



Towards a Safer Future
NSW WOMEN'S REFUGE MOVEMENT WORKING PARTY INC.

Level 2, 619 Elizabeth Street, REDFERN NSW 2016
PO Box 3311 REDFERN NSW 2016
Tel: 02 9698 9777
Fax: 02 9698 9771
Email: admin@wrrc.org.au
www.wrrc.org.au

ABN 51 326 110 595
NSW WOMEN'S REFUGE MOVEMENT WORKING PARTY INC.

NSW Women's Refuge Movement Working Party Inc Response to the Homelessness Green Paper – 'Which Way Home? A New Approach to Homelessness'

Prepared by: NSW Women's Refuge Movement Resource Centre
Catherine Gander & Taryn Champion

Contact: Catherine Gander

Contents

About the NSW Women’s Refuge Movement Working Party Inc (WRM WP Inc) .	3
The Green Paper	4
Domestic Violence and other abuse as a key driver to homelessness	5
Framework for Responding to Homelessness for Women and Children experiencing violence.....	7
1. A human rights based legislative framework.....	9
2. The development of an integrated response to domestic and family violence that transcends state and territory boundaries, through the National Plan to Reduce Violence Against Women and Children.	10
3. Development of integrated responses between mainstream agencies with SAAP services.	13
4. An increase in SAAP core funds to women and children refuges	15
A reduction in unmet demand	15
Improved workforce capacity and development.....	16
Adequate resources and services to children	16
The capacity to broker in specialist services to meet the needs of women and children	17
Further implementation of Prevention and Early Intervention strategies.....	17
5. An increase of safe, affordable and secure housing for women and children experiencing domestic and family violence.....	18
6. Family Law Reform	20
7. Employment and Welfare Reforms	22
8. Reform of Immigration rules.....	24
9. Integrated responses of the National Plan to Reduce Violence Against Women and Children and the National Child Protection Framework	25
10. Provision of appropriate policy and program responses for marginalized women and children.....	27
11. Funded strong peaks with a focus on addressing the different drivers to homelessness	30

About the NSW Women's Refuge Movement Working Party Inc (WRM WP Inc)

The NSW Women's Refuge Movement has been operating for over 30 years and is incorporated as the NSW Women's Refuge Movement Working Party Inc (WRM WP Inc). Member refuges are women's services which aim to respond to community needs by providing a continuum of services for women and children who are homeless or at imminent risk of homelessness particularly when this is due to domestic violence and other abuse.

The WRM WP Inc:

- Provides a supportive network and forum for refuge workers to discuss and promote best practice and exchange skills and knowledge
- Undertakes projects to facilitate the work and effective operation of member refuges
- Develops and provides resources and information about women and children's homelessness, domestic violence and related matters for refuge workers, the sector and the community
- Advises and informs Government about issues relating to domestic violence and sexual abuse, women and children's homelessness, and the needs of women and children as clients of SAAP and other services
- Works with government and community groups to improve responses to women and children escaping domestic violence, sexual assault and other forms of abuse, and

The focus of the Women's Refuge Movement Working Party Inc (WRM WP Inc) response will focus on how best to respond to women and children experiencing domestic violence and other abuse who are homeless or at risk of homelessness.

The Green Paper

The WRM WP Inc welcomes the Government's commitment to addressing homelessness and reducing violence against women and children experiencing domestic violence and other abuse, through the National Plan to reduce Violence Against Women and Children. We also welcomed some of the suggestions throughout the Green Paper, particularly the recommendation that 'accompanying' children be considered as clients in their own right. This has been an overarching principle of the NSW Women's Refuge Movement for many years but this provision of services and support to children has not been recognised through existing policy frameworks.

Appropriately the Green Paper acknowledged that there are many different drivers to homelessness. This acknowledgement and understanding of the different drivers lead to the proposal outlined in option 1 'Transform SAAP to build a national homelessness stream'. Therefore, responses for women and children who are homeless or at risk of homelessness due to domestic and family violence would sit within the justice system "giving greater emphasis to supporting victims and their children". The WRM WP Inc agrees that justice responses to domestic and family violence need to be strengthened to prevent homelessness amongst women and children and to ensure women and children can access and sustain long term safe living arrangements.

The WRM WP Inc appreciates the acknowledgement of the need to offer different responses to different cohort groups of the homeless population, however, Option 1 does not acknowledge the complexity of homelessness across all cohort groups, nor does it acknowledge the common issues across the sector. For example the lack of access to safe, secure and affordable housing; and the lack of access to mental health services; the lack of resources for children; lack of brokerage funds to access timely interventions; and lack of integrated service systems. The proposal to split SAAP into distinct streams would only create additional silos within the service system and would not result in a more integrated service system. Options 2 and 3 on their own also did not provide all the answers to reducing the number of homeless people. The WRM WP is proposing a different framework for responding to women and children who are homeless as a result of domestic violence and other abuse.

The White Paper must draw links with other Commonwealth Policy Frameworks to drive change. In the case of domestic and family violence the White Paper should outline goals and targets to reduce the number of women and children homeless or at risk of homelessness as a result of domestic and family violence and other abuse. This goal and subsequent targets could form part of the work of the National Council to Reduce Violence against women and children.

Domestic Violence and other abuse as a key driver to homelessness

The impact of domestic and family violence is pervasive and must be specifically acknowledged and addressed in policy responses to homelessness.

Domestic violence has consistently been the primary reason for women becoming homeless and seeking support and accommodation through the Supported Accommodation Assistance Program (SAAP) since data collection began over a decade ago. Over half (54%) of women with children using SAAP have cited DV as the main cause of their homelessness. For women accessing SAAP without children accompanying them 37% of women over 25 and 22% of women under 25 cite domestic violence as the main cause of their homelessness¹. As ABS data indicates, however, only around 14% of the homeless population access SAAP². For women and children experiencing domestic violence and other abuse who are homeless there could be a myriad of reasons why they are not accessing SAAP services, these could include:

- Unable to access due SAAP services operating at full capacity;
- They are residing with other friends and family as supported by the IVAWS data that demonstrates women are more likely to access support from friends³;
- Some women are not aware of the types of support services that exist – this was also demonstrated by the IVAWS that found that some women did not report the violence to Police because of the fear that they would have nowhere to go⁴

