

Feedback on the draft National Plan to End Violence Against Women and Children 2022-2032

Introduction

We welcome the opportunity to provide feedback on the draft National Plan to End Violence Against Women and Children 2022-2032 (the **National Plan**) and recognise the extensive consultations and work involved in developing the National Plan.

The National Plan is critical in comprehensively addressing how Australia will reduce and ultimately end family violence against women and children. This requires all levels of government to commit to concrete and measurable actions which are sufficiently resourced. While we appreciate that there will be more detail in the actions plan, it is important that the National Plan articulates the roles and responsibilities of each level of government in implementing the National Plan's commitments. While all levels of government play a key role in delivering the National Plan's vision and commitments, this is an important opportunity for the Commonwealth Government to lead systemic reforms in addressing gender inequality and family violence. The National Plan should address the key structural levers which fall within the Commonwealth's domain (such as, social security, migration law and family law reform).

The governance mechanisms between the various levels of government should also be set out in the National Plan, alongside the avenues for continued stakeholder consultation in the development of the action plans and the Outcomes and Evaluation Framework and throughout the implementation process.

The Victorian community legal sector has significant experience in providing legal assistance and representation to victim survivors of family violence. The development of the National Plan is therefore a critical area of reform for our sector. We welcome further opportunities to provide input into the development and implementation of the National Plan. In particular, we strongly recommend that there be consultation with stakeholders on the action plans and an opportunity for our sector to provide input into these plans.

Summary of recommendations

In our response to the survey, we have set out the following recommendations:

Governance mechanisms

We recommend that the National Plan:

- Specify the roles and responsibilities of each level of government in delivering the vision and commitments under the National Plan (in particular, structural reforms which are being led by the Commonwealth Government).
- Set out governance mechanisms for the implementation of the National Plan between the different levels of government and avenues for continued stakeholder engagement.

Family violence dynamics

We recommend that:

- The National Plan recognise the impact of family violence on pets.
- There is more focus on system abuse as a form of family violence.

Improving women's safety and economic security

We recommend that the National Plan:

- Sets out the Commonwealth Government's commitments to improve women's economic security and financial independence.
- Includes a Commonwealth Government commitment to implement all of the Respect@Work recommendations to address gender-based violence and sexual harassment in the workplace.
- Sets out stronger Commonwealth and State/Territory Government commitments to providing access to safe and affordable housing for victim survivors of family violence, including crisis accommodation, transitional housing and longer-term affordable and social housing.

Elevating the integral role of legal assistance as part of a holistic response

We recommend that the National Plan:

- Recognises the integral role legal assistance plays in the family violence support system and under each National Pillar (i.e, the prevention, early intervention, response and recovery phases).
- Increases access to affordable and trauma-informed legal services for families experiencing family violence by committing to sustainable and ongoing resourcing for the community legal sector and other legal service providers.
- Commits to increasing investment in integrated legal service models and health justice partnerships for women and children experiencing family violence.

Integration of family violence and sexual assault response

- We recommend that the National Plan ensures that the family violence and sexual assault service systems are integrated and that reforms in these areas are aligned.

Embedding an intersectional approach under the National Pillars

We recommend that:

- An intersectional approach is more strongly embedded in the commitments under the National Pillars.

- In line with the principles of self-determination, there is a separate and dedicated national plan to address violence against Aboriginal and Torres Strait Islander women.
- There is separate section or focus area which specifically addresses the needs of children and young people who are experiencing family violence or using violence in the home to ensure that children and young people are front and centre.
- The Commonwealth Government commits to reforming the migration system and ensuring equitable access to income support and services to improve safety outcomes for women and children on temporary visas experiencing family violence.
- The National Plan addresses the dynamics and drivers of elder abuse and strengthens the commitments under the National Pillars to reducing elder abuse.
- The National Plan commits to increasing investment in services, programs and housing in regional, rural and remote areas to improve the safety of women and children experiencing family violence in these areas.

Reforming the family law system

We recommend that:

- The reforms to the family law system to improve responses to family violence are expanded in the National Plan.
- The National Plan commits to increased investment in community legal centres and legal aid commissions to provide assistance in family law matters to families experiencing family violence and disadvantage.

