



**An Australia free from all forms of violence**

VCOSS Submission to develop the next National Plan to Reduce Violence against Women and their Children

August 2021

**The Victorian Council of Social Service is  
the peak body of the social and community sector in Victoria.**

**VCOSS members reflect the diversity of the sector and include large charities, peak organisations, small community services, advocacy groups and individuals interested in social policy.**

**In addition to supporting the sector, VCOSS represents the interests of Victorians experiencing poverty and disadvantage, and advocates for the development of a sustainable, fair and equitable society.**

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online at** [vcoss.org.au/policy/](https://vcoss.org.au/category/policy/)



**VCOSS acknowledges the traditional owners of country and pays respect  
to past, present and emerging Elders.**

**This document was prepared on the  
lands of the Kulin Nation.**

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## Introduction

The Victorian Council of Social Service (VCOSS) is the peak body for social and community services in Victoria. VCOSS supports the community services industry, represents the interests of Victorians facing disadvantage and vulnerability in policy debates, and advocates to develop a sustainable, fair and equitable society.

VCOSS welcomes the opportunity to provide a submission to develop the next National Plan to Reduce Violence against Women and their Children. This next 10-year National Plan will be crucial to help drive investment in priority areas and help support coordinated action across all levels of government and organisations to significantly reduce and eliminate all forms of violence against women and children.

Family, domestic and sexual violence causes serious social, economic and health consequences. While it occurs across all ages, socioeconomic and demographic groups, it mainly affects women and their children, people with a disability, Aboriginal and Torres Strait Islander women, young women and pregnant women.[[1]](#footnote-1)

One-in-three Australian women has experienced physical violence since the age of 15 and one-in-five has experienced sexual violence.[[2]](#footnote-2) On average, one woman is murdered by her current or former partner each week[[3]](#footnote-3) and this year alone, 25 Australian women have lost their lives due to family violence.[[4]](#footnote-4) Women are around three times more likely to experience violence from an intimate partner than men.[[5]](#footnote-5)

Family violence is a leading driver of homelessness for women.[[6]](#footnote-6) Its impact on the broader economy cannot be underestimated, with research from 2015 showing that violence against women is costing Australia $21.7 billion each year.[[7]](#footnote-7)

As Monash University’s Gender and Family Violence Prevention Centre research has shown, the COVID-19 pandemic has “increased women’s vulnerability to all forms of gender-based violence”.[[8]](#footnote-8)

The development of the next National Plan must take into account the impact of the COVID-19 pandemic on Australian women and their children, and the increase in demand on services for support.

Following its Royal Commission into Family Violence in 2015, the Victorian Government made an unprecedented investment into family violence, with $2.9 billion allocated across successive budgets. This funding allocation not only reflected the Victorian Government’s commitment to addressing family violence, but was a key foundation to support the transformation of the system to better meet the needs of victim-survivors and help prevent family violence.

If we are to see a reduction in family violence across Australia, this National Plan must see an increase in funding across the prevention and response systems to ensure that services can meet rising levels of demand and provide appropriate and targeted support to women and children in all states and territories.

This submission is informed by significant engagement and consultation with VCOSS members and makes recommendations for preventing and responding effectively to family violence. It focuses on key areas in which the Commonwealth can drive reforms including: housing, prevention of family violence, family law, migration law, children and young people, supporting workforce capacity in the disability sector, education and financial abuse.

## Summary of Recommendations

**Address the impact of COVID-19 on family violence risk**

* Identify areas of Commonwealth service delivery that require surge capacity and provide funding supplementation to enable them to meet increased demand.
* Develop a national campaign raising awareness of the high incidence of family violence during the COVID-19 pandemic and providing the 1800RESPECT hotline number.

**Build on the draft framework for Australia’s National Plan to End Violence Against Women and Children**

* Develop a nationally consistent definition of family, domestic and sexual violence.
* Develop a detailed National Plan for Aboriginal and Torres Strait Islander women and children.
* Facilitate the collection of nationally consistent data on family, domestic and sexual violence.
* Introduce paid family and domestic violence leave into the National Employment Standards.

**Ensure access to safe, accessible and stable housing**

* Make access to housing a key priority in the next National Plan.
* Commit to a long-term national social housing construction program that delivers the 16,800 new homes to meet current demand and a pipeline of future new social housing stock based on population growth.
* Continue to prioritise access to housing and homelessness services.

