



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

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NSW WOMEN'S REFUGE MOVEMENT WORKING PARTY INC.

# NSW Women's Refuge Movement Working Party Inc submission to Inform the development of the National Plan to Reduce Violence Against Women and Children

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NSW WRM WP Inc Submission to the development of the National Plan to Reduce  
Violence Against Women and Children

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## **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). This is a non-profit state-wide representative body consisting of 57 member refuges. Member refuges are women's services which aim to respond to community needs by providing a continuum of services in accordance with SAAP to women and children who are homeless or at imminent risk of homelessness particularly when this is due to domestic violence.

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

# 1. Why is domestic violence and sexual assault happening in Australia?

The NSW WRM believes that:

*“Domestic violence must be understood in the context of unequal relations of power between men and women and children. In the patriarchal structures of our society, men have greater access to power than do women or children.*

*Domestic violence is the result of this unequal power relationship and it also reinforces it. Those who perpetrate domestic violence often believe they have a 'right' to control and coerce women and children.”*

There is a plethora of research that supports this position as Michael Flood notes, throughout the three decades of research exploring the key determinants of domestic violence and other abuse against women the most well documented determinants can be found in gender norms and gender relationships<sup>1</sup>. The NSW WRM WP Inc recognizes however that there a variety of factors that can exacerbate violence against women and children, broadly these can include; discrimination (past and present), poverty, access to resources and support; exposure to violence during childhood; use of alcohol and other drugs; exposure to community violence; and situational factors including separation<sup>2</sup>.

Recommendation: The National Plan to Reduce Violence Against Women and Children must be underpinned by:

- An acknowledgement that violence against women is the result of unequal power relationships between men and women and that violence also reinforces this inequality.
- A Human Rights based, *Violence Against Women Act*<sup>3</sup> that acknowledges and fulfils Australia’s International obligations, particularly in relation to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Declaration on the Elimination of Violence Against Women.

<sup>1</sup> Flood, M, 2007, ‘Explaining, and Preventing Intimate Partner Violence’: Presentation to Women’s Domestic Violence Court Assistance Scheme, 8/3/2007, [http://www.austdvclearinghouse.unsw.edu.au/PDF%20files/Flood\\_wdvcap.pdf](http://www.austdvclearinghouse.unsw.edu.au/PDF%20files/Flood_wdvcap.pdf)

<sup>2</sup> Ibid.

<sup>3</sup> Amnesty International, 2008, Setting the Standard: International Good Practice to Inform an Australian National Plan of Action to Eliminate Violence Against Women

## Responding to Violence Against Women

The following section provides responses to the remaining questions posed by the National Council to guide the development of the Plan:

1. What resources, programs or services are you aware of that are successful in preventing or reducing the effects of domestic and family violence or sexual assault?
2. What are the barriers to family safety for women and children in Australia?
- 3.** What suggestions do you have to reduce domestic and family violence and sexual assault against women and children?

As previously noted violence against women and children must be understood within the context of unequal power between men, women and children and that a myriad of other complex factors can exacerbate violence against women and children. A range of prevention and intervention activities are therefore required to reduce violence against women and children. Broadly, responses to domestic and family violence need to occur at three levels; firstly responses are required at the individual level that respond to the individual needs of women and children; secondly responses are required at the institutional level that aim to improve service delivery responses and lastly responses are required at the social level to change the belief systems and attitudes that underpin and reinforce violence against women and children<sup>4</sup>. It is self evident that shortcomings in responses at the social and institutional level will greatly hinder responses at the individual level and ultimately the safety of women and children.

The National Plan must provide a framework that strengthens and adequately resources responses at all three levels.

### Social Structures

#### *Prevention*

The elimination of violence against women and children can only be achieved through comprehensive prevention programs. For the Prime Minister and his Government to be able “to reduce, and ultimately eliminate, any acceptable tolerance of violence against women, under any circumstances”<sup>5</sup> prevention activities must aim to eliminate any cultural and social patterns that are based on the idea of superiority of either sex over the other, this is a task that Australia has already committed itself to as a signatory to the CEDAW<sup>6</sup>. Additionally, prevention activities must engage all members of the community with targeted programs for

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<sup>4</sup> Dobash et al cited in Mulroney, J, 2003, ‘Trends in Interagency Work’, Australian Domestic and Family Violence Clearinghouse Topic Paper,p.1

<sup>5</sup> Rudd, K, 2008, Address to International Women’s Day Morning Tea Old Parliament House Canberra, 11/3/2008, [http://www.pm.gov.au/media/speech/2008/speech\\_0129.cfm](http://www.pm.gov.au/media/speech/2008/speech_0129.cfm)

<sup>6</sup> Amnesty International, 2008, Setting the Standard: International Good Practice to Inform an Australian National Plan of Action to Eliminate Violence Against Women, p.31

marginalised communities, including Aboriginal communities, CALD communities, women with disabilities, lesbians, regional and rural communities, women in detention<sup>7</sup>.

