

The Treasury

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Date: 31 January 2020

Submission on priorities for the 2020-2021 Budget: Budget measures to address violence against women

Thank you for the opportunity to make a pre-budget submission ahead of the 2020-2021 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 for 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).

Table of Contents

Consolidated recommendations	2
Violence against women and their children in Australia	5
Australian Government contributions to ending violence against women	5
Bushfires and climate crisis interacting with violence against women	6
Re-funding of de-funded programs.....	7
Escalating demand and the need for services and payments.....	8
Women on temporary visas experiencing violence	9
Women's economic security	11
Fund improvements to the family law system and legal assistance services	12
Funding for National Women's Alliances and Women's Leadership and Development Scheme	14

Consolidated recommendations

1. Allocate resources for work to begin on developing a Second National Plan to eliminate violence against women, in collaboration with victims/survivors, civil society, peak bodies and alliances, guided by the principles articulated by AWAVA in its submission on the Fourth Action Plan.¹
2. Implement the initial recommendations of the National Women's Alliances², in particular adopting the Gender and Emergency Management (GEM) Guidelines.³
3. Ensure that frontline domestic and family violence services are involved in disaster relief and recovery planning and implementation.
4. Ensure that Aboriginal and Torres Strait Islander women, women with disability, women of migrant and refugee backgrounds, women experiencing violence, older women, young women and people who are LGBTIQ+ are represented and allowed to lead in disaster recovery and planning.
5. Re-fund the Family Violence Prevention Legal Services National Forum as a peak body and ensure funding certainty beyond the 2020-21 Budget.
6. Re-fund WESNET's Safe Connections program and ensure funding certainty beyond the 2020-21 Budget.
7. Urgently invest in dramatically expanding the capacity of specialist women's services and community-led responses to violence against women to ensure victim/survivors of domestic and family violence have universal access to essential services, including crisis support, information, referrals, court advocacy, case management, supported accommodation, legal advice and advocacy and income support, that perpetrators of domestic and family violence have universal access to accredited men's behaviour change programs.
8. Roll out across Australia payments to victims/survivors on the model of the Victorian Flexible Support Packages.
9. As part of planning for a second National Plan, develop a mechanism to assess unmet need for services to assist victims/survivors across Australia, in order to inform funding and program decisions, in collaboration with State and Territory Governments, and relevant non-government peak bodies and alliances.
10. Carry out a review of federally funded family services working with families in the context of family violence to ensure they are operating in accordance with AWAVA's best practice guidelines⁴ and the National Outcome Standards for Perpetrator Interventions (NOSPI)⁵ and that they are operating in an integrated manner so as to complement state and territory domestic and family violence service systems.

¹ AWAVA (2018) Position paper on the development of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and their Children. Available at: https://awava.org.au/2018/09/26/in-focus/submission-fourth-action-plan?doing_wp_cron=1579907187.8048119544982910156250

² National Women's Alliance (2020) Disaster Recovery for Women, their Families and their Communities in all their Diversity. Available at: <https://nationalwomensalliances.org.au/disaster-recovery-for-women-their-families-and-their-communities-in-all-their-diversity/>

³ National Gender and Emergency Management Guidelines developed by Women's Health Goulburn North East, Women's Health in the North and Monash University Disaster Resilience Initiative. <https://www.genderanddisaster.com.au/info-hub/national-gem-guidelines/>

⁴ AWAVA (2016) Policy Brief on the role of specialist women's services in Australia's response to violence against women and their children <https://awava.org.au/2016/04/07/research/role-specialist-womens-services-australias-response-violence-women-children>

⁵ See: <https://plan4womenssafety.dss.gov.au/national-outcome-standards-for-perpetrator-interventions/>

11. Track and transparently report on funding from the Australian Government to programs focused on violence against women, as part of reintroducing a comprehensive women's budget statement and/or gender budgeting process.
12. Exempt women who have experienced domestic, family and sexual violence and have been granted permanent residency from Centrelink's newly arrived resident's waiting period (NARWP). This would be similar to existing waiting period exemptions that are in place for people recognised as refugees.
13. In cases where a visa for permanent residency lodged under the Family Violence Provisions under Migration Regulation was refused and an appeal with the Administrative Appeals Tribunal (AAT) was lodged, the AAT fee should only become payable if the AAT affirms the decision under review (that is, refuses the visa). Such practice is already in place for protection visas.
14. Expand eligibility for childcare subsidy to all women on temporary visas experiencing domestic, family and sexual violence.
15. Ensure immediate and ongoing free-to-client NAATI accredited access to quality interpreting and translating services for all people experiencing domestic, family and sexual violence and their dependents who require it.
16. Address problems with the Centrelink couple rule, which limit women's ability to leave violent relationships or otherwise improve their safety.⁶
17. Address problems with the Child Support system, including woefully inadequate levels and ineffectual mechanisms for enforcement.⁷
18. End the mandatory Cashless Debit Card scheme.⁸
19. Ensure strong and effective exemptions for women experiencing violence from welfare-to-work requirements such as Parents-Next, and reform these requirements so they are less punitive and more practical for parents.
20. Increase rates of Parenting Payment, Newstart allowance and other relevant payments.⁹
21. Improve access to free and/or affordable childcare and respite services (particularly for women who have child(ren) with a disability or additional needs or other family caring responsibilities.
22. Improve access to affordable housing.
23. Government amends the Guide to Social Security Law:
 - to allow a claim for Crisis Payment within 14 days;
 - to allow Crisis Payment to be paid to any person suffering severe financial hardship who has recently experienced family and domestic violence: removing the nexus of 'home';

