needed to ensure person-centred responses.

While support for women who have been trafficked is provided through the Support for Trafficked People Program (STPP), it is not uncommon for women to fall through the cracks. Women are left without support or the burden is shifted onto service providers. In addition, the health and wellbeing

outcomes for women who are not able to remain on the STPP or cannot access it are not recorded. This means the only outcomes being reported on for people who are trafficked are those on the STPP. Current funding provided by the Department of Home Affairs for anti-trafficking services does not include organisations that are providing direct service support to women who are unable to access the STPP.

Recommendations:

4.6.1 That the Australian Government de-links access to the Support for Trafficked People Program from compliance with criminal investigations to enable victims/survivors receive the support necessary to recover from their experiences.

4.6.2 That the Australian Government facilitates and expedites family reunification for victims/survivors of trafficking, slavery and slavery-like offences.

4.6.3 That the Australian Government provides longer reflection periods during the initial support stream to allow women to recover from their experiences of exploitation and appropriately address potential trauma before deciding on participation in any criminal investigation of trafficking and/or sexual exploitation.

4.6.4 That the Australian Government establishes a National Compensation Scheme for victims/survivors of human trafficking and sexual exploitation.

4.6.5 That the Australian Government invest in capacity-building of services/peak bodies to be able to identify victims/survivors of trafficking correctly so they are linked to the correct/relevant support services.

4.6.6 That the Australian Government provides sufficient funding to specialist women's services working with victims/survivors of trafficking.

4.7. Developing workforce capability

We note the need to support **specialist women's services** to meet the challenges of maintaining good practice service models while responding to rising demand, and ensuring that adequate funding flows to specialist women's service services.⁶¹

There is also a need for training and capacity-building in the **various workforces that have a role** in responding to violence against women, particularly in the areas of primary prevention and men's behaviour change. The responses to violence against women within **general workplaces** also need to be strengthened through training, policy development and support as well as ensuring 10 paid days of DFV leave for employees.

Recommendations:

4.7.1 That the Australian Government makes a significant investment into the workforce development to enable better responses to domestic, family and sexual violence.

4.7.2 That the Australian Government introduces 10 days of paid DFV leave for all employees.

5. STRENGTHENING SERVICES

5.1. Long-term and sufficient funding

Increased awareness about domestic and family violence has led to increases in service demand; however, available **funding** does not reflect these increases. As a result, services struggle to meet demand, and there is not equitable access across all parts of Australia. Increasing awareness and high-

⁶¹ AWAVA (2016) Policy brief. The role of specialist women's services in Australia's response to violence against women and their children <https://s3-ap-southeast-2.amazonaws.com/awava-cdn/awava/wp-content/uploads/2016/04/01082955/AWAVA-Specialist-Women-Services-Policy-Brief-2016.pdf>

profile cases involving sexual assault and sexual harassment are driving significantly **increased demand** for counselling and other services (including through 1800RESPECT).

Adequate, sustainable and long-term funding is required to meet demand for services, including early intervention, crisis response and recovery.

While State and Territory governments have roles in delivering and regulating services, the Commonwealth also has key roles in **assessing need, funding, coordinating, standard-setting and capacity-building**. Mechanisms to bring these functions together and track progress are needed, especially in the context of increasing demand.

Recommendations:

5.1.1. That the Australian Government ensures long-term and sufficient funding to meet demand for services, including early intervention, crisis response and recovery.

5.2. Addressing existing service gaps

There is a need to address service gaps identified in specific areas, particularly:

- the availability of services especially in **rural, regional and remote areas**,
- the availability of **appropriate housing options** for women facing violence, and
- the availability of **culturally competent, inclusive and accessible** services.

Recommendations:

5.2.1 Significantly increase spending on social housing to meet growing demand.

5.2.2 Adequate and sustainable funding to meet demand for homelessness services, while ensuring that funding goes to services that are appropriately specialised and competent.

5.2.3 Address and meet the specific needs of diverse groups of women such as Aboriginal and Torres Strait women, women with a disability, older women, women from culturally and linguistically diverse backgrounds, women in rural, regional and remote areas, and women who identify as LGBTIQ+. Ensure that crisis accommodation is accessible and culturally safe.

5.2.4 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 and in ERA's policy statement on housing.⁶²

5.2.5 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 homelessness⁶³ (i.e. specialist women's services and/or generalist services with documented specialist capability.)

