



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 Resource Centre submission on behalf of the NSW Women's Refuge Movement Working Party Inc. to the NSW Domestic and Family Violence Framework Discussion Paper

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Preface

The NSW Women's Refuge Movement Working Party Inc (NSW WRM WP Inc) would like to congratulate the NSW Government on its commitment to developing a NSW Domestic and Family Violence Framework. There are a number of key reforms being developed and implemented that have the potential to greatly improve service system responses to domestic and family violence including the NSW Domestic and Family Violence Framework, Keep the Safe: A Shared Approach to Child Wellbeing and the Homelessness Action Plan. The Domestic and Family Violence Framework has the potential to link these 3 key areas of reform and substantially improve the safety and wellbeing of women and children in NSW.

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 of women's refuges and Aboriginal women's safe houses. Our member refuges and safe houses are women's services which aim to respond to community needs by providing a continuum of services to women and children who are experiencing domestic and family violence.

The WRM WP Inc:

- Provides a supportive network and forum for refuge and safe house workers to discuss and promote best practice and exchange skills and knowledge
- Undertakes projects to facilitate the work and effective operation of member refuges and safe houses
- Develops and provides resources and information about women and children's homelessness, child protection and domestic violence and related matters for refuge and safe house 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

Historical Context of Domestic and Family Violence

The NSW Domestic and Family Violence Framework must acknowledge the history of domestic and family violence in NSW. It must acknowledge past practices, policies and laws that discriminated against women and contributed to the power imbalance between men, women and children. This fostered an environment where violence against women and children could occur with legal, economic, social, cultural and religious sanctions.

The Framework must also acknowledge the significant achievements of the women's movement and progressive Governments in challenging such an environment. During the period of feminist activism over the last 30 years and prior, women's peaks and associated services have continued to lobby for laws and policies, and develop models to improve the well being and safety of women and children in NSW. This development and activism has continued regardless of the attitudes or agendas of changing Governments. There must be acknowledgment in the Framework of this history, achievements, good practice models and current barriers to provide a clear context for the Framework and point to measure progress from.

Key Principles

The NSW Domestic and Family Violence Framework should be strongly grounded within a human rights based framework, that seeks to ensure that the NSW Government meets its specific obligations to International treaties and protocols. Particular reference must be paid to the following:

- a. Convention on the Elimination of all forms of Discrimination against Women (CEDAW)
- b. Declaration on the Elimination of Violence Against Women
- c. Convention on the Rights of the Child (CROC)

The NSW Women's Refuge Movement Working Party Inc recommends the following principles be included in the Framework

a. That domestic and family violence is predominantly perpetrated by men against women and children, and therefore must be understood as gendered violence

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 relationships¹. 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 separation².

b. Responses to domestic and family violence need a high level of integration with appropriate justice and human services responses that hold the perpetrator of violence accountable and improve the safety and wellbeing of women and children

c. Effective responses to domestic and family violence requires strong collaborative partnerships between and across portfolios of all levels of Government and the non-Government, particularly the specialist domestic and family violence sector, the local, regional and State levels

¹ 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

² Ibid.

Inclusion of this principle is consistent with Article 4 subsection (o) compelling States to “Recognize the important role of the women’s movement and non-government organizations world wide in raising awareness and alleviating the problem of violence against women”³.

- d. All women and children, regardless of age, culture, ethnicity or sexual preference should have the right to live a life free from violence and abuse.**

An Integrated Service System

The NSW Women’s Refuge Movement Working Party Inc acknowledges that the NSW Government has taken significant steps in improving its response to domestic and family violence, through the *Crimes (Domestic and Personal Violence) Act 2007*, the establishment of the Premiers Council, its continued ongoing support of specialist domestic and family violence services and various other initiatives. There are many good practice examples of responding to domestic and family violence across a range of service providers and regions. In many cases these responses are hindered due to resource limitations and a lack of integration. A significant amount of work remains to be done to ensure improved responses to domestic and family violence and to reduce the incidences of domestic and family violence. Key to this will be the development of a strong integrated service system.

Establishment of the Domestic and Family Violence Integrative Committee

The Committee’s primary aim would be to:

To oversee the implementation of the Framework and ensure that other key areas of reform such as Keep Them Safe: A Shared Approach to Child Wellbeing and the Homelessness Action Plan are included in the development to maximise the opportunities towards achieving a fully integrated service system.