In addition to the understanding that many women who are homeless or at risk of homelessness due to domestic and family violence are not accessing SAAP services there also needs to be an acknowledgement that many women experiencing domestic and family violence are not likely to report such violence, therefore statistics on domestic and family violence are likely to understate the

¹ Australian Institute of Health and Welfare 2007. Homeless people in SAAP: SAAP National Data Collection annual report 2005–06 Australia. SAAP NDCA report Series 11. Cat. no. HOU 156. Canberra: AIHW. pp.35-36

² Chamberlain, C., MacKenzie, D, 2003, Counting the Homeless 2001, Australian Bureau of Statistics, Catalogue 2050, p.2

³ Mouzos, J., Makkai, T, 2004, Women's Experience of Male Violence: Findings from the Australian Component of the International Violence Against Women Survey, pp.99-101

⁴ Ibid, p.105

extent of domestic and family violence and its impact on homelessness⁵. Research also indicates that there are particular groups of women that are less likely to report incidences of domestic and family violence or to access the support of specialist DV services which include Indigenous women; women with disabilities; older women; younger women; lesbian women; women with mental health problems; middle and upper class women; women who have not experienced physical domestic violence; and women in remote and rural areas⁶.

Whilst many women experiencing domestic violence are not reporting the violence to DV specialist services or the Police the PSS found that, of the 160,100 women that reported experiencing violence by their current partner 37% of women that had experienced partner violence by their current had separated from their partner but had since returned and a further 38% had wanted to leave their current partner⁷. This data indicates that more needs to be done to support women who have made the courageous decision to leave their violent partner or who want to leave but won't due to a real and perceived lack of responses. More also needs to be done to improve the safety of women and children that wish to remain in the home.

Addressing the impact of domestic and family violence on homelessness requires both a strengthening of existing responses by SAAP and the development of an integrated service system to provide more choices to women and children who are homeless or at risk of homelessness due to domestic and family violence.

The White Paper must include the following goal:

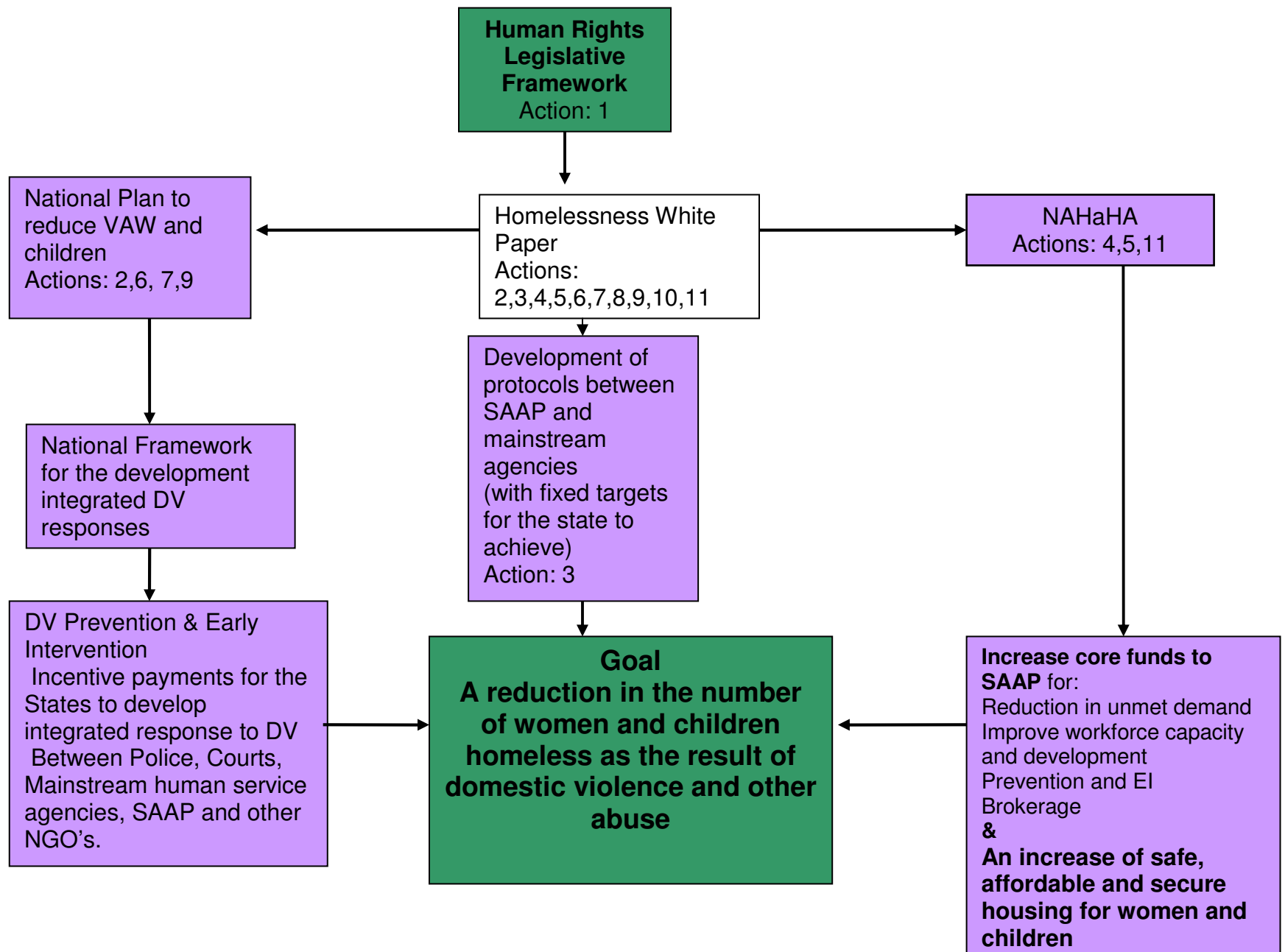
A reduction in the number of women and children homeless are as the result of domestic violence and other abuse

The WRM WP Inc proposes the following framework to achieve the goal of reducing the number of women and children homeless are as the result of domestic violence and other abuse.

⁵ Tually,S., Beer,A., Faulkner, D, 2007, Too Big to Ignore Future Issues for Australian Women's Housing, AHURI:Southern Research Centre, pp.16-17.

⁶ Tually,S., Beer,A., Faulkner, D, 2007, Too Big to Ignore Future Issues for Australian Women's Housing, AHURI:Southern Research Centre, pp.16-17.