5.2.6 Allocate adequate resources for the implementation of outcome 4 of the National Plan to Reduce Violence against women and their children and enhance efforts to ensure the availability of women-only and women-led support services for victims of gender-based violence.⁶⁴

⁶² See more at: <https://awava.org.au/2017/10/12/submissions/era-awava-letter-state-territory-governments-re-gender-responsive-national-housing-homelessness-agreement> See also <http://www.powertopersuade.org.au/blog/a-tale-of-two-housing-systems-how-the-federal-budget-could-support-womens-housing-needs/7/5/2018>

⁶³ See more at: <https://awava.org.au/2017/08/10/research/brochure-unique-role-specialist-womens-services>

⁶⁴ Committee on Elimination of Discrimination Against Women (2018) Concluding observation on the eight periodic report of Australia, paragraph 28d; 2018 Statement from the Delegates at the Council of Australian Governments Summit on Reducing Violence Against Women <https://www.coag.gov.au/sites/default/files/communique/statement-delegates-coag-summit-reducing-violence-women.pdf>

5.3. Using the UN Essential Services Package

The UN Joint Global Programme on Essential Services for Women and Girls Subject to Violence⁶⁵ has identified the essential services to be provided by the health, social services, police and justice sectors as well as guidelines for the coordination of essential services and the governance of coordination processes and mechanisms. It also identifies the service delivery guidelines for the core elements of each essential service that have been identified to ensure the delivery of high-quality services. Together these elements form the Essential Services Package.

The UN Essential Services Package for Women and Girls Subject to Violence could be a useful tool to develop a comprehensive picture across Australia of:

- The services that are needed to respond to victims/survivors (including but not limited to accommodation and housing support);
- The services that are currently in place to respond to victims/survivors; and
- the gaps and areas for improvement in service provision that remain,
- with reference to good practice principles for high-quality services.

Recommendations:

5.3.1 That the Fourth Action Plan include a funded process to develop a comprehensive picture of service responses needed and provided, drawing on existing frameworks such as the UN Essential Services Package.

5.4. Monitoring, standards and workforce capacity-building

We need better **transparency and tracking of funding** allocated to addressing violence against women across all portfolios at all levels of government.

We need **nationally consistent good practice standards** to be developed and adopted by all services working with women and children facing violence, led by the specialist women's services sector, and building on work already done by peak bodies and others in this area.

Recommendations:

5.4.1 That the Australian Government supports the development and adoption of good practice standards by all services working with women and children facing violence, led by the specialist women's services sector, and building on work already done by peak bodies and others in this area.

5.5. Provide better direct support to victims/survivors through flexible integrated models

To enable recovery and prevent long-term dislocation and poverty, governments should provide substantial flexible financial support, integrated with funded case-management by specialist women's services, along the lines of Victoria's Flexible Support Packages. Victims/survivors are the experts in their own situations and need discretion to decide on how to meet their own needs, with the support of specialist services. Models for implementation in each jurisdiction should be co-designed with peak bodies, and should limit the reporting requirements and maximise flexibility for individual victims/survivors and services. Models must include funding for case management within an integrated system focused where possible on enabling women and their children to remain in their own homes. The Fourth Action Plan should include commitments for each jurisdiction to implement models based on Victoria's **Flexible Support Packages** for women and their children who are escaping violence, with

⁶⁵ The Programme was established with funding and support from the Government of Australia and the Government of Spain. For more information on the Essential Services Package, please see <http://www.unwomen.org/en/digital-library/publications/2015/12/essential-services-package-for-women-and-girls-subject-to-violence>

consideration for the service capacity, structures and systems required to implement such packages in each State and Territory.

Recommendations:

5.5.1 That the Coalition of Australian Governments works to ensure that all States and Territories have models of flexible financial support equivalent to Victoria's Flexible Support Packages, to be developed in consultation with specialist women's service and domestic, family and sexual violence peak bodies and underpinned by a set of agreed principles.

5.6. Homelessness and crisis accommodation

We support the intention to address **crisis accommodation** to ensure its availability as well as appropriateness. In AWAVA's survey, a lack of housing options and the risk of becoming homeless for women who are facing violence was one of the major identified gaps.⁶⁶

However, the areas of housing and homelessness need to be looked at holistically, recognising that **access to affordable and appropriate housing** plays a crucial role not only in the crisis response but in terms of long-term recovery too. **Systemic improvements to housing** are also needed.

Although some progress has been made on tenancy reforms, on the whole the **commitments made in the Third Action Plan of the National Plan** in relation to housing and homelessness still need to be implemented.

Governments in all jurisdictions need to work together to **extend access to government-funded services**, including crisis payments and emergency housing, to all victims/survivors of domestic, family, sexual and intimate partner violence, irrespective of current visa status, across all states and territories.

Adequate and sustainable funding is needed to meet demand for homelessness services, including specialist women's services, while ensuring that funding goes to **services that are appropriately specialised**, competent, safe, inclusive, accessible and culturally competent for the full range of diverse groups of women and children who need them.

