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Dear Associate

AM2015/1 - FAMILY AND DOMESTIC VIOLENCE LEAVE

We refer to the abovementioned proceedings and the submissions filed on behalf of the Australian Chamber of Commerce and Industry dated 16 September 2016.

The following documents referred to in the submission are **attached** for the Commission's ease of reference:

1. Australian Bureau of Statistics 4533.0, Directory of Family and Domestic Violence Statistics 2013, *Defining family and domestic violence*
2. Senate Finance and Public Administration References Committee, *Domestic Violence in Australia*, Canberra, August 2015
3. Australian Institute of Criminology, *Australian Crime: Facts and Figures*, Canberra, 2016
4. Workplace Gender Equality Agency, *Factsheet: Gender composition of the workforce by industry*, April 2016
5. McDonalds Australia Enterprise Agreement 2013 (AG2013/7236), Clause 41 Domestic Violence Leave
6. David Jones Enterprise Agreement 2012 (AG2012/8857), Clause 20 Personal Business Leave
7. Coles Liquor Group Retail Agreement 2014 (AG2013/12800), Clause 9.7 Requests for flexible working arrangements

Yours faithfully

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Table of Contents

1	Australian bureau of statistics 4533.0 - Directory of Family and Domestic Violence Statistics 2013 - <i>Defining family and domestic violence</i>	2
2	Senate Finance and Public Administration References Committee <i>Domestic Violence in Australia</i> - Canberra, August 2015	5
3	Australian Institute of Criminology, <i>Australian Crime: Facts and Figures</i> , Canberra, 2016	213
4	Factsheet: Workplace Gender Equality Agency, <i>Gender composition of the workforce: by industry</i> , April 2016	317
5	MCDONALD'S AUSTRALIA ENTERPRISE AGREEMENT 2013 (AG2013/7236) - Clause 41 Domestic Violence Leave	326
6	DAVID JONES ENTERPRISE AGREEMENT 2012 (AG2012/8857)- Clause 20 Personal Business Leave	329
7	COLES LIQUOR GROUP RETAIL AGREEMENT 2014 (AG2013/12800) - Clause 9.7 Requests for flexible working arrangements	332

1 Australian bureau of statistics
4533.0 - Directory of Family and Domestic Violence
Statistics 2013
Defining family and domestic violence

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4533.0 - Directory of Family and Domestic Violence Statistics, 2013

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INTRODUCTION

Family and Domestic Violence is a community-wide problem that requires involvement from all levels of government across the health, welfare, family and community services and crime and justice sectors. The multi-disciplinary nature of Family and Domestic Violence service provision and information collection/research has meant that much of the data relevant to this field has remained invisible, under-utilised and distributed across sectors, jurisdictions and levels of government.

The Family and Domestic Violence Directory, 2013 (Directory) aims to improve awareness, and ultimately the use of Family and Domestic Violence-related data, collected by or on behalf of Australian governments. The Directory provides researchers, policy analysts and practitioners with a single place to identify information about Australian and State and Territory Government sources of publicly available statistical information related to Family and Domestic Violence.

The information provided can be used by readers to:

- better understand the purpose, collection methods and outputs available from each data source;
- inform an assessment of whether data from a particular source are likely to meet their information needs; and if so,
- locate published data sources or contact data custodians to request data, where available, via the contact details and hyperlinks included.

Readers are advised to confirm information about the data availability and methodology directly with the data source contacts listed in the Directory.

The Australian Bureau of Statistics (ABS) acknowledges the support of the National Centre for Excellence to Reduce Violence against Women and their Children (NCE) which under the auspices of the National Plan to Reduce Violence against Women and their Children provided funding support for the 2013 Directory.

The ABS would also like to acknowledge the collaboration and support of the agencies and organisations that contributed to the update of this Directory.

REVISED DIRECTORY AND FAMILY AND DOMESTIC VIOLENCE FRAMEWORK

Since the release of the 2011 Directory there has been substantial progress in family and domestic violence information. The Directory of Family and Domestic Violence 2011, (cat. no. 4553.0) entries reflect the Framework elements described in the publication Conceptual Framework for Family and Domestic Violence, 2009 (cat. no. 4529.0). The 2013 updated Directory is based on the Defining the Data Challenge for Family, Domestic and Sexual Violence, 2013 (cat. no. 4529.0) that is a combination of the previous framework and The Sexual Assault Information Development Framework, 2003 (cat. no. 4518.0). The listing of available sexual violence data remains out of

scope of this Directory.

This latest Directory provides a summary of the six element Framework consisting of context, risk, incident/experience, response, impact/outcome, and programs, research and evaluation is used to assess the conceptual breadth of the data collection is presented. This is followed by a detailed analysis of the presence of identified data units in each collection grouped within the four information units; context, person, incident/event and transaction assisting the reader to view the data source within the context of all potential reporting items.

LEVELS OF GOVERNMENT

The collection of data sources listed in the Directory reflects the respective responsibilities of the Australian federal and state and territory governments, as does the arrangement by jurisdiction of the Directory entries.

The Australian Government takes the lead in developing national approaches to Family and Domestic Violence policy, with most of the associated services delivered through funding arrangements with the states and territories. These entities have primary responsibility for crime prevention programs, law enforcement, prosecution, corrective services, behavioural change programs, public health, disability and medical services, child protection and other specific Family and Domestic Violence services and are required to report on the associated federally funded programs.

Such reporting ensures that there are national level administrative data sources, complemented by the reporting of Australian Government agencies such as the Family Court, and national surveys undertaken by or on behalf of the Australian Government.

Separate reporting initiatives by individual state and territory governments also provide additional Family and Domestic Violence data collections.

Further information about Family and Domestic Violence support and services delivered by each jurisdiction, including the Australian Government is outlined in the National Plan to Reduce Violence against Women and their Children.

[Previous Page](#) | [Next Page](#)

This page last updated 3 October 2013

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- [Online security](#)
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2 Senate Finance and Public Administration References
Committee
Domestic Violence in Australia - Canberra, August 2015

The Senate

Finance and Public Administration
References Committee

Domestic violence in Australia

August 2015

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Senator the Hon Kate Lundy (Chair) (until 23 March 2015)	ALP, ACT
Senator Cory Bernardi (Deputy Chair)	LP, SA
Senator John Faulkner (until 6 February 2015)	ALP, NSW
Senator Claire Moore (from 12 February 2015)	ALP, QLD
Senator Joseph Ludwig	ALP, QLD
Senator Dean Smith	LP, WA
Senator Janet Rice	AG, VIC

Substitute Member

Senator Larissa Waters (replaced Senator Janet Rice)	AG, QLD
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Participating Members

Senator Claire Moore (until 12 February 2015)	ALP, QLD
Senator Penny Wong	ALP, SA
Senator Nova Peris	ALP, NT

Table of Contents

Membership of the Committee	iii
List of recommendations	ix
Executive Summary	xiii
Chapter 1.....	1
Introduction.....	1
Conduct of the inquiry.....	1
Terminology	2
The gendered nature of domestic violence.....	2
Contributing factors.....	3
Acknowledgements	5
Structure of the report.....	5
Chapter 2.....	7
Effects of domestic and family violence	7
Effects on health	7
Impacts on Children	10
Financial impacts.....	11
Impacts on male victims.....	16
Economic impacts on the community	17
Conclusion.....	18
Chapter 3.....	19
National framework to address domestic and family violence.....	19
The National Plan	19
Consultation, implementation and evaluation concerns.....	28
Better coordination by the Commonwealth of plans, policy and governance	31
Committee View.....	33
Chapter 4.....	35
Prevalence of domestic and family violence	35

Data on the prevalence of domestic and family violence.....	35
Specific groups at risk of domestic and family violence.....	40
Attitudes to violence.....	45
Committee view.....	46
Chapter 5.....	49
Improving the evidence base.....	49
Barriers to data collection.....	50
The National Plan	53
Committee view.....	63
Chapter 6.....	65
Primary prevention.....	65
Public health approach	65
Focus on primary prevention.....	66
The need for a variety of prevention strategies	67
The role of the Commonwealth in primary prevention.....	70
Primary prevention and the National Plan	71
The need to ensure adequate funding for prevention measures	79
Prevention initiatives may increase demand for services.....	79
Chapter 7.....	83
Early intervention.....	83
Early intervention measures	83
Chapter 8.....	97
Crisis intervention services	97
The need for a more coordinated approach	97
Police	100
Accessing appropriate crisis housing	105
Services for male victims	107
Committee view.....	107
Chapter 9.....	111
Domestic and family violence and the legal system	111

Australian domestic and family violence laws	111
The Commonwealth legal framework	111
The legal framework of the states and territories	112
Issues raised with the committee	112
Committee view	128
Chapter 10	131
Support services	131
The need for long term support	131
Wraparound services	133
Housing.....	138
Addressing the effects of alcohol	143
Committee view.....	146
Additional comments by Labor Senators	151
Lack of funding for domestic violence services in the 2015-16 Budget.....	151
Funding cuts to legal aid.....	152
Government Senators' additional comments	159
Australian Greens additional comments	161
The Chair's report and other additional comments	163
Recommendations of the Interim Report	163
Gender equality	164
The national framework	164
Primary prevention	166
Crisis lines	166
Crisis housing	167
Legal assistance and law reform.....	170
Employment law.....	174
Long term affordable housing	174
APPENDIX 1	177
Submissions and additional information received by the committee	177
Submissions	177
Additional information	181

Answers to Questions taken on Notice.....	181
APPENDIX 2	183
Public Hearings	183
APPENDIX 3.....	191
List of recommendations from the March 2015 interim report.....	191

List of recommendations

Recommendation 1

2.31 The committee supports victims of domestic and family violence having access to appropriate leave provisions which assist them to maintain employment and financial security while attending necessary appointments such as court appearances and seeking legal advice. The Commonwealth Government should investigate ways to implement this across the private and public sector.

Recommendation 2

3.62 The committee recommends that the Commonwealth Government investigate ways to improve consultation with the domestic and family violence sector, particularly in relation to the evaluation of the National Plan and Action Plans and to inform the development of future Action Plans.

Recommendation 3

3.67 The committee recommends that the Prime Minister table an annual report to Parliament on progress in the effort to eliminate domestic and family violence, including listing all relevant funding decisions.

Recommendation 4

4.49 The committee recommends that the Australian Bureau of Statistics, along with Commonwealth, state and territory bodies involved in the development of the Personal Safety Survey consider the concerns raised during this inquiry about the adequacy of sampling sizes of particular subgroups within the community, such as women with a disability, women from culturally and linguistically diverse backgrounds, immigrant and refugee women, and Indigenous communities and endeavour to address these issues prior to the conduct of the next PSS.

Recommendation 5

5.59 The committee recommends that the Commonwealth Government lead and coordinate the work to facilitate data collection pursuant to the National Data Collection and Reporting Framework.

Recommendation 6

5.61 The committee recommends that the Australian Bureau of Statistics, and other relevant organisations, investigate the feasibility of developing systems and tools which would enable survey questions, delivery and data analysis developed pursuant to the National Data Collection and Reporting Framework to be modified and made available for organisations to use on a local level.

Recommendation 7

5.65 The committee recommends that the Commonwealth Government provide necessary secure funding to ANROWS until at least the end of the

implementation of the National Plan in 2022 to provide for the continuation of its research work and to enable ANROWS to conduct longitudinal research.

Recommendation 8

6.67 The committee recommends that the Commonwealth Government consider focusing on work that reinforces the value of school based education across all age groups on respectful relationships and responses to domestic and family violence.

Recommendation 9

6.68 The committee recommends that the Commonwealth Government, in light of the strong evidence pointing to the crucial need to prioritise primary prevention, take responsibility to lead and coordinate the delivery of these essential programs.

Recommendation 10

6.76 The committee recommends that governments ensure additional investment in primary prevention initiatives does not result in a reduction of funding for crisis services and that sufficient resources are available for any increased demand for services following specific campaigns.

Recommendation 11

7.52 The committee recommends that the Commonwealth Government ensures the work being undertaken by COAG to develop a set of national outcome standards for perpetrator interventions use standards which are robust and sufficiently specific to ensure perpetrators are held accountable for their actions and the standards are demonstrably effective in breaking the cycle of violence. This work should consider the particular needs of ATSI, CALD and LGBTI perpetrators as well as those in regional areas.

Recommendation 12

7.54 The committee recommends that the recent report by the Centre for Innovative Justice at RMIT be considered by the COAG Advisory Panel to assist COAG to identify other opportunities to hold perpetrators to account and change their behaviours.

Recommendation 13

8.47 The committee recommends the Commonwealth Government, through COAG, establishes and resources a subcommittee of First Ministers to enable jurisdictions to share the results of trials and to coordinate the development of best practice policy and service responses to domestic and family violence.

Recommendation 14

8.48 The committee recommends the Commonwealth Government, through COAG, take leadership in the facilitation of effective police responses to domestic

and family violence, encouraging states to implement targeted training and programs.

Recommendation 15

8.54 The committee recommends that the Commonwealth Government recognise the need to provide appropriate services to male victims of domestic and family violence.

Recommendation 16

9.65 The committee recommends that the Evaluation Plan for the National Plan include a coordinated status report on the consideration of the recommendations in the 2010 report by the Australian and NSW Law Reform Commissions.

Recommendation 17

9.71 The committee recommends the Commonwealth Government through the Attorney-General's Department, coordinate the development of consistent training for and evaluation of family consultants who write family reports for the Family Court alongside the development of a national family bench book by June 2017.

Recommendation 18

9.72 The committee recommends the Commonwealth Government, through the Attorney-General's Department and COAG, facilitate the training of all judicial officers who preside over family violence matters, alongside the development of a national family bench book by June 2017.

Recommendation 19

9.75 The committee recommends that every effort is made by the Commonwealth Government to ensure that the critical work being undertaken by the COAG ministerial council to:

- agree a national domestic and family violence order scheme;
- report progress on a national information system to enable police and courts to share information on active DVOs;
- consider national standards to ensure perpetrators of violence against women are held to account at the same standard across Australia, for implementation in 2016; and
- consider strategies to tackle the increased use of technology to facilitate abuse against women and to ensure women have adequate legal protections

is completed in accordance with the timetable agreed by COAG in April 2015.

Recommendation 20

10.67 The committee recognises the importance of the provision and availability of supportive housing models to assist victims of domestic and family violence to find safety for themselves and their children. The committee recommends that the Commonwealth Government should play a lead role in identifying programs that could be implemented across the country, and in ensuring that specialist and 'wrap around' support services have access to dedicated, secure funding.

Recommendation 21

10.68 The committee recommends that the Commonwealth Government, through COAG, facilitate the evaluation of existing legal measures and support programs that facilitate the removal of perpetrators of domestic and family violence from the family home so that victims may remain safely at home. If those legal measures are found to be successful, that the Commonwealth encourage all states to adopt nationally consistent 'ouster order' laws and support programs.

Recommendation 22

10.72 The committee recognises the long term effort required to address domestic and family violence and recommends that the current Commonwealth short-term funding arrangements should be extended to a multi-year approach to reduce the level of uncertainty for services and to allow for adequate future planning in the sector.

Recommendation 23

10.73 The committee recommends that the Commonwealth Government take a lead role in the provision of affordable housing solutions in Australia to meet long-term needs for those made homeless by domestic and family violence and in order to address the backlog of victims who cannot access affordable housing which stakeholders have identified during the inquiry.

Recommendation 24

10.75 The committee recommends that the Commonwealth Government consider the framework developed by the Foundation for Alcohol Research and Education (FARE) as part of the cross-jurisdictional work it is leading through COAG to ensure the development of an integrated and focused effort to reduce the role of alcohol as a contributing factor in cases of domestic violence.

Recommendation 25

10.77 The committee recommends that the Commonwealth Government work with the states and territories to improve the availability of alcohol rehabilitation services, including culturally appropriate services for those living in regional and remote Indigenous communities.

Executive Summary

In 2013, the World Health Organisation found that more than one third of all women have experienced either physical and/or sexual intimate partner violence and that these findings show it is a 'global public health problem of epidemic proportions requiring urgent action'.¹

In Australia, women are over-represented in intimate partner homicides. 89 women were killed by their current or former partner between 2008-10 which equates to nearly one woman every week.² However, in 2015, the statistics to date shows that this number is increasing with two Australian women killed by domestic violence each week.³

Australia's National Research Organisation for Women's Safety (ANROWS) notes that data from the 2012 Australian Bureau of Statistics Personal Safety Survey shows that one in three Australian women have experienced physical violence and Australian women are most likely to experience physical and sexual violence in their home at the hands of a male current or ex-partner.⁴

The most commonly reported reason for seeking assistance from specialist homelessness services was domestic and family violence.⁵ A study of Victorian women demonstrated that domestic violence carries an enormous cost in terms of premature death and disability. As VicHealth stated: 'It is responsible for more preventable ill-health in Victorian women under the age of 45 than any other of the well-known risk factors, including high blood pressure, obesity and smoking'.⁶ In addition, more than one million children in Australia are affected by domestic violence which can leave them with serious emotional, psychological, social, behavioural and developmental consequences.⁷

-
- 1 World Health Organisation, Global and regional estimates of violence against women: prevalence and health effects of intimate partner violence and non-partner sexual violence, Executive Summary, 2013.
 - 2 Australian Government, Australian Institute of Criminology, Homicide in Australia: 2008-09 to 2009-10 National Homicide Monitoring Program annual report, 2013, p. 18.
 - 3 730, 'Thirty-one women killed in Australia in 15 weeks renews call for action', 13 April 2015.
 - 4 Australia's National Research Organisation for Women's Safety, Violence against women: key statistics.
 - 5 Australian Government, Australian Institute of Health and Welfare, Specialist homelessness services 2012-13, 2013, p. 19.
 - 6 VicHealth, The health costs of violence, Measuring the burden of disease caused by intimate partner violence, A summary of findings, 2004, p.8.
 - 7 The Australian Domestic and Family Violence Clearinghouse, The University of New South Wales, The Impact of Domestic Violence on Children: A Literature Review, August 2011,

The committee acknowledges that the cost of domestic and family violence is great in terms of lives lost, the effects on children, physical and mental health, employment, risk of homelessness and financial security. The economic cost is also substantial with a 2009 study by KPMG finding that violence against women, including domestic violence, cost the nation \$13.6 billion and this was expected to reach \$15.6 billion in 2021-22 if steps were not taken.⁸

The committee heard there are a broad and complex range of social and personal factors that can contribute to the incidence and severity of domestic and family violence. These include gender inequality, social norms and attitudes as well as exposure to violence, social isolation, relationship conflict, income, divorce or separation and the use of alcohol and drugs. The committee is particularly concerned by the statistic that alcohol is involved in up to 65 per cent of family violence incidents reported to police (see chapter 10).

The terms of reference referred to the prevalence of domestic violence as it affects vulnerable groups including 'women living with a disability' and 'women from Aboriginal and Torres Strait Islander backgrounds'. The committee recognises these are not the only vulnerable groups which also include culturally and linguistically diverse, non-English speaking new and emerging migrant communities, people experiencing mental health issues, people in same sex relationships, transgender and intersex persons.

The committee recognises that there is no silver bullet to stop domestic and family violence. Rather, a coherent, strategic and long term effort by all levels of governments and the community is required to take effective action.

The committee heard the areas which will make a real difference are:

- understanding the causes and effects of domestic violence (chapters 1 and 2)
- the need for cultural change which involves prevention work to change attitudes and behaviours towards women (chapter 6);
- a national framework and ensuring ongoing engagement with stakeholders (chapter 3);
- early intervention measures (chapter 7);
- effective data collection to ensure programs and policies for women, their children and men are evidence-based (chapters 4 and 5);
- coordination of services (chapter 8);
- more information sharing between stakeholders (chapter 8);
- better legal responses/enforcement to hold perpetrators to account (chapter 9);
- sufficient and appropriate crisis services (chapter 8); and

8 National Council, *The Cost of Violence against Women and their Children*, March 2009, p. 34; see also Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 2; Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 2.

- providing long term support to victims of domestic and family violence (chapter 10).

Work in these areas is underway and it will take time to see the effects of this work flow through. The long term nature of this challenge is recognised in the National Plan to reduce Violence against Women and their Children which spans the period 2010-2022.

Over the course of the inquiry the committee spoke to many people working in the sector, policy and law makers, victims, as well as people in the community who have been appalled at the unacceptable toll domestic and family violence has taken in women and children's lives. The committee was heartened by their view that there is the beginning of a genuine shift in attitudes on violence and also the will to fund, educate and resource the programs, services and victims of domestic and family violence.

The committee believes this report has the potential to become an important contribution to community awareness of the challenges, collective effort and commitment required to prevent and ultimately eliminate domestic and family violence. It should be read in conjunction with the large body of work completed and underway in this area, including the report by the Queensland Special Taskforce on Domestic and Family Violence, chaired by the Honourable Dame Quentin Bryce AD CVO, the Victorian Royal Commission into Family Violence, along with the work of COAG and the Second Action Plan.

The committee is of the view that for all the work being undertaken to have real and lasting effects, there must be a sustained effort at all levels of government to act to prevent this unacceptable crime wave against women and their children from continuing.

Senator Katy Gallagher

Chair

Chapter 1

Introduction

1.1 On 26 June 2014, the Senate referred the following matters to the Senate Finance and Public Administration References Committee (the committee) for inquiry and report by 27 October 2014:

- (a) the prevalence and impact of domestic violence in Australia as it affects all Australians and, in particular, as it affects:
 - (i) women living with a disability, and
 - (ii) women from Aboriginal and Torres Strait Islander backgrounds;
- (b) the factors contributing to the present levels of domestic violence;
- (c) the adequacy of policy and community responses to domestic violence;
- (d) the effects of policy decisions regarding housing, legal services, and women's economic independence on the ability of women to escape domestic violence;
- (e) how the Federal Government can best support, contribute to and drive the social, cultural and behavioural shifts required to eliminate violence against women and their children; and
- (f) any other related matters.¹

Conduct of the inquiry

1.2 The inquiry was advertised in *The Australian* newspaper and on the committee's website. The committee invited submissions from individuals, organisations and government departments by 31 July 2014. However, it continued to accept submissions until the end of 2014. On 26 August 2014 the Senate granted an extension of time to report until 2 March 2015² and a further extension until 18 June 2015.³

1.3 The committee received 165 public submissions as well as confidential submissions. A list of individuals and organisations which made public submissions, together with other information authorised for publication by the committee, is at Appendix 1.

1.4 The committee held public hearings in Melbourne on 12 September 2014, Canberra on 15 October 2014, Sydney on 4 November 2014, Melbourne on 5 November 2014 and Brisbane on 6 November 2014. In 2015 the committee held

1 *Journals of the Senate*, No. 37 – 26 June 2014, p. 1018.

2 *Journals of the Senate*, No. 46 – 26 August 2014, p. 1283.

3 *Journals of the Senate*, No. 79 – 2 March 2015, p. 2203.

2

hearings in Darwin on 10 March 2015 and Canberra on 11 June 2015. A list of the witnesses who gave evidence at the public hearings is available at Appendix 2.

1.5 Submissions, additional information and the Hansard transcript of evidence may be accessed through the committee website at: www.aph.gov.au/senate_fpa.

1.6 The committee notes that some details which may potentially identify individuals have been removed from Hansard to protect women at risk of domestic violence.

1.7 On 19 March 2015 the committee tabled an interim report. The recommendations from that report are at Appendix 3.

Terminology

1.8 The committee acknowledges that some communities prefer to use the term family violence or family violence and abuse over the term domestic violence. The committee notes the *National Plan to Reduce Violence against Women and their Children 2010-2022* (National Plan) uses the term domestic violence, whereas the *Commonwealth Family Law Act 1975* uses the term family violence. For consistency, the committee has chosen to use the term domestic and family violence generally throughout the report. However, where other specific terminology has been used in a particular context, the committee has used that terminology.

The gendered nature of domestic violence

1.9 The overarching terms of reference for this inquiry refer to the 'prevalence and impact of domestic violence in Australia as it affects **all Australians**' (emphasis added). The committee recognises that this term of reference encompasses all victims of domestic violence, regardless of gender.

1.10 The committee understands Australian Bureau of Statistics (ABS) data demonstrates that men are more likely to be the victims of violence in the community. Further, the committee acknowledges there are some men who are victims of domestic and family violence. However, the committee accepts the analysis of ABS data by Australia's National Research Organisation for Women's Safety (ANROWS), to the effect that:

The Personal Safety Survey demonstrates a qualitative difference between the violence women and men experience. It shows women are most likely to experience violence in their home by a current or former partner that is domestic violence. In contrast, while men report high levels of violence this is unlikely to be domestic violence. Men are most likely to experience violence in a place of recreation or entertainment by a male stranger and the most common type of known perpetrator against a man is an acquaintance or neighbour.

...

The [ABS' Personal Safety Survey], illustrates that domestic violence is gender-based violence.⁴

1.11 The committee acknowledges that further work is required to address domestic and family violence against men and the data on its prevalence, noting that only 22 per cent of the respondents in the Public Safety Survey undertaken by the ABS were male.⁵

Contributing factors

1.12 The committee acknowledges that there are a complex range of social and personal factors that can contribute to the incidence and severity of domestic and family violence.

1.13 As part of its submission, VicHealth provided the committee with its 'Preventing violence against women: A framework for action', which highlighted a broad range of contributing factors to the incidence and severity of violence:

- attitudinal support for violence against women;
- witnessing or experiencing family violence as a child;
- exposure to other forms of interpersonal or collective violence;
- use and acceptance of violence as a means of resolving inter-personal disputes;
- social isolation and limited access to systems of support;
- income, education or employment;
- relative labour force status;
- alcohol and illicit drug use;
- poor parenting;
- personality characteristics and poor mental health;
- relationship and marital conflict; and
- divorce or separation.⁶

1.14 The Australian Women's Health Network also highlighted structural barriers such as gender inequality and gender role socialisation and social norms which can ignore or support violence against women.⁷

1.15 Other submissions highlighted factors that can contribute to the incidence and severity of domestic and family violence in particular communities. For example, The

4 *Submission 68*, pp 1-2.

5 Mr Paul Mischefski, Vice-President of Men's Wellbeing Queensland, *Submission 87*, 87, p. 5. See also chapter 4, paragraph 4.8.

6 *Submission 53*, p 11.

7 *Submission 4*, p.17.

Central Coast CALD Domestic Violence Sub-Committee submitted that domestic violence in culturally and linguistically diverse (CALD) communities could be exacerbated by:

- lack of awareness of what encompasses the definition of family and domestic violence in Australia within CALD communities;
- lack of education and knowledge to access services and support programs for victims of domestic violence;
- no protocols in place for preparedness for new arrivals (whether migrant or humanitarian) concerning emergency numbers to call when domestic violence is experienced;
- inadequate cross-cultural training to key crisis emergency services, both government and non-government agencies, in order to recognise and understand the barriers of CALD communities and challenges;
- competing cultural and religious beliefs which contribute to family and community pressure;
- lack of knowledge and understanding of the availability of free interpreter services;
- the masochistic nature of society that values notions of masculinity and gender discrimination;
- lack of infrastructure i.e. housing/crisis accommodation and resources to enable women from CALD backgrounds to leave domestic violence;
- inadequate multilingual resources that women experiencing [family and domestic violence] can access; and
- lack of knowledge of the Department of Immigration and Border Protection's provision on domestic violence and requirements of non-judicial evidence especially for those who are on temporary spouse visa.⁸

1.16 The National Family Violence Prevention Legal Services Forum submitted that it 'recognises other contributing factors in the high incidence and prevalence of family violence among Aboriginal and Torres Strait Islander people', including:

- inter-generational trauma;
- dispossession of land;
- interrupted cultural practices that mitigate against interpersonal violence;
- removal of children; and
- economic exclusion.⁹

8 *Submission 35*, p.1. See also Federation of Ethnic Communities' Councils of Australia, *Submission 54*, pp 7-9.

9 *Submission 51*, p. 11. See also Australian Women Against Violence Alliance, *Submission 62*, p. 14.

1.17 While the committee acknowledges there are many contributing factors to the incidence and severity of domestic and family violence, it would also like to stress that these cannot be seen as direct causes of domestic violence. As Australia's ANROWS submitted to the committee:

There is no single cause of domestic violence. It is best understood as a result of the interaction of factors at the individual, family, community and societal levels encompassing, for example, attitudes to women and gender roles within relationships, family and peer support for these attitudes, and social and economic gender inequality in the broader societal context. Alcohol and economic stress can be triggers, or contributing factors, which may exacerbate domestic violence but they are not causes.¹⁰

Acknowledgements

1.18 The committee thanks those individuals and organisations who made submissions and appeared at hearings. It particularly acknowledges the people who told the committee of their personal experiences, as well as organisations working in the sector and their staff, who go above and beyond to assist victims of domestic and family violence.

Structure of the report

1.19 The report consists of 10 chapters as follows:

- Chapter 2 details the effects of domestic and family violence;
- Chapter 3 covers the national framework;
- Chapter 4 examines the prevalence of domestic and family violence;
- Chapter 5 looks at national data collection;
- Chapter 6 explores primary prevention measures;
- Chapter 7 considers early intervention measures;
- Chapter 8 investigates crisis support;
- Chapter 9 outlines the legal framework;
- Chapter 10 covers longer term support.

10 *Submission 68*, p. 3.

Chapter 2

Effects of domestic and family violence

2.1 Our Watch described domestic and family violence as having 'rippling effects':

It impacts on individuals and relationships as well as on organisations, communities and the broader society.¹

2.2 The National Council to Reduce Violence against Women and their Children (National Council), in its 2009 Background paper to the National Plan, also described the broad-ranging effects of domestic and family violence:

This violence damages the health and wellbeing of women and their children. It also affects communities, disrupting community and intra-familial relationships, isolating people from social networks, encouraging negative norms and perpetuating social exclusion. Violence also places a large burden on the national economy through the cost of health, support and justice services and the loss of human capital.²

2.3 This section of the report discusses the health and financial consequences of domestic and family violence for victims, including children, as well as the economic and social impacts on the broader Australian community.

Effects on health

2.4 A number of submissions referred to the findings of a 2004 study by VicHealth which assessed the health impacts of 'intimate partner violence' on women:

[I]ntimate partner violence is all too common, has severe and persistent effects on women's physical and mental health and carries with it an enormous cost in terms of premature death and disability. Indeed it is responsible for more preventable ill-health and premature death in Victorian women under the age of 45 than any other of the well-known risk factors, including high blood pressure, obesity and smoking.³

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- 1 *Submission 141*, p. 11 (Attachment A). Note: Our Watch was known as the Foundation to Prevent Violence against Women and their Children prior to 5 September 2014. This report uses Our Watch throughout to reflect the updated name – although its submission is published under the Foundation's name on the committee's website.
 - 2 The National Council to Reduce Violence against Women and their Children, *Background Paper to Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021*, (March 2009), p. 36.
 - 3 VicHealth, *The health costs of violence: measuring the burden of disease caused by intimate partner violence. A summary of findings*, 2004, p. 8, available at: www.vichealth.vic.gov.au/media-and-resources/publications/the-health-costs-of-violence (accessed 12 January 2015). See also Women with Disabilities, *Submission 50*, p. 13; Women's Health Victoria, *Submission 60*, p. 3; White Ribbon Australia, *Submission 94*, p. 2. See also Dr Mayet Costello, Australia's National Research Organisation for Women's Safety, *Committee Hansard*, 4 November 2014, p. 2.

2.5 The Australian Women's Health Network detailed the health impacts of 'gender-based violence' on women:

The direct health consequences...include depression, anxiety and phobias, suicidal behaviours, physical injury, a range of somatic disorders and a variety of reproductive health problems. Women who have been exposed to violence report poorer overall physical health than those who have not, and there is evidence that the health impact of violence can persist long after the abuse has stopped.⁴

2.6 The National Council noted Australian studies showing that 'women who have experienced partner violence have poorer health and use health services more frequently than other women, even after they are no longer exposed to the violence'.⁵ However:

...studies show that health improvements are possible – particularly when women are no longer exposed to the violence, have received appropriate medical and emotional counselling support and have suitable social supports in place.⁶

2.7 In terms of specific health consequences, a number of submissions commented on the psychological impacts of domestic and family violence. For example, Women's Centre for Health Matters provided the following statistics on the mental health impacts of domestic and family violence:

Access Economics estimates that in Australia, nearly 18% of all depression experienced by women and 17% of all anxiety disorders experienced by women are related to domestic and family violence. Other known mental health impacts of domestic and family violence include post-traumatic stress disorder (PTSD), problematic substance use, and other stress- and trauma-related disorders. Women who have experienced domestic or family violence are at much greater risk of attempting suicide than women who have not.⁷

2.8 The National Council described the 'cumulative impact' on the mental health of victims:

Many women describe the long-term psychological impacts of emotional, verbal, social and economic abuse as being more devastating. Women who have experienced partner violence are also more likely to suffer mental

4 *Submission 4*, p. 13.

5 The National Council to Reduce Violence against Women and their Children, *Background Paper to Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021* (March 2009), p. 39.

6 The National Council to Reduce Violence against Women and their Children, *Background Paper to Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021* (March 2009), p. 40.

7 Women's Centre for Health Matters, *Submission 101*, p. 6.

health issues including post-traumatic stress disorder, depression, anxiety, self-harm tendencies and suicidal thoughts.⁸

2.9 Similarly, Women with Disabilities Victoria emphasised the long-term psychological impacts of domestic and family violence:

Long periods of anxiety, insecurity, low self-esteem, social isolation and lack of control over home life result from domestic violence. Psychological impacts on children are compounded by disrupted education and parental relationships. Such psychosocial risks accumulate during life and increase the chances of poor mental health and premature death.⁹

2.10 The Domestic Violence Prevention Council (ACT) referred to the trauma suffered by domestic and family violence victims:

Women and their children are often forced to leave their homes to escape domestic and family violence, and can experience extensive trauma – they are physically, emotionally and psychologically affected by not only the loss of their homes but also disruption to their social connections, and their children's schooling and friendships.¹⁰

2.11 Submissions also referred to the impact of domestic and family violence on reproductive and sexual health.¹¹ Children by Choice outlined the negative sexual and reproductive health consequences for women who are victims of intimate partner violence, including unintended and unwanted pregnancy, abortion and unsafe abortion, and pregnancy complications.¹²

2.12 Children by Choice observed that where reproductive coercion¹³ leads to a pregnancy unwanted by the female partner, then there may be either pressure to carry the pregnancy to full term, or prevention from accessing abortion.¹⁴ The submission states:

Continuing a pregnancy to become 'co-parents' can further entrench a connection between the woman and the perpetrator, which may continue

8 The National Council to Reduce Violence against Women and their Children, *Background Paper to Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021* (March 2009), p. 38.

9 *Submission 50*, p. 13.

10 *Submission 100*, p. 5.

11 See, for example, Family Planning NSW, *Submission 18*, p. 5; Women's Health West, *Submission 21*, p. 10; Women's Centre for Health Matters, *Submission 101*, p. 6.

12 *Submission 34*, p. 3.

13 Reproductive coercion refers to a range of male partner pregnancy-controlling behaviours [including]: birth control sabotage such as throwing away contraception and the intentional breakage of condoms; forced sex; refusal by their partner to use condoms; being threatened with consequences if they use birth control; and prevention from obtaining birth control.

14 *Submission 34*, p. 4.

regardless of the context of the relationship itself and can become a tool for further manipulation through family court proceedings.¹⁵

2.13 The joint submission of Inner Melbourne Community Legal and the Royal Women's Hospital noted that pregnancy is a particularly high risk time for women:

...research shows that violence significantly impacts pregnant women. Studies have found between 4-9% of pregnant women are abused during their pregnancy and/or after the birth. In a study conducted of 399 pregnant women at the [Royal Women's Hospital], it was found that 20% of the women surveyed did experience and continued to experience violence during their pregnancy. A survey conducted by the Australian Bureau of Statistics shows that 20% of women who experienced violence by a previous partner during the relationship stated that the onset of violence occurred during pregnancy.¹⁶

Impacts on Children

2.14 In its submission, Victoria Police commented specifically on the number of children exposed to domestic and family violence:

Nationally, 1 in 4 children are exposed to family violence. The impacts are seen across our health systems, social support services, child wellbeing and development, and most devastatingly, in our homicide statistics.¹⁷

2.15 The submission from Victoria Police noted the children do not need to be present when the violence occurs in order to suffer negative consequences:

Victoria Police data show that in approximately a third of family incidents reported to police children have been present, however, children do not need to be physically present when violence occurs to suffer negative consequences. Living in an environment where violence is the norm is extremely damaging, and whether or not they 'see' the violence is not critical.¹⁸

2.16 Save the Children provided the following information on the presence of children at domestic and family violence incidents:

The Queensland Domestic Violence Taskforce estimated that children were present at 80-85 per cent of domestic violence incidents, and that in 50 per cent of these cases, the child was also injured during the incident. This can have far reaching consequences given a developing brain is most vulnerable to the impact of traumatic experiences during childhood; exposure to extreme trauma will change the organisation of the brain, resulting in difficulties in dealing with stresses later in life.¹⁹

15 *Submission 34*, p. 6.

16 *Submission 16*, pp 5-6.

17 *Submission 92*, p. 3.

18 *Submission 92*, p. 6.

19 *Submission 90*, p. 6.

2.17 Save the Children stated that the impact of domestic and family violence on children is underestimated and largely misunderstood:

Domestic violence can have profound negative impacts on children, including psychological and behavioural impacts (e.g. depression, substance abuse, school difficulties), health and socio-economic impacts (e.g. domestic violence continues to be the leading cause of homelessness for children) and the intergenerational transmission of violence (e.g. 'children's exposure to domestic violence may result in attitudes that justify their own use of violence and boys who witness violence are more likely to approve of violence').²⁰

2.18 Other submissions also highlighted the issue of the intergenerational transmission of violence. For example, the Australian Women's Health Network referred to work by VicHealth indicating that boys who witness domestic and family violence are at a greater risk of becoming perpetrators as adults.²¹

2.19 Similarly, Victoria Police commented on the factors that make it more likely children will become perpetrators of violence themselves:

Children and young people may also be perpetrators of violence and this can be largely due to issues such as being a previous victim of family violence or having witnessed violence in their home, mental health issues, bullying or alcohol and drug abuse.²²

Financial impacts

2.20 The effect of domestic and family violence on a victim's financial security, particularly in terms of maintaining employment and having access to suitable accommodation, were highlighted by witnesses and in submissions. The Domestic Violence Resource Centre Victoria (DVRCV) described financial security as a 'major issue' for women living with abusive partners and after they leave the relationship. DVRCV referred to research which found:

[T]he experience of domestic violence significantly contributes to poverty, financial risk and financial insecurity for women, sometimes long after they have left the relationship.²³

2.21 The submission by WIRE Women's Information focused specifically on financial abuse and its impact on women trying to leave abusive relationships:

A woman leaving a financially abusive relationship is likely to have few financial resources; in many cases, she will have debts accrued by her ex-partner and face immediate difficulties finding and maintaining secure accommodation and providing the basic essentials for herself and her children...if she has been prevented from working or studying during her

20 *Submission 90*, p. 5.

21 *Submission 4*, p. 13. See also Save the Children, *Submission 90*, pp 5-6.

22 *Submission 92*, p. 6.

23 *Submission 123*, p. 9.

relationship, it may be difficult to find work, as she may lack qualifications and experience – or the qualifications and experience she does have may no longer be relevant. Importantly, women in this situation often have little experience of managing their finances and limited knowledge of their financial position within the relationship.²⁴

2.22 WIRE Women's Information also outlined some long term financial implications for women leaving situations of domestic and family violence:

Women with a history of domestic violence can be reluctant to pursue their financial entitlements through the legal system post-separation for a variety of reasons: they may be fearful of their former partner and choose safety over property; they may lack confidence; feel they do not have the necessary skills; be daunted by the costs involved in legal proceedings and they may be unaware of their financial entitlements under the law. Women who have experienced family violence, including financial abuse, are more likely to do poorly in financial settlements compared with those who have not...These factors can result in a lifetime of financial hardship for many women and their children.²⁵

2.23 Ms Patricia Kinnersly, of the Women's Health Association of Victoria, spoke of 'hearing stories about women who were managing just to keep it together', and gave the following example:

Recently I spoke with a woman who came into our service who was working two part-time jobs, low-paid jobs, and doing a [certificate IV qualification], so that she could put herself in a better position into the future. She had one child and was paying rent. The loss of one of her jobs...had reduced her income by \$60 or \$70 a fortnight. It was putting her bang into that stress and she was starting to consider whether she would bring somebody else into the house to rent, and she was worried about that because she is a single woman with a child, or would she have to do something like move home to her parents and then she would not be able to do the jobs that she was currently doing. Whilst there are some notions of what poor people do and do not do, there is this point where they are just managing and so even that \$50, \$60 or what have you just tips them into that red zone and makes them more vulnerable.²⁶

2.24 Ms Rosie Batty, who was named the 2015 Australian of the Year for her work as a family violence campaigner following the murder of her son, Luke, at the hands of her ex-partner, explained the financial pressure that a person may find themselves under once they have left a violent relationship:

[Y]ou are really struggling as single parents a lot of the time and that places pressure on both parties because, when you do separate, your financial position is always weakened. Again, there is that other form of abuse that can then encroach where [your ex-partner] does not pay. You are bringing

24 *Submission 40*, p. 3.

25 *Submission 40*, p. 3.

26 *Committee Hansard*, 12 September 2014, p. 35.

up children on your own and you are compromised financially. You are under pressure by Centrelink to go and get a job. We are hearing about job snobs from the government in that perspective, when really we do not have family-friendly jobs out there.²⁷

2.25 The Commonwealth Government already has two programs in place to help address the financial issues experienced by women and those in low income families. The Women's Money Toolkit is a free online resource to provide women, including those dealing with family breakdown, with financial advice and support.²⁸ Additionally, \$63.4 million has been committed to fund three microfinance schemes to help low income individuals and families gain greater control of their finances.²⁹ Other levels of government also provide support of this nature. The New South Wales Government's Start Safely subsidy is just one example.³⁰

Employment issues

2.26 The importance of being employed, as a means of a victim of domestic and family violence ensuring their financial security, was highlighted to the committee.³¹ Ms Veronica Black, National Coordinator Organising and Development, Finance Sector Union of Australia (FSU), referred to the complexity of the interaction between domestic and family violence, and a victim's employment:

It is incredibly important for women to be able to maintain their economic independence in order to give them the best chance of being able to escape from a violent situation, but at the same time experiencing domestic violence increases your chances of having difficulties at work that come about as a result of absenteeism, excessive sick leave, impact on performance and so on that might be occurring at the time that you are experiencing that violence. As well as that, while the workplace can be an important source of information and support that victims of domestic violence may not be able to access in other places, it can also be a place that is unsafe because even if you have left the home, if you are still in the same workplace and your partner or ex-partner knows where that workplace is, then sometimes that violence can be brought into the workplace either physically or through ongoing stalking and harassment at work.³²

27 *Committee Hansard*, 12 September 2014, p. 14.

28 Minister Assisting the Prime Minister for Women, Senator the Hon Michaelia Cash, 'New online tool empowering women to take control of finances', Media Release, 25 May 2014.

29 Minister for Social Services, the Hon Scott Morrison MP, 'Microfinance investment to help transition Australians from welfare to work', Media Release, 11 June 2015.

30 NSW Government, *Submission 140*, Attachment 1, p. 26.

31 See, for example, ACTU, *Submission 46*, p. 4.

32 Ms Veronica Black, Finance Sector Union of Australia, *Committee Hansard*, 4 November 2014, p. 48.

2.27 Ms Jodie Woodrow, of RiSE Queensland, shared with the committee how domestic and family violence affected her employment:

I had to stay on welfare because of the number of occasions I had to go to court. If you expect a woman to make an application to go through court and go through 12 mentions before she even gets to trial—in my case, it was four years, two Family Court report writers and multiple appointments—you cannot expect her to work at the same time. So we have to question [how] we expect women to be employed and deal with crises at the same time. In my case, my perpetrator would sabotage my attempts to go to work. He would slash my tyres. He would let down the air in my tyres. He would throw away the car keys. My boss got pretty sick and tired of me ringing up and saying I can't come in, so I had to leave my job. I ended up on welfare because of that.³³

2.28 The ACTU's submission noted the inclusion of a domestic violence leave entitlement in enterprise agreements is assisting some victims to maintain their employment:

Paid domestic violence leave is designed to assist victims of domestic violence to remain in paid employment, support them through the process of escaping violence and to promote safe and secure workplaces for them and their work colleagues. The leave is based on an employee[']s need, for example, to attend court appearances and related appointments, seek legal advice, and make re-location arrangements.

Paid domestic violence leave recognises that it is largely women, who, as a result of the violence, have broken employment histories, are in low paid jobs and can least afford to take unpaid leave at a time where financial security is critical.³⁴

2.29 Ms Veronica Black, FSU, provided the committee with two examples of workers accessing domestic and family violence leave which enabled them to maintain their employment while they were dealing with violent incidents:

We had a member from the National Australia Bank contact us to say that she could not go to work. She had had a very violent incident with her ex-partner. She had an [apprehended violence order] out against him. He had taken off with the car and she needed to move—and she needed to move straightaway and therefore would not be able to attend work. We were able to talk to her about the fact that there was a new enterprise agreement that had provisions for access to leave and how to go about accessing that leave. She then sent through the relevant information to the bank and the bank came back and said, 'You should take the time that you need in order to relocate and to make sure that you and your family are safe.'...

A member with the Westpac group was in contact with an advocate...and said: 'I need to resign. How much notice do I need to give. Can you assist me to not work out my notice?' When we started talking to her about what

33 *Committee Hansard*, 6 November 2014, p. 41.

34 *Submission 46*, p. 5.

was happening, we learned that her ex-partner had continued to be so violent that the police had been patrolling her street on a regular basis. It had got to the point where they said: 'We just cannot guarantee your safety anymore. We recommend that you move. Do not tell anyone that you are moving. You need to move interstate. Do not tell your kids in case he shows up at the school and they mention it to him.' She was trying to pack at night, once the kids were asleep, in a way that hid the boxes and things so that the children would not see that anything was going on. She thought her only choice was to resign and that she would not be able to give any notice. But, after we spoke to her about the work we had been doing with Westpac and the policies that had been implemented within that organisation, we spoke to Westpac on her behalf. They have granted her a month's leave to relocate and they have also said that they would do anything within their power to find another position for her near to where she ends up, wherever that might be. They showed a great understanding of the fact that they will probably not know that until the last possible minute.³⁵

Committee view

2.30 The committee supports the need for victims of domestic and family violence to be able to access appropriate leave provisions which assist them to maintain employment and financial security while attending necessary appointments such as court appearances and seeking legal advice.

Recommendation 1

2.31 The committee supports victims of domestic and family violence having access to appropriate leave provisions which assist them to maintain employment and financial security while attending necessary appointments such as court appearances and seeking legal advice. The Commonwealth Government should investigate ways to implement this across the private and public sector.

Homelessness

2.31 The likelihood of domestic and family violence leading to homelessness was emphasised by a number of submissions. For example, Australian Women Against Violence Alliance, stated:

Domestic Violence is the single biggest driver of homelessness for Australian women. According to Homelessness Australia 55 per cent of female clients and 25 per cent of all clients who present to specialist homeless services cite domestic violence as their reason for leaving their home. For women, the intersection between domestic violence and homelessness is influenced by a range of factors. Women's prolonged experiences of intimate partner violence, which is largely perpetrated within the home, "erodes the sense of safety and sanctuary that underscores the concept of home life and when women choose to leave a situation of violence, this primarily comes at the heavy price of them having to leave their homes." In addition to this, there is a lack of adequate and affordable

35 *Committee Hansard*, 4 November 2014, pp 49-50.

housing throughout Australia. This is resulting in increased rates of housing stress as well as increased homelessness amongst women, who are disadvantaged by gender inequalities in employment and income.³⁶

2.32 Our Watch referred to data collected by the Australian Institute of Health and Welfare from specialist homelessness services for 2011-12:

- One-third of clients had experienced domestic or family violence.
- The majority of these (78 per cent) were female and one-fifth were less than 10 years of age.
- Over four times as many females as males reported domestic and family violence as the reason for seeking assistance.
- Of the female clients reporting domestic and family violence as a main reason, 63 per cent were aged between 18 and 44.³⁷

2.33 The National Council described homelessness caused by domestic and family violence as different from other forms of homelessness:

In many cases, the perpetrator remains in the home and many women will cycle in and out of homelessness as they return to the perpetrator and the family home, often because of financial constraints and limited crisis services.³⁸

2.34 Ms Mirjana Wilson, Executive Director, Domestic Violence Crisis Service, told the committee that even where a victim remains in their own home, the financial stress of mortgage repayments and running a household may still lead them to homelessness.³⁹ Homelessness is discussed further in Chapter 10.

Impacts on male victims

2.35 While much of the evidence was focused on the impact of domestic and family violence on female victims, the committee did receive some evidence in relation to the impacts on male victims.

2.36 The One in Three Campaign quoted from the findings of a study conducted in 2010 by researchers at the Psychology Department of Edith Cowan University:

The data suggest[s] that male victims of intimate partner abuse and their children suffer a range of consequences, such as psychological distress (including psychological disorders such as depression and anxiety

36 *Submission 62*, pp 17-18.

37 *Submission 141*, pp 12-13.

38 The National Council to Reduce Violence against Women and their Children, *Background Paper to Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021* (March 2009), p. 45.

39 *Committee Hansard*, 15 October 2014, pp 4-5. Note: affordable housing and homelessness is discussed further in chapter 10.

disorders), suicidal ideation, impaired self-concept (in particular around one's sense of masculinity), and loss of work.⁴⁰

2.37 The researchers noted that despite these impacts, men were reluctant to disclose the abuse or seek help:

The reasons for this are complex. The major factors appear to be men's denial of what is happening; their fear that they will not be believed, and their fear that even if they are believed they will not be assisted or will be blamed for the abuse. Participants believed that men would find it easier to seek help and disclose the abuse if there were greater public acknowledgement that males can also be victims of abuse, if there were appropriate services for men, and if they were confident that they will be given effective help.⁴¹

2.38 Dr Elizabeth Celi also described to the committee some of the impacts on male victims of domestic and family violence:

[T]here is a lot of shame in this issue and a lot of embarrassment already that they are in this position, and they have not received public education that certain psychologically abusive behaviours by their female partner—or even by other men in their lives—are actually abnormal and unproductive, and can have an effect on their mental and emotional health. Not having that information, they do not have a gauge of what is normal and when it becomes abnormal and unproductive. So it will take a while for men to actually feel competent to report their experience.

The other factor we need to consider is the social health aspects for men, where people disbelieve or invalidate their experience. That is a form of re-victimisation. For someone who is already receiving mental and emotional abuse, social abuse or financial abuse, it is a very insidious and difficult-to-gauge thing. To then be disbelieved, or invalidated or told to 'suck it up' et cetera further inhibits their ability to report it. So it is easier actually to deal with it by yourself.⁴²

Economic impacts on the community

2.39 A 2009 study by KPMG, commissioned by the Commonwealth, states that violence against women, including domestic and family violence, cost the nation

40 *Submission 23*, p. 13. The study referenced by One in Three was commissioned and published by the Men's Advisory Network (MAN) and undertaken by three researchers from the Edith Cowan University's Psychology Department. It was based on a sample group of 15 self-identified male victims of domestic and family violence, as well as five 'significant people in the lives of such men' and eight providers of services to male victims. See Emily Tilbrook, Alfred Allan and Greg Dear, *Intimate Partner Abuse of Men* (2010).

41 *Submission 23*, p. 13.

42 *Committee Hansard*, 5 November 2014, pp 47-48.

\$13.6 billion each year.⁴³ This figure was expected to reach \$15.6 billion in 2021-22, if extra steps were not taken.⁴⁴

2.40 Ms Veronica Black, of the FSU, provided the following evidence on the cost of domestic and family violence in the workplace:

Some research conducted by RMIT for the domestic violence clearinghouse project estimates that it cost around \$1.5 billion per annum to Australian employers in staff turnover, absenteeism, lower productivity and so [on] in the workplace.⁴⁵

2.41 Australian Women's Health Network described as 'enormous' the financial cost to the community of violence against women:

This takes into account the cost of public and private services to victims, perpetrators and children, the costs in terms of lost productivity (including sick leave, 'presenteeism', access to employment support services, replacing staff and lost unpaid work)...Other costs include counselling, changing schools, child protection services, increased use of government services, and juvenile and adult crime[.]⁴⁶

Conclusion

2.42 The many areas outlined above highlight the high cost of domestic and family violence not only to the individuals involved and their children but also the wider community and economy. In later chapters of this report the committee discusses measures to prevent these impacts and interventions to lessen impacts on victims.

43 National Council, *The Cost of Violence against Women and their Children*, March 2009, p. 34; see also Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 2.

44 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 2.

45 *Committee Hansard*, 4 November 2014, p. 51.

46 *Submission 4*, p. 13. The Australian Women's Health Network states that 'presenteeism' is a term which describes 'distraction, lack of concentration and underperformance at work. In other words being physically present at work but in all other ways absent'.

Chapter 3

National framework to address domestic and family violence

3.1 Australia's framework to address domestic and family violence is contained in the *National Plan to Reduce Violence against Women and their Children 2010-2022* (National Plan). This chapter outlines the development and content of the National Plan and the progress made with its implementation and evaluation.

The National Plan

3.2 The Commonwealth Government delivers some support and services to women who have experienced violence, including through family law, legal assistance, the social security system and some grants funding. State and territory governments have responsibility for delivering a range of services including justice, policing and legal assistance for victims and perpetrators. They also fund and coordinate many services provided by the non-government sector.¹

3.3 All governments have recognised that, despite responsibility for the delivery of various services being divided between the Commonwealth and state and territory jurisdictions, a national, coordinated approach is fundamental to making sustained and meaningful progress in this area. The Commonwealth Government has worked with state and territory governments to develop and deliver the National Plan, which was endorsed by the Council of Australian Governments (COAG) and released in February 2011.² The purpose of the National Plan is:

[T]o provide a coordinated framework that improves the scope, focus and effectiveness of governments' actions, ensuring women and their children receive the support and information they need.³

Background to the National Plan

3.4 The National Plan was developed from a recommendation made by the Commonwealth's National Council to Reduce Violence against Women and their Children (National Council), which was initiated by the Commonwealth in 2007.⁴

3.5 The National Council undertook national consultation on how to address domestic and family violence, by engaging with over 2,000 people in every state and territory, conducting expert roundtable discussions and interviews with victims and perpetrators of violence. The National Council also received over 350 submissions.⁵

1 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 4.

2 Department of Social Services, *Submission 57*, p. 1.

3 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), Background, p. 4.

4 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 3.

5 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 3.

3.6 The National Council's 2009 report *Time for Action* recommended the development of a long-term national plan to reduce domestic and family violence, which should be formulated through and agreed to by COAG.⁶

3.7 While the National Plan was being developed, in 2009 the Commonwealth undertook some immediate actions recommended by *A Time for Action*, including: funding the national helpline, 1800-RESPECT, for victims of domestic and family violence; allocating \$26 million for primary prevention activities, including \$9 million for the respectful relationships program for school age young people and \$17 million for social marketing focused on changing attitudes and behaviours; \$3 million to support research on perpetrator treatment; and establishing a national scheme for the registration of domestic and family violence orders.⁷

The National Plan's aims and priorities

3.8 The National Plan's overall aim is to change social attitudes about violence against women and their children to reduce domestic and family violence over the long term. The National Plan states that:

It is the first plan to coordinate action across jurisdictions. It is the first to focus strongly on prevention. It is the first to look to the long term, building respectful relationships and working to increase gender equality to prevent violence from occurring in the first place. It is the first to focus on holding perpetrators accountable and encourage behaviour change.⁸

3.9 The National Plan sets out six national outcomes:

- communities are safe and free from violence
- relationships are respectful
- Indigenous communities are strengthened
- services meet the needs of women and their children experiencing violence
- justice responses are effective
- perpetrators stop their violence and are held to account.⁹

3.10 Underpinning these outcomes is the intention that all Australian governments will build the evidence base about domestic and family violence because:

...data relating to violence against women and their children in Australia is poor. Data on services sought by, and provided to, victims is not readily available, and the way in which information is reported is generally

6 The National Council to Reduce Violence against Women and their Children, *Background Paper to Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021* (March 2009).

7 *The National Plan to Reduce Violence against Women Immediate Government Actions April 2009*, pp 4-5.

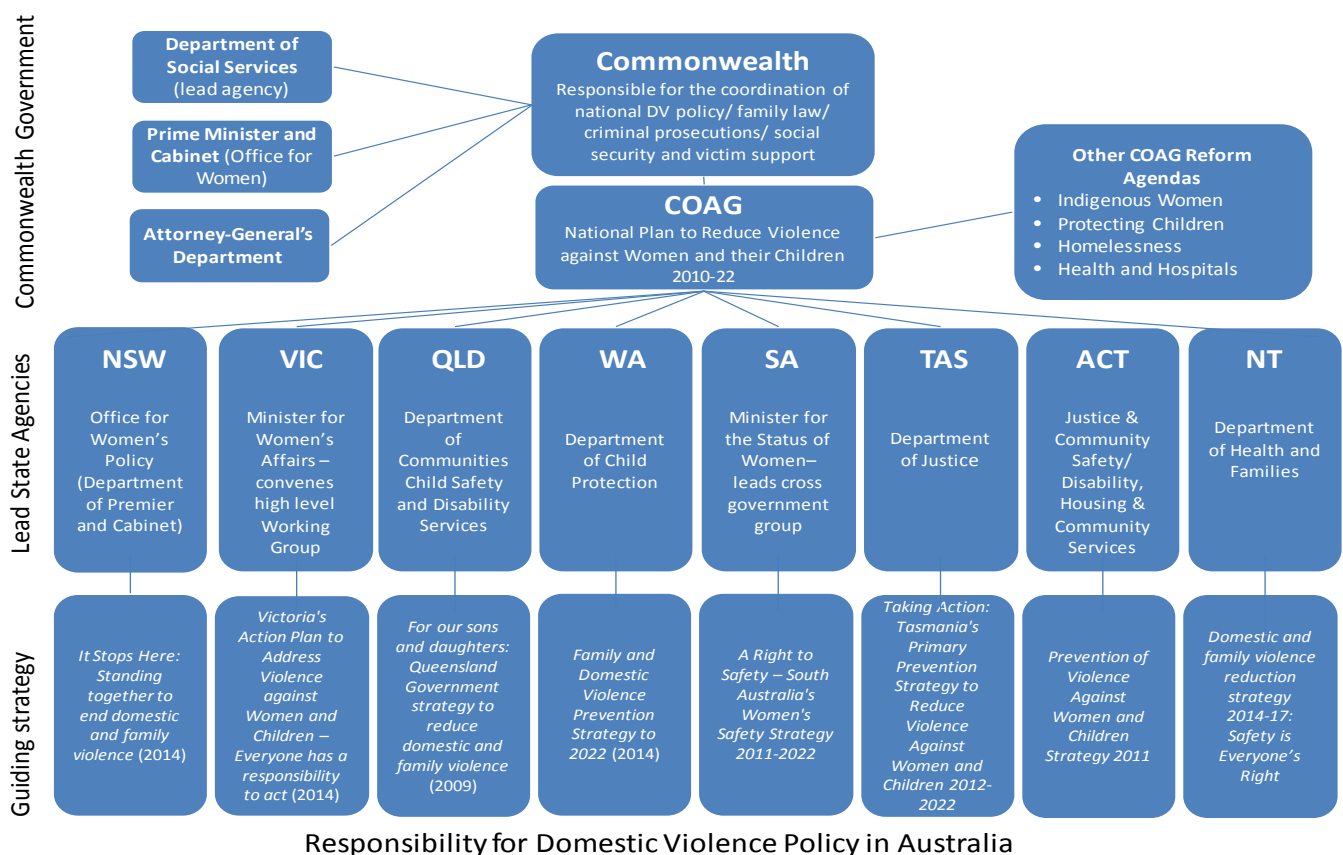
8 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), Foreword.

9 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 3.

inconsistent and does not allow for a comprehensive understanding of violence against women.¹⁰

3.11 The National Plan sets out a framework for coordination of Commonwealth and state and territory responsibilities. Under the National Plan, all states and territories are responsible for developing their own strategies and jurisdiction-specific programs to tackle domestic and family violence (see Figure 1).

Figure 1: Responsibility for domestic and family violence policy in Australia



Acknowledging jurisdictional work

3.12 Since the development of the National Plan the committee notes that some states and territories have established various bodies specifically tasked with inquiring into the prevalence and effects of domestic and family violence, and how policy and legal frameworks can address this problem.

3.13 Some examples are the Special Taskforce on Domestic and Family Violence set up by the Queensland government in September 2014 and chaired by the Honourable Dame Quentin Bryce AD CVO, which released its final report on

¹⁰ Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 47.

28 February 2015.¹¹ In January 2015, the Victorian government established a Royal Commission into Family Violence.¹²

3.14 The Victorian Government has also appointed a Minister for the Prevention of Family Violence.¹³ In March 2015, the NSW Government appointed a Minister for the Prevention of Domestic Violence and Sexual Assault.¹⁴

Advisory panel

3.15 Reinforcing the need for all levels of government to work together, on 28 January 2015, the Prime Minister noted that the 2015 COAG agenda will address the problem of violence against women at a national level:

All governments are determined to eliminate violence against women. Continued collaboration between the Commonwealth and the States and territories is crucial in achieving that objective.¹⁵

3.16 To advise COAG, the Prime Minister has established an advisory panel on violence against women which will be chaired by former Victorian Police Commissioner Mr Ken Lay, with Australian of the Year, Ms Rosie Batty, and CEO of Australia's National Research Organisation for Women's Safety (ANROWS), Heather Nancarrow, as Deputy Chairs. The experts included in the panel have been nominated by each state and territory and have specialised knowledge across domestic and family violence, sexual assault, online safety, violence within Indigenous and culturally and linguistically diverse communities, and people with disabilities.¹⁶

3.17 The committee understands that the panel has met a number of times, and that the Chair and Deputy Chairs presented the panel's first of three reports to COAG on 23 July 2015.¹⁷

11 Premier of Queensland, *Domestic violence taskforce to consult Queenslanders*, Media Release, 10 September 2015; see also www.qld.gov.au/community/getting-support-health-social-issue/dfv-taskforce/ (accessed 27 March 2015)

12 Premier of Victoria, *Royal Commission into Family Violence*, Media Release, 19 January 2015.

13 See Minister for the Prevention of Family Violence, the Hon Fiona Richardson MP, at www.vic.gov.au/contactsandservices/directory/?ea01fz149120.&roleWithSubordinates&6368c918-b4ca-4bf7-b2a7-0544380ebe81 (accessed 27 March 2015)

14 See www.parliament.nsw.gov.au/prod/parlment/members.nsf/V3ListCurrentMinisters (accessed 7 April 2015)

15 Prime Minister of Australia, the Hon Tony Abbott MP, and the Minister assisting the Prime Minister for Women, Senator the Hon Michaelia Cash, 'COAG agenda to address ending violence against women', Media Release, 28 January 2015.

16 Prime Minister of Australia, the Hon Tony Abbott MP and Minister Assisting the Prime Minister for Women, Senator the Hon Michaelia Cash, 'COAG agenda to address ending violence against women', Media Release, 28 January 2015. On 14 May 2015, the full membership of the advisory panel was announced. See Prime Minister of Australia, the Hon Tony Abbott MP and Minister Assisting the Prime Minister for Women, Senator the Hon Michaelia Cash, 'Advisory Panel Announced to Reduce Violence Against Women', 14 May 2015.

17 COAG, Special Meeting Communique, 23 July 2015.

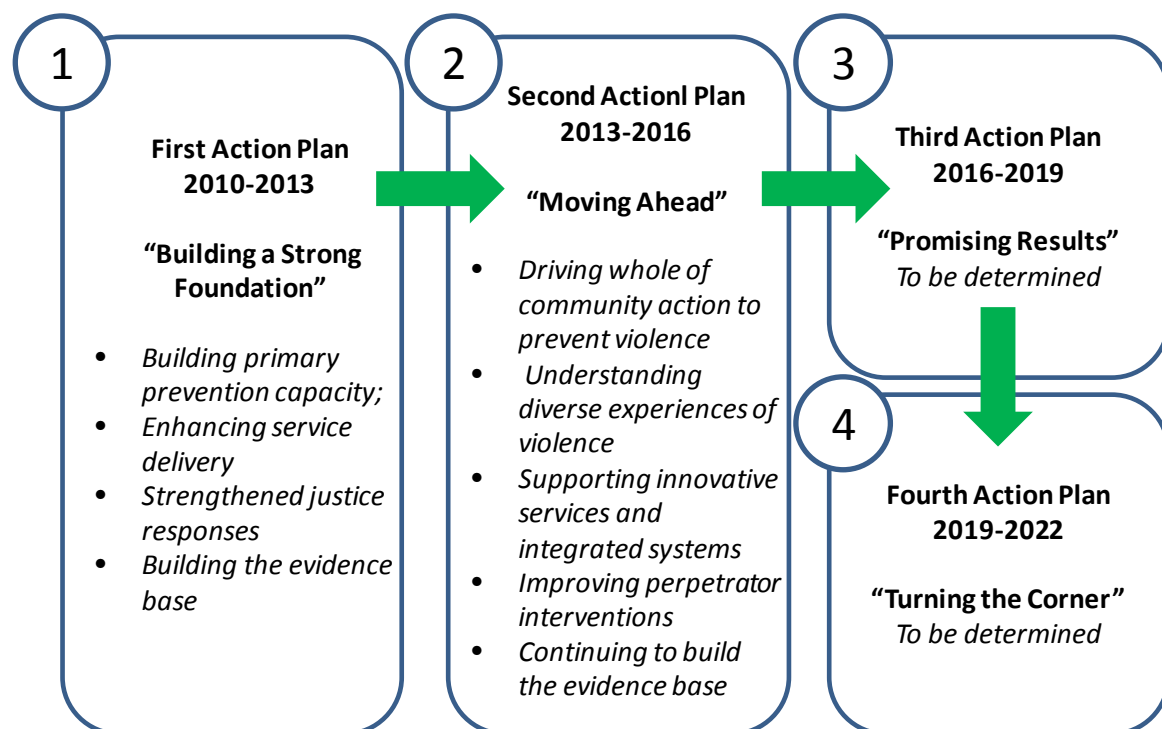
Phases of the National Plan

3.18 The National Plan sets out a 12-year framework from 2010 to 2022 to reduce domestic and family violence in Australia. The 12 year timeline is divided into four three-year Action Plans with specific aims and outcomes (Figure 2).¹⁸ This approach will enable governments to monitor the implementation and progress of individual three-year Action Plans, and so the development of future policy is informed by emerging evidence.¹⁹

The First Action Plan 2010-13

3.19 The First Action Plan focused on establishing the groundwork for the implementation of the National Plan, pursuing some short-term actions to address the causes and effects of violence against women, as well as putting in place strategic projects and actions to drive long-term change.

Figure 2: The Four Stages of the National Plan to Reduce Violence against Women and their Children 2010-2022



3.20 To support the existing services for women who have experienced violence, which is mainly delivered by the states and territories, the Commonwealth Government provided early funding under the National Plan for some measures, described above. The Commonwealth Government has also funded a number of other initiatives to reduce domestic and family violence – many of which are focussed on primary prevention, early intervention and building the evidence base - to reduce

18 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 12.

19 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 12.

24

violence against women and reduce the strain on services in the medium to long term. These include Our Watch,²⁰ ANROWS,²¹ and The Line.²² The Commonwealth has also funded DV-alert a national provider of training on domestic and family violence awareness and response for frontline community workers.²³

The Second Action Plan 2013-16

3.21 The Second Action Plan was released by the Prime Minister on 27 June 2014. It builds on the foundation of the First Action Plan by:

...increasing community involvement in actions that will prevent the violent crimes of domestic and family violence and sexual assault. It will focus on women and communities that have diverse experiences of violence, on strengthening and integrating services and systems, and on improving responses to perpetrators across the country.²⁴

3.22 The Commonwealth Government allocated more than \$100 million over four years to support the Second Action Plan, including:

- \$3.35 million for CrimTrac to develop and test a prototype for a National Domestic Violence Order (DVO) Scheme to strengthen the identification and enforcement of DVOs across state and territory borders;
- \$1.7 million to take the next steps in developing a national data collection and reporting framework by building a more consistent basis from which to gather, analyse and use data on all aspects of violence against women and their children. This includes \$300,000 for the Australian Bureau of Statistics to augment data sets on victims and offenders;
- More than \$1 million for 1800-RESPECT, Australia's first national professional telephone and online counselling service, to expand its service. The funding for 1800-RESPECT is in addition to the government's investment of \$28 million over the next four years to support existing services.²⁵

20 Formerly the Foundation to Prevent Violence against Women and their Children.

21 An organisation to improve the collection and sharing of data about domestic and family violence.

22 A social marketing campaign promoting respectful relationships to young people.

23 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 4.

24 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 3.

25 Prime Minister, the Hon Tony Abbott MP, 'Addressing Violence Against Women and their Children', Media Release, 27 June 2014. However, Ms Therese Sands, Co-Chief Executive Officer, People With Disability Australia, representing the Australian Cross Disability Alliance, told the committee that many women with disability feel they are treated differently by some domestic and family violence services for women in general, including 1800-RESPECT. For example, she commented that a common response to women with disabilities calling 1800-RESPECT was that they are referred to Women with Disabilities Australia, which is not funded to provide a crisis response. See *Proof Committee Hansard*, 11 June 2015, p. 10.

3.23 The measures contained in the Second Action plan have the support of all states and territories.

Governance, implementation and evaluation of the National Plan

Governance

3.24 The National Plan sets out a governance structure for its implementation and evaluation (Figure 3). Relevant Commonwealth and state and territory ministers are responsible for overseeing the implementation of the National Plan, monitoring progress and developing further Action Plans.²⁶

Figure 3: Governance Structure of the National Plan



3.25 The National Plan Implementation Panel (NPIP) was intended to report to ministers on emerging issues to inform the evaluation of Action Plans and the development of future subsequent Action Plans.

3.26 The National Plan described the NPIP as including:

...government and non-government representatives, such as leading researchers, practitioners and community representatives.²⁷

3.27 However, the committee understands the NPIP has been discontinued which has led to some confusion among stakeholders, as discussed below.

Implementation

3.28 The National Plan included provision for the development of a National Implementation Plan for each of the three-year Action Plans to identify key national priorities to be targeted as the goals of each Action Plan. The Implementation Plan for the First Action Plan was developed by all Australian governments and was released by COAG's Select Council on Women's Issues in September 2012.²⁸

26 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 32.

27 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 32.

28 Department of Social Services, *Submission 57*, Attachment 2 (National Implementation Plan for the First Action Plan), p. 8.

3.29 The National Implementation Plan will be supplemented by implementation plans made by every jurisdiction, outlining the actions being taken locally. These will all be made available on the relevant jurisdictional department website and should:

...reflect best practice reforms already underway in each jurisdiction or new initiatives being undertaken. In addition, the jurisdictional implementation plans will reflect on the initiatives being undertaken by states and territories that support key national priorities. States and territories will be undertaking initiatives that are tailored and responsive to local needs.²⁹

Evaluation

3.30 Under the National Plan, all states and territories are obliged to monitor progress against National Plan priorities and to provide an annual report to COAG outlining the progress they have made against the national and jurisdictional Implementation Plans. These jurisdictional annual reports will be submitted to COAG by COAG's Select Council on Women's Issues.³⁰

3.31 On 29 June 2015, Commonwealth, state and territory ministers endorsed the 2014-15 Annual Progress Report on the Second Action Plan which reviewed the collective efforts of governments to address violence against women and their children.³¹

3.32 Actions undertaken from 2010 to 2012 by all governments in relation to the National Plan were reported in the first Progress Report to COAG, published in 2013.³²

3.33 In May 2014, the Department of Social Services published a Progress Review of the First Action Plan,³³ which 'took stock' of progress made and informed the development of the Second Action Plan.³⁴

3.34 The Commonwealth also commissioned Health Outcomes International, a private consultancy firm, to develop an Evaluation Plan for the National Plan, which

29 Department of Social Services, *Submission 57*, Attachment 2 (National Implementation Plan for the First Action Plan), p. 9.