**Prevent family violence**

* Increase the quantum of funding for primary prevention initiatives and activities and provide longer-term contracts to organisations to deliver these programs.

**Strengthen the family law system**

* Prioritise making the soon-to-commence Federal Circuit Court and Family Court of Australia safe for victim-survivors in the next National Plan and ensure changes include meaningful engagement opportunities for the community.
* Reduce fragmentation between state and territory courts and the soon-to-commence Federal Circuit Court and Family Court of Australia by establishing a common definition and framework to respond to family violence, implementing family violence training for all court personnel and continuing to improve safe and appropriate information-sharing and collaboration.
* Provide adequate funding for free legal assistance and advocacy.

**Ensure migrants and people on temporary visas receive targeted support**

* Provide ongoing funding to community legal centres with large proportions of highly vulnerable and newly arrived migrants to deliver culturally sensitive, wraparound legal services to victim-survivors of family violence.

**Better support children and young people who have experienced family violence**

* Ensure that the next National Plan recognises young people as victim-survivors of family violence in their own right and ensures that services are funded to deliver age-appropriate and tailored support.

**Support workforce capacity in the disability sector**

* Undertake an audit of the training needs of disability support workers and NDIA assessors and deliver a comprehensive calendar of targeted and timely training opportunities on family violence and assessing risk.

**Leverage Australia’s education system**

* Express public support for gender equality and respectful relationships education that addresses the drivers of violence against women.
* Provide national resources, guidance and regulatory support to promote consistent policy and practice across jurisdictions in line with evolving evidence on respectful relationships and consent education.

**Prevent financial abuse**

* Retain our current responsible lending obligations and abandon the National Consumer Credit Protection Amendment (Supporting Economic Recovery) Bill 2020.

## Address the impact of COVID-19 on family violence risk

The COVID-19 pandemic has exposed and exacerbated the risks of family violence for women and their children.

Research by Monash University’s Gender and Family Violence Prevention Centre has reported that Victorian practitioners are concerned:

*“ … that the pandemic has led to an increase in the frequency and severity of violence against women alongside an increase in the complexity of women’s needs.”*[[9]](#footnote-9)

This finding was also supported by research conducted by VCOSS and the Future Social Services Institute in 2020. The Stories into Evidence project, which examined demand for social services during the first and second wave of the pandemic in Victoria, found that:

*“CSOs also report that there has been an increase in women experiencing family violence, with an increase in the severity and complexity of incidents being reported. This increase in new complex clients has required immediate safety planning and risk assessment, placing pressure on organisations and workers.”[[10]](#footnote-10)*

Giving the rising incidents of family violence occurring during the COVID-19 pandemic and the ongoing protracted lockdowns occurring across many states and territories, the Commonwealth Government should ensure that services it delivers – and those that it contracts community organisations to deliver – have the necessary resources to meet increased demand. Specifically, the Commonwealth Government should identify areas of Commonwealth service delivery that require surge capacity and provide funding supplementation to enable frontline services to respond to the unique challenges of the pandemic.

Additionally, there is a need for the Commonwealth Government to deliver a national campaign that raises awareness of family violence, reminds the public that they can leave home during a lockdown if they are experiencing violence or are feeling unsafe, and provides the national 1800Respect hotline number.

With more incidents of family violence and many practitioners working from home during extended lockdowns, this has created “challenges for staff who are bringing family violence discussions with perpetrators into their homes.”[[11]](#footnote-11)

Supporting the mental health and wellbeing of family violence workers is important if we are to retain these workers in the family violence sector. The family violence sector continues to experience challenges with attracting and retaining staff, as illustrated by the recently released 2019 Victorian Family Violence census.

### Case study: Family violence workforce insights

The 2019 Victorian Census of Workforces that Intersect with Family Violence (the 2019 Census)[[12]](#footnote-12) was committed to in the [Building from Strength: 10-year Industry Plan for Family Violence Prevention and Response (Building from Strength).](https://www.vic.gov.au/building-strength-10-year-industry-plan)

**Family violence staff love their work; they just have too much of it**

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Results from the 2019 Census show that family violence staff, particularly those from the specialist family violence and primary prevention workforces, are highly motivated and committed to working in a family violence response or primary prevention of family violence role. The workforce loves the work they do, have high confidence levels in terms of training and experience, and are satisfied in their current role. They are also buoyed by a strong belief that their work is making a difference.