All agreements (bilateral or overarching) that address homelessness need to be progressively amended to include the requirement not only that State/Territory strategies include measures to support women and children facing violence but also that **funding spent under these strategies goes to services with specialist capability to address the gendered dynamics of violence** and homelessness⁶⁷ (i.e. specialist women's services and/or generalist services with documented specialist capability.)

Recommendations:

5.6.1 That the Australian Government introduces mechanisms to ensure that housing and homelessness funding goes to services with specialist capability to address the gendered dynamics of violence and homelessness.

5.7. Early release of superannuation benefits in situations of family violence

There have been proposals to legislate for the early release of superannuation for victims/survivors of family violence.⁶⁸ In a number of our submissions, AWAVA expressed concerns in relation to these

⁶⁶ AWAVA (2018) Consulting on the Fourth Action Plan of the National Plan to Reduce Violence Against Women and Their Children. Summary of survey results https://awava.org.au/2018/09/03/research/awava-fourth-action-plan-survey-report?doing_wp_cron=1547511285.1076300144195556640625

⁶⁷ <https://awava.org.au/2017/08/10/research/brochure-unique-role-specialist-womens-services>

⁶⁸ Prime Minister and Cabinet, Women's Economic Security Statement <https://www.pmc.gov.au/sites/default/files/publications/womens-economic-security-statement-2018.pdf>; Review of the early release of superannuation benefits by the Treasury <https://treasury.gov.au/consultation/c2018-t341625/>

measures.⁶⁹ We are concerned that proposals jeopardise women's economic security long-term and shift the onus from the government onto an individual, in settings where women are already disadvantaged by the current gender gap in super.⁷⁰

Early release of superannuation benefits in situation of family violence should be the last resort and must not replace other support including by the government agencies and specialist service providers.

Services for women and children facing domestic and family violence are severely underfunded and already find it difficult or impossible to adequately assist those who have particularly large or complex needs and limited means of support.⁷¹ We are concerned that broadening and normalising the use of personal savings (in this case, superannuation) as a way to meet the needs of women facing violence would further entrench the structural under-resourcing of the women's service sector. This approach is also inherently regressive, in that it would increase inequality by making the capacity to build a life free of violence even more dependent on personal wealth and income.

We also want to warn that such an approach takes the onus off the government to provide more community legal support at the expense of women's superannuation. The principle of the state's responsibility to create safety for all residents⁷², and more specifically to provide adequate services and support to victims/survivors of violence⁷³, requires a more comprehensive, universal and human-rights-based approach to meeting the needs of women and children in situations of hardship. This includes extending income support and other public services to meet the needs of women who do not currently have access, particularly women without permanent visa status and without income.⁷⁴ We are calling

⁶⁹ AWAVA (2017) Submission to the Treasury Submission on review of the early release of superannuation benefits https://awava.org.au/2018/02/20/submissions/submission-early-release-superannuation?doing_wp_cron=1547419948.1756339073181152343750; AWAVA (2018) Submission in response to the ALRC Discussion Paper Review of the Family Law System https://awava.org.au/2018/11/16/submissions/submission-in-response-to-the-alrc-discussion-paper-review-of-the-family-law-system?doing_wp_cron=1547419937.0977990627288818359375

⁷⁰ Workplace Gender Equality Agency <https://www.wgea.gov.au/addressing-pay-equity/what-gender-pay-gap>; Australian Institute of Superannuation Trustees, Women in Super (2016) Women's Super Summit 2016, http://www.aist.asn.au/media/881217/2016_aist-wis_women_s_super_summit_web.pdf

⁷¹ For example, a recent report by the Multicultural Centre for Women's Health suggests that almost half (47.6%) of the immigrant and refugee women accommodated in refuges in Victoria in 2009-2010 were women without permanent residency. Similar concerns were highlighted by the ALRC in its Discussion Paper and Final Report, Family Violence and Commonwealth Laws, and were raised in submissions from TEWLS and immigrant women's organisations. On the other hand, anecdotal evidence suggests that women without permanent residency require longer support. For a detailed analysis on the visa implications in the context of family violence, we refer you to AWAVA's 2017 submission to the Department of Immigration and Border Protection on visa simplification: <https://awava.org.au/2017/10/12/submissions/submission-department-immigration-border-protection-visa-simplification>.