⁶ Sleep, L. (2019) Domestic violence, social security and the couple rule (Research Report). Sydney: ANROWS.

⁷ Cook, Kay, Zoë Goodall, Juanita McLaren and Terese Edwards (2019) Debts and Disappointment: Mothers' Experiences of the Child Support System. Melbourne: Swinburne University of Technology, available at <https://apo.org.au/sites/default/files/resource-files/2019/12/apo-nid268591-1400911.pdf>

⁸ AWAVA (2019) Submission to the Senate Inquiry into the Social Security (Administration) Amendment (Income Management to Cashless Debit Cards Transition) Bill 2019. Available at: https://s3-ap-southeast-2.amazonaws.com/awava-cdn/awava/wp-content/uploads/2019/11/28092201/Cashless-Debit-Cards-Trial-Extension_AWAVA.pdf

⁹ AWAVA (2019) Submission to the Senate Inquiry in to the Adequacy of Newstart and related payment and alternative mechanisms to determine the level of income support payments in Australia. Available at: https://s3-ap-southeast-2.amazonaws.com/awava-cdn/awava/wp-content/uploads/2019/10/03141220/AWAVA-submission-Adequacy-of-Newstart-allowance_FINAL.pdf

- that Crisis Payment be extended 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;
 - that Crisis Payment be increased to the equivalent of 'four weeks' single rate pension: approximately \$1640; and
 - that eligibility for Crisis Payment be extended to allow Crisis Payment to be paid up to six times per year.
24. Increase funding to the Family Court and Federal Circuit Court to strengthen their response to matters involving domestic and family violence.
 25. Appoint more judges, registrars, family consultants, Aboriginal and Torres Strait Islander Liaison Officers and Multicultural Liaison Officers in family courts.
 26. Review the costs of court proceedings.
 27. Expand the eligibility criteria for fee concessions
 28. Increase funding to community legal services, Aboriginal and Torres Strait Islander Legal Services, Family Violence Prevention Legal Services and Legal Aid in order to increase representation of people who are financially disadvantaged.
 29. Create a specialised legal aid grant pathway for victims/survivors of domestic violence.
 30. Roll out the Family Advocacy and Support Service (FASS) so that all people engaging with the family law system have access to it, including people in remote and rural areas, and expand case management within the FASS.
 31. Incorporate specialist women's services into family law systems and adequately fund these services
 32. Ensure comprehensive training for all professionals within the family law system
 33. Urgently introduce mandatory training and accreditation for all report writers and experts in the family law system who are not already subject to these requirements.
 34. Ensure the accessibility of safe, high-quality children's contact services.
 35. Roll-out a consistent, rigorous, safety-centred accreditation system for all CCSs including those not currently covered by any accreditation.
 36. Ensure that effective pilots within the family law system are turned into ongoing programs once their evaluations are completed and effectiveness established.
 37. Ensure that effective pilots within the family law system are turned into ongoing programs once their evaluations are completed and effectiveness established Reinstatement multi-year funding for the National Women's Alliances (minimum three-year contracts) as part of an ongoing Women's Leadership and Development Program, with funding into the forward estimates and indexation.

Violence against women and their children in Australia

Violence against women and their children is a human rights violation that should be treated as among the very highest priorities by all governments, with commensurate commitments of funding. It is widely recognised that family, domestic and sexual violence is an endemic problem in Australian society.¹⁰ The Australian Institute of Health and Welfare reports that:

- One in 6 (17%, or 1.6 million) women have experienced physical and/or sexual violence by a current or previous cohabiting partner since the age of 15;
- Almost 1 in 4 (23%, or 2.2 million) women have experienced emotional abuse by a current or previous partner since the age of 15;
- Almost 1 in 5 (18%, or 1.7 million) women have experienced sexual violence since the age of 15.¹¹

Australian police deal with 5,000 family violence matters on average every week, which averages to one matter every two minutes.¹² It has been recognised that family violence is a gendered crime with the vast majority of family violence perpetrated against women, usually by a man.¹³

Almost eight women were hospitalised each day after being assaulted by their spouse or partner in 2014–2015 which amounts to 2800 women in total annually. 72,000 women, 34,000 children and 9,000 men sought homelessness services in 2016–17 due to family/domestic violence.¹⁴

The impact of domestic and family violence is severe and long-lasting. Intimate partner violence is the leading contributor to death, disability illness and injury among women aged 18 to 44.¹⁵

Price Waterhouse Coopers has estimated that violence against women in Australia imposes a financial cost of \$21.7 billion a year, with victims/survivors bearing the main burden of this cost.¹⁶ If appropriate action is not taken, this toll could rise to \$323.4 billion by 2045.