However, the actual amount of work the workforce is being asked to do is impacting their health and wellbeing, and a significant portion of the workforce plan to leave their role within the next 12 months. Reasons include:

* Health and wellbeing implications and stress due to high workloads
  + 50% of the workforce felt they did not have enough time to do their job or complete their tasks
  + Education workers cited external pressures as well as high volume of work / demands and poor management / organisational issues
  + Maternal, child health and settlement services cited staff turnover as well as high volume of work / demands and poor management / organisational issues
* Career prospects or lack of advancement opportunities
* Barriers in accessing further training and development
* Lack of time
* Cost of study
* Location of training facility

When asked about changes that could be made respondents indicated;

* Increased availability and accessibility of training (or professional development e.g. use of tools to assess and manage family violence risk)
* More long-term or permanent funding and resources
* Improved supervision (clinical and external), management and governance
* More collaboration, community of practice and working with others, policies procedures and guidance
* More staff to share workload with (or for specific roles).

It is crucial to consider and address these workforce challenges in coming years to ensure that services can meet ongoing demand, maintain sustainability and ensure staff health and wellbeing.

RECOMMENDATIONS

* Identify areas of Commonwealth service delivery that require surge capacity and provide funding supplementation to enable them to meet increased demand.
* Develop a national campaign raising awareness of the high incidents of family violence during the COVID-19 pandemic and providing the 1800RESPECT hotline number.

## Build on the draft framework for Australia’s National Plan to End Violence Against Women and Children

VCOSS members provided feedback on the draft framework, which will help inform the development of Australia’s National Plan to End Violence Against Women and Children.

*Definition of family, domestic and sexual violence*

VCOSS members noted that there are currently inconsistent definitions of family violence across federal, state and territory legislation. This is creating service gaps, inefficiencies and fragmented responses for women and children experiencing family violence.

It is recommended that a nationally consistent and contemporary definition of family, domestic and sexual violence be developed. This should reflect the range of relationships in which violence can occur and recognise that coercive control is a central aspect of family violence.

By creating a national definition, this would also help support the collection of data and enable this to be comparable across states and territories.

*Guiding Principles*

VCOSS members were broadly supportive of the six key principles articulated in the draft framework, which will help steer and inform the development of the next National Plan.

However, it was noted that additional principles should be considered to ensure that the next National Plan considers intersectionality, people with lived experience and retains a focus on perpetrators.

In relation to intersectionality, it was noted that the current draft framework does not appear to appropriately address the multiple and overlapping ‘identities’ that generate the lived experience of discrimination, marginalisation and inequality that then intersect with family violence. This should be addressed and prioritised in the National Plan.

*National Priorities*

VCOSS members were broadly supportive of the eight national priorities in the draft framework, which will help steer and inform the development of the next National Plan.

However, members identified the need for greater nuance – for example, in relation to perpetrators. Members noted elder abuse is often missing from the conversation about perpetrators and should be addressed through the National Plan.

In relation to strengthening the evidence base, monitoring and reporting, it was noted that reporting frameworks could be more focused on improving practice (where appropriate) instead of orientated towards compliance. Further, the next National Plan should focus on addressing key data gaps to support consistent national data collection on family, domestic and sexual violence.

Whilst it is pleasing to see that one of the national priorities focuses on supporting Aboriginal and Torres Strait Islander women and their families to drive change in their communities, it is noted that this does not currently refer to the need for self-determination. This is fundamental to ensuring that Aboriginal and Torres Strait Islander people and organisations are leading this work and are funded appropriately.

A detailed National Plan for Aboriginal and Torres Strait Islander women and children is required to better prevent and respond to violence in Aboriginal and Torres Strait Islander communities. The National Family Violence Prevention and Legal Services Forum has also produced a detailed submission which should be considered in developing the next National Plan.

VCOSS members noted that, in relation to partnering, there is a need to recognise the important role of local government. In Victoria, councils (alongside colleagues in community health) undertake significant work in prevention and gender equality through the State’s Health and Wellbeing Act. The National Plan provides an opportunity to leverage the knowledge, skills, expertise and reach of local governments nationally, but will need to be backed by funding.

*Focus Areas*

VCOSS members were broadly supportive of the 12 focus areas in the draft framework.