⁷ Ibid, p.39



Please Note: the NAHaHA stands for the National Affordable Housing and Homelessness Agreement. The WRM WP Inc supports Homelessness Australia's call to expand the scope of the National Affordable Housing Agreement.

Achieving the goal of reducing the number of women homeless as a result of domestic violence and other abuse would require the following actions:

1. A human rights based legislative framework
2. The development of an integrated response to domestic and family violence that transcends state and territory boundaries, through the National Plan to Reduce Violence Against Women and Children.
3. Incentive payments to the States to fund the development and implementation of integrated responses between mainstream agencies with SAAP services.
4. An increase in SAAP core funds to women and children's refuges; to achieve the following
 - A reduction in unmet demand
 - Improved workforce capacity and development
 - Further implementation of Prevention and Early Intervention strategies
 - The capacity to broker in specialist services to meet the needs of women and children
 - Adequate resources and services to children
5. An increase of safe, affordable and secure housing for women and children experiencing domestic and family violence
6. Family Law Reform
7. Employment and Welfare Reforms
8. Reform of Immigration Policy
9. Integrated responses of the National Plan to Reduce Violence Against Women and Children and the National Child Protection Framework
10. Provision of appropriate policy and program responses for marginalized women and children
11. Funded strong peaks with a focus on addressing the different drivers to homelessness

1. A human rights based legislative framework

The Principles for Change outlined in the Green Paper should be underpinned by a strong Human Rights Legislative Framework.

The WRM considers the SAAP Act to be a strong framework from which to guide service provision to homeless people or those at risk of homelessness including women and children experiencing domestic violence. The definition of homelessness in the SAAP Act acknowledges that a person is homeless if they do not have access to “Safe and Secure housing”⁸. This is an acknowledgement that homelessness is “not merely about not having a roof over one’s head”⁹. It provides a framework for responding to homelessness from a Human Rights perspective. The SAAP Act was developed in 1994 the data collection for SAAP commenced after the introduction of the Act. Since this time, domestic and family violence has consistently been the most cited primary reason for homelessness. The SAAP Act should be amended to include provisions that target the drivers of homelessness to ensure a focus on early intervention and prevention. In relation to women and children experiencing domestic and family violence the Act should highlight the need for integrated preventative responses to domestic violence. That will guide the necessary justice and human service responses to prevent women and children from experiencing domestic violence and subsequent homelessness. In the event that women and children do become homeless due to domestic violence the Act must include provisions for policy and program response that will assist them to exit quickly from the homeless service system to long term safe living arrangements. Funding arrangements through the NAHAHA and National Partnerships should be focused on achieving these aims. The NP’s would support states through bilateral agreements to implement policies and programs to achieve targets attached to service integration¹⁰.

⁸ Commonwealth Parliament. Supported Accommodation Assistance Act 1994

⁹ Miloon Kothari, *Report Of The Special Rapporteur On Adequate Housing As A Component Of The Right To An Adequate Standard Of Living: Mission To Australia (31 July To 15 August 2006)*, Human Rights Council

¹⁰ See section 3

2. The development of an integrated response to domestic and family violence that transcends state and territory boundaries, through the National Plan to Reduce Violence Against Women and Children.

The NSW WRM fully supports the Commonwealth Government's announcement to harmonize State and Territory laws in relation to domestic violence and sexual assault and the promotion of best practice responses¹¹ as part of the National Plan to Reduce Violence Against Women. Our recommendation to strengthen the SAAP Act to include the integrated responses for domestic and family violence would provide an opportunity to further promote the harmonizing of laws and best practice responses to domestic violence and other abuse against women and children. Some States and Territories have already taken steps to improve the integration of service responses to women and children experiencing domestic violence. Examples include Victoria's Domestic and Family Violence Framework and Tasmania's Home Safe Home Framework. The development of integrated responses at all levels of Government will improve the ability of specialized DV agencies to offer women and children experiencing domestic and family violence who are homeless or at risk of homelessness a range of support options. The Green Paper highlights, as a model of good practice, the Safe at Home Framework's focus on allowing women and children the option to remain safely at home, this would not be possible without an integrated response¹².

Below are number of common features that will aid in the development of integrated responses, these are a good starting point from which to develop a National Framework to Guide the Implementation of Integrated Responses:

- *Focus on victim safety and perpetrator accountability*
- *Inclusion of all family violence related services at all levels (service delivery, policy, problem solving)*
- *Shared missions, aims, values, approaches to domestic violence and protocols*
- *Collaborative approach to policy development and memoranda of understanding*
- *Willingness to change organisational practice to meet the aims of the response and develop operating procedures to achieve this*
- *Practices and protocols which ensure cultural safety, inclusivity and access and equity issues*
- *Information sharing system*

¹¹ Plibersek, T, 2007, National Plan To reduce Violence Against Women and Children, Media Release, 18/11/2007, p.2.

¹² p.57

- *Adequately trained and professional staff*
- *Senior level commitment and coordination*
- *Adequate Resourcing*
- *Workable structure of governance, with coordination, steering, troubleshooting and monitoring functions*
- *Transparency, particularly in regard to outcomes, including criminal justice system outcomes, and evaluation processes*
- *Commitment to continual self auditing, with data collection and monitoring processes to enable this*
- *Regular and frequent coordinated case management meetings*
- *Mechanisms to enhance legal equality, such as access to legal services and representation*
- *Identification of service gaps (eg, children’s counselling) and development of new services to address them*
- *Incorporation of specialist courts with concurrent family law jurisdiction*¹³

Integrated responses improve the safety of victims and improve the capacity of services to safely support women and children to remain in the home once the perpetrator is removed. Given that a small percentage of women and children that experience homelessness as a result of domestic and family violence access SAAP, the sector would welcome the development of other options to respond to women and children experiencing domestic violence who wish to remain in their home.

There have been a number of programs in NSW that have improved the capacity of women and children to remain in the home once the perpetrator is removed. Most notably these have been the Staying Home Leave Violence Projects (SHLV).