Family violence in the context of disasters

- We recommend that the response to family violence in the context of disasters is strengthened under the National Pillars.

Response to the survey questions

1. Does your organisation provide family, domestic, and sexual violence services or work within the family, domestic and sexual violence sector?

The Federation of Community Legal Centres (Vic) (**Federation**) is the peak body for Victoria's 46 Community Legal Centres (**CLCs**). Our members are at the forefront of helping those facing economic, cultural or social disadvantage and whose life circumstances are severely affected by their legal problem.

For 50 years CLCs have been part of a powerful movement for social change, reshaping how people access justice, creating stronger more equitable laws, and more accountable government and democracy. We want a community that is fair, inclusive and thriving: where every person belongs and can learn, grow, heal, participate and be heard.

The CLC sector plays an important role in promoting the safety of victim survivors, including children and young people, through the provision of legal assistance at court and within the Victorian community. CLCs work with local partners and communities to support children and families who are experiencing disadvantage and family violence. CLCs deliver a range of innovative programs, including early intervention initiatives and justice partnerships with the community, health and social sectors.

2. Does the National Plan include a clear explanation of the prevalence, drivers, and different forms of gender-based violence in Australia?

This question has been addressed throughout our response. However, we highlight that in these introductory sections there is no reference to the impact of family violence on pets and consequently, no commitments in the National Pillars in addressing family violence against pets. Victim survivors will often delay leaving an abusive relationship due to fear or threat that their pets will be harmed and due to the absence of services to support people with pets experiencing family violence. This includes limited care options available for pets where victim survivors are accessing short, medium term or crisis accommodation. System reforms are needed to strengthen the protection of pets affected by family violence. This includes expanding the care and accommodation options available for pets affected by family violence and corresponding financial support to promote the safety of victim survivors and their pets. The additional dimension of harm for people with a disability who rely on assistance animals should also be taken into account in improving system and service responses more generally.¹

There is also limited focus in the National Plan on systems abuse as a form of family violence. This involves perpetrators using the justice system, such as the family law system or family violence intervention order process, to further abuse and coercively control victim survivors. This needs to be further addressed in the National Plan.

We recommend that:

- **The impact on family violence on pets is recognised in the National Plan.**
- **There is more focus on systems abuse as a form of family violence.**

3. Does the National Plan meaningfully reflect issues highlighted through stakeholder consultations and the National Summit on Women's Safety, including the experiences of victim-survivors?

It is difficult for us to comment on whether the National Plan reflects the issues highlighted through the stakeholder consultations as the reports from the National Plan Consultation Project led by the Monash Gender and Family Violence Prevention Centre (**Monash**) have not been released publicly. Monash

¹ Domestic Violence NSW, *Animals and People Experiencing Domestic and Family Violence: How their safety and wellbeing are interconnected*, November 2020.

conducted extensive consultations with stakeholders from diverse sectors and generated in-depth discussion on how to address family violence nationally. The learnings that can be gained from the consultation reports would be invaluable. We suggest that the consultation reports are released publicly.

There were a number of important structural levers raised during the stakeholder consultations to meaningfully address family violence which are not reflected in the National Plan. This includes increasing income support; addressing the gender pay gap; increasing paid parental leave and access to childcare; and reforming the migration system for women on temporary visas experiencing family violence. These are areas where the Commonwealth Government can implement systemic change to reduce the prevalence of family violence and remove barriers that women and children face in accessing support. These areas are addressed in more detail below.

4. Do the four Foundation Principles (gender equality, the diverse lived-experiences of victim-survivors are informing policies and solutions, Closing the Gap, and intersectionality) appropriately underpin the National Pillars and actions within the National Plan?

In this section, we have focused on gender equality.

The foundational principles of Closing the Gap and intersectionality are addressed in our response to question 6.

Lived experience voices need to be at the heart of policy development and implementation of the National Plan. We strongly support the commitment in the National Plan to continue to engage with victim survivors in the development of the National Plan and actions plans and throughout the implementation process.²

4.2 Gender equality – women's economic security and safety

In our view, the foundational principle of gender equality does not appropriately underpin the National Pillars and actions within the National Plan due to the lack of commitments to address systemic barriers to women's economic security and safety.