30 Department of Social Services, *Submission 57*, Attachment 2 (National Implementation Plan for the First Action Plan), p. 9, p. 34.

31 Minister for Social Services, the Hon Scott Morrison MP, and Minister Assisting the Prime Minister for Women, Senator the Hon Michaelia Cash, 'Annual progress report highlights achievements to address violence against women', Joint Media Release, 29 June 2015.

32 See *National Plan to Reduce Violence Against Women and their Children 2010-2022: Progress Report to the Council of Australian Governments 2010-2022* at www.dss.gov.au/sites/default/files/documents/05_2013/final_edited_report_edit.pdf (accessed 20 April 2015).

33 Department of Social Services, *Submission 57*, Attachment 3 (Progress Review of the First Action Plan), p. 1.

34 Department of Social Services, *Submission 57*, Attachment 2 (National Implementation Plan for the First Action Plan), p. 9, p. 34.

was launched on 3 June 2014. The Evaluation Plan stated that the evaluation of progress of the National Plan would include the following processes:

- review of Action Plans, including consultations with stakeholders to analyse key achievements, barriers to progress and emerging issues;
- publicly available annual progress reporting, informed by Commonwealth and state and territory governments, and the non-government sector;
- evaluation of flagship activities in line with the Evaluation Plan, including ANROWS, Our Watch, 1800-RESPECT, The Line, and projects undertaken by Our Watch; and
- underpinning evaluation activities through the analysis of available data sources on reducing violence, including national surveys, the National Data Collection and Reporting Framework, and state and territory-based data, as well as the activities of ANROWS and Our Watch initiatives.³⁵

Support for the National Plan

3.35 The National Plan was universally supported by submitters and witnesses to the inquiry, who saw it as a positive step towards eliminating violence against women and their children, including domestic and family violence.

3.36 For example, Dr Mayet Costello, Research Manager, ANROWS, told the committee the National Plan demonstrated that all Australian governments were committed to addressing the issue of violence against women:

In the context of what we see as the role of the federal government, ANROWS did want to commend the national plan and commend the leadership and the bipartisan approach from all states, territories and the Commonwealth in continuing to support the national plan. As you probably know, the second action plan...has been strongly supported by all state, territory and Commonwealth governments. We think that is a great step in terms of demonstrating that leadership and demonstrating a consistent and coherent approach to violence against women. At least, it is a start on the right step.³⁶

3.37 Ms Irene Verins, Manager, Mental Wellbeing, Victorian Health Promotion Foundation (VicHealth), highlighted the importance of a long-term, national approach to tackling domestic and family violence:

We also congratulate the Commonwealth government on [the] second action plan under the National Plan to Reduce Violence Against Women and their Children...As a health promotion agency, VicHealth understands and knows how long it takes and what coordinated effort and resources it takes to change attitudes, cultures and behaviours, and we know that from our campaigns in tobacco, skin cancer et cetera. We believe that this is

35 Department of Social Services, *Submission 57*, Attachment 4 (Evaluation Plan), p. 5.

36 *Committee Hansard*, 4 November 2014, p. 2.

similar. It takes a long, sustained and coordinated effort by everyone to achieve some level of sustained change.³⁷

3.38 Ms Libby Davies, Chief Executive Officer, White Ribbon, stated that the National Plan demonstrates the Commonwealth has:

...a clear commitment to long-term efforts to reduce violence against women and their children. Through the first and second plans, prevention and awareness-raising efforts have been enhanced among other critical priorities. This has been complemented by efforts at state and territory levels.³⁸

3.39 Ms Liz Snell, Law Reform and Policy Coordinator, Women's Legal Services Australia, commended the National Plan's focus on promoting equality between men and women, as domestic and family violence is a gendered crime:

We commend the bipartisan support for the recognition of the gendered nature of domestic and family violence and sexual assault and initiatives to address this through the National Plan to Reduce Violence against Women and their Children.³⁹

Consultation, implementation and evaluation concerns

3.40 The committee heard general support for the way consultation was undertaken in the development and early stages of the National Plan. However, concerns were raised over ongoing consultation affecting implementation of Actions Plans and the need for independent evaluation.

3.41 Ms Fiona McCormack, Chief Executive Officer, Domestic Violence Victoria, noted that following the disbanding of the NPIP, there was no way for her organisation to communicate with the government:

The NPIP no longer meets. There are no mechanisms or opportunities through which NGOs and relevant government departments can communicate with each other about, say, what is happening through the national plan or identifying gaps in the system, and we really, really need that.⁴⁰

3.42 This concern regarding consultation was echoed by the Women's Legal Centre (ACT and Region):

The implementation of the National Plan to date has been disappointing in its engagement with civil society. The proposed Advisory Groups to the National Plan Implementation Panel never eventuated. Whilst there has been some consultation with relevant stakeholders, this has not been

37 *Committee Hansard*, 12 September 2014, p. 2.

38 *Committee Hansard*, 4 November 2014, p. 9.

39 *Committee Hansard*, 4 November, p. 40.

40 *Committee Hansard*, 12 September 2014, p. 20.

undertaken in a way that harnesses the experience and expertise of those working in the domestic violence and related sectors.⁴¹

3.43 Ms Julie Oberin, Chairperson, Australian Women Against Violence Alliance (AWAVA), commented that currently the government was not consulting with or harnessing the expertise of individuals working in the sector sufficiently in the development and implementation of Action Plans:

Even when I was on the NPIP I found that I had to wait for NPIP meetings to find out what was going on. I think that is an underutilisation of us as an alliance, focusing specifically on this area. We are all there for the same purpose. We have an incredible amount of expertise. I have been working in this field for almost 25 years in December, and if we counted up all of the other expertise...that we could bring in, I think we would get much further much more quickly.⁴²

3.44 Associate Professor Dea Delaney-Thiele, Chief Executive Officer, National Aboriginal and Torres Strait Islander Women's Alliance, commended governments for taking a unified approach to domestic and family violence, but noted there was a need to continue consulting Aboriginal and Torres Strait Islander Australians:

We say it is extremely important that process be developed to ensure the voices of communities, in particular women and children, inform the development, implementation, monitoring and evaluation of any policy initiatives that impact upon them. If I could be so bold, the old adage of 'Nothing about us without us' is very important consideration.⁴³

3.45 Dr Jessica Cadwallader, Advocacy Project Manager, Violence Prevention, Australian Cross Disability Alliance (ACDA), stressed that the mainstream policy solutions currently operating for women generally need to be more inclusive of women with disability.⁴⁴ Ms Therese Sands, Co-Chief Executive Officer, People with Disability Australia, ACDA, highlighted the need to adequately resource representative organisations that work in the area of violence against women with disabilities so they can harness their expertise.⁴⁵ Ms Sands also indicated the need for better interconnectedness between plans such as the National Disability Strategy, the National Plan to Reduce Violence against Women and their Children and the National Framework for Protecting Australia's Children.⁴⁶

3.46 Ms Maya Avdibegovic, Chief Executive Officer, inTouch, Multicultural Centre against Family Violence, noted her organisation had played an active role in informing the National Plan about particular issues faced by women from culturally

41 *Submission 67*, p. 2.

42 *Committee Hansard*, 15 October 2014, p. 28.

43 *Committee Hansard*, 4 November 2014, p. 18.

44 *Proof Committee Hansard*, 11 June 2015, p. 12.

45 *Proof Committee Hansard*, 11 June 2015, pp 11-12.

46 *Proof Committee Hansard*, 11 June 2015, p. 12.

and linguistically diverse (CALD) backgrounds. However, she felt that consultation had not given her the opportunity to address wider issues:

Yes, we went to the roundtables, and also consultations about the second action plan, and we welcome the focus on issues around CALD communities that are part of the second action plan. But, when I think about it, it is really the tip of the iceberg; because we really only have three or four issues and that are selected there and that is: women without permanent residency, forced marriages and female genital mutilation. They are really such a tiny part of that whole complex issue around women from CALD backgrounds and their experiences of family violence...[when] there is a whole complexity on the basic level that I think needs to be addressed first.⁴⁷

3.47 Ms Cate McKenzie, Group Manager, Department of Social Services (DSS), discussed some of these criticisms in relation to consultation. She stated that much of the consultation carried out by the National Council was still relevant to the work of the government:

In terms of the consultation that went on for the national plan that was led by Libby Lloyd as the chair of the national council—and there were 12 independent members in 2008—a lot of that consultation and the work they did set up the arrangements and the architecture for what should be considered over the 12 years, and in part they suggested having a longer term plan. That consultation still remained and still does remain a pertinent piece of work that we continue to look at, and to date we have not found from the consultations we have had with people have differed hugely from the responses that the national council received when it went out and did its consultations.⁴⁸

3.48 Ms McKenzie told the committee the department consulted with the sector about the development of the Second Action Plan through a series of roundtables⁴⁹ and sought ongoing advice from stakeholders about National Plan initiatives as necessary:

I think one of the things it is important to remember is that in each of the initiatives that has been set up under the national plan, whether it was Our Watch, ANROWS or any of the work that has been done, there has been a degree of consultation that has been wrapped around each initiative and how each initiative would be rolled out. There has never been a lack of communication or a lack of engagement across the broad community.⁵⁰

3.49 The implementation and evaluation of the National Plan has been criticised by some stakeholders. For instance, a 2012 report by the Australian Human Rights Commission and the UN Special Rapporteur on violence against women noted:

47 *Committee Hansard*, 5 November 2014, p. 25.

48 *Committee Hansard*, 15 October 2014, p. 54.

49 *Committee Hansard*, 15 October 2014, p. 54.

50 *Committee Hansard*, 15 October 2014, p. 55.

[The National Plan] is not sufficiently outcomes-focussed and measurement of outcomes is not embedded in the implementation plan;

the plan's monitoring, reporting and evaluation processes are not sufficiently transparent;

its implementation plan is tokenistic and has been badly managed, indicated by its publication in late 2012 – more than two years after the plans release.⁵¹

3.50 The need for independent evaluation of the plans was also stressed to the committee.⁵²

3.51 Ms Cate McKenzie, DSS, responded that the scale and complexity of the domestic and family violence issue meant independent evaluation plans had taken longer to develop than expected:

What became obvious over the first couple of years of working our way through the first action plan was that it was going to be a much more complex engagement that was going to be required [for an evaluation plan]. So, we did some consultations with [stakeholders and jurisdictions] and came up with the idea that it had to be a multi-level, multitargeted, multifocused evaluation and would need to take account of being able to evaluate single initiatives as well as being able to evaluate progress... [Health Outcomes International] have come up a plan that is quite workable. It looks at a progress report or a report on each of the action plans, so one after the first year, one after the second year, one after the third and one after the fourth...Over time those will be independent.⁵³

3.52 Since then, Commonwealth, state and territory ministers have endorsed the 2014-15 Annual Progress Report on the Second Action Plan.⁵⁴

Better coordination by the Commonwealth of plans, policy and governance

3.53 Submitters welcomed the National Plan's focus on improving the coordination of policy and services across governments and the domestic and family violence sector. However, some noted there were further opportunities for the Commonwealth to improve its coordination and leadership role regarding the National Plan and its governance, as well as domestic and family violence policy.

51 AHRC, *Australian study tour report - Visit of the UN Special Rapporteur on violence against women* (2012) at www.humanrights.gov.au/publications/australian-study-tour-report-visit-un-special-rapporteur-violence-against-women (accessed 21 July 2014).

52 Ms Julie Oberin, Chairperson, AWAVA, *Committee Hansard*, 15 October 2014, p. 23; Ms Sophie Hardefeldt, Program Manager, AWAVA, *Committee Hansard*, 15 October 2014, p. 22; Ms Liz Snell, Law Reform and Policy Coordinator, Women's Legal Services New South Wales and Women's Legal Services Australia, *Committee Hansard*, 4 November 2014, p. 41.

53 *Committee Hansard*, 15 October 2014, p. 55.

54 Minister for Social Services, the Hon Scott Morrison MP, and Minister Assisting the Prime Minister for Women, Senator the Hon Michaelia Cash, 'Annual progress report highlights achievements to address violence against women', Joint Media Release, 29 June 2015.

3.54 Mr Paul Linossier, Chief Executive Officer, Our Watch, noted better coordination and governance across government could take Australia to world's best practice in addressing domestic and family violence, which:

...requires a whole-of-government approach, so not an initiative led out of one department or one office but all departments and offices having related and joined up obligations and also across sectors in the governance and design of the solutions. So the area that we could add to the national plan and the second action plan is strengthening governance across governments and the third sector and industry in attending to the issue. That sort of joined up forum, mirroring the joining up of government-to-government departments, would take Australia to absolutely world's best practice in attending to the violence against women.⁵⁵

3.55 Mr Rodney Vlasis, Acting Chief Executive Officer, No to Violence, agreed the Commonwealth should improve its coordination across all levels of government:

...despite the national plan there is a real potential opportunity for the Commonwealth to take an active role in bringing together different state and territory departments, in particular, domains to really focus on lifting response and prevention, including perpetrator accountability in domestic and family violence.⁵⁶

3.56 Other witnesses highlighted the need for the Commonwealth to play a more active role alongside the states and territories in the coordination of legal systems and the delivery of services for victims. These issues will be discussed in following chapters.

Funding to support the National Plan

3.57 Some evidence highlighted the need for the National Plan to be supported by consistent funding. Ms Libby Davies, CEO, White Ribbon, told the committee that the good start that has been made on the National Plan needs to be supported by appropriate funding measures:

White Ribbon has, to some extent, been supported through the [initial phases of the] plan but there is still too little recognition of the inroads that primary prevention work is making. We also need to see these policy responses and commitments translated into more robust funding for primary and tertiary responses to violence against women. In many jurisdictions, this funding has shrunk.⁵⁷

3.58 Other evidence received by the committee discussed funding for particular organisations, programs, and the delivery of legal and service systems. These issues will be discussed in further chapters.

55 *Committee Hansard*, 12 September 2014, p. 7. See also Ms Julie Oberin, Chairperson, AWAVA, *Committee Hansard*, 15 October 2014, p. 23.

56 *Committee Hansard*, 5 November 2014, p. 9.

57 *Committee Hansard*, 5 November 2014, p. 9.

Committee View

3.59 The committee recognizes the National Plan represents a positive step taken by the Commonwealth and state and territory governments towards establishing a framework to reduce the prevalence of domestic and family violence in Australia. Evidence received by the committee shows there is support for the National Plan across organisations in the domestic and family violence sector, who see it as a clear commitment by all levels of government to addressing this problem.

3.60 The committee heard support for the consultation that informed the development and early implementation of the National Plan. However, it appeared to the sector that the level of consultation was subsequently reduced for the development of the action plans.

3.61 The committee understands that the NPIP is not continuing to play a role in the consultation for the National Plan, and is concerned there is now less opportunity for peak bodies and on-the-ground organisations working directly with victims to communicate directly with the Commonwealth about the National Plan. While DSS indicated that they continue to draw from previous consultation work, the long term nature of this issue means that extra effort needs to be taken by governments to maintain engagement and consultation with front line services in particular, which could include the development of a consultative framework, and ensure reporting on progress is centrally available. The committee acknowledges the availability of quarterly eNewsletters on the National Plan on the DSS website.⁵⁸

Recommendation 2

3.62 The committee recommends that the Commonwealth Government investigate ways to improve consultation with the domestic and family violence sector, particularly in relation to the evaluation of the National Plan and Action Plans and to inform the development of future Action Plans.

3.63 The committee notes that the comments made by the UN Special Rapporteur on violence against women are based on information from a study tour in April 2012. Since that time a Progress Review of the First Action Plan was released in May 2014, the Evaluation Plan on 3 June 2014 and the Second Action Plan on 27 June 2014. The committee recognises that some of the work of the Commonwealth to progress the National Plan has been more complex than anticipated, including the ongoing work to finalise a consistent and meaningful evaluation strategy. The committee heard how important it is for this to be an independent process and the committee understands work is being done to assure the evaluation process will be independent in the future.

3.64 Over the course of the inquiry, the committee noted clear and consistent support from stakeholders for the Commonwealth to lead relevant coordination strategies over the life of the National Plan.

58 See www.dss.gov.au/our-responsibilities/women/programs-services/reducing-violence/the-national-plan-to-reduce-violence-against-women-and-their-children-2010-2022 (accessed 8 April 2015).

3.65 The committee supports the Commonwealth continuing to play a lead role in coordinating policy, legal and other responses regarding domestic and family violence, and improving the way it drives increased coordination effort by all levels of government and the domestic and family violence sector. Areas where the Commonwealth is taking a lead role are discussed in following chapters.

3.66 While the committee welcomes the support and focus of the Prime Minister and COAG, it notes that victims of domestic and family violence need champions at all levels of our society, including the Prime Minister and First Ministers. In view of the size and dimension of the challenge to effect real change and the need to develop and foster an intentional and serious focus across all jurisdictions, the committee believes that the Prime Minister should table an annual report to Parliament on progress in the effort to eliminate domestic and family violence. This report should include the actions being undertaken by COAG. The committee notes that funding decisions affecting this area are available publicly, however, to improve accessibility they should be included in the annual report to Parliament.

Recommendation 3

3.67 The committee recommends that the Prime Minister table an annual report to Parliament on progress in the effort to eliminate domestic and family violence, including listing all relevant funding decisions.

Chapter 4

Prevalence of domestic and family violence

Data on the prevalence of domestic and family violence

4.1 This chapter summarises the evidence the committee received on the prevalence of domestic and family violence.

Personal Safety Survey

4.2 The most comprehensive data that is available in relation to the prevalence of domestic and family violence in Australia is from the Australian Bureau of Statistics' (ABS) Personal Safety Survey (PSS).¹

4.3 In terms of the overall prevalence of violence, the PSS found that men were more likely than women to experience violence:

In 2012 it was estimated that 8.7% of all men aged 18 years and over (737,100) and 5.3% of all women aged 18 years and over (467,300) had experienced violence in the 12 months prior to the survey...

...

In 2012 it was estimated that 49% of all men aged 18 years and over (4,148,000) and 41% of all women aged 18 years and over (3,560,600) had experienced violence since the age of 15.²

4.4 However, in terms of the prevalence of 'partner violence',³ the PSS reported that women were more likely than men to experience violence by a partner:

In 2012, an estimated 17% of all women aged 18 years and over (1,479,900 women) and 5.3% of all men aged 18 years and over (448,000 men) had experienced violence by a partner since the age of 15.⁴

4.5 The ABS also reported on the prevalence of partner violence during the previous 12 months:

1 See, for example, Australia's National Research Organisation for Women's Safety, *Submission 68*, p. 1; ACT Domestic Violence Prevention Council, *Submission 100*, p. 3; Women's Centre for Health Matters, *Submission 101*, p. 3. Women's Health West described the Personal Safety Survey as the 'primary data source' on the prevalence of violence against women in Australia, *Submission 21*, p. 5. Australian Bureau of Statistics (ABS) has conducted two Personal Safety Surveys, the first from August to December 2005 and a second from February to December 2012.

2 ABS, Personal Safety Survey, 2012.

3 'Partner' is used to describe the person the respondent lives with, or lived with at some point, in a married or de facto relationship. 'Partner violence' refers to any incident of sexual assault, sexual threat, physical assault or physical threat by a current and/or previous partner, but does not include violence by a 'boyfriend/girlfriend or date'.

4 Australian Bureau of Statistics, Personal Safety Survey, 2012.

Women were more likely than men to have experienced violence by a partner in the 12 months prior to the survey. In the 12 months prior to the survey an estimated 132,500 women (1.5% of all women aged 18 years and over) had experienced violence by a partner compared to 51,800 men (0.6% of all men aged 18 years and over).⁵

4.6 The survey also compared changes in the prevalence of partner violence over time:

Between 2005 and 2012 [when the PSS surveys were conducted] there was no statistically significant change in the proportion of women and men who reported experiencing partner violence in the 12 months prior to the survey.⁶

4.7 The ABS surveyed for the prevalence of 'emotional abuse'⁷ by a partner:

Women are more likely than men to have experienced emotional abuse by a partner since the age of 15. In 2012 an estimated 25% (2,142,600) of all women aged 18 years and over and 14% (1,221,100) of all men age 18 years and over had experienced emotional abuse by a partner since the age of 15...

Women were more likely than men to have experienced emotional abuse by their current partner in the 12 months prior to the survey. Women were also more likely than men to have experienced emotional abuse by a previous partner in the 12 months prior to the survey...⁸

4.8 While the prevalence data in the PSS was often cited in submissions, a limited number of submissions raised issues with methodology of the PSS. For example, Mr Paul Mischefski, Vice-President of Men's Wellbeing Inc, Queensland, argued:

Despite repeated calls for this highly-regarded and quoted survey to achieve gender parity and include an equal number of female and male respondents, the survey has consistently shown an immense bias towards a female survey sample.

The 2005 survey included 11,800 females but only 4500 males. This heavy gender bias became even worse in the 2012 survey, where only 22% of respondents were male – less than one-quarter.⁹

4.9 Women with Disabilities Victoria stated that women with disabilities are 'vastly under-represented' in the PSS and recommended that the ABS 'adopt

5 ABS, Personal Safety Survey, 2012.

6 ABS, Personal Safety Survey, 2012.

7 For the purposes of the survey 'emotional abuse' occurred when a person is subjected to certain behaviours or actions that are aimed at preventing or controlling their behaviour with the intent to cause them emotional harm or fear. These behaviours are characterised in nature by their intent to manipulate, control, isolate or intimidate the person they are aimed at. They are generally repeated behaviours and include psychological, social, economic and verbal abuse.

8 ABS, Personal Safety Survey, 2012.

9 *Submission 87*, p. 5. See also *One in Three Campaign, Submission 23*, p. 7.

appropriate methodologies to achieve a representative sample of women with disabilities in the Personal Safety Survey'.¹⁰

4.10 The Multicultural Centre for Women's Health contended that data collection surveys such as the PSS 'are not designed to adequately account for the experiences of immigrant and refugee women'.¹¹

4.11 Our Watch stressed the importance of ensuring that the PSS involved sample sizes of different community groups:

PSS and [National Community Attitudes Survey (NCAS)] sample sizes for different community groups – particularly Indigenous communities, women with disabilities, and different [culturally and linguistically diverse] communities – are largely insufficient [to] allow statistically-significant analysis, measure changes, or inform prevention activities for these groups.¹²

4.12 Our Watch recommended that in future the PSS (and the NCAS) include:

large enough cohorts of different groups to ensure statistical relevance and aid systematic quantitative analysis.¹³

4.13 A number of submissions also noted that any domestic and family violence statistics are likely to underestimate the prevalence of the issue, due to victims not reporting violent incidents.¹⁴ This issue, and other matters in relation to the collection of data, are further discussed in Chapter 5.

4.14 As part of the National Plan, the PSS is due to be conducted every four years.¹⁵ The Implementation Plan for the First Action Plan provides the following information on the work that goes into the preparation of the PSS:

Activities such as national surveys require long lead times for development and testing and it was essential to start the process as soon as practicable. During the first year, significant work was undertaken on the development of the Personal Safety Survey (PSS). This included the Australian Bureau of Statistics (ABS) working with Commonwealth, state and territory and non-government representatives to identify new content for the PSS. In addition survey instruments have been developed and tested with both

10 *Submission 50*, p. 8.

11 *Submission 97*, p. 2. See also Centre for Advocacy, Support and Education for Refugees (CASE for Refugees), *Submission 29*, p. 6.

12 *Submission 141*, p. 25.

13 *Submission 141*, p. 25. The National Community Attitudes Survey (NCAS) is discussed later in this chapter.

14 See, for example, Australian Women Against Violence Alliance, *Submission 62*, p. 8; *Submission 129*, p. 9.

15 Department of Social Services, *Submission 57*, Attachment 2 (National Implementation Plan for the First Action Plan), p. 26.

survivors of domestic violence and sexual assault and a broader community sample. Specific interviewer training has been developed and tested.¹⁶

International Violence Against Women Survey

4.15 Submissions also referred to information on the prevalence of domestic and family violence in the International Violence Against Women Survey.

4.16 The Australasian component of the 2013 survey reported that 28 per cent of women had experienced physical or sexual violence from an intimate partner.¹⁷ In the 2004 survey, 34 per cent of Australian women aged between 18 and 69 had experienced some form of violence by a current or previous partner.¹⁸

Homicides

4.17 A number of submissions referred specifically to the prevalence of domestic and family violence-related homicides. For example, academics from the University of Melbourne provided the following information from the National Homicide Monitoring Program for the years 2008-09 to 2009-10:

Australia-wide...1 in 5 murders involved intimate partners (23 percent in each year 2008/09 and 2009/10), and overwhelmingly in these cases, women were killed by men (75%). Two thirds occurred between current spouses or de facto partners, and over a quarter occurred between separated/divorced spouses or de facto partners...

Over 10 per cent of family violence-related homicides in Australia involve child victims and the overwhelming majority are killed by a parent. On average, 27 children are killed by their parents in Australia each year.¹⁹

4.18 In February 2015, the National Homicide Monitoring Program released the figures of homicide in Australia for the period 2010-11 to 2011-12. In the period, 1 July 2010 to 30 June 2012, there were a total of 479 homicide incidents – 236 in

16 Department of Social Services, *Submission 57*, Attachment 2 (National Implementation Plan for the First Action Plan), p. 26.

17 See Domestic Violence Resource Centre Victoria, *Submission 123*, p. 2, citing World Health Organisation (WHO), *Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence* (2013).

18 See Office of the Public Advocate, *Submission 27*, Attachment 2, p. 29, citing J Mouzos, and T Makkai, *Women's Experiences of Male Violence: Findings From the Australian Component of the International Violence Against Women Survey*, Canberra, Australian Institute of Criminology (2004). See also Youth Affairs Council of South Australia, *Submission 72*, pp 4-5, which noted that the International Violence Against Women Survey uses a broader definition of domestic violence than the ABS's Personal Safety Survey; Domestic Violence Victoria, *Submission 124*, p. 3; Our Watch (Foundation to Prevent Violence Against Women and their Children), *Submission 141*, p. 12.

19 *Submission 120*, pp 7-8, citing research by the National Homicide Monitoring Program, Australian Institute of Criminology. See also Youth Affairs Council of South Australia, *Submission 72*, p. 6; Our Watch (Foundation to Prevent Violence Against Women and their Children), *Submission 141*, p. 12; White Ribbon Australia, *Submission 94*, p. 9.

2010-11 and 243 in 2011-12.²⁰ There were 187 were domestic homicide incidents, of which 109 (or 58 per cent) were classified as intimate partner homicide.²¹ The report also states:

Where both victim sex and relationship classification could be determined, a higher proportion of victims of intimate partner homicide were female (n=83; 76% of domestic homicides)[.]²²

4.19 The committee also received evidence on the rate of domestic and family violence-related homicides in specific state jurisdictions. In Victoria in 2012-13, there were 44 deaths as a result of family violence, 'nearly one per week'.²³ The Women's Council for Domestic and Family Violence Services (WA) referred to homicide statistics from NSW:

In NSW in the 12 months to September 2012, around three-quarters of female homicide victims (27 out of 35) were killed by someone with whom they were in a domestic relationship. This compares to one-fifth of male homicide victims (11 out of 57).²⁴

4.20 The One in Three Campaign also referred to NSW statistics, noting the NSW Bureau of Crime Statistics and Research (BOCSAR) findings:

BOCSAR also examined trends and characteristics of domestic homicides in NSW over the period January 2003 to June 2008. During this time, there were 215 victims of domestic homicide; 115 females and 100 males (almost one in two victims were male). Intimate partners were responsible for 43 per cent of domestic homicide victims (70 females and 23 males - one in four were male).²⁵

Domestic and family violence against men

4.21 As set out above, the PSS provides some data on the prevalence of domestic and family violence against men. However, submissions also highlighted other data which is available. For example, the One in Three Campaign cited the 1999 South Australian Interpersonal Violence and Abuse Survey which found:

32.3 per cent (almost one in three) victims of reported domestic violence by a current or ex-partner (including both physical and emotional violence and abuse) were male.²⁶

20 These 479 incidents involved 511 victims and 532 offenders.

21 Australian Institute of Criminology, *Homicide in Australia: 2010-11 to 2011-12: National Homicide Monitoring Program report*, AIC Reports, Monitoring Reports 23 (2015), p. vi.

22 Australian Institute of Criminology, *Homicide in Australia: 2010-11 to 2011-12: National Homicide Monitoring Program report*, AIC Reports, Monitoring Reports 23 (2015), p. 16.

23 Victoria Police, *Submission 92*, p. 3.

24 *Submission 89*, p. 16.

25 *Submission 23*, p. 10.

26 *Submission 23*, p. 8.

4.22 The NSW Government submission also provided some data on the prevalence of domestic and family violence against men:

In the twelve months to March 2014, 69 per cent of victims of domestic violence-related assaults in NSW were women. There were 21,664 female victims compared to 9,925 male victims. This equates to a rate per 100,000 population of 594 for females and 277 for males.²⁷

Specific groups at risk of domestic and family violence

4.23 The terms of reference also refer to the prevalence of domestic violence as it affects vulnerable groups including 'women living with a disability' and 'women from Aboriginal and Torres Strait Islander backgrounds'. The committee recognises these are not the only vulnerable groups and acknowledges the following list of vulnerable groups, provided by Victoria Police, who may face additional barriers in reporting and seeking assistance in domestic and family violence matters:

- culturally and linguistically diverse (CALD), non-English speaking new and emerging migrant communities;
- people with disabilities;
- people experiencing mental health issues;
- Aboriginal communities;
- people in same sex relationships;
- transgender and intersex persons;
- young people; and
- older people experiencing intimate partner and intergenerational violence.²⁸

4.24 The introduction to the Second Action Plan 2013-2016 includes some data for specific groups of the community, namely Indigenous women, women with a disability and women from CALD backgrounds:

Indigenous women are 31 times more likely to be hospitalised due to family violence related assaults than other women. Women with disability are more likely to experience violence and the violence can be more severe and last longer than for other women. A recent survey of 367 women and girls with disability found that 22 per cent had been affected by violence in the previous year. Women from culturally and linguistically diverse (CALD) and new and emerging communities who experience violence can also face significant difficulties, including a lack of support networks, language barriers, socio-economic disadvantage, and lack of knowledge of their rights and Australia's laws.²⁹

27 *Submission 140*, Attachment 1, p. 7.

28 *Submission 92*, p. 4.

29 See Department of Social Services, *Submission 57*, Attachment 5 (Second Action Plan), p. 5.

4.25 The committee also received other evidence on the prevalence of domestic and family violence in specific groups at risk and the factors which may make these groups particularly vulnerable.

Aboriginal and Torres Strait Islander Women

4.26 Many submissions noted the higher prevalence of domestic and family violence among Aboriginal and Torres Strait Islander women. For example, the joint submission from Women's Legal Services Australia and the National Association of Community Legal Centres provided the following information:

[A]pproximately 25% of Aboriginal and Torres Strait Islander women had experienced one or more incidents of physical violence in the previous 12 months [and] 94% knew the perpetrator.³⁰

4.27 Our Watch referred to findings from the National Homicide Monitoring Program of the Australian Institute of Criminology:

Just over half of Indigenous homicide victims were killed in a domestic homicide, of which the most common subcategory was intimate partner homicide (42 per cent).

Two in every five Indigenous victims of homicide were female, higher than the equivalent proportion of female non-Indigenous homicides (31 per cent).³¹

4.28 Submissions also referred to the data on the prevalence of violence in the Australian component of the International Violence Against Women Survey. For example, Women's Health West:

In the [International Violence Against Women] survey itself, 7 per cent of non-Indigenous women reported experiencing physical violence, compared to 20 per cent of Indigenous women. Three times as many Indigenous women reported experiencing an incident of sexual violence, compared to non-Indigenous women.³²

Women with a disability

4.29 The Office of the Public Advocate (Victoria), provided research which demonstrates that women with disabilities are at greater risk of experiencing family and sexual violence compared with both men with disabilities and women without disabilities.³³ Domestic Violence Victoria summarised the circumstances that place

30 *Submission 26*, p. 4. See also Queensland Indigenous Family Violence Legal Service, *Submission 39*, p. 8; Department of Social Services, *Submission 57*, Attachment 3 (Progress Review of the First Action Plan), pp 17-18.

31 *Submission 141*, p. 14.

32 *Submission 21*, p. 6. See also Beryl Women, *Submission 45*, p. 6; Australia's National Research Organisation for Women's Safety (ANROWS), *Submission 68*, pp 2-3; Queensland Domestic Violence Network, *Submission 88*, p. 7.

33 Office of the Public Advocate, *Submission 27*, Attachment 1, (Voices Against Violence, Paper One: Summary Report and Recommendations), p. 15. See also University of Melbourne, *Submission 120*, p. 21.

women with disabilities at risk, and the reasons that they did not seek or receive support:

Women with disabilities are among the most socially and economically marginalised in the community. Women with disabilities experience violence at significantly higher rates than other women and have greater difficulty in accessing support services. Many women with disabilities are subject to the control of others, and experience high levels of violence from family members and carers. Women with disabilities are less likely than other women to report family violence, and less likely to receive services that meet their needs. In addition, over a third of women who sought assistance for family violence from disability services acquired a disability as a result of the abuse. Women with disabilities may live in inappropriate accommodation, where they are vulnerable to abuse and/or live without adequate support in the community.³⁴

4.30 The National Cross-Disability Disabled People's Organisations informed the committee:

To date, there have been no national studies or research conducted to establish the prevalence, extent, nature, causes and impact of violence against people with disability in different settings. There is no systematic data collection in Australia on violence against people with disability, including domestic violence.³⁵

4.31 However, the National Cross-Disability Disabled People's Organisations, along with other submissions, were able to provide some data on the prevalence of domestic and family violence against women with a disability:

Women with disability are 40% more likely to be the victims of domestic violence than women without disability, and more than 70% of women with disability have been victims of violent sexual encounters at some time in their lives. Twenty per cent of women with disability report a history of unwanted sex compared to 8.2% of women without disability. The rates of sexual victimisation of women with disability range from four to 10 times higher than for other women. Ninety per cent of Australian women with an intellectual disability have been subjected to sexual abuse, with more than two-thirds (68%) having been sexually abused before they turned 18 years of age.³⁶

4.32 The Federation of Ethnic Communities' Councils of Australia (FECCA) also cited research on the prevalence of violence against women with disabilities and the specific factors making this group vulnerable to violence:

Research suggests that, in general, women living with disability are twice as likely to become victims of domestic violence as those living without disability. Most often, their vulnerabilities are exacerbated by their

34 *Submission 124*, pp 7-8.

35 *Submission 142*, p. 13. Emphasis in original.

36 *Submission 142*, p. 13. See also Domestic Violence Victoria, *Submission 124*, p. 8.

impairment, their dependence on others for assistance, and their inability to effectively access support services. Violence can be used as a tool to maintain control over women with disability and to instil fear, which is further problematised by the perpetrator often being the person that the victim is depending upon.³⁷

4.33 Dr Jessica Cadwallader, Advocacy Project Manager, Violence Prevention, Australian Cross Disability Alliance, noted that what data is available indicates that women, men and children with a disability experience 'much, much higher levels of violence than others in their community, and often in their homes'.³⁸ Dr Cadwallader referred to the lack of reliable disaggregated quantitative data, with most methodologies used in Australia systematically excluding many people with a disability:

One of the main impediments to the inclusion of people with disability and prevention and response frameworks is the dominant definition of domestic violence. Usually policies, services and legislation define domestic violence as more or less intimate partner violence occurring in a private home. This excludes the places that many people with disability call home. This is solely because others, workers, governments, service providers, consider their home to be a workplace—a group home, a [community residential unit (CRU)], a boarding house, an institution—but not a home. But these are homes for people with disability...

Similarly, domestic violence definitions frequently exclude some of the relationships in which people with disability experience violence. The relationship with a support worker can mirror many of the forms of interdependence found in families or an intimate partnership, even when that worker is not going beyond what they are paid to do. A support worker may grocery shop for a person with disability, help pay their bills, ensure that their medication is provided or be responsible for showering a person with disability. Just as the interdependence and family relationships can be what enables such devastating violence, support workers often have just as much, or perhaps more control, over the home lives of people with disability. The withdrawal of life-sustaining supports can be a key element of domestic violence against people with disability.³⁹

Women from a culturally and linguistically diverse background

4.34 A number of submissions highlighted the lack of data available about the prevalence of domestic and family violence against women from a culturally and linguistically diverse background, immigrant women and women from a non-English speaking background.⁴⁰ For example, FECCA observed that '[t]here is currently very

37 *Submission 54*, p. 5.

38 *Proof Committee Hansard*, 11 June 2015, p. 8.

39 *Proof Committee Hansard*, 11 June 2015, p. 8.

40 See, for example, Women's Health West, *Submission 21*, p. 8; Federation of Ethnic Communities' Council of Australia, *Submission 54*, p. 6; Multicultural Centre for Women's Health, *Submission 97*, p. 2.

limited comprehensive and accurate data and statistics available concerning culturally and linguistically diverse women's experiences of domestic and family violence in Australia'.⁴¹ However, FECCA continued:

Anecdotal evidence shows that the rate of violence perpetrated against culturally and linguistically diverse women is high, and is determined by intersectional disadvantages. According to a research compiled by the Australian Institute of Criminology (AIC), some studies on the nature and the prevalence of domestic abuse in immigrant communities have produced mixed results, while others have indicated that women from non-English speaking backgrounds could experience higher levels of violence. Other findings have indicated that cultural values and diverse immigration experiences add further complexity in relation to experiences of domestic violence and the likelihood of women reporting abuse and seeking assistance.⁴²

4.35 Women's Health West referred to some limited data available from Victoria:

According to client records of the Women's Domestic Violence Crisis Service of Victoria, women who were born overseas and are from a non-English speaking background are over-represented as users of domestic violence support services. They represent 37.5 per cent of women accessing the service and only 17.3 per cent of the total Victorian population.⁴³

4.36 The Queensland Domestic Violence Network described research findings on the nature and prevalence of physical and sexual violence against women from CALD backgrounds as offering 'mixed results':

[S]ome studies have found that women from non-English speaking [or CALD] backgrounds experience higher levels of violence, whereas other studies suggest the rate of physical violence is lower than, or similar to, the rate among those women from English speaking backgrounds[.]

However, [other studies have reported] 'Immigrant women are more likely than other women to be murdered as a result of domestic and family violence and are less likely to receive appropriate assistance from services when they attempt to leave a violent relationship'[.]⁴⁴

4.37 Both Relationships Australia and the Women's Domestic Violence Crisis Service Victoria noted anecdotal evidence of increasing numbers of women from CALD backgrounds, or migrant women, accessing their services:

Our members also report seeing increasing numbers of women and children from culturally and linguistically diverse (CALD) backgrounds who are

41 Federation of Ethnic Communities' Council of Australia, *Submission 54*, p. 6. See also Centre for Advocacy, Support and Education for Refugees (CASE for Refugees), *Submission 29*, p. 6; Multicultural Centre for Women's Health, *Submission 97*, p. 2.

42 *Submission 54*, p. 6.

43 *Submission 21*, p. 8. See also Our Watch (Foundation to Prevent Violence Against Women and their Children), *Submission 141*, p. 15.

44 *Submission 88*, p. 23.

impacted by family violence either from their own immediate partner (usually the male partner) or also on occasions from other extended family members, such as in-laws.⁴⁵

4.38 The focus of many submissions was the factors which make women from a CALD background, immigrant women and women from a non-English speaking background especially vulnerable and prevent them from seeking help. For example, inTouch, Multicultural Centre against Family Violence, provided this summary:

An already difficult situation is accentuated by language difficulties, unfamiliarity with service systems, social dislocation due to immigration, alienation from culture and community, grief related to experiences of torture and trauma and limited culturally appropriate services.⁴⁶

4.39 After hosting a national roundtable on violence against CALD women on 7 August 2015, the Commonwealth Government announced \$160,000 for the Diversity Data project (to be undertaken by ANROWS) that will review how CALD women, women with a disability and Indigenous women experience violence and examine options on how to improve information in future. At the same time, the government also launched a pre-departure information pack to support women who are moving to Australia from overseas, providing them with information about their rights, Australian laws and emergency contacts related to domestic and family violence.⁴⁷

Attitudes to violence

4.40 In September 2014, the third National Community Attitudes towards Violence Against Women Survey (NCAS) was released. NCAS was commissioned in 2012 by the then Department of Families, Housing, Community Services and Indigenous Affairs and conducted by VicHealth in collaboration with The Social Research Centre and The University of Melbourne.⁴⁸

4.41 In summarising the research findings, VicHealth explained the purpose of the NCAS:

Attitudes that condone or tolerate violence are recognised as playing a central role in shaping the way individuals, organisations and communities respond to violence. Measuring community attitudes tells us how well we are progressing towards a violence-free society for all women. It also

45 Relationships Australia, *Submission 131*, p. 5. See also Women's Domestic Violence Crisis Service Victoria, who refer to women without permanent residency as a growing cohort of women accessing their services, *Submission 109*, p. 4.

46 *Submission 138*, p. 6.

47 Minister for Social Services, the Hon Scott Morrison MP, Minister Assisting the Prime Minister for Women, Senator the Hon Michaelia Cash, and the Parliamentary Secretary to the Minister for Social Services, Senator the Hon Concetta Fierravanti-Wells, 'National roundtable to discuss violence against culturally diverse women', Joint Media Release, 7 August 2015.

48 VicHealth, *Australians' attitudes to violence against women: Findings from the 2013 National Community Attitudes towards Violence Against Women Survey* (September 2014), p. 6.

reveals the extent of the work that lies ahead, where to focus our efforts, and the messages and approaches likely to be effective.⁴⁹

4.42 In conjunction with the PSS, the NCAS is designed to monitor the National Plan.⁵⁰

4.43 The NCAS was compiled from 17,500 twenty-minute telephone interviews with a cross-section of Australians aged 16 years and over. There have been two previous surveys, in 1995 and 2009.

4.44 The NCAS aims to investigate four key areas:

- gauging community knowledge of, and attitudes towards, violence against women to identify areas that need attention in future;
- assessing changes in attitudes between the 1995, 2009 and 2013 NCAS;
- improving understanding of factors influencing knowledge, attitudes and responses; and
- identifying segments of the population that may particularly benefit from activity to prevent violence.⁵¹

4.45 The overall findings of NCAS were summarised as:

The majority of Australians have a good knowledge of violence against women and do not endorse most attitudes supportive of this violence.

On the whole, Australians' understanding and attitudes remained stable between 2009 and 2013. However, when you look at the findings from individual questions, some areas improved, whereas others became worse.

Young people's attitudes remain an area of concern. Young people have somewhat more violence-supportive attitudes than others but their attitudes are gradually improving over time, particularly among young men, with fewer young people in 2013 holding attitudes at the extreme end of the spectrum.

People's understanding of violence against women and their attitudes to gender equality have significant impacts on their attitudes to violence against women.⁵²

Committee view

4.46 The National Plan provides for the conduct of the PSS and the NCAS surveys on a four-year rolling basis as part of the actions to develop the evidence base. The

49 VicHealth, *Australians' attitudes to violence against women: Findings from the 2013 National Community Attitudes towards Violence Against Women Survey* (September 2014), p. 1.

50 VicHealth, *Australians' attitudes to violence against women: Findings from the 2013 National Community Attitudes towards Violence Against Women Survey* (September 2014), p. 9.

51 VicHealth, *Australians' attitudes to violence against women: Findings from the 2013 National Community Attitudes towards Violence Against Women Survey* (September 2014), p. 9.

52 VicHealth, *Australians' attitudes to violence against women: Findings from the 2013 National Community Attitudes towards Violence Against Women Survey* (September 2014), p. 9.

committee notes that it received evidence criticising the adequacy of sampling sizes of particular subgroups within the community, such as women with a disability, and women from CALD and Aboriginal and Torres Strait Islander communities.

4.47 The committee understands that national surveys require substantial lead time, and anticipates that planning, development and testing for the next PSS – due to be conducted in 2016⁵³ – will have, or will soon, commence.

4.48 The committee notes that as part of the launch of the Second Action Plan \$1.7 million was announced to help the development of a national data collection and reporting framework. This amount includes \$300,000 for the ABS to augment data sets on victims and offenders.⁵⁴ While this is welcome, the committee has no further detail and would urge the Australian Bureau of Statistics, along with Commonwealth, state and territory bodies involved in the development of the PSS to consider the concerns raised in this inquiry, and endeavour to address those issues prior to the conduct of the next PSS.

Recommendation 4

4.49 The committee recommends that the Australian Bureau of Statistics, along with Commonwealth, state and territory bodies involved in the development of the Personal Safety Survey consider the concerns raised during this inquiry about the adequacy of sampling sizes of particular subgroups within the community, such as women with a disability, women from culturally and linguistically diverse backgrounds, immigrant and refugee women, and Indigenous communities and endeavour to address these issues prior to the conduct of the next PSS.

53 Department of Social Services, *Submission 57*, Attachment 5 (Second Action Plan), p. 45.

54 Department of Social Services, *Submission 57*, p. 1.

Chapter 5

Improving the evidence base

5.1 In its 2009 report, *Time for Action*, The National Council to Reduce Violence against Women and their Children (National Council), described the data relating to violence against women and their children in Australia as 'poor'.¹ Throughout the inquiry the committee received evidence emphasising the lack of data available on the prevalence and impact of domestic and family violence. For example, the Women's Centre for Health Matters stated:

Despite the existence of large-scale data collection mechanisms like the [Personal Safety Survey] and [Australian Institute of Criminology], it's evident that there are still major gaps in our understanding about the prevalence and impacts of domestic and family violence.²

5.2 As was discussed in Chapter 4, the Australian Bureau of Statistics' (ABS) Personal Safety Survey (PSS) provides national data on domestic violence, however it was criticised for its failure to adequately sample from subgroups within the population, such as women with disabilities, women from culturally and linguistically diverse backgrounds, immigrant and refugee women and Indigenous communities.³

5.3 The National Council highlighted the need for robust data collection systems to support prevention and early intervention services.⁴

5.4 In the course of this inquiry, Women's Health Victoria noted the importance of continued collection and analysis of data about the impact of family violence:

It is important that data about the impact of domestic violence...continue to be collected and analysed so that we can maintain an accurate picture of its prevalence, and its health and social impact.

...

Effective data collection can illustrate whether the systems are meeting the needs of victims and further identify and highlight gaps in policy and services.⁵

1 The National Council to Reduce Violence against Women and their Children, *Background Paper to Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021* (March 2009), p. 47.

2 *Submission 101*, p. 4. See also Aboriginal Family Law Services (WA), *Submission 48*, pp 2- 3.

3 See Centre for Advocacy, Support and Education for Refugees (CASE for Refugees), *Submission 29*, p. 6; Women with Disabilities Victoria, *Submission 50*, p. 8; Multicultural Centre for Women's Health, *Submission 97*, p. 2; Our Watch (Foundation to Prevent Violence Against Women and their Children), *Submission 141*, p. 25.

4 The National Council to Reduce Violence against Women and their Children, *Background Paper to Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021* (March 2009), p. 48.

5.5 Similarly, the Aboriginal Family Law Services (WA) emphasised the need for the 'development of a more coherent data collection system and evidence base':

From a foundation of reliable and consistent data, we will gain a more accurate picture of how broadly this issue impacts on communities, particularly for Aboriginal and Torres Strait Islander people, and the remedies we can employ to eliminate and prevent violence.⁶

Barriers to data collection

5.6 The National Council summarised why collecting and analysing data on domestic and family violence has been difficult:

Data on services sought by, and provided to, victims is not readily available, and the way in which information is reported is generally inconsistent and does not allow for a comprehensive understanding of violence against women. Variations in data estimates across Australia are affected by differences in what is captured, counted and reported across States and Territories.

There are also personal and institutional barriers in decision making within and across systems that reduce the extent to which sexual assault and domestic and family violence is disclosed and reported. This affects the capacity of data to accurately reflect the real numbers of women and children who experience this violence. The difficulty in measuring the true extent of sexual assault and domestic and family violence in the community has been widely acknowledged.⁷

5.7 These issues are discussed further below under two broad categories, namely:

- reporting domestic and family violence; and
- the uniformity and consistency of data collected.

Reporting domestic and family violence

5.8 Evidence to the committee highlighted that the data available on the prevalence of domestic and family violence is generally an underestimate because many occurrences go unreported. For example, Professor Donna Chung, in a paper for White Ribbon Australia – *Understanding the Statistics about Male Violence Against Women*, emphasised that all statistics will underestimate the actual extent of the problem:

At the outset, it is important to note that all statistics about [male violence against women], regardless of their source, will be a conservative or underestimate of the actual extent of the problem. This is because there will always be women who are understandably distressed or embarrassed about

5 *Submission 60*, p. 3.

6 *Submission 48*, p. 3.

7 The National Council to Reduce Violence against Women and their Children, *Background Paper to Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021* (March 2009), p. 47.

having been subjected to such violence, and as such, do not disclose or report it.⁸

5.9 Mr John Paterson, Chief Executive Officer, Aboriginal Medical Services Alliance Northern Territory, also noted the true extent of violence is under-reported:

Aboriginal people may not report violent incidents if doing so will result in a family member being removed from the community or incarcerated. Women may also not be willing to report violence out of fear of having their children removed from their care by child protection authorities.⁹

5.10 The evidence to the committee indicates that it is difficult to assess the extent of this underreporting. For example, the Australian Women Against Violence Alliance (AWAVA) cited research from 2011 that estimated 90 per cent of cases of domestic violence in Australia went unreported. Furthermore, AWAVA noted:

A 2005 report found that in the twelve months preceding the research period only 5% of women who had experienced violence from a current partner had reported the last incident to police. This demonstrates that current domestic violence statistics are a conservative estimation of the prevalence of intimate partner violence and that actual rates of violence are estimated to be much higher.¹⁰

5.11 The Redfern Legal Centre referred to 2012 research suggesting that only 50 per cent of victims of domestic violence report the abuse to the police.¹¹

5.12 The ABS observed that rates of reporting domestic and family violence have improved over the last decade; however, estimates still suggest many incidents still go unreported.¹² The ABS outlined some of the barriers that may prevent a victim from disclosing an incident of domestic and family violence and seeking help:

- fear of retaliation;
- economic dependence on the perpetrator;
- children or other family members suffering if the relationship breaks down;
- shame;
- fear of not being believed;
- fear/uncertainty of the criminal justice system;

8 White Ribbon Australia, *Submission 94, Attachment 1*, p. 4. See also Australian Bureau of Statistics (ABS), *Defining the Data Challenge: Family, Domestic and Sexual Violence, Australia 2013: A Conceptual Data Framework*, p. 7 which, in discussing the impacts of domestic violence states 'given that a substantial proportion of family and domestic violence incidents go unreported, it is difficult to quantify the true extent of these impacts'.

9 *Committee Hansard*, 10 March 2015, p. 16.

10 *Submission 62*, p. 8. See also, Aboriginal Family Law Services (WA), *Submission 48*, p. 4.

11 *Submission 129*, p. 9.

12 ABS, *Defining the Data Challenge: Family, Domestic and Sexual Violence, Australia 2013: A Conceptual Data Framework*, p. 16.

- past experiences;
- cultural beliefs;
- fear of the perpetrator;
- lack of access to support networks due to age, culture or language barriers; and
- not being able to frame the assault as criminal where the victim does not understand that they are entitled to protection from sexual violence even when in a relationship with the perpetrator.¹³

5.13 A few submissions also referred to 'hidden reporting', where a victim seeks assistance from a service but does not disclose domestic and family violence as the reason for making contact with a service provider.¹⁴

Uniformity and consistency of data collected

5.14 The National Plan explains why the problem of a lack of uniformity and consistency in data occurs:

Jurisdictions collect and report different administrative data on experience and perpetration of violence against women and their children. This data is collected through systems such as policing, justice, corrections, health and community services. These systems are often not 'linked-up', meaning the individual pathways of women and their children experiencing violence, and of perpetrators, cannot be tracked across systems. This presents a considerable barrier in determining which interventions are most effective in supporting and protecting women.

Data is also often not comparable across jurisdictions, due to different data definitions and collections. Making data consistent, and developing a national picture around administrative data, is important in better understanding the incidence and experience of violence against women and improving interventions.¹⁵

5.15 Mr John Hinchey, the ACT Victims of Crime Commissioner, described this problem as 'we get what we can rather than define what we want' in terms of data collection:

Because there is no uniformity around data collection we are reliant on each individual agency's data collection capacity. Therefore, we seem to be approaching things from the wrong end. We get what we can rather than define what we want. We are uncertain what this is telling us...We are at a

13 ABS, *Defining the Data Challenge: Family, Domestic and Sexual Violence, Australia 2013: A Conceptual Data Framework*, p. 16.

14 See Office of the Public Advocate, *Submission 27*, Attachment 2 (Voices Against Violence, Paper Two: Current Issues in Understanding and Responding to Violence against Women with Disabilities), p. 37; Destroy the Joint, *Submission 96*, p. 12.

15 Department of Social Services, *Submission 57*, Attachment 5 (Second Action Plan), pp 45-46.

little bit of a loss at times as to what it is we are actually wanting to find out, and how to find that out.¹⁶

The National Plan

5.16 The National Council explained how, in its view, the deficiency in data collection needs to be addressed through the National Plan:

A national minimum data set needs to be developed (including a data dictionary and standard protocols) to enable consistent and standardised data collection methods and analysis for sexual assault and domestic and family violence. The development of common on-line databases that have the ability to monitor individuals across the service sector and across jurisdictions (with, for example, the use of a unique identifier) will also support accurate and meaningful national data collection.¹⁷

5.17 The National Council also proposed the establishment of a 'National Centre of Excellence for the Prevention of Violence against Women':

A centralised, independent, and expert capability is needed to coordinate evidence building and sharing through research, data collection, data analysis, monitoring, evaluation and review... This body would:

- provide a central point for monitoring and reporting on the effects of the [National Plan];
- provide a national resource for the development of policy and benchmarks;
- develop and promote "gold-standard" practice to reduce violence against women and their children across Australia;
- create an international primary point of contact for Australia's response to sexual assault, and domestic and family violence; and
- establish alliances with international observatories to grow and expand the nation's knowledge base.¹⁸

5.18 To this end, one of the 'foundations for change' in each of the Action Plans making up the National Plan will improve the evidence base.¹⁹ This will be done through:

- establishing a National Centre of Excellence to bring together existing research, as well as undertake new research under an agreed National

16 *Committee Hansard*, 15 October 2014, p. 18.

17 The National Council to Reduce Violence against Women and their Children, *Background Paper to Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021* (March 2009), p. 48.

18 The National Council to Reduce Violence against Women and their Children, *Background Paper to Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021* (March 2009), p. 41.

19 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 15.

Research Agenda that will reflect the research priorities of the Commonwealth, states and territories;

- developing nationally consistent data definitions and collection methods as part of a National Data Collection and Reporting Framework to be operational by 2022, including mapping how data on violence against women and their children can be improved; and
- continuing to build the evidence base through conducting the Personal Safety Survey and the National Community Attitudes Survey on a four-yearly rolling basis.²⁰

5.19 The National Data Collection and Reporting Framework and the National Centre of Excellence – now known as Australia's National Research Organisation for Women's Safety (ANROWS) – are discussed below.

National Data Collection and Reporting Framework

5.20 The National Plan states:

[T]he evidence base for work in domestic violence and sexual assault will be improved through all jurisdictions' commitment to a national data collection and reporting framework. In the long term, the aim is to create nationally consistent data definitions and collection methods.²¹

5.21 The data framework will be operational by 2022.²²

5.22 Under the First Action Plan, the ABS has worked with governments in the early stages of developing the National Data Collection and Reporting Framework. The ABS has also released two documents looking into certain aspects of data collection:

- *Defining the data challenge for family, domestic and sexual violence*, which defines and describes family, domestic and sexual violence and aims to put it into a statistically measurable context; and
- *Bridging the Data Gaps for Family, Domestic and Sexual Violence*, to analyse existing data to identify possible data gaps, definitions and priorities.²³

5.23 However, the Implementation Plan for the First National Plan cautions 'it is unrealistic to expect consistent data within the first three-to-four years of the National Plan'.²⁴

20 Department of Social Services, *Submission 57*, Attachment 2 (National Implementation Plan for the First Action Plan), p. 26.

21 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 40.

22 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 40.

23 Progress Review of the First Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022, May 2014, p. 3.

24 Department of Social Services, *Submission 57*, Attachment 2 (National Implementation Plan for the First Action Plan), p. 27.

5.24 The Second Action Plan continues the work to develop the National Data and Collection Reporting Framework:

The framework will work with existing national data collected from state and territory systems and lay the foundation for building a common language and a coordinated and consolidated approach to data collection.²⁵

5.25 It is envisaged that over the period of the Third Action Plan, governments will have use of the improved data:

The Third Action Plan will deliver solid and continuing progress in best practice policies, with governments using data of far greater detail, accuracy and depth due to the improvements made in data collection and analysis.²⁶

5.26 The Department of Social Services stated in its submission:

The Commonwealth Government has allocated more than \$100 million over the next four years to support the Second Action Plan...[and] around \$200 million has been committed to address violence against women and their children between 1 July 2009 and 30 June 2017.

This funding includes the following...\$1.7 million to take the next steps in developing a national data collection and reporting framework, including \$300,000 for the Australian Bureau of Statistics to augment data sets on victims and offenders.²⁷

Support for the National Data Collection and Reporting Framework

5.27 There was support for the development of a National Data Collection and Reporting Framework. For example, Destroy the Joint stated:

The proposed National Data Collection and Reporting Framework and related research efforts from the Australian National Research Organisation for Women's Safety (ANROWS) is critical not only to ensure the safety of women and children and others impacted by domestic violence in the community, but also to communicating the true prevalence and impact of domestic violence in Australia. In relation to the issue of reporting, recording and monitoring data, we specifically commend Priority 5 in The Plan [continuing to build the evidence base].²⁸

Challenges to establishing a National Data Collection and Reporting Framework

5.28 Although there was support for the National Data Collection and Reporting Framework, a number of challenges to its establishment were identified. For example,

25 Department of Social Services, *Submission 57*, Attachment 5 (Second Action Plan), p. 46.

26 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 12.

27 *Submission 57*, p. 1.

28 *Submission 96*, p. 13. See also, Women's Health Victoria, *Submission 60*, p. 3; Save the Children, *Submission 90*, p. 12; Our Watch (Foundation to Prevent Violence Against Women and their Children), *Submission 141*, p. 25.

the South Australian Government noted that the National Data Collection and Reporting Framework will require commitment at all levels of government.²⁹

5.29 The committee also received evidence expressing concern about the resourcing of data collection. For example, Ms Marcia Williams, Chair of the ACT Domestic Violence Prevention Council, referred to the importance of the data collection and also to the difficulty it poses in terms of resources:

For us, the evidence collection in the second plan is really critical. We do not have the capacity to get a lot of data. It is a hard thing to do at a local, ACT level, even though we are small and we should be able to do it. For us it is making sure that the national approach actually supports all of the local jurisdictions as well, so we can get that data to understand the real situation and influence it.³⁰

5.30 Mr John Hinchey, the ACT Victims of Crime Commission, expressed concern that a lack of resources generally hampers efforts to coordinate data collection:

I think the agencies are currently collecting data. They are not going to be able to come together and reach agreement around benchmark data collection and data sets and then move forward on that, because they are not resourced to do it. No-one is resourced to pull this together to coordinate it, to do a literature search, to work with the ABS, to come up with a framework of data collection and then to monitor it, ensure that the data is collected and then reported on quickly. I do not like harping about the lack of resources, because it is a disempowering position to be in and it prevents people from getting things done.³¹

Improving data collection

5.31 The committee received suggestions for potential improvements to the categories of data to be collected. For example, Our Watch suggested that the data collection methodologies could be adapted for use at a local level:

Local governments have expressed interest in undertaking surveys to establish their own baseline for prevention of violence against women and their children and gender equality strategies. A system and tools to make survey questions, and support for their delivery and analysis, available to local governments and regions would provide enormous benefits to being able to demonstrate progress in prevention as a result of local action.³²

5.32 The committee received a number of submissions calling for the disaggregation of data, particularly in respect to vulnerable groups.³³ For example, the Federation of Ethnic Communities' Councils of Australia argued:

29 *Submission 128*, p. 11.

30 *Committee Hansard*, 15 October 2014, p. 7.

31 *Committee Hansard*, 15 October 2014, p. 19.

32 Our Watch (Foundation the Prevent Violence Against Women and their Children), *Submission 141*, p. 25.

33 See, for example, Redfern Legal Centre, *Submission 129*, p. 9.

Disaggregated data and research on the prevalence of domestic and family violence within culturally and linguistically diverse communities should be collated at a national level to determine the rates of violence and the different variables and factors that influence it, including cultural or ethnic background, economic status, level of education, religious/cultural beliefs and location. The collected data and research should subsequently inform the development of a targeted national strategy to tackle violence across diverse communities.³⁴

5.33 Similarly, the Inner City Legal Centre contended:

Data collection and reporting, disaggregated for gender and LGBTIQ status, should be a priority for the judicial system and service providers at a state and national level to enable research to be undertaken on the prevalence and impact of domestic violence in LGBTIQ communities.³⁵

5.34 Women's Centre for Health Matters expressed the view:

Until these mechanisms [for large-scale data collection, such as the PSS] are complemented by more detailed, cross-tabulated data from sources that capture vulnerable, isolated population groups and people who unlikely to report violence to authorities—data that is able to be disaggregated by data items such as locality, disability status, gender identity, and so on—then our understanding of the prevalence and impact of domestic and family violence remains limited.³⁶

5.35 The ACT Women's Services Network called on the Commonwealth Government to ensure that the ABS was adequately funded and resourced:

[T]o provide the gender-disaggregated and cross-tabulated State/Territory data that is necessary for us to have meaningful data and to establish the rates of violence including against vulnerable groups like women with disabilities, women from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander women, and gay, lesbian, transgender and intersex people.³⁷

5.36 Destroy the Joint called for 'an official information page [to] be established where Australians can access accurate, unbiased data and facts on domestic and family violence in a format which is easily understood'.³⁸

Australia's National Research Organisation for Women's Safety

5.37 The National Plan states that '[a]ll governments recognise that outcomes for women and their children could be improved by governments working more collaboratively through building the evidence base, sharing information and tracking

34 *Submission 54*, p. 13.

35 *Submission 116*, p. 9.

36 Women's Centre for Health Matters, *Submission 101*, p. 4.

37 *Submission 105*, p. 10.

38 *Submission 96*, p. 14.

performance'.³⁹ The role and function of ANROWS, as articulated in the National Plan, is to:

[B]ring together existing research, as well as undertake new research under an agreed national research agenda. Through pursuing research in a cohesive national way there will be greater opportunities to support research which is more responsive to policy makers' and service providers' needs. National research will fill gaps in knowledge and help increase the understanding of issues across different sectors such as health, justice, education and housing.⁴⁰

5.38 ANROWS was officially launched in May 2014 as an independent, not-for-profit organisation, jointly funded by the Commonwealth and all state and territory governments.⁴¹

5.39 In its submission ANROWS described its mission as:

[T]o deliver relevant and translatable research evidence which drives policy and practice leading to a reduction in the incidence and impacts of violence against women and their children by 2022.⁴²

National Research Agenda

5.40 One of the priorities of the Second Action Plan is continuing to build the evidence base, including expanding the quality and quantity of national research on violence against women and their children through the implementation of the National Research Agenda:

In the second half of 2013, ANROWS conducted considerable consultation across sectors to inform the development of the National Research Agenda to shape and guide national research on violence against women and their children.

The National Research Agenda was endorsed by all Australian governments and released on 16 May 2014. It will inform the development of research by a range of institutions, academics, governments and community organisations.⁴³

5.41 The National Research Agenda is organised into four 'Strategic Research Themes':

1. experience and impacts;
2. gender inequality and primary prevention;

39 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 39.

40 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), pp 39-40.

41 Australia's National Research Organisation for Women's Safety (ANROWS), *Submission 68*, p. 1. Although ANROWS was launched in May 2014, work commenced to establish the organisation in early 2013.

42 *Submission 68*, p. 1.

43 Department of Social Services, Attachment 5 (Second Action Plan), p. 44.

3. service responses and interventions;
4. systems.⁴⁴

5.42 The Second Action Plan states:

Common across all Strategic Research Themes is the need to focus research effort on "what works" and on diverse groups and under-researched populations, including Indigenous women, women from CALD communities and women with disability.⁴⁵

5.43 At the public hearing in Sydney, Dr Mayet Costello, Research Manager, ANROWS, provided the committee with the following information on work ANROWS is undertaking to support the National Research Agenda:

[On 31 October 2014 ANROWS] launched our first-ever research program, which is for the 2015-2016 financial year...We have 20 projects that we launched [with] a combined total value of approximately \$3.5 million, so it is a very large and ambitious research program. It is probably the biggest in this area in Australia. We have a really ambitious reach with our research program—we have sites in every Australian state and territory, including a number of national projects with sites across the country. We have a spread focusing on both types of violence—sexual assault and domestic and family violence—as well as particular priority population groups that have been identified under the national plan and the national research agenda. We have particular projects on Aboriginal and Torres Strait Islander women, women with disability, women from culturally and linguistically diverse backgrounds and women from rural and remote areas; as well as projects on other issues like younger women and the correlation between mental health and drugs and alcohol and violence against women. We are currently in the process of establishing a perpetrator interventions research stream with dedicated funding from the Commonwealth government, which is \$1 million per annum over a three year program.⁴⁶

5.44 Dr Costello also noted ANROWS has a number of potential further research projects which are currently unfunded:

We have a waiting list of eight projects, which are very worthy and very interesting projects, and we are hoping that if funding is identified throughout the financial year—through savings and other measures within our organisation—we will be able to fund additional projects. We are planning to release the second stage of our research program in about the middle of next year with whatever else we can put together. The remaining eight projects have an approximate value of \$1.8 million.⁴⁷

44 Department of Social Services, Attachment 5 (Second Action Plan), p. 45.

45 Department of Social Services, Attachment 5 (Second Action Plan), p. 45.

46 *Committee Hansard*, 4 November 2014, p. 1.

47 *Committee Hansard*, 4 November 2014, p. 2.

Funding for ANROWS

5.45 In its submission, ANROWS noted that it is only funded for three years, receiving \$3 million per annum for the period 1 July 2013 to 30 June 2016, which means its funding is due to expire six years before the end of the National Plan.⁴⁸

5.46 Dr Costello explained to the committee that the short period of funding presented some challenges to ANROWS' research work:

The short funding period is a little bit of a challenge for ANROWS in that building a rigorous, robust and academically credible research program is a bit of a challenge in the shorter term, particularly given that longer-term research, such as longitudinal research, is really important for understanding the effectiveness of programs and service delivery, such as programs working with men who use violence. Unless we do research before, after and some time after an intervention it is very hard to actually provide compelling evidence on effectiveness.⁴⁹

5.47 Dr Costello identified two key areas which would benefit from longitudinal research, namely prevention research and service intervention:

In terms of prevention...the emerging research on prevention tends to look at process oriented evaluation. Was a program run well? Did people fill out their evaluation forms? Did people engage? Did people attend? What is not as well understood and cannot be followed up without longitudinal research is if those initiatives or programs result in behaviour change and/or attitude change, and is that sustained over time? Some of the very preliminary research suggests there are mixed evaluation results at six months and/or two years post intervention. It is absolutely crucial. Process will only tell you so much and it will only tell you whether or not something was well run. It will not actually tell you if something was effective. If we want to make a change to this issue—if we want attitudinal change and we want behavioural change—then we need to follow up at longer periods of time post intervention.

Similarly, with men who use violence—and bearing in mind that our perpetrator interventions research is very much in its nascent stages—there is the similar issue, particularly for interventions that are court mandated or socially mandated...What we know is that the closer they are to that mandate, such as court order, the more likely they are to comply. What we do not know is post that mandate—and even during that for some men—how effective the intervention is. How likely are they to repeat or to reoffend in terms of their violence? So longitudinal research that looks at effectiveness and outcomes is important. One of the key things for both

48 *Submission 68*, p. 5

49 *Committee Hansard*, 4 November 2014, p. 1.

prevention and interventions with people who use violence is that we do not have a good quantum of effective measures for what constitutes success.⁵⁰

5.48 Dr Costello indicated that some of ANROWS' projects have research timeframes beyond ANROWS June 2016 funding:

Again, recognising the need for a very strong research program, we have determined that two years is the maximum that we can support. That means that, technically, a number of our two-year programs or projects will extend beyond the date of our funding agreement. We made it until the end of December 2016 with the understanding that if we were not funded past that point then we would be able to transfer; our constitution has provisions for closure, and we would be able to transfer some of those contracts to a like organisation and/or to the Commonwealth government potentially to finish those contracts. So it is an issue.⁵¹

5.49 ANROWS' submission argued for a longer-term funding commitment:

A longer-term funding commitment, at least to the end of the National Plan in 2022, is necessary to enable ANROWS to fulfil its potential including support for longer term research projects, which are crucial in understanding, for example, the effects of perpetrator intervention programs. To illustrate this point, the recent open grants applications process conducted by ANROWS, resulted in 50 applications for research projects to address current gaps in the evidence base with a total value of approximately \$15 million.⁵²

Support for ANROWS

5.50 A number of submissions supported the establishment of ANROWS within the framework of the National Plan. For example, the Central Australian Women's Legal Service stated:

We welcome the establishment of national responses to domestic violence such as the National Plan and its associated Action Plans, as well as the related initiatives including the establishment of the Foundation to Prevent Violence Against Women [Our Watch] and the Australian National Research Organisation for Women's Safety (ANROWS).⁵³

5.51 The submission on behalf of the Tasmanian Government stated:

It is important that the National Plan continues to support its flagship activities including the *Foundation to Prevent Violence Against Women and*

50 *Committee Hansard*, 4 November 2014, pp 5-6. Dr Costello noted that her reference to 'socially mandated' intervention means 'men who engage in perpetrator programs because their partners have said they will leave them if they do not, they have been told they are bad fathers or that sort of stuff. They have a social reason to want to engage'.

51 *Committee Hansard*, 4 November 2014, p. 5.

52 *Submission 68*, p. 5. See also, Eastern Metropolitan Region and Regional Family Violence Partnership, *Submission 99*, p. 10.

53 *Submission 135*, p. 2. See also, Women's Health Victoria, *Submission 60*, p. 3; Australian Human Rights Commission, *Submission 133*, p. 2.

their Children [Our Watch] and [ANROWS] to build the evidence and best practice in primary prevention that will support the needs of women living with disability, Aboriginal and Torres Strait Islander women.⁵⁴

5.52 While there was support for ANROWS, there were also reservations expressed about its work. Associate Professor Dea Delaney-Thiele, Chief Executive Officer of the National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA), argued that NATSIWA should be involved in ANROWS' work on Aboriginal and Torres Strait Islander communities:

If not [NATSIWA], it needs to involve the communities. The community needs to be part of a process...I only make the comments about it because I believe that research needs to be separate from government and be an independent voice.

...

I really believe that there needs to be Aboriginal governance and control over the health research agenda.⁵⁵

5.53 The Multicultural Centre for Women's Health cautioned that ANROWS' work was only part of the necessary research required:

Comprehensive and detailed research is needed so that violence prevention initiatives may be evidence based. There has...never been any comprehensive nationally-focused research that investigates the specific experiences of violence of immigrant and refugee women as a group in Australia. While [ANROWS] recently called for submissions from researchers and community groups to conduct research into the incidence and prevalence of violence against immigrant and refugee women, the findings of only one research project will not provide the evidence base needed to inform response, early intervention and prevention programs and strategies across Australia. Further and more diverse research, providing both qualitative and quantitative data, and exploring the full range of issues, across the full diversity of women as they vary according to geography, culture, migration status, age, ethnicity and socio-economic status.⁵⁶

5.54 The committee also received recommendations for specific areas on which ANROWS should focus its research. For example, Women with Disabilities Victoria commented:

That the Australian Government and ANROWS [should] support research into people who choose to use violence against women with disabilities across the range of domestic settings they live in, in particular with regard to residential care settings. Research can inform practice guidelines for services, violence responses and preventions.⁵⁷

54 *Submission 117*, p. 3.

55 *Committee Hansard*, 4 November 2014, p. 21.