Both evaluations of the Bega and Eastern Sydney SHLV pilots highlighted some of the key elements of service integration that were needed to make the broader use of such programs successful. These included; Effective relationships between Police and SHLV providers that do not depend on the goodwill of individual personalities; Commitment from Senior level Police Officers; appropriate training of court staff and Police; development of MOU’s and protocols with all relevant agencies; thorough risk assessment strategies; wide promotion of this option for women within SHLV project areas (via broad public awareness campaigns or Promotion amongst mainstream agencies). Whilst, both programs sought to address barriers to achieving these key elements, the evaluations ultimately recommended the development of an

¹³ Karen Wilcox, Multi-Agency Responses to Domestic Violence – From Good Ideas to Good Practice, Australian Domestic and Family Violence Clearinghouse
NSW Women’s Refuge Movement Working Party Inc: Response to the Homelessness Green paper: Which Way Home – A New Approach to Homelessness

integrated service system to ensure the effective roll out of SHLV programs across NSW¹⁴.

Reducing the number of women and children who are homeless or at risk of homelessness due to domestic and family violence will require responses that aim to achieve a broad range of targets. In relation to the development of integrated responses targets could include but are not limited to:

- An increase in reporting rates of domestic and family violence.
- An increase in the number of women and children granted with Protection Orders and Exclusion Orders
- Increase Senior Police Officers dedicated to responding to DV
- Increase in number of Police who have received accredited training for DV
- Reduction in the number of DV protection orders that are breached
- An increase in the number of women and children accessing specialist domestic and family violence services.
- An increase in the number of Magistrates and Court Staff with training in domestic and family violence

The implementation of integrated domestic and family responses will require an extensive investment by the Commonwealth, the States and Territories. To date the Victorian Government has committed \$74.3 million developing an integrated response¹⁵. The costs for developing integrated responses, however is relatively little compared to the annual cost of domestic and family violence on the Australian community estimated to be \$8.1 billion¹⁶.

¹⁴ Bega Women's Refuge, 2007, Executive Summary of the Evaluation of the Bega Staying Home Leaving Violence Pilot. p. 11 RPR Consulting, 2007, Evaluation of the Staying Home Leaving Violence Eastern Sydney Pilot: Final report, NSW Department of Housing, p.68.

¹⁵ Victorian Government, 2008, State Budget 2008-09: Family Violence reform Fact Sheet

¹⁶ Access Economics Pty Ltd, 2004, *The Costs of Domestic Violence to the Australian Economy: Part 1*, Office for the Status of Women, Australian Government, p.ix

3. Development of integrated responses between mainstream agencies with SAAP services

WRM refuges report that partnerships are not always collaborative, broadly there is lack of willingness and equality in negotiations with some intersecting government programs. Generally across government department's willingness to collaborate and partner is over reliant on individual good will and varies from region to region.

It was further reported that many government departments were overly focused on their program boundaries and lacked a flexible and problem solving approach to meet emerging needs and relevant responses for the client. This is out of step with the needs of SAAP services whose clients often fall through the cracks of other service systems.

The report from the evaluation of SAAP IV that examined the themes of 'Practice and SAAP Service Sector Capacity' provides further insight into the barriers that some SAAP services face when attempting to foster collaboration with other agencies to ensure integrated responses. The two barriers identified were the lack of models within various jurisdictions to develop integrated responses and that different SAAP services can relate to different parts of government which may have limited their capacity to integrate¹⁷. These findings indicate that there is a need for the Commonwealth to work with the States and Territories to ensure that their Homelessness Strategies/Frameworks include clear and measurable links with other Commonwealth/ State strategies that aim to address the drivers to homelessness.

Joint collaboration and planning requires a strengthened structure to ensure that partnerships between intersecting programs exist not only at a commonwealth and state level but also at a regional and local level.

National Partnership agreements between the Commonwealth, States and Territories could focus on the implementation of what the Green Paper identified as:

"Shared Strategic plans at state or (and) regional levels that spell out longer term goals and mandate targets" and "joint planning between mainstream and crisis services and other key partners at local and regional levels"¹⁸

¹⁷ Successworks Pty Ltd, 2004, National Evaluation of the Supported Accommodation Assistance Program (SAAP IV) Component Evaluation Module Review of SAAP IV Strategic Themes in Practice and SAAP Service Sector Capacity, Australian Government, p.20

¹⁸ Commonwealth Government, 2008, Which Way Home: A New Approach to Homelessness, p. 72
NSW Women's Refuge Movement Working Party Inc: Response to the Homelessness Green paper: Which Way Home – A New Approach to Homelessness

The accountability framework for these collaborations would need to be strong to encourage inequality in relationships between NGO's and Government agencies. State and regional action in the development of such plans should be reported on a regular basis and the community sector invited to provide independent feedback.

4. An increase in SAAP core funds to women and children refuges

This would achieve the following:

A reduction in unmet demand

The WRM WP Inc welcomes the Government's commitment to reducing the level of unmet demand. The issue of turning away women and children escaping domestic violence and other abuse is and will continue to be one of the WRM's greatest concerns, as the Green Paper acknowledges an inability to access crisis accommodation may lead to women and children remaining or returning to violence. As we know from the last NDCA report for 05-06 this continues to be the case for over one in every two women and children making new requests for accommodation in women's refuges. We would like to see the safety of these women and children prioritised by the Commonwealth within its target of halving the level of unmet demand in 5 years.

Proposed Target: Unmet demand for women's refuges falls by 60% in 5 years

The above proposed target would see a reduction in unmet demand through an increase in exit properties and points from SAAP DV services and an increase crisis beds available for women and children escaping domestic violence and other abuse. Addressing unmet demand requires a multi-faceted approach and can not just occur through placing women and children who are seeking accommodation in a refuge being placed in semi-independent accommodation when this is not a safe option or their choice as is proposed in the Commonwealth's 'A Place to Call Home' initiative.

Responses similar to those proposed through this initiative, however do have a place in reducing the level of unmet demand. Women's refuges provide a specialist response to women and children who have experienced domestic violence and would be well placed to provide support to women and children who choose to remain in the home once the perpetrator is removed or to move immediately into more permanent accommodation. Indeed many WRM services have been supporting women and children who make these choices for many years, through the provision of outreach support and increased security measures in the home. Although the capacity to increase security measures has been limited by a lack of brokerage funds. However as previously mentioned assisting women and children do this safely, can be severely compromised if there is not an integrated response to domestic violence.

NSW Women's Refuge Movement Working Party Inc: Response to the
Homelessness Green paper: Which Way Home – A New Approach to
Homelessness

Improved workforce capacity and development

The WRM WP Inc welcomes the acknowledgement by the Green Paper that “funding constraints have limited the ability of organizations to offer employment packages necessary to attract and retain specialist staff”¹⁹. This issue has been of concern to the WRM for a long time. Whilst we have many women in the sector who have specialist skills and are committed to assisting women and children it is an ageing workforce and the ability to retain younger skilled workers is prohibited by the lack of pay parity between the community sector and Government and for profit sectors. Women’s refuges funding levels must reflect the need to attract and retain skilled staff.