This requires strengthening commitments to:

- Improve women's financial independence.
- Address workplace sexual harassment.
- Increase access to safe and secure housing.

Each of these areas are addressed below.

Women's economic security and financial independence

The National Plan acknowledges that as part of addressing gender inequality to end violence against women and children this involves overcoming barriers to women's economic and financial security.³ However, there are limited commitments under the National Pillars for improving women's economic security. Given that many of these structural reforms fall within the Commonwealth Government's domain, this is a crucial opportunity for the Commonwealth Government to embed meaningful reforms in these areas.

We recommend that the National Plan sets out the Commonwealth Government's specific commitments to improve women's economic security and financial independence. This includes:

- Improving and increasing the social safety net.
- Improving the working conditions and job security in female-dominated industries.

² Draft National Plan to End Violence Against Women and Children 2022-2032 (the **National Plan**), page 25.

³ Ibid, page 24.

- Addressing the gender pay gap.
- Implementing superannuation reform to recognise women's full contributions (both financial and unpaid).
- Reforming taxation to better support women.
- Increasing paid parental leave for both parents.
- Increasing access to quality and affordable early childhood education and care.

Addressing workplace sexual harassment

The National Plan recognises that addressing workplace sexual harassment is key to improving women's safety and economic security.⁴ The National Plan refers to the Commonwealth Government continuing to support all levels of government and business to implement the *Roadmap for Respect*, the Government's response to the *Respect@Work: Sexual Harassment National Inquiry Report* (the **Respect@Work report**). However, there are limited Commonwealth Government commitments in the National Pillars to prevent sexual harassment and gender-based violence at work, such as through workplace-based programs, programs to engender cultural change or the implementation of the Respect@Work reforms. The National Pillar (prevention) refers to championing the "critical role of the corporate sector in preventing violence through fostering gender equality in the workplace and designing products and services that are safe and prevent misuse".⁵ However, this alone is not a sufficient commitment to combatting workplace sexual harassment nationally.

The Respect@Work Report sets out strategies to prevent gendered violence and sexual harassment at work, improve perpetrator accountability and support victim survivors. The Respect@Work Report adopts a system-wide approach which has the potential for systemic reform providing the recommendations are comprehensively adopted.

We recommend that the Commonwealth Government commits to implementing all of the Respect@Work recommendations in order to address gender-based violence and sexual harassment in the workplace.

Access to safe and secure housing

Under the National Pillar (response), the National Plan recognises the importance of ensuring that women and children escaping violence have safe and secure housing, across the spectrum from crisis to longer term, sustainable social housing.⁶ This is key in improving women's economic security and safety and contributes to gender equality. However, the National Plan does not adequately capitalise on the Commonwealth and State/Territory governments' responsibilities to provide safe and secure housing to victim survivors of family violence and does not set out clear government commitments to address housing insecurity and homelessness caused by family violence. This is critical given that in 2020-2021, 42% of people seeking specialised homelessness services reported having experienced family violence.⁷

We support the existing commitments under the National Pillar (response), such as helping victim-survivors to find safe housing options in the private market (where they have capacity to do so) and to deliver safe housing options to children and young people experiencing family violence.⁸ However, these commitments do not extend to increasing investment in safe and secure social housing for all victim survivors of family violence. The National Plan also does not make any reference to the care and accommodation needs for pets affected by family violence which can often be a key factor deterring women and children from leaving violent relationships.⁹

⁴ National Plan, page 17.

⁵ Ibid, page 30.

⁶ Ibid, page 36.

⁷ Ibid, page 14.

⁸ Ibid, page 36.

⁹ Domestic Violence NSW, *Animals and People Experiencing Domestic and Family Violence: How their safety and wellbeing are interconnected*, November 2020.

We recommend that the National Plan sets out stronger Commonwealth and State/Territory government commitments to increase access to safe and affordable housing for victim survivors of family violence, including crisis accommodation, transitional housing and longer-term affordable and social housing.