However they noted that a number of important focus areas were missing, for example

* Access to safe, accessible and affordable housing, and
* Better support for children *and young people* who are experiencing violence in the home.

These two focus areas are discussed below.

Additionally, VCOSS members noted that there is no explicit mention of elder abuse, although it may be inferred to be in scope in focus areas such as coercive control and financial abuse. VCOSS members reflected that COVID-19 has heightened the risk of elder abuse and also obscured elder abuse (for example, services have less visibility of older people during lockdowns). Members identified the need for the National Plan to engage with elder abuse.

Consideration should also be given to amending Australia’s *Fair Work Act (2009)* and introducing paid family and domestic violence leave into the National Employment Standards.

*Outcomes*

VCOSS members believe the outcomes are too high-level and vague, with “room for error”.

In relation to prevention, members want to see specific outcomes related to gender equality. They identified the need for the National Plan outcomes on prevention to align with the four pillars of Change the Story.

RECOMMENDATIONS

* Develop a nationally consistent definition of family, domestic and sexual violence.
* Develop a detailed National Plan for Aboriginal and Torres Strait Islander women and children.
* Facilitate the collection of nationally consistent data on family, domestic and sexual violence.
* Introduce paid family and domestic violence leave into the National Employment Standards.

## Ensure access to safe, accessible and stable housing

Family and domestic violence continues to be the main reason people seek support from homelessness services in Victoria (45% of homelessness service users in 2019 – 20).[[13]](#footnote-13) A lack of housing options drives many women to return to perpetrators and the risk of violence, or into insecure housing situations and homelessness.

Crisis accommodation is an important part of the housing continuum, providing an option for victim-survivors and their children to stabilise in short-term, safe accommodation. Crisis accommodation in Victoria is critically overwhelmed, forcing many victim-survivors in crisis into motels and rooming houses, which are not appropriate housing options for safety, recovery or for accommodating children.

VCOSS welcomes funding for Safe Places Emergency Accommodation Program (‘Safe Places’) in 2020 to grow the crisis accommodation sector, including accommodation that is provided in core and cluster style developments, and with service provision models that are trauma-informed, family focused and enable recovery.

But long-term, affordable housing is crucial to establish safety and wellbeing for victim-survivors and their children and to provide the foundation for a good life. While the private rental market provides opportunities for some victim-survivors of family violence, for many victim-survivors social housing is the only housing option that is affordable and secure, which are necessary conditions for recovery.

While the Fourth Action Plan includes an action to increase access to suitable and stable accommodation within communities for women who have experienced domestic, family and sexual violence, the Commonwealth Government has not invested in new social housing supply required to address this issue.

As COVID-19 continues to create nation-wide economic challenges, the Commonwealth Government has an opportunity to invest in social housing, that will provide both economic stimulus and deliver social housing that is urgently needed to house victim survivors of family violence. There is strong precedent in Australia for taking this opportunity to build the nation and create jobs by investing in social housing. Both Labor and Liberal governments got behind a post war public housing construction program that kept people housed and builders building.

The Victorian Government, under the Big Housing Build package, will build 9,000 new social housing homes over the next four years, with 1,000 allocated to victim survivors of family violence. However, with 1 in 10 priority applications on the Victorian Housing Register (the waitlist for social housing) victim-survivors of family violence, at least 2,000 additional new homes are required to meet the immediate need in Victoria.[[14]](#footnote-14)

At the national level, recent modelling by Equity Economics also found that 16,8000 additional social housing units would be required across Australia to address the current shortfall.[[15]](#footnote-15)

The next National Plan should prioritise social housing growth and commit to a long-term national construction program that will both deliver the 16,800 new homes to meet current demand, as well as a pipeline of new social housing stock based on future population growth.

Quality supports are critical to accessing housing and sustaining tenancies. The next National Plan should continue to prioritise measures that will ensure victim-survivors can access the support they need at the right time and in the right settings, and that service providers, including housing and homelessness services, have the capabilities to provide safe and respectful supports to victim survivors.

RECOMMENDATIONS

* Make access to housing a key priority in the next National Plan.
* Commit to a long-term national social housing construction program that delivers the 16,800 new homes to meet current demand and a pipeline of future new social housing stock based on population growth.
* Continue to prioritise access to housing and homelessness services.