Adequate resources and services to children

As mentioned throughout this submission the WRM WP Inc welcomes the overdue recommendation that children be considered as clients in their own right. This has been an overarching principle of the WRM for many years, however this has not been recognised in broader policy frameworks and there is an inconsistency in the number of child support workers employed in refuges.

Children who have experienced domestic violence frequently suffer from feelings of guilt, powerlessness, fear and uncertainty. The symptoms displayed by these children have been described by some as similar “to those of other severe traumas, such as witnessing a terrible accident or being caught in a war zone”. The observations of refuge workers have been confirmed by research. It is now widely accepted that infants, children and adolescents who witness domestic violence can suffer severe psychological trauma, and that this trauma may have far reaching and long term implications. However, this trauma can be significantly reduced when appropriate supports are put in place early.

The lack of recognition of children being clients in their own right has also lead to a lack of data being collected on the needs of children in SAAP services this needs to be addressed as a matter of urgency.

Recommendations

Women’s Refuges be appropriately funded to ensure employment of a minimum of 2 full time child support workers.

¹⁹ Commonwealth Government, 2008, Which Way Home: A new approach to homelessness”, p. 37
NSW Women’s Refuge Movement Working Party Inc: Response to the
Homelessness Green paper: Which Way Home – A New Approach to
Homelessness
Page 16 of 31

The NDCA SAAP data collection be changed to reflect the acknowledgement of children as clients in their own right.

The capacity to broker in specialist services to meet the needs of women and children

As the Green Paper indicates the lack of formal coordination arrangements between SAAP and other specialist services and the complexity of homelessness can make it difficult to have an impact on reducing the number of people who are homeless. This submission has provided recommendations on how to improve integration with mainstream services. It is important to recognize however that mainstream agencies also have resource constraints hence that there will always be a need for SAAP services to be able to access brokerage funds to ensure they can provide a holistic response to women and children's needs in a timely manner.

The ability of SAAP women's refuges to produce long term outcomes would be greatly enhanced through the provision of brokerage funds to ensure access to counselling, tutoring, and specialist mental health services and assistance with increased security in the home for women and children and rents and mortgage repayments.

Further implementation of Prevention and Early Intervention strategies

The concept of early intervention has been used broadly by many policy makers yet very few have unpacked what it actually means to different groups. The WRM WP Inc recognizes the need for early intervention approaches to addressing homelessness but would argue that there needs to be recognition that sadly for some women and children entering a refuge is of itself a form of early intervention as it may be the only intervention available that actually prevents further injuries or in some cases death.

Throughout this submission we have stressed the importance of acknowledging and addressing the different drivers to homelessness. A one size fits all approach to prevention and early intervention of homelessness is not appropriate.

All WRM refuges are engaged in domestic violence prevention activities in their local communities. This may involve the provision of court support, support groups, partnerships with local community and business groups, partnerships with local schools, participation and coordination of community events that raise awareness, for example Reclaim the Night. Sadly there was little acknowledgement of this work in the Green Paper no doubt this is due the little data collected in this area. Refuges must be supported to continue this work.

5. An increase of safe, affordable and secure housing for women and children experiencing domestic and family violence

The ongoing depletion of social housing stock has an enormous impact on clients acquiring permanent affordable housing to exit the refuge. Whilst Housing NSW has a priority housing policy for women and children experiencing domestic violence the depletion of housing stock has led to a situation where a woman's experience of domestic violence is not in and of itself sufficient reason to access safe and secure housing quickly. Increasingly refuges are left to provide medium and longer term residence for clients who no longer require crisis support and therefore clients in crisis are not able to access accommodation.

Recommendations

The WRM WP Inc supports Homelessness Australia's recommendation of:

A 10 year increase in the supply of housing for people who have experienced homelessness

More specifically the WRM WP Inc recommends:

An increase in the number of women and children who have experienced domestic and family violence accessing social and affordable housing

Safe Housing

It is not sufficient however to just increase the housing stock there needs to be measures in place to ensure that affordable housing is actually safe. A number of refuges have reported that clients who qualify for priority housing through the department are accommodated in "hard to let dwellings". This is often inappropriate for women and children who are recovering from the trauma of violence. "Hard to let dwellings" are commonly in high risk, low socioeconomic areas that are isolated from services.

A pilot study undertaken by the UWS in partnership with the WRM RC which examined the non-shelter outcomes for women and children who had been homeless as a result of domestic violence or other abuse demonstrated the effect that this practice can have on the safety of women and children. Of the twelve case studies examined three of the women commented that their public housing dwellings were in unsafe areas. One woman had her home broken into 4 times, the Housing Department had not improved the security despite repeated requests, following the break-ins the Department sent the woman the bill of \$3500 for the damage caused by the break-ins.

NSW Women's Refuge Movement Working Party Inc: Response to the Homelessness Green paper: Which Way Home – A New Approach to Homelessness

The WRM WP Inc is aware that most States and Territories have sought to address such issues through community renewal projects, however evidence suggests that such projects have had mixed success²⁰.

Recommendation: The Commonwealth in partnership with research bodies like AHURI develop best practices standards for community renewal projects in areas that have a high concentration of social housing.

Insecure Tenure and Social Housing

In NSW reform of the public housing system has meant that clients escaping domestic or family violence may only be provided with fixed term leases of 2 years. This clearly contradicted the provision of 5 year tenure terms for tenants with complex needs, including the homeless. This is inconsistent with evidence that domestic violence is the largest single reason for women and children accessing homeless assistance services. Women and children escaping domestic violence require time to rebuild their lives and recover from the trauma of domestic violence. Stability is required to maintain links with support services, to keep children in the same school etc.

It is vital that these women and children do not have to uproot and re-establish themselves after two years, especially if they would have to leave the area to rent in the private market.

This length and insecurity of tenure would create little opportunity to re-establish a stable life.

Recommendation: The NAHAHA include provisions that ensure the States offer increased security of tenure for women and children who have experienced domestic and family violence

Other options to improve safety and housing affordability for women and children escaping domestic and family violence

The affordable housing crisis is now well documented. There appears to have been however, little acknowledgement of how this will impact more on women than men. Women have lower incomes, spend longer periods out of the workforce, less secure employment and longer life spans²¹. For women who have experienced domestic and family violence this gender divide is even more discriminating as highlighted throughout this submission.