The Committee’s initial tasks would be to:

³ United Nations General Assembly, 1994, Declaration on the Elimination of Violence Against Women, Office of the United Nations High Commission for Human Rights

- Develop and establish coordination mechanisms at all levels of service development and implementation
- Establish performance indicators and accountability mechanisms to achieve the goals, priorities and performance measures articulated in the Framework

To facilitate this, the Department of Premier and Cabinet will coordinate the Committees activities. The DPC is well positioned to take this role as it is overseeing the development of the Domestic and Family Violence Framework and the implementation of actions contained in *Keep them safe: A Shared Approach to Child Wellbeing*.

Membership of the Committee could include:

- The Chair or Vice Chair of the NSW Premier's Council for Preventing Violence Against Women
- The Director of the Office for Women's Policy, DPC
- Manager, Violence Prevention Coordination Unit
- Director Special Projects, Service Funding Strategy, Department of Community Services
- Manager Homelessness Unit, Housing NSW
- Senior Programs Office, Domestic and Family Violence, NSW Police
- Deputy Director, Criminal Law Review Division, Attorney General's
- Manager Community Strategies, Communities Division DoCS
- Principal Advisory, NSW Treasury
- Senior Policy Analyst, Child Protection & Violence Prevention Unit Primary Health and Community Partnerships NSW Health
- And relevant specialist domestic violence community sector representative peak bodies including Aboriginal representatives
- A representative from the Orana Far West Safe Houses
- Executive Director, Policy and Regulation, Department of Aboriginal Affairs

Coordination mechanisms for an Integrated Service System

The Domestic and Family Violence Framework must provide the impetus for the development of strong and inclusive planning and reporting structures at the local, regional and state level. The Framework must provide a structure that ensures existing mechanisms are coordinated and contribute to meeting state-wide goals and priorities.

The NSW response should take into account the lessons learnt from other jurisdictions where the development of integrated systems is more advanced. A review of Victoria's coordination mechanisms again the

highlighted the need for inclusion of non-Government representatives at levels of implementation. Non-Government service providers should be encouraged and supported to actively engage in these processes, and barriers to involvement must be addressed.

The Domestic and Family Violence Integrative Committee would provide leadership and coordination shared by the Government and the community sector and would include reporting and consultative mechanisms between local and regional responses and State wide implementation.

Service provision and governance arrangements in NSW in many cases and areas are well established; however it is the coordination of these that is often missing. Structures that are already in place include the:

- Human Services and Justice Senior Officers Group;
- The Premiers Council to Prevent Violence Against Women (NSW Premier's and Cabinet, Minister for Women);
- NSW Police Stakeholders Forum (NSW Police);
- AVLICC (NSW Attorney General's)
- Local Domestic Violence Committees (across many NSW regions but not all, with the effectiveness of such committees varying due to resource limitations), numerous committees and groups have developed integrated service models;
- Peak body consultative mechanisms (NSW WRM, Women's Health NSW, Women's Legal NSW, Immigrant Women's Speakout, Te Older Women's Network, NCOSS);
- Implementation and Stakeholder Groups for Keep The Safe: A Shared Approach to Child wellbeing (NSW Premier's and Cabinet)
- SHLV Reference Group (NSW DoCS);
- Police Force Region Coordinators;
- The Cross Agency Risk Assessment and Management Framework Financial Partners Group and Reference Group (NSW Health)
- The SAAP Performance Management Framework Implementation Working Group

This is not intended to be a comprehensive list; however it demonstrates the diverse and complex arrangements already in place as well as the numerous partners involved in responding to Domestic and Family Violence. Yet NSW is not reducing violence against women and we remain behind other states in achieving an integrated response. The recommended establishment of a Domestic and Family Violence Integrative Committee would elevate one committee to the role of implementing an integrated and coordinated system.

Components of an Integrated Service System

The NSW Women's Refuge Movement Working Party Inc congratulates the NSW Government's commitment to developing an integrated response to domestic and family violence.

Some States and Territories have already taken significant 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:

- *“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*
- *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*⁴; And
- The development of strong and equal partnership between the Government and the non-Government sector

In NSW some of this work has also already commenced through the development of the a range of multi-agency projects identified in the discussion paper such as the development of the Cross Agency Risk Assessment Tool and Framework, DV Intervention Court Model, the Integrated Domestic and Family Violence Service Programs; Intersectoral Training⁵.

The NSW WRM WP Inc is supportive of all projects that increase collaboration or integration of service systems. However, integrated responses cannot just be limited to project responses; it must happen across the whole service system. This was reiterated in the evaluation for two of the SHLV programs. 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; and coordination mechanisms between all 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 NSW⁶.

Many of these programs are still in the development or trial stage operating across various locations in NSW. The appointment of a Domestic and Family Violence Integrative Committee, at this time to oversee the development and implementation of the programs and trials would be beneficial towards achieving an integrated system.