It costs around \$18000 for a victim/survivor to leave violent relationship and establish safety. This would include costs associated with reallocation, safety upgrades, legal costs and medical costs.¹⁷

Australian Government contributions to ending violence against women

The Australian Government has committed \$328 million to the Fourth Action Plan, the biggest investment to date from the Commonwealth in measures to respond to violence against women in Australia. AWAVA welcomed, in particular, the Plan's investment in primary prevention. However, 2019–20 Budget provided little if any funding directly to providing specialist women's domestic and family violence services on the ground, apart from the \$10 million to Specialised Family Violence Services delivered through family and relationship centres, continued funding to the DV units and

¹⁰ Australian Institute of Health and Welfare 2018. Family, domestic and sexual violence in Australia 2018. Cat. no. FDV 2. Canberra: AIHW; ABS 2017b. Personal Safety Survey 2016. ABS cat. no. 4906.0. Canberra: ABS; Bryant & Bricknell 2017. Homicide in Australia 2012–13 to 2013–14: National Homicide Monitoring Program Report. Canberra: AIC; <https://anrows.org.au/resources/media/media-releases/intimate-partner-violence-contributes-highest-health-risk-women-aged>; <https://www.aihw.gov.au/reports/homelessness-services/specialist-homelessness-services-2016-17/contents/clients-services-and-outcomes>

¹¹ Australian Institute of Health and Welfare 2018. Family, domestic and sexual violence in Australia 2018. Cat. no. FDV 2. Canberra: AIHW.

¹² Clare Blumer, 'Australian police deal with domestic violence every two minutes' ABC News 21 April 2016 <http://www.abc.net.au/news/2016-04-21/domestic-violence/7341716>

¹³ See eg ABS, Crime victimisation, Australia, 2012–13 cat no 4530.0 December 2014 <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4530.0main+features100022012-13> .

¹⁴ Australian Institute of Health and Welfare 2018. Family, domestic and sexual violence in Australia 2018. Cat. no. FDV 2. Canberra: AIHW.

¹⁵ <http://media.aomx.com/anrows.org.au/s3fs-public/28%2010%2016%20BOD%20Compass.pdf>

¹⁶ PWC (2015) Economic case for preventing violence against women. A high price to pay. <https://www.pwc.com.au/pdf/a-high-price-to-pay.pdf>

¹⁷ Australian Council of Trade Unions submission on the Family and Domestic Violence Leave to the Fair Work Commission. <https://www.actu.org.au/media/886617/actu-submission-to-fwc-family-and-domestic-violence-leave.pdf>

Health Justice Partnerships and the ongoing funding to the National Plan Partners such as 1800RESPECT.

More generally, Australian Government funding in the area is not proportionate to the scale of the issues, nor to the contributions being made in some other jurisdictions. 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 million under a set of initiatives titled 'Keeping Australians Safe'.

The prevalence of domestic and family violence remains high, and there has been an increase in women's experiences of sexual violence.¹⁸ Domestic and family violence remains the single largest cause of homelessness for women. With more work done in prevention, more women are seeking services, as predicted by Our Watch's Counting on Change guide to prevention monitoring.¹⁹ The funding to the specialist women's services must meet the increasing demand.

The other key area of concern is that despite an increasing recognition of the diversity of women's experiences of violence, Australian Government responses to violence do not yet fully recognise the multiple and intersecting forms of marginalisation as well as the different kinds of resources that people can draw on in building communities free of violence. An intersectional approach is required that is focused on identifying and dismantling systemic discrimination. These forms of systemic discrimination are particularly acute in the migration system, the family law system and the social security system. Efforts to prevent violence by, for example, changing attitudes to gender roles must be complemented both by adequately-resourced specialist services and by deep reforms to those systems that currently keep women and children in situations of violence and at times directly inflict harm on victims/survivors.

Where new action areas have been identified in the Fourth Action Plan, as with complex forms of violence and harmful cultural practices, funding needs to be allocated to specifically progress that work.

Throughout the last year, AWAVA has made 11 policy submissions and reports detailing the measures needed to reduce and end violence against women, all of which include relevant budget considerations. These submissions and reports are available on our [website](#). Most of the recommendations contained in our pre-budget submission 2019-20 are also yet to be implemented.²⁰ We will not repeat all of the recommendations here but wish to highlight some key concerns.