All prevention activities should draw on the specialist knowledge of domestic violence services, whether this be through the provision of local programs or advice on larger scale prevention and awareness activities.

WRM refuges are engaged in domestic violence prevention activities in their local communities. This may involve the provision of support groups, partnerships with local community and business groups, court support, partnerships with local schools and police, participation and coordination of other community events that raise awareness, for example Reclaim the Night. Service funding should take into account the time required for interagency cooperation and collaboration in prevention activities as recommended in the phase one evaluation of Partnerships Against Domestic Violence<sup>8</sup>.<sup>1</sup>

### *Education*

The NSW WRM WP Inc congratulates the Government on the development of respectful relationship resources for schools. Feedback from WRM members indicates however, that for education programs to be effective they need to be ongoing and well resourced. Indeed we would recommend that respectful relationship modules be included in the curriculum. The NSW WRM WP Inc would support the implementation of an education strategy based on the best practice principles identified by Amnesty International in their *Setting the Standard* report

#### *“Good practice principles: education*

*Schools-based education programs designed to encourage healthy relationships and prevent violence against women have a growing evidence base indicating their effectiveness when certain conditions are met. A good practice education strategy:*

- *is incorporated in the curriculum at all levels, in every school across the country*
- *involves the whole school: teachers, student welfare coordinators, sporting clubs, community groups and parents*
- *involves partnerships between state/territory departments of education and specialist agencies develops national standards, guidelines and performance indicators against which schools report*
- *utilises existing schools-based prevention programs, where possible includes comprehensive training for all teachers*
- *provides ‘the space and time to set up and evaluate [programs] systematically, to monitor the progress made and identify any adjustments required’<sup>64</sup>*
- *provides schools with resources and facilities, such as materials, scheduling adjustments, human resources and expert advice*

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<sup>7</sup> Ibid

<sup>8</sup> Szirom, T, Chung, D, Jaffer, R, Community Awareness and Education to Prevent, Reduce and Respond to Domestic Violence: Phase one: Meta Evaluation Report, Partnerships Against Domestic Violence, p.16

- supports school protocols to deal with violence, harassment and bullying<sup>65</sup>, and coordinates with statebased anti-violence strategies, the national safer schools strategy and gender equity frameworks.”<sup>9</sup>

## **Institutional Structures**

### **Integrated systems**

The NSW WRM WP Inc recognises that many human service and justice responses are not directly the responsibility of the Commonwealth, however we were very disappointed to learn that the Commonwealth and the Council intended to forward any information relating to state and territory systems directly to the relevant State. Presumably this means that the Commonwealth, National Council and Plan will not be seeking to harmonise domestic violence responses across Australia.

The NSW WRM WP Inc supports the existing initiative announced by the Commonwealth in the lead up to the 2007 election to harmonise State and Territory laws relating to domestic violence, however many shortcomings in the NSW response to domestic violence are the result of inconsistent application of the laws and the lack of a well resourced integrated service system, not the Crimes (Domestic and Personal Violence) Act 2007. Indeed it will not be possible for the Commonwealth to reduce the occurrence and effects of violence against women and children without providing leadership on the development of integrated service systems at local, regional and state based levels.

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. Below are a 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*

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<sup>9</sup> Amnesty International, 2008, Setting the Standard: International Good Practice to Inform an Australian National Plan of Action to Eliminate Violence Against Women, p.33

- *Practices and protocols which ensure cultural safety, inclusivity and access and equity issues*
- *Information sharing system*
- *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”<sup>10</sup>*

## Recommendations

- The National Plan to Reduce Violence Against Women and Children include the development of a **National Framework to Guide the Implementation of Integrated Service Systems**
- The Commonwealth work with the States through National Partnership payments to achieve the following targets:
  - 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
  - An increase in police responses and charges for breaches of Prevention 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

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<sup>10</sup> Karen Wilcox, Multi-Agency Responses to Domestic Violence – From Good Ideas to Good Practice, Australian Domestic and Family Violence Clearinghouse  
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## ***Developing and Monitoring***

The WRM welcomes the appointment of a National Council but recommends that structures be developed to ensure that workers on the ground can feed issues through their Peaks to the Council. Developing and Monitoring the National Plan to Reduce Violence Against Women and Children requires active input from State and Territory Peak Organisations. Structures to facilitate this development should be implemented during the drafting stages of the Plan. This could be achieved in part by funding a meeting of State Peaks to represent their grass roots services during this stage. The meeting could seek further recommendations for future input into the development and monitoring of the Plan.