Targets, Performance Measures and Accountability Mechanisms

Another key component to addressing the challenge of developing integrated service systems, we believe is the development of performance measures for key Government departments and accountability mechanisms

⁴ Karen Wilcox, Multi-Agency Responses to Domestic Violence – From Good Ideas to Good Practice, Australian Domestic and Family Violence Clearinghouse

⁵ Department of Premiers and cabinet, Office for Women’s Policy, 2008, Discussion Paper on the NSW Domestic and Family Violence Strategic Framework, pp.21-24.

⁶ 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.

that encourage and foster more active participation from the diverse range of agencies required for an integrated response. The NSW Domestic and Family Violence Strategic Framework must provide for such mechanisms. An integrated system needs to be driven at Ministerial level and have clear performance indicators linked either at a Ministerial, Director General and CEO level.

The Framework should include clear performance targets and indicators.

Examples of these are included below:

- A Reduction in the number of women and children who experience homelessness due to domestic and family violence
 - Performance indicators for this could include
 - A reduction in the women and children turned away from women's refuges
 - An increase in the number of women who have experienced domestic and family violence who access social housing
 - An increase in the number of women and children remaining in the home once the perpetrator is removed
 - A reduction in repeat episodes of homelessness due to domestic and family violence

- An increase in the number of women and children who receive increase civil and criminal justice protection from domestic and family violence
 - Performance Indicators could include
 - An increase in the number of ADVO's granted
 - An increase in the number of children listed on ADVO's
 - An increase in the number of criminal convictions for domestic and family violence offences
 - A reduction in the number of ADVO's breached
 - An increase in charges for breaches of ADVO's
 - An increase in the number of exclusion orders granted

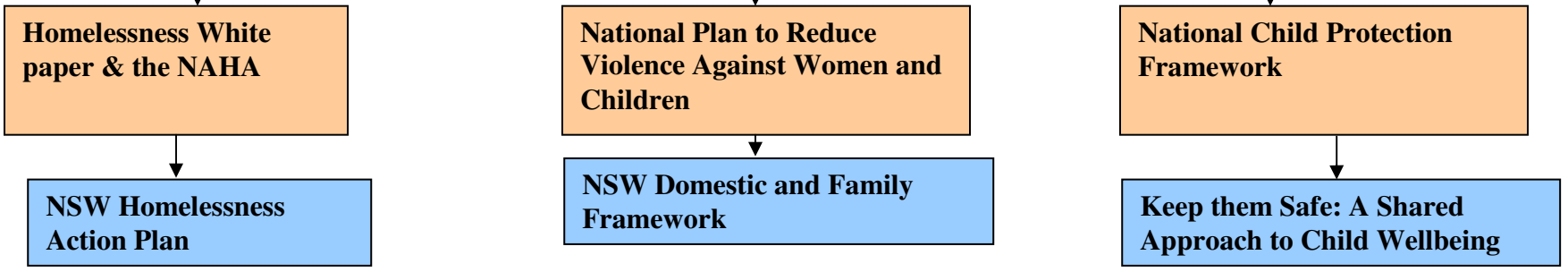
Refuges experience with the current service system

The current lack of integration between and within justice and human service agencies presents ongoing challenges to women's refuges and the women and children they support. Briefly some the key barriers for women's refuges are:

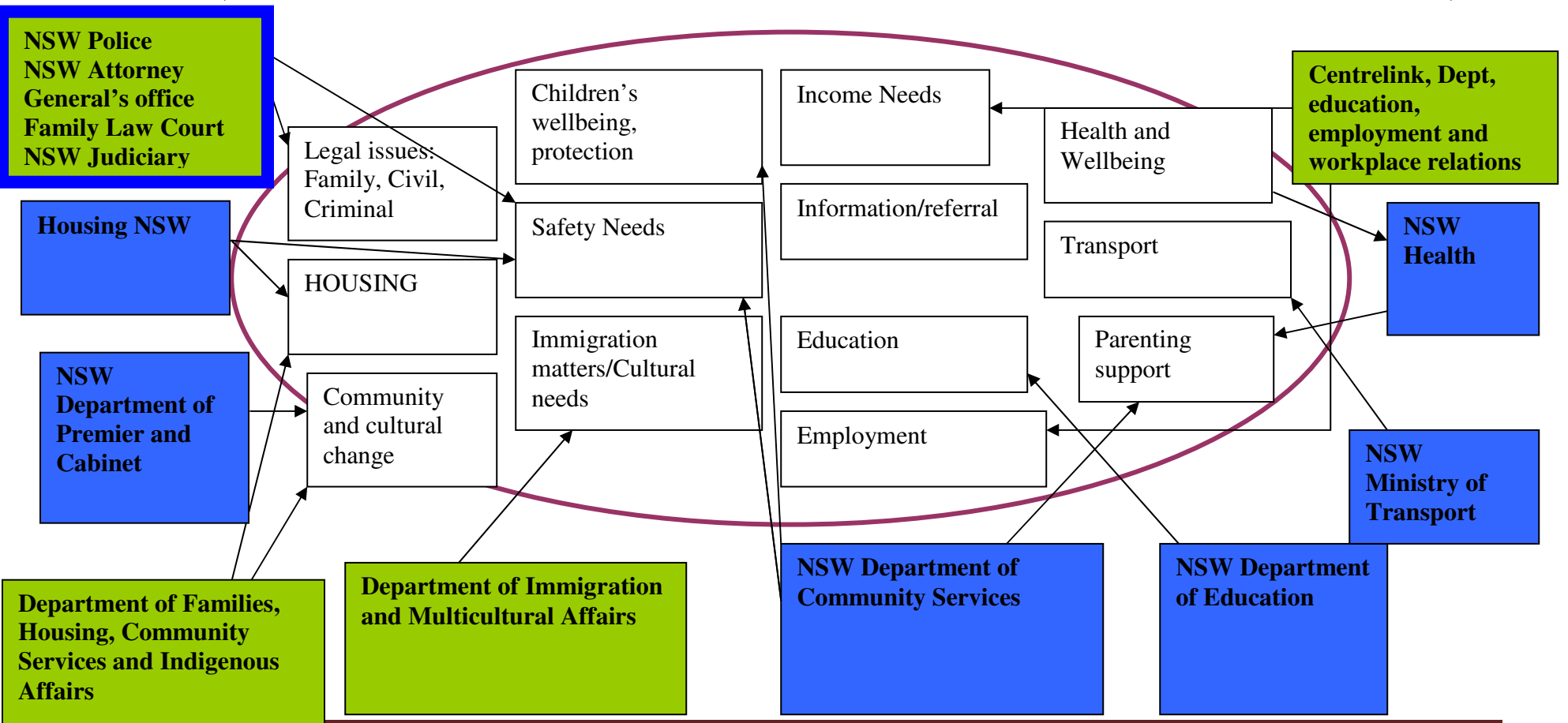
- difficulty of obtaining affordable and safe housing for women and children in addition to a lack of understanding of domestic and family violence from many housing providers
- Access to appropriate and timely health and counseling services
- Inconsistent legal (Civil, Criminal and Family) responses which on many occasions jeopardizes the safety of women and children and difficulty obtaining appropriate legal support
- Child protection responses that fail to promote the safety and long term wellbeing of both women and children.

The diagram below demonstrates the myriad of service systems that many women and children who have experienced domestic and family violence and their support services must navigate through. At the top of the diagram are the key areas of reform that we believe have the potential to greatly improve women and children's safety. The Domestic and Family Violence Framework must provide the impetus for integration.

OPPORTUNITIES TO IMPROVE WOMEN AND CHILDREN'S WELLBEING



Refuges - Continuum of Support for women and children who are homeless or at risk due to domestic and family violence



In addition to the need for an integrated response the NSW WRM WP Inc believes there are other responses that need to occur to assist in integration and respond to specific barriers to an effective response to domestic and family violence.

Police Responses

The NSW WRM WP Inc recognises the significant effort that has been toward improving Police practices when responding to Domestic and Family Violence since the release of the NSW Ombudsman's Report – 'Domestic Violence: Improve Police Practice'. This has occurred through the development of the NSW Police Domestic and Family Violence Policy, further development and training of Police Officers, NSW Police Community Stakeholder Forums, new Standard Operating Procedures and increased resources to Police responding to domestic and family violence incidents such as the Evidence kits.

The experiences of refugees when working with Police suggests however, that there is still a significant inconsistencies in Police responses and an ongoing lack of empathy towards victims of such violence and hence insufficient responses. The NSW WRM WP Inc acknowledges that driving cultural and attitudinal change is not an easy task. However, given that NSW Police have a critical role in ensuring the safety of women and children as well as ensuring perpetrators are held accountable for their actions changing the attitudes and responses of frontline Police should be an urgent priority which is appropriately resourced.

Last year the Australian Domestic and Family Violence Clearinghouse hosted a forum on Improving Police Practice. The forum had speakers from the UK Metro Police, Victorian Police, and Tasmanian Police. This was an insightful forum that reflected on the key components to improving Police Practice across the three jurisdictions. Reflecting on and using the experiences of other jurisdictions will assist in consolidating other NSW Police strategies for improving policing practices.