Recommendation:

1. Allocate resources for work to begin on developing a Second National Plan to eliminate violence against women, in collaboration with victims/survivors, civil society, peak bodies and alliances, guided by the principles articulated by AWAVA in its submission on the Fourth Action Plan.²¹

Bushfires and climate crisis interacting with violence against women

The continuing bushfire and climate crisis is a challenge with which all Australian governments must engage. We urge governments and all sectors of society that are involved to adopt an intersectional

¹⁸ ABS, 2016

¹⁹ Our Watch, ANROWS (2017) Counting on Change. A guide to prevention monitoring. Available at <https://www.ourwatch.org.au/What-We-Do/Counting-on-change-A-guide-to-prevention-monitorin>

²⁰ AWAVA (2019) Submission on the priorities for the 2019-2020 Budget. Budget measures to address violence against women. Available at: <https://s3-ap-southeast-2.amazonaws.com/awava-cdn/awava/wp-content/uploads/2019/02/08112213/final-AWAVA-Pre-budget-submission-2019-20.pdf>

²¹ AWAVA (2018) Position paper on the development of the Fourth Action Plan of the National Plan to Reduce Violence Against Women and their Children. Available at: https://awava.org.au/2018/09/26/in-focus/submission-fourth-action-plan?doing_wp_cron=1579907187.8048119544982910156250

gender approach. The National Women's Alliances have begun to develop guidance on such an approach.²² The approach must be responsive to the way impacts differ depending on people's situations and the overlapping forms of discrimination and disadvantage to which they are subjected. This is especially relevant for people with disability, for whom pre-existing barriers to safety and resources are exacerbated to dangerous levels during disasters. For Aboriginal and Torres Strait Islander people, the bushfires are damaging sacred places and destroying some of what connects them to places in the landscape. We know that the compounding trauma that many in the Aboriginal and Torres Strait Islander community are experiencing is overwhelming.

Levels of gender-based violence against women increase in the aftermath of disaster²³, and we are hearing from our members about increasing need for services assisting women and children in situations of violence who have been affected by the fires. These dynamics overlap with ongoing issues of demand and service funding (addressed below).

Recommendations:

2. Implement the initial recommendations of the National Women's Alliances²⁴, in particular adopting the Gender and Emergency Management (GEM) Guidelines.²⁵
3. Ensure that frontline domestic and family violence services are involved in disaster relief and recovery planning and implementation.
4. Ensure that Aboriginal and Torres Strait Islander women, women with disability, women of migrant and refugee backgrounds, women experiencing violence, older women, young women and people who are LGBTIQ+ are represented and allowed to lead in disaster recovery and planning.

Re-funding of de-funded programs

Late last year it was announced that two key programs were to be cut, with funding to cease on 30 June 2020. These programs, the Family Violence Prevention Legal Services National Forum and WESNET's Safe Connections program, both play vital roles in supporting victims/survivors and the networks of services responding to their needs.

On learning that funding to National FVPLS Forum had been cut, AWAVA wrote to the Minister for Indigenous Australians expressing our concerns.²⁶ National FVPLS Forum is the only peak body specifically tasked with representing services working to prevent and respond to domestic and family violence against Aboriginal and Torres Strait Islander people.

Aboriginal and Torres Strait Islander women nationally are 34 times more likely to be hospitalised for family violence and 10 times more likely to die from a violent assault than other women in this country. Efforts to reduce and ultimately end this violence must be informed by the collective voices of Aboriginal and Torres Strait Islander women and children, as well as the voices of those working directly with them. In this context, it is vital to protect and strengthen the existing infrastructure that is

²² National Women's Alliance (2020) Disaster Recovery for Women, their Families and their Communities in all their Diversity. Available at: <https://nationalwomensalliances.org.au/disaster-recovery-for-women-their-families-and-their-communities-in-all-their-diversity/>

²³ See: <https://www.1800respect.org.au/inclusive-practice/violence-in-times-of-disaster/>

²⁴ National Women's Alliance (2020) Disaster Recovery for Women, their Families and their Communities in all their Diversity. Available at: <https://nationalwomensalliances.org.au/disaster-recovery-for-women-their-families-and-their-communities-in-all-their-diversity/>

²⁵ National Gender and Emergency Management Guidelines developed by Women's Health Goulburn North East, Women's Health in the North and Monash University Disaster Resilience Initiative. <https://www.genderanddisaster.com.au/info-hub/national-gem-guidelines/>

²⁶ Available at: https://awava.org.au/2019/12/10/submissions/letter-to-the-hon-ken-wyatt-am-mp-on-the-decision-to-defund-the-national-family-violence-prevention-legal-services-forum-fvpls?doing_wp_cron=1579898294.2757289409637451171875

operating effectively to bring these voices into national conversations. National FVPLS Forum as a peak body is a key part of this infrastructure.