²⁰ Samual, Judd, O'Brien, Barton, 2004, Linkages Between Housing, Policing and other Interventions for Crime and Harrassment Reduction in Areas with Public Housing Concentration, AHURI: UNSW-UWS Urban Research Centre

²¹ Tually,S., Beer,A., Faulkner, D, 2007, Too Big to Ignore Future Issues for Australian Women's Housing, AHURI:Southern Research Centre,p.58.

Recommendation: Affordable housing reforms clearly articulate and respond to the needs of women, particular those who experience domestic and family violence.

6. Family Law Reform

Many of the women and children that our refuges support enter into Family Law Court proceedings, the process and outcomes from these proceedings can have a significant impact on their ability to obtain and sustain safe housing. In addition to this many other women and children that have experienced domestic violence and other abuse are being placed at risk of homelessness due to lengthy and costly family law proceedings.

The Family Law Reforms of 2006 further weakened protection for women and children experiencing family violence and other abuse caught up in the Family Law system.

The Family Law Amendment (Shared Parental Responsibility) Act 2006 brought about substantial changes to how arrangements for children are dealt within relationship breakdowns. The primacy given to the child having contact with both parents throughout the Act has raised expectations in the community that “shared parenting” is the norm, while the safety of women and children takes second place.

Requiring victims of violence to counter a presumption of shared responsibility may further discourage women from leaving violent relationships, for fear of their safety and that of their children.

Furthermore the “friendly parent” consideration is also a barrier to women disclosing abuse and domestic violence, as they would risk being seen as “non-cooperative” and not prepared to facilitate contact with the other party.

The WRM’s concerns regarding the Family Law Reforms of 2006 have been supported by the NSW Government and NSW Parliament who have found the Family Law System has the potential to place women and children at a disadvantage, particularly those that have experienced violence^{22, 23}.

In recognition of the significant disadvantages faced by women and their children who have experienced family violence or child abuse in family law processes, the NSW WRM established in partnership with Sydney Registry of the Family Law Court the Women’s Family Law Support Service (WFLSS).

²² NSW Government, NSW Government Response to the Inquiry in to the Impact of the Family Law Amendment (Shared parental Responsibility) Act 2006 (Commonwealth)

²³ NSW Legislative Council Law and Justice Committee, 2006NSW Government Response to the Inquiry in to the Impact of the Family Law Amendment (Shared parental Responsibility), Act 2006 (Commonwealth)

The WFLSS enables a holistic response for women by facilitating communication and coordination between the client, solicitor, court staff and other organizations. It aims to ensure that the diverse and often complex needs of women are met and that the court system is more accessible.

Since the WFLSS commenced operation in April 2007 it had provided support to 221 women by April 2008. Of the 221 women supported 152 (69%) women had disclosed that they had experienced domestic or family violence. Of those women that did disclose domestic and family violence 85 of these women did not have an Apprehended Violence Order in place. Agencies involved in the protection of children including Courts, Police and DoCS and other human service agencies are often reluctant to intervene in cases where the children are entering into Family Law Court proceedings. Where domestic violence or other abuse is present a proactive approach is required to ensure safe long term parenting orders for children.

In addition to the Reforms placing women and children at further risk of violence and abuse, costly and protracted family law hearings can exacerbate women and children's homelessness or risk of homelessness.

Many women (46%) accessing the WFLSS were not entitled to Legal Aid. Just under half of the women not entitled to Legal Aid were not eligible due to the value of the property they had. In many cases the property held by the women would be jointly owned, accessing the equity in these homes in many cases does not occur quickly. The case study below from the WFLSS highlights this problem.

Case Study

Linda came into the office of the WFLSS on level 5 of the Family Law Court. She was distressed and one of the Court Officers had directed her to us.

Her matter had been running for some years. When she was pregnant with her second child her husband had assaulted her. She took the 2yr old child and left the family home and returned to the country to live with her family and await the birth of her second child.

When the second child was born the father visited the new baby a few times. In time, he made an application to the Family Court to order the mother to return to Sydney so that he could see the children more regularly. His Application was granted and the mother was given 6 weeks to return to Sydney. These Orders were made despite the mother arguing that she had only left the marriage because of his assault on her and had returned to live to near family support and where the cost of living was more manageable. Linda applied to Stay the relocation orders. Her Stay Application was successful and an Appeal is pending.

Linda and her husband also reached a property settlement in Court. The husband is to give her a % of the proceeds of the sale of the house. Linda has run up legal bills of approximately \$900 000, which far exceed her share of the matrimonial home but because the husband has delayed selling the house, Linda is not eligible for Legal Aid because she has a property Order in her favour. If she received her share of the sale funds, paid off her debts and was left with nothing, she would be eligible for Legal Aid but as that has not occurred she remains ineligible and therefore unrepresented. This delay tactic appears intentional on the part of the husband who can see it leaves Linda unrepresented.

Linda travels from the country to Sydney to deliver the children to their father and to attend the Family Court.

7. Employment and Welfare Reforms

Employment

The WRM WP Inc acknowledges the positive impact that stable employment can have on the housing outcomes of women who have experienced domestic and family violence. However, the Green Paper's criticism of SAAP's ability to improve employment outcomes for client lacks an understanding of the impact that domestic violence can have on employment opportunities for women.

The impact of domestic violence on employment for women is significant. Women may have to cease employment as the workplace may be a site for continued abuse²⁴. Even if violence is not occurring at the workplace, domestic violence has a broad range of psychological, emotional and physical consequences. This may lead to women requiring time off work to attend court or medical appointments or reduced concentration in the workplace²⁵. Women's hours of employment maybe restricted to within school hours to ensure that children are safely dropped off and picked up from school.

Women's ability to gain and maintain employment is significantly hindered by domestic violence and to date job placement services, employers and industrial relations laws have failed to adequately to this issue. The new Employment Services system must address the impact that domestic and family violence has on women and their employment and develop appropriate policies.

Recommendation:

²⁴ Murray, S., Powell, A, 2008, 'Working it out: domestic violence issues and the workplace', *Issues Paper 16*, Australian Domestic Violence & Family Violence Clearinghouse: April 2008

²⁵ Ibid

The National Plan to Reduce Violence Against Women and Children include a comprehensive review of the impact of domestic violence on employment and develop appropriate legislative and policy responses.