## **Domestic Violence and Homelessness**

The development of integrated responses at all levels of Government will improve the ability of women's refuges to offer women and children experiencing domestic and family violence who are homeless or at risk of homelessness a range of support options. The Homelessness Green Paper highlighted, 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 response<sup>11</sup>.

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, women's refuges 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 integrated service system to ensure the effective roll out of SHLV programs across NSW<sup>12</sup>.

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

<sup>11</sup> Australian Government, 2008, Which Way Home? A new Approach to Homelessness, p.57

<sup>12</sup> 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.

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 homelessness<sup>13</sup>. As ABS data indicates, however, only around 14% of the homeless population access SAAP<sup>14</sup>. 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 to SAAP services operating at full capacity or a SAAP service or other DV services are not available in their area;
- They are residing with other friends and family as supported by the IVAWS data that demonstrates women are more likely to access support from friends<sup>15</sup>;
- 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 go<sup>16</sup>

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 extent of domestic and family violence and its impact on homelessness<sup>17</sup>. 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 areas<sup>18</sup>.

Whilst many women experiencing domestic violence are not reporting the violence to DV specialist services or the Police the Personal Safety Survey found that, of the 160,100 women that reported experiencing violence by their current partner, 37% of women had separated from their partner but had since returned and a further 38% had wanted to leave their current partner<sup>19</sup>. 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.

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<sup>13</sup> 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

<sup>14</sup> Chamberlain, C., MacKenzie, D, 2003, Counting the Homeless 2001, Australian Bureau of Statistics, Catalogue 2050, p.2

<sup>15</sup> 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

<sup>16</sup> Ibid, p.105

<sup>17</sup> 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.

<sup>18</sup> 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.

<sup>19</sup> Australian Bureau of Statistics, 2006, Personal Safety Survey 2005

Addressing the impact of domestic and family violence on homelessness requires both 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 and a strengthening of refuge accommodation for women and children through the Supported Accommodation Assistance Program (SAAP).

The National Plan to Reduce Violence Against Women and Children must develop strong links with the Homelessness White Paper to ensure that women's refuges are appropriately resourced to allow the following:

- A reduction in unmet demand
- Retention of specialist staff
- Brokerage for other specialist services for women and children
- An increase in the number of child support workers

**Recommendation**

The National Plan to Reduce Violence Against Women and Children include as a goal:

- A reduction of the number of women and children homeless as a result of domestic violence and other abuse.

## **Integration 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 or directed by the Department of Community Services (DoCS) worker to go 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 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 protection 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.<sup>20</sup>*

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<sup>20</sup> Catherine Gander –Churchill Fellow, 2006, *Report to the Winston Churchill Memorial Trust of Australia*, pp.7-8  
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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 Homelessness 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 must provide leadership on how to improve collaboration between child protection agencies and other stakeholders.

### **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 when 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, and contact is favoured over safety.

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<sup>21, 22</sup>.

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). 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 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.

<sup>21</sup> NSW Government, NSW Government Response to the Inquiry in to the Impact of the Family Law Amendment (Shared parental Responsibility) Act 2006 (Commonwealth)

<sup>22</sup> 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)

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.

## **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 abuse<sup>23</sup>. 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 workplace<sup>24</sup>. 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

<sup>23</sup> 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

<sup>24</sup> Ibid

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:**

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 experiencing the 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.

## **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 case 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.

## **Individual Responses**

Many service responses are required to support, empower and to protect women and children from further violence. These include; women's refuges, housing, child care, legal advocacy, health services (including mental health), counselling, education, training, employment services etc. The provision services should be based on the principles that women and children's safety and empowerment is paramount. Specialist domestic violence services that operate with a gendered analysis must continue to be supported and resourced appropriately.

The National Plan must also acknowledge that some women and children face additional barriers to appropriate service provision and address these barriers through the resourcing of appropriate services.

## **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 expect 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;

- experiencing racism and discrimination
- losing their children (e.g. intervention by child protection services)
- Family and community pressure
- Fear of being ostracised by family or community
- Fear of police/authority figures
- 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 violence<sup>25</sup>.

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 services<sup>26</sup>

## **Recommendations**

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**

The impact of domestic and family violence 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

## **Recommendation**

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<sup>25</sup> Frohmander, C, '*More than Just A Ramp: A Guide for Women's Refuges to Develop Disability Discrimination Act Action Plans*', <http://www.wvda.org.au/cnts.htm>

<sup>26</sup> Ibid

The National Plan to Reduce Violence Against Women and Children must develop strategies to ensure that State, regional and local 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 National Plan to Reduce Violence Against Women and Children must develop frameworks that address these barriers to seeking assistance.