WESNET's Safe Connections program uses a network of 276 family violence services to provide victims with free Telstra smartphones, \$30 of prepaid credit and information on the safe use of technology to assist with building a life free from violence. The Safe Connections program has helped over 20,000 women since 2016, and every month assists around 600 women and families escaping family violence, around 31% of whom are Aboriginal and Torres Strait Islander people. A 2018 evaluation of the program found that it is "an empowering program that is contributing to the safety of women who have experienced family and domestic violence" and that it is "an outstanding example of a multi-sectoral collaboration that is highly effective and much needed."²⁷

Recommendations:

5. Re-fund the Family Violence Prevention Legal Services National Forum as a peak body and ensure funding certainty beyond the 2020-21 Budget.
6. Re-fund WESNET's Safe Connections program and ensure funding certainty beyond the 2020-21 Budget.

Escalating demand and the need for services and payments

The Fourth Action Plan explicitly acknowledges that with an investment in primary prevention and awareness raising activities will come an increase in demand for support services. Yet, no new investment was made in the direct delivery of frontline women's specialist services, which are the primary responders to women and their children experiencing violence and abuse. This is in the context of increasing poverty²⁸ and the interacting effects of several systems that are working to constrain victims/survivors and others, including the social security system, the migration system and the family law system.

ACOSS's 2019 Demand for Community Services Snapshot shows that there is increasing and significant unmet demand across the community sector as a whole, including services specifically dealing with violence against women. ACOSS found that 82% of respondents reported increased levels of demand over the last year, with a quarter reporting that their service was rarely or never able to meet demand and only 5% saying that the service was completely able to meet demand. This situation is "contributing to cascading crises relating to housing, poverty, debt, violence, physical and mental health, and the law."²⁹

At present there is no Australian Government mechanism to assess the unmet need for the various kinds of services required to assist victims/survivors across the country, despite the National Plan including Outcome 4 ("Services meet the needs of women and their children experiencing violence.") While State and Territory Governments have primary responsibility for delivering response services, they rely on funding from the Commonwealth and are heavily impacted by Commonwealth policy levers such as income support and housing policy. The different State and Territory Governments use different systems to assess and respond to demand, and these need to be complemented by a comprehensive Australian Government mechanism that accepts and embodies the responsibility (codified under

²⁷ Dorozenko, K., Chung, D. (2018) Research and Evaluation of the Safer Technology for Women Training and the Safe Connections Program. Curtin University, WESNET The Women's Services Network. Available at: https://wesnet.org.au/wp-content/uploads/2019/10/Safe-Connections-Evaluation_Telstra-Report_Final.pdf

²⁸ Roger Wilkins, Inga Laß, Peter Butterworth and Esperanza Vera-Toscano (2019) The Household, Income and Labour Dynamics in Australia Survey: Selected Findings from Waves 1 to 17. Melbourne Institute: Applied Economic & Social Research, University of Melbourne. Available at: https://melbourneinstitute.unimelb.edu.au/data/assets/pdf_file/0011/3127664/HILDA-Statistical-Report-2019.pdf

²⁹ See: <https://www.acoss.org.au/publications/demand-for-community-services-snapshot-december-2019/>

international instruments³⁰) for national governments to ensure access to safety for victims/survivors. This should be developed in collaboration with State and Territory Governments, and relevant non-government peak bodies and alliances.

AWAVA calls on the government to expand its investment through substantial increased funding to specialist women's services and community-led responses, together with direct payments to victims/survivors, and a capacity-building approach to funding community services and social security payments across the board. We call for a national roll-out of publicly-funded payments specifically targeted to assisting with recovery from domestic and family violence, as in the model of the Victorian Flexible Support Packages.

Recommendations:

7. Urgently invest in dramatically expanding the capacity of specialist women's services and community-led responses to violence against women to ensure victim/survivors of domestic and family violence have universal access to essential services, including crisis support, information, referrals, court advocacy, case management, supported accommodation, legal advice and advocacy and income support, that perpetrators of domestic and family violence have universal access to accredited men's behaviour change programs.
8. Roll out across Australia payments to victims/survivors on the model of the Victorian Flexible Support Packages.
9. As part of planning for a second National Plan, develop a mechanism to assess unmet need for services to assist victims/survivors across Australia, in order to inform funding and program decisions, in collaboration with State and Territory Governments, and relevant non-government peak bodies and alliances.
10. Carry out a review of federally funded family services working with families in the context of family violence to ensure they are operating in accordance with AWAVA's best practice guidelines³¹ and the National Outcome Standards for Perpetrator Interventions (NOSPI)³² and that they are operating in an integrated manner so as to complement state and territory domestic and family violence service systems.
11. Track and transparently report on funding from the Australian Government to programs focused on violence against women, as part of reintroducing a comprehensive women's budget statement and/or gender budgeting process.