Recommendation

The NSW WRM WP Inc acknowledges that the development of integrated responses and the actions already being undertaken will contribute to improved policing, however this could be further improved by an internal Police awareness campaigns supporting reform (as undertaken in the UK), and the further development of clear and transparent accountability mechanisms.

Judicial responses

NSW WRM WP Inc has ongoing concerns about the inconsistent judicial responses in relation to both civil and criminal domestic and family violence matters. Refuges continue to report their ongoing frustrations with interpretations and implementation of laws. It does not appear that this situation has improved since the introduction of the Crimes (Domestic and Personal) Act 2007. Indeed it appears that the new legislation may have created even more confusion of the roles of Magistrates and Police in regard to the provision of AVO's. Refuges have reported that some magistrates are now even more reluctant issue AVO's as they see this as solely the responsibilities of Police, some Magistrates are even more reluctant issue exclusion orders. Additionally, many Magistrates continue not to place children on protection orders despite the provisions contained in the *Crimes (Domestic and Personal Violence) Act 2007*.

The NSW WRM WP Inc recognises that the Judiciary is independent of Government, however it is imperative that strategies are developed that improve the implementation and interpretation of legislation. A review and evaluation of the Act should also be undertaken.

Family Law

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 safety and 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^{7, 8}.

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.

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.

Recommendations

The Domestic and Family Violence Framework must:

- Articulate and ensure the need to include the provision of support to women and children going through Family Law Court processes in the development of an integrated service system at the local, regional and state level.
- Ensure the provision of additional legal support to women and children at risk of homelessness or experiencing homelessness due to

⁷ NSW Government, NSW Government Response to the Inquiry in to the Impact of the Family Law Amendment (Shared parental Responsibility) Act 2006 (Commonwealth)

⁸ 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)

domestic and family violence in relation to domestic and family violence and family law matters as recommended by the Homelessness White Paper.

- Act to dispel the myth, among service providers, that once women and children enter into Family Law proceedings it is no longer their responsibility to respond
- Expand services that have been established to provide advocacy and support to women and children attending family court, such as the NSW WRM's Women's Family Law Support Service
- Acknowledge that the vast majority of Family Law Court cases involve domestic and family violence and/or child abuse and therefore court security measures and procedures need to be reviewed and enhanced

Domestic and Family Violence and Child Protection

The links between domestic and family violence, children's wellbeing and child protection is well known and the need for improved integration across these service systems is now acknowledged by Government and the community.

Children who witness and/or experience domestic violence can suffer severe trauma and have very specific needs. Workers in the NSW Women's Refuge Movement were among the first in NSW to identify this trauma. Child focused workers in refuges reflects the commitment to recognising children as clients in their own right. Refuge workers 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.

Children who have experienced domestic violence frequently suffer from feelings of guilt, powerlessness, fear and uncertainty. 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 including child protection when needed.

Currently, however system 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 service system should be focused on ensuring the safety of both women and children.

Often, through living with violence, the child/ren's relationship with the protective parent has been compromised, and the child and mother both need support to re-establish and build their relationship outside of the violence. Support that works towards identifying with the mother the strengths and strategies that child/ren have adopted to 'cope' with the violence, builds understanding, strengthens their relationship with the child and empowers the mother. Support that assists the mother to protect and nurture her child/ren builds trust and confidence in the children's relationship with the mother. Such an approach can significantly reduce the long term effects of trauma⁹.

Recommendations

- That a Specialist DV/Child Protection Advisory Support Team be established to assist child protection workers with training, resources and advice when assisting women and children when domestic and family violence becomes a child protection and requires intervention.
- In cases of domestic and family violence where there are child protection issues and DoCS intervene. A template be developed by DoCS to be filled in by caseworkers outlining the child protection incidences and concerns and given to the mother. This would provide evidence for the protective parent if an AVO is required or if parenting arrangements come before the Family Law Court.
- The NSW Domestic and Family Violence Framework supports the need for practices and programs that

Work towards supports that re-establish and build on the child/ren and mother's relationship. The supports should work towards identifying with the mother the strengths and strategies that child/ren have adopted to 'cope' with the violence to equip and empower the mother to parent after leaving violence.¹⁰

Research undertaken by the NSW WRM WP Inc and the University of Western Sydney Urban Research Centre found that the interface between domestic violence and child protection responses can lead to protracted periods of homelessness:

The report noted that

This issue should be addressed in the development of integrated service responses through the NSW Government's response to

⁹ Gander, C – Churchill Fellow, 2006, Report to the Winston Churchill Memorial Trust, p.8

¹⁰ Gander, C – Churchill Fellow, 2006, Report to the Winston Churchill Memorial Trust, p.11.