This includes the Commonwealth and State/Territory governments:

- Committing to addressing housing insecurity and homelessness caused by family violence.
- Increasing investment in safe and secure crisis accommodation, transitional housing and longer-term affordable and social housing.
- Expanding the care and accommodation options available for pets which are affected by family violence.
- Embedding access to safe and secure housing at every stage of the continuum under the National Pillars, from early intervention to longer-term recovery from family violence.

5. Do the four National Pillars in the National Plan provide a holistic approach to identifying and responding to gender-based violence?

The focus on prevention, early intervention, response and recovery is a holistic approach to identifying and responding to family violence. However, we believe that the holistic approach within the National Pillars could be strengthened by:

- Elevating the role of legal assistance and the legal response.
- Integrating responses to sexual assault and family violence given the intersection in these areas.

We have addressed each of these areas below.

5.1 The integral role of legal assistance in the family violence support system

Access to affordable and trauma informed legal services

The National Pillar (response) recognises the need for a more joined up system, including justice, police and legal systems, the community and women's sector and housing and health services.¹⁰ We strongly support this overarching approach. An integrated family violence response is essential for keeping women and children safe from family violence and increasing perpetrator accountability. It is only through a whole of system approach that the various challenges faced by victim survivors can be addressed, including through access to safety planning, secure housing, counselling, financial support, legal assistance and help resolving parenting disputes to put in place safe arrangements for children.

To provide a truly holistic response to gender-based violence, the integral role of legal assistance in the family violence support system needs to be elevated under the National Pillars. Legal assistance is a critical part of addressing family violence. A 2019 study showed that victim survivors of family violence are 10 times more likely to face legal problems compared with the general population,¹¹ and often face multiple and compounding legal issues. It was also found that victim survivors experience on average 20 different legal problems compared with an average of two legal problems experienced by the general population.¹² These legal issues are often complex, distressing and have profound implications for the individual, their children and the wider family.

Legal assistance is important in protecting victim survivors from violent and abusive situations. This includes help securing family violence intervention orders (FVIOs) and resolving parenting disputes to put in place safe arrangements for children. It also includes assisting with a range of related (and often compounding) legal issues, including helping families when child protection authorities intervene,

¹⁰ National Plan, page 35.

¹¹ Coumarelos, Christine (2019). 'Quantifying the legal and broader life impacts of domestic and family violence' in *Justice Issues*, Paper 32, The Law and Justice Foundation NSW June 2019.

¹² Ibid.

migration assistance for women on temporary visas, criminal law, housing and debt issues. Legal services support victim survivors to restore their financial safety and independence, helping them recover from often long periods of economic abuse, including through family law (property settlements) and victims of crime assistance schemes.

Legal assistance can also enhance perpetrator accountability. Legal advice can contribute to safety, for example, by helping to ensure that perpetrators understand the conditions on FVIOs, the repercussions of breaching an order and avenues to address related legal issues (e.g., assisting to resolve parenting disputes, thereby reducing post-separation conflict). In this way, legal assistance can be a key part of increasing perpetrator accountability and preventing future harm.

Elevating legal assistance as part of a holistic response under the National Pillars also involves recognising the role of legal services not only in the response phase, but also in the prevention, early intervention and recovery phases. For example:

- Community legal education and community development programs about justice issues and respectful relationships are important preventative measures (prevention phase).
- Community legal services play an important role in identifying and assisting with family violence and other related legal issues at an early stage thereby preventing escalation (early intervention phase).
- Ongoing access to legal services supports recovery from family violence, particularly in relation to family law and victims of crime assistance schemes (recovery phase).

We recommend that the National Plan:

- **Recognises the integral role legal assistance plays in the family violence support system and under each National Pillar (i.e., prevention, early intervention, response and recovery phases).**
- **Increases access to affordable and trauma informed legal services for families experiencing family violence by committing to sustainable and ongoing resourcing for the community legal sector and other legal service providers.**

Early intervention and trauma informed legal practice

It is important that legal services are embedded within the community, health, social and education sectors to provide holistic and trauma informed support to women and children experiencing family violence. This can be achieved through integrated legal service models and health justice partnerships which can assist victim survivors with their legal issues, as well as overlapping (and potentially compounding) social, well-being, and financial issues.