## Prevent family violence

Prevention is the most effective way to eliminate violence against women and their children, and was at the core of the Fourth Action Plan. Primary prevention means stopping violence before it occurs. It means changing the behaviours and norms, in all areas of society, that excuse, justify or even promote violence against women and their children.

Primary prevention is identified as a national priority in the draft Framework for Australia’s National Plan to End Violence Against Women and Children, which states:

*“Effective primary prevention initiatives to promote healthy and safe relationships and build gender equitable values is a key part of ending violence against women and children.”*

VCOSS members were overwhelmingly support of primary prevention being a national priority. They reflected concerns though that funding for prevention activities is often short term, project funding, whereby activities may run in local communities for a year or two, and then cease because of a lack of funding.

This creates difficulties both from a staffing perspective in retaining skilled prevention practitioners, but also in driving change within the communities practitioners are working in. It also creates challenges around the evaluation of activities and building the evidence base to ensure that the most effective primary prevention activities are being funded by government and delivered by organisations.

VCOSS members reflected on the need for more longitudinal studies to see what works in primary prevention to help build the evidence base. Evaluations should focus on impact rather than outcomes, and organisations should be funded to undertake this work, alongside program delivery, as this information can then be fed back to government to inform future funding decisions. Focusing on impact over outcomes is important because this considers the long-term and broader effects of policies and funding, compared with narrowly defined outcomes.

Organisations such as VicHealth are attempting to build the evidence base for primary prevention. For example, through the Man Box study they have gathered evidence on the attitudes to manhood and the behaviours of young Australian men aged 18 to 30 that can help inform policy and practice, evaluation and further research.[[16]](#footnote-16)

It is also important that primary prevention activities reach into diverse communities. Government funding for primary prevention should make adequate provision for diverse access needs, including access for people with disabilities (for example, funding to produce resources in easy English) and access for people from culturally and linguistically diverse backgrounds (for example, material translated into a wide range of community languages). There is also an opportunity for government to more effectively leverage place-based, faith-based and other community-led organisations, alongside larger community organisations.

VCOSS members reflected that having champions of change in local communities can help drive behavioural change at a grass roots level, for example through supporting young leaders and leaders from culturally and linguistically diverse communities. However, many smaller organisations – particularly those reliant on community volunteers – face barriers to accessing and/or navigating grant or other funding processes.

RECOMMENDATION

* Increase the quantum of funding for primary prevention initiatives and activities and provide longer-term contracts to organisations to deliver these programs.

## Strengthen our family law system

The Interim report of the *Improvements in Family Law Proceedings Inquiry* notes that allegations of family violence are present in the majority of family law matters. Yet, the Family Law system can be unsafe, unjust and retraumatising for victim survivors of family violence, with some VCOSS members describing the system as “impenetrable”.

While some court jurisdictions have improved in their responses to family violence in recent years, there are still inconsistencies in how courts define and respond to family violence. Many courts, including the Federal Family Law Court, still demonstrate a lack of understanding of the complexities of family violence, resulting in injustice and harm for victim-survivors.

VCOSS notes that the Federal Circuit Court and Family Court will be merged into the Federal Circuit Court and Family Court of Australia in September 2021. The next National Plan should include an action to ensure that this new Court – including all judges, registrars and support staff, as well as intersecting service providers – is equipped with enough resources and capability to identify and respond to family violence.

Further reforms of the family law system should provide meaningful engagement opportunities for community to provide safe input and contribute to better system design. VCOSS notes that many of our sector colleagues have not engaged with the current Family Law Proceedings Inquiry, due to concerns about the legitimacy of the Inquiry process.[[17]](#footnote-17)

There is a continued need to develop a common framework for identifying and responding to family violence across the family law system and state and territory legislation, based on a consistent definition of family violence. Further, a model for early identification of family violence and specialist case management should be introduced in the family law system, to ensure that the court can make informed decisions and provide appropriate supports that prioritise safety and wellbeing.

The Royal Commission into Family Violence in Victoria found that fragmentation between state courts and the federal family law courts is a significant concern, with many users telling the Commission that experiences of family violence are not given sufficient weight and consideration in matters.

To address the issue of fragmentation, the Royal Commission recommended that Victorian Courts establish an information-sharing arrangement/protocol with the Family Court of Australia. While such an arrangement has since been implemented between child protection, family violence and family law, improvements to support information sharing and collaboration should be made.