56 Multicultural Centre for Women's Health, *Submission 97*, p. 4.

57 *Submission 50*, p. 12. See also Domestic Violence Resource Centre Victoria, *Submission 123*, p. 4

5.55 Women's Centre for Health Matters identified two areas for further research by ANROWS:

ANROWS [should]:

undertake research to create a national definition of gender equality, a vision of what success would look like, and strategies for achieving it; and

undertake research that enhances our understanding of which aspects of gender inequality have the greatest impact on the prevalence of domestic violence.⁵⁸

Committee view

5.56 The committee strongly agrees with witnesses as to the importance of effective national data collection and research in order to determine appropriate policies to address domestic and family violence. The committee notes the limitations on data regarding the prevalence and impact of domestic and family violence, and supports the measures in the National Plan to improve the evidence base.

National Data Collection and Recording Framework

5.57 The committee understands that the development of the National Data Collection and Recording Framework is in its preliminary stages. The committee appreciates that under the National Plan jurisdictions have agreed to have the framework fully operational by 2022 and notes that, realistically, consistent data under the framework is unlikely to start to be generated and used until the period of the Third Action Plan, that is 2016-2019.

5.58 The committee is supportive of the initiative to collect nationally consistent data, however, the committee shares the concerns of witnesses that a lack of resources could, potentially, be a constraint on agencies ability to collect and collate data pursuant to the framework.

Recommendation 5

5.59 The committee recommends that the Commonwealth Government lead and coordinate the work to facilitate data collection pursuant to the National Data Collection and Reporting Framework.

5.60 In the committee's view, Our Watch's suggestion that a system and tools for making survey questions, delivery and data analysis available to organisations such as local governments appears reasonable. Given the strong emphasis on developing a consistent data collection framework in the National Plan, and the work already carried out by the ABS, it seems sensible to enable organisations to undertake the collection of data on domestic and family violence where they are willing and have the resources to do so.

58 *Submission 101*, p. 9.

Recommendation 6

5.61 The committee recommends that the Australian Bureau of Statistics, and other relevant organisations, investigate the feasibility of developing systems and tools which would enable survey questions, delivery and data analysis developed pursuant to the National Data Collection and Reporting Framework to be modified and made available for organisations to use on a local level.

5.62 The committee received a number of submissions calling for the disaggregation of data on domestic and family violence according to specific categories of information. Given that the National Plan envisages governments 'using data of greater detail, accuracy and depth'⁵⁹ by the period of the Third Action Plan, the committee assumes that the work currently being done by the ABS to develop the National Data Collection Reporting Framework would ensure that the data identified for collection is able to be disaggregated in a wide variety of ways. However, for the record, the committee encourages the ABS to work with interested stakeholders to address their needs in terms of the disaggregation of data.

Australia's National Research Organisation for Women's Safety

5.63 In the committee's opinion, the establishment of ANROWS is a key initiative under the National Plan. The committee believes that the results and findings from ANROWS' research program will make a significant contribution to 'fill[ing] gaps in knowledge and help increase the understanding of issues'.⁶⁰ The committee is pleased to note the ANROWS research program which includes projects on Aboriginal and Torres Strait Islander women, women with disability, women from culturally and linguistically diverse backgrounds and women from rural and remote areas.

5.64 However, in the committee's view, the fact that ANROWS only has funding until June 2016 is disappointing. Especially considering that this timeframe for funding means that some projects in ANROWS' current (and first) research round do not even have funding certainty for the entirety of a two-year project. The committee also believes that there is a strong case for funding longitudinal research into prevention and intervention initiatives.

Recommendation 7

5.65 The committee recommends that the Commonwealth Government provide necessary secure funding to ANROWS until at least the end of the implementation of the National Plan in 2022 to provide for the continuation of its research work and to enable ANROWS to conduct longitudinal research.

59 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 15.

60 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), pp 39-40.

Chapter 6

Primary prevention

6.1 This chapter will examine the use of primary prevention strategies to address violence against women, the development of the current strategies and key initiatives in this area by the Commonwealth, jurisdictions and non-government organisations. It will also cover the development of a prevention framework to improve the coordination and dissemination of primary prevention information.

Public health approach

6.2 The public health approach is an important influence on policy making in the area of domestic and family violence. The Australian Women's Health Network outlined the public health model:

Public Health has been defined as an organised response to the protection and promotion of human health...It is concerned with the health of entire populations, which may be a local neighbourhood or an entire country. Public health programs are delivered through education, promoting health lifestyles, and disease and injury prevention. This is in contrast to the medical approach to health which focuses on treating individuals after they become sick or injured.¹

6.3 Domestic Violence Victoria outlined the public health model approach to domestic and family violence:

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

- Gender roles and relations
- Social norms and practices relating to violence against women and exposure to violence
- Access to resources and systems of support.²

6.4 The need to address social and cultural attitudes and behaviours in the general community in relation to domestic and family violence was highlighted to the committee as the key to long term change in this area. Ms Chrystina Stanford, Chief Executive Officer, Canberra Rape Crisis Centre emphasised:

I think that we need to recognise that the reason this issue hasn't been solved is because it is a very complex one that is reflected in our broader societal structures.³

1 *Submission 4*, p. 16.

2 *Submission 124*, p. 10.

3 *Committee Hansard*, 15 October 2014, p. 4.

6.5 SunnyKids stressed the need for prevention strategies to embed long-term change:

By focussing on periods of crisis (as opposed to lifelong support and education) such as providing support and intervention post event we fail to 'turn off the tap'. These services are essential and critical, however they must run in parallel with lifelong prevention and education strategies that focus on 'breaking the intergenerational cycle'.⁴

6.6 Ms Mirjana Wilson, Executive Director, Domestic Violence Crisis Service, also indicated that work needs to continue at a societal level to achieve real change.⁵

Focus on primary prevention

6.7 A key aspect of the public health model is the focus on primary prevention⁶ which aims to stop or prevent the problem by addressing the underlying causes, behaviours and attitudes in the general population.

6.8 Our Watch highlighted there is a difference between primary prevention and other strategies such as early intervention to reduce the incidence and effects of domestic and family violence:

[Primary prevention] approaches are distinct from responses to domestic violence (e.g. crisis counselling, police protection and justice responses, or men's behaviour change programs) and early intervention activities (such as those working with 'at risk' young people or families) – although it is essential that activity be coordinated and mutually-informed across the spectrum from prevention to response.⁷

6.9 The Australian Women's Health Network emphasised that primary prevention is a long term approach to addressing cultural change:

Primary prevention is a public health approach that aims to prevent violence from occurring in the first place. It is advocated as an effective means of working towards the elimination of all forms of violence against women. Primary prevention must focus on changing the culture/s that

4 *Submission 2*, p. 3.

5 *Committee Hansard*, 15 October 2014, p. 9.

6 The public health model uses three levels to place strategies on a continuum. Primary prevention refers to strategies aimed at preventing violence before it occurs, including whole-of-population strategies. Secondary prevention or early intervention, refers to programs that involve early detection of risk or manifestations of the problem. For domestic violence it refers to interventions that target individuals or population sub-groups showing early signs of becoming a victim of violence, as well as individuals engaging in violent behaviour or at risk of developing violent behaviours in the future. Tertiary prevention or response or intervention, refers to responses set in motion after the violence has occurred. They aim to reduce the consequences and effects and prevent recurrence. See Inara Walden and Liz Wall, 'Reflecting on primary prevention of violence against women, the public health approach'. Australian Centre for the Study of Sexual Assault, ACSSA Issues, No 19 (2014), pp 5-6.

7 Our Watch (Foundation to Prevent Violence Against Women and their Children), *Submission 141*, p. 5.

operate to make gender based violence acceptable. This is sometimes referred to as culture, or cultural change.⁸

6.10 Primary prevention programs can include a range of activities, including: public awareness campaigns to improve gender equity; programs targeted at moderating factors that are linked to higher rates of domestic and family violence, such as alcohol and drug abuse; and education programs to change underlying social and cultural gender norms that may contribute to domestic and family violence.

6.11 Other social and health areas where primary prevention measures have been used successfully are acknowledged in the National Plan:

Primary prevention strategies have successfully reduced other complex social or health problems such as drink-driving and smoking. But we know that they are only effective when implemented through a coordinated approach at all levels. The social practices and cultural values of broader society shape how violence can occur at an individual level.⁹

The need for a variety of prevention strategies

6.12 The importance of a variety of primary prevention strategies at different levels to reduce domestic and family violence was emphasised in evidence to the committee. Ms Irene Verins, Manager, Mental Wellbeing, Victorian Health Promotion Foundation (VicHealth) told the committee:

[A]n effective approach to prevention requires a combination of both universal and whole-of-population approaches, such as equality at work and targeted interventions such as school programs and parental programs that focus on priority population groups.¹⁰

6.13 This need for action at multiple levels was also stressed to the committee by Ms Sally Camilleri, Health Promotion Coordinator, Women's Health West:

We know that efforts to prevent violence against women require action at multiple levels, including work with individuals, community, organisational level and institutional and structural levels. For example, respectful relationships education with school aged children and young people is important work at the individual level.¹¹

6.14 Given the multiple factors which contribute to domestic and family violence, Ms Sophie Hardefeldt, Program Manager, Australian Women Against Violence Alliance spoke about the need to ensure messages cover the complexity of the issue:

Further, primary prevention messaging must focus on gender inequality and its intersection with other social inequalities...Both traditional and social media are now reporting more on male violence against women and are beginning to represent the issue accurately as a national disaster, yet we can

8 *Submission 4*, p. 7.

9 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 19.

10 *Committee Hansard*, 12 September 2014, p. 2.

11 *Committee Hansard*, 12 September 2014, p. 33.

see from VicHealth's recent national community attitude's survey that disturbing attitudes are still rife in our communities. This suggests that we still have not got the messaging right. The focus remains on physical violence or other stressors rather than the root causes of male violence against women. Moving forward we must address the issue of gender inequality resulting from patriarchal social relations if we are to effectively prevent this violence and abuse.¹²

6.15 The Australian Women's Health Network also highlighted this issue in their paper *Health and the Primary Prevention of Violence Against Women, Position Paper 2014*:

To be defined as primary prevention the strategies must challenge the attitudes and behaviours that are violence supportive whilst changing the structural supports that maintain gender inequality. Education programs, awareness raising and community mobilisation are all important, but alone do not constitute primary prevention; a comprehensive, multi-level, integrated approach is needed for primary prevention. Primary prevention should actively address multiple and intersecting forms of discrimination and disadvantage that place women and girls at risk of violence.¹³

Need to target prevention initiatives

6.16 The Australian Women's Health Network noted how primary prevention is able to target specific groups:

Primary prevention programs can be carried out in 'settings', or the places where people in communities live, work, play and age. A settings approach makes it possible to target specific groups with appropriate programs – in (among others) sports clubs, schools, workplaces and faith settings, as well with specific population groups including children, young people, and people with physical and intellectual disabilities, Indigenous and culturally and linguistically diverse people.¹⁴

6.17 Submissions noted the need for prevention strategies to be targeted for particular groups at risk of violence. For example, the Australian Human Rights Commission (AHRC) stated:

Whilst violence can affect women regardless of their race, cultural background, socioeconomic status or age, research suggests that particular population groups are more at risk of violence, or more extreme forms of violence. The diverse needs of these populations, including women with disabilities, Aboriginal and Torres Strait Islander women, lesbian, gay, bisexual, trans, intersex and queer women, and women from culturally and linguistically diverse (CALD) backgrounds, are often not adequately understood as there is only a limited amount of academic and program

12 *Committee Hansard*, 15 October 2014, p. 22.

13 Australian Women's Health Network, *Submission 4*, p. 17.

14 Australian Women's Health Network, *Submission 4*, p. 7.

research which addresses the particular needs of these communities, particularly in a primary prevention context.¹⁵

6.18 The AHRC noted there was value in strengthening the capacity of ANROWS to build the evidence base about domestic and family violence, particularly about 'at risk population groups and primary prevention'. Its submission also advocated:

Ensuring targeted data is collected to inform primary prevention, early intervention and response initiatives with at risk or hard to reach population groups.¹⁶

6.19 As mentioned previously, the Commonwealth Government has announced \$160,000 for the Diversity Data project (to be undertaken by ANROWS) that will review how CALD women, women with a disability and Indigenous women experience violence and examine options on how to improve information in future.¹⁷

6.20 Dr Casta Tungaraza, Member, New and Emerging Policy Advisory Committee, Federation of Ethnic Communities' Council of Australia explained the need to make targeted information available to new and emerging communities:

...ethno-specific knowledge and understanding is crucial in the development of appropriate strategies and lasting solutions aimed at addressing this problem. Firstly, there are differing understandings and perceptions of what domestic violence is for women from new and emerging communities. In many communities, for instance, domestic violence is only associated with physical assault and excludes other forms of abuse, such as verbal, emotional, financial or sexual abuse. Moreover, the term domestic violence does not have an easy or accurate translation in many languages...¹⁸

6.21 Redfern Legal Centre drew out the importance of community education that reaches vulnerable groups, particularly noting that:

Community education programs and public awareness initiatives aimed at reducing domestic violence must target vulnerable groups such as CALD, refugee and Aboriginal and Torres Strait Islander communities. This is especially important for those groups who do not share the English language and legal system. For example, the Family Law Council have commented that there is a need for information about court processes and domestic violence laws in CALD communities in Australia.¹⁹

6.22 The committee notes that the need to better target prevention initiatives for particular communities is recognised by the government and in November 2013, the government announced \$1 million for White Ribbon Australia to work with CALD

15 *Submission 133*, pp 5-6.

16 *Submission 133*, p. 2.

17 See Chapter 4, 4.38.

18 *Committee Hansard*, 15 October 2014, p. 33.

19 *Submission 129*, p. 14.

and Indigenous communities, including new and emerging communities, as discussed below.²⁰

The role of the Commonwealth in primary prevention

6.23 The Commonwealth takes a lead role in developing, funding and implementing primary prevention programs aimed at reducing violence towards women.²¹ ANROWS noted:

States and territories have primary responsibility for policy, legislation and programs directed to addressing the prevalence and effects of domestic violence. Nevertheless, the Federal Government has a critical national leadership role in driving social, cultural and behavioural change....²²

6.24 Our Watch agreed that the Commonwealth should play a central role in leading and coordinating primary prevention across all jurisdictions:

The Federal Government however has a crucial leadership role to play in driving and coordinating collective, evidence-based approaches across jurisdictions. For example, it can support design and delivery of accredited training programs to build the capacity of the organisations and workforces needed to implement prevention activity in different sectors; develop best practice standards, tools and guidelines; and measure collective progress against indicators of the factors known to contribute to violence. In short, the activities of the Federal Government over the coming years should articulate and establish a 'prevention architecture' that not only supports prevention practice, but harnesses it in a coordinated effort that will achieve whole-of-population change by 2022.²³

6.25 The New South Wales Government also agreed that the Commonwealth should provide national leadership in primary prevention initiatives:

...through the development of the national prevention approach, and in addressing the underlying causes of violence against women, such as gender inequality.²⁴

6.26 Redfern Legal Centre recommended that the Commonwealth Government prioritise primary prevention initiatives to raise awareness of domestic and family violence and change attitudes and behaviour over the long term:

Primary prevention through community education, public awareness and other initiatives to change attitudes and behaviours should be central to the

20 *Second Action Plan 2013-2016*, p. 25.

21 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 4.

22 ANROWS, *Submission 68*, p. 4.

23 Our Watch (Foundation to Prevent Violence Against Women and their Children), *Submission 141*, p. 8.

24 *Submission 140, Attachment 1*, p. 37.

Federal Government's efforts to prevent and address domestic violence in Australia.²⁵

Primary prevention and the National Plan

6.27 A lack of investment in primary prevention was identified in the work undertaken by the National Council to Reduce Violence against Women and their children (the National Council) which presented its recommendations in a 2009 report *Time for Action*. This report concluded:

Past investments in communication campaigns about violence against women have not been sustained or sufficiently aligned to ensure coherency in messages to the community. Public campaigns are a critical partner in any social change process and there is evidence that they work when they focus on positive messages promoting cultural and behavioural change, rather than focusing on victims as a means of encouraging them to access support.²⁶

The National Plan

6.28 The National Plan has a strong focus on preventing violence by raising awareness and assisting young people to build respectful relationships:

The National Plan is unprecedented in the way it focuses on preventing violence by raising awareness and building respectful relationships in the next generation. The aim is to bring attitudinal and behavioural change at the cultural, institutional and individual levels, with a particular focus on young people.²⁷

6.29 The National Plan contains six national outcomes.²⁸ Primary prevention is noted as a key strategy to achieve national outcome 1 that 'Communities are free from violence'. However, prevention clearly also has a place in relation to national outcomes 2 and 3 also.

6.30 The Progress Review of the First Action Plan noted that the measures of success for outcomes 1, 2 and 3 were not expected to change greatly over the course of the first plan as:

[T]hey are long term measures that, depending on success, will change over the life of the National Plan. Baseline data has been established for a number of the Measures of Success and data for comparison will become available as the national plan progresses. The goal in the First Action Plan

25 *Submission 129*, p. 6.

26 The National Council to Reduce Violence against Women and their Children, *Background Paper to Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021* (2009), p. 5.

27 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 12.

28 Outcome 1: Communities are free from violence; Outcome 2: Relationships are respectful; Outcome 3: Indigenous communities are strengthened; Outcome 4: Services meet the needs of women and their children experiencing violence; Outcome 5: Justice responses are effective; Outcome 6: Perpetrators stop the violence and are held to account.

was to set a platform of initiatives that will drive primary prevention over the life of the National Plan. The focus has been on systemic and strategic investments that build knowledge and establish infrastructure to support long term change.²⁹

Examples of national primary prevention initiatives

6.31 A critical element of addressing domestic and family violence is changing cultural and social norms that appear to support violence. This was stressed by Mr Peter Bravos, Acting Assistant Commissioner, Crime and Specialist Support Command, Northern Territory Police:

Real progress, however, will be made when the attitudes of males towards women, and especially their attitude towards violence against women, changes. This is where the biggest challenges lie and where the biggest rewards can be reaped. As a community, we all need to be committed to challenging the perceptions of many men...We as a community need to say: 'If you demean or degrade women in any way, you're not a man; you're a thug. If you assault a woman, you're not a man; you're a coward. If you engage in any form of domestic or family violence, you're not a man; you're a criminal.'³⁰

6.32 Mr Bravos particularly noted the work of Mr Charlie King with the No More campaign.³¹ National initiatives are discussed below. Each state and territory has its own primary prevention initiatives and a number of these are outlined in the first and second action plans.

Our Watch (formerly the Foundation to Prevent Violence Against Women and their Children)

6.33 Our Watch was 'created to drive the broad-based attitudinal and behavioural change required to achieve a future free from violence against women and their children'.³² Mr Paul Linossier, Chief Executive Officer, Our Watch, indicated:

Our vision is an Australia where women and their children live free from all forms of violence and we describe our program of work in the strategy as comprising four areas: sustaining a constructive public conversation; developing innovative whole-of-population and community-level attitudinal and behavioural change programs; supporting networks, communities and organisations to develop effective local-level primary prevention strategies; and influencing public policy and public institutions regarding the future development of this work over time.³³

29 Department of Social Services, *Submission 57*, Attachment 3 (Progress Review of the First Action Plan), p. 5.

30 *Committee Hansard*, 10 March 2015, p. 33.

31 *Committee Hansard*, 10 March 2015, p. 33. See also <http://nomore.org/> (accessed 20 April 2015)

32 ANROWS, *Submission 68*, p. 4.

33 *Committee Hansard*, 12 September 2014, p. 2.

6.34 Mr Linossier told the committee that following its establishment in June 2013, national consultation was undertaken which revealed that 'if we are effective as an organisation in terms of sustaining a public conversation, in turn, as part of our primary prevention strategy, more women will have confidence to take action to report violence, to disclose'.³⁴

The Line social marketing campaign

6.35 'The Line' is national social marketing campaign aimed at young people and was established in 2010 as part of the primary prevention approach of the First Action Plan. It aims to encourage young people aged between 12 and 20 to discuss and debate what constitutes reasonable behaviour in relationships, and thereby create long term changes in attitudes that encourage or enable violent behaviour. A separate campaign aimed at Indigenous Youth 'the Line – Respect Each Other', incorporates a strong community approach in encouraging and promoting respectful relationships.³⁵

6.36 The May 2014 Progress Review of the First Action Plan found positive outcomes for The Line including that:

87% of people who recognised the campaign claimed it has improved their understanding of behaviour that could be 'crossing the line'

83% of people changed their behaviour as a result of the campaign

88% of people intend to change their behaviour in the next six months

84% of 12 to 24 year olds intend to change their behaviour in the next 6 months as a result of the campaign.³⁶

White Ribbon

6.37 Starting in Australia in 2003, White Ribbon Australia is a male-led primary prevention campaign to end men's violence against women. The campaign works through primary prevention initiatives involving awareness raising and education, and programs with youth, schools, workplaces and across the broader community.³⁷

6.38 Ms Libby Davies, Chief Executive Officer, White Ribbon Australia explained the origin of the campaign in Australia to the committee:

It was brought to Australia by a group of men and women who you would describe as very strong feminists. It has provided a strong and well-recognised mechanism to education, involve and give men strategies and tools that successfully involve men in that prevention of violence against women.³⁸

34 *Committee Hansard*, 12 September 2014, p. 3.

35 Department of Social Services, *Submission 57*, Attachment 3 (Progress Review of the First Action Plan), p. 6.

36 Department of Social Services, *Submission 57*, Attachment 3 (Progress Review of the First Action Plan), p. 6.

37 See www.whiteribbon.org.au/what-is-white-ribbon (accessed 23 January 2015).

38 *Committee Hansard*, 4 November 2014, p. 9.

6.39 Ms Davies described how the campaign is funded:

The campaign is an expression of corporate and community partnering that continues to gather momentum and traction. This last financial year only 10 per cent of funding made available to support this work came from government. The rest was raised by the community and by corporate Australia.³⁹

6.40 White Ribbon runs the *Breaking the Silence* professional development program for principals and teachers. The program 'supports them to embed models of respectful relationships in school culture and classroom activities'.⁴⁰

Respectful relationships programs

6.41 The importance of working with young people to change attitudes was highlighted to the committee. As noted by Ms Virginia Geddes, Executive Officer, Domestic Violence Resource Centre Victoria:

One of the things is generally the evidence seems to be that working in primary prevention work with young people is a key area. There has been quite a lot of evidence to suggest that some of the work done on respectful relationships programs around the world is effective. That would be something, getting people's attitudes really early to build those respectful relationships and to change ideas about gender.⁴¹

6.42 The National Plan recognises the need to assist young people to develop equal and respectful relationships. The May 2014 Progress Review of the First Action Plan noted:

A number of jurisdictions funded and delivered respectful relationships projects in school and non-school based settings during the First Action Plan. To supplement the work already underway in states and territories and build the evidence base around good practice respectful education, the Commonwealth funded three rounds of respectful relationships projects around the country.⁴²

Second Action Plan

6.43 Under the Second Action Plan, National Priority One is 'Driving whole of community action to prevent violence'. The plan notes the work undertaken since the First Action Plan in this area:

The National Plan has a strong focus on preventing violence by raising awareness, engaging the community and building respectful relationships in

39 *Committee Hansard*, 4 November 2014, p. 9.

40 White Ribbon, *Submission 94*, p. 7. White Ribbon outlined their other work programs in this submission and appearance before the committee, see Ms Libby Davies and Dr Christina Jarron, *Committee Hansard*, 4 November 2014 pp 9-16.

41 *Committee Hansard*, 5 November 2014, p. 4.

42 Department of Social Services, *Submission 57*, Attachment 3 (Progress Review of the First Action Plan), p. 6.

the next generation. To date, significant work has been undertaken to establish strong foundations that will drive primary prevention over the life of the National Plan. This includes establishing the Foundation to Prevent Violence against Women and their Children [Our Watch], delivering and evaluating respectful relationships education and delivering The Line, an innovative social marketing campaign aimed at changing young people's attitudes and behaviours that contribute to violence. The Second Action Plan will harness this work and take it to the next level.⁴³

6.44 The actions listed under this National Priority in the Second Action Plan are:

- Support communities to prevent, respond to and speak out against violence, through local government, business, community and sporting groups, schools and key institutions.
- Improve media engagement on violence against women and their children, and the representation of women experiencing violence, at a national and local level.
- Take the next step to reduce violence against women and their children by promoting gender equality across a range of spheres, including women's economic independence and leadership.
- Support young people through the Line campaign and by addressing issues relating to the sexualisation of children.
- Build on the findings of the respectful relationships evaluation, to strengthen the design and delivery of respectful relationship programmes, and implement them more broadly.
- Incorporate respectful relationships education into the national curriculum.
- Enhance online safety for children and young people.⁴⁴

Progress with initiatives

The Line

6.45 In relation to The Line, the Second Action Plan notes:

Successful social marketing campaigns, including The Line, have been able to support young people to change their attitudes and behaviours that contribute to violence. The Commonwealth Government will extend funding of The Line social marketing campaign until 2017 to ensure young people continue to have a safe place to discuss and debate relationship issues and form their own conclusions about what sort of behaviour crosses the line. To maximise the effectiveness and engagement with young people at this stage in the campaign, [Our Watch] will take responsibility for delivery and management of The Line from July 2014. This will allow The Line to expand its reach to a broader audience, foster innovation, and forge

43 Department of Social Services, *Submission 57*, Attachment 5 (Second Action Plan), p. 16.

44 Department of Social Services, *Submission 57*, Attachment 5 (Second Action Plan), p. 16.

closer connections with other primary prevention initiatives across the country.⁴⁵

6.46 The Multicultural Centre for Women's Health suggested that the inclusivity and accessibility of The Line could be improved:

While there is written and audio information on this website in 12 languages other than English, the main interactive and educational features of the site are all in English. The 'MyLine' telephone counselling line is in English only as is the recorded message which provides important safety and confidentiality information to callers while they wait to connect. Waiting time is significant (up to 30 minutes) and the call-back feature is explained in English only, and is therefore not available to callers who have not yet connected to an interpreter. It is not clear from the information available on the website whether the interpreter is free of charge to the caller, which may act as a disincentive to the caller.⁴⁶

6.47 The Multicultural Centre for Women's Health also suggested The Line could include more information for young people from immigrant and refugee communities:

There is no information on this website which approaches the issue of violence against young women from a multicultural perspective, taking into account issues like migration, diverse cultural backgrounds and racism, which would be more appropriate for young people from immigrant and refugee communities.⁴⁷

6.48 The committee notes that the Second Action Plan indicates that The Line will be expanded to include targeted resources for CALD young people and communities.⁴⁸

Respectful relationships programs

6.49 Action 5 of the Second Action Plan is 'Strengthening respectful relationships programmes'. It notes:

Schools and organisations deliver a range of respectful relationships programmes in a number of different ways. Under the First Action Plan, we explored and evaluated the effectiveness of different approaches to respectful relationship education in school and non-school settings.

Under the Second Action Plan, governments will work together to develop and test a suite of good practice tools and resources to strengthen and support the delivery of high quality respectful relationships education in schools, homes and communities. This will build on findings from the evaluation of the First Action Plan's national Respectful Relationships programmes.

45 Department of Social Services, *Submission 57*, Attachment 5 (Second Action Plan), p. 20.

46 *Submission 97*, p. 3.

47 *Submission 97*, p. 3.

48 Department of Social Services, *Submission 57*, Attachment 5 (Second Action Plan), p. 25.

[Our Watch] is funded by the Victorian Government to undertake a respectful Relationships in Schools project across selected areas in regional and metropolitan Victoria. The project will be evaluated to document best practice examples to be used across jurisdictions.⁴⁹

6.50 Action 6 of the Second Action Plan is 'Incorporating respectful relationships education into the national curriculum':

Following endorsement of the Australian Curriculum: Health and Physical Education by Education Ministers at the Standing Council for School Education and Early Childhood, states and territories can commence incorporating respectful relationships education into their local curricula and syllabi, building on work already undertaken by states and territories in this area.⁵⁰

Suggested improvements in the area of primary prevention

6.51 Our Watch suggested that the Second Action Plan provides the opportunity to scale up more of the work, including prevention work:

While the National Plan has indeed 'built a strong foundation' for the above [prevention of domestic violence], governments across Australia are yet to meet the best practice in policy approaches recognised by international evidence and agreements. This means that while relatively small-scale prevention activity has been funded and shown results for individual projects (and their participants), we are yet to bring such work to scale and so begin to see results at the population level. The [Second Action Plan] provides the opportunity for all governments to increase whole of government policy commitment and investment in coordinated activity, workforce and practice development, embedding and scaling up of good practice, data collection and evaluation to achieve this aim.⁵¹

6.52 Our Watch submitted that there were positive examples of primary campaigns working well in targeted settings, including educational institutions, workplaces and sports. Despite these positive signs, they argued:

...limited shared understandings of what constitutes effective prevention continues to constrain the development of good practice nationwide. More activity exists than is evaluated or fully documented, which presents challenges for improvement and upscaling, with a particular dearth of evidence-based practice on working with different population groups.

Most importantly, the social, cultural and behavioural change required to prevent violence against women and their children cannot be achieved 'project by project'.⁵²

49 Department of Social Services, *Submission 57*, Attachment 5 (Second Action Plan), p. 21.

50 Department of Social Services, *Submission 57*, Attachment 5 (Second Action Plan), p. 21.

51 *Submission 141*, p. 6.

52 *Submission 140*, p. 7.

6.53 The Australian Women's Health Network questioned the coordination of Commonwealth and state and territory plans and whether there are effective mechanisms to communicate learnings from prevention programs:

All states and territories are signatory to the Commonwealth plan to Prevent Violence against Women and their Children, yet not all of the individual plans align with the Commonwealth in terms of primary prevention. There is a lack of transparency and clarity about how the different plans are being implemented and progressing. The Commonwealth has funded a number of community based programs since 2009 yet no effective knowledge transfer about the learnings that have come out of these programs has taken place to inform practice.⁵³

The National Primary Prevention Framework

6.54 The committee notes the development of a National Primary Prevention Framework which is a priority action under the National Plan's Second Action Plan.⁵⁴ The framework is under development by Our Watch and will be launched mid to late 2015.⁵⁵

6.55 The importance of this work was stressed by the Domestic Violence Resource Centre Victoria:

A national framework for the prevention of violence against women is required to ensure a shared understanding of what is meant by primary prevention and a common set of in the principles to guide the work.⁵⁶

6.56 Ms Irene Verins, Manager, Mental Wellbeing, VicHealth, also highlighted the importance of the National Primary Prevention Framework:

This will be a valuable resource to coordinate activity across jurisdictions and improve knowledge, skills and approaches to policy and programming. We recommend that the Commonwealth government continue to support the development of the framework and commit to being proactive in promoting it to all jurisdictions.⁵⁷

6.57 Our Watch notes that the primary prevention framework will:

...bring together the international research, and nationwide experience, on what works to prevent violence.

It will establish a shared understanding of the evidence and principles of effective prevention, and present a way forward for a coordinated national approach.

...

53 Australian Women's Health Network, *Submission 4*, p. 7.

54 Department of Social Services, *Submission 57*, Attachment 5 (Second Action Plan), p. 17.

55 See Our Watch website: [www.ourwatch.org.au/What-We-Do-\(1\)/National-Primary-Prevention-Framework](http://www.ourwatch.org.au/What-We-Do-(1)/National-Primary-Prevention-Framework) (accessed 27 January 2015)

56 *Submission 123*, p. 10.

57 *Committee Hansard*, 12 September 2014, p. 2.

The Framework will not prescribe specific actions. It will be a guide to assist governments and other stakeholders to develop their own appropriate policies, strategies and programs to prevent violence against women and their children.⁵⁸

The need to ensure adequate funding for prevention measures

6.58 White Ribbon Australia highlighted the benefits of greater investment in prevention, but cautioned:

...investment in prevention should not be at the expense of other services, including crisis accommodation and legal services. The social and economic benefits of greater investment in both primary and tertiary responses to men's violence against women will outweigh the initial costs.⁵⁹

6.59 Women's Health In the North commented in their submission that the lack of funding for response services also affects primary health strategies:

The lack of funding for response services also impacts on prevention work, as it is difficult to build the case for organisations to implement primary prevention strategies when women and children's safety is at risk. However, if we do not increase our efforts to prevent violence against women before it occurs, the demand for response services will continue to escalate.⁶⁰

6.60 The funding challenge was also highlighted by the Australian Women's Health Network:

One of these challenges is to maintain a focus on primary prevention rather than be drawn into tertiary, secondary prevention. Because tertiary work is more visible and tangible, funding bodies may try to combine response and prevention in one program. The response sector has historically struggled to provide safety and support for women who are victims of violence and it is vital that resources should not be taken from these services, and that they should not have to compete with for limited funding with the primary prevention sector.⁶¹

Prevention initiatives may increase demand for services

6.61 Women's Health West, an organisation in Melbourne that delivers a range of prevention and response services, indicated they had noticed a correlation between primary prevention programs and an increase in reporting cases of domestic and family violence:

[P]rimary prevention initiatives within communities result in a spike in reported family violence and a corresponding demand for services as women become more aware of their rights and of the support available.

58 See Our Watch website: [www.ourwatch.org.au/What-We-Do-\(1\)/National-Primary-Prevention-Framework](http://www.ourwatch.org.au/What-We-Do-(1)/National-Primary-Prevention-Framework) (accessed 27 January 2015)

59 *Submission 94*, pp 6-7.

60 *Submission 33*, p. 5.

61 *Submission 4*, p. 23.

Current data on increasing service demand clearly demonstrates that governments must be prepared for the increase in demand for services that will initially accompany successfully implemented primary prevention and early intervention initiatives.⁶²

6.62 This issue was also highlighted by Women's Health and Wellbeing Barwon South West:

...investment in prevention needs to be supported by a commensurate increase in crisis and case management to women and children escaping family violence, noting that primary prevention efforts commonly lead to a spike in reported family violence and service demand, at least in the short to medium term.⁶³

6.63 Mr Paul Linossier, Our Watch, reported that as part of the national consultation undertaken following their establishment, there was a recognition from service providers that the work to raise public awareness would lift demand on their services 'but nonetheless they encouraged us to continue, because it was the only way that ending the issue, as opposed to responding to incidents of violence, might be possible'.⁶⁴

Committee view

6.64 The committee agrees that investment in primary prevention initiatives is a key strategy over the long term to build awareness and bring about attitudinal and behavioural change to reduce the incidence of domestic and family violence. The committee notes this is a particular focus of the Second Action Plan.

6.65 Working with young people is important to embed long term societal change and establish healthy relationships. The committee supports the respectful relationships programs and supports the goal in the Second Action Plan to incorporate respectful relationships into the national curriculum.

6.66 General public awareness campaigns are important for primary prevention as are more targeted campaigns to address the needs of particular groups such as new migrants, CALD, and Indigenous communities. The committee notes that the Second Action Plan has a focus on working with Indigenous and CALD communities to improve access to information and resources. The government has also announced funding for White Ribbon Australia to work with Indigenous and CALD communities, including new and emerging communities.

Recommendation 8

6.67 The committee recommends that the Commonwealth Government consider focusing on work that reinforces the value of school based education

62 *Submission 21*, p. 6.

63 *Submission 20*, p. 10.

64 *Committee Hansard*, 12 September 2014, p. 3. See also Women's Health in the North, *Submission 33*, p. 5.

across all age groups on respectful relationships and responses to domestic and family violence.

Recommendation 9

6.68 The committee recommends that the Commonwealth Government, in light of the strong evidence pointing to the crucial need to prioritise primary prevention, take responsibility to lead and coordinate the delivery of these essential programs.

6.69 The development of the National Primary Prevention Framework by Our Watch will be a welcome step to improve national coordination and dissemination of information in this important area and the committee looks forward to the launch later in 2015.

6.70 While stakeholders acknowledge the possible increased pressure on services that may result from an emphasis on prevention, there is also acknowledgment that this needs to occur to effect long term change. The committee was cautioned that while a focus on primary prevention is welcome, it may result in more demand for services and governments need to ensure that there is an equal commitment to provide sufficient resources to assist women who are being encouraged to reach out early for information or help.

6.71 To this end the committee welcomes the recent announcement by COAG:

COAG agreed to jointly contribute \$30 million for a national campaign to reduce violence against women and their children and potentially for associated increased services to support women seeking assistance. It noted the importance of ensuring frontline services in all jurisdictions continue to meet the needs of vulnerable women and children.

This campaign will build on efforts already underway by states and territories. It will be based on extensive research, with a focus on high-risk groups, including Indigenous women.

COAG will be assisted with this work by the COAG Advisory Panel on Reducing Violence against Women, chaired by the former Victorian Police Chief Commissioner, Mr Ken Lay APM, and with 2015 Australian of the Year, Ms Rosie Batty as a founding member.⁶⁵

6.72 The committee notes that since this announcement, COAG has:

...welcomed and accepted the preliminary high-level advice of its Advisory Panel on...areas for national leadership, including that the national campaign, agreed by COAG in April, focus on galvanising the community to change the attitudes of young people to violence.⁶⁶

65 COAG Communique, 17 April 2015, pp 1-2. See also Ms Liza Carroll, Associate Secretary, Domestic Policy, Office for Women, Department of the Prime Minister and Cabinet, Ms Cate McKenzie, Principal Adviser, Department of Social Services, *Proof Committee Hansard*, 11 June 2015, pp 20-22.

66 COAG, Special Meeting Communique, 23 July 2015.

6.73 The committee also notes that at its next meeting, COAG agreed to hear advice on campaign messaging, possible programs in schools to reinforce the campaign's messages to young Australians and also to consider the Panel's advice that 'government should explore innovative ways to use technology to keep women safe and prevent perpetrators from reoffending'.⁶⁷

6.74 In the 2015-16 Commonwealth Budget, the government announced it would contribute \$16.7 million over three years to fund this campaign, including \$1.7 million for its administration and development.⁶⁸ While the campaign and funding is welcome, the committee notes the basis for and adequacy of the \$30 million is unclear.⁶⁹

6.75 Another key message to the committee was that increased resources directed towards primary prevention should not be at the expense of resources for crisis or other services. However, an increased investment in the area of primary prevention should eventually lessen the demand for crisis services although the committee recognises that these results would be some years into the future.

Recommendation 10

6.76 The committee recommends that governments ensure additional investment in primary prevention initiatives does not result in a reduction of funding for crisis services and that sufficient resources are available for any increased demand for services following specific campaigns.

67 COAG, Special Meeting Communique, 23 July 2015.

68 Commonwealth Budget 2015-16, *Budget Paper 2: Expense Measures*, p. 163. See also Ms Rosie Batty, *Proof Committee Hansard*, 11 June 2015, p. 4.

69 See committee discussion with PM&C, *Proof Committee Hansard*, 11 June 2015, pp 21-22.

Chapter 7

Early intervention

7.1 Primary prevention measures need to be supported by early intervention (or secondary prevention) programs, which aim to assist at risk individuals avoid domestic and family violence or help remove them from situations where violence is escalating.

7.2 This chapter will focus on early intervention programs with perpetrators which are recognised as an essential part of behaviour change. While not all perpetrator programs are early intervention measures, the clear message to the committee was that perpetrator programs need to be available as early as possible on the continuum of domestic and family violence to change behaviour and prevent escalation.

7.3 The chapter will also briefly cover early intervention programs to assist children deal with the effects of domestic and family violence.

Early intervention measures

7.4 Early intervention measures can include: educational programs; training for professionals working in the sector; administering domestic and family violence screening as part of health services;¹ assisting children to recover from traumatic events; culturally appropriate targeted programs to support Indigenous families build and strengthen relationships; and programs to prevent homelessness and support women to stay at home. They can also target individuals or population sub-groups who are showing early signs of violent behaviour to reduce the likelihood of them perpetrating acts of domestic and family violence.

Interventions targeting perpetrator behaviour

7.5 Although the development and implementation of perpetrator programs are predominantly handled by the states and territories,² their importance is recognised by the National Plan, which states:

Perpetrator interventions are now recognized as an essential part of an effective plan to reduce violence against women and their children.³

1 For example, to improve identification of and responses to victims of domestic violence in NSW Health Services there is routine domestic violence screening for all women presenting to antenatal and early childhood health services, as well as for women aged 16 years or over presenting to mental health and alcohol and other drugs services. This is an early intervention strategy that also plays a role in prevention of domestic violence by providing information about domestic violence to at risk groups.

2 Early intervention strategies are included in jurisdictional plans to support the National Plan.

3 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 29.

7.6 Some submissions and witnesses discussed improvements that could be made to intervention programs working with perpetrators to change their patterns of behaviour.

Demand and supply

7.7 Dr Deborah Walsh, a senior domestic and family violence practitioner told the committee about the increased need for perpetrator programs:

Most often men who use violence enter these programs through one of two pathways, either a social mandate (via a partner) or a legal mandate (via court order or child protection) with small numbers recognising they have a problem and help seek on their own. With changes to a number of states Domestic Violence legislations, which now empower courts to divert men to these programs we are seeing a dramatic increase in demand for these services.⁴

7.8 Women's Health in the North indicated the demand for behaviour change programs exceeds supply:

Like the demand for services to women and children, the demand for men's behaviour change program by perpetrators of violence far exceeds the current resources provided to deliver the programs.⁵

7.9 Women's Health in the North submitted there is a need to increase access to men's behaviour change programs, including delivering culturally specific programs for certain groups:

Increased access to men's behaviour change programs is also required, including dedicated resourcing for culturally appropriate and language specific programs...Like the demand for services to women and children, the demand for men's behaviour change program by perpetrators of violence far exceeds the current resources provided to deliver the programs.

The lack of funding for response services also impacts on prevention work, as it is difficult to build the case for organisations to implement primary prevention strategies when women and children's safety is at risk. However, if we do not increase our efforts to prevent violence against women before it occurs, the demand for response services will continue to escalate.⁶

7.10 Mr Daniel Stubbs, Director, Inner City Legal Centre, drew the committee's attention to the need for dedicated programs working with LGBTI perpetrators:

I do not think I will surprise anyone by saying that the perpetrators are the problem, and we need perpetrator programs. We do not deal with perpetrators, so that is not something we can talk about extensively, but we recognise, just like in heterosexual relationships, we are seeing people in

4 *Submission 25*, p. 8.

5 *Submission 33*, p. 5.

6 Women's Health in the North, *Submission 33*, p. 5.

LGBTI relationships being perpetrators in domestic violence, sometimes more than once. That is an issue that needs to be recognised.⁷

Evidence

7.11 Dr Walsh argued that despite the increased demand for the perpetrator programs we do not know if they are really effective and more data needs to be collected to identify successful programs:

If Australia intends to contribute to eliminating violence against women and children then we need to address the inadequacies in the area of men's violence intervention. Currently Men's Behaviour Change Programs (MBCP) across Australia is fragmented; inconsistent and has little evidence of success. Practitioners and services are reporting they are working with serial victims from the same perpetrator because there are no effective interventions in place to address their violence.⁸

7.12 Mr Joe Morrison, Chief Executive Officer, Northern Land Council noted the 2011-12 Closing the Gap Clearinghouse report into how to overcome Indigenous disadvantage. Mr Morrison emphasised that the report found programs are successful when designed with Aboriginal people:

[The Closing the Gap Clearinghouse report] provides clear evidence that programs are successful when designed and delivered in partnership with Aboriginal people. What is known is that Aboriginal people know what works and what does not. This approach should be verified with robust data-collection methods for evaluation and accountability for service providers.⁹

Minimum standards

7.13 Mr Rodney Vlasis, Acting Chief Executive Officer, No to Violence, also highlighted that men's behaviour change programs in Australia were less successful than in other countries. In part, he saw this as a consequence of funding pressures leading to shorter, less involved intervention programs for perpetrators:

...our various minimum standards for men's behaviour change program work in Australia are probably on average fairly weak compared to other countries. Just to give an example, the UK accreditation standard—[called DV perpetrator programs]—is a minimum of 60 hours face-to-face intervention in order for programs to be seen as safe and appropriate in the UK. Whereas we have many existing minimum standards for men's behaviour change programs in Australia where the minimum is still

7 *Committee Hansard*, 4 November 2014, p. 35.

8 *Submission 25*, p. 2.

9 *Committee Hansard*, 10 March 2015, p. 18. Mr Morrison was referring to the document tabled by APONT at the Darwin hearing of the committee, the Australian Institute of Health and Welfare, *Closing the Gap Clearinghouse: What works to overcome Indigenous disadvantage: Key gaps in the evidence 2011-12* (2013).

24 hours face-to-face. And we know that is insufficient. We are just not able to get the funding to update our standards.¹⁰

Resources

7.14 Mr Greg Aldridge, Managing Director, Canberra Men's Centre, reported a need for more funding for perpetrator interventions, especially as research suggests that longer-term intervention programs are more effective than short behavioural change courses.

So the big problem that I see is that we absolutely have to protect the funding for services to support the victims of violence, which means that if you are going to develop effective services to dealing with men you have to create whole new funding streams. But it needs to be properly resourced and it needs to be independent so that practitioners can have the capacity to develop meaningful programs and evaluate them. That is going to cost more money in an environment where there is less money.¹¹

7.15 Ms Regina Bennett, Coordinator, Darwin Aboriginal and Islander Women's Shelter (DAIWS), reported that they had been able to secure funding for another three years through the Indigenous Advancement Strategy for the Strong Men, Strong Families program.¹²

7.16 It was emphasised to the committee that the resources required to provide effective perpetrator programs, as with primary prevention measures, should not be at the expense of crisis services. For example Family Violence Prevention Legal Services Victoria stated that:

FVPLS Victoria supports programs for perpetrators in principle but emphasises that this must not occur at the expense of resourcing for women's safety.¹³

Integration

7.17 Mr David Smyth, Chair, Violence Free Families, highlighted that an integrated approach was necessary:

When a man presents at an agency, ostensibly with behaviour problems—violence problems—it is normal to do an intake and assessment interview with that man. At that time quite a lot of men are assessed as having problems that need to be addressed, apart from this violence problem—substance abuse and mental illness are among them, and many other problems can emerge. Where we need an integrated approach at a therapeutic level is to be able to assess the men and divert them into the program that is most suitable for their needs, rather than having a one size

10 *Committee Hansard*, 5 November 2014, p. 12.

11 *Committee Hansard*, 15 October 2014, p. 5.

12 *Committee Hansard*, 10 March 2015, p. 14. See also Law Society Northern Territory, *Submission 17*, p. 2.

13 Aboriginal Family Violence Prevention and Legal Service Victoria, *Submission 73*, p. 12.

fits all behaviour change program. That is lacking. That is beyond the resources of most agencies.¹⁴

7.18 Mr Vlasis, No to Violence, also highlighted the need for men's behaviour programs to be linked with other services:

...I think the future for the programs is seeing them not as standalone interventions but as part of a coordinated community network of services, and the evaluations need to reflect that. The evaluations need to reflect what impact a program is having on his ability to be a good father and the ability of the child protection or family services system to work with him. How is it supporting corrections to do their job better? How is it having direct benefits for her safety, because she is starting to feel stronger now. She is starting to feel that because a program is engaging him she can now make more demands slightly more safely about him changing, and how we support her to do that.¹⁵

7.19 Mr Greg Aldridge, Canberra Men's Centre, commented that behaviour change programs should also better support perpetrators as they return to everyday life and the environment that contributed to a violent response:

Because once they leave those classrooms, they go back out into the world and the world around them is the same as what it was when they went in. So our concern is that we have an impact on the community of people that live around that person so that they can support long-term behavioural change. Part of that, I guess, is about empowerment of relationships. But it is also about helping people to learn how to live more effectively with each other.¹⁶

Access

7.20 Mr Aldridge also told the committee there has been a tendency to focus on perpetrator interventions in an urban context. However, he highlighted the importance of supporting behaviour change programs in regional areas:

Domestic violence happens in communities everywhere in Australia, including communities that are at a distance from city centres, which have central revenue bases that can fund some degree of service provision. My concern is that if we are going to have an effective regime for working with perpetrators, it needs to be something that can be rolled out in areas where there is lower regional revenue bases and where local people can be skilled to work within their own communities. Current directions around research and service provision tend to be very focused on the metropolitan context, without any thought of how we are going to be effective in the other communities where the need is just as great.¹⁷

14 *Committee Hansard*, 5 November 2014, p. 14.

15 *Committee Hansard*, 5 November 2014, p. 14.

16 *Committee Hansard*, 15 October 2014, p. 8.

17 *Committee Hansard*, 15 October 2014, pp 1-2.

7.21 Mr Smyth, Violence Free Families, told the committee that it may be worth considering delivering men's behaviour change courses online, as it meant some of the barriers to participation were reduced for certain groups:

Behaviour change programs to date have always been done face-to-face, typically with two facilitators in a room with a dozen or so men. The men, of course, have to be there in person—and that is a problem for many men, because there are no programs or very few programs in rural areas, by and large, because we have a lot of fly-in fly-out workers, shift workers and all sorts of other people who cannot attend for various reasons. And we have a lot of men who simply will not go because they are afraid of being shamed in public.¹⁸

7.22 Mr Michael Torres, Men's Outreach Worker, DAIWS, told the committee that these programs are needed but should take account of low literacy levels and the need for longer term support:

A lot of the men out there—like this man I have now, he cannot read and write. I have to talk to him about his whole relationship stuff. I have to get it to the level where they can do their problem solving and work it out... 'You have to give up drinking alcohol and give up drugging. You have to stop fighting with the missus and work out how can you do it.' But it is going to take a long time. I have had men for six months, one year or three years going through this stuff. Small programs do not work. There is a longer term.¹⁹

7.23 Ms Bennett, DAIWS, also mentioned that in the Northern Territory, until men are sentenced, they are not eligible for programs to address domestic and family violence whereas in other states men on remand can access programs.²⁰

The need for research

7.24 The need for more research to strengthen the evidence base for early intervention perpetrator programs has been recognised. In the Second Action Plan, one of the five national priorities – areas of work that all governments agree are important to pursue over the next three years – is 'improving perpetrator interventions'.²¹

7.25 The first major task of ANROWS was to produce the National Research Agenda on behalf of the Commonwealth, state and territory governments. In May 2014, the National Research Agenda to Reduce Violence against Women and their Children was released. Strategic Research Theme 3 'Service responses and interventions' includes 'Interventions targeting men who use violence'. The topics listed are 'Standardised treatment models and efficacy of programs across

18 *Committee Hansard*, 5 November 2014, p. 10.

19 *Committee Hansard*, 10 March 2015, p. 14.

20 *Committee Hansard*, 10 March 2015, p. 14.

21 Department of Social Services, *Submission 57*, p. 1.

jurisdictions; sub populations; court-mandated programs; programs removing men from the home; unintended outcomes'.²² The research agenda states:

Research into interventions with men who use violence is well-represented in the literature. More rigorous evaluations are, however, required into treatment models and the efficacy of programs and techniques across jurisdictions. This should include exploring: recidivism; what assists men to cease violence long-term; and interventions with sub-populations, especially men from rural and remote communities, CALD backgrounds and Indigenous communities. Programs removing the perpetrator of domestic and family violence from the family home and mandated or court-referred programs are of particular current interest to policy and practice. Further research is also needed to investigate unintended outcomes of interventions with men, especially on victim safety.²³

7.26 States and territories will use the resulting evidence to inform and improve the future delivery of perpetrator intervention responses.²⁴

7.27 Witnesses saw a need for greater investment in evaluating men's behaviour change programs, so that better programs can be designed and delivered in the future. For instance, Mr Vlasis, No to Violence, commented that evaluation of behaviour change needs to be undertaken over the long term:

I think now we are really understanding that we have to be really careful about what we expect from these programs. They are not just a standalone intervention. They are really part of a whole integrated response...Yes, some men do change their behaviour. Some men change from violence and then slip back. That is why evaluation really needs to be long-term over 15 months or two years. Some men will change some tactics of their violence and increase others.²⁵

National outcome standards

7.28 Ms Marcia Williams, Chair, ACT Domestic Violence Prevention Council, told the committee that perpetrator programs should be made consistent in their standards and evaluation processes, saying there was a need:

...to think about the approaches to perpetrators, and getting some standards and evaluations of [programs] so that we get a common approach to that.²⁶

7.29 The committee notes that work being undertaken by COAG will include the development of a set of national outcome standards for perpetrator interventions, to

22 Australia's National Research Organisation for Women's Safety, National Research Agenda to Reduce Violence against Women and their Children (May 2014), p. 8.

23 Australia's National Research Organisation for Women's Safety, National Research Agenda to Reduce Violence against Women and their Children, May 2014, p. 24.

24 National Implementation Plan for the First Action Plan 2010-2013, p. 24.

25 *Committee Hansard*, 5 November 2014, p. 17.

26 *Committee Hansard*, 15 October 2014, p. 1.

hold them and the services and systems that deal with them to account.²⁷ While welcoming the work to develop perpetrator intervention outcome standards, the Domestic Violence Resource Centre Victoria cautioned:

However, given the many risks involved in running these programs, the broad, overarching nature of these outcome standards - worded more at the level of principles rather than standards - needs to be followed by the next layers of detail. Without these layers underneath, the room for multiple interpretations and misinterpretations of particular standards is too great, providing room for detrimental and harmful practice. A sufficient level of specificity is required to provide the conceptual clarity through which to hold programs accountable.²⁸

7.30 The Domestic Violence Resource Centre Victoria suggested the UK accreditation standard for domestic and family violence perpetrator programs is a strong example of a sufficient minimum standards set.²⁹

Opportunities to engage with perpetrators

7.31 Although working with perpetrators as soon as possible through early intervention programs is important, other events also offer further opportunities to engage with perpetrators to change behaviour.

7.32 Ms Fiona McCormack, Chief Executive Officer, Domestic Violence Victoria, stressed that the current outlook for perpetrator programs will only have a marginal effect, due to the small number of men who participate:

The reality is that those programs will only focus on 10 per cent of the perpetrators, leaving 90 per cent to continue victimising others. So it is only scratching the surface of what we can do. It is like a really heavy table with one leg missing: we are trying to address the issue of family violence but we have that fourth corner balanced on a wafer when the only interventions against men are intervention orders or men's behaviour change programs, which come too late. We really need to be building capacity across our community, to understand the causes and dynamics but also to work more strategically. It is very interesting when men feel the consequences of their behaviour, when there is a tightening of the web of accountability, how much this reduces.³⁰

7.33 Dr Deborah Walsh, a senior domestic and family violence practitioner, was of the view that when domestic and family violence intersects with the child protection

27 Prime Minister of Australia, the Hon Tony Abbott MP, and Minister Assisting the Prime Minister for Women, Senator the Hon Michaelia Cash, 'COAG agenda to address ending violence against women', Media Release, 28 January 2015.

28 *Submission 123*, Attachment 1, p. 11.

29 Domestic Violence Resource Centre Victoria, *Submission 123*, Attachment 1, p. 11. See also No to Violence's outline of the success of the UK's Project Mirabal perpetrator intervention programs at <http://ntv.org.au/wp-content/uploads/150210-project-mirabal-aus.pdf> (accessed 21 April 2015).

30 *Committee Hansard*, 12 September 2014, p. 20.

system there is an opportunity to intervene with the perpetrator to support behaviour change and 'provide an environment over time where children can be safe and families have a chance to develop non-violent ways of operating':

A whole of family approach will take resourcing in a range of areas both inside and outside of the child protection system. Inside the system there will require a shift in focus from the victim acting protectively by separating from the violent partner to the perpetrator showing cause as to how he can act in ways that promote safety. This might mean that for a short time he might need to leave the family home and be subject to supervised visits while he engages in a violent men's attitude and behaviour change program until safety can be demonstrated.³¹

7.34 The Queensland Domestic Violence Network described the issues of perpetrator programs interacting with the legal system:

Current policy and community responses support the use of perpetrator programs that make the perpetrator accountable for behaviours whilst supporting his current or previous partner. Information gathered by service providers indicates a high dropout rate of participants, along with a high recidivism rate of both those who complete a program and those who do not. In addition, current magisterial approaches to Voluntary Intervention Orders (VIOs) suggest these orders may be used as a 'sell' to get perpetrators into a program. That is, it is suggested a VIO may be issued in place of a Domestic Violence Order (DVO) if that person agrees to attend a perpetrator program. Often, in these cases, there is no further consequence for that person if he leaves the program early, that is, the VIO is not withdrawn and replaced with a DVO including special conditions. Although this approach does dramatically increase the number of intakes into perpetrator programs, it does not ensure the safety of the current or previous partner, nor does it hold the perpetrator accountable for his actions, ensuring accountability through, not only attendance, but ready and purposeful engagement in the program. In addition, the legal system continues to rely on the respondent to identify and respond to concerning behaviours, report breaches, and take steps to change conditions.³²

7.35 Ms Pauline Woodbridge, Convenor, Queensland Domestic Violence Services Network, told the committee behaviour change programs could be made more effective by making participation mandatory as part of legal sentencing handed down to perpetrators by courts:

Then the perpetrator actually gets told very clearly by this system, 'What you're doing is totally unacceptable in our community, but our punishment to you is going to be to help you change,' so they get mandated into really respectful, respectable and well-principled men's behaviour change programs and, during the time that they are in those programs, they have to report to the court that sentenced them. This happens in other parts of the

31 *Submission 25*, p. 5.

32 *Submission 88*, p. 21.

country, and I believe it is a very powerful way of holding perpetrators accountable.³³

7.36 The committee notes the recently published paper by the Centre for Innovative Justice at RMIT University which highlights the potential of the justice system to interrupt the cycle of family violence and ensure perpetrators are held to account.³⁴ The report indicates that its purpose is to turn 'the spotlight on perpetrators of family violence' and:

...until we adjust the lens and bring those who use violence and coercion more clearly into view – until we intervene at the source of the problem – the cycle of this violence will simply roll on. This may manifest in assaults against the same or subsequent partners, in the damaging effects we know are experienced by children, in the behaviour of adolescents, or in the tragic escalation that can devastate an entire community.³⁵

Intervention for children

7.37 Early intervention programs for children help them deal with trauma as they recover from domestic and family violence, as well as helping to educate them about domestic and family violence so they do not go on to become perpetrators themselves.

7.38 The committee notes that the National Plan recognises the effects of domestic and family violence on children:

Violence not only affects the victim themselves, but the children who are exposed to it, their extended families, their friends, their work colleagues and ultimately the broader community. Too many young people in Australia have witnessed acts of physical domestic violence against a parent.³⁶

7.39 The Australian Women's Health Network outlined the concerns for children:

The experience of growing up in a violent home can be devastating and increases children's risk of mental health, behavioural and learning difficulties. Boys who witness domestic violence are at a greater risk of becoming perpetrators as adults.³⁷

7.40 The Victorian State-wide Children's Resource Program noted that children who had witnessed domestic and family violence needed early intervention programs to help them deal with trauma and break the cycle of violence:

33 *Committee Hansard*, 6 November 2014, p. 45.

34 Centre for Innovative Justice, RMIT University, *Opportunities for Early Intervention: bringing perpetrators of family violence into view*, March 2015.

35 Centre for Innovative Justice, RMIT University, *Opportunities for early Intervention: bringing perpetrators of family violence into view*, March 2015, p. 5.

36 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 1.

37 Australian Women's Health Network, *Submission 4*, p. 13. See also Women's Health West, *Submission 21*, pp 17-18.

There needs to be appropriate therapeutic support for children at the earliest possible time...Early intervention programs have significant impacts on children recovering from traumatic events, including reducing the trans-generational cycle of violence. Addressing children's trauma in the early years will have a significant cost benefit as this will reduce the likelihood that these children will become adult service system users.³⁸

7.41 Mr Peter Bravos, Acting Assistant Commissioner, Crime and Specialist Support Command, Northern Territory Police reported:

Sadly, 42 per cent of Indigenous young people report witnessing domestic assaults compared with 23 per cent of all children. Research highlights that children who are exposed to violence will have a higher propensity to commit acts of violence themselves as adults. There is a real need to break this cycle.³⁹

7.42 Beryl Women Inc. submitted that some of the people they provide services to are 'third generational clients'. To address this, it suggested targeting early intervention programs at Aboriginal and Torres Strait Islander children while they were accommodated in crisis housing:

Early intervention and prevention is the key to successful outcomes for children. We have a sitting population of children who require a range of services to break the patterns that are often intergenerational. Resources to address this issue needs to be available for services to provide long-term support to clients once they leave the refuge, it is unrealistic to expect short bursts of intervention by specific domestic/family violence services to women and their children within a short timeframe whilst accommodated in crisis services to heal families who are experiencing trans generational trauma.⁴⁰

7.43 SunnyKids reported that 75 per cent of victims of domestic and family violence are children and also highlighted that some of their clients are third and fourth generation users of refuge services.⁴¹

Committee view

7.44 The committee notes the importance of providing specific support services for children. Addressing the trauma resulting from domestic and family violence and providing education on domestic and family violence is critical to break the cycle for the next generation.

7.45 The committee supports the view expressed by stakeholders over the course of this inquiry, that perpetrators of domestic and family violence must take responsibility for their actions.

38 *Submission 13*, p.2.

39 *Committee Hansard*, 10 March 2015, p. 32.

40 *Submission 45*, p. 9.

41 *Submission 4*, pp 1-2.

7.46 The committee supports the use of early intervention programs to reduce the risk, escalation and severity of violence and its effects and encourages the provision of sustainable funding for early intervention initiatives. A greater emphasis on prevention and early intervention strategies would assist and eventually reduce the number of families who interact with the child protection, court, justice and emergency accommodation systems.

7.47 Effective violence intervention programs that provide education, therapy and support, while ensuring accountability, are critical to ensure violent behaviour is addressed as soon as possible so that services are not dealing with subsequent victims of the same perpetrator. The importance of intervention programs is recognised in the National Plan, as is the work to be done in this area to improve the availability of programs, as well as to ensure programs are evidence-based.

7.48 The committee notes that jurisdictions are working to expand the range of perpetrator interventions and have recognised that the evidence base for perpetrator interventions requires strengthening.⁴²

7.49 The committee welcomes the research work being undertaken by ANROWS to enable the states and territories to provide effective perpetrator programs. As mentioned and recommended in chapter 5, the long term nature of the research required in this and other areas by ANROWS means funding certainty beyond 2016 is critical.

7.50 The committee also welcomes the work being undertaken by COAG to develop a set of national outcome standards for perpetrator interventions but echoes the concerns of witnesses that the standards must be sufficiently specific to facilitate accountability.

7.51 The committee also believes that this work should specifically consider the needs of Aboriginal and Torres Strait Islander, CALD and LGBTI perpetrators as well as those in regional areas.

Recommendation 11

7.52 The committee recommends that the Commonwealth Government ensures the work being undertaken by COAG to develop a set of national outcome standards for perpetrator interventions use standards which are robust and sufficiently specific to ensure perpetrators are held accountable for their actions and the standards are demonstrably effective in breaking the cycle of violence. This work should consider the particular needs of ATSI, CALD and LGBTI perpetrators as well as those in regional areas.

7.53 The committee believes that the paper published by the Centre for Innovative Justice at RMIT University⁴³ which highlights the potential use of the justice system

42 See the National Plan's Outcome 6 in Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 33.

43 Centre for Innovative Justice, RMIT University, *Opportunities for Early Intervention: bringing perpetrators of family violence into view*, March 2015.

to interrupt the cycle of family violence and hold perpetrators to account should be considered by the COAG Advisory Panel to assist COAG identify further opportunities to hold perpetrators to account.

Recommendation 12

7.54 The committee recommends that the recent report by the Centre for Innovative Justice at RMIT be considered by the COAG Advisory Panel to assist COAG to identify other opportunities to hold perpetrators to account and change their behaviours.

7.55 The committee supports early intervention programs for children to help them deal with the trauma of domestic and family violence and to ensure they do not in turn become part of a transgenerational cycle of violence.

7.56 In April 2009, COAG endorsed *Protecting Children is Everyone's Business—National Framework for Protecting Australia's Children 2009–2020*. This framework is aimed at reducing child abuse and neglect in Australia over time. The National Plan and the National Framework are designed to work in tandem to bring about positive change for women and children experiencing violence.⁴⁴

7.57 Specific programs targeted at children and young adults are mentioned in chapter 6 on primary prevention and chapter 10 on support services.

44 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 8.

Chapter 8

Crisis intervention services

8.1 This chapter considers crisis intervention services provided to victims of domestic violence immediately following violent incidents. Crisis intervention can include a range of services, such as:

- crisis accommodation for victims and their children;
- health, mental health responses, including trauma counselling;
- criminal justice responses, including police services; and
- interventions targeting perpetrators, including providing men who have used or are at risk of using violence with men's behaviour change programs.

The need for a more coordinated approach

8.2 A dominant theme of evidence received by the committee was that a more coordinated approach across government agencies, police forces and non-government service providers would substantially improve how victims are able to deal with the effects of domestic and family violence.

8.3 Mr John Hinchey, ACT Victims of Crime Commissioner noted:

If we continue to focus on the coordination of services we will get it right, because the systems are in place. We just need to coordinate them. We do not need to reinvent things. We just need to get it right. To get it right we need people who have a common understanding and a common commitment.¹

8.4 Ms Emily Maguire, Acting Policy and Evaluation Director, Our Watch, agreed that national coordination of the sector was essential, not only for service provision, but also for information and data sharing across jurisdictions:

Where we would like to see not necessarily further investment but further effort is first of all in coordination nationally. At the moment, whether we are talking about Victoria or individual states, the programmatic work is quite ad hoc in nature, often as a result of funding that is a bit sporadic. So we would like to see a high level of coordination so that we can see those mutually reinforcing strategies across a range of settings nationally and also so that we can develop an evidence base so that, for example, Victoria can learn from what is happening in the Northern Territory, Western Australia can learn from South Australia and the work that is happening in settings from schools to workplaces to sports clubs can inform work that is happening elsewhere.²

1 *Committee Hansard*, 15 October 2014, p. 20.

2 *Committee Hansard*, 12 September 2014, p. 6.

8.5 Mr Rodney Vlasis, Acting Chief Executive Officer, No To Violence, agreed, and also highlighted the need to improve communication and information sharing between a wide range of stakeholders including:

...corrections ministers; heads of corrections, probation and parole departments; chief and assistant police commissioners and other senior police across states and territories; senior child protection practitioners; and policy makers...I guess it is having some more consistency across states and territories, but in particular to learn from each other. I think we might have one state and territory, for example, that might be ahead of others in perpetrator accountability and child protection practice, another in policing and another in corrections. I think there is a lot to learn from each other.³

Funding for coordination

8.6 Mr Hinchey emphasised that effective coordination of the sector depended on adequate resourcing:

I think this is at the core of the challenges that we face not only in this jurisdiction but you would hear, I would assume, generally across our nation that the coordination of services, data collection, and informed policy development on the back of that information lacks resourcing, a centralised process and an understood common interpretive framework.⁴

8.7 Mr Hinchey stated that existing coordination work, both specifically in the ACT region and across Australia more generally, often relied on the goodwill and commitment of workers in the sector:

The challenges are that there is no resourcing given to the coordination of services to manage family violence. We are relying on the motivation, commitment and drive of individuals, and many of those individuals come to the work through the community sector, which underpays its workers compared with government workers, but those people are drawn to that work because of their commitment.⁵

Information sharing

8.8 Ms Fiona McCormack, Chief Executive Officer, Domestic Violence Victoria (DV Victoria), drew the committee's attention to notable gaps in information sharing between government agencies:

There are many agencies that come into contact with men who are a risk to others that do not necessarily understand the significance of the risk they are witnessing. They often do not even understand that there are risks because the causes and the dynamics of violence against women are so little

3 *Committee Hansard*, 5 November 2014, p. 9.

4 *Committee Hansard*, 15 October 2014, pp 16-17.

5 *Committee Hansard*, 15 October 2014, pp 16-17. At the 11 June 2015 hearing, Ms Rosie Batty mentioned the effectiveness of the model in use in South Australia (Multi-Agency Protection Service - MAPS) where government services work together collaboratively in the same building. See *Proof Committee Hansard*, 11 June 2015, p. 1.

understood in our community. So a range of different agencies—think hospitals, corrective services, courts, child protection—come into contact with men who are a risk to others. Even if they did identify that someone was a high risk to others, they might not necessarily know where they could share that information. There are no mechanisms by which they can share that information or work with other agencies to do something about that.⁶

8.9 Ms McCormack particularly highlighted new models currently being trialled by the Victorian government, which allow relevant agencies to share information about individuals who may be at risk of committing acts of domestic and family violence.⁷ The committee understands Victoria trialled a Risk Assessment Management Panel (RAMP) model between 2011 and 2014, which involves agencies meeting regularly to identify and discuss potentially risky situations.⁸ Although the results of the RAMP program evaluation is not currently available publicly, the committee understands the trials have been considered successful.⁹

8.10 Women's Health in the North told the committee about a pilot project operating in the city of Hume:

The [Hume Strengthening Risk Management (SRM) pilot project] partnership model operating in the City of Hume has enabled a coordinated multi-agency systemic response for high risk family violence cases by bringing together family violence advocates, family services, police, child protection, drug and alcohol services, housing services, corrections and Centrelink. These high level agency representatives are able to information share about risk and strategies to enhance victim safety and perpetrator accountability. A preliminary evaluation report has indicated that the SRM model is effective in enhancing safety and could be rolled out nationally.¹⁰

Shared risk frameworks

8.11 Some states have implemented shared risk frameworks across agencies. For example, Victoria has been proactive in developing and implementing risk frameworks to identify individuals who may be in danger of suffering domestic and family violence:

These projects build on the platform established in 2007 through the Victorian Government's Family Violence Common Risk Assessment and

6 *Committee Hansard*, 12 September 2014, p. 20.

7 *Committee Hansard*, 12 September 2014, p. 20.

8 The Victorian RAMP trials mirror the UK's 'Multi-Agency Risk Assessment Conference' (MARAC) model, which has substantially improved information sharing and service delivery to victims of domestic violence. Whereas the UK model compels agencies to share information about at-risk individuals by law, the Victorian trials do not. See Catherine Plunkett, 'Multi-agency responses improve safety' in *Domestic Violence Resource Centre Advocate*, No. 1 (Autumn/ Winter 2014), pp 1-6.

9 See Catherine Plunkett, 'Multi-agency responses improve safety' in *Domestic Violence Resource Centre Advocate*, No. 1 Autumn/ Winter 2014, pp 1-6.

10 *Submission 33*, p. 6.

Risk Management Framework (CRAF). More than 6,000 mainstream and family violence specialist workers have been trained in the CRAF, which provides a standardised, transparent approach and tools to identify family violence and manage risk to improve the safety of women and their children. The effectiveness of the CRAF as an early intervention platform will be further tested in a joint project between Our WATCH and a major metropolitan and regional hospital beginning in 2014-15.¹¹

8.12 Ms Libby Eltringham, Community Legal Worker, Domestic Violence Resource Centre Victoria, highlighted the difficulties of using different risk assessment models across sectors and states. She commented that the Commonwealth sometimes developed risk frameworks with insufficient consultation with the practitioners who would apply them:

We do not use the same risk frameworks [across systems]. We have a family law risk framework that was developed completely separately from the risk assessment and risk management framework that was developed, for example, in Victoria. That has been in place and DVRC has been working to train over about 6,000 to 7,000 people in Victoria over the last six years, but new frameworks keep coming down through the Commonwealth without necessarily even consultation with states about what they are doing and how they are working with that. The parallel systems are hugely problematic.¹²

Police

8.13 The police are often the first point of contact a victim has with the domestic and family violence system. They are responsible for investigating incidents of domestic and family violence, giving protection to victims through protection orders, and for bringing perpetrators before courts.¹³ Police also contribute to early intervention in potential cases of domestic and family violence, as they are sometimes able to identify at-risk individuals, potential perpetrators and repeat victims, and are able to refer them to relevant service providers in some cases.

The scale of the problem

8.14 Domestic and family violence cases make up a large and increasing part of the workload of police forces. For instance, Detective Superintendent Rod Jouning, Victoria Police, told the committee:

For 2013-14 Victoria Police responded to over 65,000 family violence incidents. That is an eight per cent increase from the previous year...[I]n the year before that there was a 21 per cent increase. So the increase this year is significant but not as much as it was the previous year. Over 29,000 family violence incidents attended by police resulted in charges being laid. This demonstrated a 14.2 per cent increase from the previous year. We sought intervention orders for over 17,000 incidents and nearly 6,000 of

11 Second Action Plan, p. 33.

12 *Committee Hansard*, 5 November 2014, p. 5.