*the Wood Commission of Inquiry to Child Protection Services, NSW Domestic and Family Violence Framework and the NSW Homelessness Action Plan. This integration should provide mechanisms to ensure that child protection interventions address both the immediate and long term safety and housing needs of both women and children. Throughout the interviews it was evident that the safety and wellbeing of the participant's children was a significant concern. The concerns ranged from ongoing fears for the safety of children in relation to the perpetrator, safety concerns for the children in relation the neighbourhood, the impact of housing on the children's health and a lack of support structures available to women to remedy these concerns*¹¹
...

- The NSW WRM WP Inc reiterates the recommendation from that report:

The implementation of specialist services for children recommended in the White Paper such as brokerage funds to specialist homelessness services, regional child development workers and closer links with child protection services be a priority:

*The role and skills of child support workers in NSW Women's Refuge Movement refuges be formally recognised and utilised to increase the coordination and facilitation of services and resources to better meet the needs of children who are homeless or at risk of homelessness because of domestic and family.*¹²

The NSW WRM WP Inc. is supportive of many of the reforms outlined in 'Keep Them Safe: A Shared Approach to Child Wellbeing'. We are encouraged by the Government's commitment to improving the responses of a range of Government agencies, through the establishment of Child Wellbeing Units as well as the commitment to improve interagency cooperation between Government agencies and NGO's at the local, regional and state level. Indeed the NSW WRM WP Inc. is hopeful that the Domestic and Family Violence Framework will also provide mechanisms and resources to improve

¹¹ Gander, C., Champion, T., Camacho Duarte, O., Phibbs, P., 2009, *The Impact of Housing on the lives of women and children –Post Domestic Violence Crisis Accommodation.*, NSW WRM WP Inc. & University of Western Sydney: Urban Research Centre, pp.33-4.

¹² Gander, C., Champion, T., Camacho Duarte, O., Phibbs, P., 2009, *The Impact of Housing on the lives of women and children –Post Domestic Violence Crisis Accommodation.*, NSW WRM WP Inc. & University of Western Sydney: Urban Research Centre, pp.33-4.

collaboration and interagency responses at the local, regional and state as well provide clear targets and performance measures a already discussed above.

Domestic and Family Violence and Homelessness

Women and children's vulnerability to homelessness due to domestic and family violence has consistently been highlighted by Supported Accommodation Assistance Program, (SAAP) data. Domestic violence has been the most commonly cited reason for people entering SAAP since data collection began. SAAP agencies targeting women and children escaping DV provided 13,250 support periods during 2006-07¹³. Turn away figures remain unacceptably high with one in every two women and accompanying children making new requests for accommodation being turned away¹⁴.

Addressing unmet demand for women's refuges requires a multifaceted approach including strengthening the existing service system and developing alternative options for women and children. Addressing unmet demand for women's refuges can not just be resolved by the expansion of SHLV projects. For many women this will not be a safe option or their choice. SHLV options are however an important part of, addressing homelessness as a result of domestic and family violence.

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. Assisting women and children do this safely, however can be severely compromised if there is not an integrated response to domestic violence.

The NSW Domestic and Family Violence Framework must develop strong links with the NSW Homelessness Action Plan to ensure that women's refuges have the capacity to:

¹³ Australian Institute of Health and Welfare,(2008), *Homeless People in SAAP: SAAP National Data Collection annual report New South Wales supplementary tables*. SAAP NDCA report series 12. Cat. no. HOU177. Canberra:AIHW., p.18

¹⁴ Australian Institute of Health and Welfare, (2008a), *Demand for SAAP accommodation by homeless people 2006-07: a report from the SAAP National Data Collection*. SAAP NDCA report, Series 12. Cat. no. HOU 186. Canberra: AIHW.p.58

- Broker in specialist services and resources for women and children to provide the following:
 - Increased security measures in the home;
 - Support to meet rent and mortgage payments;
 - Access to other specialist children’s services;
 - Specialist counselling and health services;

- Further develop and implement prevention and early intervention services

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

- Continue to attract and retain specialist staff
- Have access to safe and affordable options for women and children exiting refuges

Safe and Affordable Housing

The NSW WRM WP Inc. and University of Western Sydney Urban Research Centre recently released the report from their joint study examining the impact of housing on the lives of women and children after access in refuge accommodation. The report highlighted the critical role that appropriate housing has for women and children when re-establishing their lives after experiencing domestic and family violence. Below is an excerpt from that report and the recommendations that were made:

These findings [from this study] corroborate a number of issues addressed in recent literature such as the contribution of stable housing on reducing levels of stress, changing the perspectives of women by empowering them, and generating a positive atmosphere for children. The length of stay directly related to a sense of security and a sense of a settled life. Being able to maintain important routines like schooling proved markedly important for women and children’s wellbeing. However, often women were only able to secure housing for relatively short periods of time. Housing systems that facilitate a sense of security and belonging were of critical importance to women and children’s outcomes.