We note that the Interim report of the Improvements in Family Law Proceedings Inquiry has recommended the development of an appropriate technology platform for information-sharing between family law, child protection and family violence systems at Commonwealth, state and territory level (recommendation 14), which, if adopted, should incorporate safeguards to protect victim-survivors against inappropriate or unsafe information sharing.

There is a continued need for adequate training of all court personnel to ensure that engagement with victim-survivors is safe and decisions take into account complexities of family violence.

The next National Plan should continue to prioritise access to appropriate supports, including legal assistance and advocacy, to ensure that families are supported to understand their legal rights and responsibilities (including understanding conditions of orders), resolve disputes early to prevent prolonged interaction with the legal system, and ensure access to justice for victim-survivors. Since many parents cannot afford private legal representation and most are ineligible for legal aid, adequate resourcing of community legal services should be prioritised.

RECOMMENDATIONS

* Prioritise making the soon-to-commence Federal Circuit Court and Family Court of Australia safe for victim-survivors in the next National Plan and ensure changes include meaningful engagement opportunities for the community.
* Reduce fragmentation between state and territory courts and the soon-to-commence Federal Circuit Court and Family Court of Australia by establishing a common definition and framework to respond to family violence, implementing family violence training for all court personnel and continuing to improve safe and appropriate information-sharing and collaboration.
* Provide adequate funding for free legal assistance and advocacy.

## Ensure migrants and people on temporary visas receive targeted support

Migration status can impact how and whether women seek support and intervention when experiencing family violence. Some of the barriers include “fear of deportation, loss of custody of children, and ineligibility for social support, such as Centrelink benefits, income support and limited health and education services.”[[18]](#footnote-18)

According to Professor Segrave, the most recent Fourth Action Plan is *“limited on detail and fails to recognise the complexity of women’s experiences”*, particularly migrant women.[[19]](#footnote-19)

*“Specifically, there is radio silence on the way in which our migration system compounds and sustains family violence via empowering perpetrators who are citizens to control and coerce women who are temporary migrants.”[[20]](#footnote-20)*

The connections between family law and migration law increases risk for women. The role of extended family members as perpetrators of family violence is not really recognised within migration law. Migration abuse is commonly perpetrated on women from migrant, refugee or asylum seeker backgrounds in Australia

Having a migration lawyer work alongside the duty lawyer service and collaboratively with family violence lawyers ensures better legal outcomes for clients. For example, a migration lawyer could liaise with the family violence duty lawyer regarding obtaining adequate judicial evidence to support migration applications.[[21]](#footnote-21)

Even if children are Australian citizens, there is no automatic legal right for their mother to remain in Australia. This can translate into situations where the mother must leave both Australia and her child (or a father/perpetrator).[[22]](#footnote-22)

For people holding various types of temporary visas, the migration system does not provide a solution where there is a child born in Australia and the other parent (Australian resident or citizen) wants the child to live long-term in Australia. A (Subclass 143) Contributory Parent visa costs around $100,000. As a result, women often no choice but to stay with a partner who is violent so that they are not forced to leave Australia without their child.[[23]](#footnote-23)

The complex intersections of marriage, migration and coercive control requires a dedicated community legal response.

The Indian Family Violence Project 2019-2021 by Northern Community Legal Centre is an example of a successful pilot program that focused on improving the safety of vulnerable women and children.

Through a coordinated response combining migration and family law legal advice, alongside community engagement and community education, they were able to assist 164 Indian women across a range of legal problems including family violence intervention orders (65%), immigration (52%), property settlement (50%), victims of crime compensation (48%), divorce (41%), breach of family violence intervention order (20%), spousal maintenance (13%), fines/infringements (11%) and child support (9%).[[24]](#footnote-24)

This report provides a number of detailed recommendations regarding how best to support newly arrived vulnerable women who have experienced family violence.[[25]](#footnote-25)

It is recommended that community legal centres located in places with large proportions of highly vulnerable and newly arrived migrants be provided ongoing funding to deliver culturally sensitive, wraparound legal services to victim-survivors of family violence. This should include funding for legal advice, advocacy and social work support, community engagement and legal education to newly arrived communities.

RECOMMENDATION

* Provide ongoing funding to community legal centres with large proportions of highly vulnerable and newly arrived migrants to deliver culturally sensitive, wraparound legal services to victim-survivors of family violence.