⁷² United Nations General Assembly (2013) Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/23/49, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A_HRC_23_49_English.pdf

⁷³ AT v Hungary - CEDAW Committee Recommendation No. 19 para 24 (r) (iii); Beijing Platform Strategic Objective D1 para 125 (a), echoed by the Secretary General at p80 of his report; CEDAW Committee Decision 2005 Communication No.2/2003. <http://www.un.org/womenwatch/daw/cedaw/protocol/decisions-views/CEDAW%20Decision%20on%20AT%20vs%20Hungary%20English.pdf>; Commission on the Status of Women, 57th session (2013) Agreed Conclusions on the elimination and prevention of all forms of violence against women. E/CN.6/2013/11 <http://www2.unwomen.org/~media/headquarters/attachments/sections/csw/57/csw57-agreedconclusions-a4-en.pdf?v=1&d=20140917T100700> clause A(c); UN Women (2012) Handbook for National Action Plans on Violence against Women <http://www.unwomen.org/en/digital-library/publications/2012/7/handbook-for-national-action-plans-on-violence-against-women> p. 44.

⁷⁴ AWAVA (2017), Submission on Visa Simplification to the Department of Immigration and Border Protection <https://awava.org.au/2017/10/12/submissions/submission-department-immigration-border-protection-visa-simplification>; AWAVA and Harmony Alliance (2017), Joint Pre-Budget Submission 2018-19, <https://awava.org.au/2018/02/01/submissions/2018-2019-joint-awava-harmony-alliance-pre-budget-submission>

for more funding to be provided to community and women's legal services to ensure victims/survivors are able to afford family violence proceedings.

Recommendations:

5.7.1 That an early release of superannuation in situation of domestic and family violence be considered only as a last resort for supporting victims/survivors to rebuild their lives. Should the proposals go ahead, we recommend amending evidentiary requirements to be simplified and relevant regulatory bodies to be trained on the nature and dynamic of family violence.

6. IMPROVING COORDINATION AND GOVERNANCE

A robust **monitoring and evaluation mechanism** must be in place to allow for the impact of activities under the National Plan (and any future National Plan) to be measured, gaps to be assessed and performance to be improved.

Greater **consistency and coordination** between the Commonwealth, State and Territories is required to put into action a shared commitment to end violence against women.

Improved mechanisms for **communication and co-design** between civil society (including survivor voices) and government are required to strengthen implementation and planning.

A **consultative process** is needed to determine full costing for the range of program and service needs, particularly in regard to specialist support services.

Recommendations:

6.1.1. Establish a new mechanism for improved communication and co-design between government and civil society and for participation, engagement and advice from civil society in relation to the National Plan.

- This should ensure transparency and inclusivity with civil society, including representatives of Aboriginal and Torres Strait Islander women, CALD women, women with disability, young women, mature age women, women in prison, women from regional, rural and remote areas and LGBTIQ+ people, domestic, family and sexual violence services and specialists (including Aboriginal and Torres Strait Islander Community Controlled Organisations), other women's services, academics, practising lawyers and/or women's legal specialists.

6.1.2. Establish an adequate, timely, well-funded, independent monitoring and evaluation mechanism for the current National Plan and any future National Plan, which incorporates accountability and governance mechanisms.

6.1.3. Identify robust short and mid-term indicators for longer-term change under the plan, drawing on Our Watch's Counting on Change guide.

6.1.4. Provide for the comprehensive evaluation of all the initiatives that the National Plan resources, ideally built into program design. These should be in line with the UN Women's Handbook for National Action Plans on Violence against Women⁷⁵ standards and be:

- Time specific and measurable indicators and targets;
- An institutional multi-sectoral mechanism to monitor implementation;
- Meaningful participation of civil society and other stakeholders;

⁷⁵ UN Women (2012) Handbook for National Action Plans on Violence against Women

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

- Evaluation of practice and system.

6.1.5. Initiate a consultative process to determine full costing for the range of program and service needs, particularly in regards to specialist support services.

6.1.6. Adequately resource all initiatives under the Fourth Action Plan, and any future Action Plans, ensuring funds can be tracked and monitored.

6.1.7. Appropriately monitor, evaluate and track funding in the Evaluation Plan and provide appropriate funding for this.

In conclusion, we wish to reiterate that preventing and responding to violence against women must remain an ongoing and key priority. We look forward to seeing the 2019-2020 Federal Budget reflecting this commitment.

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

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Appendix: Consolidated Recommendations

1. APPROACHES TO END VIOLENCE AGAINST WOMEN

1.1.1 That the Australian Government increase funding for community-led intersectional and culturally-sensitive 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.

1.2.1 That the Australian Government consult on and implement models of gender responsive budgeting for integration into the budget process.

1.2.2 That the Australian Government implement a whole-of-government commitment to mainstreaming gender equality across all areas of policy and budgeting.

1.3.1 That 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 violence prevention, including education about gender, in line with governments' commitments under the National Plan.