13 Domestic violence orders are discussed in greater depth in chapter 9 of this report.

those were family violence safety notices, which are a subset of the intervention order process in the state. This was a 10.3 per cent increase from the previous year.¹⁴

8.15 Mr Peter Bravos, Acting Assistant Commissioner, Crime and Specialist Support Command, Northern Territory Police reported:

In the NT, 82 per cent of all domestic violence assault victims are women, and Indigenous women represent 72 per cent of all domestic violence assaults. Indigenous women are in fact 20 times more likely than non-Indigenous females to be victims of domestic violence assaults.

These are unacceptably high levels of violence in such a small population. Whilst the data and percentages give us the overall statistics, they cannot, in my view, adequately convey the level of extreme violence that is perpetrated on women by men. Our police officers deal with over 18,000 domestic violence incidents every year, and in so many instances our officers arrive to find women that have been repeatedly punched, kicked or smashed with rocks, sticks and star pickets. It is usually a scene that is comprised of blood, pained screams and brutality.

In 66 per cent of domestic violence assaults, alcohol is involved. In too many instances it is also a scene where there are scared and frightened children who have witnessed the violence.¹⁵

8.16 In addition, it should be noted that these statistics do not reflect all incidents of domestic and family violence as many victims do not report to police. Victoria Police submitted that many victims only come forward after a long period of suffering violence:

In Victoria, two in five people tell us that the violence has already been occurring for 2 years by the time they report to police and there are still a significant proportion of women who never report at all.¹⁶

Improvements underway

8.17 On 24 November 2014, the Police Commissioners of every Australian jurisdiction reaffirmed their commitment to addressing 'the scourge of domestic violence' in a joint statement delivered at Parliament House, Canberra, alongside the New Zealand Commissioner of Police.¹⁷

8.18 The Minister Assisting the Prime Minister for Women, Senator the Hon Michaelia Cash, commented that this public statement, only the second time that all

14 *Committee Hansard*, 12 September 2014, p. 25. Detective Superintendent Jouning later stated the actual number of domestic violence incidents attended by Victoria Police in this period was 65,393. *Committee Hansard*, 12 September 2014, p. 25.

15 *Committee Hansard*, 10 March 2015, p. 32.

16 *Submission 92*, p. 3.

17 'Statement from Police Commissioners of Australia and New Zealand, 24 November 2014' available at <http://mypolice.qld.gov.au/blog/2014/11/24/police-commissioners-take-stand-violence-women-children/> (accessed 11 August 2015).

Police Commissioners had formally united to take a stand on a social issue, demonstrated:

As both community leaders and men, Australian and New Zealand Police Commissioners will not tolerate violence against women and children and that they are committed to protecting all victims of violence.¹⁸

8.19 Over the course of the inquiry, the committee heard that police responses to the issue of domestic and family violence had changed for the better over recent years. For example, Detective Superintendent Jouning of the Victoria Police, described to the committee how he had seen an attitudinal shift in police responses over his career:

When you did attend [in the past], it was really a matter of another domestic: walk in the door, deal with it the best you can with the knowledge you had. But your main focus was: 'Let's just diffuse this and get out. It's a family issue. We shouldn't really be dealing in it.' If the perpetrator was drunk, they would often be taken away and locked up for four hours. This was done just to try and separate the parties. This does not mean to say that where there were serious offences no action was taken; it was about the focus.

8.20 Detective Superintendent Jouning spoke about the current police practice:

We have changed that quite dramatically over that 10-year period and it has been supported by legislative change. Members now probably have a zero tolerance in any sense. If any criminal offence has been committed, charges are laid. In every case where they attend a family violence incident, it is actually recorded, which it probably never was previously.¹⁹

Areas for further improvement

8.21 In a February 2015 newspaper article, Ms Rosie Batty suggested that although the police have improved their attitudes and responses to domestic and family violence, there was still work to be done:

Police have improved significantly – especially in the past decade. When you meet a compassionate police officer, it makes life very different. But they're an enormous organisation with a lot of entrenched attitudes, and those attitudes can be out of step with the rest of society. In some areas of policing, that might be fine. Police do an excellent job when it comes to bravery, when it comes to putting their lives on the line. But some of this can become desensitising, and the real trauma a victim of family violence faces may be overlooked.²⁰

18 The Minister Assisting the Prime Minister for Women, Senator the Hon Michaelia Cash, 'Standing together to tackle violence against women and children', Media Release, 24 November 2014.

19 *Committee Hansard*, 12 September 2014, p. 25.

20 Rosie Batty, 'Rosie Batty on why passion must lead to change on family violence' in *The Saturday Paper*, 7 February 2015.

8.22 Some evidence received by the committee suggested ways in which the police could improve their responses to particular groups such as cultural awareness training and instituting liaison officers to assist potentially marginalised groups to report domestic and family violence.

8.23 Associate Professor Dea Delaney-Thiele told the committee many Aboriginal and Torres Strait Islander victims are often reluctant to seek help from police.²¹

8.24 Ms McCormack, DV Victoria also spoke of the barriers to reporting domestic and family violence faced by Aboriginal and Torres Strait Islander women:

...they can be much less likely to report because they are worried about having their children removed. They can worry about death in custody. There is a range of barriers that they face to reporting and that, of course, means that they are far more vulnerable.²²

8.25 Phoenix House, a non-government sexual violence prevention and intervention service, suggested many Aboriginal and Torres Strait Islander Australians did not report for a number of reasons, including that the police lack cultural competency in dealing with their claims, language barriers, and that some officers have an attitude of 'victim-blaming'. Moreover, Phoenix House commented that some Aboriginal and Torres Strait Islanders reported that many communities were not served by a relevant Police Liaison Officer who could work to facilitate communication and trust between the police and local people.²³

8.26 The Victorian Police pointed out that women from culturally and linguistically diverse (CALD) backgrounds can be reluctant to seek police assistance about family violence as they sometimes do not trust law enforcement agencies:

...in some communities, police may be perceived as agents for persecution, corruption and/or that they do not possess the skills or sensitivities to handle family matters.²⁴

8.27 Dr Casta Tungaraza, Member, New and Emerging Policy Advisory Committee, Federation of Ethnic Communities' Councils of Australia (FECCA), agreed some new and developing communities may be reluctant to report domestic and family violence:

There are also negative perceptions of police and their role in mitigating domestic violence. Communities have reported that information and education about when a domestic violence matter becomes a crown case is not provided. Lack of cultural competency in the handling of such cases also remains an issue.²⁵

21 *Committee Hansard*, 4 November 2014, p. 19.

22 *Committee Hansard*, 12 September 2014, p. 19.

23 *Submission 1*, pp 41-42.

24 *Submission 92*, p. 4.

25 *Committee Hansard*, 15 October 2014, p. 34.

8.28 Moreover, Ms Pallavi Sinha, Women's Chair, FECCA, told the committee that CALD women who do report domestic and family violence to police face further cultural and linguistic barriers:

...we have been told of instances where there were not interpreters used when a person went to the police or they went to a doctor, so the [lack of] use of interpreters in the first instance and then [not] properly using them [when they are available].²⁶

8.29 The submission made by the inTouch Multicultural Centre Against Family Violence (inTouch) outlined the barriers CALD women face in accessing the legal system:

Underreporting is influenced by a lack of information about their rights and how to access them, a fear of authorities and not knowing what constitutes family violence in Victoria. These impediments subsequently lead to CALD women being less likely to report violence. They are often quickly discouraged from progressing further with their complaints, they may disengage prematurely from support or the outcomes they achieve are less positive than they should have been. A tendency to under-report can result in CALD women waiting until a point of crisis before they seek help. Considerable external pressure from family and community is also a significant factor. CALD women also face obstacles throughout the legal process such as language difficulties, intimidating and bewildering court processes, prejudicial attitudes, and inadequate support from services.²⁷

8.30 Dr John Chesterman, Office of the Public Advocate, indicated significant barriers for women with disabilities 'reporting violence to police and lack of support through the court process'.²⁸ Ms Keran Howe, Executive Director, Woman with Disabilities Victoria (WWDV) outlined some strategies that could potentially assist agencies to help people who are cognitively impaired who have been subject to domestic and family violence:

That might be through the use of, for example, a communication assistant or communication board. For people who are close to someone with a cognitive disability, it is not difficult for them to understand and to communicate effectively. The issue is more about the lack of training for people who work with someone with a cognitive disability in responding to a disclosure.²⁹

8.31 Ms Shannon Wright, Director, Community Health and Regional Services, AIDS Council of New South Wales (ACON), told the committee that the NSW Police

26 *Committee Hansard*, 15 October 2014, pp 34-35.

27 *Submission 138*, p. 8.

28 *Committee Hansard*, 5 November 2014, p. 30.

29 *Committee Hansard*, 5 November 2014, p. 30. See also Ms Therese Sands, Co-Chief Executive Officer, People with Disability Australia, Australian Cross Disability Alliance (ACDA), and Dr Jessica Cadwallader, Advocacy Project Manager, Violence Prevention, ACDA, *Proof Committee Hansard*, 11 June 2015, pp 10-11.

had already made significant changes to assist lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals, but further:

...inclusivity training similar to what is happening currently in the aged care sector around LGBTI inclusivity would be very welcome in services at this point. In addition, I think the GLLO, the gay and lesbian liaison officers, are very important to our communities, particularly in rural and regional New South Wales. Often that is the one safe person in the police people can go to.³⁰

8.32 While the NSW have appointed gay and lesbian liaison officers, Mr Daniel Stubbs, Director, Inner City Legal Centre, noted that police gay and lesbian liaison officers have not been instituted in other police forces:

There are other jurisdictions that do not put so much of an emphasis on the importance of domestic violence liaison officers and gay and lesbian liaison officers understanding this issue, and so we might not be so confident to send someone who is gay or transgender and in need of legal assistance to the police or to the court.³¹

Accessing appropriate crisis housing

8.33 The committee heard that one of the greatest barriers for women trying to escape violent situations was the shortage of safe and affordable crisis housing. For example, Ms Eltringham, Domestic Violence Resource Centre Victoria, outlined how the issue of housing was crucial for many women, as well as their children, who are trying to escape domestic and family violence:

There is always going to be a need for safe crisis housing and then post-crisis housing for women and children—in order to move on with their lives. Women end up living in poverty and trying to remake lives. The cost of getting safe is sometimes that struggle to find safe, affordable housing for themselves and their children.³²

8.34 Ms Julie Oberin, Chairperson, Australian Women Against Violence Alliance, confirmed some victims and their children are being turned away from crisis accommodation due to capacity issues and argued:

...it is equally important in the short term to increase the response capacity of specialist domestic, family and sexual violence services so that women and children are not, as they currently are, turned away from appropriate supports and protection due to services working to capacity and refuges being full.³³

30 *Committee Hansard*, 4 November 2014, p. 36.

31 *Committee Hansard*, 4 November 2014, p. 38.

32 *Committee Hansard*, 5 November 2014, p. 5.

33 *Committee Hansard*, 15 October 2014, p. 23.

8.35 The committee also heard that the shortage of emergency housing for particular groups meant some victims were not able to escape violent situations. For instance, Women with Disabilities Australia submitted:

...the lack of accessible refuges and other crisis services, and/or exclusionary policies and practices which deny people with disability access, is a significant factor contributing to people with disability, especially women, remaining in violent relationships and being subjected to violence for significantly longer periods of time than their peers.³⁴

8.36 Ms Maya Avdibegovic, Chief Executive Officer, inTouch, gave the committee an example of the risks of not having crisis housing that was culturally appropriate. She told the committee about a woman in Australia on a spousal visa who was physically abused throughout her relationship, who could not speak English, and who only managed to speak to someone about her situation after she had been hospitalised:

She was taken away and provided with crisis accommodation—in a regional part of Victoria. That particular service had trouble communicating with her and addressing her needs. One day she was just dropped off in front of the general homelessness service here in Melbourne and the accommodation that was given to her was in the general homelessness accommodation with a lot of men who suffered from mental health issues, alcohol and drug abuse.³⁵

8.37 Mr Alan Brotherton, Director, Policy, Strategy and Research, ACON, pointed to an acute shortage of appropriate and safe housing for LGBTI victims of domestic and family violence who were trying to escape, in particular:

It becomes more complex when it comes to men and accommodation options. Those are very limited and the ones that are available are often very dangerous. It needs a combination of case management and priority access to temporary housing, which is arguably the problem of state governments but the Commonwealth also has an interest in housing.³⁶

8.38 Dr Mayet Costello, Research Manager, ANROWS, told the committee that housing was an issue that demanded a flexible approach able to meet the diverse needs of individual women escaping domestic and family violence, including making it possible for women to stay in the family home by rehusing the perpetrator:

The value of a diversity of program responses for women and recognising that each woman will have a different need—some women have secure housing and some women do not et cetera—is really important. Housing space is a good example. Historically, the women's movement has concentrated on refuges and keeping women safe outside their homes. One of our research programs is a 'safe at home' initiative. The opportunity of women being able to stay safe either in their home or in private rental or

34 *Submission 50*, p. 27.

35 *Committee Hansard*, 5 November 2014, p. 23.

36 *Committee Hansard*, 4 November 2014, p. 35.

private accommodation that is not perhaps their family home but is also not a supported accommodation service, is also important.³⁷

8.39 The availability of housing post crisis is discussed further in chapter 10.

Services for male victims

8.40 Mr Greg Andresen, Senior Researcher, One in Three Campaign, told the committee that many male victims of domestic and family violence were unable to access crisis support services because most services catered primarily or exclusively for women.³⁸ Noting that crisis support services are primarily the responsibility of the states and territories, he suggested there needed to be at least:

...a modicum of services on the ground so that when those men do come forward, there are some services for them to go to. At the moment if we have a flood of men coming forward...there are a whole lot of closed doors, that revictimises those men. We are not saying we want the same amount of services that women have, but just a modicum so that there is something for those men.³⁹

8.41 Mr Andresen also told the committee that there were no specialised services to support male victims from Aboriginal and Torres Strait Islander backgrounds or from the LGTBI community:

It is my belief that specific services for the Aboriginal and Torres Strait Islander community and the LGBTI community are necessary because there are specific needs that those communities have that are specific to them. The kinds of issues that a gay man being abused by his partner may face - around homophobia, around threats of being outed and all that sort of thing - are specific. I would say that those services are necessary, and underfunded if anything.⁴⁰

Committee view

Coordination

8.42 A key message during the inquiry has been the need for improved coordination of domestic and family violence policy and responses across agencies and levels of government, as well as between government and non-government stakeholders in the sector.

8.43 The committee notes the need for better coordination is recognised in the National Plan:

37 *Committee Hansard*, 4 November 2014, p. 7.

38 *Committee Hansard*, 4 November 2014, pp 25-26. See also One in Three Campaign, *Submission 23*, pp 20-21.

39 *Committee Hansard*, 4 November 2014, p. 29.

40 *Committee Hansard*, 4 November 2014, p. 29.

While all governments have services and programs to respond to violence against women and their children and many of them are highly effective—these responses could be improved by a coordinated approach.⁴¹

8.44 The committee was told about models being trialled in some states and territories to improve coordination and information sharing of the sector. A clear message was for coordination to be appropriately resourced by jurisdictions.

8.45 The committee notes the need for further coordination of responses to domestic and family violence was recently highlighted by the Queensland Special Taskforce on Domestic and Family Violence. The Special Taskforce recommended the Queensland Government pilot integrated response models to domestic and family violence, including specialist responses in urban and regional areas, and in a discrete Indigenous community.⁴²

8.46 To assist the development of coordinated jurisdictional responses and information sharing, the committee believes that there needs to be a mechanism for the results of various trials to be made available, shared and discussed to further build the evidence base.

Recommendation 13

8.47 The committee recommends the Commonwealth Government, through COAG, establishes and resources a subcommittee of First Ministers to enable jurisdictions to share the results of trials and to coordinate the development of best practice policy and service responses to domestic and family violence.

Recommendation 14

8.48 The committee recommends the Commonwealth Government, through COAG, take leadership in the facilitation of effective police responses to domestic and family violence, encouraging states to implement targeted training and programs.

Police

8.49 The committee notes that police play a crucial role not only in dealing with cases of domestic and family violence that have already occurred, but also in identifying and preventing potential cases. The committee recognises the work that state and federal police forces have done to change their approaches to domestic and family violence cases over a number of years. The committee also recognises the work underway in jurisdictions to better coordinate responses and share information.

8.50 The committee heard of some areas where there could be improvements in the way police respond to particular communities such as Indigenous, CALD, those with a disability and LGBTI. The committee encourages police forces to further build on the

41 National Plan to Reduce Violence against Women and their Children 2010-2022, p. 4.

42 Recommendation 74, *'Not Now, Not Ever' – Putting an End to Domestic and Family Violence in Queensland*. (March 2015), p. 31.

work to date by considering the suggestions provided to the committee about how they can better engage with particular communities.

Crisis housing

8.51 The committee heard that there is a shortage of crisis housing for women escaping domestic and family violence. The committee was concerned to hear of instances where crisis housing did not seem to be appropriate for women traumatised from domestic and family violence, and particularly for women from vulnerable groups such as those from CALD or Indigenous backgrounds, women with a disability, or LGBTI individuals.

8.52 While the committee recognises the strain on available crisis accommodation, it would encourage jurisdictions to ensure a diversity of responses are provided to cater for specific needs, including programs to help women to stay at in their own home, where it is safe to do so.

Services for male victims

8.53 The committee acknowledges the need for services to support male victims of domestic and family violence, as the committee heard that many services are focussed on women and may not be appropriate for male victims.

Recommendation 15

8.54 The committee recommends that the Commonwealth Government recognise the need to provide appropriate services to male victims of domestic and family violence.

Chapter 9

Domestic and family violence and the legal system

Australian domestic and family violence laws

9.1 Continuing with the crisis intervention services, this chapter discusses the legal frameworks that the Commonwealth and states and territories have to handle cases of domestic violence, issues raised with the committee and suggestions to improve outcomes for victims. In Australia, responsibility for the legal frameworks for addressing domestic and family violence is shared by the Commonwealth and the states and territories. The Commonwealth has some provision for handling cases of domestic and family violence under the *Family Law Act 1975* (Family Law Act). However, state and territory laws and court systems handle the vast majority of domestic and family violence cases.¹

The Commonwealth legal framework

9.2 The Family Law Act covers some aspects of domestic violence, especially in its provisions for injunctions to protect partners or children who are suffering or at risk of suffering domestic violence.²

9.3 Injunctions are orders made by a court that require a party to refrain from performing certain actions. These can be made in the interests of protecting a partner or children, to restrict occupancy of a family home, or to restrain a party from entering a place of work or education.

9.4 Most injunctions relating to the protection of a partner or child suffering or at risk of suffering domestic and family violence are made through relevant state legislation, as Family Law injunction processes are costly, complex and difficult to enforce. Moreover, other advantages of injunctions issued under state and territory law have been noted, including:

- protection orders can protect a wider range of family members-such as siblings, extended family and other members of a household;
- a wider range of people can initiate proceedings for a protection order, including the police;
- state and territory family violence Acts specify a wide range of conditions or prohibitions that can be included in a protection order; and

1 Renata Alexander, *Domestic Violence in Australia: The Legal Response* (2002), p. 55.

2 The Family Law Act can be found at www.austlii.edu.au/au/legis/cth/consol_act/fla1975114/ (accessed 9 July 2014); see also Australian Law Reform Commission (ALRC), *Family Violence and Commonwealth Laws – Improving Legal Frameworks*, ALRC Report 117 (2011), p. 800.

- police are more familiar with procedures under state and territory family violence legislation.³

The legal framework of the states and territories

9.5 All Australian states and territories have laws in place that empower courts to make orders to protect the victims of domestic and family violence, or those at risk of suffering domestic and family violence.⁴ Terminology varies between jurisdictions, so this report will use domestic violence orders (DVOs).⁵

9.6 It should be noted that protection orders in general are civil, not criminal proceedings.⁶ It is also worth noting every Australian jurisdiction has some provision to recognise and enforce New Zealand DVOs once registered in the local justice system by the victim.⁷

Issues raised with the committee

9.7 Issues raised with the committee will be discussed in turn:

- existing work in this area;
- funding cuts to legal aid reducing access for victims of domestic violence;
- barriers to accessing legal aid;
- the lack of consistent training and evaluation for legal personnel working in the Family Court system;
- the need for harmonisation of DVOs across jurisdictions; and
- the tension between Family Court processes and cases heard in state and territory courts.

3 ALRC, *Family Violence and Commonwealth Laws – Improving Legal Frameworks*, ALRC Report 117 (2011), p. 800.

4 Australian Government Solicitor, *Domestic Violence Laws in Australia June 2009*, p. 13.

5 Following Australian Government Solicitor, *Domestic Violence Laws in Australia June 2009*, p. 10. Note the following terms are used in different jurisdictions: New South Wales – Apprehended Violence Orders; Victoria – Intervention Orders; Queensland – Protection Orders; Western Australia – Violence Restraining Orders; South Australia – Intervention Orders; Tasmania – Family Violence Orders; ACT – Protection Orders; Northern Territory – Domestic Violence Orders.

6 Australian Government Solicitor, *Domestic Violence Laws in Australia June 2009*, p. 25.

7 Renata Alexander, *Domestic Violence in Australia: The Legal Response* (2002), p. 97.

Existing work in this area

9.8 The committee is aware of many reviews already conducted in this area.⁸ In particular the committee acknowledges the comprehensive work undertaken by the Australian Law Reform Commission (ALRC) and the NSW Law Reform Commission (NSWLRC) examining the Australian legal response to family violence.⁹

9.9 The First Action Plan under the National Plan includes a commitment to consider the 186 recommendations of the ALRC/NSWLRC report¹⁰ but there is no reference to this work in the Second Action Plan. Submissions urged that the recommendations be implemented.¹¹

9.10 The progress report to COAG 2010-2012 notes:

The Commonwealth Government is currently considering the recommendations in the ALRC and New South Wales Law Reform Commission Report No 114, Family Violence—A National Legal Response, which was released on 11 November 2010.

The Report made 186 recommendations, which call for:

- a more seamless and integrated legal framework for people engaged in it;
- ensuring that victims have better access to legal and other responses to family violence;
- fair and just legal responses to family violence; and
- effective interventions and support in circumstances of family violence.

The recommendations can be split into two types: those that affect each jurisdiction individually and those that jointly affect the Commonwealth, states and territories.

8 Australian Government, Attorney-General's Department and R Chisholm, *Family Courts Violence Review* (2009); Family Law Council of Australia, *Improving responses to Family Violence in the Family Law System: An Advice on the Intersection of Family Violence and Family Law Issues* (2009); Victorian Law Reform Commission, *Protection Applications in the Children's Court*, Final Report 19 (2010); Australian Institute of Family Studies, *Evaluation of the Family Law Amendment (Shared Parental responsibility) Act 2006 (Cth) Reforms* (2009); *Equal Before the Law: Towards Disability Justice Strategies* (2014). See also the National Association of Community Legal Centres and Women's Legal Services Australia *Submission 26*, pp1-2.

9 Note that the work done jointly by the ALRC with the NSW Law Reform Commission (NSWLRC) for their 2010 report was built upon by the ALRC's 2011 report the following year. See ALRC and NSWLRC, *Family Violence – a National Legal Response*, ALRC Report 114/ NSWLRC Report 128 (2010); and ALRC, *Family Violence and Commonwealth Laws – Improving Legal Frameworks*, ALRC Report 117 (2011).

10 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 27.

11 See National Association of Community Legal Centres and Women's Legal Services Australia, *Submission 26*, p. 10; Australian Women Against Violence Alliance, *Submission 62*, p. 6; Women's Legal Centre (ACT and Region), *Submission 67*, p. 2; ACT Domestic Violence Prevention Council, *Submission 100*, p. 15.

At the Standing Committee of Attorneys-General meeting on 22 July 2011, Ministers agreed to develop a national response to the Report for the recommendations that jointly affect the Commonwealth and states and territories. A working group has been formed under the Standing Council on Law and Justice to develop a national response

At the Standing Council on Law and Justice meeting in October 2012, Ministers agreed that further work should be done on a national response, with the item to return to Standing Council's first meeting in 2013 with proposed outcomes for addressing the recommendations made by the ALRC and the New South Wales Law Reform Commission.¹²

9.11 On 4 April 2013, the former Standing Council on Law and Justice (SCLJ) met and:

Ministers endorsed a national response [prepared by the Attorney-General] to the Australian and NSW Law Reform Commissions' report Family Violence – A National Legal Response. Ministers agreed to send the Attorney-General's response to the Australian and New South Wales Law Reform Commissions and to make the Attorney-General's response available in the SCLJ website.¹³

9.12 The national response notes how each recommendation will be responded to:

Of the 186 recommendations contained in the Report, there are 97 recommendations which affect only the States and Territories and will be considered by each of them individually. There are 22 recommendations which affect only the Australian Government, and a separate Australian Government response is being developed in relation to each of those items. In addition, there are 34 recommendations which will be addressed by the Australian Government in their response and also considered by States and Territories individually, as the recommendations note action for each jurisdiction but do not require a collaborative effort. There are 33 recommendations that have been identified by the Standing Council on Law and Justice as affecting jurisdictions jointly and are therefore considered in this national response. Of those 33 recommendations, 9 are being dealt with in a National Justice Chief Executive Officers' (NJCEO) project which is looking at collaboration between the family law and child

12 *National Plan to Reduce Violence Against Women and their Children 2010-2022: Progress Report to the Council of Australian Governments 2010-2022* at www.dss.gov.au/sites/default/files/documents/05_2013/final_edited_report_edit.pdf (accessed 20 April 2015), p. 117.

13 See SCLJ Communique 4 April 2013 at www.lccsc.gov.au/agdbasev7wr/sclj/documents/pdf/sclj%20communique%20april%202013%20final.pdf (accessed 8 May 2015).

protection systems and will be responded to by jurisdictions through that project.¹⁴

9.13 The ACT Domestic Violence Prevention Council pointed out:

However, to date the 'national response' has only addressed 33 of the Commissions' recommendations. These were identified by the SCLJ as affecting jurisdictions jointly, with nine of those recommendations relating to collaboration between the family law and child protection systems referred to the National Justice Chief Executive Officers' project. Widespread consultation and extensive resources were engaged to develop the...recommendations for law reform across Australian jurisdictions. The DVPC believes more could be done to progress the Commissions[] recommendations. An opportunity now exists to bring to fruition a number of important reforms that have been recommended by the Commissions.¹⁵

9.14 The ACT Government submission notes that the ACT is currently considering the recommendations of the Australian and NSW Law Reform Commissions report.¹⁶

Funding cuts to legal aid

9.15 Discussed in the committee's interim report, most funding for legal aid centres is provided by the states and territories. However, the committee heard evidence about some aspects of legal aid the Commonwealth does fund, and how budget cuts to this funding would affect victims of domestic and family violence.

9.16 In particular, stakeholders commented on the 2013-14 Mid-Year Economic and Financial Outlook (MYEFO) measure 'Legal Policy Reform and Advocacy Funding — redirection', which cut \$43.1 million over the forward estimates to four legal assistance programs, including funding streams for community legal centres.¹⁷ Stakeholders also criticised the withdrawal of \$15.0 million to the sector in the 2014-15 Commonwealth Budget.¹⁸

9.17 Dr Chris Atmore, Senior Policy Adviser, Federation of Community Legal Centres (FCLC), told the committee that Commonwealth budget cuts to funding for community legal centres' (CLC) advocacy work would actually impact on the assistance they could give to victims of domestic violence.

I just want to say a little bit [about] the impact of the recent federal funding cuts on family violence services and the changes to Commonwealth funding

14 'National response to recommendations from the ALRC Report into family violence that jointly affect the Commonwealth, States and Territories' at www.lccsc.gov.au/sclj/archive/former_sclj/standing_council_publications/2013_publications.html (accessed 8 April 2015).

15 *Submission 100*, p. 15. See also Federation of Community Legal Centres (Vic), *Submission 115*, p. 12; Redfern Legal Centre, *Submission 129*, pp 8-9, p. 13.

16 ACT Government, *Submission 121*, p. 40.

17 *Mid-Year Economic and Financial Outlook 2013-14* (December 2013), p. 119.

18 See the Budget measure 'Legal Aid — withdrawal of additional funding' in the Commonwealth Budget 2014-15, *Budget Paper 2: Expense Measures*, p. 60.

agreements meaning that systemic advocacy is ruled out for those centres who receive Commonwealth funding. The funding cuts are, to put it slightly bluntly, a partial rescinding of the previous federal Attorney-General's grant to CLCs. Effectively CLCs lost about half of what they had originally been promised, so the last two years of funding—which goes to, I think, 2018—is no longer there. Fourteen community legal centres in Victoria have been substantively affected by those cuts. For seven of those [Community Legal Centres] CLCs, the cuts apply directly to front-line family violence services, and those cuts amount to the order of roughly \$1 million. It is extremely unfortunate timing that those cuts have happened when they have.¹⁹

9.18 Ms Oberin, Chairperson, Australian Women Against Violence Alliance, suggested advocacy was an essential part of a healthy legal system, and so community legal centres should have their funding maintained for this work:

I think advocacy is critical to a healthy society and if we do not have NGOs or civil society being able to advocate on behalf of civil society there is a real risk of where governments may go with something. I think it is just the principle of how important it is. There has to be independence for NGOs and the not-for-profit sector to be able to do this. I think that [defunding the advocacy work of] community legal services, for example, are a very retrogressive step. They need to be advocating for their clients' issues and structural issues that they see—the systemic issues—walking through their doors and amongst each other. Rather than what is going on at individual levels they can pick up the systemic things and advise government. Advocacy is advice. I think it is wrong to think about it as some sort of negative lobbying. It is actual expert advice from the ground.²⁰

9.19 Some witnesses drew the committee's attention to cuts to Aboriginal and Torres Strait Islander legal services. Of the \$43.1 million in cuts announced in the 2013-14 MYEFO, \$13.41 million has been taken away from the Indigenous Legal Aid and Policy Reform Program from 2013-14 to 2016-17.²¹ The need for and value of specific legal services for Aboriginal and Torres Strait Islander people was reinforced in evidence to the committee.²²

19 *Committee Hansard*, 5 November 2014, p. 17.

20 *Committee Hansard*, 15 October 2014, p. 26.

21 National Aboriginal and Torres Strait Islander Legal Services, *Factsheet: Funding Cuts to Aboriginal and Torres Strait Islander Legal Services* (2013) at www.natsils.org.au/portals/natsils/submission/Funding%20Cuts%20Factsheet%202%20April%202013.pdf (accessed 25 February 2015).

22 See for example the National Aboriginal and Torres Strait Islander Legal Services, *Submission 93*; Aboriginal Family Law Services (WA), *Submission 48*; Aboriginal Family Violence Prevention and Legal Service Victoria, *Submission 73*; Aboriginal Peak Organisations Northern Territory, *Submission 134*.

9.20 Dr Atmore, FCLC, outlined how these cuts would affect Aboriginal and Torres Strait Islander Australians:

I would also draw attention to the fact that one of our member centres, Aboriginal Family Violence Prevention and Legal Service, is currently struggling with the impact of cuts to the funding of those services and also because its funding future is currently uncertain. Given the high levels of violence that Aboriginal women and children, in particular, are subject to, and the extremely high death rates from family violence, quite frankly we are appalled. I just do not know how to put it more clearly than that.²³

9.21 Ms Amanda Alford, Deputy Director, Policy and Advocacy, National Association of Community Legal Centres (NACLC), also highlighted that cuts to legal aid would impact negatively on Aboriginal and Torres Strait Islander victims of domestic violence.²⁴

9.22 Ms Rhonda Payget, Principal Solicitor and Co-Convenor, Women's Legal Services Australia, noted that cuts to legal aid funding were leading to increased numbers of women self-representing in domestic and family violence cases taken to the Family Court. Ms Payget commented:

The issues that we are working with at the moment are the protection for vulnerable witnesses in the family law system. As you may know with many of the funding cuts in Legal Aid and in community legal centres there are many more women who are self-representing in the Family Court, so they are placed in the dreadful position of being cross-examined by their former partner who is the perpetrator of violence and at this point there is no systemic protection for those witnesses.²⁵

9.23 This means victims are often forced to confront the alleged perpetrator of domestic and family violence directly, which can be a traumatic experience that leads to poor outcomes.²⁶ Ms Payget noted that, whereas some court systems provide victims with a lawyer in domestic and family violence cases to cross-examine alleged perpetrators, the Family Court had no such provision, where it is most needed.²⁷

Restoration of funding cuts

9.24 In its interim report the committee noted its concern that funding cuts to legal services would affect already disadvantaged groups as well as affecting the ability of community legal centres to adequately plan, allocate resources and retain staff.

9.25 The committee notes the announcement by the Attorney-General on 26 March 2015 that funding cuts due to take effect on 1 July 2015 will not proceed. The

23 *Committee Hansard*, 5 November 2014, p. 17.

24 *Committee Hansard*, 4 November 2014, p. 41.

25 *Committee Hansard*, 15 October 2014, p. 41.

26 See for example, Women's Council for Domestic and Family Violence Services WA, *Submission 89*, p. 17.

27 *Committee Hansard*, 15 October 2014, p. 42.

announcement restored \$25.5 million over two years to 30 June 2017 for Legal Aid Commissions, Community Legal Centres and Indigenous legal service providers. It restored funding of \$11.5 million for Indigenous legal assistance for two years.²⁸

Barriers to accessing the legal system

9.26 Some submitters noted there were barriers to accessing legal aid, including financial, regional, and linguistic or cultural barriers.

9.27 It was noted that many victims who are unable to afford independent legal counsel are prevented from accessing legal services because they have modest assets, such as owning their own house or car. Ms Rosie Batty told the committee how financially and emotionally draining self-representation was for most victims, and how many asset-rich but cash-poor people were being denied legal aid:

Let us also consider the reality that true legal representation is out of reach for a lot of us. In my case I am asset rich and cash flow poor, so I do not qualify for legal aid representation. I felt forced to navigate the process on my own. As a single parent I had the opportunity to take out a caveat—with legal aid you take out something against your home that helps with the funding. But if I did that I would never be able to afford to go back into the housing market. So you are kind of assessing your future. I felt that I am an intelligent, articulate person—I should be able to navigate my way through. But it puts a huge, huge strain on you. The amount of money that it takes to go through the family law process to get advice—again, it is not always from lawyers that understand family violence, but they are professionals. If you are very poor you get legal aid representation and then there are the very rich and those in between.²⁹

9.28 Ms Payget, Women's Legal Services Australia, also noted that the threshold for accessing legal aid was set too low:

Last week I had three women who were all representing themselves in Family Court. In one case Legal Aid had assisted to a point and then declined and the others were, for example, a woman had a car worth \$30,000 which meant she was refused Legal Aid because of the value of her car, but she had four kids who she had to take around in that car, so she was representing herself against a husband who was represented and there were various serious issues about abuse of the children in that matter.³⁰

9.29 The Federation of Ethnic Communities' Councils of Australia, stressed the particular need for specialist translators in legal and court processes to assist culturally and linguistically diverse (CALD) women:

28 The Attorney-General, Senator the Hon George Brandis QC, and the Minister Assisting the Prime Minister for Women, Senator the Hon Michaelia Cash, 'Legal aid funding assured to support the most vulnerable in our community', Media Release, 26 March 2015.

29 *Committee Hansard*, 12 September 2014. 13.

30 *Committee Hansard*, 15 October 2014, p. 43.

Many of the women eligible to access legal services might not be aware of, or fully understand, their rights, and fail to seek legal advice and support. Lack of effective use of interpreters and limited cultural competency of service provider staff also affect women's ability to confidently access services on the basis of the latter believing they will not be properly understood. Moreover, lack of understanding of the legal system in Australia combined with language barriers can be very intimidating for victims from immigrant or refugee backgrounds, as they might fail to understand how the legal proceedings taken against their husbands will impact them and their families.³¹

9.30 Some submitters also highlighted that women with a disability often face barriers to reporting domestic and family violence and receiving appropriate legal assistance. Mr John Chesterman, Policy and Education, Office of the Public Advocate, told the committee:

Women with disabilities experience many barriers to safety, including social isolation, difficulties reporting violence to police and lack of support through the court process. A lifetime combination of the experience of violence may mean that women do not identify what is happening as violence or that they're fearful of seeking help.³²

9.31 Ms Keran Howe, Executive Director, Woman with Disabilities Victoria, highlighted how targeted programs could assist women with disabilities to get appropriate legal help:

We have identified examples of specialist work, such as a referral program from the Independent Third Person, where we do need additional resources. Making Rights Reality is another program in Victoria where there is a specialised sexual assault response to women with cognitive disabilities or women with communication difficulties. They have had more tailored case management from both legal advisers and counsellor advocates in the sexual assault services, and this has been found to be more effective in getting women to the court at all, let alone having successful prosecutions.³³

Training in family violence evaluation for legal personnel in the Family Law system

9.32 Ms Rosie Batty indicated to the committee that the shortcomings of the family law system can be another form of systemic abuse for victims of domestic and family violence and their children. She indicated there is a need for workers in the legal system to receive more training in recognising and dealing with family violence and how to consider what is in the best interests of the child.³⁴

9.33 Other witnesses also told the committee that there is a need to improve training in and resources about family violence for magistrates presiding over cases in

31 *Submission 54*, p. 12. Other submissions also discussed the importance of interpreters, including the Thai Information and Welfare Association, *Submission 52*, p. 3.

32 *Committee Hansard*, 5 November 2014, p. 30.

33 *Committee Hansard*, 5 November 2014, p. 35.

34 *Proof Committee Hansard*, 11 June 2015, pp 3, 6.

the Family Courts. Others highlighted the need for family report writers to be given training in family violence and, moreover, be subject to a more rigorous evaluation process.

9.34 Dr Chris Atmore, FCLC, suggested to the committee that there were serious gaps in some magistrates' knowledge about the intersection of the Family Court and state and territory courts:

Even a lot of magistrates are still confused about their power to suspend family law orders, for example—let alone lawyers and clients. You have a family law system that is not thinking 'risk assessment'.³⁵

9.35 Dr Atmore highlighted the recommendation made by the ALRC in their 2011 review of domestic and family violence laws, namely that the Commonwealth and jurisdictions should work together on 'the creation of a National Family Violence Bench book which provides guidance to judicial officers on family violence and sexual offences'.³⁶ Dr Atmore suggested this would be useful, citing Victorian experience:

We have a family violence bench book in Victoria now and it is a fabulous resource. It is available for anybody to have a look at. It is particularly used by our more excellent magistrates in family violence—everyone acknowledges that there is variability. It is used all the time. It has checklists of things they should think about when making decisions. Importantly, that checklist includes thinking about risk factors—what sort of order they should go through them.³⁷

Training and evaluation of report writers

9.36 Some witnesses told the committee there is a particular need for consistency in the training and evaluation of writers of family reports. Domestic and family violence cases heard in the Family Court include the production of 'Family Reports', which provide an independent assessment of the issues of the case, particularly the effects upon children. The Family Law Courts describe these reports as follows:

A Family Report is a document written by a family consultant appointed by the Court. It provides an independent assessment of the issues in the case and can help the judge hearing the case to make decisions about arrangements for the child/ren. It may also help the parties reach an agreement.

In preparing the report, the family consultant considers the family's circumstances, explores issues relevant to the case and recommends arrangements that will best meet the child/ren's future care, welfare and

35 *Committee Hansard*, 5 November 2014, p. 21.

36 ALRC, *Family Violence and Commonwealth Laws – Improving Legal Frameworks*, ALRC Report 117 (2011), Recommendation 31-2, p. 47.

37 *Committee Hansard*, 5 November 2014, p. 21.

developmental needs. The best interests of the child/ren are the main focus of the report.³⁸

9.37 These reports are written by family consultants engaged and employed by the Family Court, who are 'psychologists and/or social workers who specialise in child and family issues after separation and divorce'.³⁹

9.38 Some witnesses told the committee that family reports often glossed over or missed incidents of domestic violence. As a result, sometimes women who had experienced domestic and family violence were unable to access Legal Aid. Ms Rhonda Payget, Women's Legal Services Australia, outlined how this could happen:

Legal Aid do both a means and a merits test, so a woman may qualify on means but as part of the merits test the Legal Aid will look at the available evidence and try to make an assessment as to whether it is worthwhile spending public funding on going ahead to a hearing. One of the pieces of information that they are permitted to look at is that family report. If you have a family report writer who has not properly taken violence into account and make certain recommendations then Legal Aid almost can act as the judge and say, 'You won't be successful in your application, for example, to limit contact based on your own experience of violence', and then the Legal Aid will make a funding decision based on a report. That is a practical reality.⁴⁰

9.39 This was supported by Ms Angela Lynch, Community Legal Education Lawyer, Women's Legal Service Inc:

A fairly typical example is that women going through violence do present in a particular way. They can look very disorganised; they can look very unsettled; they may not be looking like the best parent when they are talking to the family report writer....So [family reports] can miss the domestic violence. To give you an example of what we are talking about, we have had women in siege situations where they are in the house with him. He has a weapon. There are children in that house. Police have been called to that incident at the time of separation. Ultimately, the family report writer can say, 'That wasn't domestic violence; that was just separation violence because it happened at separation.' So the [Legal Aid] funding goes.⁴¹

38 Family Law Courts, 'Family Reports' at www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/Publications/Family+Law+Courts+publications/FCOA_cds_family_reports (accessed 13 January 2015).

39 Family Law Courts, 'Family Consultants' at www.familylawcourts.gov.au/wps/wcm/connect/FLC/Home/Publications/Family+Law+Courts+publications/Family+Consultants (accessed 13 January 2015).

40 *Committee Hansard*, 15 October 2014, p. 41.

41 *Committee Hansard*, 6 November 2014, p. 7.

9.40 Moreover, the committee heard that, once written, family reports were difficult to challenge for some victims, as contesting their findings often meant legal aid was withdrawn. As Ms Liz Snell, Law Reform and Policy Coordinator, Women's Legal Services New South Wales and Women's Legal Services Australia, told the committee:

We are really concerned...because it is quite easy for people not to realise the nature and dynamics of domestic and family violence, so a report may completely miss the issues and make a recommendation, for example, that the child should spend time with an abusive parent. If the woman wishes to challenge this, often what happens...if the woman has legal aid and wants to go against the recommendations made in that family report, is that her legal aid grant is finished at that point.⁴²

9.41 Witnesses suggested the training and selection of these family consultants could be improved, to ensure they were aware of the nature, complexities and variety of cases of domestic violence. For instance, Ms Payget, Women's Legal Services Australia, told the committee:

One of the other issues is about accreditation and training of the family report writers. In the family law system family report writers review the family and the children. That is one of the main voices for the children to the court. We certainly observed an uneven level of expertise in family report writers recognising the impact of violence, both on the mother and on the children. Their critical recommendations then appear not to have taken into account the impact of violence, whereas in the social science world outside of the Family Court there is clear and growing evidence about the impact of violence, either as witnesses or being in a household of violence, the impact on children and particularly young children.⁴³

9.42 A more rigorous training program for report writers focused on the effects of violence was also recommended by Ms Rosslyn Monro, Coordinator, Women's Legal Service Inc:

There are some good family report writers, but in our experience, generally, family report writing is not done through a lens of violence, so the capacity for the court to truly consider the risk through independent experts is quite limited. We would argue that there does need to be further training and enhancement of that family-reporting process in order to make sure that violence is front and centre for people who are providing expert views to the court.⁴⁴

42 *Committee Hansard*, 4 November 2014, pp 46-47.

43 *Committee Hansard*, 15 October 2014, p. 41.

44 *Committee Hansard*, 6 November 2014, p. 3.

Problems coming from differing legal systems

Definitions and risk frameworks

9.43 Ms Libby Eltringham, Community Legal Worker, Domestic Violence Resource Centre Victoria suggested major problems came from differing definitions across levels of government and legal systems:

Again I think it is a good example of where the gaps are, that we do not even use absolutely the same definition in family law and in family violence legislation across different states.⁴⁵

9.44 Dr Chris Atmore, FCLC, suggested to the committee there was too little communication between the Family Court and state courts and this could exacerbate cases of domestic and family violence being heard in both systems:

You could have, for example, a highly volatile situation where a woman has just been in a Family Court with the perpetrator, possibly having been cross-examined by him, and then she could come back to state court and all hell could possibly break loose—and nobody would know. There does not seem to be any way for personnel to inform the state court of the risks. That is something we think needs to be consistent across the board—that they have the same understanding and the same approach.⁴⁶

9.45 Ms Amanda Alford, NACLIC, suggested there was a need for more coordination across differing systems:

...the Law Reform Commission of New South Wales and [the ALRC] really looked at the interaction of state and territory as well as Commonwealth legislative regimes, in the course of the inquiry I think about 27 different legislative regimes were examined. I think the key message really was that there is significant fragmentation and lack of coordination across those systems. It is really a siloed approach to family violence, and there is a need to address that in a holistic sense. I think some of the recommendations—for example, the need for a national domestic violence order register—and others that would bring together and coordinate family violence matters are quite significant.⁴⁷

The need to harmonise DVOs across jurisdictions

9.46 There are some common features of DVOs across all jurisdictions. Most importantly, all states and territories have laws:

...to provide for a court order, obtained on the civil standard of proof (the balance of probabilities), protecting a victim against further attacks or harassment. Breach of this type of order is a criminal offence. Moreover,

45 *Committee Hansard*, 5 November 2014, p. 5.

46 *Committee Hansard*, 5 November 2014, p. 21.

47 *Committee Hansard*, 4 November 2014, p. 45.

police may arrest without warrant a person who has contravened a protection order.⁴⁸

9.47 The relevant laws of all jurisdictions have broadly similar approaches to:

- the types of conduct that may constitute domestic violence, and the grounds on which protection orders may be made;
- the types of orders that may be made in the domestic violence context and the kinds of prohibitions, restraints and conditions that an order may impose on the person against whom it is made;
- the capacity for temporary orders to be made or obtained quickly by police in emergency situations, without the need for an appearance before a court; and
- the (criminal) effect of contravening a domestic violence protection order.⁴⁹

9.48 Applications for DVOs are made in one of two ways that are essentially consistent across all jurisdictions. The first involves the police applying on the victim's behalf; the second involves the victim applying themselves at their local court. In some jurisdictions, police are obliged to apply on the victim's behalf in some circumstances.⁵⁰

Differences between Commonwealth and state and territory legal frameworks

9.49 There are some challenges that come from the differing and sometimes contested legal spaces between Commonwealth and the states and territories, including:

- until recently, victims were required to register DVOs in other states and territories for them to be effective beyond the jurisdiction they were originally issued. This made them a clumsy instrument in many cases where the victim or perpetrator moved; and
- tensions between the Commonwealth's Family Law Act and state or territory laws, particularly where parenting orders and a DVO are in force concurrently. These kind of tensions can create a situation where parental contact is mandated by the Family Law Act, whilst being prohibited by an active protection order issued by a jurisdiction.

Differences across jurisdictions

9.50 According to the report *Domestic Violence Laws in Australia June 2009*, prepared by the Australian Government Solicitor (AGS) for the then Department of families, Housing, Community Services and Indigenous Affairs (FAHCSIA), there are three major areas of difference in DVOs across jurisdictions:

- the maximum penalties for violations;

48 Renata Alexander, *Domestic Violence in Australia: The Legal Response* (2002), p. 87.

49 Australian Government Solicitor, *Domestic Violence Laws in Australia June 2009*, p. 13.

50 Australian Government Solicitor, *Domestic Violence Laws in Australia June 2009*, pp 29-30.

- the obligations put on police officers to investigate suspected domestic violence; and
- varying approaches to the counselling and rehabilitation of perpetrators.⁵¹

9.51 Regarding maximum penalties, there is substantial variation across states and territories in the fines and imprisonment terms for violations. Beyond noting this variation, the AGS stated that 'it is not possible to make any straightforward comparison between these divergent systems' as lowest maximum fines for first offences can vary between \$2,400 and \$50,000 and minimum sentences range across jurisdictions from 1 year to 5 years.⁵²

9.52 The Commonwealth has committed to making DVOs consistent across jurisdictions as recommended by the findings of the 2010 ALRC and NSWLRC report. In early 2015 the government announced plans to make this issue a priority for COAG in 2015 to ensure the harmonisation of DVOs across all jurisdictions was expedited.⁵³

9.53 Commonwealth, state and territory governments are working together through the Law Crime and Community Safety Council to develop a legal framework to enable the automatic recognition and enforcement of domestic and family violence orders across jurisdictions.⁵⁴

9.54 Once enacted, this legislation will remove the requirement for victims of domestic and family violence to register DVOs to make them apply in jurisdictions where they were not originally issued.

9.55 To complement this process CrimTrac have been funded to develop a prototype system to share information about active DVOs. From 2014 to 2017, CrimTrac has been given the responsibility:

...to design, develop and test a prototype information sharing system for domestic violence orders at the national level to be called the National Domestic Violence Order Information Sharing System (NDVOISS).

The NDVOISS aims to address the lack of national coordination and information sharing across systems, law enforcement agencies, justice stakeholders (such as courts, justice and corrections agencies) and between jurisdictions in Australia.⁵⁵

51 Australian Government Solicitor, *Domestic Violence Laws in Australia June 2009*, p. 14. For a full list of protection order provisions in every state and territory can be found in Renata Alexander, *Domestic Violence in Australia: The Legal Response* (2002), pp 91-184.

52 Australian Government Solicitor, *Domestic Violence Laws in Australia June 2009*, pp 14, 28.

53 The Hon Tony Abbott MP, Prime Minister of Australia, 'COAG agenda to address ending violence against women', Media Release, 28 January 2015.

54 Law, Crime and Community Safety Council, Communique 3 October 2014 at www.lccsc.gov.au/agdbasev7wr/sclj/lccsc%203%20October%202014%20communique.pdf (accessed 17 January 2014).

55 Crim Trac, 'News, 15 September 2014' at www.crimtrac.gov.au/about_this_site/News.html (accessed 17 January 2014).

9.56 At a public hearing in October 2014, the Attorney-General's Department assured the committee that work was well underway on these initiatives.⁵⁶ Moreover, the April 2015 COAG meeting agreed that by the end of 2015:

a national domestic violence order (DVO) scheme will be agreed, where DVOs will be automatically recognised and enforceable in any state or territory of Australia;

progress will be reported on a national information system that will enable courts and police in different states and territories to share information on active DVOs – New South Wales, Queensland and Tasmania will trial the system;

COAG will consider national standards to ensure perpetrators of violence against women are held to account at the same standard across Australia, for implementation in 2016; and

COAG will consider strategies to tackle the increased use of technology to facilitate abuse against women, and to ensure women have adequate legal protections against this form of abuse.⁵⁷

9.57 In June 2015, the Attorney-General's Department informed the committee that the work to put in place a national domestic violence order scheme remains on track:

The intention at the moment is to report to COAG through the ministerial council by the end of this year—whenever the last COAG meeting for this year is. Large parts of that work have been done already in terms of working up the model laws. We have the first couple of iterations of draft legislation being developed. The New South Wales Parliamentary Counsel's Office is providing that service for the LCCSC [Law, Crime and Community Safety Council] working group that is doing this work. That is led by Tasmania and chaired by the secretary of the Department of Justice in Tasmania. I would anticipate that it would get finalised well before the end of the financial calendar year, but it may take a bit of time to get that process through ministerial council and through to COAG, but we are well and truly on track.⁵⁸

9.58 Mr Michael Pahlow, Assistant Secretary, AusCheck Branch, Attorney-General's Department outlined the legal and operational issues to be resolved:

There are a lot of issues that we have resolved already, or we have figured out how to get around those issues. Each jurisdiction's regime around

56 Ms Tracy Ballantyne, Acting Assistant Secretary, Family Law Branch, Attorney-General's Department, *Committee Hansard*, 15 October 2014, p. 64. See also Ms Cate McKenzie, Principal Adviser, Department of Social Services, *Proof Committee Hansard*, 11 June 2015, pp 17-18.

57 COAG Communique, 17 April 2015, p. 1. See also Mrs Jenny Bloomfield, Acting First Assistant Secretary, Office for Women, Department of the Prime Minister and Cabinet, and Ms Cate McKenzie, Principal Adviser, Department of Social Services, *Proof Committee Hansard*, 11 June 2015, pp 17-18.

58 Mr Michael Pahlow, Assistant Secretary, AusCheck Branch, Attorney-General's Department, *Proof Committee Hansard*, 11 June 2015, p. 18.

domestic violence orders, or intervention orders or whatever term they use for them, has in some cases fundamental differences and in other cases minor differences. It might be around exemptions, or what conditions they put on things, or even how their IT systems internally between courts and law enforcement interact. There has been a range of more, I will describe them as, operational issues that have had to be resolved there to make sure that when any law is changed we do not wind up with another problem.

From a legal perspective, there has been a range of issues that have had to be resolved in terms of how we interact from a national system, including definitional language things, some of them around, for instance, how interim orders will be treated and how that would interact from a national perspective and how different legal arrangements in one jurisdiction would translate when you put that into a national context. The framework will, in effect, ensure that where a victim moves from one jurisdiction to another or requires their current domestic violence order to be enforced in another jurisdiction then that will be automatically done and there will not be all these issues they have at the moment where they have got to register them in a court in another jurisdiction.

There are three issues left at the moment, mainly around things like notification, the natural justice aspects—if there are changes made to a new jurisdiction to an order, how is that notified to the person against whom the order is taken out? And there are issues there around ensuring both natural justice and that we do not run the risk of inadvertently putting the victim at risk by notifying that they have changed locations. There are some issues around how we can retroactively include all current domestic violence orders under the new system, because some of those are paper based et cetera. There are a few of those sorts of issues that are to be resolved yet but well and truly down the track.⁵⁹

9.59 At its July meeting, COAG considered the progress that has been made and the work that still needs to be done regarding reducing domestic and family violence.⁶⁰

9.60 The committee notes that the ACT government recently announced reforms to its protection order system.⁶¹ These reforms will make it easier for victims to renew an interim DVO, following recommendations made by a Victims of Crime ACT report that found victims can be unnecessarily re-victimised when making applications for DVOs.⁶²

59 *Proof Committee Hansard*, 11 June 2015, pp 18-19.

60 COAG, Special Meeting Communique, 23 July 2015.

61 Michael Inman, 'ACT government announces strengthened interim domestic violence orders' in *Canberra Times*, 11 May 2015.

62 Victims of Crime Commissioner ACT, 'Position Paper: Reforming the Framework for Applying for a Domestic Violence Order in the ACT' (March 2015) available at http://cdn.justice.act.gov.au/resources/uploads/New_Victim_Support/Position_Paper_Protection_Orders_FINAL2.pdf (accessed 12 May 2015).

Committee view

9.61 The committee understands that the multiple legal frameworks dealing with domestic and family violence are complex and, moreover, that domestic and family violence cases are mostly handled by state and territory legal systems.

9.62 However, there are some responsibilities that the Commonwealth does have including funding some aspects of legal aid, oversight of the Family Law Act and the Family Court system and leading work to coordinate legal systems across jurisdictions.

Coordination

9.63 Given comprehensive reviews undertaken in this area the committee was concerned by the apparent lack of progress reported by stakeholders.

9.64 The National Plan includes a commitment to consider the recommendations in the 2010 report by the ALRC and NSWLRC.⁶³ The status of this response is not currently clear, and reporting frameworks for this process have also not been made public. The committee believes that using the Evaluation Plan for the National Plan (Justice responses are effective) would be the most effective way of providing a coordinated response.

Recommendation 16

9.65 The committee recommends that the Evaluation Plan for the National Plan include a coordinated status report on the consideration of the recommendations in the 2010 report by the Australian and NSW Law Reform Commissions.

Training

9.66 The committee heard how the training and resources on domestic and family violence that are available to legal professionals in the Family Court system could be improved.

9.67 Better knowledge across the Family Court system about the nature and extent of domestic and family violence would be a positive step towards helping victims get the assistance they need.

9.68 The committee understands the ALRC report recommended the development of a bench book by the Commonwealth and jurisdictions for use in the Family Court system. The committee notes that on 9 June 2015, the government announced that work has commenced on a National Family Violence Bench Book, which will be available in June 2017.⁶⁴

63 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 27.

64 Attorney-General, Senator the Hon George Brandis QC and the Minister Assisting the Prime Minister for Women, Senator the Hon Michaelia Cash, 'National Family Violence Bench Book', Media release, 9 June 2015.

9.69 The committee is also aware that the 2010 ALRC Report recommended the Attorney-General's Department coordinate the collaborative development and training relating to domestic and family violence for all professionals who encounter family violence in the legal sector, including Family Court report writers.⁶⁵ The government agreed to this in principle in its official response to the ALRC recommendations, highlighting that some training programs were already underway.⁶⁶

9.70 The committee acknowledges information provided by the family law courts through the Attorney General's Department⁶⁷ regarding the training of report writers. While these efforts are welcome, evidence received by the committee suggests there is still work to be done with witnesses highlighting the importance of consistent training and evaluation of report writers.

Recommendation 17

9.71 The committee recommends the Commonwealth Government through the Attorney-General's Department, coordinate the development of consistent training for and evaluation of family consultants who write family reports for the Family Court alongside the development of a national family bench book by June 2017.

Recommendation 18

9.72 The committee recommends the Commonwealth Government, through the Attorney-General's Department and COAG, facilitate the training of all judicial officers who preside over family violence matters, alongside the development of a national family bench book by June 2017.

DVOs

9.73 The committee heard evidence of how the DVO system should be harmonised across Australia, so that if a protection order is issued in one jurisdiction, it should be automatically recognised in all others.

9.74 The committee understands that work to harmonise DVOs across jurisdictions is underway, including work being done by CrimTrac. The committee notes that in early 2015, the government announced this work would be a priority for the COAG agenda for 2015. In its interim report the committee noted that this was re-announcement of this issue and urged the Commonwealth Government to expedite the work. Given the amount of time since the issue was first raised and the admission following the 17 April 2015 COAG meeting that it is likely to take at least another 12 months, the committee urges all jurisdictions to work through COAG to have this framework in place as soon as possible. The committee notes that at its meeting on

65 Recommendation 22-5 of the ALRC and NSWLRC, *Family Violence – a National Legal Response*, ALRC Report 114/ NSWLRC Report 128 (2010).

66 'National response to recommendations from the ALRC Report into family violence that jointly affect the Commonwealth, States and Territories', pp 3-4.

67 See answers to questions on notice from 11 June 2015 hearing received from the Attorney-General's Department on 2 July 2015.

23 July 2015, COAG agreed to 'consider the Model Law Framework for Domestic Violence Orders and National Perpetrator Standards which are important next steps in addressing violence against women and their children'.⁶⁸

Recommendation 19

9.75 The committee recommends that every effort is made by the Commonwealth Government to ensure that the critical work being undertaken by the COAG ministerial council to:

- **agree a national domestic and family violence order scheme;**
- **report progress on a national information system to enable police and courts to share information on active DVOs;**
- **consider national standards to ensure perpetrators of violence against women are held to account at the same standard across Australia, for implementation in 2016; and**
- **consider strategies to tackle the increased use of technology to facilitate abuse against women and to ensure women have adequate legal protections**

is completed in accordance with the timetable agreed by COAG in April 2015.

68 COAG, Special Meeting Communique, 23 July 2015.

Chapter 10

Support services

10.1 This chapter considers the importance of providing adequate long-term support for victims of domestic violence, beyond the immediate crisis response services discussed in chapter 8. The committee heard there is a need to provide 'maintenance and stability' for victims through 'wraparound services'. Witnesses also highlighted that wraparound services should include appropriate financial and trauma counselling for victims and their families as well as addressing longer-term housing needs.

The need for long term support

10.2 A number of submissions emphasised the need for long term support for victims and their families to avoid crisis support services becoming a 'revolving door'.¹ For example, the Victorian State-wide Children's Resource Program argued:

Support for families should not be episodic; rather families who have experienced family violence require long term support. Current support is focussed on crisis, and resource constraints mean that often the more high risk cases receive support. Once the immediate crisis is over, women need support with education and training to be able to enter employment. They also need support with parenting, access to health and wellbeing programs and therapeutic support. Due to resource constraints services must cease support when families are 'stable' and often this is when families need support the most. This contributes to the 'revolving door' which is far less cost effective than providing the appropriate support to a family.²

10.3 Women's Health in the South East supported this view:

Crisis support services are not adequately funded and are over capacity which results in women entering a 'revolving door,' being provided with the bare minimum support rather than a holistic wraparound approach which is needed.³

10.4 Ms Mirjana Wilson, Executive Director, Domestic Violence Crisis Service (DVCS), emphasised the importance of giving victims 'maintenance and security' over the long-term, which would help them avoid needing crisis services again:

...I worry that we are not looking out for [victims of domestic violence] for a long enough period. That is where programs or services must look at the

1 See Ms Mirjana Wilson, Domestic Violence Crisis Service, *Committee Hansard*, 15 October 2014, p. 2; Women's Health West, *Submission 21*, p. 20; Federation of Community Legal Centres (Victoria), *Submission 115*, p. 15; Domestic Violence Resource Centre Victoria, *Submission 123*, Attachment 1 (*Victorian Homelessness Action Plan [2012]*), p. 7; Domestic Violence Victoria, *Submission 124*, p. 14.

2 *Submission 13*, p. 3.

3 *Submission 61*, p. 5.

broad spectrum. There are different stages, and you need to do prevention, early intervention and crisis response. Then there is also maintenance and stability. It is the maintenance and stability that, if not well resourced, funded and looked out for, will tip people back into crisis.⁴

10.5 Ms Wilson described how the issues faced by victims can compound over time if they do not receive long-term support and how this can lead to victims re-entering crisis services or becoming homeless:

[Victims are often] left to cope with everything, including the financial stuff. The mortgage may or may not be getting paid, the private rent may or may not be getting paid, particularly if [a perpetrator] chooses not to do that once he has been removed. The children [are] traumatised and she is unable to work and sustain her employment, if that is what she had. Her employer may or may not understand her circumstances and there may be ongoing mental and physical health issues, depending on whether there are injuries or ongoing mental health associated with that. So what we know and what we have found is that women will stay and try to manage all of these things, living alone with the children. About nine months down the track, she cannot then sustain it and either returns to the violent relationship or tips into secondary homelessness, at which point the domestic violence is seen to be in the distant past and is no longer a reason for her homelessness.⁵

10.6 Ms Julie Oberin, Chairperson, Australian Women Against Violence Alliance (AWAVA), commented there was a need to integrate the immediate crisis response with longer-term support services, citing recent research:

...[showing] the best outcomes occur when women and children have their immediate needs met and where there is long-term support available. [This research calls] for three things. Immediate refuge accommodation for all women and children. At the moment, 60 per cent on any given day are turned away from refuge or emergency accommodation. The second thing they ask for is secure long-term housing, and the third is ongoing outreach support over 12 months, which will increase the safer and better outcomes for those women and children, decrease the risk and decrease the recurrence of the violence happening.⁶

10.7 Ms Oberin noted this model would not only deliver more effective outcomes than the 'crisis-driven model' currently being used, it would halve the cost for government:

4 *Committee Hansard*, 15 October 2014, p. 2.

5 *Committee Hansard*, 15 October 2014, pp 4-5.

6 *Committee Hansard*, 15 October 2014, p. 27. Ms Oberin was referring to Northern Integrated Family Violence Services research conducted by Dr Kristin Diemer into the cost of supporting a woman experiencing family violence in the northern metropolitan region. See *Launch of Fund the Family Violence System Factsheet* available at <http://nepcp.org.au/news-and-events/launch-fund-family-violence-system-factsheet-northern-integrated-family-violence-ser> (accessed 17 April 2015).

[The research] found that currently women enter the system seven times and it costs \$53,279.07 per woman. They often return to a violent partner due to no affordable or safe housing being available and insufficient supports being available. [The research is] arguing that a best practice model would see that woman entering the system once, costing \$29,825.56, and being able to access safe and affordable housing. Also as part of the costing, if the system is working properly it will reduce refuge stay to 14 days rather than the current average of about three months. There are no exit points from refuge. That is why 60 per cent on any given day are being turned away.⁷

Wraparound services

10.8 The committee heard how 'wraparound' support could provide an enhanced model of services for victims and their families, which would give them 'maintenance and stability' as they rebuilt their lives following violent episodes.⁸

10.9 Ms Marcia Williams, Chair, ACT Domestic Violence Prevention Council (ACT DVPC), highlighted that services are being overwhelmed simply by meeting the immediate needs of victims and they are often not able to offer longer term wraparound assistance.⁹

10.10 The committee notes that the Second Action Plan's National Priority 3 – 'Supporting innovative services and integrated systems' recognises the importance of delivering wraparound support, and outlines the types of services for victims and their families that would be strengthened under the second phase of the National Plan:

Effective wrap-around support to women and their children who experience, or are at risk of violence is also very important. This means ensuring collaboration between the police, domestic and family violence and sexual assault services, housing and homelessness services, child protection, health and mental health services, income support and financial management support (such as income management), perpetrator interventions and programmes and, where necessary, cultural support services.¹⁰

7 *Committee Hansard*, 15 October 2014, p. 27.

8 See Ms Marcia Williams, ACT DVPC, *Committee Hansard*, 15 October 2014, p. 3; Ms Mirjana Wilson, DVCS, *Committee Hansard*, 15 October 2014, p. 4; Ms Julie Oberin, AWAVA, *Committee Hansard*, 15 October 2015, p. 28; National Family Violence Prevention Legal Services Forum, *Submission 51*, p. 5; Women's Health in the South-East, *Submission 61*, p. 5; Women's Domestic Violence Crisis Service, *Submission 109*, p. 7.

9 *Committee Hansard*, 15 October 2014, p. 4.

10 This is drawn from actions to be taken under National Priority 3, Action 14 - Strengthening systems and service integration. See Department of Social Services, *Submission 57*, Attachment 5 (Second Action Plan to Reduce Violence against Women and their Children), p. 29.

Financial counselling

10.11 The committee received evidence about how domestic and family violence often affects a victim's financial security.¹¹ Ms Marcia Williams, Chair, ACT DVPC, highlighted how victims of domestic and family violence often need help managing their finances after leaving abusive relationships:

More and more we are seeing women in poverty in the ACT, and the majority of those are around domestic violence. Financial counselling is another aspect. When they have been in these situations, often they do not know how to manage money and they do not have access to money. They really need a lot of support around getting out of the debts that are often incurred in their own names but on behalf of their partners.¹²

10.12 Ms Williams emphasised that many victims could easily slip into crisis housing or homelessness because of financial pressures, regardless of whether they had stayed in their own home or were in a rental property:

[The ACT DVCS] that looked at the women who they had been seeing over a number of years that had stayed in their own homes. The same thing is true of those who went into rental homes after exiting crisis support or straight into it. 54.6 per cent of the homeowners and 62.5 per cent of the families in private rentals lost their home after 12 months because they did not have that financial support to maintain them. So we are just causing the next lot of homelessness because we don't have programs in place that support their financial sustainability...Many women are finding that their finances are so tied up and it is such a long time to work through those things—whether it is a housing issue, or whether it is bills of the sorts of debts that are incurred often on behalf of the men—it is causing a whole lot of financial issues that are causing them into homelessness when they have previously not been.¹³

10.13 WIRE Women's Information submitted financial counselling services should be integrated with other services for victims of domestic and family violence who were remaining in their own home, as research showed:

...the importance of legal advice and support around property matters in achieving optimum financial outcomes for women. Policy reform which allows access to this advice through Legal Aid and community legal services for women who have a history of financial abuse would have a significant impact on their financial situation.¹⁴

11 These issues have been discussed in this report in chapter 2 (financial effects of domestic violence) and chapter 5 (employers providing leave following incidents of domestic violence).

12 *Committee Hansard*, 15 October 2014, p. 4.

13 *Committee Hansard*, 15 October 2014, p. 4. Ms Williams was referring to a study undertaken by Jo Watson, *Staying at home after domestic violence*, ACTDVCS (2014).

14 *Submission 40*, p. 16.

Trauma counselling for victims and their families

10.14 Witnesses highlighted the need for victims of domestic and family violence to be given adequate trauma counselling, not only following violent events, but also over the longer term.¹⁵

10.15 Ms Marcia Williams, in her capacity as Executive Director, Women's Centre for Health Matters, highlighted that recent cuts to services had reduced the amount of ongoing support available for victims of domestic violence, including trauma counselling:

...one of the things that we really find in the ACT for the really complex cases for women with mental health issues from long-term trauma is things like the day refuges that were provided by services like Inanna, as well as others that have now disappeared. So they are not getting that ongoing support, some of that counselling and some of those linkages and social interactions. A lot of those sorts of things are not being delivered because the cuts have cut those out.¹⁶

10.16 Mr John Paterson, Chief Executive Officer, Aboriginal Medical Services Alliance Northern Territory (AMSANT), told the committee there was a particular lack of counselling services in remote and regional communities in the Northern Territory:

Experiences of violence are traumatic, and unresolved trauma can compound, with effects accumulating with impacts on individuals, families, and the broader community and society. Currently in the Northern Territory there is little to no support available to individuals suffering high levels of loss and grief. Mental health and counselling services are overstretched or unavailable, especially in remote areas. The inadequacy or lack of appropriate services to deal with family violence and related issues, particularly in remote areas, is one of the most pressing issues.¹⁷

Counselling for children

10.17 The committee received evidence there needs to be greater attention given to providing support to children who have witnessed domestic violence, as they are at increased risk of suffering developmental, behavioural and mental health issues later in life, as well as having a higher risk of suffering or perpetrating domestic and family violence themselves.¹⁸

15 See for example: One in Three Campaign, *Submission 23*, pp 20-21; Dr Deborah Walsh, *Submission 25*, p. 2; McAuley Community Services for Women, *Submission 30*, p. 4.

16 *Committee Hansard*, 15 October 2014, p. 11.

17 *Committee Hansard*, 10 March 2015, p. 17. The need for more Aboriginal and Torres Strait Islander trauma counsellors to be trained was also highlighted by Phoenix House, *Submission 1*, p. 39.

18 For example: Coalition of Women's Domestic Violence Services of South Australia, *Submission 38*, p. 5; Ms Rosie Batty, *Committee Hansard*, 12 September 2014, pp 12-13, p. 15; Ms McCormack, DV Victoria, *Committee Hansard*, 12 September 2014, p. 18.

10.18 SunnyKids submitted that 75 per cent of the victims from domestic and family violence are children and therefore:

In the absence of readily available, targeted support for child victims, levels will remain unacceptably high and will continue to transfer from generation to generation.¹⁹

10.19 Ms Chrystina Stanford, Chief Executive Officer, Canberra Rape Crisis Centre, highlighted the potential effects of the current shortage of services for children, including counselling:

...the lack of support and appropriate specialist services for children who are living in domestic violence creates a vulnerability that can mean a child will go on to experience sexual assault and domestic violence across their whole lifetime.²⁰

10.20 McAuley Community Services for Women stressed that children affected by domestic and family violence need to access counselling separately from their parents:

They may require individual counselling, group therapy or other evidence-based interventions to rebuild relationships but also to prevent future vulnerability to youth homelessness and/or becoming victims or perpetrators of violence themselves.²¹

Specialised services

10.21 The committee was interested in innovative models that deliver specialised services to address the needs of victims of domestic and family violence from particular communities.

10.22 Regarding victims from culturally and linguistically diverse (CALD) communities, the inTouch Multicultural Centre against Family Violence (inTouch) outlined a model it developed to deliver services to victims of domestic and family violence from multicultural communities:

We developed it around five main headings: family violence in CALD communities, barriers to legal services, support for CALD children experiencing family violence, access and equity for women without permanent residency, and tailored responses versus the one-size-fits-all approach.²²

10.23 InTouch noted that mainstream services could 'provide only superficial response to diverse communities' and highlighted the value of tailored service provision models:

Responses that will have long-term sustainable outcomes for CALD communities have to be designed based on a needs analysis and extensive

19 *Submission 2*, p. 2.

20 *Committee Hansard*, 15 October 2014, p. 2.

21 *Submission 30*, p. 5.