## Better support children and young people who have experienced family violence

While the current draft framework refers to children experiencing family violence, it is noted that ‘children and young people’ are not one homogenous group.

VCOSS members report that there are significant gaps in the service system for young people who are experiencing family violence.[[26]](#footnote-26)

Melbourne City Mission (MCM) reports that in Victoria there is currently a gap in supports for young people experiencing family violence, noting that:

* *‘Children and young people’ are too often seen as extensions of their parents or carers for the purposes of support.*
* *[There is a] focus on adolescents as perpetrators of family violence rather than victim survivors in their own right.*
* *An over-reliance of the child protection system for young people under 18 years, and adult services for young people over 18 years.”*

MCM reports that it has seen an increase in referrals to its Front Yard Housing Service from single adolescents who are experiencing family violence in their homes. It is important that services are adapted to and targeted to the developmental needs of young people.

The next National Plan should ensure that it refers to young people, ‘recognises young people as victim-survivors of family violence in their own right’ and ensures that services are funded to deliver age-appropriate and tailored support including access to crisis accommodation for young people.[[27]](#footnote-27)

RECOMMENDATION

* Ensure that the next National Plan recognises young people as victim-survivors of family violence in their own right and ensures that services are funded to deliver age-appropriate and tailored support.

## Support workforce capacity in the disability sector

People with disability are 1.8 times as likely to have experienced physical and/or sexual violence from a partner in the previous year, compared with people without disability.[[28]](#footnote-28)

The Fourth Action Plan notes that women with disability experience significantly higher levels of all forms of violence. Nine in 10 women with intellectual disability report experiencing sexual assault.

Violence against women with disability is also more diverse in nature. While women with disability face many of the same forms of domestic, family and sexual violence, women with disability also experience and are at more risk of particular forms of violence, such as forced sterilisation, seclusion and restrictive practices, and experience violence in a range of institutional and service settings such as in residential institutions and aged care facilities.[[29]](#footnote-29)

Disability is identified as a focus area in the draft framework for Australia’s National Plan to End Violence Against Women and Children.

One of the issues raised by VCOSS members is challenges around the lack of consistency and understanding of family violence and the ability to identify risk within disability support services. As a result, people experiencing family violence are not being referred to appropriate specialist family violence services by their support workers. Further, if an NDIA assessor does not have an appropriate understanding of family violence and associated risk factors, they may not prioritise the assessments for support.

To address gaps in the skills, knowledge and confidence of disability support workers and NDIA assessors in relation to assessing family violence risk, the Commonwealth Government should undertake an audit of the training needs of these workers and deliver a comprehensive calendar of targeted and timely training opportunities.

Alongside training, supervision, staffing and leadership from people with disabilities is needed to effect cultural change, which is a pre-condition for genuine, sustained practice change and improvement over time.

RECOMMENDATION

* Undertake an audit of the training needs of disability support workers and NDIA assessors and deliver a comprehensive calendar of targeted and timely training opportunities on family violence and assessing risk.

## Leverage Australia’s education system

The Australian Curriculum sets the expectations for what all young Australians should be taught in school, regardless of where they live — but decisions on how this is implemented, including teaching children about respectful relationships and consent, are made at a state level, with schools often having significant autonomy.[[30]](#footnote-30)

*Respectful Relationships*

Victoria is a leader in primary prevention practice, with the successful Respectful Relationships program being rolled out across early childhood settings and 1850 government, Catholic and independent schools.[[31]](#footnote-31)

Respectful Relationships focuses on “embedding a culture of respect and equality across our entire community” by modeling respectful, positive attitudes and behaviors and “teaching children how to build healthy relationships, resilience and confidence”.[[32]](#footnote-32)

With most states and territories rolling out Respectful Relationship programs (or pilots), it is important that the Commonwealth takes a leadership role in providing national resources and guidance to create a nationally consistent approach to ensure that all Australian students receive high quality, evidence-based education.

Resources should include building an understanding that students may hold multiple, intersecting identities and may experience discrimination or oppression not only because of gender, but due to class, ethnicity and cultural background, religion, disability and/or sexual orientation. It is important that national resources and guidance builds an understanding of this, and how different aspects of a student's identity may expose them to overlapping forms of discrimination and marginalisation.