1.3.2. That the Australian Government provide greater financial and institutional support for Our Watch to lead implementation of Change the Story (the shared framework on primary prevention of violence against women and their children), the Line (a primary prevention behaviour change campaign for young people aged 12 to 20 years) and Changing the Picture (the national resources to support the prevention of violence against Aboriginal and Torres Strait Islander women and their children).

1.3.3. That more support be provided to local communities to take effective action to reduce violence against women and their children, including to 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.

1.3.4. That the Australian Government expand secure funding both for prevention and for response services, within a commitment to a comprehensive society-wide effort to end violence against women.

1.3.5. That the Australian Government 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.

1.4.1. That the Australian Government invest in the cross-jurisdictional coordination of primary prevention across Australia.

1.5.1 That the Australian Government invest to measure the incremental change taking place that will allow for the goal of the National Plan to be met. Governments should commit to a national monitoring framework aligned with the National Plan, Change the Story, and Counting on change: A guide to prevention monitoring, and fund an independent body to monitor progress against this framework.

1.5.2 That the Australian Government commence the consultation and cross-jurisdictional work to develop a second National Plan.

2. ADDRESSING VIOLENCE AGAINST DIVERSE GROUPS OF WOMEN

2.1.1 That the Australian Government provides sufficient funding to specialist women's services and other relevant generalist services to ensure that all women who are/have experienced violence have access to services and justice that are competent and responsive to their needs.

2.1.2 That the Australian Government invest in research about the experiences of domestic, family and sexual violence of diverse groups of women, in particular those not commonly addressed.

2.1.3 Ensure that mainstream services are trained and resourced to adopt inclusive, culturally safe practices and provide appropriate and accessible support for diverse groups of women experiencing violence.

2.2.1 We echo the position of the National Aboriginal and Torres Strait Islander Women Alliance (NATSIWA) and the National Family Violence Prevention Legal Service Forum on the need to have further cooperation between government, domestic and family violence agencies, sexual assault services, Aboriginal Community Controlled Organisations, social workers, universities and legal services.

2.2.2 The Australian Government should ensure adequate and sustainable funding for Aboriginal-owned and controlled organisations, Family Violence Prevention Legal Services, and the National Aboriginal and Torres Strait Islander Women Alliance that includes CPI increases and is not tied to short term grants.

2.2.3 The Australian Government should sufficiently fund Family Violence Prevention Legal Services to ensure the coverage of all regions in Australia.

2.2.4 In developing new initiatives that will impact Aboriginal and Torres Strait Islander communities, the Australian Government should undertake a substantial gender analysis to ensure that proposed policies do not create further obstacles for diverse groups of women to live the life free of violence.

2.2.5 Incorporate Our Watch's Changing the Picture framework within primary prevention efforts to ensure that these are responsive to and take into account the experiences of Aboriginal and Torres Strait Islander women.

2.2.6 Implement recommendations from 2017 ALRC Report 'Pathways to Justice' , in particular those relating to Aboriginal and Torres Strait Islander Women:

- Recommendation 11–1: Programs and services delivered to female Aboriginal and Torres Strait Islander offenders within the criminal justice system—leading up to, during and post-incarceration—should take into account their particular needs so as to improve their chances of rehabilitation, reduce their likelihood of reoffending and decrease their involvement with the criminal justice system. Such programs and services, including those provided by NGOs, police, courts and corrections, must be a) developed with and delivered by Aboriginal and Torres Strait Islander women; and b) trauma-informed and culturally appropriate.

- Recommendation 11–2: Police engaging with Aboriginal and Torres Strait Islander people and communities should receive instruction in best practice for handling allegations and incidents of family violence—including preventative intervention and prompt response—in those communities.

2.2.7 That the Australian Government support the strategy of *Change the Record* to close the gap in rates of imprisonment and cut the disproportionate rates of violence affecting women and their children.

2.2.8 That the Australian Government introduce a stand-alone family violence prevention target within the Closing the Gap Targets.

2.3.1 Ensure all relevant government-funded service providers—including health, legal, domestic, family and sexual violence crisis services, and community organisations providing support to victims/survivors—receive adequate funding and have procedures in place for engaging appropriate interpreting services. This funding should be distinct from program budgets to remove any opportunity cost to services facilitating such services.

2.3.2 Develop recommended standards for government-funded service providers with regard to engaging and working with interpreters in the context of sexual, family and domestic violence.

2.3.3 Tackle structural barriers hindering the participation of perpetrators from culturally and linguistically diverse backgrounds in intervention and support pathways, such as Men’s Behaviour Change programs.

2.3.4 Engage individuals and leaders from diverse cultural, migrant and refugee backgrounds to assist in the design and delivery of programs combatting domestic and family violence to increase cultural sensitivity.