Many of the women experiences involved moving between various types of accommodation that lacked security of tenure and/or failed to provide a sense of safety and social inclusion. These findings accord with the broad acknowledgement that there are not sufficient exit points for people exiting specialist homelessness services, including women's refuges (Tually, Faulkner, 2008; Commonwealth of Australia, 2008a, p.21).

The findings from this research supports previous research that states that, for most women who have experienced homelessness as a result of domestic and family violence social housing should be readily available (Tually, Faulkner, p.55). The findings from this study, however also indicated that community housing providers were more responsive to the housing needs of women and children. Importantly, the stock should be geographically dispersed to ensure women do not become isolated from support networks and services.¹⁵

The WRM WP Inc would like to reiterate the recommendation from this study:

1. *The Commonwealth & State Governments and Community Housing Providers work with women's refuges and other specialist women's services to increase the number of affordable and safe housing options available to women and children who experience domestic and family violence. There are a number of initiatives that could be undertaken to achieve this, some of these include:
 - a. *A percentage of the estimated additional 9,000 social housing dwellings to be developed from the Commonwealth housing stimulus package be quarantined to increase exit points from women's refuges as well as provide direct pathways into permanent housing for women and children experiencing domestic violence. The housing provided through such partnerships should include configurations of medium term and long-term housing to increase housing options for women and children exiting refuges. To achieve this, the additional housing stock should be:
 - i. *Directed to those community housing providers who currently have existing partnerships with women's refuges and invite other housing providers to form partnerships with women's refuges in key low housing stock locations.**
 - b. *A percentage of the 50 000 properties to be developed as part of the National Rental Affordability Scheme be specifically allocated to women and children who have experienced domestic and family violence, as previously recommended by Tually and Faulkner (2008).*
 - c. *The provision of brokerage funds to women's refuges to improve safety and security measures to women and children living within both social housing, private rental properties and remaining in their home after the perpetrator has been removed.**
2. *A larger study be undertaken with women who have experienced domestic and family violence and the services that support them to investigate not only the impact of housing on the lives*

¹⁵ Gander, C., Champion, T., Camacho Duarte, O., Phibbs, P., 2009, *The Impact of Housing on the lives of women and children –Post Domestic Violence Crisis Accommodation.*, NSW WRM WP Inc. & University of Western Sydney: Urban Research Centre,p.31

of women and children-post crisis accommodation but also examine of the models of housing that positively impact on the wellbeing of women and children.

3. *The review of housing eligibility requirements must specifically examine the barriers that women and children currently experience, particularly in relation to:
 - a. The extensive level of evidence required for housing;
 - b. The use of asset testing, particularly home ownership, for women who have experienced domestic and family violence needs to take into account that the capital of these assets can be inaccessible in the short term due to lengthy legal processes and safety concerns.*
4. *Housing NSW provide training to housing staff to improve the overall knowledge and service delivery to women and children who require housing after experiencing domestic and family violence.*
5. *Housing NSW develop regional domestic and family violence specialised support worker positions to support Housing NSW staff and strengthen interagency partnerships with regional domestic violence services.¹⁶*

Access to Health Services

Domestic and family violence is a significant contributor to ill health amongst women and children. Refuges report difficulty in accessing a wide array of health and counselling services, particularly mental health services and alcohol and other drug services. Additionally many of these services lack an understanding of domestic and family violence. It is imperative that health care providers are actively engaged in the development of an integrated service system.

The expertise and role of women's health services and their peak Women's Health NSW should be recognised and enhanced. The expansion of other good practice models for integrating health and domestic and family violence responses and services should also be explored. One example of this would be the services developed as part of the Towards Better Practice research, undertaken by Dr Lesley Laing which sought to improve collaboration between mental health services and specialist domestic violence services, such as women's refuges.

¹⁶ Ibid, pp.32-3

Responses to specific groups of Women and Children

All women and children, regardless of age, culture, ethnicity or sexual preference should have the right to live a life free from violence and abuse. It is therefore critical to ensure there is a strong integrated service system to improve the safety and wellbeing of all women and children. The NSW WRM WP Inc recognises that some groups of women and children face additional barriers to seeking and obtaining appropriate responses. The WRM WP Inc has sought to address this through additional representative structures within the WRM and the development and endorsement by all members of the Access and Equity Manual and continues to promote improved responses and services to these groups.