Welfare Reforms

Welfare to Work is a punitive system that further compounds disadvantage for women and children who are homeless or at risk of homelessness due to domestic violence and other abuse. A study funded by the NSW Office for Women and UTS found that *welfare to work* has a significant number of negative impacts on sole mothers including housing instability; disruption of relationships between mothers and children; forces mothers into employment that does not accord with carer responsibilities and increases childcare costs resulting in little economic benefit. Further to this the reforms tended only to move people from income support to low paid insecure employment. This punitive regime is certainly not consistent with the Principles of Change proposed in the Green Paper.

As already mentioned above women's capacity to obtain and maintain employment can be significantly hindered by domestic and family violence. The short term case by case exemption for domestic violence from participation requirements is simply inefficient. In addition to the further disadvantage the Welfare to Work policy creates, other policies intended to support women and children who are homeless or at risk of homelessness due to domestic violence, such as the crisis support payment are insufficient.

Recommendation

Reform of the automatic exemptions to participation requirements to include women who have escaped domestic violence

Recommendation

Substantial increase in the crisis support payment in recognition of the initial costs involved in leaving a violent relationship and seeking alternative accommodation or upgrading security in the home as well as dealing with the loss of one household income.

8. Reform of Immigration rules

Women on Spousal Visas

The prevalence of domestic violence for women immigrating from economically poor countries to marry Australian men has been long established and requires intensified efforts in education and screening for perpetrators to reduce the on-going suffering. Services report an emerging trend in Australian men seeking to marry women who already have children from such countries. One of our member's services currently has three clients where this has occurred and the men have sexually abused the children. One of the men was a charged paedophile and on parole at the time of applying for the spousal visa. This highlights an urgent need to increase screening practices in the provision of spousal visas.

The Family Violence Provisions of Australia's migration program makes provision for women on spousal visas applying for permanent residence in Australia to continue with their application after they, or a member of their family unit, have experienced family violence committed by their spouse, de facto or interdependent partner. However the waiting period of such applications on average is reportedly 3 months. During this time women's access to income is limited to Special Benefit which is approximately \$350 a fortnight. This income is insufficient for the woman to live on and in many cases women and children applying for permanent residency need to seek crisis accommodation.

As part of the family violence provisions the manager of a women's refuge is deemed a 'competent' person to support the application for permanent residency, therefore a woman escaping domestic violence residing in a refuge is highly likely to be granted permanent residency. It would be beneficial to provide additional resources to assist the women to move to independent living during the time that her residency status is being assessed.

Some of the barriers to independent living that women on Spousal Visas currently experience could be redressed by;

- the introduction of fast track processes for women applying for residency under the Domestic Violence provisions;
- education targeting women from economically disadvantaged countries who apply for Spousal visas; and
- increased screening of perpetrators seeking spousal visas
- brokerage funds to provide child care to women to attend English classes or employment

Women on spousal visas leaving an abusive relationship often require crisis accommodation and support to assist them through the process of applying for permanent residency. Brokerage funds to purchase child care to assist women to attend English classes or seek employment during this period would increase skills towards achieving independent living earlier.

9. Integrated responses of the National Plan to Reduce Violence Against Women and Children and the National Child Protection Framework

Child Protection in Relation to Mandatory Reporting and DV

In our experience child protection responses in NSW can directly lead to homelessness for women and children experiencing domestic and family violence. In 2006 WRM RC undertook a study that tracked the responses of child protection workers in relation 'risk of harm' reports relating to domestic violence. The study involved 21 cases involving 34 children, in 17 instances the mother/guardian reported being told that if she did not leave the home where the perpetrator was also residing the children would be removed from her care. In all cases the mother was either accompanied by the refuge or was directed by the Department of Community Services (DoCS) worker to go to the refuge. Once the women and children were accommodated in a SAAP service there was minimal support provided by any Government agency. The women and children were not supported by the DoCS worker to obtain AVO's or to obtain long term safe housing following that initial intervention. This is highlighted in the study findings that of the 34 children that DoCS assessed as being in immediate danger of domestic violence and recommended an intervention whereby they would have to leave their home and reside in the safety of a refuge only 2 children received the protection of being included on the AVO. Only 5 women were advised to take out an Apprehended Violence Orders (AVO). None were advised to seek an exclusion order to have the perpetrator removed from the home.

In two cases DoCS had removed the children from the mothers care without using any early intervention strategies including the use of AVO to protect the mother and the children from the perpetrator of violence. This evidence supports assertions that current child protection responses tend to focus on the damage that the violence has caused the child, and the blame is often directed and felt by the mother, not the perpetrator.

The Commonwealth through the integration of the National Child Protection Framework, the National Plan to Reduce Violence Against Women and Children and the Homelessness White Paper must ensure that:

The responsibility to protect the child/ren should not continue to be burdened on the mother or the child, who are the victims. Instead police, courts and child protection agencies should focus on enforcing laws to make the perpetrator fully accountable. Currently the burden of protection in Australia is overly reliant on the victims. If the police, courts and the child protection agency have not exercised all of the powers available to them to protect the child and the child/ren still remains at risk, 'failing to protect' and 'neglect' should not be applied to the mother under the Child Protection Act. Instead, enforcement of the laws should be directed to making the perpetrator accountable and protection for the victims increased.²⁶

In addition to the National Frameworks guiding the States and Territories to hold the perpetrator of domestic and family violence accountable and to work to ensure the safety of the child/ren and the non-offending caregiver they should also promote policies and programs that aim strengthen the relationship between the non-offending caregiver and the child/children.

The NSW Women's Refuge Movement was encouraged by the recommendation in the Green Paper that children be recognised as clients in their own right in SAAP services as well as the proposal in 'Australia's children: safe and well' to provide funds for child support workers in homelessness services. Recognising children as clients in their own right has been an overarching principle of the NSW Women's Refuge Movement for many years but this provision of services and support to children has not been recognised. Child support workers in WRM refuges have a unique opportunity to be involved with children who have experienced domestic violence in a residential setting which has enabled the development of a high level of understanding of children's needs and their experiences with the child protection system. This knowledge and understanding is not often respected or utilised by child protection workers or other mainstream agencies.

Recommendation

The Commonwealth Frameworks should also provide leadership on how to improve collaboration between child protection agencies and other stakeholders.