2.3.5 That the Australian Government establish a Royal Commission into violence against people with disability.

2.3.6 That the Australian Government funds and implements the ‘Stop the Violence’ project.

2.3.7 That, 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*.’

2.3.8 That the Australian Government provide sustainable and adequate funding to LGBTIQ+-controlled services and the development of LGBTIQ+-specific resources, programs and targeted community education campaigns as well as identification of research priorities and effective prevention strategies.

2.4.1 That the Australian Government establish a Royal Commission into violence against people with disability.

2.4.2 That the Australian Government funds and implements the ‘Stop the Violence’ project.

2.4.3 That, 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*.'

2.5.1 That the Australian Government provide sustainable and adequate funding to LGBTIQ+-controlled services and the development of LGBTIQ+-specific resources, programs and targeted community education campaigns as well as identification of research priorities and effective prevention strategies.

2.6.1 That sector development for services working in the area of domestic and family violence include steps to make services more responsive to the needs of young women.

2.7.2 That efforts to reduce violence against women are inclusive of and attentive to the specific needs and circumstances of older women.

2.7.1 That the National Plan to Reduce Violence Against Women and their Children establishes strong linkages to the forthcoming National Plan on Elder Abuse.

2.8.1 That the experiences and service needs of women in prisons are addressed by the Fourth Action Plan and/or the National Plan to Reduce Violence Against Women and Their Children.

2.8.2 That the current processes for identifying female prisoners at risk of or with a history of family violence be reviewed and therapeutic interventions and education programs are provided for women victims/survivors of violence.

2.8.3 That the Australian Government ensure that therapeutic interventions such as individual counselling and group-based programs such as *Out of the Dark* are available for all women in prison who have experienced family violence.

3. ADDRESSING DIFFERENT TYPES OF VIOLENCE AGAINST WOMEN

3.1.1. That the Fourth Action Plan and a subsequent National Plan include sexual harassment within its scope, both in terms of prevention and in terms of justice and service responses.

3.1.2. That the Australian Government implements future recommendations made by the Australian Human Rights Commission following the National Inquiry into Sexual Harassment in the Workplace, and sets aside funding to implement the recommendations.

3.1.3. That the Australian Government funds dedicated long-term initiatives to strengthen services, education and prevention activities for Aboriginal and Torres Strait victims/survivors of sexual assault (both as children and adults).

3.1.4. That Aboriginal communities be empowered to respond to sexual assault that may be occurring in their community through the provision of education and the development and support of local initiatives.

3.1.5. That the Australian Government funds accessible and culturally appropriate sex and respectful relationships education for children and young people with disability.

3.1.6. Develop and deliver training on responding to sexual violence to CALD community leaders and organisations.

3.1.7. That the Australian Government develop communication strategies to disseminate information in different languages and formats, about sexual violence against women, what it is and practical advice about what can be done to prevent and report it.

3.1.8. That sexual assault services are sufficiently resourced to ensure culturally competency of their support.

3.1.9. That the Australian Government investigate and prosecute Australians who have used sexual violence in armed conflict.

3.1.10. That the Australian government establish an independent, expert led taskforce to track, assess and publicly report on university and residences' measures to prevent, and improve responses to sexual violence.

3.1.11. The (upcoming) National Plan on Elder Abuse needs to ensure that it is responding to sexual violence against older women and resourced sufficiently to do so in research, policies, and health practices.

3.1.12. That specialist women's services in their diversity working on sexual violence across the full range of service types and target groups be resourced and supported to assist and advocate for women through the justice system and legal processes.

3.1.13. That specialist sexual violence courts be established with the objective to bring together specialist personnel to facilitate a trauma approach that centres the needs of those who experience sexual violence, while upholding the accused's right to a fair trial.

3.1.14. That the Australian Government works towards establishing, in each State and Territory, well-resourced services to provide advice and representation in family law and child protection matters for individuals and services wishing to object to subpoenas of sensitive records.

3.1.15. That the Australian Government develops and promotes adherence to an ethical framework for information-sharing in relation to family law and domestic and family violence, along the lines proposed in WLS NSW's 2016 Report Sense and Sensitivity: Family Law, Family Violence and Confidentiality.

3.1.16. That the Australian Governments invests in comprehensive and ongoing training and education should be provided to all relevant decision makers to ensure that victims/survivors are able to obtain justice.

3.1.17. That the Australian Government undertake community-controlled research and data collection about prevalence, reporting rates and service provision in relation to sexual violence against Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse backgrounds, women with disability, LGBTIQ people, young women, older women, women in prisons, women in the sex industry.

3.1.18. Data on sexual violence (and other forms of violence) should be disaggregated as far as possible by characteristics including disability and mental illness status, and should be responsive to concerns raised by disability advocates about the inclusion of people in institutional residential settings and people requiring communication support.