22 *Committee Hansard*, 5 November 2014, p. 23.

community engagement. While this approach seems to be resource intense, high initial investment prevents clients from re-entering the system and ensures long-term sustainability.²³

10.24 The committee also heard there is a need to foster specialised services for LGBTI victims of domestic violence, as they face social and cultural issues that could not be fully addressed by mainstream services. Mr Daniel Stubbs, Director, Inner City Legal Centre, commented that:

We also need a range of recovery programs for people who are experiencing domestic violence. It is important that they are targeted for LGBTI people. Just like you would not put a gay perpetrator in a program for straight perpetrators—I do not think that would be appropriate—there are also a whole lot of issues where you might run group therapy work for only gay or lesbian people or transgender men and women. We think that is really important too.²⁴

10.25 Mr Alan Brotherton, Aids Council of New South Wales, noted that mainstream services could not always address the needs of communities, including LGBTI individuals. Among other example, he highlighted the lack of specialist services for elderly LGBTI Australians:

It would be fair to say that we have not had sufficient experience of specialist services that meet the needs of the elderly LGBTI people, to know what it is that works and works well and to be able to incorporate that into a mainstream service. That is taking the optimistic view that you can incorporate those into a mainstream service.²⁵

10.26 Ms Keran Howe, Executive Director, Woman with Disabilities Victoria, highlighted to the committee that mainstream services should play a central role for victims of domestic violence, but that specialised services should cater for particular groups:

Our view in general is that mainstream domestic violence services and sexual assault services should have carriage of the issue, but there do need to be tailored responses for groups that have particular needs. We also need to draw on the expertise of different areas as the need arises.²⁶

10.27 Ms Howe drew the committee's attention to some programs delivering services that played an essential role in supporting women with disabilities who had experienced domestic and family violence:

We have identified examples of specialist work, such as a referral program from the Independent Third Person, where we do need additional resources. Making Rights Reality is another program in Victoria where there is a specialised sexual assault response to women with cognitive disabilities or

23 InTouch Multicultural Centre against Family Violence, *Submission 138*, p. 3.

24 *Submission 75*, p. 3.

25 *Committee Hansard*, 4 November 2014, p. 37.

26 *Committee Hansard*, 5 November 2014, p. 35.

women with communication difficulties. They have had more tailored case management from both legal advisers and counsellor advocates in the sexual assault services, and this has been found to be more effective in getting women to the court at all, let alone having successful prosecutions.²⁷

Housing

10.28 Throughout the inquiry, the availability of housing was raised as a critical issue affecting victims of domestic violence, whether they chose to leave the family home or remain in the house.

The importance of affordable and suitable housing

10.29 DV Victoria outlined the central role that affordable housing can play in helping victims to leave abusive relationships and get their lives back on track over the longer term:

For women and children leaving violence within their homes, access to affordable housing, including public and social housing, is critical to their being able to re-establish lives post violence...The availability of appropriate accommodation is a central factor in many women's decisions about whether or not to leave a violent situation, particularly the cost of alternative accommodation, safety, location and tenure.²⁸

10.30 YMCA Australia described the 'vicious cycle' that was created by the lack of affordable housing:

The combination of a lack of housing affordability and violence against women forms a vicious cycle. The lack of appropriate affordable housing decreases the likelihood of women successfully leaving violent relationships and contributes to the high levels of homelessness among women who have experienced violence. The struggle to find suitable accommodation impacts on the health and wellbeing of women and children already dealing with health and trauma issues arising from violence.²⁹

10.31 Ms Fiona McCormack, Chief Executive Officer, Domestic Violence Victoria (DV Victoria), observed that women in violent situations sometimes do not have the financial means to live independently, due to the high cost of accommodation.³⁰

10.32 Even victims who remain in their own home after separation from an abusive partner face significant financial pressures, as Women's Legal Services Inc. (Queensland) described:

Remaining in the private rental or mortgaged family home may not be sustainable as women simply cannot afford the rental / mortgage payments. Remaining in the family home may be unsafe, due to the perpetrator's

27 *Committee Hansard*, 5 November 2014, p. 35.

28 *Submission 124*, p. 17.

29 *Submission 49*, p. 5.

30 *Committee Hansard*, 12 September 2014, p. 19.

knowledge of the location and the property itself. Invariably domestic violence, along with all relationship breakdowns increases the demand for affordable accommodation for single parent families.³¹

10.33 The committee heard that the lack of affordable longer-term housing options for victims of domestic and family violence means women and their children need to remain in crisis accommodation for a much longer period which in turn results in the lack of availability of crisis accommodation. Ms Angela Lynch, Community Legal Education Lawyer, Women's Legal Service, confirmed that women are women are remaining in refuges for long periods of time as there are no other accommodation options.³²

10.34 Ms Rosie Batty pointed out that where there is a wait to get into a refuge, rather than turn people away, some women are put up in a motel, the cost of which is absorbed by that crisis refuge service. She also spoke about purpose built refuges she visited in Adelaide where women are safe and there is a specialised response, in contrast to other models of crisis accommodation where victims of domestic and family violence can find themselves alongside people who are homeless for a variety of other reasons.³³

10.35 The Office of the Public Advocate submitted that women with disabilities faced particular difficulties in finding appropriate longer term accommodation if they could not stay in their own home:

Finding suitable housing was difficult for some women, particularly if a woman's disability did not exactly fit into service criteria and requirements. The lack of alternative and appropriate accommodation was problematic for both shorter-term crisis situations and longer-term/permanent housing. Most Victorian crisis refuges and transitional accommodation are not built according to universal design standards and are therefore inaccessible to some women with disabilities. This highlighted the importance of Safe at Home programs that support women to remain in their own homes.³⁴

Relevant Commonwealth programs

10.36 The Commonwealth has a number of programs relating to homelessness and housing affordability that are relevant to domestic and family violence issues. The committee heard that, since the launch of the National Plan in 2010, some of these programs have faced budget cuts and funding uncertainty.

31 *Submission 108*, p. 15.

32 *Committee Hansard*, 6 November 2014, p. 5; See also Women's Legal Service Inc. (Queensland), *Submission 108*, p. 16.

33 Ms Rosie Batty, *Proof Committee Hansard*, 11 June 2015, p. 5.

34 *Submission 27*, Attachment 1, p. 18. See also Dr Jessica Cadwallader, Advocacy Project Manager, Violence Prevention, Australian Cross Disability Alliance, *Proof Committee Hansard*, 11 June 2015, p. 13.

10.37 Recognising homelessness as a key issue for victims of domestic violence, the National Plan stated the Commonwealth would work in conjunction with states and territories to:

- increase spending on homelessness services by 55 per cent as a substantial initial investment on a 12-year reform agenda;
- increase the supply of affordable housing through the National Rental Affordability Scheme (NRAS) and the Nation Building Economic Stimulus Plan;
- provide additional emergency relief and financial counselling services until mid-2011 to support Australians through difficult times; and
- fund 41 specialist homelessness projects across our housing programs, to provide more than 1680 new units of accommodation.³⁵

10.38 The Commonwealth has a framework to address homelessness with the states and territories, the National Partnership Agreement on Homelessness (NPAH). The National Plan states that:

Under the 2013-14 National Partnership Agreement on Homelessness (NPAH), around 180 homelessness initiatives receive funding to assist both those who are homeless and those at risk of homelessness across Australia. Of these 180 homelessness initiatives, 39 contribute to support services for women and children experiencing domestic and family violence.³⁶

10.39 However, since the launch of the National Plan in 2010 there have been changes to government funding for the housing and homelessness sector, including funding arrangements for NPAH and the cessation of NRAS, which will be discussed in turn.

Funding uncertainty for the National Partnership Agreement on Homelessness

10.40 NPAH was originally a four-year program running from 2009 to 2013. It was extended by one year in both the 2013-14 and 2014-15 Commonwealth Budgets and further extended from 2015 to 2017 on 23 March 2015.³⁷

10.41 Before this extension had been announced, many submissions to this inquiry expressed dismay that the NPAH was due to expire on 30 June 2015.³⁸ For example,

35 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 8.

36 Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 12.

37 Minister for Social Services, the Hon Scott Morrison MP, 'Coalition reverses Labor's funding cuts on homelessness with \$230 million commitment prioritising victims of domestic violence', Media Release, 23 March 2015.

38 For example, see: Ms Jill Kelly, Inanna Inc. and Ms Marcia Williams, ACT DVPC, *Committee Hansard*, 15 October 2014, p. 10. Ms Julie Oberin, AWAVA, *Committee Hansard*, 15 October 2014, p. 30; Ms Virginia Geddes, Domestic Violence Resource Centre Victoria, *Committee Hansard*, 5 November 2014, p. 5; Ms Barbara Crossing, Women's House Shelta, *Committee Hansard*, 6 November 2014, p. 10; and Ms Dale Wakefield, Alice Springs Women's Shelter, *Committee Hansard*, 10 March 2015, p. 41.

Ms Fiona McCormack, DV Victoria, outlined the importance of funding received under NPAH for programs that helped women stay in their own homes, where it was safe to do so:

Through NPAH, the National Partnership Agreement on Homelessness, we were able to invest in initiatives that supported women to remain in the home through a range of different mechanisms—either by supporting change of locks and tightening security measures; or brokerage funds to either address debt or provide advocacy in relation to addressing some of the debt issues; or brokerage funds to just get them over the hump of what might be a backlog in payments in relation to mortgage or rent. So we are really very concerned about the future of the NPAH funding. This has been really critical. We are concerned about what that means in the future.³⁹

10.42 Women's Health in the North, also outlined some examples of the crucial programs NPAH funds that help victims of domestic violence:

It is absolutely critical that funding for family violence services under the NPAH is renewed...Loss or reduction in this funding would directly affect the safety of women and children escaping family violence...Many innovations funded under [the NPAH] are local, smart and focus on early intervention, including afterhours responses to women and children responding to women have just been assaulted and the Safe at Home program, which supports women (and their children) to remain in their own homes and have the perpetrator leave, where it is safe to do so.

10.43 The National Family Violence Prevention Legal Services (NFVPLS) highlighted how NPAH was a particularly important vehicle to deliver assistance to Aboriginal and Torres Strait Islander women:

One in ten Aboriginal and Torres Strait Islander women used a specialist homelessness service in 2012-2013...The NPAH provides crucial services and support to homeless people, with some FVPLSs units receiving funding under the agreement. For example, FVPLS Victoria is funded for two frontline positions. These positions assist Aboriginal and Torres Strait Islander victims/survivors of family violence and sexual assault with case management and court support when they are escaping violence.⁴⁰

10.44 Witnesses commented on the need for NPAH funding to be put on a more reliable footing, so relevant organisations can resource and plan effectively.⁴¹ For instance, Ms Libby Eltringham, Community Legal Worker, Domestic Violence Resource Centre Victoria, told the committee:

I think one of the big barriers to women trying to safely escape violence is one safe and affordable housing...The continuity of that, the security of

39 *Committee Hansard*, 12 September 2014, p. 19.

40 *Submission 51*, p. 22.

41 National Family Violence Prevention Legal Services, *Submission 51*, p. 22; Equality Rights Alliance, *Submission 59*, p. 6; Mr Rodney Vlasis, No to Violence, *Committee Hansard*, 5 November 2014, p. 15.

tenure, the NPA[H] is only a year's commitment in advance and there really needs to be much more security of funding and ongoing rolling recurrent funding for organisations to be able to work safely with women.⁴²

Cuts to the National Rental Affordability Scheme

10.45 The NRAS is a partnership between the Commonwealth and the states and territories that encourages investment in affordable rental housing. The Department of Social Services' website states:

The Scheme, which commenced in 2008, seeks to address the shortage of affordable rental housing by offering financial incentives to persons or entities such as the business sector and community organisations to build and rent dwellings to low and moderate income households at a rate that is at least 20 per cent below the market value rent.⁴³

10.46 In the 2014-15 Commonwealth Budget the government announced it would not be proceeding with Round 5 of NRAS, which would result in savings of \$235.2 million over three years.⁴⁴ This means the building of a further 15,000 dwellings will not be supported by the scheme.⁴⁵

10.47 Evidence received by the committee called for NRAS to be reinstated.⁴⁶ The Women's Centre for Health Matters submitted the defunding of NRAS was:

...a very unsettling development [that] will certainly have impacts on the security and safety of Australian individuals and families who are seeking to escape violence.⁴⁷

10.48 The submission made by the National Foundation for Australian Women called for NRAS to be expanded, citing its positive effects on the housing sector:

The National Rental Affordability Scheme (NRAS) is a critical component of this investment in increasing the stock of affordable housing. NRAS aims to grow affordable rental housing stock by offering financial incentives to build and rent dwellings to low and moderate income households at least 20 per cent below the market rate. This has proven to be

42 *Committee Hansard*, 5 November 2014, p. 5.

43 Department of Social Services, 'National Rental Affordability Scheme – introduction' at www.dss.gov.au/our-responsibilities/housing-support/programmes-services/national-rental-affordability-scheme (accessed 17 April 2015).

44 Commonwealth Budget 2014-15, *Budget Paper 2: Budget Measures*, p. 205.

45 Dr Matthew Thomas, 'Budget Review 2014-15: Housing and Homelessness', Parliamentary Library Research Paper Series 2013-14 (May 2014), p. 147. To put this in context, NRAS 'delivered 14,575 completed dwellings with 23,884 more dwellings in progress' from 2008 to 2013. See NRAS Australia, "NRAS in short summary" at www.nrasaustralia.com.au/ (accessed 20 April 2015).

46 McAuley Community Services for Women, *Submission 30*, p. 7; National Foundation for Australian Women, *Submission 3*, p. 4; Ms Ana Borges, *Submission 42*, p. 6.

47 *Submission 101*, pp 15-16.

a critical program supporting investment, especially by the social and community housing sector.⁴⁸

10.49 The NfVPLS submitted that the cessation of NRAS would increase pressure on the availability of emergency accommodation, including for Aboriginal and Torres Strait Islander families escaping domestic violence:

Defunding of the [NRAS] will worsen the housing crisis and decrease housing options for victims of family violence. It will also increase pressures on homeless shelters, which are already struggling to keep up with the demand. Aboriginal and Torres Strait Islander women, in particular, face discrimination in the housing market with higher birth rates creating the need for four or five bedroom homes, which are in short supply.⁴⁹

Addressing the effects of alcohol

10.50 In Chapter 1 the committee acknowledged alcohol as a contributing factor to domestic violence. The World Health Organisation (WHO) has found strong links between alcohol abuse and the incidence and severity of domestic and family violence in many countries.⁵⁰ WHO argued alcohol abuse is linked to domestic and family violence in several ways, including:

Alcohol use directly affects cognitive and physical function, reducing self-control and leaving individuals less capable of negotiating a non-violent resolution to conflicts within relationships.

Excessive drinking by one partner can exacerbate financial difficulties, childcare problems, infidelity or other family stressors. This can create marital tension and conflict, increasing the risk of violence occurring between partners.

Individual and societal beliefs that alcohol causes aggression can encourage violent behaviour after drinking and the use of alcohol as an excuse for violent behaviour.

Experiencing violence within a relationship can lead to alcohol consumption as a method of coping or self-medicating.

Children who witness violence or threats of violence between parents are more likely to display harmful drinking patterns later in life.⁵¹

10.51 The Foundation for Alcohol Research and Education (FARE) submitted that in Australia in 2011, there were 29,684 incidents of alcohol-related domestic and

48 *Submission 3*, p. 4.

49 *Submission 51*, p. 21; see also Ms Ana Borges, *Submission 42*, p. 6.

50 WHO, *Intimate partner violence and alcohol fact sheet* (2006), p. 1.

51 WHO, *Intimate partner violence and alcohol fact sheet* (2006), pp 1-3. See also FARE, *Submission 144*, Attachment 2 (*The hidden harm: Alcohol's impact on children and families* [2015]), p. 8.

family violence reported to police in the four jurisdictions where data was available.⁵² FARE also stated this data showed that the problem was getting worse in three of these jurisdictions, with the number of alcohol-related incidents of domestic and family violence reported to police annually increasing from previous years.⁵³

10.52 In addition, FARE highlighted other statistics indicating there is a marked correlation between alcohol and the incidence and severity of domestic and family violence in Australia:

Alcohol is involved in between 23 per cent and 65 per cent of family violence incidents reported to police, and from 2002-03 to 2011-12, 36 per cent of perpetrators of intimate partner homicides had used alcohol.⁵⁴

Alcohol abuse and domestic and family violence in regional and remote communities

10.53 The need for and provision of long term support services for alcohol abuse in regional and remote communities was highlighted to the committee.⁵⁵ For example, Mr Joe Morrison, Chief Executive Officer, Northern Land Council, told the committee that:

The impact of alcohol cannot be overstated as a contributor to family violence. In August 2013 APO NT [Aboriginal Peak Organisations Northern Territory] brought together a large group of Aboriginal people and organisations for two grog summits, one in Darwin and another in Alice Springs. [The final report stated]:

Further, although alcohol consumption in the Northern Territory has fallen in recent years, it is still much too high compared with that of other Australians. Between 2006 and the end of the 2011-2012 financial year, it declined from 15.5 litres of pure alcohol to around 13.5 litres a year. That's about 1,170 green cans (VB full-strength) a year for everyone aged fifteen and over. The Australian average is 10 litres of pure alcohol, equal to about 870 green cans. People in the NT are still drinking a lot more than other Australians, and much too much for their own good, and for the good of their families.⁵⁶

52 This statistic comes from data collected in New South Wales, Victoria, Western Australia and the Northern Territory. See *Submission 144*, Attachment 2 (*The hidden harm: Alcohol's impact on children and families* [2015]), p. 8.

53 Victoria, Western Australia and the Northern Territory all reported increases from previous years. See *Submission 144*, Attachment 2 (*The hidden harm: Alcohol's impact on children and families* [2015]), p. 8.

54 *Submission 144*, Attachment 2 (*The hidden harm: Alcohol's impact on children and families* [2015]), p. 8.

55 For an outline of other contributing factors see evidence given by Mr John Paterson, Chief Executive Officer, AMSANT, *Committee Hansard*, 10 March 2015, pp 16-17.

56 *Committee Hansard*, 10 March 2015, p. 18.

10.54 Ms Melanie Warbrooke, Acting Managing Solicitor, Top End Women's Legal Service, reported that the effects of alcohol abuse were particularly evident in remote communities:

With where we are at the moment, we see it more in the town camps. I go out to Knuckey Lagoon and Palmerston Indigenous Village, which are small multigroup areas with people from quite a few of the remote communities who are amalgamated into one. There are lots of problems with alcohol abuse in particular that lead to aggression and violence. Regularly you will go out there and see a house that has been quite neat and tidy the week before that is completely trashed with cars smashed up and people who have basically gone to live somewhere else for a while because they want to hide. There is lots of family infighting as well.⁵⁷

10.55 Witnesses stressed the need to reduce the availability and harmful use of alcohol in Indigenous communities.⁵⁸ Witnesses also highlighted the lack of alcohol rehabilitation services available in remote areas, which made it hard for people in remote communities to seek help. Dr David Cooper, Research, Advocacy and Policy Manager, Aboriginal Medical Services Alliance Northern Territory (AMSANT), indicated:

Obviously, one of the concerns in the Territory is the lack of alcohol services that are available—particularly in remote areas—lack of rehabilitation services and alcohol services of various types. At the same time we have a regime in the Northern Territory of alcohol mandatory treatment which we have great concerns about. It is a non-evidence based approach and it is also an approach that uses a lot of resources that could be better deployed to evidence based treatment around alcohol and other drugs issues....We [also] have some concerns at the moment about the lack of expansion of [AMSANT's alcohol and other drug programs incorporated into delivery of Aboriginal primary health care]. In fact, in this recent round there are some indications that we have lost some key alcohol and other drug positions, particularly servicing remote areas. There are also other related services, such as CAAPS, that deliver a broad range of alcohol programs to communities, and we have seen cuts that have affected those kinds of programs. In the context of the importance of alcohol and other drugs issues in relation to domestic and family violence, these are very concerning areas of cuts.⁵⁹

10.56 Mr John Paterson, Chief Executive Officer, AMSANT, suggested to the committee that funding of 'alcohol and other drugs, social and emotional wellbeing and mental health' be relocated back under the Department of Health portfolio instead of the Department of Prime Minister and Cabinet. Mr Paterson explained the transfer

57 *Committee Hansard*, 10 March 2015, p. 5.

58 See for example Ms Olga Havnen, Chief Executive Officer, Danila Dilba Health Service, *Committee Hansard*, 10 March 2015, p. 19.

59 *Committee Hansard*, 10 March 2015, p. 22.

of oversight for these services away from the Department of Health, which has expertise in these areas:

...defeats the whole purpose of developing, implementing and monitoring a comprehensive service model for those who need those very important programs and services. The sooner it gets back under the Health portfolio the better; and the best chance of us getting those outcomes we all aspire to achieve.⁶⁰

Committee view

Long term support

10.57 A key theme of this inquiry has been the need for crisis services to be supplemented by programs that support victims of domestic and family violence over the long term as they rebuild their lives, as well as the lives of their families.

10.58 The committee heard that services for victims of domestic and family violence are still largely focused on crisis. However, the committee heard that following the crisis, many victims have little option but to return to violent situations or run the risk of becoming homeless, as they have little support with their long-term financial, emotional and accommodation needs.

Wraparound services

10.59 The committee notes that delivering effective wraparound services is one way that governments can facilitate an enhanced model of victim services that can provide greater maintenance and stability as they recover from the effects of domestic violence.

10.60 As well as the benefits for victims and their families, it appears effective wraparound services would also reduce costs for governments over the long term, particularly where it succeeds in preventing the 'revolving door' use of crisis services by victims, and where it contributes to breaking the cycle of intergenerational domestic violence.

10.61 The committee notes that the Second Action Plan recognises the importance of delivering wraparound support, and outlines the types of services for victims and their families that would be strengthened under the second phase of the National Plan.

10.62 The committee also notes that the Second Action Plan indicates the government is committed to improving wraparound services for Aboriginal and Torres Strait Islander women and their children.⁶¹

Housing

10.63 The committee sees the provision of safe and affordable long-term housing as an area in which the Commonwealth can make a positive contribution. For victims

60 *Committee Hansard*, 10 March 2015, p. 25.

61 Note National Priority 3, Action 15 - Strengthening systems integration and service delivery models for Indigenous women, Department of Social Services, *Submission 57*, Attachment 5 (Second Action Plan to Reduce Violence against Women and their Children), p. 35.

leaving violent situations, finding emergency and long-term accommodation for themselves and their families is a critical step towards rebuilding their lives. Similarly, victims who choose to remain in their own homes following violent incidents should be supported appropriately, where it is safe to do so.

10.64 The committee welcomes the recent extension of the NPAH from 2015 to 2017, as it provides some funding certainty for organisations helping victims of domestic and family violence to find emergency and long-term accommodation.

10.65 Moreover, the committee notes the 2015-16 Commonwealth Budget made it clear that priority will be given to services working with victims of domestic violence:

The Government recognises that domestic violence is a leading cause of homelessness and will ensure that funding priority is given to those service providers who are assisting women and children who are homeless or at risk of homelessness and affected by domestic violence.⁶²

10.66 The committee understands that long-term funding arrangements and the respective roles of the Commonwealth and state and territory governments in addressing housing and homelessness will be considered in the context of the government's White Paper on Reform of the Federation.⁶³

Recommendation 20

10.67 The committee recognises the importance of the provision and availability of supportive housing models to assist victims of domestic and family violence to find safety for themselves and their children. The committee recommends that the Commonwealth Government should play a lead role in identifying programs that could be implemented across the country, and in ensuring that specialist and 'wrap around' support services have access to dedicated, secure funding.

Recommendation 21

10.68 The committee recommends that the Commonwealth Government, through COAG, facilitate the evaluation of existing legal measures and support programs that facilitate the removal of perpetrators of domestic and family violence from the family home so that victims may remain safely at home. If those legal measures are found to be successful, that the Commonwealth encourage all states to adopt nationally consistent 'ouster order' laws and support programs.

62 See the measure 'National Partnership Agreement on Homelessness — extension' in the 2015-16 Commonwealth Budget, *Budget Paper 2: Expense Measures*, p. 165.

63 Department of the Prime Minister and Cabinet, *Reform of the Federation White Paper: Roles and Responsibilities in Housing and Homelessness*, Issues Paper 2 (December 2014).

Longer-term funding for services

10.69 The committee wishes to draw attention to the need for longer term funding certainty in the sector which is so important to build capacity, expertise and to enable proper planning for people and resources.

10.70 As well as current ongoing work on the future funding of housing and homelessness indicated above, the committee notes the need for longer term funding certainty has been recognised as part of the Department of Social Services grants process, which will allow for longer term grant agreements, where appropriate, to offer certainty in service delivery.

10.71 Given the long term effort required to address domestic and family violence the committee would see value in governments funding relevant services using a multi-year approach to reduce the level of uncertainty and allow adequate future planning for the sector.

Recommendation 22

10.72 The committee recognises the long term effort required to address domestic and family violence and recommends that the current Commonwealth short-term funding arrangements should be extended to a multi-year approach to reduce the level of uncertainty for services and to allow for adequate future planning in the sector.

Recommendation 23

10.73 The committee recommends that the Commonwealth Government take a lead role in the provision of affordable housing solutions in Australia to meet long-term needs for those made homeless by domestic and family violence and in order to address the backlog of victims who cannot access affordable housing which stakeholders have identified during the inquiry.

Addressing the effects of alcohol

10.74 The committee acknowledges the strong evidence base relating to the effect of alcohol and family violence incidents and is particularly concerned about statistics showing the increasing number of alcohol-related incidents of domestic and family violence reported to police in several jurisdictions.

Recommendation 24

10.75 The committee recommends that the Commonwealth Government consider the framework developed by the Foundation for Alcohol Research and Education (FARE) as part of the cross-jurisdictional work it is leading through COAG to ensure the development of an integrated and focused effort to reduce the role of alcohol as a contributing factor in cases of domestic violence.

Alcohol abuse and domestic and family violence in regional and remote communities

10.76 The committee acknowledges the need for services to address alcohol abuse which can be a contributing factor to family violence. The committee was particularly

concerned to hear the evidence from the Northern Territory about the scale of the problem in some remote Indigenous communities, as highlighted by APO NT's grog summit report.⁶⁴

Recommendation 25

10.77 The committee recommends that the Commonwealth Government work with the states and territories to improve the availability of alcohol rehabilitation services, including culturally appropriate services for those living in regional and remote Indigenous communities.

Senator Katy Gallagher

Chair

⁶⁴ See APO NT, *Submission 134*, Attachment 3 (Grog Summit Communique) and Attachment 4 (Grog Summit Report).

Additional comments by Labor Senators

1.1 Labor Senators believe it is important to achieve an agreed report on this issue of national importance and have undertaken consultation with the government members of the committee to achieve this. Multi-party support for the National Plan to Reduce Violence Against Women and their Children which was commenced by Labor in office (2010-2022) is critical to ensuring continuation of national action focused on prevention, research, awareness and essential services by all governments. There are, however, a number of areas where Labor Senators wish to make further comment as outlined below.

Lack of funding for domestic violence services in the 2015-16 Budget

1.2 Labor Senators are disappointed that the 2015-16 Budget did not do more to address the impact of domestic violence or reverse cuts to essential community services made in the 2014-15 Budget. The Labor Women's Budget Reply Statement, released on 14 May 2015 highlights the cuts to legal and frontline services and their impact on support available to people experiencing domestic violence, which will be discussed below.¹

1.3 Labor Senators welcome the 2015-16 Budget's contribution of \$16.7 million towards a public awareness campaign to reduce violence against women and their children, which will be delivered in conjunction with the states and territories, noting the critical role of prevention strategies in addressing domestic violence.²

1.4 Labor Senators are concerned that the 2015-16 Budget does not do more to support the domestic violence sector, particularly as any public awareness campaign is likely to result in increased rates of reporting, and therefore an increased demand on services.

1.5 The issue of violence against women and their children is a national emergency and public attention on the issue has increased recently. It is essential that support services are adequately funded and government agencies monitor demand for services to understand where services are required, especially as increased public awareness could create a greater demand for support services.

1.6 Labor is committed to hold a national crisis summit on family violence if elected, within the first 100 days of office. A national crisis summit is required for the Commonwealth, state and territory governments to agree to urgently implement coordinated judicial and social services reform within their areas of responsibility to better deal with family violence and provide a forum for stakeholders to open and transparently lay down the key policy challenges for addressing family violence

¹ Australian Labor Party, Women's Budget Reply Statement (14 May 2015) at https://d3n8a8pro7vhmx.cloudfront.net/australianlaborparty/pages/63/attachments/original/1431577422/15ALP_Womens_Budget_Reply_2015.pdf?1431577422

² Rachel Olding, "Budget 2015: Government failed domestic violence test", *The Sydney Morning Herald*, 13 May 2015.

including demand, innovation and coordination of services. A package of \$70 million in interim funding for services and research has also been committed. (<http://www.alp.org.au/nationalcrisissummit>)`

Funding cuts to legal aid

1.7 The current government has inflicted severe cuts on all categories of Commonwealth-funded legal assistance services since taking office in 2013, including Legal Aid, Aboriginal and Torres Strait Islander Legal Services, community legal centres and Family Violence Prevention Legal Services.

1.8 Ms Rosie Batty expressed her concern about the funding cuts for such services:

I do advocate a lot for the community legal centres and women's legal services, because when you are in a position where you have no choice really—either taking out an intervention order or going through court proceedings, and you are already financially compromised to such a point—if we are making access to justice so hard for people, we are penalising them again. I do not understand, because the value of the work that they do is enormous. How do we work effectively in this area, being vulnerable to government funding? Another government comes in and undoes everything else and changes things around. I think that that is a very confusing element about government. What we do needs to be bipartisan and needs to have long-term planning and investment, otherwise we are constantly compromised. I suppose that is why a lot of people have become cynical about governments, because we have lost trust in things being able to change.

So I do find it concerning. I have said before that it is really easy to stay detached and make decisions from a spreadsheet, and cut back without actually going to face those people, and without learning from them and seeing what they do, having direct conversations with them, with the victims, with the clients. I think it is really important to go and see the work on a day-to-day basis and see what happens, and why they are so needed.³

1.9 The Productivity Commission has noted that cuts to vital legal assistance services are a false economy. In its recent report on access to justice arrangements, the Commission found that 'underfunding of legal assistance services can lead to increased costs in other areas of government spending'. The report quoted former Chief Justice Gleeson:

The expense which governments incur in funding legal aid is obvious and measurable. What is not so obvious, and not so easily measurable, but what is real and substantial, is the cost of the delay, disruption and inefficiency, which results from absence or denial of legal representation. Much of that cost is also borne, directly or indirectly, by governments. Providing legal

³ *Proof Committee Hansard*, 11 June 2015, p. 6.

aid is costly. So is not providing legal aid. (Gleeson 1999, cited in Law Council of Australia, sub. 96, p. 114)⁴

1.10 In response to overwhelming public anger at Abbott Government cuts to legal assistance services, on 26 March 2015 the Attorney-General announced that some of those cuts would not proceed.⁵ However, even with the belated reversal of some previous cuts, the government has still cut more than \$20 million from legal assistance services in less than two years in office.

1.11 Alarming, the 2015 Budget papers indicate that further cuts will be visited on these services from 2017-18, just after the next federal election.

Recommendation 1

1.12 Labor senators recommend that the Commonwealth Government respond to the recommendations of the Productivity Commission Report into Access to Justice Arrangements, and explain how it will support legal assistance services, including those relating to domestic violence, beyond 2017-18.

Housing

1.13 The committee heard that finding safe and affordable housing is central to victims of domestic violence leaving dangerous situations and getting their lives back on track over the long-term. Moreover, the committee also received evidence that domestic violence is one of the major causes of homelessness among women.

1.14 Labor Senators are very concerned that funding uncertainty and Federal Government budget cuts to the housing and homelessness sector will worsen outcomes for victims of domestic violence. In particular, Labor Senators are concerned about uncertainty of funding to National Partnership Agreement on Homelessness (NPAH), as well as the reduction of its capital works program, the cutting of the National Rental Affordability Scheme (NRAS), and funding cuts to homelessness advocacy bodies made in December 2014.

National Partnership Agreement on Homelessness

1.15 In the 2014-15 Budget the government announced it would fund the National Partnership Agreement on Homelessness (NPAH) until the end of June 2015.

1.16 The Second Action Plan recognises the contribution NPAH makes to addressing homelessness:

Under the 2013-14 National Partnership Agreement on Homelessness (NPAH), around 180 homelessness initiatives receive funding to assist both those who are homeless and those at risk of homelessness across Australia.

⁴ Australian Government, Productivity Commission, Access to Justice Arrangements, Inquiry Report No 72, Volume 2, 5 September 2014, Recommendations, p. 739.

⁵ Senator the Hon George Brandis QC, Attorney-General and Senator the Hon Michaelia Cash, Minister Assisting the Prime Minister for Women, 'Legal aid funding assured to support the most vulnerable in our community', Joint Media Release, 26 March 2015.

Of these 180 homelessness initiatives, 39 contribute to support services for women and children experiencing domestic and family violence.

The 2014-15 NPAH will give the Government time to look at what improvements can be made to more effectively respond to the causes of homelessness and achieve lasting reductions in the number of homeless Australians.⁶

1.17 Evidence to the committee referred to initiatives funded under the NPAH such as the 'Safe at Home' program⁷ which supports women and children to remain in their own homes.

1.18 Labor has announced if elected it will commit an additional \$15 million for a Safe at Home grants program to be provided to community organisations, local government or other appropriate providers that help people affected by family violence stay safe in their own homes and in their communities. This could include infrastructure such as:

- key changes and lock upgrades to doors and windows;
- sensor and security lighting;
- security screen doors;
- external CCTV cameras, training and monitoring;
- alarm systems.
- In addition, we will map and understand best practice of existing state safe and home strategies, including risk assessments, for implementation across Australia (www.alp.org.au/familyviolence).

1.19 Moreover, the extension to NPAH announced in the 2014-15 Commonwealth Budget reduced its funding by \$44 million, which the government stated will be taken from its capital works program rather than from frontline services.⁸ Labor senators are also aware some stakeholders have called for this funding to be reinstated so NPAH can support the building of more shelters for homeless Australians.⁹

1.20 While the recent announcement by the government to extend the NPAH for two years to 2017 is welcome, longer term funding is now subject to consideration in

⁶ Department of Social Services, *Submission 57*, Attachment 5 (Second Action Plan), p. 14.

⁷ See for example Women's Health in the North, *Submission 33*, p. 6; Office of the Public Advocate, *Submission 27*, Attachment 1 (Voices Against Violence Paper One), p. 18; Women with Disabilities Victoria, *Submission 50*, p. 23.

⁸ Latika Bourke, 'Homelessness agreement between states and Commonwealth extended with \$115m funding promise', ABC online, 31 March 2014.

⁹ St Vincent de Paul Society, 'Help us to cut homelessness, not funding' Media Release, 2 April 2014.

the context of the government's White Paper on Reform of the Federation.¹⁰ Again, the capital component of \$44 million per year has not been funded. Any continuing uncertainty around long term funding will cause anxiety and prevent longer term planning in the sector.

1.21 Since rates of homelessness among women are inextricably linked with domestic violence, Labor Senators would like to reiterate the recommendation made in its interim report of 19 March 2014 that called for NPAH to be funded at least over the forward estimates, as well as for the restoration of funding cuts to NPAH's capital works program.

Recommendation 2

1.22 Labor Senators recommend the government provide greater certainty to organisations funded under the National Partnership Agreement on Homelessness (NPAH), and also restore the \$44 million per year funding cut to the NPAH capital works program.

1.23 Labor senators note analysis that an additional \$33.8 million per year is required from the Commonwealth Government to ensure victims of domestic violence are not turned away from crisis accommodation services. Despite providing \$230 million to extend the NPAH for two years, with funding priority given to frontline services that deal with women and children escaping domestic violence, it has been pointed out that as this amount was not indexed it represents an effective cut of \$2.3 million in 2015-16.¹¹

National Rental Affordability Scheme

1.24 In the interim report the committee noted that in the 2014-15 Budget the government announced that it is not proceeding with the next round of the National Rental Affordability Scheme (NRAS) which was identified in the National Plan as one way in which the Commonwealth could be working with the states and territories to increase the supply of affordable housing.¹²

1.25 Affordable housing is an important issue in the area of long term support to victims of domestic violence.

1.26 While not designed specifically to provide emergency or long-term accommodation for victims of domestic violence, the flow-on effects of this decision will result in 15,000 fewer affordable homes being built, and so put additional pressure on community and crisis housing sectors, including homelessness services.

¹⁰ Minister for Social Services, the Hon. Scott Morrison, 'Coalition reverses Labor's funding cuts on homelessness with \$230 million commitment prioritising victims of domestic violence', Media release, 23 March 2015.

¹¹ Homelessness Australia, 'New analysis shows additional \$33.8M needed to address domestic violence service gap, as Cabinet minister sleeps out to raise awareness of problem', Media Release, 17 June 2015.

¹² Department of Social Services, *Submission 57*, Attachment 1 (National Plan), p. 8.

This increased pressure will lessen accommodation options over the long-term for victims of domestic violence and their families.

1.27 As NRAS was identified in the National Plan as a way to increase the supply of affordable housing Labor senators believe this commitment should be fulfilled. The regulatory changes made in 2014 have resulted in greater transparency in the operation of the scheme.

Recommendation 3

1.28 Labor senators recognise that NRAS has, as at 30 April 2015, created 26,469 new affordable homes and recommend that the Commonwealth Government develop a strategic, Commonwealth-led policy agenda focused on delivering more affordable housing which considers a continued role for an NRAS or similar scheme.

Other housing and homelessness issues

1.29 Labor senators are also concerned about other cuts made by the government to the housing and homelessness sector. Most importantly, the December 2014 announcement cutting \$21 million from the Housing and Homelessness Grants program administered by the Department of Social Services, will reduce funding for three national peak bodies for homeless Australians and housing policy from 30 June 2015.¹³

1.30 These peak bodies, National Shelter, Homelessness Australia and the Community Housing Federation Australia, are key advocates for Australians experiencing homelessness, including many victims of domestic violence. These funding cuts will mean that the ability of these bodies to advocate on behalf of those experiencing homelessness will be diminished. This is particularly concerning given the government's commitment to considering longer-term arrangements for the roles and responsibilities in the delivery of housing and homelessness services in the context of the White Paper on the Reform of the Federation.

1.31 Labor Senators also note that a range of other key housing and homelessness advisory bodies were abolished by the Abbott Government including the Prime Minister's Council on Homelessness and the highly regarded National Housing Supply Council.

1.32 Labor Senators also note the Commonwealth's role on the COAG Select Council on Housing and Homelessness and the community housing sector's National Regulatory Council have also been removed by the Abbott Government.

1.33 Labor Senators also note the Shadow Treasurer and Shadow Minister for Housing and Homelessness are currently consulting with a wide range of industry and sector stakeholders in developing a Housing Affordability Strategy. (http://www.alp.org.au/housing_affordability)

¹³ Council to Homeless Persons, 'Federal housing and homelessness funding cuts', Media Release 23 December 2014.

Recommendation 4

1.34 Labor Senators recommend that funding is restored to ensure key homelessness advocacy and advice to governments can continue so the voice of people experiencing and at-risk of homelessness and the services that assist them can be heard.

DSS Grants process

1.35 As indicated in the interim report Labor senators reiterate their concern about the transition to a new DSS grants process due to commence 1 July 2015 which is affecting some family violence services. In addition to budget cuts of \$240 million over four years,¹⁴ many organisations have faced great upheaval and uncertainty as they continue to wait to hear the result of outcomes and the terms of any funding agreements.

Recommendation 5

1.36 Labor Senators recommend that the Commonwealth Government continues to work with the community and family violence support services to determine the most responsive funding model to ensure the safety and trust of people struggling in the system.

Senator Katy Gallagher
Chair

Senator Claire Moore

Senator Nova Peris

¹⁴ Community Sector Funding Cuts begin, Probono Australia, 23 December 2014 at www.probonoaustralia.com.au/news/2014/12/community-sector-funding-cuts-begin (accessed 15 April 2015)

Government Senators' additional comments

1.1 Government Senators note that domestic and family violence is a national priority. As a society we are witnessing unprecedented momentum in relation to combating the scourge of violence against women and their children.

1.2 The Commonwealth Government has taken a number of steps to lead this national effort, including the provision of significant funding and elevating the issue to COAG. It remains critical that we all – as governments, service providers, business, communities and individuals – work together in developing a national response.

1.3 For these reasons, Government Senators have worked hard to ensure that this report is, for the most part, bi-partisan. There were, however, some areas of departure as follows:

- **Recommendation 1:**

1.4 The Fair Work Act 2009 already provides for a right to request flexible working arrangements, including for employees experiencing or caring for someone experiencing domestic violence. If an employer wishes to provide additional entitlements, they can do so through enterprise bargaining. Government Senators believe that it is appropriate for employers and employees to consider specific leave provisions for domestic and family violence in that context.

- **Recommendation 3:**

1.5 Government Senators note that *the 2014-15 Annual Progress Report on the Second Action Plan* was released in June 2015 and highlights collective efforts to address violence against women and their children; from primary prevention and early intervention initiatives, to specialist services for women and their children, to effective perpetrator intervention and controls. Government Senators also note that funding information in relation to the Second Action Plan is regularly provided through media releases, the Budget and Senate Estimates processes.

Senator Cory Bernardi
Deputy Chair

Senator Dean Smith

Australian Greens additional comments

1.1 Domestic violence is a national emergency, and should be treated as one. The Abbott government has made rhetorical statements in support of victims and survivors of domestic violence while simply tinkering around the edges of the problem, and in many areas the government has gone backwards. The Australian Greens believe that the Abbott government's inadequate response to growing calls for action display a fundamental failure of leadership.

1.2 Now is a critical moment, when national attention has focused on domestic violence like never before. This moment is an opportunity for action which must be seized. The appointment of Rosie Batty as the 2015 Australian of the Year, the tireless advocacy of the domestic violence service sector, the community and many influential leaders such as Victorian Police Commissioner Ken Lay, has led to an outpouring of national concern. It has brought domestic violence out of the shadows, including a vital discussion of the gendered nature of this violence.

1.3 Since the Australian Greens initiated this Senate inquiry with the support of the Government and the Opposition, in June 2014, other official inquiries have been established or reported their findings, including the Victorian Royal Commission into Family Violence¹ and the Queensland Special Taskforce on Domestic and Family Violence led by former Governor General the Honourable Dame Quentin Bryce.² These inquiries build on the work of many taskforces, committees and reviews over the past decades.³

1.4 The weight of evidence gathered during this inquiry, along with work in previous inquiries reminds us that the solutions for this crisis are already on the table. The only thing we lack is leadership from our governments.

1.5 Even though they have made rhetorical statements against domestic violence, the Abbott government has gone backwards by slashing funding to front line services

¹ The Victorian Royal Commission into Family Violence was established on 22 February 2015 and is due to report its findings by 29 February 2016.

² The Special Taskforce on Domestic and Family Violence was established on 10 September 2014, and reported its findings on 28 February 2015. Website: <http://www.qld.gov.au/community/getting-support-health-social-issue/dfv-read-report-recommendation/index.html>

³ Those other reports include the 2010 joint report of the Australian and NSW Law Reform Commissions, the report of the 2012 NSW Parliamentary Standing Committee on Social Issues and even the 2010 *National Action Plan to Reduce Violence Against Women and their Children*.

and ignoring good advice while cherry picking low-hanging fruit and letting past progress stagnate.

1.6 One of the reasons the Australian Greens initiated this inquiry was the disastrous cuts in the government's 2014 Budget which slashed hundreds of millions of dollars in funding for front line services supporting victims of domestic violence. These funding decisions were, in the main, locked in in the 2015 Budget.

1.7 Where the Abbott government has backed down on its cruel cuts, it has been after sustained public campaigns by service providers, the community, the Greens and the Opposition. Cuts to the National Partnership Agreement on Homelessness, community legal centres, Legal Aid and Family Violence Prevention Legal Services have been defeated, but millions of dollars of cuts are have been implemented or are still proposed, including a \$44 million cut from construction of new emergency accommodation, \$15 million from Legal Aid, \$6 million from community legal centres, \$240 million from the Department of Social Services discretionary grants program, \$21 million in cuts to housing affordability solutions and peak housing and homelessness bodies, and others.

1.8 The Abbott government's response has been cruel and out of touch. The impression is of a government trying to weather a storm. Concessions have been grudging, and new commitments limited. The government's back downs on some funding cuts have been important victories, but they have diverted vital time and energy from advocacy solutions to fundamentally address the problem.

1.9 National attention will not remain at such great levels indefinitely, so it is imperative that we move quickly. Even for governments, achieving significant reforms can be difficult, which is why the current window of opportunity is important.

1.10 The Committee has heard from front line service providers that increased national attention has coincided with a spike in the number of women contacting them for help. Service providers have also stated that this spike has been caused by **both** an increase in reporting and an increase in underlying rates of violence as more women push back against their attackers.⁴

1.11 Given the rare opportunity we have, it is not enough to simply agitate for past cuts to be reversed. It is within our power as federal Parliamentarians to drastically reduce this scourge on our community, and we have a moral obligation to do so. The scale of the current national crisis demands that the federal government lead an emergency response.

⁴ For instance, evidence from DV Connect, *Committee Hansard* 6 November 2014, page 24-25.

The Chair's report and other additional comments

1.12 The Australian Greens support the recommendations in the Chair's report, which also has the support of Coalition and Labor Senators on the Committee. While the Australian Greens support these recommendations, our view is that they are excessively cautious and do not match the scale of the current crisis. Significant compromise was necessary to find recommendations on which all Senators on the Committee could agree. The Australian Greens believe that on the basis of this tri-partisan position, the government should at minimum immediately implement those recommendations.

1.13 The Australian Greens also support the recommendations made by Labor Senators in their additional comments which largely reiterate the recommendations of the Committee's Interim Report. However, as previously stated, it is crucial that momentum for fundamental reform is not lost, so the Australian Greens believe that much more ambitious recommendations are warranted.

Recommendations of the Interim Report

1.14 The Australian Greens wish to reiterate the recommendations in the Interim Report of this inquiry. More detail on particular topics is provided below, but the vast majority of the Committee's recommendations have not been implemented. As discussed above, the Abbott government has backed down on some planned funding cuts to legal assistance and homelessness services, but the 2015 Budget has locked in millions of dollars in cuts made in the 2014 Budget.

Recommendation 1

1.15 The Australian Greens recommend that all recommendations of the Interim Report of the Domestic Violence inquiry be implemented as soon as possible. In particular:

- **The \$44 million cut from construction of new emergency accommodation under the National Partnership Agreement on Homelessness, \$15 million cut to Legal Aid, \$6 million cut to community legal centres planned for 2017, \$240 million cut to the Department of Social Services discretionary grants program and the \$21 million in cuts to housing affordability solutions and peak housing and homelessness bodies must be immediately reversed.**
- **Funding uncertainty under the National Partnership Agreement on Homelessness must be addressed by guaranteeing funding for at least four years.**

- **State and federal governments should implement the Productivity Commission recommendation for an immediate funding boost to legal assistance services of \$200 million to address pressing gaps in services.**
- **Respectful relationships programs should be included in the national curriculum**

Gender equality

1.16 The Committee heard extensive evidence that due to the gendered nature of violence against women, achieving gender equality in all fields of life and respectful attitudes towards women are central to eliminating domestic violence. The Australian Greens support a broad and far-reaching program led by the federal government to achieve gender equality.

Recommendation 1

1.17 The Australian Greens recommend that the federal government lead a broad and far-reaching program of reform to achieve gender equality including action to close the gender pay gap, boost women's financial independence, address the deficit of women in leadership positions in government and business, share unpaid caring responsibilities more equally and encourage women in to non-traditional industries.

The national framework

Consultation and evaluation

1.18 There is justifiably universal support for the National Plan to Reduce Violence against Women and their Children 2010-2022 but the Committee has heard concerning evidence from many stakeholders, including the heads of key organisations including the Australian Women Against Violence Alliance, the National Aboriginal and Torres Strait Islander Women's Alliance and Domestic Violence Victoria that the government is shutting its ears to advice from front line service providers.

1.19 In particular, the National Aboriginal and Torres Strait Islander Women's Alliance have raised concerns that they do not have adequate resources to adequately coordinate input from Aboriginal and Torres Strait Islander communities.⁵ Given very serious rates of violence in Indigenous communities, proper consultation is essential.

1.20 The National Plan Implementation Panel (NPPIP) which was designed to advise Ministers of emerging issues and inform the evaluation of the National Plan

⁵ *Committee Hansard*, 4 November 2014, p. 18.

has been discontinued despite concerns from the sector, and without any adequate explanation from the government. Expert advisory panels which had been planned to complement the NPIP have failed to materialise.

1.21 The Australian Greens welcome the establishment of the COAG Advisory Panel chaired by Rosie Batty and Ken Lay, but it is mystifying why Abbott government is failing to take advantage of the expertise of the sector by discontinuing the NPIP.

Recommendation 2

1.22 The Australian Greens recommend that the National Plan Implementation Panel be immediately reconvened, with adequate funding provided to all relevant stakeholders to have meaningful input on the implementation and evaluation of the National Plan.

Data collection and research

1.23 The Australian Greens also wish to emphasise the critical importance of improvements to the Personal Safety Survey (PSS) and National Community Attitudes Survey (NCAS). It is imperative that we properly capture the experience of Aboriginal and Torres Strait Islander (ATSI) women, culturally and linguistically diverse (CALD) women, older women, LGBTI Australians, and women with a disability. The first Action Plan under the National Plan, *Building the Evidence Base* should have addressed these issues, and it is important that they are addressed as soon as possible. We support the Committee's Recommendation 4 relating to sample sizes.

Recommendation 3

1.24 The Australian Greens recommend that the federal government expand the Personal Safety Survey to include statistically significant numbers of participants from key vulnerable groups including Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, older women, LGBTI Australians, and women with a disability.

1.25 The Australian Greens strongly support the Committee's recommendation that ANROWS be given the necessary secure funding until at least the end of the implementation of the National Plan in 2022 to provide for continuation of its research work and enable it to conduct longitudinal research.

Primary prevention

1.26 The Committee has heard extensive evidence that primary prevention and cultural change activities are critical to reducing the incidence of family violence long term.

1.27 The Australian Greens welcome the government's promise of \$16.5 million for a public advertising campaign focused on primary prevention jointly funded with the States and Territories. We emphasise that primary prevention should not be focused solely on "awareness raising". Many stakeholders have stated both in hearings and privately that awareness raising can only go so far. What is needed is a deep commitment to cultural change via evidence based mechanisms. It is encouraging that ANROWS and Our Watch have articulated such a strong commitment to cultural change, but the government is yet to commit significant resources to primary prevention other than the above advertising campaign.

1.28 The Committee has heard from many stakeholders including the Domestic Violence Resource Centre Victoria and YWCA about the importance of well-designed respectful relationships programs in schools which promote healthy attitudes to gender roles, consent and resolving conflict.⁶ The Second Action Plan identified respectful relationships programs as a key priority and proposed that they be included in the national curriculum, alongside *the Line* social marketing campaign but alarmingly no federal funding seems to have been provided. The Abbott government has not been able to provide any evidence that it is funding any school based respectful relationships programs at all. Previous ad hoc programs funded by the previous government have expired and nothing has replaced them.

1.29 The Australian Greens also support the Committee's recommendation that primary prevention efforts must not come at the expense of front line services.

Recommendation 4

1.30 The Australian Greens recommend that the federal government fund respectful relationships programs for all school students and include them in the national curriculum, but that these efforts must be additional to long-term secure funding for front line services.

Crisis lines

1.31 The Committee heard extensive evidence from domestic violence crisis phone services. These are State-based services which offer immediate crisis support

⁶ *Committee Hansard*, 5 November 2014, p. 4.

including safety planning, police liaison, accommodation, court appearances and other support to victims. Often they operate 24 hours per day. These crisis lines receive no funding from the federal government. The Domestic and Family Violence Crisis Lines of Australia Network provided valuable evidence about the overwhelming number of calls that crisis lines receive. Despite their heroic efforts, many calls still go unanswered.

1.32 The 1800RESPECT phone service was designed to fill gaps in the State-based crisis lines, and has been funded by the federal government to deliver non-crisis counselling to victims who need it. In response to statistics which emerged during the course of the inquiry about how many calls 180RESPECT was not able to answer due to growing demand, the federal government provided a small funding boost of \$2 million per year.⁷ The Australian Greens welcome this funding, but we note that State-based crisis lines have received no additional support from the federal government.

1.33 No centralised data exists in relation to how many calls are “missed” by State based crisis lines, but the Committee has heard anecdotal evidence that many services are overstretched and calls are going unanswered. The Australian Greens believe that it is appropriate for the federal government to act to make sure that all victims have access to immediate crisis support.

Recommendation 5

1.34 The Australian Greens recommend that the federal government conduct a needs assessment to determine the appropriate level of funding for State-based domestic violence crisis lines and take a leadership role by providing that funding.

Crisis housing

Funding for crisis housing

1.35 The Australian Greens welcome the Committee’s recognition of supportive crisis housing models as key for ensuring the safety and wellbeing of victims. However, the Committee’s recommendations do not respond to the serious shortfall and gaps in services identified by stakeholders, and have not recognised the importance of specialist support services for women and children, who are disproportionately affected by domestic violence.

⁷ Abbott Government delivers funding boost for 1800RESPECT, 17 May 2015, <http://scottmorrison.dss.gov.au/media-releases/abbott-government-delivers-funding-boost-for-node8entityentityrespect>

1.36 Refugees are at capacity and turning many of victims away from their doors. The Commonwealth government must take responsibility for this issue and immediately commit to funding services that will give victims escaping violence a safe place to go. Homelessness Australia has called for \$33.8 million per year from the Commonwealth Government to provide services to domestic violence victims for the 2015-2016 financial year, with a further \$33.8 million contribution from State governments. This \$68 million funding gap needs plugging immediately to cover the most basic needs of victims, but it does not include the cost of building new shelters to meet demand.

1.37 Homelessness services nationwide must be adequately funded through the National Partnership Agreement on Homelessness (NPAH). Homelessness Australia have stated that this means reversing the \$44 million cut from construction of new emergency accommodation in the 2014 Budget and indexing the NPAH funding for inflation, which has not occurred since 2009 resulting in an effective funding cut each year. Funding should be granted on at least four-year cycle to allow for longer term strategic planning. This restoration should be accompanied by extra funding for capital expenditure and shelter construction based on the target of ending turn-aways from refugees.

Recommendation 6

1.38 The Australian Greens recommend that the \$44 million cut from construction of new emergency accommodation under the National Partnership Agreement on Homelessness in the 2014 Budget be immediately reversed.

Recommendation 7

1.39 The Australian Greens recommend that funding under the National Partnership Agreement on Homelessness be expanded to cover demand nationwide, and that funding be indexed to avoid real funding cuts. This should be based on a policy of ending turn-aways from refugees.

Peak bodies

1.40 One of the Abbott government's most short-sighted cuts was the total axing of funding for Homelessness Australia, National Shelter and the Community Housing Federation of Australia which provide crucial whole-of-sector perspective on housing policy. These cuts were announced three days before Christmas in December 2014 as part of a \$21 million cut to a housing affordability solutions program.

Recommendation 8

1.41 The Australian Greens recommend that the three housing and homelessness peak bodies abolished three days before Christmas in December 2014 - Homelessness Australia, National Shelter and the Community Housing Federation of Australia - be re-funded and be given permanent funding certainty, recognising their role as Australia's most eminent bodies in this field, providing expert, evidence-based advice and a vital coordinating role across multiple and complex organisations and services in order to provide policy advice and evaluation of services by the government and non-government sector .

Specialist services

1.42 Specialist services were identified by many witnesses working in front line services as the most effective means of keeping women safe after leaving a violent partner. Key stakeholders have told the Committee that steps taken by some State governments to remove the gendered focus of women's refuges has been harmful to the safety and wellbeing of victims. The federal Government should work with States and Territories to ensure that any woman who takes the brave step to leave a violent partner has a safe place to go.

Recommendation 9

1.43 The Australian Greens recommend that the federal government ensure specialist services for women and children receive dedicated, secure long term funding.

'Wrap around' services

1.44 Services overwhelmed by increasing demand and limited resources often cannot assist their clients beyond the initial period of crisis after escaping violence. The Committee's recommendations have failed to acknowledge that during the inquiry, multiple witnesses noted that victims would have experience better outcomes if they were provided with more comprehensive support for a longer period of time. The federal Government should fund 'wrap around' services nationwide to assist victims to recover from trauma and ultimately transition back into employment, health and wellbeing.

1.45 Resourcing emergency housing providers to support women beyond the initial period of crisis would actually deliver major savings to governments in the long run. The committee heard that currently women re-enter the refuge system an average of seven times, costing almost twice as much as it would cost to support them adequately the first time around.

Recommendation 10

1.46 The Australian Greens recommend that the federal government should fund ‘wrap around’ services nationwide to assist victims to recover from trauma and transition back into ordinary life.

Recommendation 11

1.47 The Australian Greens recommend a cross party taskforce be established to urgently implement recommendation 27 from the Senate Inquiry into Housing Affordability, tabled in May 2015 which the Coalition supported.

Recommendation of that report 27 reads:

“The committee recommends that the Australian Government together with the states and territories commit to ensuring that adequate funding be made available so that women and children escaping domestic violence are housed in secure and appropriate housing with the necessary support network that would allow them to remain in a safe environment. This approach would mean that women and their children would experience as little social and educational disruption as possible and that the pathway to more permanent housing would be easier. A priority would be to consider the introduction of programs throughout Australia such as New South Wales' Staying Home Leaving Violence initiative, which is designed to protect women who want to live separately from a violent husband or partner, but remain in their home.

The committee also recommends the Australian Government reverse the cuts to the capital program in National Partnership Agreement on Homelessness (NPAH) and apply needs-based supply and services program as part of the national affordable housing platform in recommendation 30...”

Legal assistance and law reform

Funding for legal assistance

1.48 As the Productivity Commission has found in its December 2014 *Access to Justice Arrangements* report, the level of funding for legal assistance especially for Australia’s most vulnerable across all governments is woefully inadequate. The Committee heard extensive evidence from community legal centres (CLCs), women’s shelters and peak bodies that legal assistance for victims of domestic violence is inadequate, and that court processes in both criminal proceedings and civil orders proceedings are frequently confusing and overwhelming.

1.49 Far from adopting the Productivity Commission’s recommendation, the Abbott government has slashed funding for legal assistance. In the 2014 Budget, \$60

million was slashed from legal assistance services including CLCs, Aboriginal legal services and Legal Aid. After sustained community pressure, including pressure from this Committee, the Abbott government backed away from \$25 million worth of planned cuts for financial years 2015-16 and 2016-17. A \$15 million cut to Legal Aid and cuts to Aboriginal legal services had already been implemented at that time.

1.50 CLCs across Australia are increasingly alarmed at the ‘funding cliff’ which is approaching in 2017-18, which will see \$12 million cut from the sector, including a \$6 million reduction in federal funding.⁸ CLCs cannot conduct long term planning on a two-year timeline, so this situation creates pernicious funding uncertainty.

1.51 The new National Partnership Agreement on Legal Assistance Services has implemented a new funding model for legal assistance. That funding model has resulted in a reallocation of federal funding from some States towards other States. In particular, some South Australian CLCs face closure if the situation is not resolved.⁹ The Australian Greens support increased funding for legal assistance, but we believe that any reduction in funding, anywhere in Australia in the middle of a domestic violence crisis, is unacceptable.

Recommendation 12

1.52 The Australian Greens recommend that that the federal, State and Territory governments should provide an immediate funding boost to legal assistance services of \$200 million as recommended by the Productivity Commission to address pressing gaps in services.

Recommendation 13

1.53 The Australian Greens recommend that the \$12 million ‘funding cliff’ in 2017 for community legal centres be urgently addressed to provide funding certainty to this critical sector.

Indigenous legal services

1.54 The Australian Greens also wholeheartedly support the Aboriginal and Torres Strait Islander Legal Services and the Family Violence Prevention Legal Services (FVPLS). Both provide a crucial service, and both need long term, secure funding.

⁸ National Association of Community Legal Centres, *Plan for addressing crisis in legal assistance missing from Federal Budget*, 13 May 2015, http://www.naclc.org.au/cb_pages/news/PlanforaddressingcrisisinlegalassistancemissingfromFederalBudget.php

⁹ Funding shortfall threatens SA legal centres, *Lawyers Weekly*, 10 June 2015, <http://www.lawyersweekly.com.au/news/16642-funding-shortfall-threatens-legal-centres>

The Abbott government's decision to extend funding for some FVPLS for one or two years rather than longer terms means that those services cannot plan for the future.

Recommendation 14

1.55 The Australian Greens recommend that the federal government extend funding terms for Family Violence Prevention Legal Services to at least four years to allow those services to plan for the future.

Family report writers

1.56 Proceedings in the Family Court are often highly significant for victims and survivors of domestic violence. Unfortunately, as the National Association of Community Legal Centres and Women's Legal Services Australia submission pointed out, and as they stated in evidence to the Committee, there are significant issues with the current system of family report writers. The submission stated that:

In WLSA's experience, clients experiencing family violence often feel as though they are not listened to by family report writers and feel further traumatised and humiliated by the family assessment process. In part, people who have experienced, or are experiencing, family violence are hesitant to disclose the effect of the violence on them given concerns about conclusions being drawn by report writers about their capacity to parent.¹⁰

1.57 Women's Legal Services Australia also stated that some women have had their grant of legal aid terminated as a result of not agreeing with the family report writer's recommendations.

1.58 The Australian Greens respect the work of the Family Court, and of family report writers, but it is appropriate to make sure that all staff are properly trained.

Recommendation 15

1.59 The Australian Greens recommend that the federal government implement and fund an accreditation process for family report writers according to standards developed in wide consultation with specialists, including a requirement for specialist training and clinical experience working with victims of family violence. The federal government should also implement an effective mechanism for complaints resolution in relation to family report writers, and not cease the provision of legal aid where victims seek to challenge family reports.

¹⁰ National Association of Community Legal Centres and Women's Legal Services Australia submission 26, p.14.

Training for judicial officers

1.60 Similar issues were raised throughout the inquiry in relation to judicial officers including magistrates, Family Court and Federal Circuit Court judges. The Committee has had the benefit of submissions and correspondence from the Chief Justice of the Family Court on this issue. The Australian Greens have a deep respect for the work of judicial officers, but based on significant feedback from front line service providers that better training is required, we believe that more must be done.

Recommendation 16

1.61 The Australian Greens recommend that the federal government provide funding and coordinate training for all judicial officers, including magistrates, involved in proceedings relating to domestic violence, including civil and criminal matters in federal and State jurisdictions.

Recommendation 17

1.62 The Australian Greens recommend that the federal government support specialist domestic violence courts at a State level.

National domestic violence order scheme

1.63 The Australian Greens welcome the government's commitment to a national domestic violence order (DVO) scheme. Such a scheme is a small but vital part of the solution. However, we are disappointed by the government's painfully slow implementation of this scheme via COAG. A national DVO scheme was identified as an "immediate national initiative" under the First Action Plan (2010-2013) which was published in 2011. More recently, the Abbott government appears to have failed to meet its own COAG timetable. Draft model legislation for mutual recognition in all States and Territories was proposed to be considered at the April 2015 meeting of the COAG Law, Crime and Community Safety Council, but the communique from that April 2015 meeting includes no mention of any draft legislation. The Abbott government's overall timetable of having the scheme functioning by the end of 2016 is excessively slow.

1.64 The Australian Greens believe that a national DVO scheme is "low hanging fruit" and ought to be resolved as soon as possible.

Recommendation 18

1.65 The Australian Greens recommend that COAG and the federal government expedite the already long-delayed implementation of a national domestic violence order scheme.

Exclusion Orders

1.66 The Committee heard evidence that exclusion orders (otherwise known as ‘ouster’ or ‘kick out’ orders) that exclude the perpetrator from the family home have been very effective in some jurisdictions, but have been underutilised in others, such as Queensland. The Committee also heard that programs supporting victims who choose to remain at home after their partner was removed to maintain physical safety and financial stability have had some success in States such as NSW, but these programs have not been subject to rigorous evaluations.

Recommendation 19

1.67 The Australian Greens recommend that the federal government ensure that effective exclusion order provisions are enacted in all States and Territories and facilitate greater use of such orders across States and Territories where they already exist.

Recommendation 20

1.68 The Australian Greens recommend that the federal government undertake a comprehensive review of the success of ‘safe at home’ state programs and subsequently fund an effective model in States and Territories where they do not exist.

Employment law

1.69 The Australian Greens commend the advocacy of the ACTU and the Finance Sector Union in pushing for domestic violence leave in this inquiry and in a claim before the Fair Work Commission. The Australian Greens support the proposal to give 10 days of paid domestic violence leave to all employees.

Recommendation 21

1.70 The Australian Greens recommend that the federal government legislate to give every employee to 10 days of non-accumulating paid domestic violence leave to be taken for reasons related to domestic violence, or for attending court appearances, attending appointments and finding accommodation.

Long term affordable housing

1.71 During the inquiry, the committee repeatedly heard that domestic violence is the dominant driver of homelessness in Australia, and that many victims are forced to choose between homelessness and staying in a violent home because waiting lists for public housing are so long. The shortage of housing is depriving victims in refuges of

an exit point, causing a massive bottleneck and compounding the lack of space in emergency accommodation.

1.72 Clearly more is needed from our government. However, any attempt to address this crisis is conspicuously missing from the Committee's report.

1.73 The Australian Greens have announced a plan to reform negative gearing and provide homes for 22,000 of the most vulnerable Australians, by launching a massive investment in affordable housing, including victims and survivors of domestic violence.¹¹ We would launch an emergency package to build 7000 new homes for the homeless by 2020. That would be enough to house every person currently sleeping rough or without adequate shelter. We would also directly fund construction of 7500 new social housing dwellings over the forward estimates, taking more than 15,000 people off the waiting list in just the next four years. That package would include a target of 'prefabricated' housing of high quality, fast build, modular or 'prefabricated' housing which will be significantly faster and more affordable to construct. This would help ensure that in the future, no Australian would be forced to live with violence or sleep in an unsafe place because there was no affordable place to go.

1.74 Our plan is ambitious, but we propose to deliver budget savings from the reform of negative gearing. The Parliamentary Budget Office costed scrapping negative gearing for new investments, raising revenue of almost \$2.9 billion in the first four years, and \$42.5 billion over ten years. The Greens have also announced reforms to capital gains tax which would raise \$74 billion over the next ten years, rising to \$127 billion when negative gearing reforms are taken into account.¹²

1.75 Given that negative gearing has been proven to benefit mostly high-income earners without delivering downward pressure on rent or an increased supply of housing; this proposal would also cool the housing market, contributing to increased housing affordability in Australia as well as funding the much-needed boost for public housing.

1.76 In 2014, the Abbott government abolished the National Rental Affordability Scheme, which was an effective cut of \$235.2m over 3 years and resulted in the loss of an extra 12,000 new affordable housing units.

¹¹ *Reforming Negative Gearing* <http://scott-ludlam.greensmps.org.au/campaigns/reforming-negative-gearing>

¹² *Greens release costings for capital gains tax reform*, 5 August 2015 <http://scott-ludlam.greensmps.org.au/content/media-releases/greens-release-costings-capital-gains-tax-reform>

Recommendation 22

1.77 The Australian Greens recommend that the federal government consider reforming negative gearing and capital gains tax concessions in order to provide homes for 22,000 vulnerable Australians, including victims and survivors of domestic violence.

Recommendation 23

1.78 The Australian Greens recommend that the federal government review the abolition of the National Rental Affordability scheme with a view to fixing any issues and replacing this important policy.

1.79 The Australian Greens wish to thank the 165 individuals and organisations and individuals who made submissions to this inquiry, and the dozens of witnesses who gave evidence at public hearings in Melbourne, Canberra, Sydney, Brisbane and Darwin.

The Australian Greens wish to dedicate these additional comments to Rosie Batty, 2015 Australian of the Year in honour of her courageous and tireless advocacy on behalf of victims and survivors of domestic violence, and also to the countless Australian women, men and children who have been victimised, injured or killed in domestic violence incidents. We hope that this inquiry has contributed to a platform for action eliminate domestic violence in Australia.