²⁶ Catherine Gander –Churchill Fellow, 2006, *Report to the Winston Churchill Memorial Trust of Australia*, pp.7-8

10. Provision of appropriate policy and program responses for marginalised women and children

The Green Paper acknowledged that some groups may be more vulnerable to homelessness and social exclusion. The options for reform, however did not identify any strategies to overcome the additional disadvantage experienced by these groups.

Aboriginal women and children

The provision of culturally appropriate policy and programs to engage Aboriginal communities in the prevention of domestic violence and homelessness must take into account the impact of white colonization on culture and its enduring effects on the ways Aboriginal communities engage with services. Many of these effects have in themselves created strong barriers for Aboriginal women and children seeking help. The negative consequence Aboriginal women face from our current system, families and communities when they seek help to end living with domestic violence is so high that Aboriginal women and children are too often forced to except a life of living with domestic violence and other abuse.

It is not possible to address the issues of domestic violence in isolation from the social and economic disadvantage and oppression faced by Aboriginal Australians. Any policies or programs that work towards the preventing domestic violence must also work to increase social and economic participation reduce oppression and strengthen culture.

Many of the Aboriginal women that our domestic violence services assist report additional barriers in seeking long term safety, these include;

1. experiencing racism and discrimination
2. losing their children (e.g. intervention by child protection services)
3. Family and community pressure
4. Fear of being ostracised by family or community
5. Fear of police/authority figures
6. feelings of responsibility for keeping the family together

Recommendation

Any response to homelessness in relation to Aboriginal women and children experiencing domestic and family violence needs to have a 'community wellbeing approach' and acknowledge the request from Aboriginal women over the decades for families to go forward together. The response needs to be positioned within a broader community driven response that has the capacity to hold mainstream agencies accountable to delivering culturally relevant services.

The approach needs to be holistic and incorporate a range of programs that empower Aboriginal communities to effect change at a pace that allows for healing and autonomy.

Women and Children from Culturally and Linguistically Diverse Backgrounds (CALD)

CALD women and children's experience of domestic and family violence can be compounded by:

- Barriers due to low English skills,
- Lack of information about rights in relation to AVOs, Family Law, emergency support services, immigration issues etc
- fear of deportation particularly when there are residency issues
- Lack of income/ ineligibility for income support and social housing due to visa type
- Fear of losing the children
- Lack of local support and family/personal networks
- Discrimination and racism
- Fear of police/authority figures especially for women from refugee backgrounds
- Previous high level of trauma due to refugee experience

Recommendation

National, state and regional frameworks for addressing homelessness and domestic violence must acknowledge and address these barriers.

Recommendation

The Commonwealth address immigration policies that make immigrant women and their children more vulnerable to homelessness as a result of domestic and family violence

Women and Children with Disabilities

Research indicates that women and girls with disabilities are 2 to 12 times more likely to experience to experience violence. Women with disabilities can be more vulnerable to violence if they are dependent on carers; are unable to speak and therefore seen as an 'easier' target; living in institutional settings. Additionally women with disabilities are less likely to be believed when they disclose violence²⁷.

²⁷ Frohmander, C, *'More than Just A Ramp: A Guide for Women's Refuges to Develop Disability Discrimination Act Action Plans'*, <http://www.wwda.org.au/cnts.htm>

Whilst women with disabilities are more likely to be the victims of violence they face additional barriers they face additional barriers when seeking the support of specialists domestic violence services. These can include:

- Physical environment;
- Communication;
- Attitudes;
- Information
- Skills of workers;
- Access/ using a services²⁸

Recommendations

The White Paper and the National Plan to reduce Violence Against Women and Children must identify strategies and direct resources targeted to improved data collection on women and children with disabilities; improved collaboration between domestic and family services and the disability sector; provides leadership on improving women with disabilities access to services.

The Centrelink crisis payment must make provisions for women who are experiencing domestic violence abuse from their carer, whether they are in a domestic relationship or not.

Women and Children from rural and remote areas

Homelessness can be compounded for women and children in remote areas due to:

- Social and geographical isolation
- Lack of services
- Distance to appropriate service providers
- Lack of transport
- Inappropriate service responses, e.g breaches of confidentiality

The Green Paper offered little acknowledgement to these issues and the additional resource burdens this can place on SAAP services. Option 3 was based heavily on the assumption that there is an abundance of mainstream services, this simply not the case in many areas.

Recommendation

The White Paper and National Plan to Reduce Violence Against Women and Children must develop strategies to ensure that State, regional and local

²⁸ Ibid

responses have mechanisms to identify and respond to gaps in local service systems.

Lesbian Women and their children

Lesbian women and their children can face additional barriers when experiencing domestic and family violence, these include:

- Lack of legal recognition of same sex relationships
- Discrimination
- Inappropriate service responses
- Lack of acknowledgement of same sex domestic violence

Recommendation

The White Paper and National Plan to Reduce Violence Against Women and Children must develop frameworks that address these barriers to seeking assistance.

11. Funded strong peaks with a focus on addressing the different drivers to homelessness

Peak bodies have a critical role to play in representing the interests of some of most marginalized groups in the community that are otherwise largely excluded from the policy process, including women and children escaping domestic violence. Women's peak bodies play a critical role in the prevention of domestic violence and subsequent homelessness. The forced amalgamations of National Peaks over the last ten to twelve years, has drastically reduced their capacity to comprehensively represent their often diverse memberships²⁹. This has certainly been the case for the Women's Services Network (WESNET).

In NSW women's refuges with a focus on responding to women and children experiencing domestic and family violence are represented by the NSW WRM WP Inc which is supported through the Women's Refuge Movement Resource Centre.

This structure provides greater opportunity for advocacy and representation across the diverse legislative and policy frameworks that impact on the prevention of women and children experiencing domestic violence and other abuse and subsequent homelessness. This increased focus on the different drivers to homelessness facilitates improved prevention and early intervention responses as well as allow for the extensive promotion of best practice responses for women and children experiencing domestic violence and other abuse and assist the sector to respond to change across broad legislative and

²⁹ Cherverton, J, 2005, 'Past their Peak: Governance and the Future of Peak Bodies in Australia', *Australian Journal of Social Issues*, Vol40, No.3, p.433

policy frameworks. Conversely women's peaks do advise Government on required reforms and assist with implementation of such reforms. These structures should be supported and expanded in other jurisdictions that do not have these structures in place.