3.2.1 That the Fourth Action Plan and any subsequent National Plan addresses reproductive coercion as one of the manifestations of violence against women.

- 3.2.2 All services and professionals involved in responding to the needs of women experiencing violence must be resourced and informed on reproductive coercion.
- 3.2.3 That existing population studies already examining the prevalence of domestic violence or those with a reproductive health component, incorporate questions specific to reproductive coercion.
- 3.2.4 Sufficient funding is required for capacity building of all relevant domestic and family violence and sexual assault services around reproductive coercion.
- 3.2.5 That the Australian Government expand the definition of family violence in the Family Law Act 1975 and Migration Act and Migration Regulations to include dowry abuse.
- 3.2.6 That the relevant decision makers undertake extensive training on family violence, trauma-informed practice and cultural competency according to standards outlined by the National Domestic and Family Violence Bench Book.
- 3.2.7 Sufficient funding is required for capacity building of all relevant domestic and family violence and sexual assault services about working with women who have been trafficked.
- 3.2.8 That the Australian Government ensures that the access to services and justice for all victims/survivors of sexual and gender-based violence is delinked from criminal proceedings and not dependent upon the intention to raise prosecution (for instance forced marriage).
- 3.3.1 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, evaluate the technology safety trials, and continue funding for 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.

4. STRENGTHENING SYSTEMS

- 4.1.1. That the Australian Government makes a significant investment and implements forthcoming recommendations of the Australian Law Reform Commission's review of the family law system.
- 4.1.2. That the Australian Government budgets for a required investment to community legal services in the amount of \$390 million per annum at minimum.
- 4.1.3. That the Australian Government budget for an expansion and roll out the Family Advocacy Support Service (FASS)
- 4.1.4. That the Australian Government appoint more judges with family violence expertise.
- 4.2.1 Expand access to family violence provisions afforded under the Migration Act 1958 and associated regulations to include all dependent visa categories.
- 4.2.2 Introduce temporary visa provisions for all seeking to flee domestic and family violence situations to allow time and space for victims/survivors to make plans to leave a dangerous situation, without the threat of immediate deportation.

4.2.3 Expand the definition of family violence within the family violence provisions afforded under the Migration Act 1958 and associated regulations so that it is consistent with the Family Law Act 1975 (Cth) and the National Domestic and Family Violence Bench Book.

4.2.4 Determine the existence of family violence before seeking to assess the existence of a 'genuine relationship', to ensure relationships impacted by violence are evaluated in an informed and appropriate way that does not risk further traumatising the victim/survivor.

4.2.5 Expand eligibility for relevant payments and services, including crisis and welfare payments and emergency housing, to all victims/survivors of domestic, family and sexual violence, irrespective of current visa status, across all states, territories and federal legislation.

4.2.6 Ensure all relevant service providers offering support to women with no income on temporary visas experiencing violence are sufficiently funded to undertake extensive training on cultural competency, trauma-informed practice and family violence.

4.2.7 Ensure access to free independent interpreters to all disadvantaged populations via appropriate funding of interpreter services to community organisations in the areas of family violence, migrations, sexual assault support services, multicultural services and others.

4.2.8 Reinstatement funding to community legal centres formerly distributed under the Immigration Advice and Assistance Scheme (IAAAS) to ensure that women applying for family violence provisions have access to free legal advice and representation.

4.3.1 That the Australian Government removes the extended waiting periods for newly arrived migrants.

4.3.2 That the Australian Government abolishes the Cashless Debit Cards trials and provides their recipients with standard social security payments.

4.3.3 That the Australian Government increases social security payments (Newstart, parenting payments, youth payment) by \$75 a week.

4.3.4 That the Australian Government abolishes the ParentsNext employment program.

4.3.5 That the Australian Government abolishes any considerations of a new scheme of encouraging lawful behavior of income support recipients.

4.3.6 That the Australian Government ensures that the social security system does not disempower victims/survivors of domestic, family and sexual violence through its policies and procedures but provides competent and relevant support when most needed.

4.4.1 Develop a comprehensive gender-responsive national housing strategy incorporating the principles of visibility, capability and accountability, and setting targets for reducing homelessness and increasing affordable housing stock.

4.4.2 Adequately resource and provide policy direction for the National Housing and Homelessness Agreement (NHHA), so that it can deliver the housing options needed by the diversity of women and children facing violence.

4.5.1 That the Australian Government introduce a Medicare item to support GPs to assist victims/survivors of domestic, family and sexual violence.

4.6.1 That the Australian Government de-links access to the Support for Trafficked People Program from compliance with criminal investigations to enable victims/survivors receive the support necessary to recover from their experiences.