APPENDIX 1

Submissions and additional information received by the committee

Submissions

- 1 Phoenix House
- 2 SunnyKids
- 3 National Foundation for Australian Women
- 4 Australian Women's Health Network
- 5 Jann
- 6 Non-Custodial Parents Party (Equal Parenting)
- 7 Association of Women Educators
- 8 Mr Hans Ekblad
- 9 No To Violence Male Family Violence Prevention Association
- 10 Gold Coast Domestic Violence Prevention Centre Inc
- 11 Geoff
- 12 St Vincent de Paul National Council
- 13 Victorian State-wide Children's Resource Program
- 14 Australian Institute of Family Studies
- 15 The Australian National Committee for UN Women
- 16 Inner Melbourne Community Legal and the Royal Women's Hospital
- 17 Law Society Northern Territory
- 18 Family Planning NSW
- 19 Family and Relationship Services Australia
- 20 Women's Health and Wellbeing Barwon South West
- 21 Women's Health West
- 22 Family Law Council
- 23 One in Three Campaign
- 24 Mr Bruce Bickerstaff
- 25 Dr Deborah Walsh
- 26 National Association of Community Legal Centres and Women's Legal Services
Australia
- 27 Office of the Public Advocate
- 28 Central Coast Community Women's Health Centre
- 29 CASE for Refugees
- 30 McAuley Community Services for Women
- 31 Muslim Women Association
- 32 Lone Fathers Association (Australia)
- 33 Women's Health in the North
- 34 Children by Choice
- 35 Central Coast CALD Domestic Violence Sub-Committee
- 36 Western metro Melbourne Local Government partnership

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- 37 Women's Health Queensland Wide Inc
 - 38 Coalition of Women's Domestic Violence Services South Australia
 - 39 Queensland Indigenous Family Violence Legal Service
 - 40 WIRE Women's Information
 - 41 Hunter Community Legal Centre
 - 42 Mrs Ana Borges
 - 43 Oz Kiwi
 - 44 Emanuel
 - 45 Beryl Women Inc
 - 46 ACTU
 - 47 Women's House Shelta
 - 48 Aboriginal Family Law Services (WA)
 - 49 YWCA Australia
 - 50 Women with Disabilities Victoria
 - 51 National Family Violence Prevention Legal Services Forum
 - 52 Thai Information and Welfare Association
 - 53 Victorian Health Promotion Foundation (VicHealth)
 - 54 Federation of Ethnic Communities' Councils of Australia
 - 55 Anglicare WA
 - 56 Finance Sector Union of Australia
 - 57 Commonwealth Department of Social Services
 - 58 Caroline
 - 59 Equality Rights Alliance
 - 60 Women's Health Victoria
 - 61 Women's Health in the South East
 - 62 Australian Women Against Violence Alliance
 - 63 South Australian Premier's Council for Women
 - 64 National Aboriginal and Torres Strait Islander Women's Alliance
 - 65 Ms Rebecca Clark
 - 66 Brimbank Melton Community Legal Centre
 - 67 Women's Legal Centre (ACT and Region)
 - 68 Australia's National Research Organisation for Women's Safety Limited
 - 69 Melton City Council
 - 70 SHE
 - 71 Neville
 - 72 Youth Affairs Council of South Australia (YACSA)
 - 73 Aboriginal Family Violence Prevention and Legal Service Victoria
 - 74 Dr. Elizabeth Celi
 - 75 ACON
 - 76 Revd Brian Tucker
 - 77 Municipal Association of Victoria
 - 78 The Australian Family Association, Queensland Branch
 - 79 MurrayLands Domestic Violence Service
 - 80 Sisters Inside
 - 81 The Aged-care Rights Service Inc (TARS)
 - 82 Victorian Equal Opportunity and Human Rights Commission

-
- 83 Western Australian Women's Health Network
 - 84 Caboolture Regional Domestic Violence Service
 - 85 Albert
 - 86 WEAVE
 - 87 Mr Paul Mischefski
 - 88 Queensland Domestic Violence Network
 - 89 Women's Council for Domestic and Family Violence Services (WA)
 - 90 Save the Children
 - 91 Mr Rod Bennett
 - 92 Victoria Police
 - 93 National Aboriginal and Torres Strait Islander Legal Services
 - 94 White Ribbon Australia
 - 95 The Royal Australian and New Zealand College of Psychiatrists
 - 96 Destroy The Joint
 - 97 Multicultural Centre for Women's Health
 - 98 Violence Free Families
 - 99 EMR Regional FV Partnership & Together for Equality & Respect
 - 100 Domestic Violence Prevention Council (ACT)
 - 101 Women's Centre for Health Matters
 - 102 Springvale Monash Legal Service
 - 103 Domestic and Family Violence Crisis Lines Australia Network (DFVCLAN)
 - 104 Women's Legal Services NSW
 - 105 ACT Women's Services Network
 - 106 The Salvation Army
 - 107 Wadeye Safe House
 - 108 Women's Legal Service Inc. (Queensland)
 - 109 Women's Domestic Violence Crisis Service (WDVCS) Victoria
 - 110 Eastern Community Legal Centre
 - 111 Top End Women's Legal Service
 - 112 Women's Legal Service Victoria
 - 113 National LGBTI Health Alliance
 - 114 Australasian Centre for Human Rights and Health
 - 115 Federation of Community Legal Centres (Victoria)
 - 116 Inner City Legal Centre
 - 117 Tasmanian Government
 - 118 Western Australian Police
 - 119 Australian Psychological Society
 - 120 University of Melbourne
 - 121 ACT Government
 - 122 The Law Society of New South Wales
 - 123 Domestic Violence Resource Centre Victoria
 - 124 Domestic Violence Victoria
 - 125 Good Shepherd Australia New Zealand and Wyndham Legal Service
 - 126 Australian Guardianship and Administration Council
 - 127 Family and Domestic Violence Advisory Group
 - 128 South Australian Government

- 129 Redfern Legal Centre
- 130 Law Council of Australia
- 131 Relationships Australia
- 132 Women with Disabilities ACT
- 133 The Australian Human Rights Commission
- 134 Aboriginal Peak Organisations Northern Territory
- 135 Central Australian Women's Legal Service
- 136 Mr Alan Corbett
- 137 Queensland Police Service
- 138 InTouch, Multicultural Centre against Family Violence
- 139 Mr Steve Wickenden
- 140 NSW Government
- 141 Foundation to Prevent Violence against Women and their Children
- 142 National Cross-Disability Disabled People's Organisations
- 143 Mr Mercurio Cicchini
- 144 Foundation for Alcohol Research and Education
- 145 Ms Rosemary Batty
- 146 SOS Women's Services
- 147 The Honourable Diana Bryant AO, Chief Justice, Family Court of Australia
- 148 Merinda
- 149 Mr Robert Kennedy
- 150 Safe Futures Foundation
- 151 Families Australia
- 152 Independent Regional Mothers
- 153 Australian Liquor Stores Association
- 154 Victorian Government
- 155 RiSE Queensland
- 156 VANISH Inc.
- 157 Secretariat of National Aboriginal and Islander Child Care
- 158 Northern Territory Government
- 159 ACT Domestic Violence Crisis Centre (DVCS)
- 160 Daydawn Advocacy Centre
- 161 Government of Western Australia, Department of Housing
- 162 Women with Disabilities (WWDA) and University of NSW (UNSW)
- 163 James Cook University Australia, Brain Injury Australia and The Cairns Institute
- 164 NT Opposition
- 165 Justice Jenny Blokland

Additional information

- 1 Correspondence from Minister Assisting the Prime Minister for Woman, Senator the Hon Michaelia Cash, received 13 August 2014
- 2 Correspondence from FECCA Woman's Chair, Ms Pallavi Sinha, received 31 October 2014
- 3 Correspondence from Women's Legal Service, received 10 November 2014
- 4 Correspondence from Department of Social Services, received 7 November 2014
- 5 Additional information from Finance Sector Union of Australia, received 26 November 2014
- 6 Correspondence from Department of Foreign Affairs and Trade, received 5 December 2014

Answers to Questions taken on Notice

- 1 Answer to question taken on notice from Melbourne Public hearing, 5 November 2014, provided by No to Violence, received 16 November 2014
- 2 Answer to question taken on notice from Canberra Public hearing, 15 October 2014, provided by the Attorney-General's Department and the Department of the Prime Minister and Cabinet, received 6 November 2014
- 3 Answer to question taken on notice from Melbourne Public hearing, 5 November 2014, provided by inTouch Multicultural Centre against Family Violence, received 25 November 2014
- 4 Answer to question taken on notice from Sydney Public hearing, 4 November 2014, provided by Finance Sector Union of Australia, received 26 November 2014
- 5 Answer to question taken on notice from Melbourne Public hearing, 5 November 2014, provided by Federation of Community Legal Centres, received 16 November 2014
- 6 Answers to questions taken on notice from Brisbane Public hearing, 6 November 2014, provided by National Aboriginal and Torres Strait Islander legal Services, received 1 December 2014
- 7 Answers to questions taken on notice from Sydney Public hearing, 4 November 2014, provided by Australia's National Research Organisation for Women's Safety, received 1 December 2014
- 8 Answers to questions taken on notice from Canberra Public hearing, 15 October 2014, provided by Family and Relationship Services Australia, received 3 December 2014
- 9 Answer to question taken on notice from Melbourne Public hearing, 5 November 2014, provided by Domestic Violence Resource Centre Victoria, received 8 December 2014
- 10 Answer to question taken on notice from Canberra Public hearing, 15 October 2014, provided by Women's Legal Services Australia, received 8 January 2015

- 11 Answer to question taken on notice from Melbourne Public hearing, 5 November 2014, provided by Violence Free Families, received 14 January 2015
- 12 Answer to question taken on notice from Darwin Public hearing, 10 March 2015, provided by Northern Territory Police, received 31 March 2015
- 13 Answer to question taken on notice from Darwin Public hearing, 10 March 2015, provided by Amity Community Services Inc, received 1 April 2015
- 14 Answers to questions taken on notice from Darwin Public hearing, 10 March 2015, provided by Northern Territory Government, received 10 April 2015
- 15 Answers to questions taken on notice from Canberra Public hearing, 11 June 2015, provided by the Attorney-General's Department, received 2 July 2015
- 16 Answers to questions taken on notice from Canberra Public hearing, 11 June 2015, provided by the Department of Social Services, received 6 August 2015

APPENDIX 2

Public Hearings

Friday, 12 September 2014
Cliftons, level 1, 440 Collins Street
Melbourne

Witnesses

Foundation to Prevent Violence Against Women and their Children (Our Watch Campaign)

Mr Paul Linossier, Chief Executive Officer

Ms Emily Maguire, Acting Director, Policy and Evaluation Director

Victorian Health Promotion Foundation (VicHealth)

Ms Irene Verins, Manager of Mental Wellbeing

Ms Liz Murphy, Senior Project Officer

Ms Rosemary Batty, Private capacity

Domestic Violence Victoria

Ms Fiona McCormack, Chief Executive Officer

Victoria Police

Detective Superintendent Rod Jouning, Sexual and Family Violence Division
Victoria Police

Ms Claire Waterman, Manager Policy and Projects

Women's Health West

Ms Annarella Hardiman, Health Promotion Manager

Ms Sally Camilleri, Health Promotion Coordinator

Ms Tess La Fontaine, Acting Family Violence Manager

Women's Health Association Victoria Inc (WHA V)

Ms Patricia Kinnersly

184

Wednesday, 15 October 2014
Senate Committee room 2S1
Parliament House, Canberra

Witnesses**Domestic Violence Prevention Council (ACT)**

Ms Marcia Williams, Chair
Ms Mirjana Wilson, Executive Director, ACT Domestic Violence Crisis Service
Ms Chyristina Stanford, Chief Executive Officer, Canberra Rape Crisis Centre
Mr Greg Aldridge, Managing Director, Canberra Men's Centre

Women's Services Network

Ms Marcia Williams, Executive Director, Women's Centre for Health Matters
Ms Jill Kelly, Chief Executive Officer, Inanna Inc
Ms Angie Piubello, Acting Manager, Beryl Women Inc

Mr John Hinchey, ACT Victims of Crime Commissioner and Chair of the Family Violence Intervention Program**Australian Women Against Violence Alliance**

Ms Julie Oberin, Chairperson
Ms Maria Delaney, Advisory Group Member
Ms Sophie Hardefeldt, Program Manager

Federation of Ethnic Communities' Councils of Australia

Ms Pallavi Sinha, Women's Chair
Dr Casta Tungaraza, Member, New and Emerging Policy Advisory Committee

Women's Legal Centre (ACT and Region)

Ms Rhonda Payget, Principal Solicitor and Co-conveyor of Women's Legal Services
Australia Network

Family and Relationship Services Australia (Submission 19)

Ms Jackie Brady, Executive Director
Ms Rose Beynon, Senior Policy Officer

Commonwealth Department of Social Services (Submission 57)

Ms Cate McKenzie, Group Manager, Multicultural, Settlement Services and
Communities Group
Miss Amy Laffan, Acting Branch Manager, Family Safety Branch

Office for Women (Department of the Prime Minister and Cabinet)

Ms Helen McDevitt, First Assistant Secretary, Social Policy Division
Ms Kate Wallace, Acting Assistant Secretary, Office for Women
Ms Caroline Edwards, First Assistant Secretary, Community Safety and Policy

Division

Attorney-General's Department

Ms Tracy Ballantyne, Acting Assistant Secretary Family Law Branch

Ms Elizabeth Quinn, Acting Assistant Secretary, Legal Assistance Branch

Tuesday, 4 November 2014

The Macquarie Room

Parliament House, Sydney

Witnesses

Australia's National Research Organisation for Women's Safety Limited

Dr Mayet Costello, Research Manager

White Ribbon Australia

Ms Libby Davies, Chief Executive Officer

Dr Christina Jarron, Business Development and Social Impact Manager

National Aboriginal and Torres Strait Islander Women's Alliance

Associate Professor Dea Delaney-Thiele, Chief Executive Officer

Ms Denise Burdett, Member

One in Three Campaign

Mr Greg Andresen, Senior Researcher

Mr Andrew Humphreys, Spokesperson

Aids Council of NSW

Mr Alan Brotherton, Director, Policy Strategy & Research

Ms Shannon Wright, Director, Community Health and Regional Services

Inner City Legal Centre

Mr Daniel Stubbs, Director

Ms Julie Howes, Solicitor (Safe Relationships Project)

**National Association of Community Legal Centres and Women's Legal Services
Australia**

Ms Amanda Alford, Deputy Director, Policy and Advocacy

Ms Liz Snell, Law Reform and Policy Coordinator, Women's Legal Service NSW

appearing on behalf of WLSA

Redfern Legal Centre

Ms Jacqui Swinburne, Acting CEO

Ms Elizabeth Morley, Principal Solicitor

186

Finance Sector Union of Australia

Ms Veronica Black, National Coordinator Organising and Development

*Wednesday, 5 November 2014
Legislative Council Committee Room
Parliament House, Melbourne*

Witnesses**Domestic Violence Resource Centre Victoria**

Ms Virginia Geddes, Executive Officer
Ms Libby Eltringham, Community Legal Worker

No to Violence

Mr Rodney Vlasis, Acting Chief Executive Officer

Violence Free Families

Dr David Smyth, Chairman

Federation of Community Legal Centres

Dr Chris Atmore, Senior Policy Adviser

InTouch, Multicultural Centre against Family Violence

Ms Maya Avdibegovic, Chief Executive Officer
Ms Elizabeth Becker, Principal Lawyer

Women with Disabilities Victoria

Ms Keran Howe, Executive Director
Ms Jen Hargrave, Policy Officer

Office of the Public Advocate

Mr John Chesterman, Manager, Policy and Education

**Aboriginal Family Violence Prevention and Legal Service Victoria
National Family Violence Prevention Legal Services Forum**

Ms Antoinette Braybrook, Chief Executive Officer (AFVPLS Victoria) and National Convenor (National FVPLS Forum)

Ms Laura Vines, Policy Officer of FVPLS Victoria

Dr Alisoun Neville, Manager of the National FVPLS Forum Secretariat

Dr. Elizabeth Celi, Founder/ Manager, Elements Integrated Health Consulting

Thursday, 6 November 2014
Cliftons, Level 3, 288 Edward Street
Brisbane

Witnesses

Women's Legal Service Inc. (Queensland)

Ms Angela Lynch, Community Legal Education Lawyer
 Ms Rosslyn Monro, Coordinator

Women's House Shelta

Ms Barbara Crossing, Collective Member
 Ms Chantal Eastwell, Collective Member
 Ms Hannah Banfield, Collective Member

National Aboriginal and Torres Strait Islander Legal Services

Ms Lisa Stewart, Barrister Child Protection, Aboriginal and Torres Strait Islander
 Legal Service Qld (a NATSILS member organisation)

Domestic and Family Violence Crisis Lines Australia Network (DFVCLAN)

Ms Diane Mangan, Chief Executive Officer, DV Connect Queensland
 Ms Annette Gillespie, Chief Executive Officer, Women's Domestic Violence Crisis
 Service of Victoria

RiSE Queensland

Ms Bronwyn Rees, Founder RiSE Queensland
 Ms Jodie Woodrow, Personal Assistant

Queensland Domestic Violence Network

Ms Judith Marshall, Service Manager, Mackay Service
 Ms Pauline Woodridge, Convenor (QDSN) and Coordinator, Townsville service
 Ms Gabrielle Borggaard, Manager, Ipswich service

Tuesday, 10 March 2015
Litchfield Room, Parliament House
Darwin

Witnesses

Top End Women's Legal Service

Ms Melanie Warbrooke, Senior Solicitor

Law Society Northern Territory

Mr Tas Liveris, President
 Ms Megan Lawton, Chief Executive Officer

188

Darwin Aboriginal and Islander Women's Shelter

Ms Regina Bennett, Coordinator

Mr Michael Torres, Men's Outreach Worker

Aboriginal Peak Organisations Northern Territory

Mr John Paterson, CEO, Aboriginal Medical Services Alliance Northern Territory

Mr Joe Morrison, Chief Executive Officer, Northern Land Council

Dr David Cooper, Advocacy and Policy Manager

Mr Robert Dalton, Policy Adviser, Northern Land Council

Ms Olga Haven, Chief Executive Officer, Danila Dilba Health Service

Mr Jared Sharp, Manager, Law and Justice Projects, North Australian Aboriginal Justice Agency

Dawn House

Ms Susan Crane, Executive Officer

Amity Community Services Inc.

Mr Bernard Dwyer, Chief Executive Officer

Ms Susan Crane, Executive Officer, Dawn House Incorporated

Northern Territory Police

Acting Assistant Commissioner Peter Bravos

Alice Springs Women's Shelter

Ms Dale Wakefield, Coordinator

Northern Territory Government

Minister for Women's Policy, Hon Bess Nungarrayi Price MLA

Mr Mike Chiodo, Chief Executive, Department of Local Government and Community Services, Northern Territory

Ms Jo Sangster, Director, Domestic Violence Directorate, Department of the Attorney-General and Justice, Northern Territory

Ms Noeline Swanson, Executive Director, Community Services and Strategy, Department of Health and Families, Northern Territory

Mr Charlie King, Chair, Indigenous Male Advisory Council*Thursday, 11 June 2015**Senate Committee room 2S1**Parliament House, Canberra***Witnesses****Ms Rosemary Batty, Private capacity**

Australian Cross Disability Alliance

Ms Therese Sands, Co-Chief Executive Officer, People with Disability Australia

Dr Jess Cadwallader, Advocacy Project Manager, Violence Prevention, People with Disability Australia

Department of Social Services

Ms Amy Laffan, Managing Director

Ms Cate McKenzie, Principal Advisor

Office for Women, Department of the Prime Minister and Cabinet

Ms Liza Carroll, Associate Secretary Domestic Policy

Ms Jenny Bloomfield, Acting First Assistant Secretary, Office for Women

Attorney-General's Department

Ms Tamsyn Harvey, Assistant Secretary, Family Law Branch

Mr Michael Pahlow, Assistant Secretary, AusCheck Branch

Ms Joan Jardine, Director, Community Legal Services Section, Legal Assistance Branch

APPENDIX 3

List of recommendations from the March 2015 interim report

Recommendation 1

1.70 The committee recommends the Commonwealth Government restore funding cuts from legal services, housing and homelessness services and the Department of Social Services grants program, and guarantee funding under the National Partnership Agreement on Homelessness for at least four years.

Recommendation 2

1.71 The committee supports the Productivity Commission recommendation that Australian, State and Territory governments should provide an immediate funding boost to legal assistance services of \$200 million to address pressing gaps in services.

Recommendation 3

1.72 The committee recommends all Australian governments work together with stakeholders, including front line services and peak advocacy groups, to develop a program to increase the capacity of services in the areas of prevention, early intervention and crisis support in accordance with the objectives of the National Plan and the Action Plans.

Recommendation 4

1.73 The committee recommends the Commonwealth Government supports increased coordination and communication between legal systems across jurisdictions.

Recommendation 5

1.74 The committee recommends the Commonwealth Government support and expedite the harmonisation of intervention orders across jurisdictions. The Commonwealth Government should also identify opportunities to share information between agencies in order to address increasingly violent behaviour by perpetrators and assist at risk individuals.

Recommendation 6

1.75 The committee supports the inclusion of respectful relationships education in the national curriculum.

Recommendation 7

1.76 The committee recommends increasing the availability of behavioural change programs for perpetrators and ensuring programs are evidence based.

Recommendation 8

1.77 The committee recommends the Commonwealth Government provide funding certainty to Australia's National Research Organisation for Women's Safety and National Services beyond 2016 to support the completion of longer term research programs.

Recommendation 9

1.78 The committee recommends a review of policies and services dedicated to the treatment of alcohol and other drug abuse in the Northern Territory and their impact on domestic violence, including urgent consideration to reinstate the Banned Drinkers Register.

3 Australian Institute of Criminology, *Australian Crime: Facts and Figures*, Canberra, 2016



Australian Government
Australian Institute of Criminology

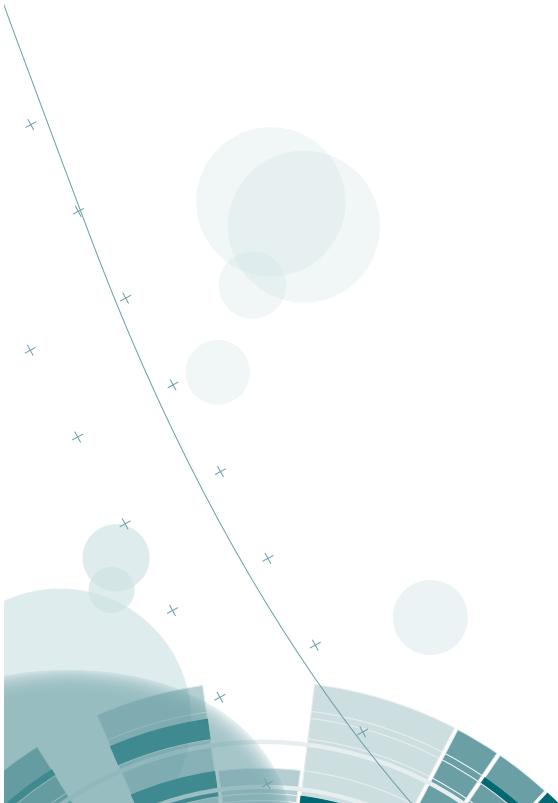
Australian crime:
Facts & figures

2014

Australian crime: Facts & figures

2014

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Notes

Because of rounding, some percentages may not sum to 100.
Minor revisions are occasionally made to publications after release.
The online version available on the AIC website will include any revisions made since printing: <http://aic.gov.au/publications/current-series/facts/1-20/2014.html>

Edited and typeset by the Australian Institute of Criminology

Foreword

While the volume and rate of individual crime types has fluctuated over the past few years, overall, crime in Australia has been decreasing. *Australian Crime: Facts & figures* uses information compiled from a broad range of sources to create an accurate and holistic picture of crime and criminal justice issues in Australia. Within this volume are the patterns and trends related to specific crimes, victims, offenders, the location of criminal acts and the operation and cost of the criminal justice system (including the police, courts and prisons). The purpose of this publication is to provide government and justice agencies, the media and the Australian public with accurate, easy to access crime statistics in a single, centralised location.

An online version of *Australian Crime: Facts & figures* is also available at the Australian Institute of Criminology's (AIC) website (www.aic.gov.au). This online tool allows users to generate their own graphs and tables, and more fully engage with the data presented. For more information on specific crime and justice issues, the AIC disseminates a number of publications from fact sheets through to detailed reports. These publications are available for free download from the AIC website in a variety of formats, or by contacting the AIC directly.

This publication
utilises data
from both
administrative
and survey-based
collections

Highlights

- The number of victims of homicide, robbery and kidnapping has decreased. Kidnapping decreased by six percent from 638 in 2011–12 to 601 in 2012–13, while there was an 11 percent decrease in victims of robbery with 11,698 victims – 1,465 fewer victims than the previous year. Homicide decreased by eight percent from 296 in 2011–12 to 273 in 2012–2013,

with the rate remaining at historically low levels of 1.2 per 100,000. However, in 2012–13, there was a seven percent increase in recorded victims of sexual assault and a three percent increase in recorded victims of assault.

- Similar to previous years, there were more victims of property crime compared with violent crime in 2012–13. Further, the number of victims of property crime decreased across all categories. Other theft and unlawful entry with intent decreased by four and five percent respectively, while motor vehicle theft decreased by 10 percent.
- In 2012–13, \$80,999 was spent per prisoner in Australia compared with \$8,384 per person in community corrections. In terms of ratios for dollars spent, for every \$1 spent on community corrections per offender per day, approximately \$10 was spent on offenders in prisons.
- Offending rates were highest for those aged between 15–19 years. Male and female juveniles had the highest rates of offending for the categories of theft, acts intending to cause injury and illicit drug offences.
- In 2013, victims of scams most commonly reported losing money in online auctions and shopping (45%), dating and romance scams (43%), and computer prediction software (38%).
- Non-custodial monetary orders were the most common sentences handed down to both males and females in 2012–13.

Chris Dawson
Director

Acronyms

ABS	Australian Bureau of Statistics
ACCC	Australian Competition and Consumer Commission
AIC	Australian Institute of Criminology
AICI	acts intended to cause injury
CARS	Comprehensive Auto-theft Research System
CSEO	child sexual exploitation offences
DUMA	Drug Use Monitoring in Australia
MSO	most serious offence
MVT	motor vehicle theft
UEWI	unlawful entry with intent

Contents

iii	Foreword
iii	Highlights
v	Acronyms
vi	Contents
viii	Crime and justice statistics
ix	Notes on using these statistics
1	Chapter 1: Recorded crime & selected crime profiles
2	Recorded crime
6	Selected crime profiles
11	Assault
14	Sexual assault
17	Robbery
20	Motor vehicle theft
22	<i>Other theft</i>
24	Chapter 2: Crime victimisation
24	Household and personal victimisation
32	Scams
36	Chapter 3: Selected offender profiles
37	Offenders
45	Drug arrests
48	Drug use by offenders
57	Chapter 4: Criminal courts
58	The criminal court process
61	Court decisions
63	Sentencing
65	Federal courts
70	Chapter 5: Corrections
70	Prisons

77	Community corrections
80	Juvenile detention centres
83	Chapter 6: Criminal justice resources
83	Justice expenditure
84	Police
85	Court administration
86	Adult corrective services
88	References

Crime and justice statistics

The statistics used in *Australian Crime: Facts & figures* are derived from a variety of administrative datasets and surveys; using both types of information enables a better understanding of the incidence and effects of crime in the community. The sources used to compile this edition are listed in the *References* section.

Administrative collections—Criminal justice agencies keep records of their workflow at different stages of the criminal justice process. For example, police keep incident records, courts record the details of cases and their finalisation, and corrections agencies have details of the offenders in their charge. Most basic information comes from these administrative collections, which have the advantage of covering the whole population that comes into contact with the criminal justice system and of remaining relatively stable in their collection and production over time.

There are limitations to these data, however, including issues of comparability among agencies and jurisdictions, and it is only recently that most of the data have been collated at a national level, if at all. Specifically, national collections of recorded crime from police records have been collated since 1996, prisoner data from corrections agencies have been collated since 1983, data for all criminal courts have been collated since 2001 and offender data have been collated since 2009. However:

- The collections are not all based on the same unit of measurement. For example, police services record details about offences, the courts record data at an individual case level and corrections agencies record information about individual offenders.
- Although substantial work has been undertaken to improve the national collections, the collections continue to be hampered by jurisdictional differences in legislation, definitions and data collection methods that are often not uniform. Data recording quality may also be an issue for some elements of the collection.
- Further, it can take time to reach agreement at a national level on key issues, including definitions of new and emerging offences. As a result, greater detail about crime and justice is often available at a jurisdictional level, even when it is not possible to produce national statistics.
- While most collections are grouped by year, the specific time period may vary between agencies. For instance some follow the calendar year (January to December), while others are based on the financial year (June 30 to July 1 of the following year). Therefore, care should be taken when attempting to interpret information from incompatible time periods.

It is also worth noting that the datasets can only encapsulate reported crimes, yet not all crimes are reported to police. For example, it is estimated that only 20 percent of all sexual assaults are reported to police, compared with a reporting rate of nearly 100 percent for motor vehicle thefts (Reference 15). This is one of the primary reasons that the other main types of data collection, such as crime surveys, are undertaken.

Surveys—Crime victimisation surveys are believed to provide a more accurate picture of actual crime rates in society as they attempt to measure all crime, including crime that has not been reported to police. They have the advantage of asking the same questions, in the same way, of the whole of a sampled population. These answers are then recorded in a similarly uniform way so that the information they provide is both reliable and comparable.

However, it is not always valid to extrapolate from a sample to the whole population and all sample surveys have a certain amount of error. As surveys are also expensive, they generally tend to be undertaken on a 'one-off' basis or infrequently. Surveys used in preparing this year's edition of *Australian Crime: Facts & figures* include the Drug Use Monitoring in Australia survey conducted by the Australian Institute of Criminology (AIC) and Crime Victimisation survey conducted by the Australian Bureau of Statistics (ABS).

Notes on using these statistics

It should be noted that police information on victims and offenders has not been tested in court. For example, an offence recorded by police as 'murder' may later be reclassified as 'manslaughter', or there may be insufficient evidence to proceed to trial, or to convict an alleged offender of any criminal offence.

The apparent marked fluctuation in some crime rates may be due to the small number of cases involved. For example, if only four homicides have occurred in one year, the addition or removal of one homicide per year will appear as a 25 percent increase or decrease.


Rates are determined against one of two different types of base population—either the total population, or total relevant population. The property crime victimisation rate, for example, divides the number of property victims by the total population. In this publication, data in relation to the total population are presented as per 100,000. Rates in relation to a relevant population (eg juveniles, males, females or Indigenous persons) refer to the number of persons as a proportion of that population.

Population projections for Indigenous (Aboriginal and/or Torres Strait Islander) adults are based on data provided by the ABS. The ABS uses two methods to estimate

Indigenous populations—the low series and the high series. Both contain certain assumptions about births, deaths and migration. Figures in this publication are based on high-series population data. This method accounts for the effects of an increasing propensity for people to identify as being of Indigenous background from the 1991 to the 2001 censuses. In 2004, the ABS released revised Indigenous population figures in the high series for 2001–03, based on the 2001 census. Rate calculations for these years therefore differ from those in some previous publications.

Data on juveniles refer to persons aged 10 to 17 years, while data on adults refers to persons aged 18 years and over. Prior reports of *Australian Crime: Facts & figures* up to 2004 defined adults as persons aged 17 years and over, affecting calculations such as rates of imprisonment. From the 2005 issue onward, imprisonment rates were recalculated based on the revised adult age and will therefore differ from those quoted in older issues.

Because of rounding, some percentages may not sum to 100. Further, when percentages are being compared, the differences are reported as percentage points. When counts (eg number of incidents) are being compared, the difference is reported as a percentage.



Chapter 1: Recorded crime & selected crime profiles

Data on recorded crime as published by the ABS for the period 2003 to 2013 are presented in this first chapter. The information is based on police records of crimes from 1 January to 31 December each year. A victim of crime can be a person, premises or motor vehicle.

The ABS has been collecting and publishing data since 1996 on the following eight major categories of offences—homicide (murder and manslaughter), assault, sexual assault, robbery, kidnapping, unlawful entry with intent (UEWI), motor vehicle theft (MVT) and other theft. It is estimated that these crimes account for about 60 percent of all crimes recorded by police.

Due to inconsistencies among jurisdictions in recording, the ABS has not released aggregated data on assault since 2003. As trends within jurisdictions appear to be consistent, however, the data for each jurisdiction have been released. The AIC used these data to compile the Australian totals for assault included in this chapter. It is important to note that due to changes in the way the ABS have collected the data, the 2013 assault figure does not include information from Victoria, Queensland or Tasmania and is significantly lower than the expected national figure. Therefore, the 2013 assault figure should not be compared with figures prior to 2011.

Caution must be exercised when comparing the:

- number of robbery victims from different years due to an undercounting of victims in New South Wales prior to 2005;
- number of victims of UEWI prior to 2006 because of an overstatement of victims in New South Wales;

- sexual assault numbers for Western Australia and MVTs for South Australia as these may be understated; and
- kidnapping/abduction figures for New South Wales as they may be slightly inflated.

General trends, however, appear not to be affected.

In 2010, there was a break in the *Recorded Crime – Victims* series due to changes in police recording practices, implementation of revisions to the Australian and New Zealand Standard Offence Classification and implementation of the National Crime Recording Standard, a set of business rules developed by the ABS in collaboration with state and territory police to standardise recording practices. Therefore, comparisons with data should be treated with caution.

Source: Reference 1

Recorded crime

Trends in the number of recorded crime victims do not take into account increases in the population over time. As a result, an increase may reflect an increase in the general population in that period rather than an increase in the actual likelihood of a person becoming a victim of crime. Crime rates adjust for changes in population size. In this section, they are calculated per 100,000 persons of the population per year.

Violent crime

Violent crime includes homicide, assault, sexual assault, robbery and kidnapping (sometimes referred to as abduction). Although robbery may include an element of property crime, it is included as a violent crime, as the use or threat of violence is a more serious offence than the theft.

	Homicide ^a	Assault ^b	Sexual Assault	Robbery ^c	Kidnapping/abduction
2003	341	157,280	18,025	19,709	696
2004	302	156,849	19,171	16,513	768
2005	301	166,507	18,695	17,176	729
2006	321	172,441	19,555	17,375	726
2007	283	176,077	19,954	17,996	733
2008	293	170,720	19,992	16,513	788
2009	293	175,277	18,807	15,238	564
2010	261	171,083	18,027	14,631	608
2011	276	117,992	17,592	13,653	675
2012	296	116,160	18,494	13,163	638
2013	273	119,235	19,907	11,698	601

a: Comprises offences of murder and manslaughter

b: 2011, 2012 and 2013 figures do not include information from Victoria, Queensland and Tasmania. Therefore the assault figures cannot be compared with those prior to 2011

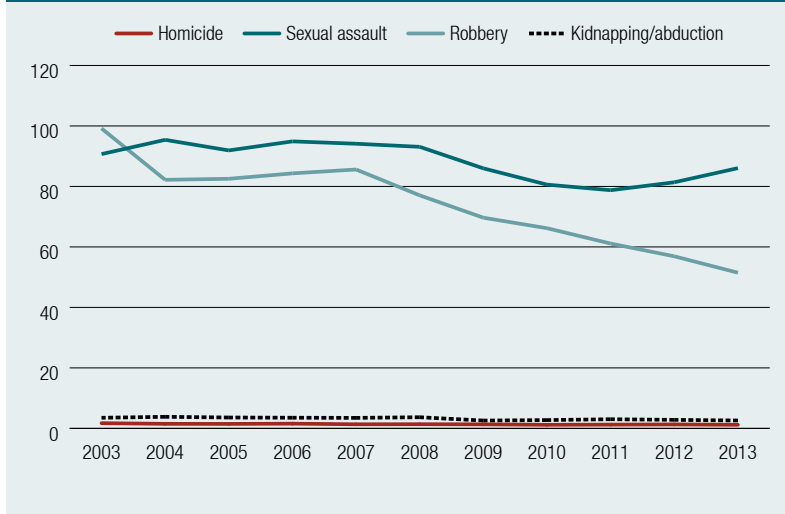
c: Comprises the offences of armed and unarmed robbery. Robbery is classified as a violent crime, as the use or threat of violence is more serious than a property offence

Note: Number of victims presented here represents revised estimates on numbers published in earlier editions of *Australian Crime: Facts & figures*

- Of the five categories of violent crime, three recorded a drop in the number of victims between 2012 and 2013. These were homicide, robbery and kidnapping.
- The number of victims of sexual assault increased between 2012 and 2013 by eight percent.
- The number of kidnappings/abductions in 2013 represents a 24 percent decrease since a peak in 2008, when 788 kidnapping/abductions were recorded.
- Overall, the number of victims of homicide has been in decline since 2003. In 2003, there were 341 victims of homicide in Australia compared with 273 in 2013. This is a decrease of 20 percent.
- The number of victims of robbery in 2013 is the lowest on record since 2003, with 11,698 victims.

Violent crime victimisation rate

Figure 1 Victims of violent crimes, 2003–13 (rate per 100,000 population)



Note: Homicide and kidnapping each occur at rates of fewer than 5 per 100,000 population per year and are difficult to distinguish on this chart

- The overall victimisation rate of robbery has been declining since 2003, decreasing to a 10 year low of 51 per 100,000 in 2013.
- The rate of sexual assault increased from 81 per 100,000 in 2012 to 86 per 100,000 in 2013.
- Homicide and kidnapping/abduction are low-volume crimes. In 2013, the rates continued to be low. The homicide rate was 1.2 per 100,000, while the kidnapping/abduction rate was 2.6 per 100,000. Since 2003, the homicide rate has not surpassed two per 100,000.

Source: References 1 and 2

Property crime

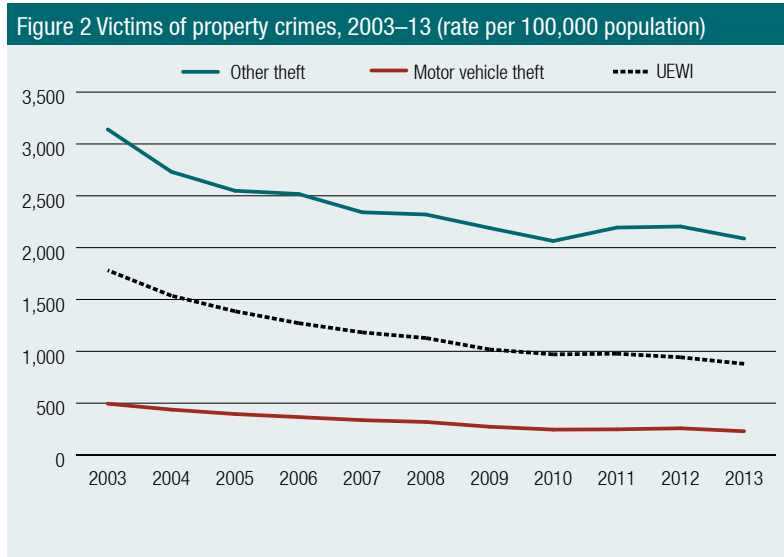
Property crime comprises UEWI (also referred to as break and enter or burglary), MVT and 'other' theft, which includes offences such as pickpocketing, bag snatching, shoplifting and bicycle theft.

	UEWI	MVT	Other theft
2003	354,020	98,298	624,036
2004	308,675	87,939	548,778
2005	281,994	80,365	518,335
2006	262,005	75,377	518,734
2007	248,475	70,614	491,935
2008	241,760	68,265	497,053
2009	222,664	59,649	478,807
2010	217,030	54,821	465,547
2011	218,285	55,310	490,059
2012	214,241	58,556	500,892
2013	203,438	52,979	482,900

Note: Number of victims presented here represents revised estimates on numbers published in earlier editions of *Australian Crime: Facts & figures*

- Property crime victimisation continued to be reported at a higher volume than violent crime.
- There were 17,992 fewer victims of other theft in 2013 than were recorded in 2012; a four percent decrease.
- The number of victims of MVT has been declining since 2003, when there were 98,298 recorded victims compared with 52,979 in 2013. This is a total decrease of 46 percent.
- There was a 43 percent decrease in UEWI between 2003 and 2013, from 354,020 to 203,438 victims for this property crime type.

Property crime victimisation rate



- The rates of UEWI, MVT and other theft continued to decline in 2013. UEWI victimisation occurred at a rate of 879 per 100,000, while the rates for MVT and other theft were 229 and 2,087 per 100,000 respectively.
- Victimization rates for UEWI, MVT and other theft are the lowest on record since data collection began in 1996.

Source: References 1 and 2

Selected crime profiles

Homicide

The definition of homicide used by the ABS is the unlawful killing of another person. Homicide statistics discussed here include the following categories of offences:

- *murder*—the wilful killing of a person either intentionally or with reckless indifference to life; and
- *manslaughter*—the unlawful killing of a person:

- without intent to kill, usually as a result of a careless, reckless, or negligent act; or
- intentionally, but due to extreme provocation; or
- when in a state of mind that impairs the capacity to understand or control one's actions.

This reflects categories recorded by police at the time of the homicide and does not necessarily take into account the final outcome of the court case.

Homicide does not include:

- *attempted murder*—the attempt to unlawfully kill another person by any means, act or omission; and
- *driving causing death*—the unlawful killing of a person without intent to kill, caused through culpable, dangerous or negligent driving.

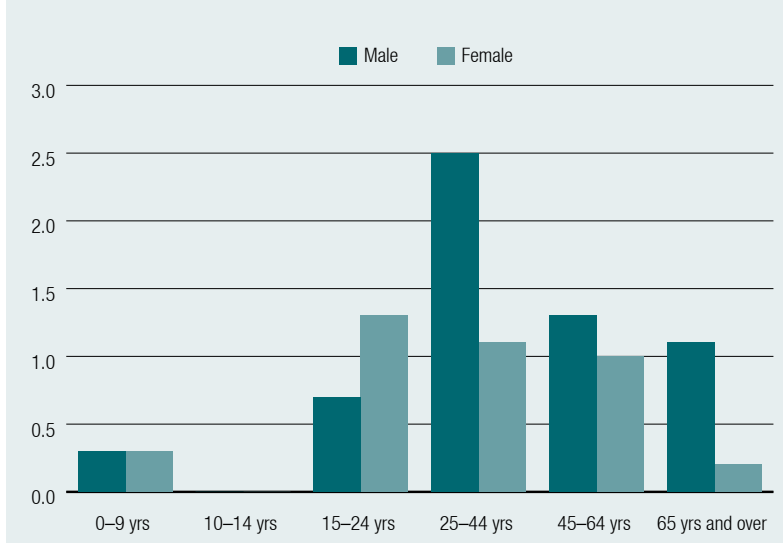
In 2011, the AIC changed the format of the National Homicide Monitoring Program so that it reports biennially rather than annually. As a result, *Australian Crime: Facts & figures* no longer reports information regarding the relationship between offender and victim or long-term trends in firearm-related homicides.

According to the ABS, there were 273 homicides in Australia in 2013, with 1.2 victims per 100,000 population. In 2013, murder accounted for 249, or 91 percent, of the homicide victims recorded. The remaining 24 victims, or nine percent, were victims of manslaughter.

Source: Reference 1

Victims of murder

Figure 3 Murder victimisation rates by age group and sex, 2013 (per 100,000 population of that age group and sex)



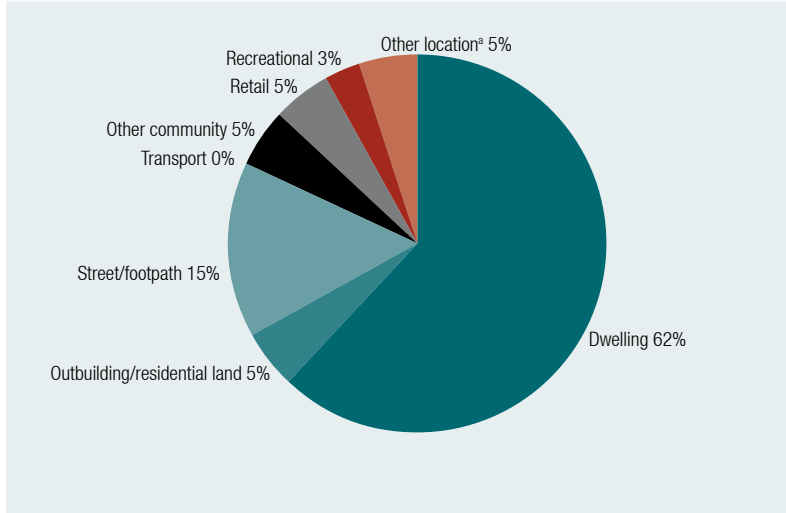
Note: National data on the age and sex of manslaughter victims (n=24) cannot be presented here as it was in previous years, due to incompleteness of published data, particularly regarding the breakdown of manslaughter by age categories

- Due to the relatively small numbers of murders each year, victimisation rates for murder are uniformly small across the age groups.
- Males experienced the highest rate of victimisation in the 25-44 year age group at 2.5 per 100,000 population, while females experienced the highest rate of victimisation in the 15-24 year age group at 1.3 per 100,000 population.
- In 2013, there were no victims of murder aged between 10 and 14 years.
- For females, the rate of victimisation was less than one per 100,000 for 0-9 years and over 65 years age groups.
- For males, the rate of victimisation was less than one per 100,000 for those aged 0-9 years and 15-24 years of age. The rate of victimisation was 1.3 per 100,000 for males aged 45-64 years and 1.1 per 100,000 population for males aged 65 years and over.

Source: References 1 and 2

Location of murders

Figure 4 Murder location by type, 2013 (%)



a: Includes unspecified location

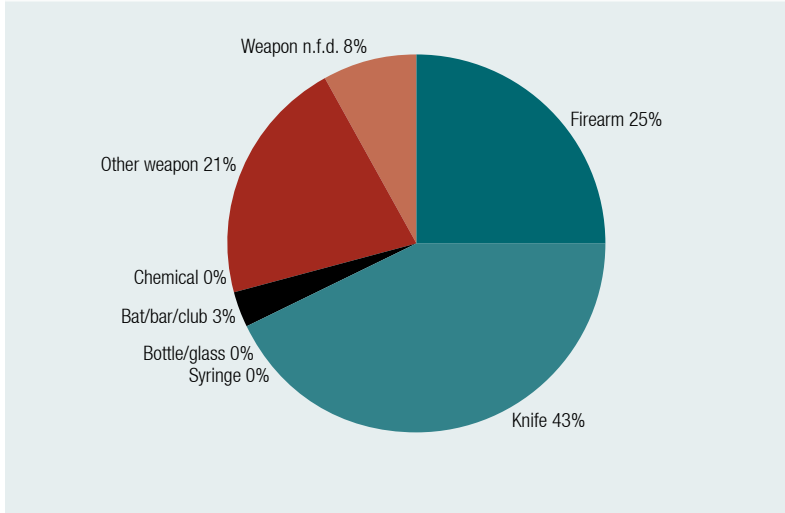
Note: n=234. National data on the location of manslaughter victims (n=24) cannot be presented here as it was in previous years, due to incompleteness of ABS published data, particularly regarding the breakdown of manslaughter by residential and community locations

- In 2013, just under two-thirds (62%) of all murders occurred in a residential dwelling.
- The street/footpath was the second most common location for murders in 2013 (15%).
- Murders were least likely to occur in recreational settings. No one was murdered in 2013 on transport.

Source: Reference 1

Weapon use

Figure 5 Type of weapon used to commit murder, 2013 (%)



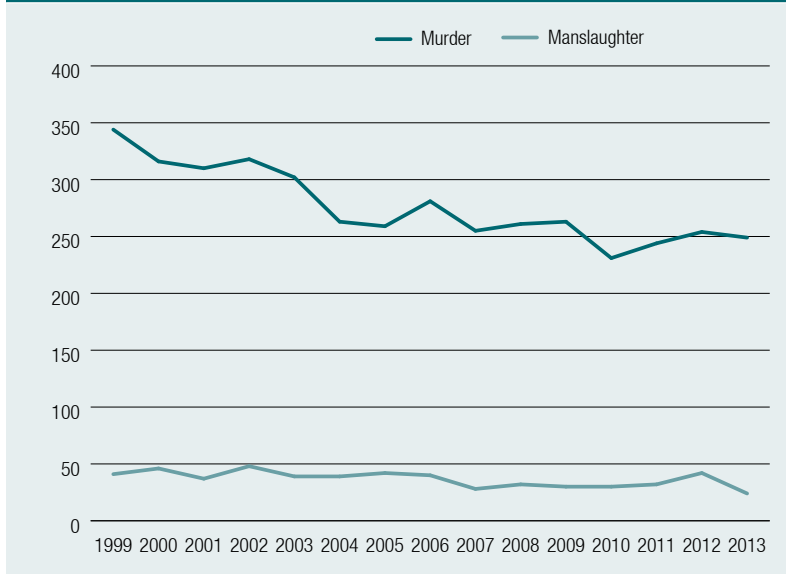
Note: n=186. nfd=not further defined. Does not include information from Tasmania or the Australian Capital Territory. Does not include instances where no weapon was used. Data presented in Figure 5 is derived from ABS information regarding use of weapon in the commission of the offence of murder

- In 2013, the most common weapon used to commit murder was a knife. Knives were involved in 43 percent of all murders.
- Firearms were used in 25 percent of murders.

Source: Reference 1

Trend in homicide

Figure 6 Homicide victims, 1999–13 (n per year)



- Since 1999, when there was a peak of 344 victims, the number of murder victims has been declining. The 2013 figure represents a 28 percent decrease in the number of victims of murder compared with 1999.
- In 2013, the 24 manslaughter victims recorded were the lowest annual number recorded since 1993.

Source: Reference 1

Assault

The ABS defines assault as the direct infliction of force, injury or violence upon a person, including attempts or threats. This definition excludes sexual assault.

The ABS does not provide national data on victims of assault due to differences in business rules, procedures, systems, policies and recording practices between states and territories. In 2011, the ABS updated the way assault information is collected from each of the states and territories. This has resulted in incomplete information being received and data was not available for Queensland, Victoria or Tasmania. This

has important ramifications for the number of assaults reported in the current edition of *Australian Crime: Facts & figures*. Therefore, any decrease in assault figures should be interpreted with consideration to this change in recording practice.

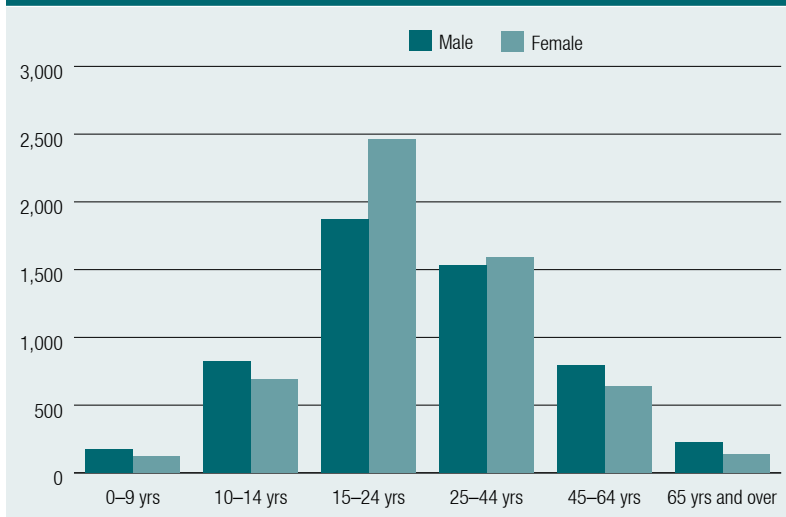
In 2013, there were 119,235 victims of assault, constituting 515 victims per 100,000 population. This is based on data from New South Wales, South Australia, Western Australia, the Northern Territory and the Australian Capital Territory only.

The data for the following Figures on the location of incidents and the age and sex of victims of assaults are presented here as an aggregation of ABS data for all Australian states and territories where information was available.

Source: Reference 1 and 2

Victims of assault

Figure 7 Assault victims by age group and sex, 2013 (per 100,000 of that age group and sex)



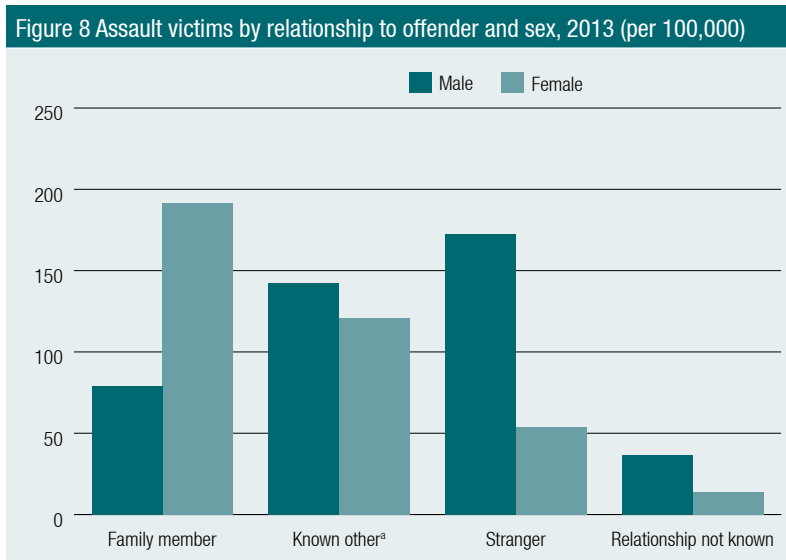
Note: Due to changes in ABS recording practice, the data reported does not include Queensland, Victoria or Tasmania

- The victimisation rate was highest for both sexes in the 15–24 years age group. In 2013, the rate for females aged 15–24 years was 2,465 per 100,000 population; for males it was 1,874 per 100,000 population.
- The rate of female assault victimisation was greater than the rate of male assault victimisation in the 15–24 and 25–44 years age groups.

- In 2013, the oldest and youngest age groups had the lowest rate of assault victimisation. This equated to 146 per 100,000 population for people aged 0–9 years and 177 per 100,000 population for people aged 65 years and over.

Source: *References 1 and 2*

Assault victim-offender relationship



a: Includes known non-family member and known but not further defined, which may include some family members

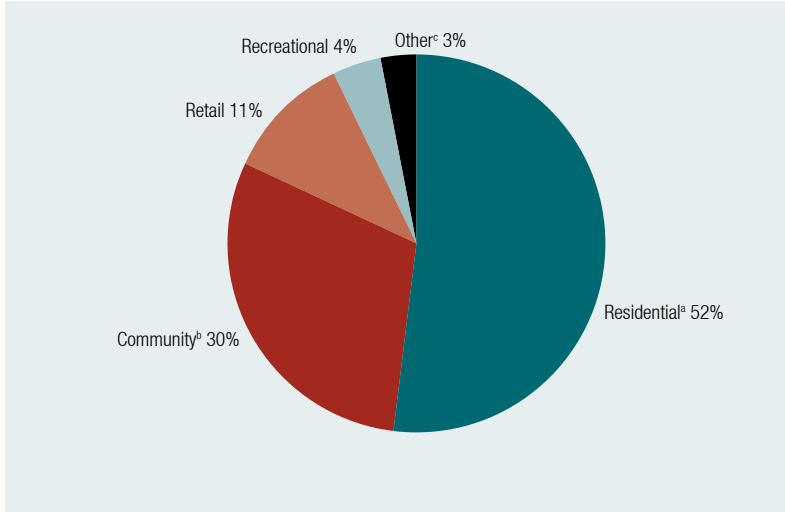
Note: Due to changes in ABS recording practice, the data reported does not include Queensland, Victoria or Tasmania. Further information regarding relationship to victim was not available for Western Australia

- In 2013, for females, victims were most commonly assaulted by a family member, at a rate of 192 per 100,000 female population. By contrast, females were least likely to be assaulted by strangers at a rate of 54 per 100,000 female population.
- The opposite pattern was observed for male assault victims. Males were assaulted by a stranger at a rate of 172 per 100,000 male population compared with a rate of 79 per 100,000 male population when the offender was a family member.

Source: *Reference 1*

Location

Figure 9 Assault location by type, 2013 (%)



a: Includes private and non-private dwellings and outbuilding/residential land

b: Includes educational, transport, open space and street/footpath

c: Includes administrative, retail and recreational

Note: Due to changes in ABS recording practice, the data reported do not include Queensland, Victoria or Tasmania

- In 2013, 52 percent of victims were assaulted in residential locations, followed by 30 percent who were assaulted in community locations.
- The smallest proportions of victims were assaulted in other (3%) and recreational (4%) locations.

Sexual assault

The ABS defines sexual assault as *a physical assault of a sexual nature, directed toward another person who:*

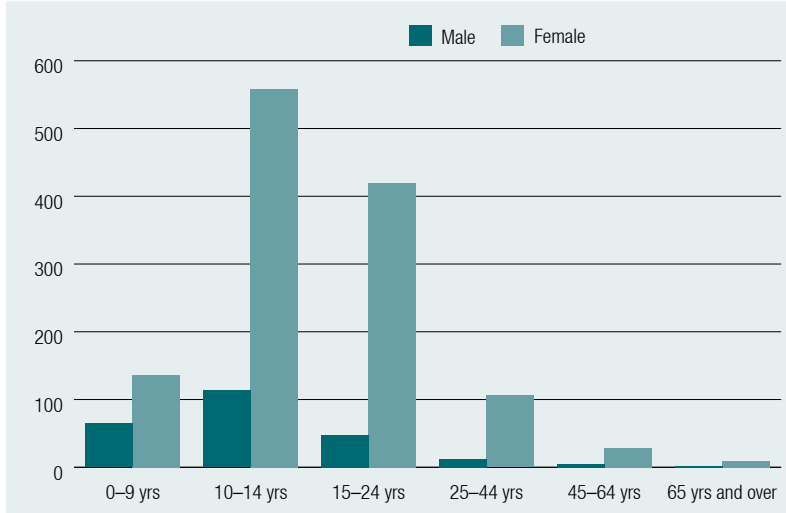
- *does not give consent, or*
- *gives consent as a result of intimidation or fraud; or*
- *is legally deemed incapable of giving consent because of youth or incapacity.*

In 2013, there were 19,907 recorded sexual assaults, with 86 victims per 100,000 population.

Source: Reference 1

Victims of sexual assault

Figure 10 Age and sex of sexual assault victims, 2013 (rate per 100,000 population)

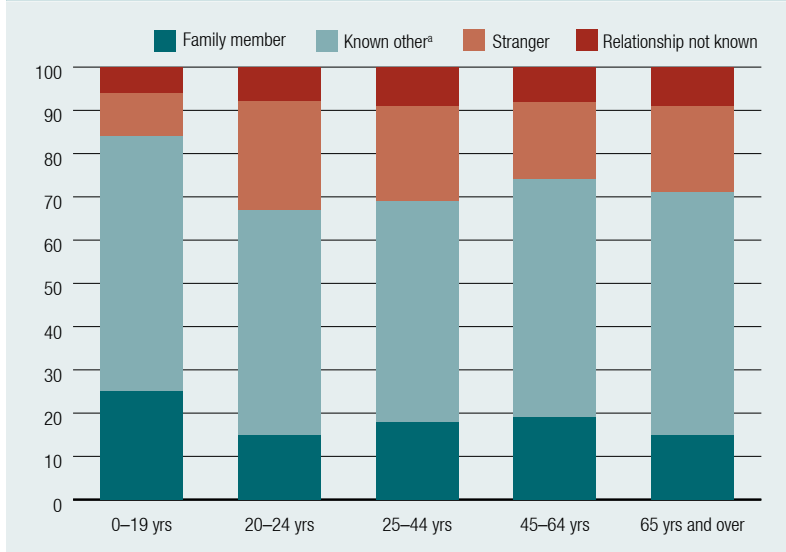


- In 2013, females were sexually assaulted at a higher rate than males across all age groups.
- The rate of sexual assault victimisation was highest for females aged 10–14 years at 559 per 100,000 female population. For females aged 15–24 years, the rate of sexual assault victimisation was 419 per 100,000 female population compared with 48 per 100,000 for males.
- For males, children under the age of 15 years experienced the highest rate of victimisation. The rate was highest in the 10–14 years age group (114 per 100,000 male population) followed by those aged 0–9 years (65 per 100,000 male population).

Source: References 1 and 2

Sexual assault victim–offender relationship

Figure 11 Sexual assault victims' relationship to offender by age of victim, 2013 (%)



a: Includes known non-family members and known but not further defined, which may include some family members

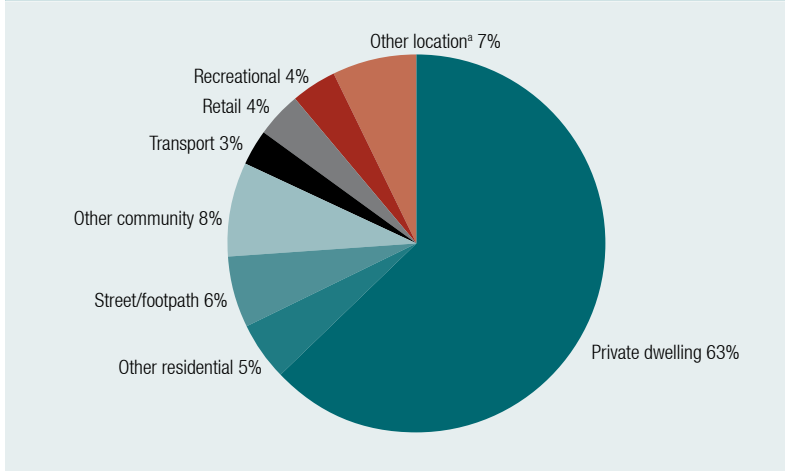
Note: Excludes Western Australia (information not available)

- In 2013, 'known other' was the most common relationship between victims of sexual assault and offenders. This ranged from 51 percent of victims aged 25–44 years of age to 59 percent of victims aged 0–19 years of age.
- The proportion of victims sexually assaulted by a stranger was highest in the 20–24 years age group at 25 percent.
- Where the relationship was known between victim and offender, persons aged 0–19 years were least likely to be victimised by a stranger (10%) and more likely to be victimised by a family member (25%) or known other (59%).

Source: Reference 1

Location of sexual assaults

Figure 12 Location of sexual assault, 2013 (%)



a: Includes unspecified location

- Of the sexual assaults recorded in 2013, 63 percent occurred in private dwellings.
- Sexual assault was least likely to occur in recreational/retail settings (4%) or on transport (3%).

Source: Reference 1

Robbery

Robbery is defined by the ABS as *the unlawful taking of property, without consent, accompanied by force or threat of force*. Robbery victims can be persons or organisations.

Types of robbery

Robbery is divided into two categories:

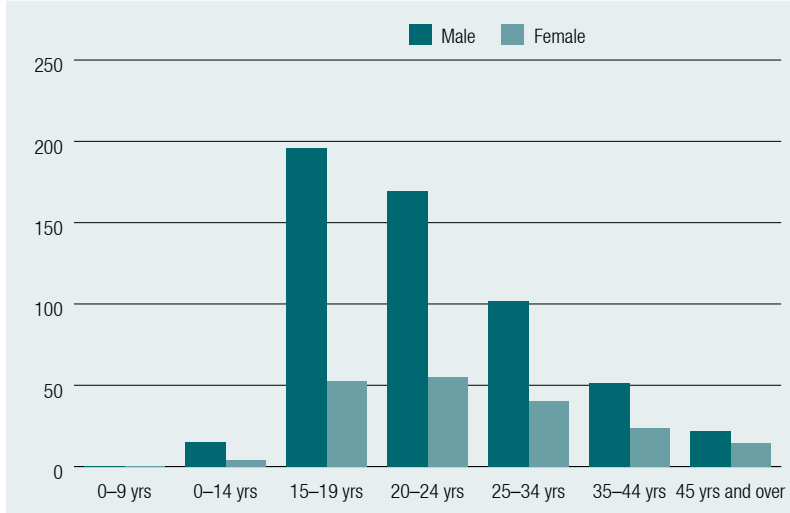
- *armed robbery*—robbery conducted with the use of a weapon. A weapon is any object used to cause fear or injury and includes imitation weapons and implied weapons; for example, where a weapon is not seen by the victim but the offender claims to possess one; and
- *unarmed robbery*—robbery conducted without the use of a weapon.

Of the 11,698 robberies recorded during 2013, 6,070 percent were unarmed, while 5,628 percent were committed with some type of weapon.

Source: Reference 1

Victims of robberies

Figure 13 Robbery victims by age group and sex, 2013 (per 100,000 population of that age group and sex)

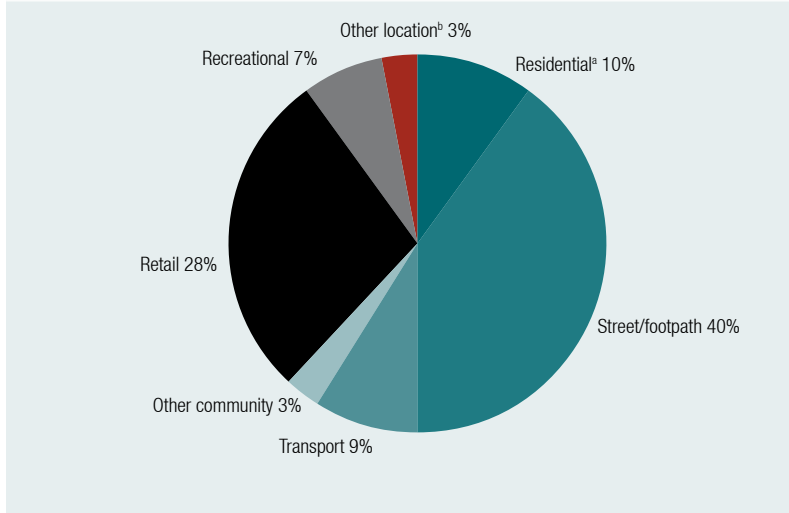


- In all age categories, males were at a higher risk than females of being a victim of robbery. Males aged 15–19 years and 20–24 years were victimised at a rate of 196 per 100,000 population and 170 per 100,000 population respectively.
- Females at highest risk of victimisation from robbery were also aged between 15–24 years. The rate of robbery victimisation for females aged 20–24 years was 55 per 100,000 and for those aged 15–19 years, it was 53 per 100,000.

Source: References 1 and 2

Location of robberies

Figure 14 Robbery by location type, 2013 (%)



a: Includes dwellings and other residential locations

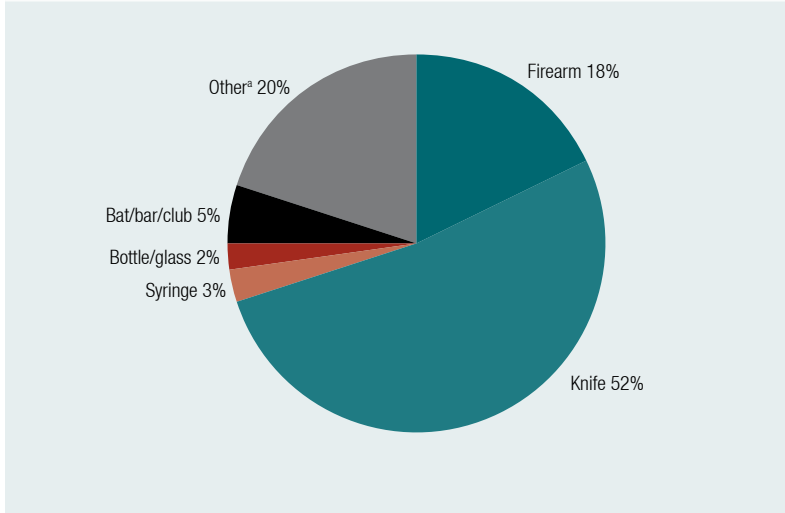
b: Includes unspecified locations

- Victims were most commonly robbed on the street/footpath (40%) in 2013, followed by retail locations (28%).
- Robberies were least likely to occur in other community and other locations (3%).

Source: Reference 1

Armed robbery

Figure 15 Types of weapons used in armed robbery, 2013 (%)



a: Includes 'chemical' weapon and unspecified type of weapon

- In 2013, just over half of armed robberies were perpetrated using a knife (52%), followed by other weapons (20%) and firearms (18%).
- Collectively, bats/bars/clubs, bottles/glasses and syringes were used in 10 percent of all armed robberies.

Source: Reference 1

Motor vehicle theft

Motor vehicle theft (MVT) involves the taking of a motor vehicle unlawfully or without permission. It excludes damaging, tampering with or interfering with motor vehicles. The theft of motor vehicle parts or contents is included under the offence category of 'other theft'. Motor vehicle is defined as cars, motorcycles, campervans, trucks, buses and plant/equipment vehicles.

In 2013, according to the ABS, there were 52,979 motor vehicles reported stolen to police, with 289 vehicles stolen per 100,000 registered vehicles.

Source: References 1 and 3

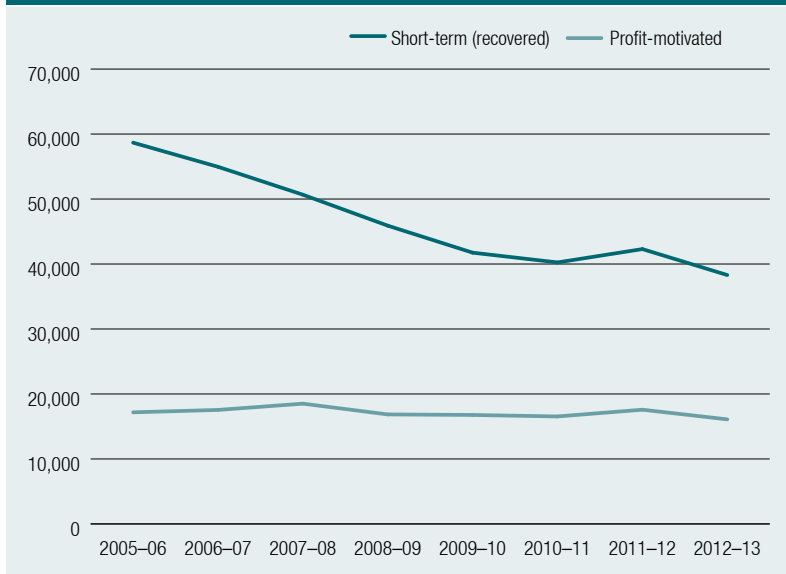
Recovery rates

This section presents data on recovery rates of stolen vehicles from the National Comprehensive Auto-theft Research System (CARS) project. CARS classify motor vehicle thefts in two ways. Vehicles that are recovered are classified as short-term thefts and are primarily used for opportunistic purposes. Vehicles that are not recovered are classified as profit-motivated thefts. In these instances, offenders on-sell the car, either as a whole vehicle or as separate parts.

In 2012–13, 38,302 thefts were classified as short term. This equates to a national recovery rate for stolen vehicles of 70 percent.

Source: Reference 3

Figure 16 Short-term and profit-motivated motor vehicles thefts, 2005–06 to 2012–13 (n)

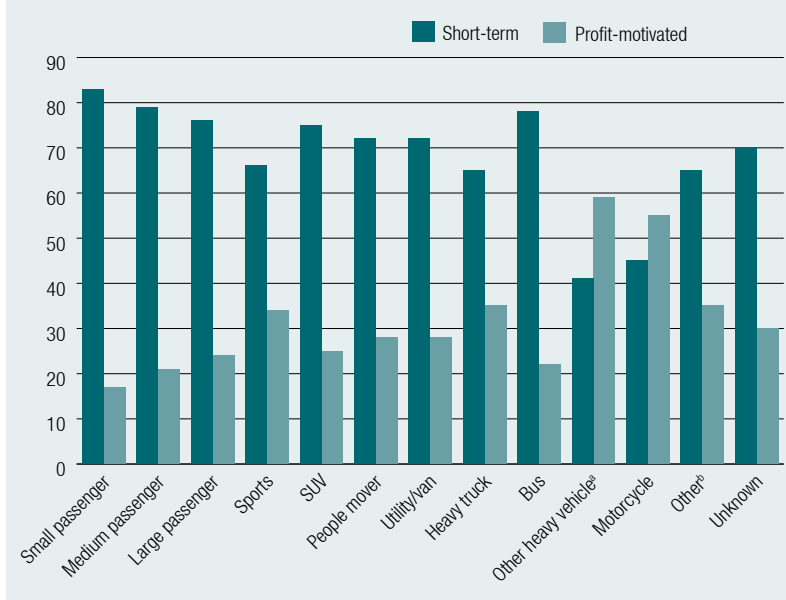


- The number of short-term MVTs has declined since 2005–06. There were 38,302 short-term MVT in 2012–13, compared with 42,296 in 2011–12; a decrease of nine percent.
- The number of profit-motivated thefts decreased by eight percent between 2011–12 and 2012–13, from 17,578 to 16,092 thefts.

Source: Reference 4

Theft and recovery by vehicle type

Figure 17 Short-term and profit-motivated motor vehicle thefts by type of vehicle, 2012–13 (%)



a: Includes motor homes

b: Includes heavy plant and equipment and unknown heavy vehicles

- In 2012–13, the category of vehicle with the most number of cars stolen was small passenger vehicles. Specifically, 11,078 were stolen, while 9,161 (83%) were recovered. Only 17 percent of small passenger vehicle thefts were considered profit motivated.
- The greatest proportion of profit-motivated thefts involved other heavy vehicles (59%). Specifically, of the 774 other heavy vehicles stolen in 2012–13, only 318 were recovered (41%)

Source: Reference 4

Other theft

The ABS defines other theft as *the taking of another person's property with the intention of permanently depriving the owner of the property illegally and without*

permission, but without force, threat of force, use of coercive measures, deceit or having gained unlawful entry to any structure even if the intent was to commit theft.

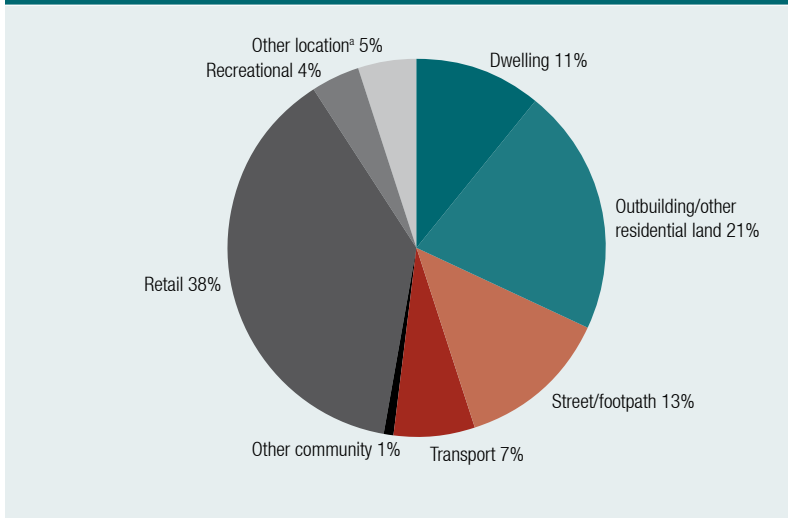
The offence includes such crimes as pick pocketing, bag snatching, stealing (including shoplifting), theft from a motor vehicle, theft of a motor vehicle parts/accessories or petrol, theft of stock/domestic animals and theft of non-motorised vehicles/boats/aircraft/bicycles. It is the largest of all the crime categories included in the national statistics.

There were 482,900 victims of other theft in 2013—a rate of 2,087 per 100,000 population.

Source: Reference 1

Location of other theft

Figure 18 Location of other thefts, 2013 (%)



a: Includes unspecified location

- Thirty-eight percent of victims of other theft in 2013 were victimised in retail locations. A further 21 percent were victimised in outbuildings/other residential land.
- Only four percent of victims were victimised in recreational settings, while one percent were victimised in other community locations.