Victim survivors who are experiencing trauma and hardship and who are in crisis can face real challenges navigating a complex and disconnected service system. Integrated legal services and health justice partnerships increase access to critical legal assistance and other supports. This promotes early intervention as it enables legal issues to be identified early and to reach people before their legal problems escalate. This can have a preventative effect in terms of reducing compounding harms for victim survivors and pressures on the service system down the track. Improved linkages between services and among different professionals can minimise trauma associated with victim survivors having to repeat deeply personal stories multiple times. Addressing the legal and social needs of victim survivors can also reduce stigma and build their resilience, wellbeing and level of social participation.¹³

We recommend that the National Plan commits to increasing investment in integrated legal service models, including health justice partnerships, for women and children experiencing family violence.

¹³ Federation of Community Legal Centres, *Meeting People Where They Are: Delivering Integrated Community Legal Services*, June 2020, page 12, available at: https://www.fclc.org.au/integrated_services_fund

5.2 Responding to sexual violence in the family violence context

We applaud the focus on addressing sexual violence in the National Plan. However, to provide a more holistic response to gender-based violence in the National Pillars, there should be better recognition of the need for an integrated response to family violence and sexual assault.

The National Plan recognises that sexual violence occurs both within and outside of the family violence context and provides that it will reflect intersections and points of differences between family violence and sexual violence.¹⁴ The National Pillar (recovery) acknowledges that family violence and sexual assault can co-occur as part of victim-survivors complex lived experience.¹⁵ This reflects that a substantial proportion of sexual assaults are committed in a family violence context or by a person known to the victim survivor. For example, approximately 1 in 3 sexual assault victims recorded by police between 2014 and 2019 were family and domestic related.¹⁶

Given that there is high prevalence of sexual assault in the family violence context, the National Pillars need to ensure that the family violence and sexual assault service systems are integrated and that reforms in these areas are aligned. For example, the National Pillar (response) commits to embedding models of response to minimise re-traumatisation of victim survivors of sexual violence¹⁷ through the criminal justice system, which we strongly support. This reform should also extend to victim survivors of family violence to ensure that the processes are aligned.

We recommend that the National Pillars ensure that the family violence and sexual assault service systems are integrated and that reforms in these areas are aligned.

6. Does the National Plan reflect the needs and experiences of diverse communities and individuals?

We have set out some general observations on intersectionality and made some suggestions in relation to specific groups, including migrant and refugee women, Aboriginal and Torres Strait Islander people, children and young people, older people and women and children in regional, rural and remote areas. Please note that we have not included any comments in our response in relation to LGBTIQ+ communities due to capacity constraints on our specialist community legal centres.

6.1 Embedding an intersectional approach in the National Plan's commitments

We welcome the inclusion of intersectionality as a foundational principle in the National Plan.¹⁸ However, we believe that an intersectional approach needs to be more strongly embedded into the commitments under the National Pillars. The focus areas under the National Pillars makes reference to different groups that may experience increased barriers, such as migrant and refugee women, elderly people, Aboriginal and Torres Strait Islander women, women with disabilities and LGBTIQ+ people. However, there are inconsistent references to each of these diverse groups under the various focus areas. To truly embed an intersectional approach in the National Plan's commitments, there needs to be a greater focus on the systems of inequality, discrimination and disadvantage which marginalise victim survivors and contributes to family violence. Under each National Pillar, there needs to be actions which address systems and policies that disproportionately affect victim survivors of family violence from various communities.

We recommend that an intersectional approach is more strongly embedded in the commitments under the National Pillars.

¹⁴ National Plan, pages 12 and 16.

¹⁵ National Plan, page 40.

¹⁶ Australian Bureau of Statistics, Sexual Violence – Victimization, 24 August 2021, available at: <https://www.abs.gov.au/articles/sexual-violence-victimisation#summary-of-findings>

¹⁷ National Plan, page 37.

¹⁸ National Plan, page 27.