In line with Our Watch’s recommendations,[[33]](#footnote-33) VCOSS recommends that the Commonwealth Government:

* express public support for gender equality and respectful relationships education that addresses the drivers of violence against women; and
* provide national resources, guidance and regulatory support to promote consistent policy and practice across jurisdictions in line with evolving evidence.

Respectful Relationship’s curriculum should also be accessible and inclusive for all students regardless of their intersecting identities.

*Consent education*

Community legal centres are often asked to deliver education on a range of issues associated with relationships such as consent, sexting, sexual assault and family violence to high schools in their local regions.

For example, through its community and sector engagement, Springvale Monash Legal Service (SMLS) has received requests from schools to deliver education sessions in classrooms and after-school programs. These requests often arise in response to an incident occurring at the school, for example, after a disclosure of inappropriate behaviour by students, a breach of consent or a complaint, or even police intervention.

As a result, SMLS has developed a set of high quality, well researched educational material on these topics and use a mixture of games, activities and sport to teach young people about consent and the law. After delivering these education sessions, SMLS has seen an increase in referrals regarding sexual assault.

There is currently significant autonomy for schools in how consent education is taught.[[34]](#footnote-34) According to Victorian Student Representative Council, *“the material in Respectful Relationships was “great” but not all teachers had the confidence or training to teach it comprehensively or in a way that empowered students.”*[[35]](#footnote-35)

*“What we’ve heard is that [consent teaching] is inconsistent across schools and across areas, like most topics that are very persona*l.”[[36]](#footnote-36)

Victoria has recently committed to making consent education mandatory in Victorian state schools.[[37]](#footnote-37) However, a nationally consistent approach to consent education would help ensure that all Australian students are taught about consent in an age-appropriate way.

RECOMMENDATIONS

* Express public support for gender equality and respectful relationships education that addresses the drivers of violence against women.
* Provide national resources, guidance and regulatory support to promote consistent policy and practice across jurisdictions in line with evolving evidence on respectful relationships and consent education.

## Prevent financial abuse

The *National Consumer Credit Protection Amendment (Supporting Economic Recovery) Bill 2020*, which is currently before the Senate, seeks to wind back our current responsible lending obligations (RLOs).

A key factor in the effectiveness of RLOs are assessment and verification requirements, which ensure a loan is affordable and not unsuitable for a borrower. Removing RLOs will lead to cases where loans or a line of credit are provided by a lender without undertaking these important checks.

Consumer and family violence advocates are particularly concerned about the impact of these changes on people, predominantly women, fleeing or experiencing family violence and economic abuse.

Coerced debt is a common factor in the inability for victim survivors to leave a violent or abusive relationship and re-establish their lives.

Compliance with RLOs, if done correctly, can identify red flags in financial abuse. When lenders and intermediaries like brokers undertake proper responsible lending assessments, they will often be put on notice that loans should not be approved, an important role in preventing financial abuse.

Importantly, the responsible lending provisions also provide a remedy for victim-survivors of financial abuse when lenders do not undertake the required steps or ignore these red flags.

The requirement for lenders or brokers to consider a borrower’s requirements and objectives is a key protection for victims-survivors of family violence and financial abuse, where it should be apparent the borrower, or one of the borrowers, will get no benefit from the loan. For example, if a couple apply for a car loan at a dealership and the perpetrator requests that the loan be placed solely in their partner’s name, despite their partner not holding a driver’s licence. In this instance, the loan should normally be assessed as unsuitable for the partner as it does not meet their requirements and objectives, and the application would be declined.

The removal of RLOs creates a big risk that red flags of family violence or financial abuse will be missed, and victim-survivors would be left without redress for irresponsible lending.

The negative impact of weakened individual rights to redress are also likely to disproportionately affect those experiencing financial abuse, making it harder for victim-survivors to get back on their feet after unsuitable loans have been provided. Removing these laws will reduce the ability of advocates such as financial counsellors and community lawyers to assist victim-survivors with debts that they accrued during abusive relationships.

It has been well documented that rates of family violence and financial abuse have risen sharply during the COVID-19 crisis. Removing these critical protections at a time when people are so vulnerable to abuse would have devastating results.

RECOMMENDATION

* Retain our current responsible lending obligations and abandon the *National Consumer Credit Protection Amendment (Supporting Economic Recovery) Bill 2020*.



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