The NSW Domestic and Family Violence Strategic Framework must provide mechanisms to ensure that the development of integrated service responses at all response levels take into consideration the additional barriers faced by more marginalised women and their children. It must ensure that these groups, are represented within all of the relevant local, regional and coordination and planning structures.

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 consequences 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;

- 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.

The NSW WRM WP Inc. welcomes the NSW Government's support of this type of approach as acknowledged in *Keep The Safe: A Shared Approach to Child Wellbeing* (p.29). Needless to say the same principles should be applied when responding to Domestic and Family Violence in Aboriginal communities.

The NSW WRM WP Inc recommends further work is undertaken, in consultation with Aboriginal communities that considers:

- The need to develop a specific Aboriginal Domestic and Family Violence strategy, as has been developed in Victoria
- Strategies for strengthening and expanding the number and role of Aboriginal Domestic and Family Violence specialist workers, including the funding of specific Aboriginal positions to assist in the implementation of an Integrated service system at the regional and state levels
- Strengthening the provision of culturally appropriate responses of main stream agencies and non-Aboriginal specialist domestic and family violence specialists
- Identify and responding to gaps in the service system for Aboriginal women and their children, particularly in rural and remote communities and the provision of ongoing support to good practice approaches, including the Orana Far West Safe Houses Project and the range other responses provided by the Orana Far West Safe Houses

- Increased training opportunities through additional resourcing of the Education Centre Against Violence (ECAV)

Primary Prevention, Community Awareness and Education

The elimination of violence against women and children can only be achieved through comprehensive prevention programs. 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 CEDAW¹⁷. Additionally, prevention activities must engage all members of the community with targeted programs for marginalised communities, including Aboriginal communities, CALD communities, women with disabilities, lesbians, regional and rural communities, women in detention¹⁸.

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 Violence¹⁹.

Education

Feedback from WRM members indicates that for education programs to be effective they need to be ongoing and well resourced. The NSW Government should work with the Commonwealth to ensure coordination of all education and awareness activities.

The NSW WRM WP Inc would support the implementation of an school based education strategy based on the best practice principles identified by Amnesty International in their *Setting the Standard* report

“Good practice principles: education

¹⁷ Amnesty International, 2008, *Setting the Standard: International Good Practice to Inform an Australian National Plan of Action to Eliminate Violence Against Women*, p.31

¹⁸ Ibid

¹⁹ 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

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'⁶⁴*
- *provides schools with resources and facilities, such as materials, scheduling adjustments, human resources and expert advice*
- *supports school protocols to deal with violence, harassment and bullying⁶⁵, and coordinates with statebased anti-violence strategies, the national safer schools strategy and gender equity frameworks.²⁰*

Data Collection and Research

Further development of an integrated service system must be accompanied by a data development strategy that:

- Allows for integration of data across a range of different services, this will provide more information on the pathways into and through the service system; allow for rigorous analysis and monitoring from which to evaluate and address gaps in the service system;
- Provides appropriate safeguards to prevent misuse of information collected and maintain confidential
- Ensures the provision of appropriate training about data collection, use and analysis;

There are currently many different sources of data and research of domestic and family violence, the NSW WRM WP Inc notes the important role of the Australian Domestic and Family Violence Clearinghouse in both undertaking its own research but also in disseminating other research and best practice approaches. The role and function of the ADFV clearinghouse should continue to be supported in this role.

²⁰ Amnesty International, 2008, Setting the Standard: International Good Practice to Inform an Australian National Plan of Action to Eliminate Violence Against Women, p.33

The NSW WRM WP INC would like to further research undertaken to explore:

- Aboriginal women and children's experiences and perceptions of current responses to domestic and family violence and identification of good practice approaches
- An extensive review into the types and effectiveness of perpetrator programs.

This research will be critical in informing the NSW Government and the community on best practice approaches and to ensure any expansion of these programs is undertaken within a framework that improves the safety of women and children and holds the perpetrator accountable.

- A larger study, as already noted above, is undertaken with women who have experienced domestic and family violence and the services that support them to investigate not only the impact of housing on the lives of women and children-post crisis accommodation but also examine of the models of housing that positively impact on the wellbeing of women and children.
- Undertake a 'Blitz audit' in NSW. Commonly termed a Safety Audit where a case study of a woman who has been seeking safety and protection for a number of years but still remain unsafe is identified. The services involved in the protection of a women contribute their case files to assess the ability of the broader service system to protect women and children and as well as holding perpetrators accountable for their actions.