Source: Reference 1



Chapter 2: Crime victimisation

Prior to 2009, information relating to the experience of criminal victimisation in Australia was obtained through the ABS publication *Crime and Safety Survey*. Data presented in this chapter is built upon the ABS annual publication *Crime Victimization, Australia*, first published in 2010. As such, figures contained in earlier editions of *Australian Crime: Facts & figures* (prior to 2010 edition) are not comparable to those reported below.

The majority of industrialised countries conduct crime victimisation surveys to estimate the frequency of certain crimes and the proportion reported to the police. These data are used to supplement police statistics and are particularly useful for examining crimes that have low percentages of reporting to police, such as sexual assault. *Crime Victimization, Australia*, provides annual information that pertains to personal and household experiences of crime including repeat victimisation, reporting of incidents to police and perceived neighbourhood problems.

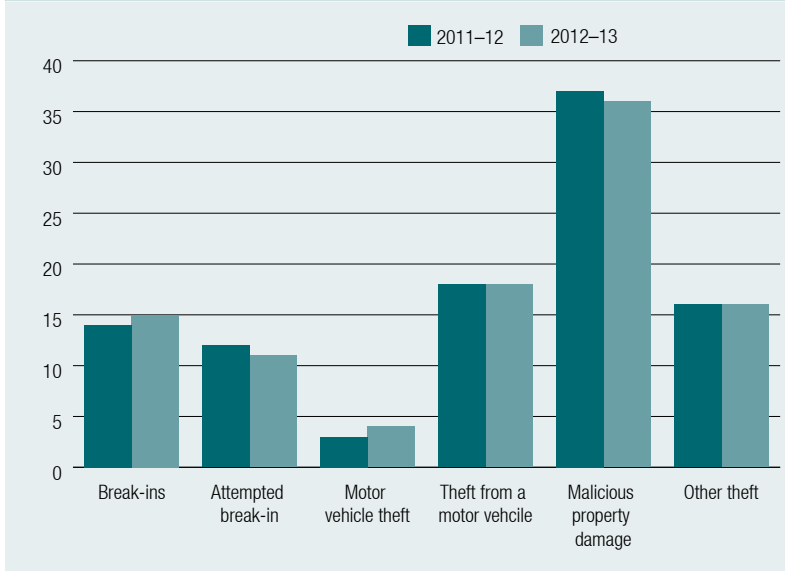
Household and personal victimisation

Crime Victimization, Australia distinguishes between household and personal crime. Household crimes include those crimes in which the household (a group of persons resident in a private dwelling and sharing common facilities) is considered the victim of the crime. This includes home break-in, attempted break-in and MVT. For personal crimes, it is the individual who is considered the victim of the crime. Personal crimes include robbery, assault and sexual assault.

Source: Reference 5

Household victimisation

Figure 19 Reported experiences of household crime, 2011–12 to 2012–13 (%)

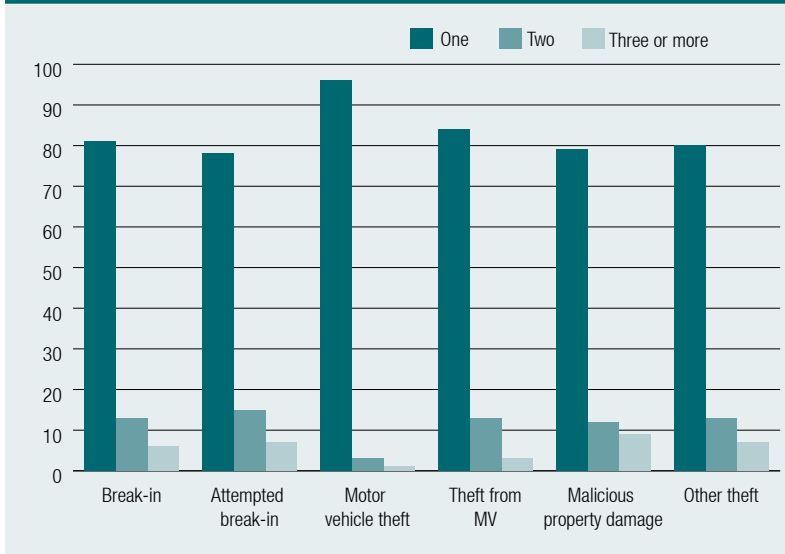


Note: Some numbers should be used with caution as the estimate had relative standard errors greater than 25 to 50 percent and may be considered too unreliable for general use. Population totals excluded households that did not report any incident of household crime in 2011–12 and 2012–13

- An estimated 1,548,800 households experienced at least one incident of household crime in 2012–13. This is a decrease of 11 percent from 1,748,400 in 2011–12.
- The proportion of households that reported experiencing the crimes of theft from a motor vehicle (18%) and other theft (16%) did not change between 2011–12 and 2012–13.
- The proportion of households that reported being the victim of a MVT and break-in increased by one percent from the preceding 12 months. Conversely, the proportion that reported experiencing attempted break-ins and malicious property damage decreased by one percent over the same period.

Source: Reference 5

Figure 20 Experience of repeat victimisation for household crimes, 2012–13 (%)



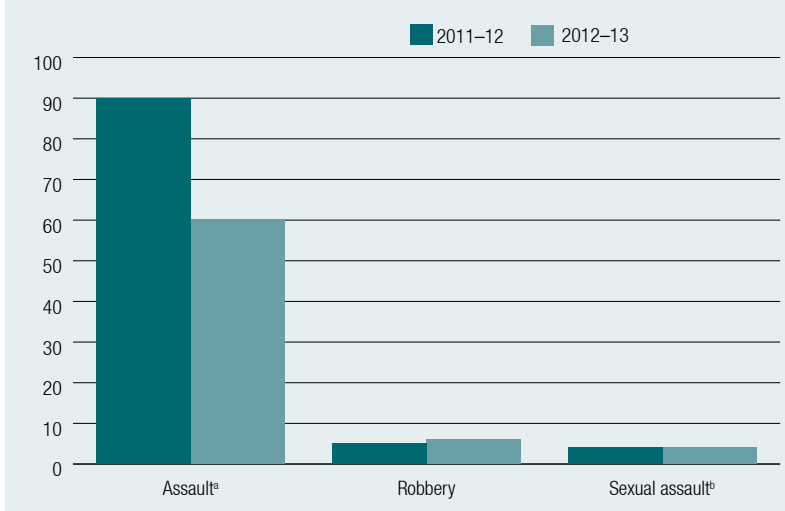
Note: Population totals excluded households that did not report any incident of household crime

- The proportion of households that reported experiencing repeat victimisations followed similar patterns across all categories of household crimes. In all cases, the majority experienced only one incident of household crime, ranging from 96 percent for MVT to 78 percent for attempted break-ins.
- Repeat victimisation was greater in 2012–13 for attempted break-in, malicious property damage and other theft.

Source: Reference 5

Personal victimisation

Figure 21 Persons over the age of 15 years experiencing personal crime, 2011–12 to 2012–13 (%)



a: Includes physical and threatened assault

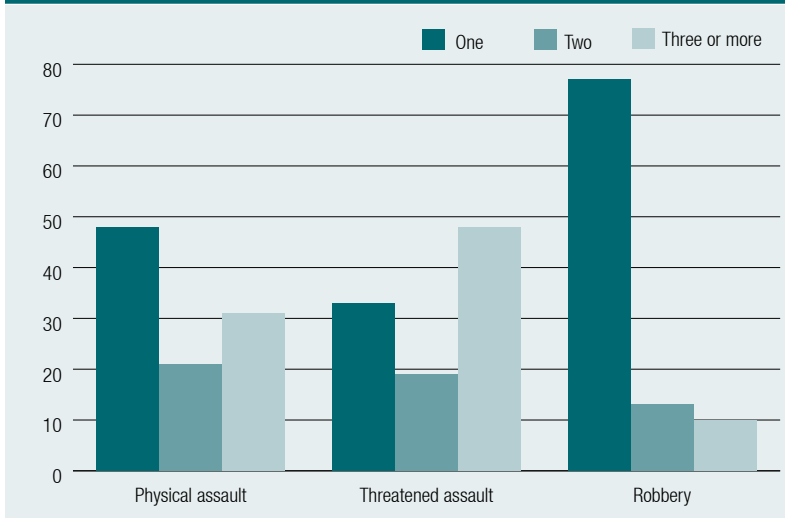
b: Data for victims 15 years of age and older not available for 2011–12 onwards. Data for victims aged 18 years of age and older was used

Note: Population totals excluded individuals who did not report any incident of personal crime

- An estimated 1,066,500 people experienced a personal crime. Of the victims who experienced a personal crime, 90 percent experienced an assault and four percent experienced a sexual assault.
- There was a one percent increase in persons who experienced a robbery (6% in 2013).

Source: Reference 5

Figure 22 Experience of repeat victimisation for personal crimes, 2012–13 (%)

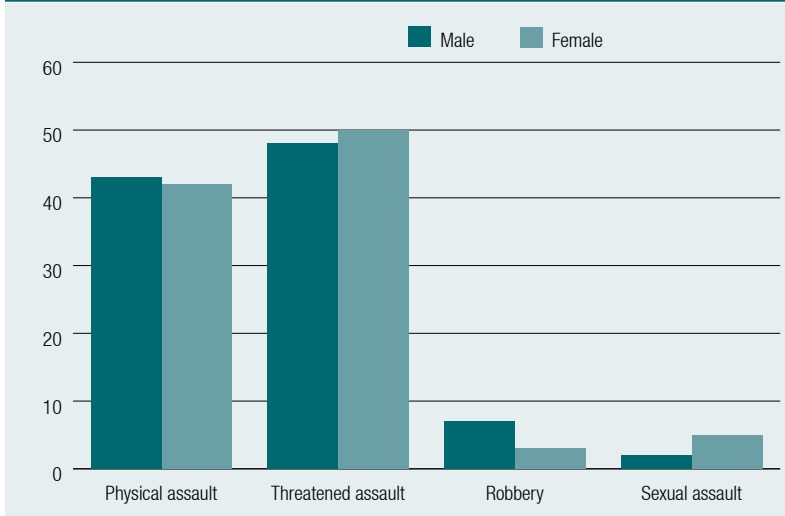


Note: Population totals excluded individuals who did not report any incident of personal crime. Excludes incidents of personal crime that could not be categorised

- In 2012–13, the majority of people over the age of 15 years who were victims of a personal crime experienced a single incident of physical robbery. For example, it is estimated that of those who experienced robbery, 77 percent reported a single incident, followed by 13 percent who reported two incidents and 10 percent who reported three or more incidents of victimisation. Similarly, of those who experienced an assault, 48 percent reported a single incident, followed by 21 percent who reported two incidents and 31 who reported three or more incidents of victimisation.
- For threatened assault, greater proportions of people experienced three or more incidents. In 2012–13, it is estimated that 48 percent of persons were threatened with physical assault on three or more occasions, while 33 percent reported a single incident and 19 percent reported two incidents.

Source: Reference 5

Figure 23 Victims of personal crime by gender, 2012–13 (%)

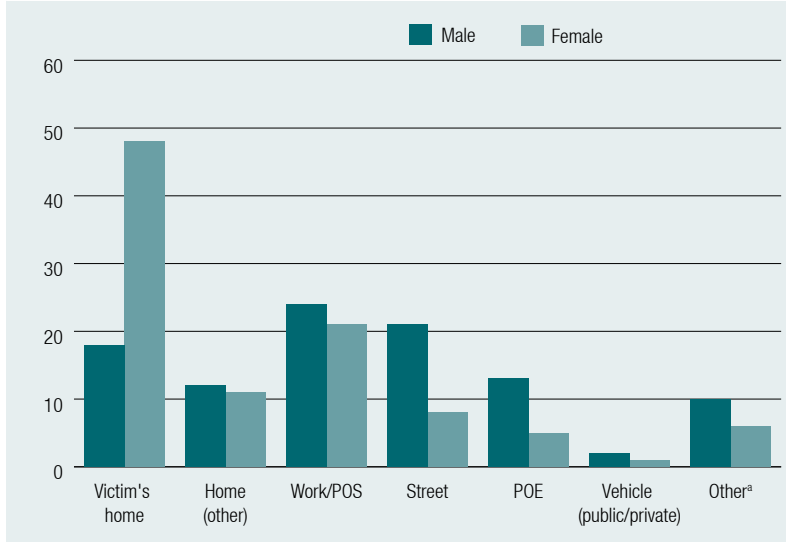


Note: Population totals excluded individuals who did not report any incident of personal crime

- Similar proportions of males and females reported being a victim of physical assault and threatened assault in 2012–13.
- Five percent of female respondents reported experiencing sexual assault in 2012–13, compared with two percent of male respondents.

Source: Reference 5

Figure 24 Male and female victims of physical assault by location, 2012–13 (%)



a: Includes locations such as train stations, bus stops or interchanges and shopping centres

Note: POS=place of study, POE=place of entertainment

- In 2012–13, the majority of female physical assault victims reported experiencing assault in their own home (48%).
- Males were most likely to have been physically assaulted at work or place of study (24%), followed by the street (21%), their home (18%) or a place of entertainment (13%).

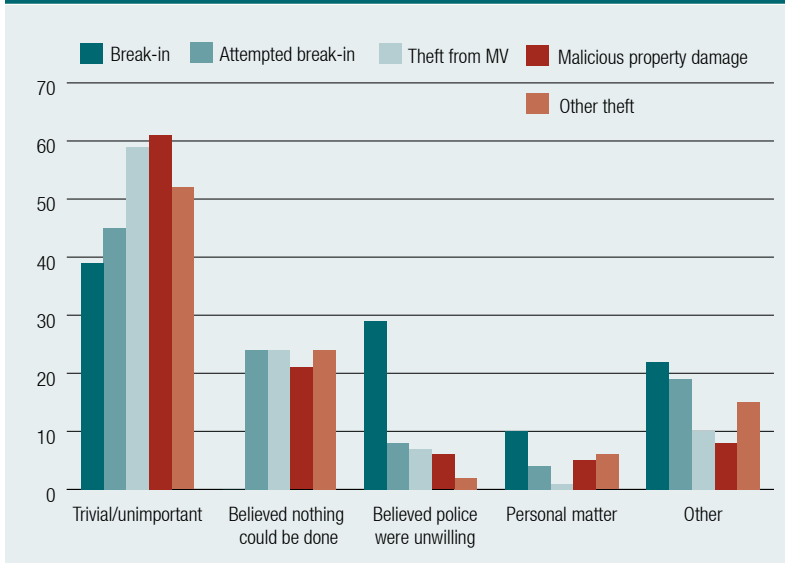
Source: Reference 5

Reporting crime to the police

Victimisation surveys are useful for assessing the extent of crime that is not reported to the police. Surveys find a wide variation in reporting, depending on the type of crime. In 2012–13, rates of reporting household crimes to the police varied from 93 percent for MVT to 51 percent for malicious property damage. Rates of reporting personal crime to the police were generally lower—53 percent for robbery, 49 percent for physical assault and 38 percent for threatened assault.

Source: Reference 5

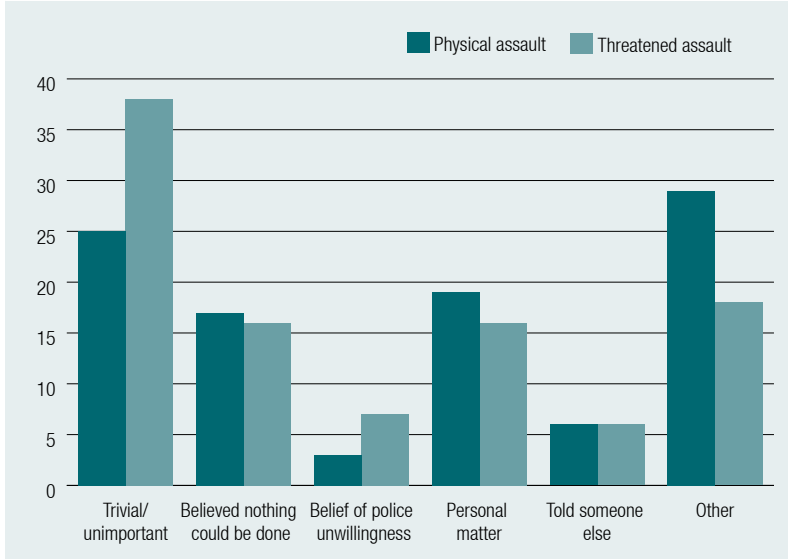
Figure 25 Reasons for not reporting selected household crimes to police, 2012–13 (%)



- Most victims did not report household crimes to the police because they believed the incident was trivial or unimportant. This ranged from 60 percent of victims who experienced malicious property damage to 39 percent for victims of break-ins.
- The belief that there was nothing police could do was the next most common reason for victims not to report attempted break-ins (24%), theft from motor vehicles (24%), other theft (24%) and malicious property damage (20%).
- An estimated 29 percent of victims of break-ins did not report the incident to police because they believe the police would be unwilling to assist.

Source: Reference 5

Figure 26 Reasons for not reporting incidents of assault to police, 2012–13 (%)



- In cases of threatened assault, 38 percent of respondents reported not notifying police because they felt the matter was trivial or unimportant, 18 percent had other reasons for not notifying police and 16 percent believed the police could not do anything or believed it to be a personal matter.
- Twenty-nine percent of respondents of physical assault did not notify police due to other reasons, 25 percent because the matter was trivial or unimportant, 19 percent because it was a personal matter and 17 percent believed that the police could not do anything.

Source: Reference 5

Scams

Scams aim to defraud an individual through deception. The Australian Competition and Consumer Commission (ACCC) monitors the level of scam activity in Australia and publishes the findings in *Target Scams: Report of the ACCC on Scam Activity*.

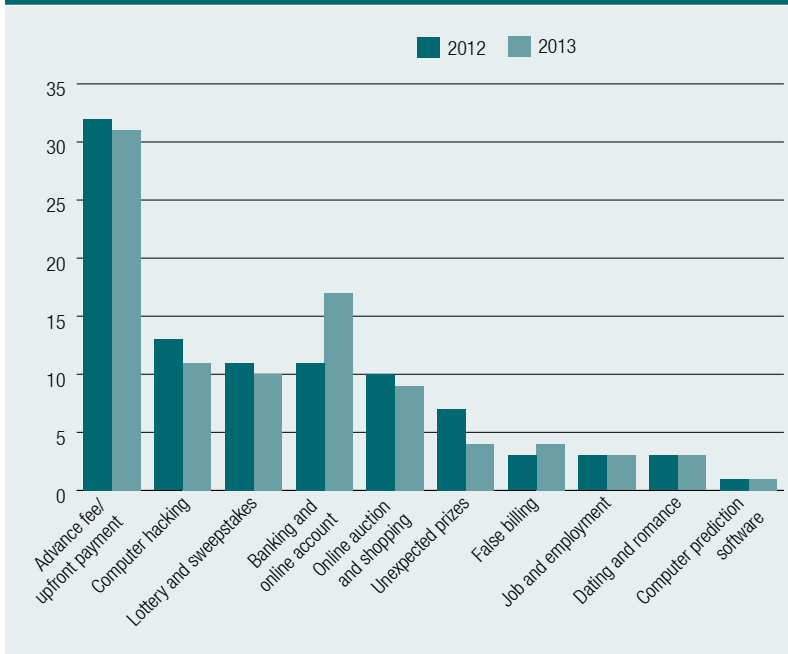
In 2013, 91,927 consumers and small businesses reported scam-related activities to the ACCC. However, this number may be understated given that many scams are unreported and the ACCC is one of several agencies that receives reports on scams. Estimated losses resulting from scam-related activities reported to the ACCC totalled \$89,136,975. Almost two-thirds (64%) of these losses were less than \$1,000, followed by 25 percent that were between \$1,000 and \$10,000.

The top 10 scams reported to the ACCC in 2013 involved:

- advance fee/up-front payment;
- phishing and identity theft;
- computer hacking;
- lottery and sweepstakes;
- online shopping;
- unexpected prizes;
- false billing;
- job and employment;
- dating and romance; and
- mobile phone.

Source: Reference 6

Figure 27 Proportion of selected scams reported to ACCC, 2012 and 2013 (%)

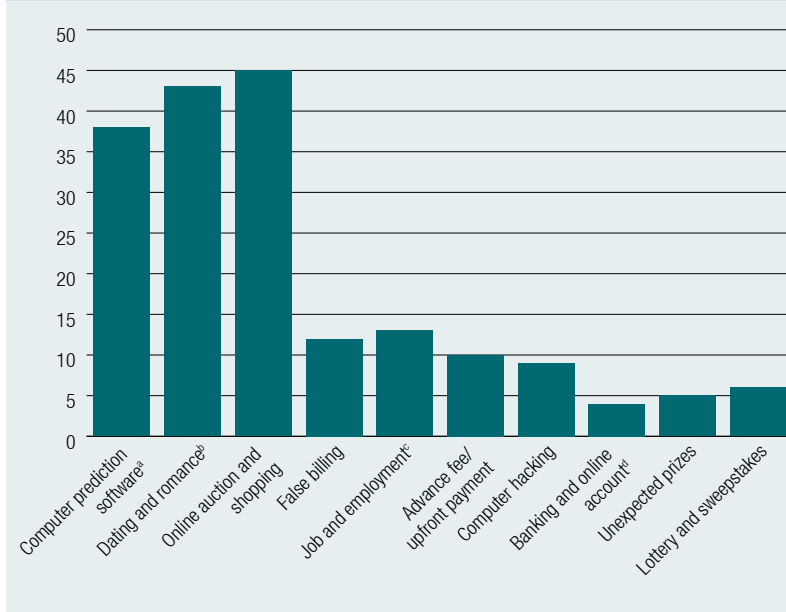


- The proportion of reported scams involving advance fee/upfront payment, computer hacking, lottery and sweepstakes, online auction and shopping and unexpected prizes all decreased between 2012 and 2013 by one to three percentage points.
- Conversely, between 2012 and 2013, the proportion of scams involving banking and online accounts and false billing increased by six and one percentage points respectively.

Source: Reference 6

Victim's reporting monetary losses

Figure 28 Monetary losses by selected scams, 2013 (%)



a: Includes betting


b: Includes adult services

c: Includes business opportunities

d: Includes phishing and identity theft

- In 2013, victims most commonly reported losing money in online auctions and shopping (45%), dating and romance scams (43%), and computer prediction software (38%).
- Despite being one of the most commonly reported scams in 2013, only 10 percent of victims of advanced fee/upfront payment reported a monetary loss. Similarly, small proportions reported losing money to scams involving computer hacking (9%), lottery and sweepstakes (6%), and unexpected prizes (5%).

Source: Reference 6



Chapter 3: Selected offender profiles

The offender information reported in Chapter Three is supplied by the ABS *Recorded Crime—Offender* series. It encompasses more jurisdictions and is therefore more reflective of national patterns and trends. As a result, offender information reported in Chapter Three is no longer comparable with information contained in editions prior to 2013. Previous offender information reported in earlier editions of *Australian Crime: Facts & figures* was drawn from Victorian, Queensland and South Australian police data.

In the 2011–12 edition of *Australian Crime: Facts & figures*, NSW offender data excluded those proceeded against under the *NSW Young Offenders Act 1997* and was therefore understated. In October 2013, the NSW Parliament passed an amendment to the *NSW Young Offenders Act 1997* which allows for data for offenders proceeded against under this act to be included in the 2013 ABS edition of *Recorded Crime—Offender*, as well as backdating this data to 2008–09. As a result, NSW data for young offenders is now consistent with other Australian states and territories. Data on young offenders in the 2014 edition of *Australian Crime: Facts & figures* has also been updated to reflect this.

Source: Reference 7

This chapter brings together information on offenders from three sources:

- the ABS's *Recorded Crime—Offenders, Selected States and Territories, 2012–13*;
- the Australian Crime Commission's *Illicit Drug Data Report* series; and
- the AIC's *Drug Use Monitoring in Australia (DUMA)* program.

Recorded Crime—Offenders, Selected States and Territories, 2012–13 includes national data on offender age and sex for four key offence categories:

- acts intended to cause injury (AICI);
- theft and related offences;
- illicit drug offences; and
- public order offences.

It also contains information on offender characteristics for other offences on a state-by-state basis.

Offenders

This chapter presents data on offenders classified according to sex and age. The number of offenders does not equal the number of distinct alleged offenders during a year, because police may take action against the same individual for several offences, or the individual may be processed on more than one occasion for the same offence type. Neither does it equate to the total number of crimes cleared during a given period, as one crime may involve more than one offender.

The offender data are for the following major types of crime:

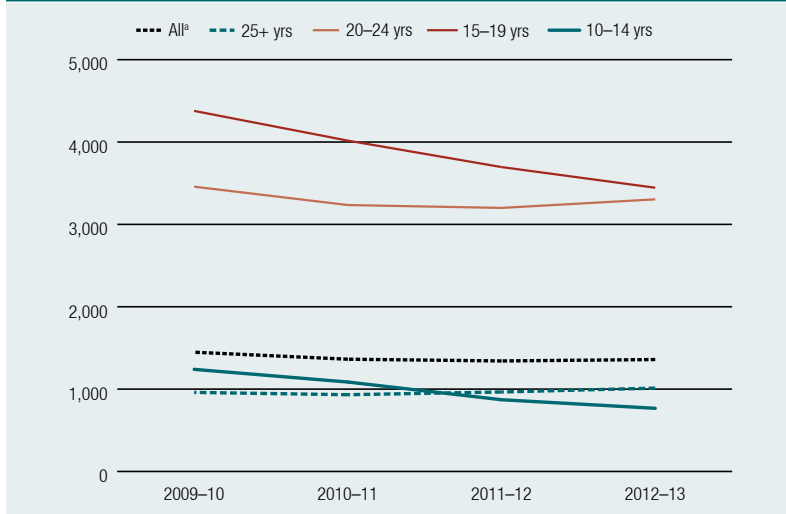
- homicide and related offences (murder, attempted murder, manslaughter, infanticide and driving causing death);
- assault;
- sexual assault;
- robbery;
- UEWI;
- MVT;
- other theft; and
- fraud and deception-related crime.

Source: Reference 7

Age

Persons aged 15–19 years are more likely to be processed by police for the commission of a crime than are members of any other population. In 2012–13, the offending rate for persons aged 15–19 years was two and a half times the rate for other offenders (3,445 per 100,000 compared with 1,359 per 100,000 respectively).

Figure 29 Offenders by age, 2009–10 to 2012–13 (rate per 100,000 relevant persons)

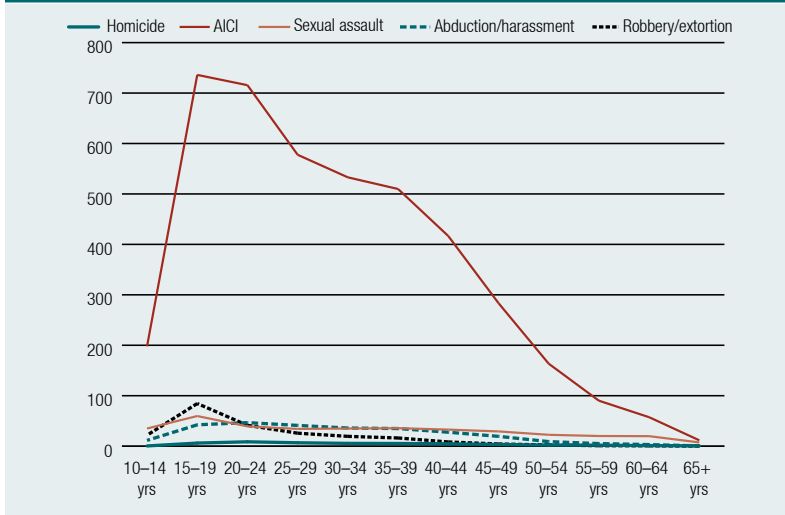


a: 'All' refers to all offenders aged 10 years and over

- The rate of offending in the two youngest age groups has decreased between 2009–10 and 2012–13. Offending decreased by 38 percent in the 10–14 years age group to 767 per 100,000 population in 2012–13. Over the same period, the rate of offending in the 15–19 years age group decreased by 21 percent to 3,445 per 100,000 population.
- Between 2011–12 and 2012–13, the rate of offending in the 20–24 and 25+ years age group increased by three percent to 3,304 per 100,000 population and five percent to 1,012 per 100,000 population respectively.
- Overall, there was little change in the rate of offending between 2011–12 to 2012–13, increasing by one percent from 1,342 to 1,359 per 100,000 population.

Source: Reference 7

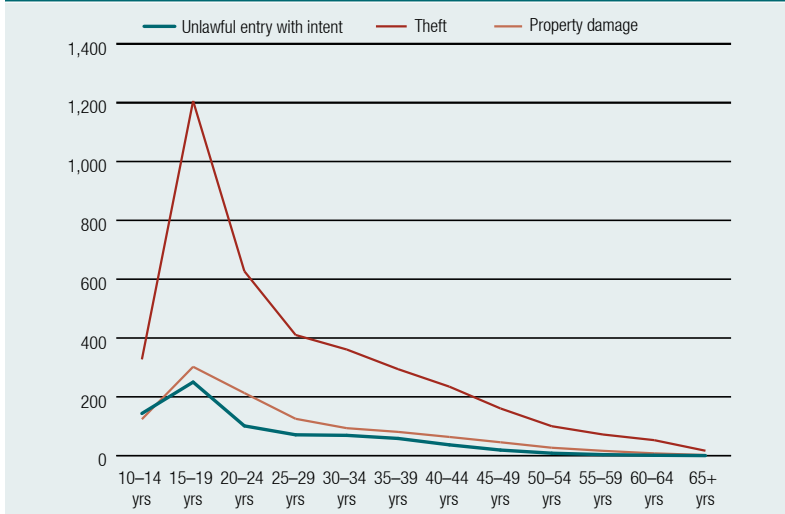
Figure 30 Offenders by selected violent offences and age, 2012–13 (rate per 100,000 population)



Note: AICI=acts intended to cause injury

- In 2012–13, the pattern across most crimes showed that offending rates were highest in the 15–19 years age group.
- In 2012–13, the rate of AICI offending was 736 per 100,000 population in the 15–19 years age group. The rate of offending was lower in each of the subsequent age groups.
- While the rate of sexual assault offending was highest in the 15–19 years age group (60 per 100,000 population), the rate of offending by 20–24 year olds was higher than the rate of offending among individuals aged 40 years or older. Specifically, 20–24 year olds committed sexual assault at a rate of 39 per 100,000 population compared with a rate of 32 in the 40–44 years age group and 29 per 100,000 population in the 45–49 years age group.
- Homicide was the only crime where the offending rate was not highest in the 15–19 years age group. Though never greater than 10 per 100,000 population in any age group, homicide offending was highest among offenders aged 20–24 years old (9 per 100,000 population).

Figure 31 Offenders by selected property offences and age, 2012–13 (rate per 100,000 population)



- In 2012–13, the rate of theft was 1,206 per 100,000 population in the 15–19 years age group. This was higher than the rates of offending in either the 10–14 years age group (327 per 100,000 population) or the 20–24 years age group (627 per 100,000 population). However, after 45 years of age, the rates of theft and other specified offences remained low.
- The rate of offending in the 10–14 years age group was higher for UEWI than for property damage. Specifically, the rate of offending was 143 per 100,000 for UEWI compared with 123 per 100,000 population for property damage. However, the offending rates for property damage remained higher for subsequent groups compared with that of UEWI.

Sex

In 2012–13, the total number of offenders was 391,120 nationally. Of these, 304,777 were male and 85,331 were female (note—1,012 offenders did not have their sex recorded). The ratio of males to female offenders in 2012–13 was approximately four to one.

Figure 32 Offenders by sex, 2009–10 to 2012–13 (per 100,000 of that sex per year)^a



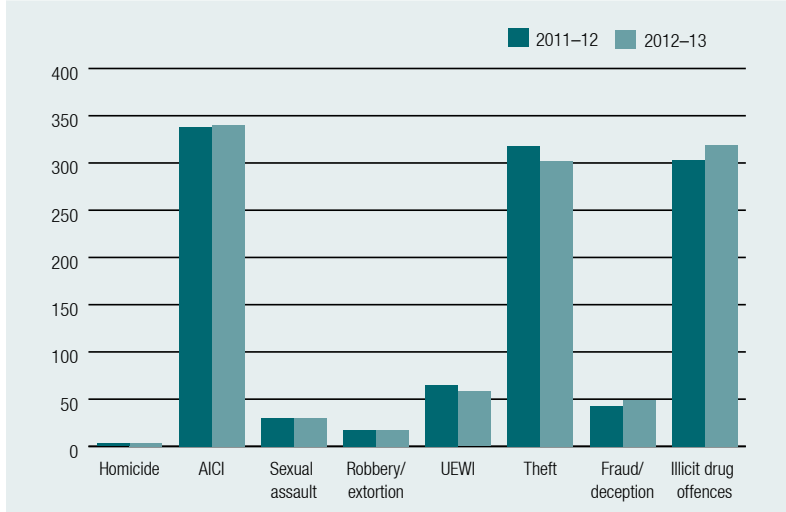
a: Excludes juveniles where gender is unknown

- In 2012–13, the rate of male offenders per 100,000 population was 2,646 compared with 734 per 100,000 population for female offenders.
- Offender rates for both males and females increased slightly between 2011–12 and 2012–13. Male offending rates increased by two percent (from 2,583 to 2,646 per 100,000 population) and female offending rates by one percent (from 731 to 735 per 100,000 population).

Source: *References 2 and 7*

Offence type

Figure 33 Offenders by offence type, 2011–12 and 2012–13 (per 100,000 per year)



- The rate of offending decreased for UEWI and theft between 2011–12 and 2012–13. UEWI decreased by 11 percent (65 to 58 per 100,000 population) and theft decreased by five percent (318 to 302 per 100,000 population).
- Between 2011–12 and 2012–13, the rate of offending for fraud/deception, AICI and illicit drug offences increased. Increases were most noticeable for fraud/deception, which increased by 14 percent (43 to 49 per 100,000 population) and illicit drug offences, which increased by five percent (303 to 319 per 100,000 population).
- In 2012–13, homicide and robbery/extortion were the two crime categories with the lowest rate of offending. The rate of robbery/extortion remained at 17 per 100,000 population.

Source: References 2 and 7

Juveniles

Definitions of juvenile differ between states. Data in this section include alleged offenders aged between 10 and 17 years.

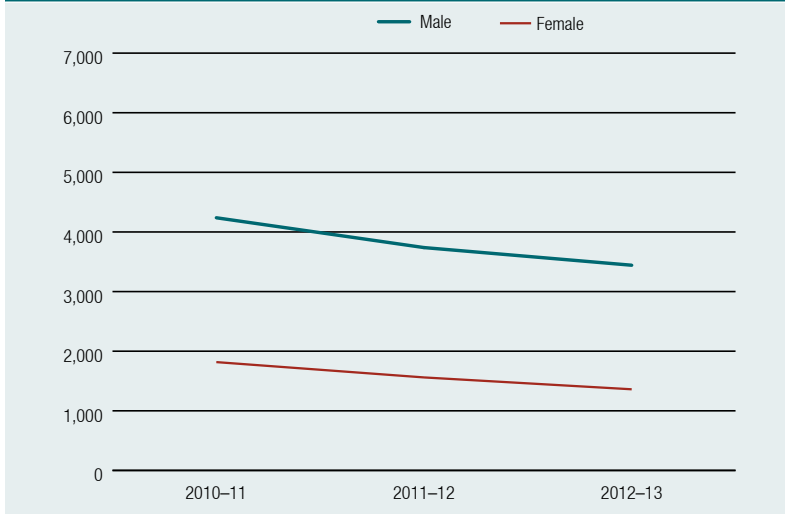
Figure 34 Juvenile and adult offenders by age group, 2010–11 to 2012–13 (per 100,000 of that age group per year)



- The rate of juvenile offending continues to decrease, averaging approximately 2,425 per 100,000 juvenile population in 2012–13. In 2012–13, the juvenile offending rate was 10 percent lower than that recorded in 2011–12 (2,680 per 100,000 population).
- The rate of adult offending has been consistently lower than that of juvenile offending over the three year period. In 2012–13, adults offended at a rate of 1,396 per 100,000 population.

Source: References 2 and 7

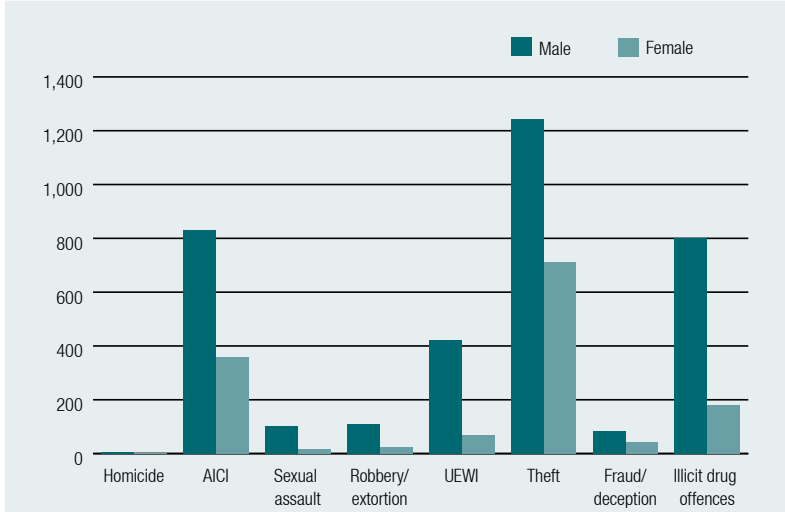
Figure 35 Juvenile offenders by sex, 2010–11 to 2012–13 (per 100,000 juveniles of that sex per year)



- Over the three year period from 2010–11 to 2012–13, male juveniles consistently offended at higher rates than female juveniles. In 2012–13, the rate of offending for males was 3,442 per 100,000 population compared with 1,361 per 100,000 for females.
- Between 2010–11 and 2012–13, male juvenile offending decreased by 23 percent, while female juvenile offending decreased by 34 percent.

Source: References 2 and 7

Figure 36 Juvenile offenders by sex and selected offence type, 2012–13 (per 100,000 juveniles of that sex)



- Male and female juveniles had the highest rates of offending for the categories of theft, AICI and illicit drug offences.
- In 2012–13, the offending rate for theft was 1,244 per 100,000 for males and 710 per 100,000 population for females. For AICI, it was 829 per 100,000 for males and 357 per 100,000 population for females. Finally, for illicit drug offences, males offended at a rate of 803 per 100,000 and females at a rate of 180 per 100,000 population.
- In no category did the rate of juvenile female offending exceed that of male offending. This was especially noticeable in the categories of theft, AICI, UEWI and illicit drug offences.

Drug arrests

This section provides an overview of drug arrest patterns for offenders from 2002–03 to 2012–13, as collated by the Australian Crime Commission in its *Illicit Drug Data Report* series. Drug offences usually come to the attention of police either through specific activity in drug law enforcement or coincidentally through an investigation into another matter, often related to property offences. Arrest information is provided for the following types of drugs:

- cannabis;
- heroin (and other opioids);
- amphetamines (including methamphetamine and phenethylamines);
- cocaine; and
- other drugs (hallucinogens, steroids and drugs not defined elsewhere).

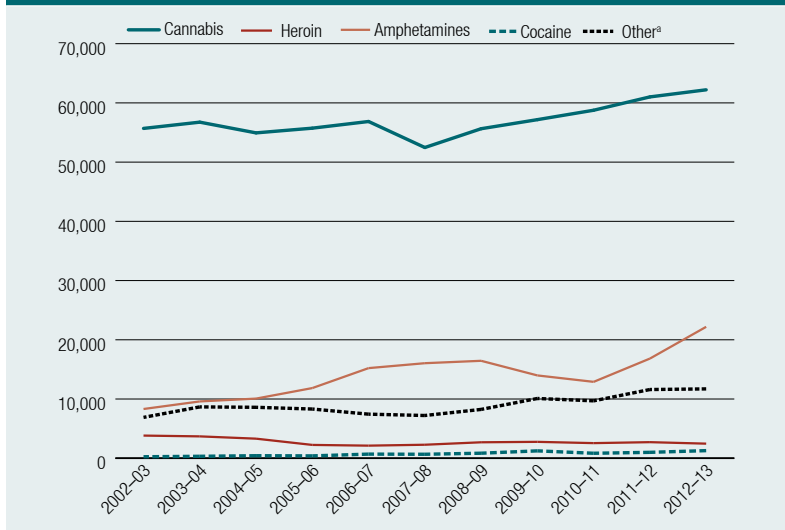
Cannabis arrests include expiation notices, drug infringement notices and simple cannabis offence notices.

Offenders involved in drug arrests are divided into two categories:

- *consumers*—persons charged with user offences (eg possessing or administering drugs for own personal use); and
- *providers*—persons charged with supply offences (eg importation, trafficking, selling, cultivation or manufacture).

In the case of a person being charged with consumer and provider offences, the provider charge takes precedence and the person is counted only as a provider of that drug. A person charged with multiple drug offences is counted as a consumer or provider of each drug type.

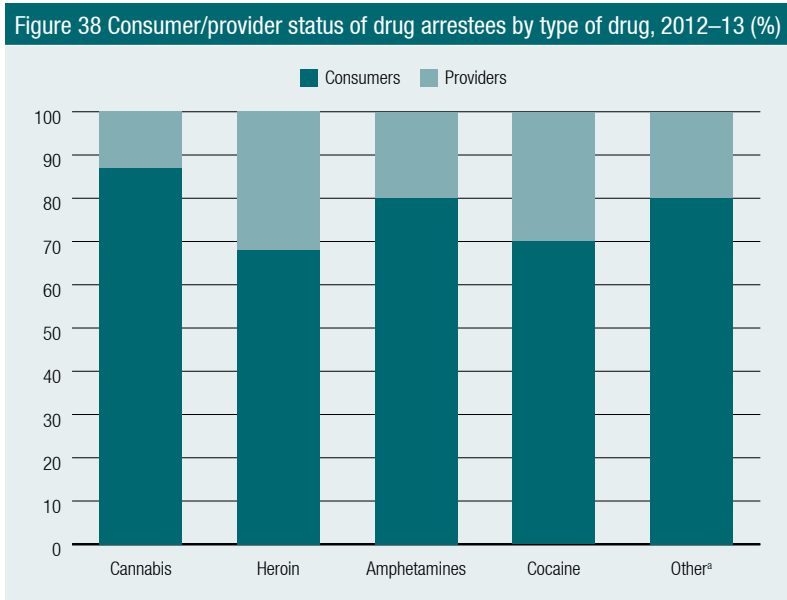
Figure 37 Drug arrests by type of drug, 2002–03 to 2012–13 (n per year)



a: Includes hallucinogens, steroids and other drugs (not defined elsewhere)

- In line with previous years, cannabis accounted for the highest number of drug-related arrests in 2012–13. There were 62,210 arrests involving cannabis; an increase of two percent from 2011–12.
- The number of amphetamine arrests increased from 16,828 in 2011–12 to 22,189 in 2012–13. This represents an increase of 32 percent from 2011–12 and an overall increase in arrests of 167 percent since 2002–03.
- The number of cocaine arrests in 2012–13 was 1,282; an increase of 29 percent on the previous year.
- Heroin arrests continued to decrease in 2012–13—by nine percent from 2011–12, and an overall decrease in arrests of 36 percent since 2002–03.

Source: Reference 4



a: Includes hallucinogens, steroids and other drugs not defined elsewhere

Note: Does not include cases where consumer or provider status was unknown

- Drug arrests involving a consumer were far more common across all drug types than those involving a provider.
- Providers accounted for 32 percent of heroin-related arrests, 30 percent of cocaine-related arrests, 20 percent of amphetamine and other drug-related arrests and 13 percent of cannabis-related offences.

Source: Reference 4

Drug use by offenders

Police detainees

Established in 1999 and operating at selected watch houses and police stations across Australia, the AIC's DUMA program is Australia's largest national survey of the illicit drug use patterns of police detainees. Detainees are interviewed at the station or watchhouse by an independent interviewer who asks them a series of questions relating to their drug and alcohol use, prior contact with the criminal justice system and a range of sociodemographic factors (eg age, Indigenous status and employment status; Reference 8). At two data collections per year (the first and third quarters), participants are asked to provide a urine sample, which serves as an objective measure of recent drug use.

Since the DUMA program began, 49,401 detainees have participated in a DUMA survey and 36,545 urine samples have been collected. In 2013, following a review and rationalisation of the program, DUMA data was collected at the Bankstown, East Perth, Brisbane, Adelaide and Kings Cross police stations. Much smaller numbers of detainees have participated in DUMA surveys at the Kings Cross police station compared with other sites.

Data are collected quarterly and presented in the following Figures as annual averages. Data presented in the majority of this section includes males only, who account for approximately 84 percent of adult police detainees in the DUMA collection. As the DUMA data deals with percentage of drug use as opposed to the count, changes and comparisons between years are reported in percentage points. The five sites differed in the proportion of police detainees testing positive to each of methamphetamine, cocaine, cannabis and heroin. It should be noted the number of detainees interviewed at each site can vary considerably and this should be taken into consideration when interpreting the comparisons between sites and across time periods.

Source: Reference 8

Figure 39 Adult male police detainees testing positive to any drug^a by DUMA site, 2009–13 (%)



a: Includes cannabis, heroin, methamphetamine, cocaine, or benzodiazepines

b: Results from Bankstown and Kings Cross may be affected by a decrease in the number of urine samples collected between 2009–13

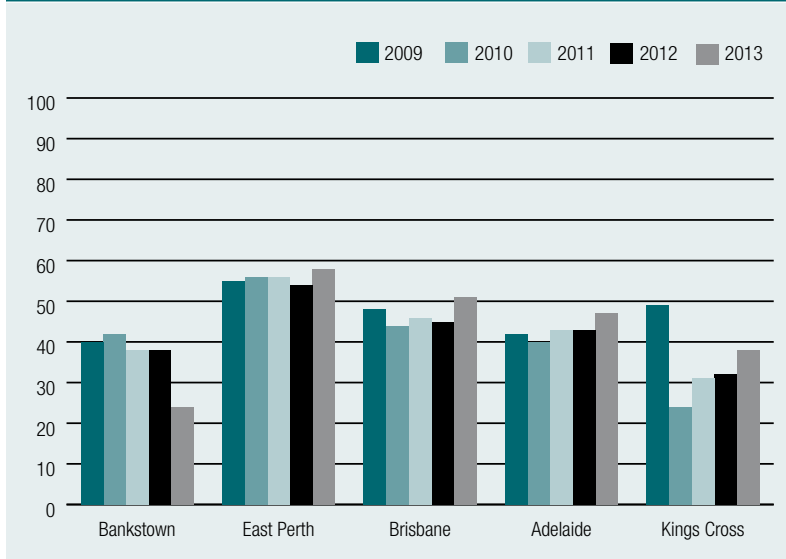
c: Urine samples only collected in Bankstown in one quarter in 2013

Note: The DUMA sites at Parramatta, Southport, Darwin and Footscray were not active in 2013

- High proportions of adult male detainees tested positive to a drug across Bankstown, East Perth, Brisbane, Adelaide and Kings Cross in 2013. These ranged from just under half at the Bankstown site (45%) to 72 percent at the East Perth site.
- The proportion of adult male detainees testing positive to a drug at the Bankstown and Kings Cross sites has decreased since 2009. The proportion of adult male detainees testing positive to any drugs at the Bankstown site decreased by 18 percentage points from 2009, while the proportion at Kings Cross dropped by 14 percentage points.
- In 2013, 45 percent of detainees tested positive to a drug at Bankstown—the lowest of any testing site in the five year period.

Source: Reference 8

Figure 40 Adult male police detainees testing positive to cannabis by DUMA location, 2009–13 (%)

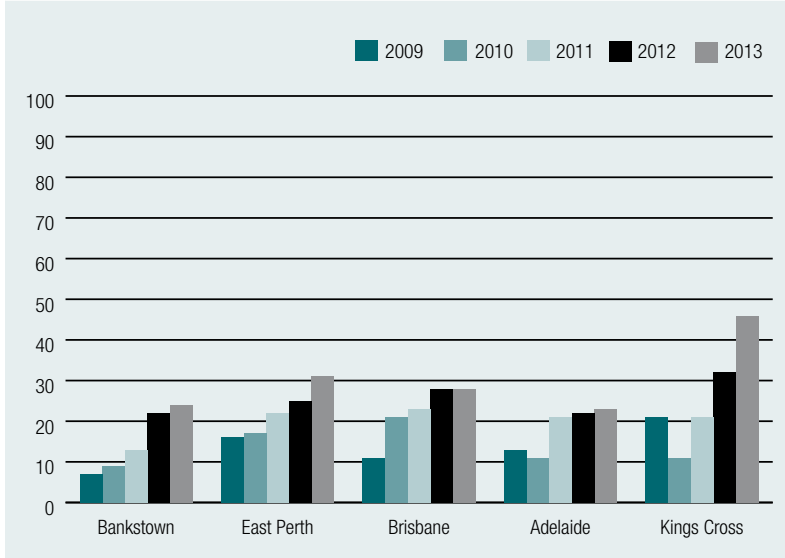


Note: The DUMA sites at Parramatta, Southport, Darwin and Footscray were not active in 2013

- The proportion of adult male detainees who tested positive to cannabis in 2013 ranged from 24 percent at the Bankstown site to 58 percent at the East Perth site.
- Since 2009, an average of 38 percent and 24 percent of detainees have tested positive to cannabis at the Kings Cross and Bankstown sites respectively—the lowest of any long-term site.
- In some of the testing sites, there was an overall increase in detainees testing positive to cannabis. At the East Perth, Brisbane and Adelaide sites, the proportion of detainees who tested positive was higher in 2013 than it was in 2009.

Source: Reference 8

Figure 41 Adult male police detainees testing positive to methamphetamine by DUMA location, 2009–13 (%)



Note: The scale for this chart is different from that of other charts as the percentages involved are relatively small. The DUMA sites at Parramatta, Southport, Darwin and Footscray were not active in 2013

- The proportion of adult male detainees testing positive to methamphetamine in 2013 ranged from 23 percent (Adelaide) to 46 percent (Kings Cross).
- Methamphetamine use increased at all long-term sites from 2009 to 2013.
- Between 2012 and 2013, the largest percentage increases in adult male detainees testing positive to methamphetamine were recorded at Kings Cross (14%), East Perth (6%) and Bankstown (3%).

Source: Reference 8

Figure 42 Adult male police detainees testing positive to heroin by DUMA location, 2009–2013 (%)

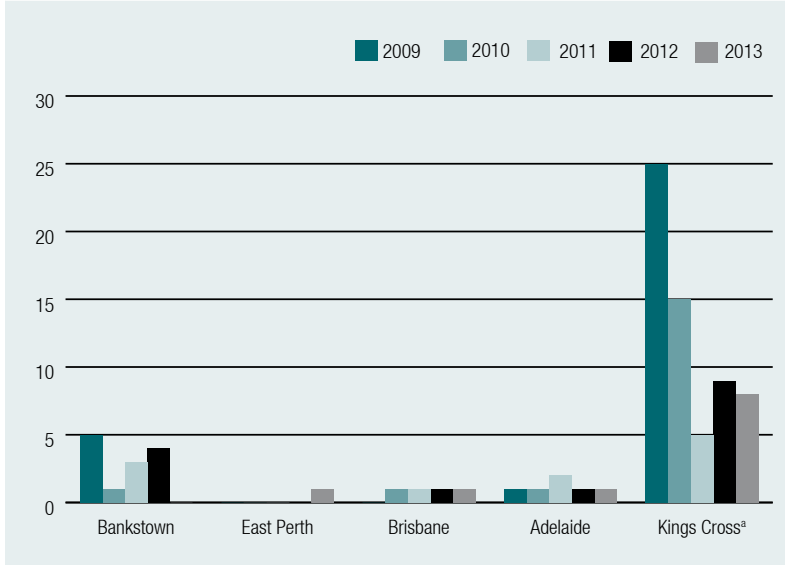


Note: The DUMA sites at Parramatta, Southport, Darwin and Footscray were not active in 2013

- Most sites registered a decrease in heroin use.
- Less than 10 percent of detainees tested positive to heroin in 2013. The largest percentage of detainees testing positive to heroin were recorded at Kings Cross (8%), Bankstown (7%) and Brisbane (7%).

Source: Reference 8

Figure 43 Adult male police detainees testing positive to cocaine by DUMA location, 2009–13 (%)



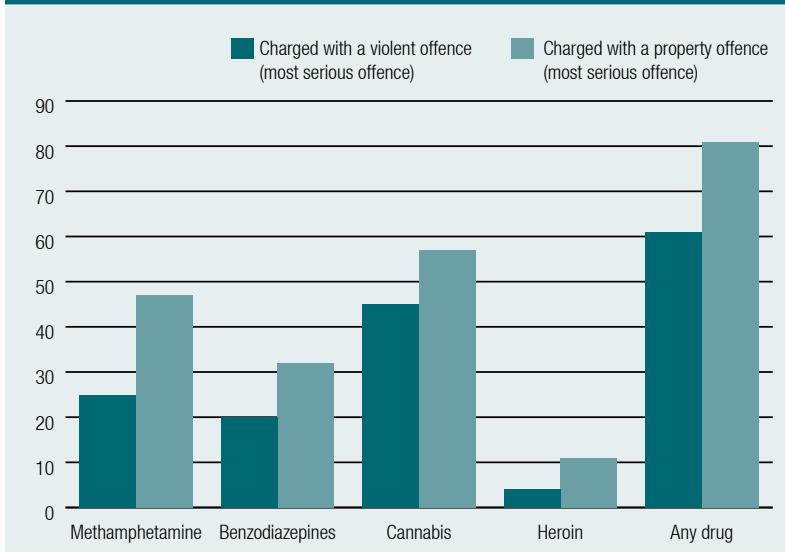
a: There was a decrease in the number of urine samples collected from Kings Cross between 2010–13

Note: The scale for this chart is different from that of other charts as the percentages involved are relatively small. The DUMA sites at Parramatta, Southport, Darwin and Footscray were not active in 2013

- In 2013, one percent or less of adult male detainees tested positive to cocaine at the East Perth, Brisbane and Adelaide sites. No adult male detainees tested positive to cocaine at the Bankstown site.
- The proportions of detainees testing positive to cocaine at Kings Cross continue to decrease. In 2013, eight percent of detainees in Kings Cross tested positive to cocaine.

Source: Reference 8

Figure 44 Adult male police detainees testing positive to a drug by type of offence, 2013 (%)



- Sixty-one percent of adult male detainees charged with a violent offence as their most serious offence (MSO) tested positive to some form of drug compared with 81 percent of those charged with property offences.
- Almost half (45%) of adult male detainees who tested positive to cannabis and a quarter who tested positive to methamphetamine, were detained for violent offences.

Source: Reference 8

Most serious offence

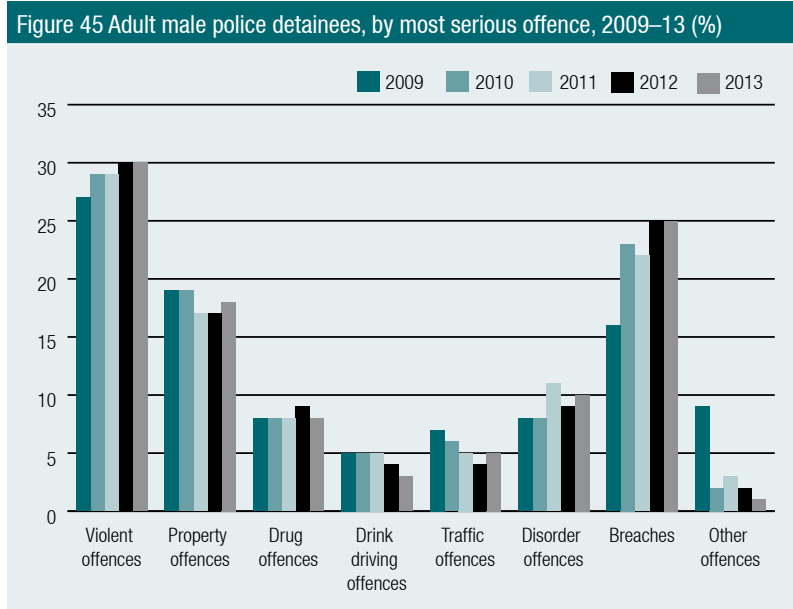
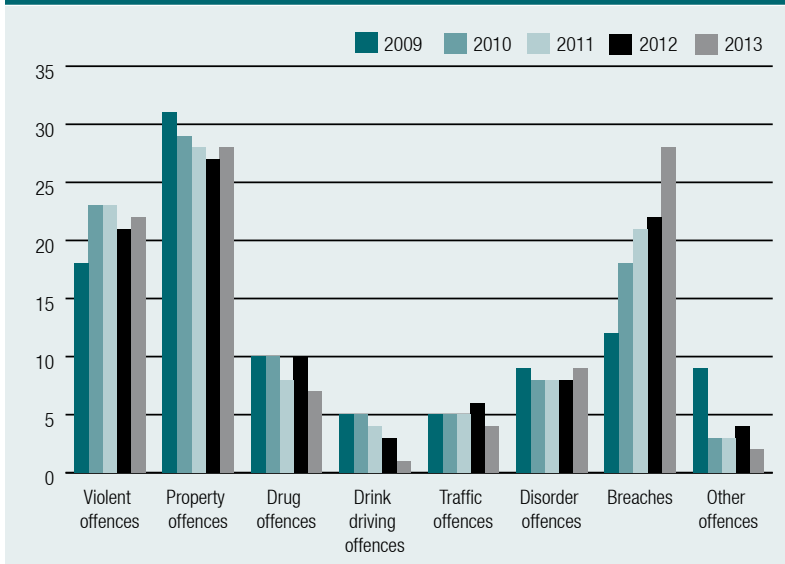


Figure 46 Adult female police detainees, by most serious offence, 2009–13 (%)



- Since 2009, the majority of trends in MSO for adult male and female detainees have remained relatively stable.
- For adult male detainees, violent offences were the most common MSO (30%), followed by breaches (25%).
- There was a 24 percent increase in the number of female detainees with an MSO of 'breaches' between 2012 and 2013.

Source: Reference 8



Chapter 4: Criminal courts

There is a hierarchy of criminal courts at the federal and state/territory levels. The state and territory court systems comprise:

- *Magistrates' courts*—lower courts that deal with relatively minor or summary criminal offences. Under some circumstances, these courts may also deal with less serious indictable offences. They are also responsible for conducting preliminary (committal) hearings for indictable offences.
- *Intermediate (district/county) courts*—courts that deal with crimes of greater seriousness. Intermediate courts hear the majority of cases involving indictable crimes.
- *Supreme courts*—the highest level of court within a state or territory. Supreme courts deal with the most serious crimes.

Higher courts comprise intermediate and supreme courts, where defendants charged with serious or indictable offences are dealt with and where appeals are heard. Magistrates' courts are called lower courts.

Each state and territory also has a children's court, which sits within the magistrates' court system. Children's courts deal solely with defendants who committed an offence when aged under 18 years (or under 17 years in Queensland).

Minor criminal offences, called summary offences, are dealt with in the lower courts where penalties are less severe; major offences, dealt with by the higher courts, are called indictable offences. If a defendant pleads not guilty, indictable offences normally require a trial by judge and jury.

All state, territory and federal courts handle a number of matters that appear in the court system for the first time, although almost all criminal charges, including those for federal criminal offences, are lodged initially with a Magistrates' court.

In states with both supreme and intermediate courts, the majority of charges are decided in intermediate courts. Tasmania, the Northern Territory and the Australian Capital Territory do not have intermediate courts; all relevant charges are dealt with by Supreme courts.

The ABS publishes statistics on criminal defendants whose cases were initiated or finalised in higher and Magistrates' courts and recently, in children's courts. In 2013, the ABS combined most of its statistics on criminal courts into 'all courts', rather than reporting data as categories of higher courts, Magistrates' courts and children's courts. Caution should be exercised when comparing with data prior to 2012–13.

Further, Western Australia provided the ABS with all information regarding community-based orders and their associated components (community work, curfew, probation, intensive supervision orders or a program condition) so that the ABS could derive a principle sentence. This reporting change may have resulted in an increase in defendants with a principle sentence of community service order and a decrease in those with probation orders. Caution should also be used when comparing 2012–13 principle sentence data with previous years.

ABS data do not include defendants finalised in electronic courts, family violence courts, Koori courts or drug courts.

In addition, in recent years the Steering Committee for the Review of Government Service Provision has produced statistics on the number of lodgements at each court level.

Both the ABS and the Steering Committee for the Review of Government Service Provision report on criminal court data for financial rather than calendar years.

Source: References 10 and 13

The criminal court process

Case flows

Cases passing through the courts generally share the following common elements:

- *lodgement*—the initiation of the matter with the court;
- *pre-trial procedures*—committal hearing or discussion and mediation between the parties;
- *trial*; and
- *court decision*—judgment or verdict followed by sentencing.

Source: References 10 and 13

Lodgements

Most lodgements are processed by the magistrates' court in the relevant criminal jurisdiction.

In 2012–13, 780,260 cases were lodged in criminal courts in Australia; 96 percent (n=750,514) were initiated in magistrates' courts, three percent (n=25,249) were initiated in district/county courts and the remaining one percent (n=4,497) were initiated in supreme courts.

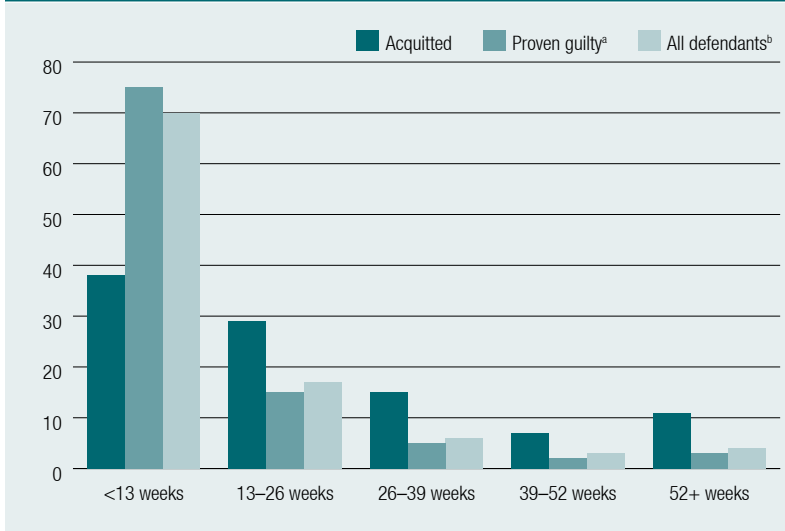
Source: Reference 10

Timeliness

The duration between the lodgement of a matter with the court and its finalisation is referred to as timeliness. Generally, lower courts complete a similar proportion of their workload with greater timeliness than higher courts, because cases are of a more straightforward nature, the disputes and prosecutions heard are usually less complex and there is a greater proportion of guilty pleas.

Committal is the first stage of hearing an indictable offence in the criminal justice system. A magistrate assesses the sufficiency of evidence presented against the defendant and decides whether to commit the matter for trial in a higher court. Defendants are held in custody pending a committal hearing or trial, or released on bail. The conduct of the committal hearing is important for timely adjudication of the charges against the defendant.

Figure 47 Timeliness of matters finalised in all courts by method of finalisation, 2012–13 (%)



a: Includes guilty plea and guilty verdict

b: Includes those cases that were finalised by other means (eg transferred to other court levels, withdrawn by prosecution) or the finalisation method was unknown

- In 2012–13, 70 percent of all matters were finalised in all courts in less than 13 weeks; guilty verdicts were the most common method of finalisation in matters that took less than 13 weeks to finalise (75%).
- A further 17 percent took 13–26 weeks to finalise, with the highest proportion of defendants acquitted (29%).
- In 2012–13, only four percent of matters took greater than 52 weeks to finalise. The majority of these were for matters that ended in an acquittal.

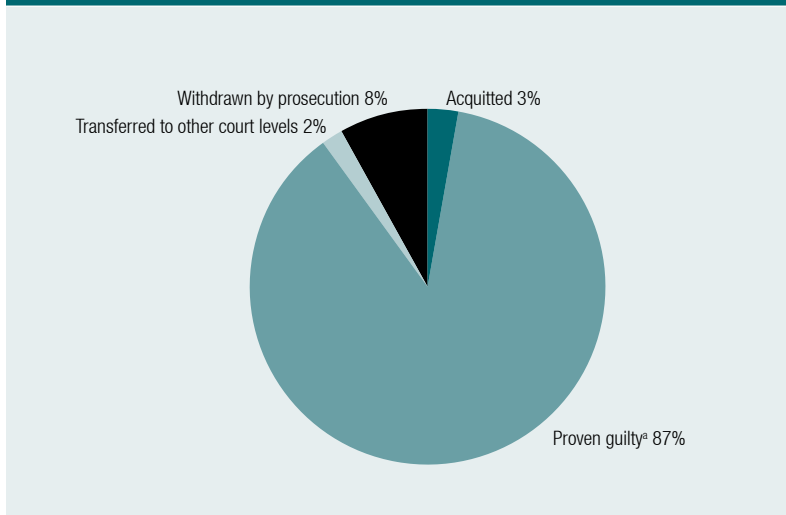
Source: Reference 13

Court decisions

Cases are finalised in the courts in the following ways:

- *adjudicated*—determined whether guilty of the charges, by court judgement or plea of guilty; and
- *non-adjudicated*—unresolved for a variety of reasons, including withdrawal by prosecution, unfitness to plead, death of the accused, diplomatic immunity or statute of limitations.

Figure 48 Criminal cases finalised in all courts by method of finalisation, 2012–13 (%)



a: Includes guilty plea and guilty verdict

- In 2012–13, the majority of cases in all courts resulted in a guilty verdict (87%).
- A combined 13 percent of cases did not result in a verdict; three percent were acquitted, two percent were transferred to other court levels and eight percent were withdrawn by the prosecution.

Source: Reference 13

Figure 49 Adjudicated defendants in all courts by age and sex, 2012–13 (rate per 100,000 relevant persons)



- Individuals aged 20–24 years were the most commonly adjudicated group in all courts in 2012–13. This pattern held regardless of gender, with an adjudication rate of 9,938 per 100,000 for males aged 20–24 years and 2,599 per 100,000 population for females in this age group.
- The rate of adjudication in all courts was lowest at each end of the age spectrum. For individuals aged under 20 years, males appeared at a rate of 1,950 per 100,000 male population, while for females the rate was 515 per 100,000 female population.
- For individuals aged 45 years and over, females appeared at a rate of 426 per 100,000 female population and males appeared at a rate of 1,700 per 100,000 male population.

Source: References 2 and 13

Sentencing

Sentencing options available at each court level include, but are not limited to:

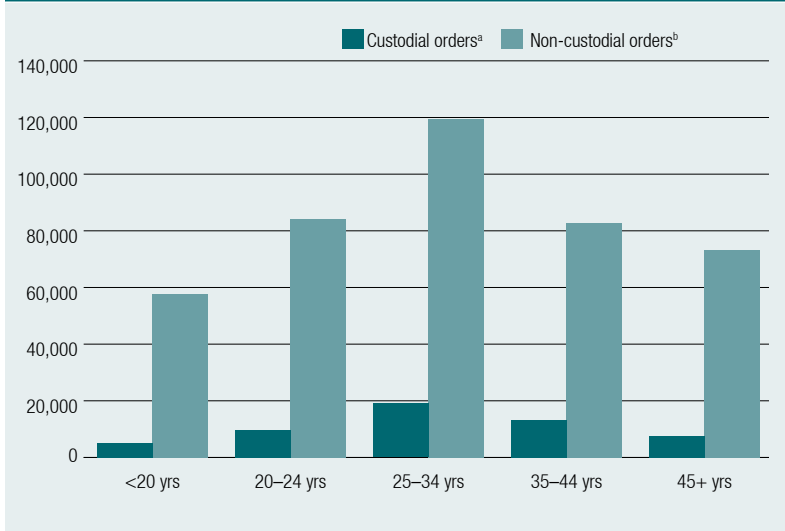
- fine;
- good-behaviour bond;
- probation order;
- suspended sentence;
- community service order;
- community custody (including home detention and periodic detention); and
- imprisonment.

A custodial order restricts an offender's liberty and may be served in a correctional facility or under supervision in the community. Suspended sentences are also classified as a form of custodial order.

Non-custodial orders are sentences that do not involve being held in custody. They may include supervision by a probation officer, community service orders or monetary penalties.

Source: Reference 13

Figure 50 Principal sentence of defendants found guilty in all courts by age in years, 2012–13 (n)



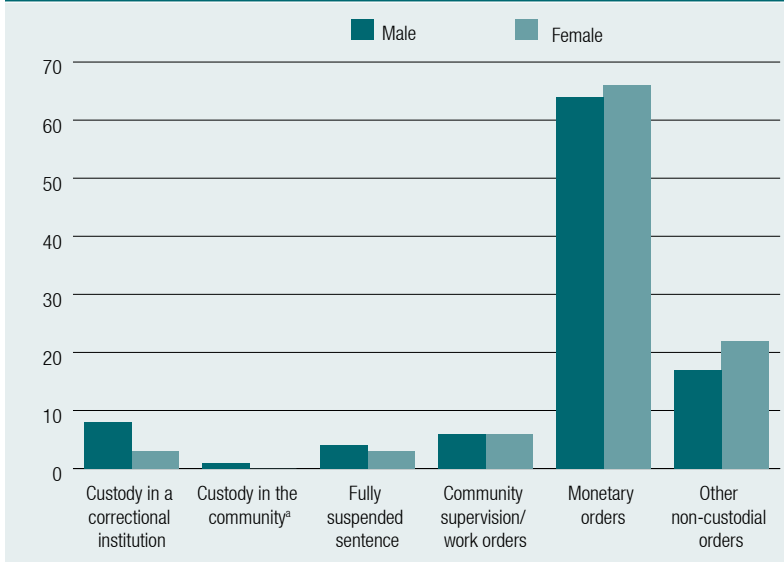
a: Includes custody in a correctional institution, custody in the community and suspended sentence

b: Includes community supervision or work orders, monetary orders and other non-custodial orders

- In 2012–13, 88 percent (n=417,480) of sentences handed down in all courts were non-custodial.
- The number of custodial orders was greatest for the 25–34 years age group (n=19,059). Defendants aged less than 20 years received the least number of custodial sentences of any age group (n=5,259).

Source: Reference 13

Figure 51 Principal sentence of adult male and female defendants found guilty in all courts, 2012–13 (%)



a: Includes intensive corrections orders, home detention and other orders restricting liberty though allowing living within the community

- Of the 106,404 adult female and 375,878 male defendants in 2012–13, 66 percent of adult female and 64 percent of adult male defendants who were found guilty received a monetary order.
- Only three percent of females and eight percent of males received a sentence involving serving custody in a correctional institution. Six percent of both males and females were sentenced to community supervision or work orders.

Source: Reference 13

Federal courts

In Australia, most crimes are committed against state and territory laws. Federal law deals with crimes that have a national or international focus; for example, tax crimes, transnational crime and cybercrime, terrorism or child sexual offences committed overseas.

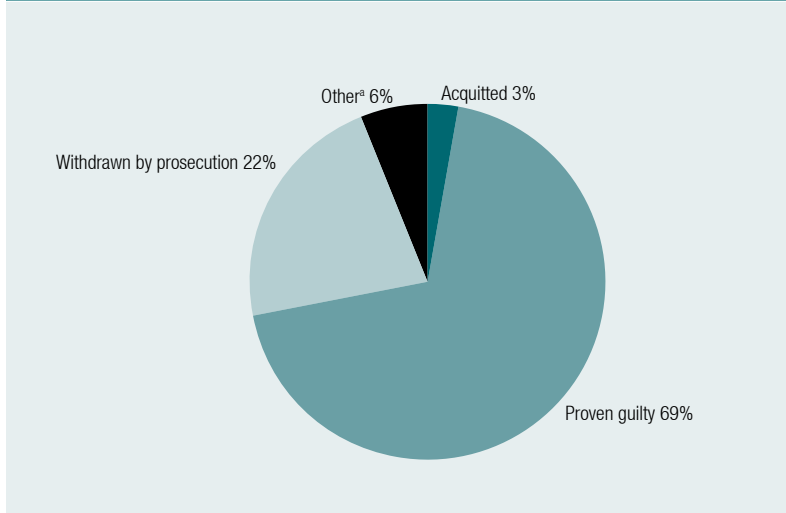
There is not one specific court that prosecutes federal defendants. The Commonwealth Government through the *Crimes Act 1914* invests the supreme,

district (county), magistrates' and children's courts with federal jurisdiction, allowing them to pass judgement in these matters. Federal prisoners are held in state prisons.