Women on temporary visas experiencing violence

In 2018 the National Advocacy Group on Women on Temporary Visas Experiencing Violence (of which AWAVA is a founding member) produced a Path to Nowhere report that examined the issues for women on temporary visas experiencing domestic, family and sexual violence and their dependants. Report

³⁰ Convention on the Elimination of all Forms of Discrimination against Women and 2018 Concluding observations on the eighth periodic report of Australia (CEDAW/C/AUD/Co/8); Convention on the Rights of Persons with Disabilities and 2019 Concluding observations on the combined second and third periodic reports of Australia (CRPD/C/AUS/Co/2-3); International Convention on the Elimination of all Forms of Racial Discrimination and its 2017 Concluding observations on the eighteenth to twentieth periodic reports of Australia (CERD/C/AUS/CO/18-20) International Covenant on Civil and Political Rights and the 2017 Concluding observations on the sixth periodic report of Australia (CCPR/C/AUS/Co/6); International Covenant on Economic, Social and Cultural Rights and its 2017 Concluding observations on the fifth periodic report of Australia.

³¹ AWAVA (2016) Policy Brief on the role of specialist women's services in Australia's response to violence against women and their children <https://awava.org.au/2016/04/07/research/role-specialist-womens-services-australias-response-violence-women-children>

³² See: <https://plan4womenssafety.dss.gov.au/national-outcome-standards-for-perpetrator-interventions/>

findings highlighted a national crisis, affirmed by evidence and reviews nationally, which requires immediate law and policy reform by the Australian and State and Territory governments.³³

In 2019, the National Advocacy Group published the Blueprint for Reform, which outlines the steps required to remove barriers to safety for victims/survivors of domestic and family violence who are on temporary visas.³⁴

These steps are:

- A.** Improve the migration system so that all women on temporary visas who experience domestic, family and sexual violence and their dependants can access protections, services and justice.
- B.** Ensure eligibility and access to services and government support are based on women's needs for safety and recovery, regardless of their migration status.
- C.** Ensure that women on temporary visas who have experienced domestic, family and sexual violence and their dependants have immediate and full access to safety, protection, justice and fully funded specialist support with demonstrated gender expertise and cultural competency

While implementation of the Blueprint for Reform as a whole requires coordinated cross-portfolio action and systemic reform, the Blueprint includes several specific recommendations that could be urgently advanced within the 2020-2021 Budget and would have immediate positive impact for women and children in this situation, specifically:

Recommendations:

- 12.** Exempt women who have experienced domestic, family and sexual violence and have been granted permanent residency from Centrelink's newly arrived resident's waiting period (NARWP). This would be similar to existing waiting period exemptions that are in place for people recognised as refugees.
- 13.** In cases where a visa for permanent residency lodged under the Family Violence Provisions under Migration Regulation was refused and an appeal with the Administrative Appeals Tribunal (AAT) was lodged, the AAT fee should only become payable if the AAT affirms the decision under review (that is, refuses the visa). Such practice is already in place for protection visas.
- 14.** Expand eligibility for childcare subsidy to all women on temporary visas experiencing domestic, family and sexual violence.
- 15.** Ensure immediate and ongoing free-to-client NAATI accredited access to quality interpreting and translating services for all people experiencing domestic, family and sexual violence and their dependents who require it.

Measures recommended elsewhere in this submission (in relation to funding of specialist women's services, roll-out of Flexible Support Packages and funding legal assistance) will also be required to improve access to safety and justice for women on temporary visas.

³³ 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-and-reports/path-to-nowhere-report-women-on-temporary-visas-experiencing-violence-and-their-children?doing_wp_cron=1579899537.6270220279693603515625 [Add additional ref – Marie Segrave's reports, others]

³⁴ National Advocacy Group on Women on Temporary Visas Experiencing Violence (2019) Blueprint for Reform: Removing Barriers to Safety for Victims/Survivors of Domestic and Family Violence who are on Temporary Visas. Available at: https://awava.org.au/2019/10/02/research-and-reports/blueprint-for-reform?doing_wp_cron=1579899423.8388841152191162109375

Women's economic security

The first Women's Economic Security Statement³⁵ articulated some of the links between women's economic security and violence against women. This recognition at the national policy level is very welcome. A second Women's Economic Security Statement would provide the opportunity for the Australian Government to take further steps towards addressing the underlying dynamics of poverty and economic exclusion that contribute to violence. We believe it would be beneficial for this second Statement to be focused on reforms to the Centrelink and interacting systems that currently undermine women's safety, but could be reformed to better support their ability to build lives free of violence.