6.2 Separate national plan to address violence against Aboriginal and Torres Strait Islander women

We support the call by Aboriginal controlled community organisation, including Djirra, for a separate and dedicated national plan to address violence against Aboriginal and Torres Strait Islander women. While we understand that there will be a separate action plan for Aboriginal and Torres Strait Islander women, we do not consider that this is sufficient. It is well recognised that there are disproportionality high rates of family violence experienced by Aboriginal and Torres Strait Islander women.

We support the call for a separate and dedicated national plan which takes into account the specific context in which family violence occurs for Aboriginal and Torres Strait Islander women and children and seeks to address the root causes. A dedicated national plan is critical in upholding the right of self-determination of Aboriginal and Torres Strait Islander people and in ensuring that the Aboriginal and Torres Strait Islander communities have a genuine opportunity as equal partners to participate in the development of the national plan.

We recommend that in line with the principles of self-determination, there is a separate and dedicated national plan to address violence against Aboriginal and Torres Strait Islander women.

6.3 Ensuring children and young people are front and centre

We welcome the acknowledgment in the National Plan that children are victim survivors of gender-based violence in their own right and that they have their “own unique experiences of family violence that can have a range of impacts on their health, wellbeing and social and emotional development”.¹⁹ However, we believe that children and young people need to be elevated in the National Plan and be part of a separate section or focus area under the National Pillars. This includes both children and young people who experience or are exposed to family violence, as well as children and young people who use violence in the home.

As acknowledged in the National Plan, children’s and young people’s experiences of family violence are complex and distinct. Similarly, adolescent family violence is a distinct phenomenon from adult intimate partner violence and can indicate significant complexity in the family context. Children and young people who use violence in the home are often victims of family violence themselves and experience high levels of vulnerability.²⁰ Children and young people require a specialised response tailored to their unique experiences.

A separate section on children and young people would also allow for greater scope to differentiate the responses to varying age groups. The response to young children will be distinct from adolescents. For example, young women aged between 15 and 19 can be particularly vulnerable due to major service gaps as they may no longer fall within the remit of child protection or family services, they may be unaware or reluctant to seek help from services and adult family violence services may not be appropriate. A separate section addressing this cohort could allow for a more specialised and tailored response. This could involve, for example, the development of youth family violence hubs for 15-24 year olds which is staffed by peer support workers and professionals working together to provide a holistic response to the young women’s various needs, such as housing, legal and therapeutic needs.

We recommend that there is a separate section or separate focus area which specifically addresses the needs of children and young people who are experiencing family violence or using violence in the home.

¹⁹ National Plan, pages 10 and 13.

²⁰ *The PIPA project: Positive interventions for perpetrators of adolescent violence in the home (AVITH)* (Research report) / Campbell et al. Sydney : ANROWS, 2020.

6.4 Increasing safety for women on temporary visas experiencing family violence

The National Plan recognises that women from migrant and refugee backgrounds are less likely to report violence against them due to language barriers, cultural stigma, concerns about visa and residency status, and financial insecurity, as well as the need to break down systemic barriers.²¹ While we applaud this acknowledgement in the National Plan, it does not translate into concrete commitments under the National Pillars. The development of the National Plan provides a crucial opportunity for the Commonwealth Government to commit to reforms to the migration and social security systems to improve safety outcomes for women and children on temporary visas experiencing family violence.

As there are limited pathways to permanency on the basis of family violence (other than for partner visas) and often limited access to income support, the consequences for women on temporary visas who report family violence and separate from their partner can be devastating. These women could lose their residency status in Australia (where they are reliant on their partner's visa) leading to separation from their children. Without the financial support of their partner, they can be left destitute without access to social security supports and due to limited work rights. This creates a system which is susceptible to abuse by violent partners and leads to women remaining in abusive relationships. It is imperative that the focus areas under the National Pillars address the precarious situation of women on temporary visas experiencing family violence, including access to working rights, income support, healthcare, housing and pathways to permanency on the basis of family violence for all visa types (and not only partner visas).

We recommend that the Commonwealth Government commits to reforming the migration system and ensuring equitable access to income support and services to improve safety outcomes for women and children on temporary visas experiencing family violence.