4.6.2 That the Australian Government facilitates and expedites family reunification for victims/survivors of trafficking, slavery and slavery-like offences.

4.6.3 That the Australian Government provides longer reflection periods during the initial support stream to allow women to recover from their experiences of exploitation and appropriately address potential trauma before deciding on participation in any criminal investigation of trafficking and/or sexual exploitation.

4.6.4 That the Australian Government establishes a National Compensation Scheme for victims/survivors of human trafficking and sexual exploitation.

4.6.5 That the Australian Government invest in capacity-building of services/peak bodies to be able to identify victims/survivors of trafficking correctly so they are linked to the correct/relevant support services.

4.6.6 That the Australian Government provides sufficient funding to specialist women's services working with victims/survivors of trafficking.

4.7.1 That the Australian Government makes a significant investment into the workforce development to enable better responses to domestic, family and sexual violence.

4.7.2 That the Australian Government introduces 10 days of paid DFV leave for all employees.

5. STRENGTHENING SERVICES

5.1.1. That the Australian Government ensures long-term and sufficient funding to meet demand for services, including early intervention, crisis response and recovery.

5.2.1 Significantly increase spending on social housing to meet growing demand.

5.2.2 Adequate and sustainable funding to meet demand for homelessness services, while ensuring that funding goes to services that are appropriately specialised and competent.

5.2.3 Address and meet the specific needs of diverse groups of women such as Aboriginal and Torres Strait women, women with a disability, older women, women from culturally and linguistically diverse backgrounds, women in rural, regional and remote areas, and women who identify as LGBTIQ+. Ensure that crisis accommodation is accessible and culturally safe.

5.2.4 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 and in ERA's policy statement on housing.

5.2.5 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.)

5.2.6 Allocate adequate resources for the implementation of outcome 4 of the National Plan to Reduce Violence against women and their children and enhance efforts to ensure the availability of women-only and women-led support services for victims of gender-based violence.

5.3.1 That the Fourth Action Plan include a funded process to develop a comprehensive picture of service responses needed and provided, drawing on existing frameworks such as the UN Essential Services Package.

5.4.1 That the Australian Government supports the development and adoption of good practice standards by all services working with women and children facing violence, led by the specialist women's services sector, and building on work already done by peak bodies and others in this area.

5.5.1 That the Coalition of Australian Governments works to ensure that all States and Territories have models of flexible financial support equivalent to Victoria's Flexible Support Packages, to be developed in consultation with specialist women's service and domestic, family and sexual violence peak bodies and underpinned by a set of agreed principles.

5.6.1 That the Australian Government introduces mechanisms to ensure that housing and homelessness funding goes to services with specialist capability to address the gendered dynamics of violence and homelessness.

5.7.1 That an early release of superannuation in situation of domestic and family violence be considered only as a last resort for supporting victims/survivors to rebuild their lives. Should the proposals go ahead, we recommend amending evidentiary requirements to be simplified and relevant regulatory bodies to be trained on the nature and dynamic of family violence.

6. IMPROVING COORDINATION AND GOVERNANCE

6.1.1. Establish a new mechanism for improved communication and co-design between government and civil society and for participation, engagement and advice from civil society in relation to the National Plan.

- This should ensure transparency and inclusivity with civil society, including representatives of Aboriginal and Torres Strait Islander women, CALD women, women with disability, young women, mature age women, women in prison, women from regional, rural and remote areas and LGBTIQ+ people, domestic, family and sexual violence services and specialists (including Aboriginal and Torres Strait Islander Community Controlled Organisations), other women's services, academics, practising lawyers and/or women's legal specialists.

6.1.2. Establish an adequate, timely, well-funded, independent monitoring and evaluation mechanism for the current National Plan and any future National Plan, which incorporates accountability and governance mechanisms.

6.1.3. Identify robust short and mid-term indicators for longer-term change under the plan, drawing on Our Watch's Counting on Change guide.

6.1.4. Provide for the comprehensive evaluation of all the initiatives that the National Plan resources, ideally built into program design. These should be in line with the UN Women's Handbook for National Action Plans on Violence against Women standards and be:

- Time specific and measurable indicators and targets;
- An institutional multi-sectoral mechanism to monitor implementation;
- Meaningful participation of civil society and other stakeholders;
- Evaluation of practice and system.

6.1.5. Initiate a consultative process to determine full costing for the range of program and service needs, particularly in regards to specialist support services.

6.1.6. Adequately resource all initiatives under the Fourth Action Plan, and any future Action Plans, ensuring funds can be tracked and monitored.

6.1.7. Appropriately monitor, evaluate and track funding in the Evaluation Plan and provide appropriate funding for this.