Recommendations:

As mentioned elsewhere in this submission:

- Exempt women who have experienced domestic, family and sexual violence and have been granted permanent residency from Centrelink's newly arrived resident's waiting period (NARWP). This would be similar to existing waiting period exemptions that are in place for people recognised as refugees (Rec. [x] of this submission)
- Expand eligibility for childcare subsidy to all women on temporary visas experiencing domestic, family and sexual violence. (Rec. [x] of this submission)
- Fund reforms to the Family Law system, in order to address ongoing problems including delays, costs, inequitable property and relocation request outcomes, lack of integration with migration, human services and child support legislation, ineffective enforcement mechanisms re debt transference. (Recs. [x, y, z] of this submission)

In addition, draw on the extensive detailed recommendations provided by women's safety experts and other advocacy bodies to include within the second Women's Economic Security Statement measures to:

16. Address problems with the Centrelink couple rule, which limit women's ability to leave violent relationships or otherwise improve their safety.³⁶
17. Address problems with the Child Support system, including woefully inadequate levels and ineffectual mechanisms for enforcement.³⁷
18. End the mandatory Cashless Debit Card scheme.³⁸
19. Ensure strong and effective exemptions for women experiencing violence from welfare-to-work requirements such as Parents-Next, and reform these requirements so they are less punitive and more practical for parents.
20. Increase rates of Parenting Payment, Newstart allowance and other relevant payments.³⁹
21. Improve access to free and/or affordable childcare and respite services (particularly for women who have child(ren) with a disability or additional needs or other family caring responsibilities.

³⁵ Commonwealth of Australia (2018) Women's Economic Security Statement 2018. Available

<https://www.pmc.gov.au/sites/default/files/publications/womens-economic-security-statement-2018.pdf>

³⁶ Sleep, L. (2019) Domestic violence, social security and the couple rule (Research Report). Sydney: ANROWS.

³⁷ Cook, Kay, Zoë Goodall, Juanita McLaren and Terese Edwards (2019) Debts and Disappointment: Mothers' Experiences of the Child Support System. Melbourne: Swinburne University of Technology, available at

<https://apo.org.au/sites/default/files/resource-files/2019/12/apo-nid268591-1400911.pdf>

³⁸ AWAVA (2019) Submission to the Senate Inquiry into the Social Security (Administration) Amendment (Income Management to Cashless Debit Cards Transition) Bill 2019. Available at: https://s3-ap-southeast-2.amazonaws.com/awava-cdn/awava/wp-content/uploads/2019/11/28092201/Cashless-Debit-Cards-Trial-Extension_AWAVA.pdf

³⁹ AWAVA (2019) Submission to the Senate Inquiry in to the Adequacy of Newstart and related payment and alternative mechanisms to determine the level of income support payments in Australia. Available at: https://s3-ap-southeast-2.amazonaws.com/awava-cdn/awava/wp-content/uploads/2019/10/03141220/AWAVA-submission-Adequacy-of-Newstart-allowance_FINAL.pdf

22. Improve access to affordable housing.

23. Government amends the Guide to Social Security Law:

- to allow a claim for Crisis Payment within 14 days;
- to allow Crisis Payment to be paid to any person suffering severe financial hardship who has recently experienced family and domestic violence: removing the nexus of ‘home’;
- that Crisis Payment be extended 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;
- that Crisis Payment be increased to the equivalent of ‘four weeks’ single rate pension: approximately \$1640; and
- that eligibility for Crisis Payment be extended to allow Crisis Payment to be paid up to six times per year.

Fund improvements to the family law system and legal assistance services

Over 75% of cases in family law courts involves family violence, yet the family law system fails victim/survivors of domestic and family violence.⁴⁰ For the family law system to be safe, we need urgent reforms as sufficient evidence has been put before the government what needs to change. Since 2009, twelve major reports on the operation and improvements of the family law system have been released outlining a set of necessary reforms to be implemented.⁴¹

The principle of safety and wellbeing for victims/survivors of violence and children should be the paramount consideration in any reforms to the family law system.

We wish to reiterate our position on the urgent reform necessary to make family law safe for victims/survivors of domestic and family violence. This includes:

- Making sure courts identify safety risks that should be considered in any court decision, by implementing consistent screening and risk assessment process to protect children and parents at risk of violence;
- Ensuring the courts have access to all relevant information by establishing a national information sharing framework to ensure information from state jurisdictions can be considered where relevant, and the courts are supported to make informed decisions that prioritise child safety and wellbeing;
- Ensuring victim-survivors of family violence are supported and don’t have to go through the court process alone – by providing social and legal supports for all parties to family law matters involving family violence or child abuse;
- Prioritising matters where people are at high-risk – by creating a specialist case management stream for family violence matters involving children and parents at serious risk of harm, and
- Requiring those who influence court proceedings to have competency in identifying and responding to domestic and family violence in diverse family contexts – by implementing an accreditation framework for all court officials and family law practitioners and professionals, starting with court report writers and supervised contact centre workers.⁴²

⁴⁰ Harmon, J. (2017). The prevalence of family violence in proceedings before the Federal Circuit Court of Australia. *Family Law Review*, 7, 3–19. Retrieved from <http://westlaw.com.au.ezproxy.usc.edu.au>.