In 2009, the ABS released the first edition of *Federal Defendants: Selected States and Territories*, which provides a snapshot of crimes committed in Australia that were tried under federal law. In 2013, the ABS combined most of its statistics on federal defendants and offences into all courts, rather than reporting data as had been done previously in categories of higher courts, magistrates' courts and children's courts. In 2012–13, a total of 10,454 federal cases were lodged in Australian courts; 90 percent (n=9,428) were initiated in the magistrates' court, eight percent (n=813) in the higher courts and two percent (n=213) in the children's courts.

Source: Reference 14

Figure 52 Federal criminal cases finalised in all courts by method of finalisation, 2012–13 (%)

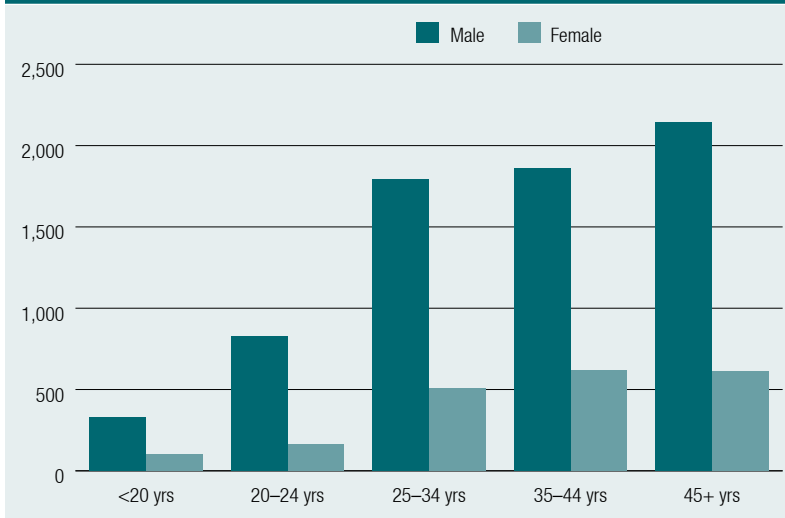


a: Includes transfers to other courts, defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations not elsewhere classified

- The majority of federal criminal cases heard in 2012–13 resulted in a guilty verdict (69%); three percent resulted in an acquittal.
- Twenty-two percent (n=2,307) of federal criminal cases heard in all courts were withdrawn by the prosecution before a verdict could be reached.

Source: Reference 14

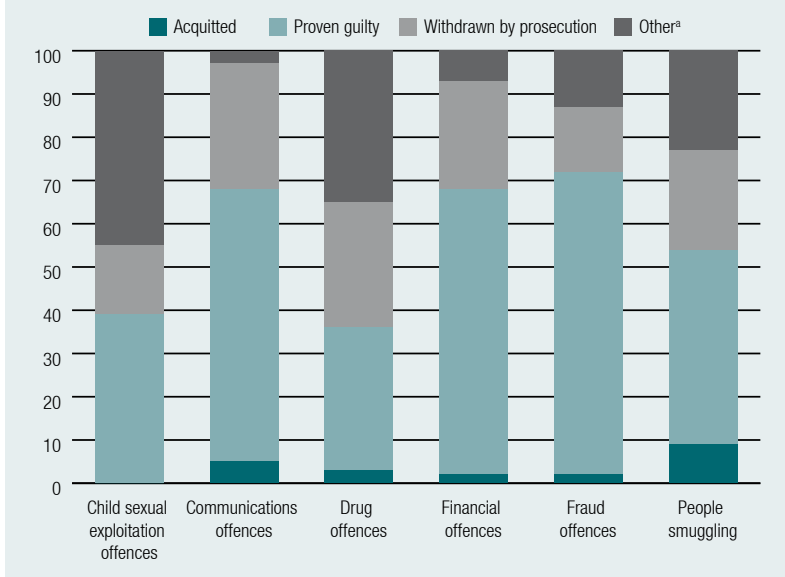
Figure 53 Federal defendants in all courts by age and sex, 2012–13 (n)



- The number of federal defendants was highest for males 45 years of age and older. Specifically, there were 2,142 males aged 45 years and over in all courts in 2012–13. For females, the number of federal defendants was highest for those aged 35–44 years and 45 years of age and older. In 2012–13, there were 617 females aged between 35–44 years of age and 612 females aged 45 years of age and older in all courts.
- Overall, males accounted for 78 percent of all federal defendants in all courts.

Source: Reference 14

Figure 54 Selected federal offences in all courts by method of finalisation, 2012–13 (%)

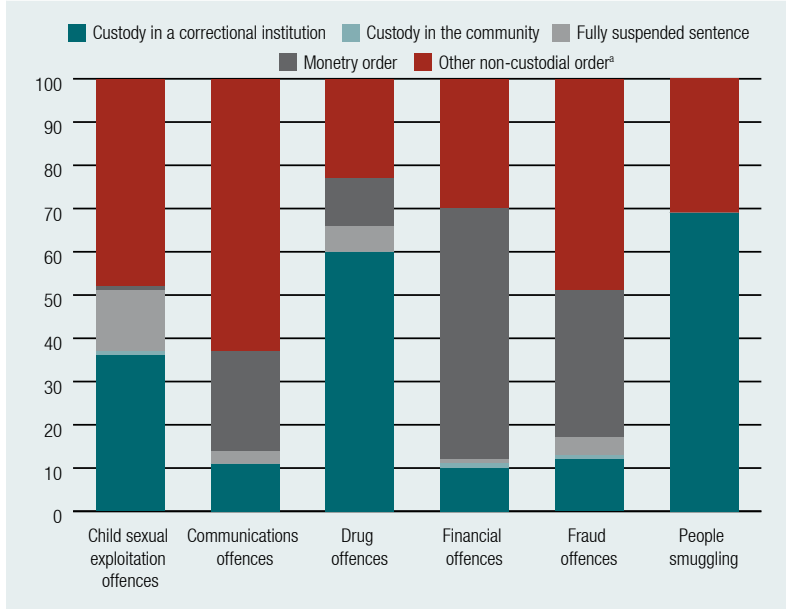


a: Includes transfers to other courts, defendants deceased, unfit to plead, transfers to non-court agencies and other non-adjudicated finalisations not elsewhere classified

- In 2012–13, the most common method of finalisation for communications offences (63%), financial offences (66%), fraud offences (70%) and people smuggling offences (45%) in all courts was a guilty verdict. Forty-five percent of child sexual exploitation offences (CSEO) and 35 percent of drug offences were finalised through other means.
- The proportion of federal cases that were acquitted in all courts was generally low. The greatest proportion was for people smuggling (9%). By comparison, no federal defendants charged with CSEO were acquitted.
- The proportion of federal cases that were withdrawn by the prosecution varied across offence types, from 15 percent for fraud offences to 29 percent for communication and drug offences.

Source: Reference 14

Figure 55 Selected federal offences proven guilty in all courts by sentence type, 2012–13 (%)



a: Includes community supervision/work orders and other non-custodial orders

- Of federal defendants found guilty of drug offences, 60 percent received a sentence that involved serving custody in a correctional institution, while 11 percent received a monetary order.
- The proportion of federal defendants who received a monetary order ranged from one percent for defendants guilty of CSEO to 58 percent of those guilty of a federal financial offence.
- Sixty-nine percent of federal defendants found guilty of people smuggling received a sentence that involved serving custody in a correctional institution, while 31 percent received an ‘other’ non-custodial sentence.

Source: Reference 14



Chapter 5: Corrections

Corrective services in this chapter includes prison custody, community corrections and juvenile detention. Corrective services agencies manage offenders sentenced to prison, community corrections or periodic detention. In 2012–13, there were 54,616 offenders in community-based corrective programs, which accounted for 64 percent of all offenders in any corrective program. The remaining 36 percent of offenders were in prison (n=30,149).

Source: Reference 10

Prisons

A national census of adult prisoners is taken on 30 June each year. Prisoner counts include both sentenced prisoners and those on remand (awaiting trial or sentence), unless otherwise specified.

A total of 30,775 persons were in custody in Australian prisons on 30 June 2013—a five percent increase on the number recorded in 2012. This corresponds to a rate of 172 per 100,000 of the adult population, which is an increase on the rate from the previous year. Of these prisoners, 23,335 were serving sentences, while 7,375 were on remand awaiting trial.

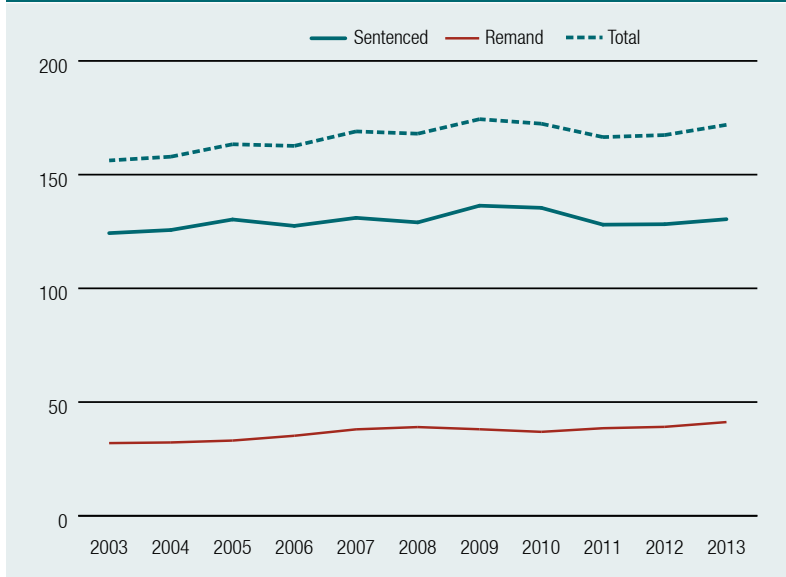
Source: Reference 9

From 1 October 2010, periodic detention was discontinued in New South Wales and replaced with Intensive Correction Orders. These are an alternative to custodial sentences where the offender serves their time (a maximum of 2 years) within the community, performing community services (Reference 9). Previously, individuals

servicing time in periodic detention would have been recorded as part of the number of offenders serving time in prison. This change is likely to affect the long-term trend and therefore should be considered when accounting for any decrease.

Trend in prison population

Figure 56 Prisoners by status, 2003–13 (per 100,000 persons)

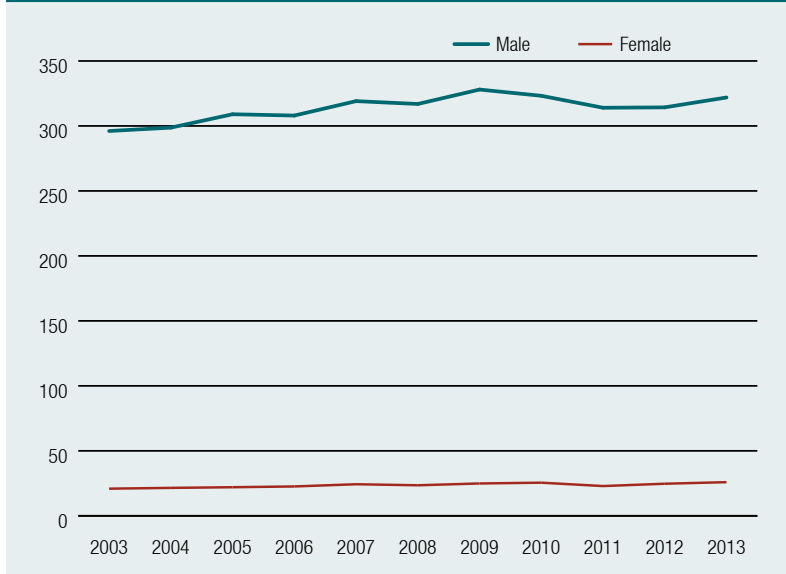


- In the past 10 years, the imprisonment rate per 100,000 adult population has increased by 10 percent from 156 per 100,000 population in 2003 to 172 per 100,000 population in 2013.
- In 2013, the rate of prisoners on remand was 41 per 100,000 population, a five percent increase since 2012. Similarly, the rate of sentenced prisoners has increased from 128 per 100,000 population in 2012 to 130 per 100,000 population; a two percent increase.

Source: *References 2 and 9*

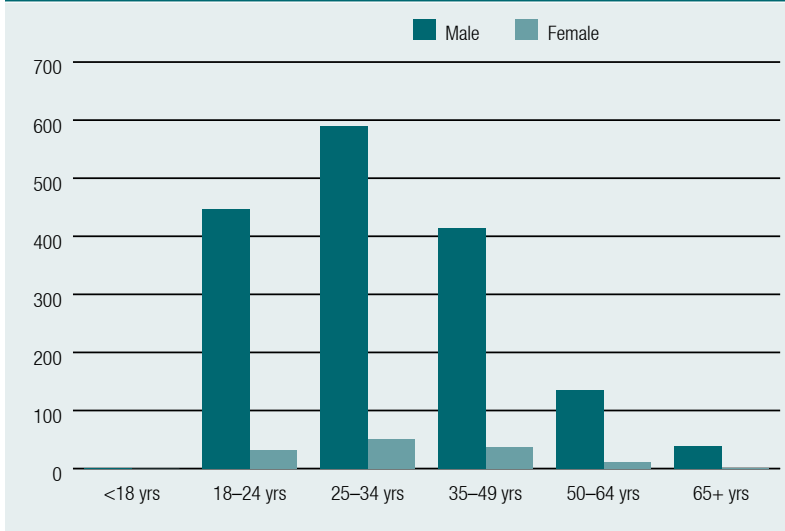
Sex

Figure 57 Prisoners by sex, 2003–13 (per 100,000 of that sex)



- The 2013 male imprisonment rate (321 per 100,000 population) represents an increase of nine percent on the imprisonment rate recorded in 2003 (296 per 100,000 population).
- The rate of female imprisonment increased by 24 percent over the same 10 year period, from 21 to 26 per 100,000.

Figure 58 Prisoners by age group and sex, 2013 (per 100,000 of that age group and sex)



- In 2013, males accounted for 92 percent of all prisoners, while females accounted for eight percent of prisoners.
- In 2013, across all age groups, the rate of male imprisonment was significantly greater than that of females. However, both rates were greatest in the 25–34 years age group, whereas males were imprisoned at a rate of 589 per 100,000 population and females at a rate of 51 per 100,000 population.
- For males, the age group with the second highest rate of imprisonment in 2013 was the 18–24 years age group (448 per 100,000 population).
- For females, the age group with the second highest rate of imprisonment was the 35–49 years age group. In this age group, females were imprisoned at a rate of 37 per 100,000 population.

Source: References 2 and 9

Most serious offence

Some offenders serve sentences for multiple offences concurrently. These offenders are categorised as being in prison for the offence with the longest sentence, usually the offence deemed most serious. Violent prisoners are those convicted of homicide, assault, sexual offences or robbery. Prisoners convicted of property offences include

those charged with breaking and entering or with 'other theft' (including MVT). 'Other' offenders are those who have been convicted of fraud, offences against justice procedures, government security and government operations, drug offences and other offences such as public order and driving offences.

On 30 June 2013, the MSO for which 11,516 prisoners were sentenced was a violent offence. There were 3,760 prisoners whose MSO was a property offence and 8,060 prisoners who were sentenced for other MSOs.

Table 3 Most serious offence of prisoners sentenced in 2013 by sex

	Male		Female	
	n	%	n	%
Violent				
Homicide	2,144	10	187	11
Assault	3,722	17	252	15
Sex offences	2,928	14	34	2
Robbery	2,143	10	106	6
Property				
Break and enter	2,671	12	164	10
Other theft ^a	793	4	132	8
Other				
JGSO ^b	2,406	11	193	11
Drug offences	2,290	10	300	18
Fraud	429	2	178	10
Other ^c	2,102	10	162	9
Total	21,628	100	1,708	100

a: Includes MVT

b: JGSO—offences against government security and operations and justice procedures. Includes offences such as breach of court order, breach of parole, escape from custody, offences against justice procedures, treason, sedition and resisting customs officials

c: Includes other offences against the person and property, public order offences and driving offence

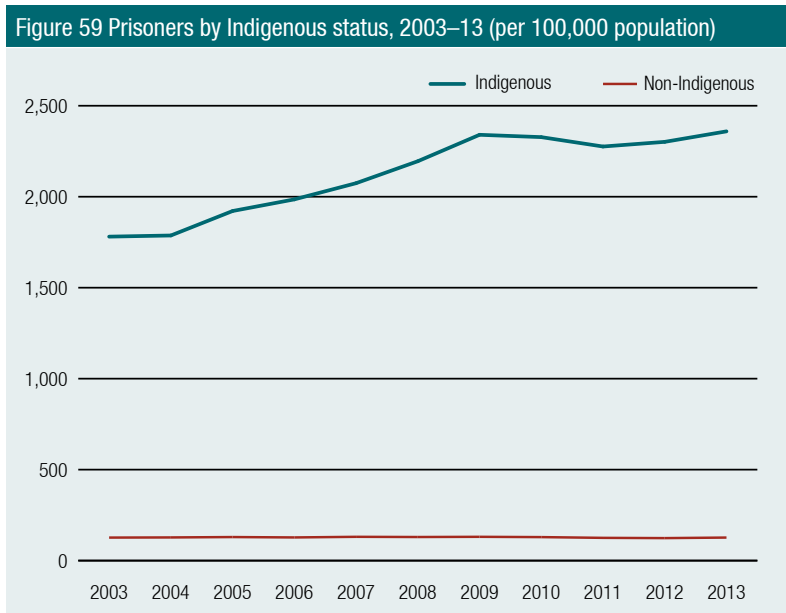
Note: Percentages may not total 100 due to rounding

- The ratio of males to females sentenced in 2013 was approximately 13 to one.
- In 2013, adult male prisoners were more likely compared with female offenders to be sentenced for assault (17%), robbery (10%) and sex offences (14%). Females were more likely to be sentenced for drug offences (18%), fraud (10%) and theft (8%).

- Adult males imprisoned for the violent offences of homicide, assault, sex offences, or robbery as their MSO accounted for half of all sentenced adult male prisoners in 2013 (51%).
- One-third of sentenced adult female prisoners (34%) were imprisoned for violent offences.

Source: Reference 9

Indigenous status



- In 2013, the Indigenous imprisonment rate (2,359 per 100,000 population) was 19 times higher than the non-Indigenous rate (126 per 100,000 population).
- Between 2003 and 2013, Indigenous imprisonment rates increased, while non-Indigenous decreased. The rate of Indigenous offender imprisonment is 29 percent higher than that recorded in 2003, while the rate of non-Indigenous offenders has decreased by three percent.
- Indigenous prisoners comprised 27 percent of the total prisoner population in 2013, compared with 21 percent in 2003.

Source: References 2 and 9

Recidivism

One measure of recidivism is the rate of return to prison, which has remained stable in Australia over the past five years of data collection. Of those prisoners released in 2012–13, 40 percent had returned to prison under sentence by 30 June 2013, while 46 percent were returned to corrective services.

Source: Reference 10

Another measure, collected by the ABS, is the previous imprisonment of inmates currently serving custodial sentences. Note that the prior imprisonment was not necessarily for the same type of offence.

Table 4 Detainees previously imprisoned by selected current offences and Indigenous status, at 30 June 2013

	Indigenous		Non-Indigenous	
	n	%	n	%
Homicide	506	57	2,317	32
AICI	2,856	79	3,378	55
Sexual assault	715	61	2,791	26
Robbery	831	74	2,161	61
UEWI	1,306	80	2,311	77
Theft	279	79	953	67
Illicit drug offences	147	63	3,437	33
Total ^a	8,431	77	22,215	51

a: Total also includes dangerous and negligent acts endangering persons, abduction, harassment and other offences against the person, fraud, deception and related offences, prohibited and regulated weapons and explosives offences, property damage and environmental pollution, public order offences, traffic and vehicle regulatory offences, offences against justice procedures, government security and operations, miscellaneous offences and cases where the offence was unknown

- Of the 506 Indigenous prisoners serving time for homicide in 2013, over half had a history of prior imprisonment (57%). Conversely, only 32 percent of non-Indigenous prisoners serving time for the same offence had a prior history of imprisonment.
- Across all the offence categories, the history of prior imprisonment was higher for Indigenous prisoners than non-Indigenous prisoners. However, the proportions were similar for prisoners serving time for UEWI.
- The proportion of non-Indigenous prisoners with a history of prior imprisonment was greater for UEWI (77%) and theft (67%) than any other offence.

Source: Reference 9

Community corrections

Community corrections comprise a variety of non-custodial programs, varying in the extent and nature of supervision, the conditions of the order and the restrictions on the person's freedom of movement in the community. They generally provide either a non-custodial sentencing alternative or a post-custodial mechanism for reintegrating prisoners into the community under continuing supervision.

Due to different definitions in the source material, the definition of community corrections in this chapter is somewhat different from the definition of non-custodial sentences given in Chapter Four. Whereas in that chapter weekend detention and home detention are considered custodial sentences, this chapter includes them as community-based sentences.

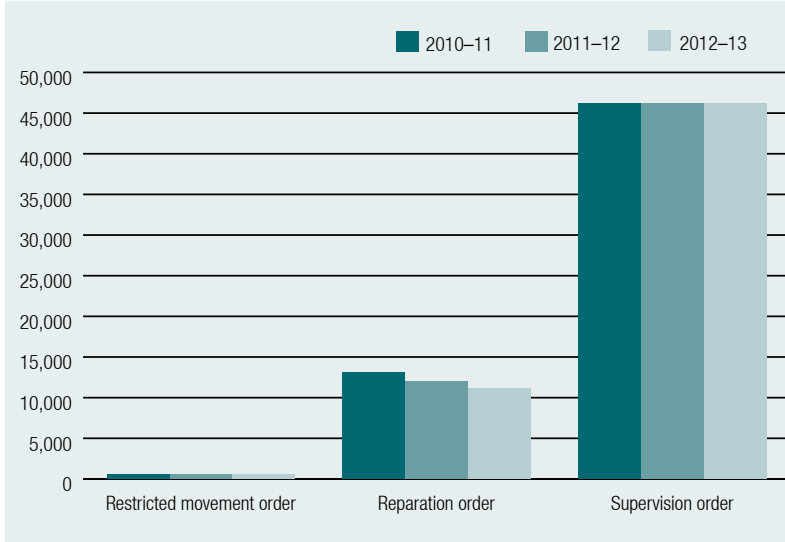
In Australia during 2012–13, an average of 54,616 offenders were serving community corrections orders on any given day—a decrease of less than one percent from the number recorded in 2011–12. This corresponds to a rate of 305 per 100,000 adults, with 508 per 100,000 adult males and 107 per 100,000 adult females.

Source: References 2, 10 and 11

There are three main categories of community corrections orders:

- restricted-movement orders (eg home detention);
- reparation orders (eg fines, community service); and
- supervision (compliance) orders (eg parole, bail sentenced probation).

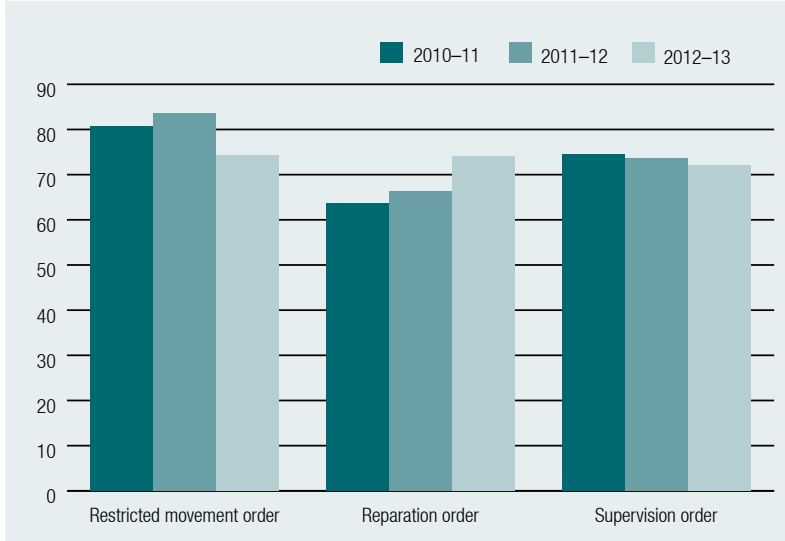
Figure 60 Average daily community corrections population by type of order, 2010–11 to 2012–13 (n)



- There was little change in the number of supervision orders between 2010–11 and 2012–13.
- Reparation orders continued to decrease from 13,100 in 2010–11 to 11,148 in 2012–13. This represents a decrease of 15 percent since 2010–11.
- Eighty percent (n=46,236) of the average daily community corrections population were serving supervision orders in 2013.

Source: Reference 10

Figure 61 Successful completion of community corrections orders by type of order, 2010–11 to 2012–13 (%)



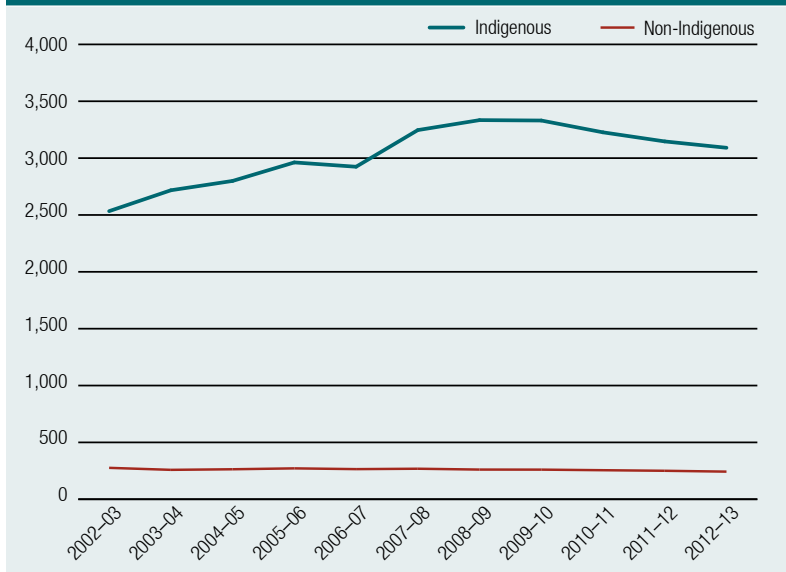
- Between 2011–12 and 2012–13, the proportion of individuals completing restricted movement orders decreased by 11 percentage points from 84 percent to 74 percent.
- The successful completion of reparation orders continued to increase from 66 percent in 2011–12 to 74 percent in 2012–13.

Source: Reference 10

Indigenous status

- In 2012–13, 42,607 non-Indigenous and 11,044 Indigenous offenders served community corrections orders.

Figure 62 Average daily community corrections population by Indigenous status, 2002–03 to 2012–13 (per 100,000 of that status)



- In 2012–13, Indigenous people were subject to community corrections orders at a rate of 3,091 per 100,000 Indigenous adult population compared with a rate of 243 per 100,000 for the non-Indigenous population.
- The community corrections rates decreased by two percent for Indigenous people and three percent for non-Indigenous people between 2011–12 and 2012–13.
- In 2012–13, Indigenous people were 13 times more likely to be serving time in community corrections than non-Indigenous people.

Source: References 2 and 10

Juvenile detention centres

The AIC maintained a data collection on the number of persons detained in juvenile detention centres from 1981, consisting of a count of persons detained in detention centres on the last day of each quarter of each year. Similar information is not available

on the sentenced non-custodial juvenile population. In 2010, responsibility for these data transferred to the Australian Institute of Health and Welfare.

The long-term trend data shown in this section are based on the census of juvenile detention centres conducted on 30 June of each year.

Trend in juvenile detention centre population

As there are differences between jurisdictions regarding the definition of a juvenile, statistics are shown for persons aged from 10 to 17 years. The detention rate of male and female juveniles from 2003 to 2013 is depicted in Figure 63 and includes those on remand and those sentenced.

Figure 63 Persons in juvenile detention centres by sex^a, 2003–13 (per 100,000 of that sex per year)



a: Rates as at 30 June of each year

- Male juveniles have been incarcerated at a much higher rate than female juvenile offenders. The rate of male juvenile incarceration recorded in 2013 (56 per 100,000 population) is nine percent higher than that recorded in 2003.
- In 2013, 11 percent of the juvenile prison population was female. The rate of female juvenile incarceration has continued to remain below 10 per 100,000 population and in 2013 was eight per 100,000 population.

Source: Reference 12

Indigenous status


Data on incarcerated juveniles by Indigenous status have been made available since 1994. This section shows the incarceration rate of Indigenous and non-Indigenous persons in juvenile corrective institutions from 31 March 2003 to 30 June 2013 for each quarter.

Figure 64 Persons in juvenile detention centres by Indigenous status, 31 March 2003 to 30 June 2013 (per 100,000 of that status per year)



- The rate of incarceration of Indigenous juveniles in 2013 was 42 percent higher than that recorded in 2003.
- In 2013, the rate of incarcerated Indigenous juveniles was 418 per 100,000 population compared with 14 per 100,000 for non-Indigenous juveniles. Indigenous juveniles were 30 times more likely to be incarcerated than non-Indigenous juveniles.
- The rate of non-Indigenous juvenile incarceration remained below 20 per 100,000 population between 2003 and 2013.

Source: References 2, 11 and 12



Chapter 6: Criminal justice resources

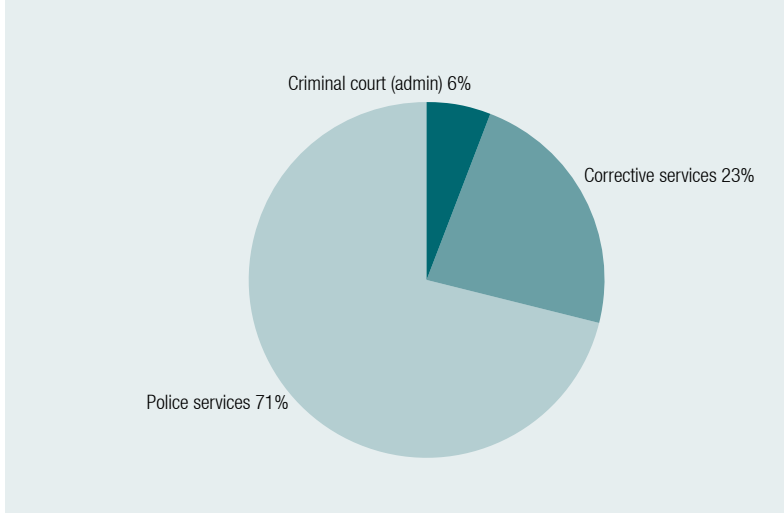
Justice expenditure

According to the *2014 Report on Government Services* (Reference 10), the total real recurrent expenditure (less revenue from own sources and payroll tax) on justice in 2012–13 was \$14.1b. Of this, approximately \$13.5b was spent on criminal justice. The remaining \$620.1m was spent on the administration of civil courts. Since 2007–08, expenditure on criminal justice has increased by 24 percent overall and by an average of five percent each year.

Police services represent the largest component of the criminal justice system, accounting for approximately 71 percent of total expenditure. Corrective services account for a further 23 percent and criminal court administration accounts for the remaining six percent (see Figure 65).

Source: Reference 10

Figure 65 Composition of government expenditure on criminal justice, 2012–13 (%)



Note: Total=\$13,485,323,339

Source: Reference 10

Police

Policing activities are predominantly the responsibility of the state and territory government policing agencies, with the Australian Federal Police providing a community policing service in the Australian Capital Territory on behalf of the ACT Government. Funding for these services comes almost exclusively from state and territory government budgets, with some specific-purpose grants provided by the Commonwealth Government. The Figures below exclude resource data for the Australian Federal Police for non-ACT policing functions.

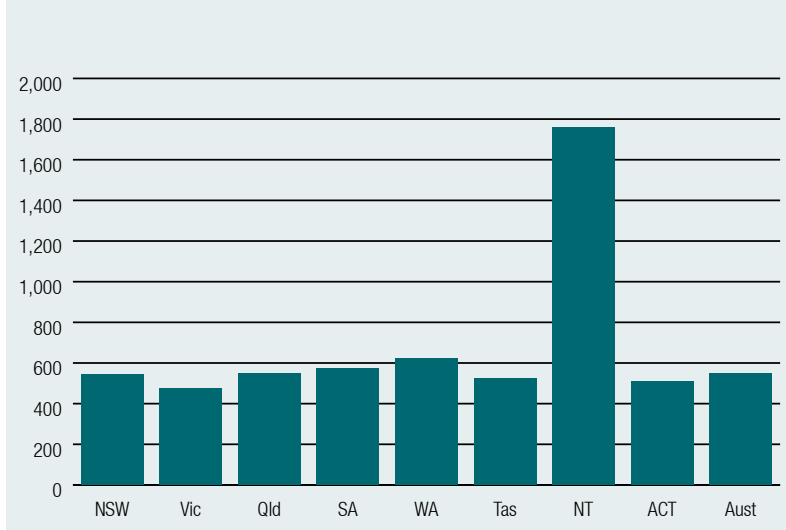
Expenditure

The total recurrent expenditure on police services around Australia in 2012–13 was approximately \$9.8b. This amounts to \$426 per person in Australia, or \$551 per adult. Salaries accounted for 74 percent (ie \$7.6b) of this expenditure. The average cost of police staff salaries was \$126,102 and \$79,760 for non-police staff.

The total capital expenditure on police services was approximately \$465.8m. Real total recurrent expenditure (less revenue from own sources and payroll tax) in 2012–13 was \$9.5b, or \$412 per person or \$492 per adult.

Source: Reference 10

Figure 66 Recurrent expenditure on police services per head of adult population in each state or territory, 2012–13 (\$)



- Across Australia, \$551 per adult was spent on police services in 2012–13.
- The Northern Territory spent \$1,760 per adult on police services in 2012–13; more than any other state or territory. Conversely, expenditure per head of population was lowest in Victoria (\$474 per adult).

Source: References 2 and 10

Court administration

Total recurrent expenditure on court administration services around Australia (excluding the High Court and specialist jurisdiction courts) was \$1.3b in 2012–13; approximately \$47m less than in 2011–12. Expenditure on criminal courts' administration was approximately \$799m for 2012–13, an increase of \$19m from the previous year.

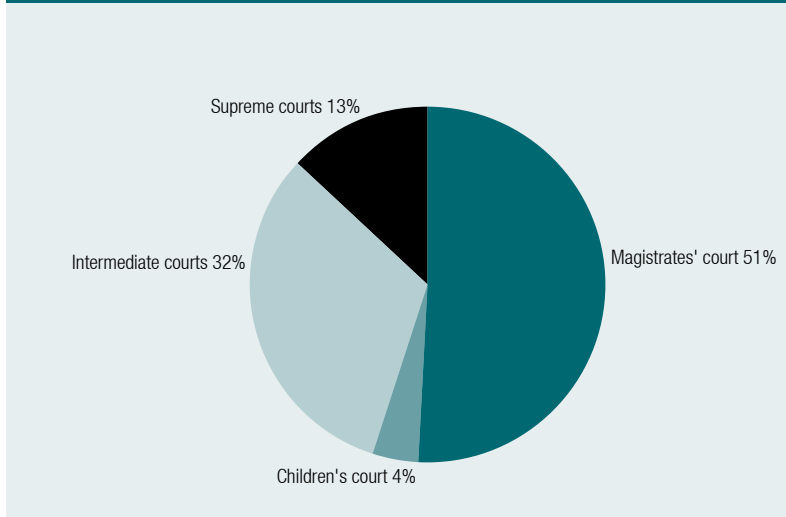
Total criminal court expenditure less income (excluding fines) was \$771m. This amounts to \$33 per person in Australia, or \$43 per adult.

Approximately half of the total expenditure on criminal courts was spent on magistrates' courts in 2012–13. This equates to \$391m.

- The supreme courts accounted for 13 percent of the total expenditure (\$102m), while the children's courts cost \$32m in 2012–13.

Source: Reference 10

Figure 67 Total expenditure (less income) on criminal courts, 2012–13 (%)



Note: Total=\$771,117,706

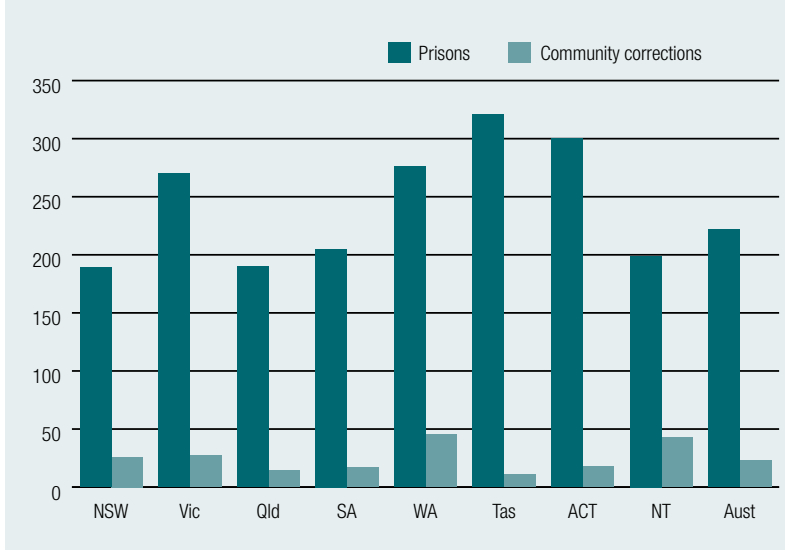
Adult corrective services

Resources allocated for corrective services in Australia are divided into two broad categories—prisons and community corrections.

Total net expenditure on corrective services in Australia was approximately \$3.8b in 2012–13; \$3.2b (85%) for prisons, \$492m (13%) for community corrections and \$97m (2%) for transport and escort services. This corresponds to \$166 for every person in Australia, or \$215 for every adult.

Source: References 2 and 10

Figure 68 Corrective services expenditure per offender per day by jurisdiction, 2012–13 (\$)



- In Australia in 2012–13, for every \$1 spent on community corrections per offender per day, approximately \$10 was spent on offenders in prisons. Over the year, approximately \$80,999 was spent per prisoner in Australia compared with \$8,384 per person in community corrections.
- Community corrections cost an average of \$45 per offender per day in Western Australia; the highest of all the states and territories. This cost was lowest in Tasmania (\$11) and Queensland (\$14).
- The cost per prisoner per day in prison was highest in the Tasmania at \$321. Conversely, it cost \$189 per offender per day to keep an offender in prison in New South Wales.

Source: Reference 10

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All URLs correct at March 2015

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This publication utilises data from both administrative and survey-based collections

Australian crime: Facts & figures 2014

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4 Factsheet: Workplace Gender Equality Agency, *Gender composition of the workforce: by industry, April 2016*



April 2016



Gender composition of the workforce: by industry

This fact sheet outlines the gender composition of the workforce by industry in Australia. It explores the share of female and male workers across 19 industry categories and can be used to identify which industries are 'male-dominated' and which are 'female-dominated'. The fact sheet breaks down employment by part-time and full-time status, illustrating the high concentration of females in part-time roles, particularly in female-dominated industries. It also explores whether women and men have equal access to jobs with paid leave entitlements.

This fact sheet was compiled from the ABS Labour Force Survey Detailed Quarterly dataset (catalogue 6291.0.55.003),¹ which is based on the monthly Labour Force Survey (catalogue 6202.0).² The Labour Force Survey Detailed Quarterly dataset collects data on labour market characteristics such as employment rates and the employment patterns of women and men across different industries. The dataset also includes disaggregated job quality indicators such as underemployment rates. Where data was unavailable (such as on workers without paid leave entitlements), data from the discontinued ABS Forms of Employment Survey dataset (catalogue 6359.0)³ has been used.




















Contents

Workforce participation.....	2
Working patterns.....	3
Average weekly hours	3
Full-time average weekly hours.....	3
Part-time average weekly hours.....	5
Underemployment rates	6
Employees without paid leave entitlements.....	7
Working patterns.....	8

Workforce composition

Table 1 outlines the percentage of workers in each industry by gender and whether they were working part-time or full-time. Industries are ranked by the total percentage of women working in that industry, from highest to lowest. Women made up 46.2% of the total workforce and men comprised 53.8%.

Table 1: Workforce composition by gender, full-time/part-time status and industry

Industry	Female			Male		
	Full-time (%)	Part-time (%)	Total (%)	Full-time (%)	Part-time (%)	Total (%)
 Health Care and Social Assistance	42.7	35.6	78.3	16.3	5.4	21.7
 Education and Training	40.4	30.5	70.9	22.2	6.9	29.1
 Financial and Insurance Services	40.4	14.6	55.0	41.3	3.7	45.0
 Accommodation and Food Services	16.8	37.9	54.7	22.7	22.7	45.3
 Retail Trade	20.8	33.8	54.6	29.8	15.6	45.4
 Public Administration and Safety	34.6	14.6	49.2	46.2	4.5	50.8
 Administrative and Support Services	24.3	24.6	48.9	34.6	16.5	51.1
 Rental, Hiring and Real Estate Services	29.7	17.9	47.6	44.9	7.6	52.4
 Arts and Recreation Services	20.1	26.6	46.7	35.2	18.1	53.3
 Other Services	22.6	23.2	45.8	45.5	8.7	54.2
 Professional, Scientific and Technical Services	27.0	15.5	42.5	51.0	6.5	57.5
 Information Media and Telecommunications	26.0	11.6	37.6	53.5	8.9	62.4
 Agriculture, Forestry and Fishing	14.6	16.3	30.9	56.2	12.9	69.1
 Wholesale Trade	20.3	9.8	30.1	62.6	7.3	69.9
 Manufacturing	18.0	9.3	27.3	67.3	5.5	72.7
 Electricity, Gas, Water and Waste Services	16.5	5.9	22.4	74.4	3.1	77.6
 Transport, Postal and Warehousing	14.0	7.7	21.7	65.0	13.4	78.3
 Mining	12.9	0.8	13.7	85.4	0.9	86.3
 Construction	5.3	6.4	11.7	80.4	7.9	88.3
Total employees	25.0	21.2	46.2	44.3	9.5	53.8

Source: ABS (2016), *Labour Force, Australia, Detailed, Quarterly, Feb 2016*, cat. no. 6291.0.55.003, viewed 5 April 2016, <http://www.abs.gov.au/ausstats/abs@.nsf/mf/6291.0.55.003>

Note: Industries are ranked from largest proportion of total female employees to smallest.

Working patterns

Total workforce

- The highest representation of women working in any industry was in Health Care and Social Assistance, at 78.3%. The second highest was Education and Training, where women comprised 70.9% of workers.
- The highest representation of men working in any industry was Construction, at 88.3%. The second highest was Mining, where men comprised 86.3% of workers.
- Women comprised less than 40% of the workforce in eight industries: Information Media and Telecommunications; Agriculture, Forestry and Fishing; Wholesale Trade; Manufacturing; Electricity, Gas, Water and Waste Services; Transport, Postal and Warehousing; Mining; and Construction.

Full-time workforce

- Overall, a smaller proportion of women (25.0%) worked full-time compared to men (44.3%).
- Only two industries had a larger proportion of women than men working full-time: Health Care and Social Assistance and Education and Training.
- Men comprised more than 60% of the full-time workforce in six industries: Construction; Mining; Electricity, Gas, Water and Waste Services; Transport, Postal and Warehousing; Manufacturing; and Wholesale Trade.

Part-time workforce

- Overall, a larger proportion of women (21.2%) worked part-time than men (9.5%).
- Part-time working women comprised more than one third of the Health Care and Social Assistance workforce (35.6%), and the Accommodation and Food Services workforce (37.9%).
- In the Accommodation and Food Services industry, over one fifth of the workforce comprised men working part-time (22.7%). This represented the largest proportion of part-time male employees in all industries.
- There were only three industries with a greater proportion of men working part-time than women: Transport, Postal and Warehousing; Mining; and Construction.

Full-time and part-time workforce comparison




















- In seven industries, more women worked part-time than full-time: Accommodation and Food Services; Retail Trade; Administrative and Support Services; Arts and Recreation Services; Other Services; Agriculture, Forestry and Fishing; and Construction.
- There were no industries in which there were more men employed part-time than full-time.
- Within Accommodation and Food Services there were an equal proportion of men working full-time and part-time.

Average weekly hours

Full-time average weekly hours

Table 2 shows the average weekly hours worked by women and men employed on a full-time basis by industry. The maximum weekly ordinary hours for a full-time employee are currently set at 38 hours.⁴ In most industries both women and men exceeded this amount, working an overall average of 41.2 hours per week. The average for women working full-time was 38.8 hours and for men was 42.6 hours. On average, men employed full-time worked 3.8 more hours per week than women employed full-time across all industries.

Table 2: Full-time average weekly hours worked, by gender and industry

Industry	Total	Female	Male	Difference
 Rental, Hiring and Real Estate Services	43.1	39.4	45.6	-6.2
 Agriculture, Forestry and Fishing	50.1	45.4	51.4	-6.0
 Financial and Insurance Services	39.2	36.2	42.1	-5.9
 Transport, Postal and Warehousing	42.5	37.7	43.5	-5.8
 Information Media and Telecommunications	40.0	36.7	41.7	-5.0
 Retail Trade	40.9	38.2	42.8	-4.6
 Wholesale Trade	42.0	38.7	43.1	-4.4
 Professional, Scientific and Technical Services	42.6	39.9	43.9	-4.0
 Other Services	42.2	40.2	43.2	-3.0
 Manufacturing	40.8	38.8	41.3	-2.5
 Accommodation and Food Services	43.9	42.6	45.0	-2.4
 Public Administration and Safety	37.4	36.0	38.4	-2.4
 Health Care and Social Assistance	37.5	37.0	39.2	-2.2
 Administrative and Support Services	40.0	38.7	40.8	-2.1
 Electricity, Gas, Water and Waste Services	41.1	39.5	41.4	-1.9
 Mining	44.8	43.5	45.0	-1.5
 Construction	42.1	41.3	42.2	-0.9
 Education and Training	40.9	40.9	40.9	0.0
 Arts and Recreation Services	42.6	45.3	41.2	4.1
Total full-time average weekly hours	41.2	38.8	42.6	-3.8

Source: ABS (2016), *Labour Force, Australia, Detailed, Quarterly, Feb 2016*, cat. no. 6291.0.55.003, viewed 5 April 2016, <http://www.abs.gov.au/ausstats/abs@.nsf/mf/6291.0.55.003>




















Note: Industries are ranked from greatest difference in full-time average weekly hours between women and men to smallest. A minus sign indicates that the average weekly hours for women is less than that for men.

- The longest full-time average weekly hours worked by both women and men were in Agriculture, Forestry and Fishing (45.4 and 51.4 hours per week, respectively).
- The shortest full-time average weekly hours worked by women and men were in Public Administration and Safety (36.0 and 28.4 hours per week, respectively).
- The largest gender difference in full-time average weekly hours was in Rental, Hiring and Real Estate Services, where men worked on average 6.2 hours per week more than women.

Part-time average weekly hours

Table 3 shows the average weekly hours worked by industry for women and men who are employed on a part-time basis. The average for women working part-time was 17.8 hours and for men was 17.1 hours. On average, men employed part-time worked one less hour per week than women employed part-time across all occupations.

Table 3: Part-time average weekly hours worked, by gender and industry

Industry	Total	Female	Male	Difference
 Construction	17.5	15.7	19.1	-3.4
 Manufacturing	17.6	16.7	19.0	-2.3
 Other Services	17.0	16.5	18.4	-1.9
 Agriculture, Forestry and Fishing	15.5	14.7	16.4	-1.7
 Administrative and Support Services	16.7	16.2	17.6	-1.4
 Retail Trade	16.7	16.5	17.2	-0.7
 Health Care and Social Assistance	19.9	19.9	20.5	-0.6
 Transport, Postal and Warehousing	16.4	16.1	16.7	-0.6
 Arts and Recreation Services	15.3	15.4	15.2	0.2
 Information Media and Telecommunications	17.4	17.8	16.9	0.9
 Accommodation and Food Services	16.1	16.6	15.5	1.1
 Financial and Insurance Services	18.9	19.3	17.4	1.9
 Public Administration and Safety	19.4	19.9	17.9	2.0
 Education and Training	18.5	18.9	16.8	2.1
 Rental, Hiring and Real Estate Services	16.5	17.2	15.0	2.2
 Professional, Scientific and Technical Services	17.5	18.3	15.4	2.9
 Electricity, Gas, Water and Waste Services	20.2	22.2	16.5	5.7
 Wholesale Trade	17.5	20.1	14.0	6.1
 Mining	23.1	27.1	19.7	7.4
Total part-time average weekly hours	17.6	17.8	17.1	0.7

Source: ABS (2016), *Labour Force, Australia, Detailed, Quarterly, Feb 2016*, cat. no. 6291.0.55.003, viewed 5 April 2016, <http://www.abs.gov.au/ausstats/abs@.nsf/mf/6291.0.55.003>

Note: Industries are ranked from greatest difference in part-time average weekly hours between women and men to smallest. A minus sign indicates that the average weekly hours for women is less than that for men.

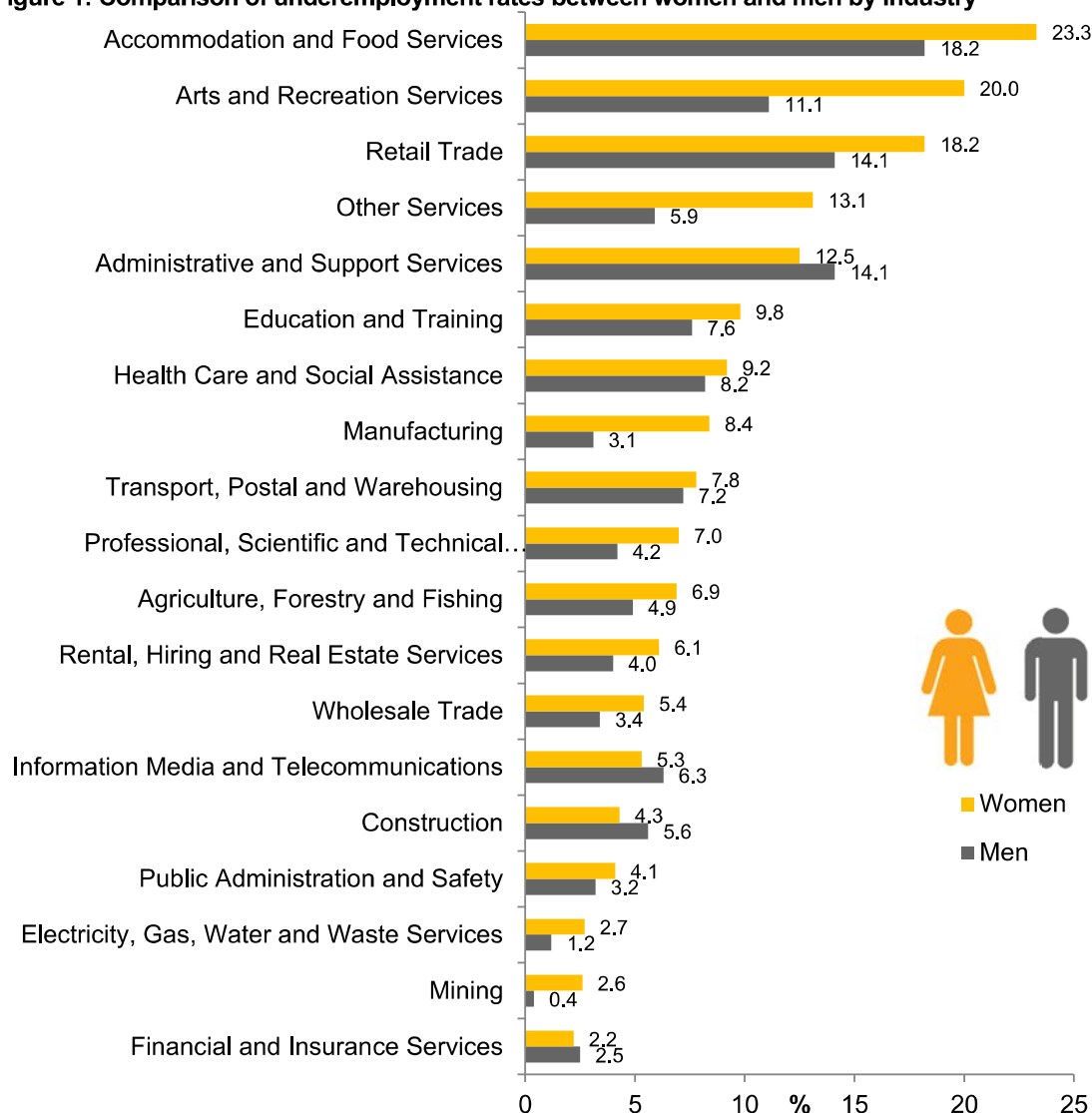
→ On average, women worked a greater number of part-time hours in 11 industries, led Mining, where women worked 7.4 more hours per week than men.

- On average, men worked longer part-time hours in eight industries, led by the heavily male-dominated Construction industry, where men worked 3.4 hours more per week than women.
- Mining had the longest average work week for women working part-time (27.1 hours per week), while Health Care and Social Assistance had the longest average work week for men working part-time (20.5 hours per week).
- Agriculture, Forestry and Fishing had the shortest average work week for women working part-time (14.7 hours per week), while Wholesale Trade had the shortest average work week for men (14.0 hours per week).

Underemployment rates

Underemployment refers to a situation where a person is working fewer hours than they are willing and available to work. The underemployment rate for women in Australia was 3.9 percentage points higher than for men (10.8% for women compared to 6.9% for men). Figure 1 shows the gender breakdown of underemployment by industry.

Figure 1: Comparison of underemployment rates between women and men by industry



Source: ABS (2016), *Labour Force, Australia, Detailed, Quarterly, Feb 2016*, cat. no. 6291.0.55.003, viewed 5 April 2016, <http://www.abs.gov.au/ausstats/abs@.nsf/mf/6291.0.55.003>

















Note: Industries are ranked from greatest underemployment rate for women to smallest. The underemployment rate is calculated by expressing the number of the underemployed as a proportion of the labour force.




- Women had a higher rate of underemployment than men in 15 industries.
- Men had a higher rate of underemployment than women in four industries: Financial and Insurance Services; Construction; Information Media and Telecommunications; and Administrative and Support Services.
- Both women and men had the highest average underemployment rates in the Accommodation and Food Services industry (23.3% and 18.2%, respectively).
- The industry with the lowest underemployment rate for women was in Financial and Insurance Services (2.2%). Men had the lowest underemployment rate in Mining (0.4%).

Employees without paid leave entitlements

This category covers employees who were not entitled to either paid holiday leave or paid sick leave, or did not know whether they were entitled to either of these within their main job. Employees of this type are commonly referred to as 'casuals' or 'contract workers'. Table 4 details the percentage of employees without paid leave entitlements by gender, employment status and industry.

Table 4: Employees without paid leave entitlements, by gender and industry

Industry	Full-time			Part-time			Total		
	Female (%)	Male (%)	Diff.	Female (%)	Male (%)	Diff.	Female (%)	Male (%)	Diff.
 Arts and Recreation Services	19.0*	13.1*	-5.9	71.7	73.6	1.9	52.7	32.2	-20.5
 Agriculture, Forestry and fishing	43.7	35.3	-8.4	84.3	80.0	-4.3	59.8	43.2	-16.6
 Other Services	11.1*	5.9	-5.2	46.0	70.6	24.6	26.0	11.3	-14.7
 Retail Trade	11.0	9.8	-1.2	64.9	69.9	5.0	45.2	33.4	-11.8
 Manufacturing	11.2	10.0	-1.2	45.8	66.5	20.7	22.8	14.5	-8.3
 Information Media and Telecommunications	5.7*	4.2*	-1.5	36.0	80.8*	44.8	18.5	10.5	-8.0
 Accommodation and Food Services	31.7	26.7	-5.0	84.0	87.0	3.0	67.9	60.1	-7.8
 Professional, Scientific and Technical Services	3.5*	5.7	2.2	39.3	49.4	10.1	15.9	9.2	-6.7
 Construction	8.9*	17.7	8.8	51.6	62.1	10.5	24.5	20.3	-4.2
 Electricity, Gas, Water and Waste Services	11.9*	9.9	-2.0	29.3*	55.3*	26.0	14.8*	11.7	-3.1
 Mining	9.6*	8.3	-1.3	25.0*	67.6*	42.6	11.4*	9.2	-2.2
 Wholesale Trade	3.9*	5.4	1.5	43.6	69.8	26.2	13.6	11.9	-1.7
 Financial and Insurance Services	**	**	**	**	**	**	6.1	5.1*	-1.0
 Public Administration and Safety	3.7	5.0	1.3	23.9	50.8	26.9	9.4	9.2	-0.2
 Administrative and Support Services	17.1	22.5	5.4	51.5	60.6	9.1	32.7	32.8	0.1
 Health Care and Social Assistance	8.6	10.3	1.7	27.3	41.6	14.3	18.5	19.1	0.6

	Education and Training	4.5	6.2	1.7	35.2	65.3	30.1	18.1	19.5	1.4
	Transport, Postal and Warehousing	7.6*	16.7	9.1	45.5	63.5	18.0	19.6	24.0	4.4
	Rental, Hiring and Real Estate Services	**	**	**	**	**	**	14.2	22.7	8.5
Total employees without paid leave entitlements		8.9	11.1	2.2	46.8	68.1	21.3	26.5	20.7	-5.8

Source: ABS (2014), *Forms of Employment, November 2013*, cat. no. 6359.0, viewed 5 April 2016, <http://www.abs.gov.au/ausstats/abs@.nsf/PrimaryMainFeatures/6359.0>

* Figure may not be representative of the population due to small sample size and should be used with caution.

** Figure not available for publication due to confidentiality concerns, but included in totals where applicable.

Note: Industries are ranked from greatest total difference between women and men employed without paid leave entitlements to smallest. A minus sign indicates that a larger percentage of women have no leave entitlements in comparison to men within that industry and employment type.

Working patterns

Total workforce

- Among total workers, over a quarter of women (26.5%) and over a fifth of men (20.7%) did not have paid leave entitlements.
- In 14 industries, a higher percentage of female employees had no paid leave entitlements. This was primarily due to the higher percentage of women employed part-time, as part-time workers were less likely to have paid leave entitlements.
- The Arts and Recreation Services industry showed the greatest gender difference, with the proportion of women without paid leave entitlement being 20.5% larger than the proportion of men.

Full-time workforce

- More than one third of women (43.7%) and men (35.3%) employed full-time in the Agriculture, Forestry and Fishing industry were without paid leave entitlements. This may reflect the seasonal nature of this industry, including the short contract harvest type work.
- Professional, Scientific and Technical Services had the lowest proportion of female employees without paid leave entitlements (3.5%). The industry with the lowest proportion of male employees without paid leave entitlements was Information Media and Telecommunications (4.2%).

Part-time workforce

- A larger proportion of men working part-time had no paid leave entitlements across all industries, except the Agriculture, Forestry and Fishing industry, where there were slightly more part-time working women than part-time working men without paid leave entitlements (84.3% compared to 80.0%, respectively).
- The Arts and Recreation Services; Agriculture, Forestry and Fishing; Retail Trade; and Accommodation and Food Services industries all had over 60% of their part-time (female and male) workforce without paid leave entitlements.

Full-time and part-time workforce comparison

- In all industries, a higher percentage of part-time employees (both women and men) were without paid leave entitlements than full-time employees.
- Industries with high percentages of workers without paid leave entitlements (both full-time and part-time) were Accommodation and Food Services, and Agriculture, Forestry and Fishing.

¹ ABS (2016), *Labour Force, Australia, Detailed, Quarterly, Feb 2016*, cat. no. 6291.0.55.003, viewed 5 April 2016, <http://www.abs.gov.au/ausstats/abs@.nsf/mf/6291.0.55.003>

² ABS (2014), *Labour Force, Australia*, cat. no. 6202.0, <http://www.abs.gov.au/ausstats/abs@.nsf/PrimaryMainFeatures/6202.0>

³ ABS (2014), *Forms of Employment, November 2013*, cat. no. 6359.0, viewed 5 April 2016, <http://www.abs.gov.au/ausstats/abs@.nsf/PrimaryMainFeatures/6359.0>

⁴ National Employment Standard/Australian Fair Pay and Conditions Standard (the Standard), <http://www.fairwork.gov.au/employment/hours-of-work/pages/default.aspx>

5 MCDONALD'S AUSTRALIA ENTERPRISE
AGREEMENT 2013 (AG2013/7236) - Clause 41
Domestic Violence Leave

- 38.3** Proof of attendance by the employee at a recognised place for the purpose of donating blood and the duration of such attendance, must be provided to the satisfaction of the Employer.
- 38.4** Further, the employee shall notify his or her Employer as soon as possible of the time and date upon which they are requesting to be absent for the purpose of donating blood.

39 Bone Marrow Donor Leave

- 39.1** Subject to the remainder of this clause, an employee who is absent during ordinary working hours for the purpose of donating bone marrow, or for the purpose of undertaking a blood test as part of the process of becoming a registered bone marrow donor, will not suffer any deduction of pay up to a maximum of:
- 39.1.1** 2 hours on not more than two occasions for the purpose of blood testing as part of the process of becoming a registered bone marrow donor; and
- 39.1.2** three days on any occasion that a bone marrow donation is given.
- 39.2** In relation to blood testing as part of the process of becoming a registered bone marrow donor the employee must arrange for the absence from work to be on a day suitable to the Employer and the absence must be as close as possible to the beginning or end of the employee's ordinary working hours.
- 39.3** In relation to bone marrow donations the employee must provide the Employer with as much notice as is possible of requested bone marrow donation.
- 39.4** So far as is possible the employee must make arrangements for a bone marrow donation so as to minimise the absence from work.
- 39.5** Proof of attendance of the employee at either blood test or bone marrow donation and the duration of respectively the blood test or the bone marrow donation must be provided to the Employer.

40 Defence Forces Leave

- 40.1** A full-time or part-time employee shall be allowed leave of up to two weeks maximum per calendar year to attend Defence Forces approved training camps.
- 40.2** During such leave full-time and part-time employees who are required to attend full-time training shall be paid an amount equal to the difference between the payment received in respect of their attendance at camp and the amount of minimum weekly wages they would have received for working ordinary time during that period.
- 40.3** To receive payment, an employee shall provide the Employer proof of attendance and proof of the Defence Forces rate of pay and total payment received for the time spent training.
- 40.4** Employees seeking to take Defence Force Leave must provide notice to the Employer at least one month prior to the period of training. The notice should detail the start and finish dates for training.

41 Domestic Violence Leave

- 41.1** Employees who experience family or domestic violence and require time off work to attend to medical appointments, legal proceedings and/or any other related activities, will be entitled to:
- 41.1.1** unpaid leave for up to 2 days per occasion.
- 41.1.2** use personal leave, as per clause 31.
- 41.2** Consideration will be given to requests for further unpaid leave on a case by case basis, as per clause 37.
- 41.3** Employees experiencing family or domestic violence will have the right to request flexible working arrangements and the employer will assess these based on business requirements.
- 41.4** An employee may be required to produce evidence that family or domestic violence has occurred, such as; a medical certificate, a document issued by the police service and/or court.
- 41.5** The employer and the employee will ensure all reasonable attempts are made to ensure personal information concerning matters of family or domestic violence are kept confidential and may only be divulged in exceptional circumstances, in consultation with one another, where it is imperative to maintain the safety of the employee and/or co-workers.

42 Parental Leave

- 42.1** Employees that have completed at least 12 months of continuous service are eligible for unpaid parental leave. This includes casual employees who have:
- 42.1.1** Been employed by their Employer on a regular and systematic basis for a sequence of periods over at least 12 months; and
- 42.1.2** Had it not been for the birth (or expected birth) or adoption (or expected adoption) of a child, they would have a reasonable expectation of continuing employment by the employer on a regular and systematic basis.
- 42.2** The NES provides for unpaid parental leave entitlements for employees covered by this Agreement. Parental leave provisions in the NES provide for birth-related leave, adoption related leave and also recognise same sex defacto relationships. In addition to unpaid parental leave, the NES also provides the following related entitlements:
- 42.2.1** Unpaid special maternity leave;
- 42.2.2** A right to transfer to a safe job in appropriate cases, or to take paid 'no safe job leave';
-
- 42.2.3** Consultation requirements;
- 42.2.4** a return to work guarantee; and
- 42.2.5** unpaid pre-adoption leave.

6 DAVID JONES ENTERPRISE AGREEMENT 2012
(AG2012/8857)- Clause 20 Personal Business Leave

DAVID JONES ENTERPRISE AGREEMENT 2012

18. NATURAL DISASTER LEAVE

18.1 Entitlement

A permanent employee may be prevented from attending work as a result of a natural disaster, such as a bushfire or flood threatening their property or severing transport links to work, or they may be required to look after their children as a result of the natural disaster. A permanent employee is entitled to up to 3 days leave of absence in the event of a natural disaster, without loss of pay for rostered ordinary hours falling during such absence. The employee shall, where possible, keep David Jones informed of the progress of the situation.

18.2 Notice Required

An employee must notify David Jones as soon as possible of being unable to attend work or the need to leave work. The employee shall provide such proof as David Jones reasonably requires that the absence was a result of a natural disaster.

19. PARENTAL LEAVE

Permanent employees with at least 12 months' continuous employment and casual employees with 12 months' service are entitled to parental leave in accordance with Appendix D.

20. PERSONAL BUSINESS LEAVE

20.1 Entitlement

20.1.1 There are occasions where employees take time off work to deal with personal matters and obtain payment for these days by taking a "sickie". This practice disrupts the effective running of operations and is a misuse of personal/carer's leave.

20.1.2 To redress this situation permanent employees may convert up to 3 single days (not available in conjunction with any other type of leave) per year of personal/carer's leave to paid personal business leave.

20.1.3 Such converted Personal Business Leave days may be taken in periods of half day or full day lots (i.e. 6 single half days or 3 single full days)

20.1.4 Each year's personal business leave stands alone.

20.2 Granting of Leave

20.2.1 An employee must notify David Jones as soon as possible of the intent to take Personal Business Leave.

20.2.2 David Jones will automatically approve personal business leave where the employee provides 2 weeks' notice.

DAVID JONES ENTERPRISE AGREEMENT 2012

20.2.3 David Jones will approve applications made up to 48 hours in advance unless in the opinion of the store manager the operation of the store will be affected by the absence.

21. PRE-NATAL AND PRE-ADOPTION LEAVE**21.1 Entitlement**

A permanent employee who is pregnant or whose partner is pregnant, or who is seeking to adopt a child, may access their accrued personal leave for pre-adoption interviews or medical appointments associated with the pregnancy.

21.2 Notice Required

An employee will inform David Jones as soon as possible of a requirement to attend a medical or pre-adoption appointment.

21.3 Proof of Attendance

An employee will provide proof of attendance if requested by David Jones.

22. PUBLIC HOLIDAYS**22.1 General Public Holidays**

22.1.1 Public holidays are recognised days, which if entitled, permanent employees have off without loss of pay or receive penalty rates if they work.

22.1.2 The following days are public holidays for the purposes of this Agreement:

- (i) New Years Day
- (ii) Good Friday
- (iii) Easter Saturday
- (iv) Easter Monday
- (v) ANZAC Day
- (vi) Christmas Day
- (vii) Boxing Day (Proclamation Day in South Australia)
- (viii) the days observed by the State or Territory for Australia Day, Queen's Birthday and Labour Day (8 Hour Day).

22.2 State and Territory Public Holidays

22.2.1 The following days are additional public holidays in the locations indicated:

- (i) Victoria - Melbourne Cup Day;
- (ii) South Australia - Adelaide Cup Day;

7 COLES LIQUOR GROUP RETAIL AGREEMENT 2014
(AG2013/12800) - Clause 9.7 Requests for flexible
working arrangements

PART 3

Part 3 includes the following clauses Rostering Arrangements, Hours of Work, Maximum hours per day, 28 day cycle, per week and number of Sundays in a 28 day cycle, Maximum shifts per day, Consecutive days off and Minimum breaks, Multi Shifts, Team Member Meetings, Breaks and Overtime.

9 ROSTERING ARRANGMENTS

- 9.1 The Parties recognise the primary driving force to schedule labour, rostering, is the requirement to service customers in line with their needs and that labour hours need to be scheduled in line with the Company's requirements, seasonal influences and a Team Member's lifestyle and family considerations.
- 9.2 When establishing or changing rosters, the Company will consider the reasonable availability of a Team Member, including any family responsibilities and study commitments that they may have and a Team Member's safe transport home.
- 9.3 Subject to clause 9.4, a Team Member will be provided with a regular roster, which will not be subject to frequent variations.
- 9.4 Excluding a Casual Team Member, Team Member rosters will be set fortnightly and can be changed:
- a. If the Company provides an affected Team Member with 7 days' written notice;
 - b. In the case of unforeseen circumstances the Company providing 24 hours' notice; or
 - c. At shorter notice by mutual agreement between the Company and a Team Member
- 9.5 If a Team Member disagrees with any roster change the Team Member will be provided with a minimum 14 days' written notice in lieu of 7 days' notice provided above in clause 9.4 a.
- 9.6 A Team Member's roster may not be changed with the intent of avoiding payment of penalties, loadings or other benefits applicable. Should such circumstances arise they shall be entitled to such penalty, loading or benefit as if the roster had not been changed.

Requests for flexible working arrangements

- 9.7 An eligible team member (as defined below) can make a written request for flexible working arrangements. The written request will include details of the change that is being asked for and the reasons for the change. The manager must reply in writing within 21 days and inform the team member whether the request is approved or not. If the request is not being approved, the written response must include details of the reasons for refusal. The team member's request can only be refused on reasonable business grounds.

An 'eligible team member' is a team member who:

- a. is full-time or part time and has completed at least 12 months of continuous service with the Company immediately before making the request; or
- b. is a long term casual, immediately before making the request and has a reasonable expectation of continuing employment with the Company on a regular and systematic basis; and
- c. the team member is:
 - the parent or has the responsibility for the care of a child who is of school age or younger; or
 - a carer (as defined under the relevant Act); or
 - has a disability; or
 - 55 years of age or older; or

- experiencing violence from a member of the team members family; or
- providing care or support to an immediate family or household member who is experiencing violence from the member's family and requires care or support.

10 HOURS OF WORK

10.1 The span of ordinary hours is Monday to Sunday 6.00 a.m. to Midnight.

10.2 Monday to Saturday Ordinary Hours - Full Time, Part Time and Casual Team Members

- a. Work performed on Monday to Saturday during the ordinary span of hours, as per Clause 10.1, does not attract an additional loading or penalty unless indicated elsewhere in this Agreement.

10.3 Sunday Ordinary Hours Loading - Full Time, Part Time and Casual Team Members

- a. A Full Time or Part Time Team Member rostered to work ordinary hours on a Sunday will be paid an additional 50% loading.
- b. The rate of pay for a Full Time or Part Time Team Member rostered to work ordinary hours on a Sunday can be determined by dividing the appropriate weekly rate of pay contained in Appendix 1 of this Agreement by 38 and adding 50%.
- c. Work performed by a Casual Team Member during ordinary hours on a Sunday will be paid their ordinary hourly rate of pay plus 60%.
- d. The rate payable for a Casual Team Member for work performed during ordinary hours on a Sunday can be determined by dividing the appropriate weekly rate of pay contained in Appendix 1 of this Agreement by 38 and adding 60%.

11 MAXIMUM HOURS PER DAY

11.1 A Team Member may be rostered to work up to a maximum of 10 hours on any day exclusive of Meal Breaks.

12 MAXIMUM DAYS PER 28 DAY ROSTER CYCLE

12.1 A Full Time or Part Time Team Member can be rostered to work up to 20 days in any 28 day roster cycle.

13 MAXIMUM DAYS PER WEEK

13.1 The rostered hours of a Full Time or Part Time Team Member can be worked up to 5 days in each week, provided that rostered hours can be worked on 6 days in 1 week if in the following week rostered hours are worked on up to 4 days.