⁴¹ For the full list, see AWAVA (2020) submission to the Select Committee on Australia’s Family Law System.

⁴² See: Joint Statement: Make Family Law Safe: Stop Putting Victims/Survivors of Family Violence and Child Abuse in Harm’s Way. https://awava.org.au/2019/10/18/media-release/joint-statement-make-family-law-safe?doing_wp_cron=1580175085.4687249660491943359375

We reiterate our support for WLSA’s Safety First in Family Law plan, which includes the following steps:⁴³

- Strengthen family violence response in the family law system
- Provide effective legal help for the most disadvantaged
- Ensure family law professionals have real understanding of family violence
- Increase access to safe dispute resolution model
- Overcome the gaps between the family law, family violence and child protection systems

We also refer you to the 2018 CEDAW Concluding observations on Australia, and in particular the recommendation to ensure “gender-sensitive approaches to the family violence” in the family law system.⁴⁴

As part of the holistic reforms required, funding of the family law system needs to be improved, with funding to specialist domestic violence services and trauma informed, culturally competent and disability aware support services more generally, family dispute resolution services, and legal services. There should be adequate funding for specialist courts, and workers, as well as addressing the lack of specialised legal aid grant pathways for domestic violence victims/survivors in family law matters.

Comprehensive reform of the family law system requires intensive coordinated action across several jurisdictions and agencies, which should be undertaken as a matter of urgency, guided by the many previous reports and recommendations, with safety considerations at the centre. In order to ensure that the 2020-21 Budget adequately provides for this work, allocations need to be made in the following areas at a minimum.⁴⁵

Recommendations:

24. Increase funding to the Family Court and Federal Circuit Court to strengthen their response to matters involving domestic and family violence.
25. Appoint more judges, registrars, family consultants, Aboriginal and Torres Strait Islander Liaison Officers and Multicultural Liaison Officers in family courts.
26. Review the costs of court proceedings.
27. Expand the eligibility criteria for fee concessions.
28. Increase funding to community legal services, Aboriginal and Torres Strait Islander Legal Services, Family Violence Prevention Legal Services and Legal Aid in order to increase representation of people who are financially disadvantaged.
29. Create a specialised legal aid grant pathway for victims/survivors of domestic violence.
30. Roll out the Family Advocacy and Support Service (FASS) so that all people engaging with the family law system have access to it, including people in remote and rural areas, and expand case management within the FASS.
31. Incorporate specialist women’s services into family law systems and adequately fund these services.
32. Ensure comprehensive training for all professionals within the family law system.
33. Urgently introduce mandatory training and accreditation for all report writers and experts in the family law system who are not already subject to these requirements.

⁴³ Women’s Legal Services Australia Five Step Plan for Safety First in Family Law accessed at:

http://www.womenslegal.org.au/files/file/SAFETY%20FIRST%20POLICY%20PLATFORM.MAY%202016_FINAL.pdf

⁴⁴ Committee on the Elimination of Discrimination against Women (2018) Concluding observations on the eighth periodic report of Australia, para 28(e).

⁴⁵ For more detail please see AWAVA’s submission to the Select Committee on Australia’s Family Law System.

34. Ensure the accessibility of safe, high-quality children's contact services.
35. Roll-out a consistent, rigorous, safety-centred accreditation system for all CCSs including those not currently covered by any accreditation.
36. Ensure that effective pilots within the family law system are turned into ongoing programs once their evaluations are completed and effectiveness established.

Funding for National Women's Alliances and Women's Leadership and Development Scheme

AWAVA has been informed that the National Women's Alliances will not be offered a multi-year funding contract beyond 2020, instead being rolled onto a single-year contract for 2020-21. (The current funding contract runs from 2017 to 2020, subject to each Alliance's Work Plan, financial and performance reporting requirements).

We are further advised that the appropriation for the Women's Leadership and Development Program (from which the Alliances are funded) ceases on 30 June 2021.

The National Women's Alliances are a unique model of civil society engagement in policy development and contribute the voices of over 180 organisations and thousands of individual women to inform government decision-making in the interests of gender equality, women's safety, leadership and economic security. Many positive changes in policy, such as the ban on cross-examination by perpetrators in cases of family law, have been brought about with strong contributions from National Women's Alliances amplifying the voices of our members and networks. It is important that the Alliances, together with the WLDS program, have secure funding.

Recommendation:

37. Reinstate multi-year funding for the National Women's Alliances (minimum three-year contracts) as part of an ongoing Women's Leadership and Development Program, with funding into the forward estimates and indexation.

Once again we thank you for the opportunity to make a pre-budget submission. If you would like to discuss the contents of the submission further, please contact Dr Merrindahl Andrew, AWAVA Program Manager, using the details below.

Dr Merrindahl Andrew

Program Manager

Australian Women Against Violence Alliance

www.awava.org.au | pm@awava.org.au | ph: 0428 541 396