This includes:

- Migrant and refugee women having access to equitable supports and services, including social security, working rights, housing and healthcare, regardless of residency status.
- Reforming the migration system to protect women on temporary visas who are experiencing family violence (regardless of residency status). This includes pathways for permanent residency for women and children on temporary visas experiencing family violence (for non-partner visa categories).

6.5 Family violence against older people

We suggest that elder abuse be more comprehensively addressed in the National Plan and have set out some specific suggestions below.

Reflecting the unique dynamics and drivers of elder abuse in the National Plan

We suggest that the explanation of violence against older women is expanded to take into the account the unique dynamics and drivers of elder abuse. Elder abuse is often carried about by someone that the older person knows and trusts and that they may be dependent on for their care or accommodation. This could be an adult child, grandchild, carer, neighbour or friend. Research shows that adult children are most likely to be responsible for the abuse of older people.²² It should also be recognised that a key driver of elder abuse, particularly where it is perpetrated by an adult child, can be poor mental health, rather than solely gender-based factors. There is also limited reference to the specific forms of family violence often experienced in the elder abuse context, such as financial abuse. Older people can be at risk of family

²¹ National Plan, see for example pages 27 and 36.

²² See Senior Rights Victoria factsheet (7 Years Data of Elder Abuse in Victorian link) - <https://seniorsrights.org.au/resources-education/elder-abuse-toolkit/what-is-elder-abuse/>

members and carers using their money, property or other assets illegally, or coercing them into changing their will.²³

Tailored early intervention initiatives to address elder abuse

Early intervention initiatives to address family violence against older people are imperative, particularly given the complex dynamics of co-dependency that are often present in the elder abuse context. However, the section on early intervention has a limited focus on early intervention initiatives to address elder abuse. The National Plan should provide for specialised and tailored early intervention initiatives to address elder abuse given the unique dynamics of this form of family violence.

Expanding perpetrator interventions in the elder abuse context

In the elder abuse context, older people may be less likely to have recourse to the legal system (such as, FVIOs) where the abuse is being perpetrated by their son or daughter or a carer on whom they are dependent. Older persons may be reluctant to take legal action that could potentially criminalise an adult child or carer, or render an adult child homeless (where they live with their elderly parent). It is important that the National Plan recognises the need for tailored perpetrator interventions to address the underlying causes of elder abuse, such as access to mental health and disability services. Elder abuse is often perpetrated by adult children who are living with their elderly parent and are dependent on them for housing. Lack of access to affordable housing for perpetrators can be a key systemic barrier in addressing elder abuse.

In the elder abuse context, perpetrators can be reluctant to engage with services, particularly where there are mental health issues present. Given the power imbalance, older persons are often not in a position to compel or advocate for the perpetrator to engage with services. The National Plan should recognise the need for mechanisms to encourage, facilitate and support perpetrators to engage with services and programs to address key drivers of violence.

We recommend that the National Plan address the dynamics and drivers of elder abuse and strengthens the commitments under the National Pillars to reducing elder abuse.

This includes:

- Reflecting the unique dynamics and drivers of elder abuse in the National Plan.
- Investing in tailored early intervention initiatives to address elder abuse.
- Expanding perpetrator interventions to address elder abuse, including access to mental health and disability services and affordable housing, as well as mechanisms to encourage, support and facilitate perpetrators engaging with services.

6.6 The experiences of women and children in regional, rural and remote areas

We applaud the National Plan for recognising that the challenges and impacts of violence against women and children in regional, rural and remote areas can be more complex to address, with help often harder to access.²⁴ We also support acknowledgement in the National Pillars of the workforce challenges, increased service delivery costs, access issues to services and men's behaviour change programs and housing shortages in regional, rural and remote areas. However, the commitments under the National Pillars to address the unequal access to services, programs and housing need to be strengthened. This is underscored by data which indicates that women in remote and regional communities are 24 times more likely to be hospitalised for family violence than women in major cities.²⁵

²³See Senior Rights Victoria factsheet - <https://seniorsrights.org.au/resources-education/elder-abuse-toolkit/what-is-elder-abuse/>

²⁴ National Plan, page 15.

²⁵ Ibid.

We recommend that the National Plan commits to increasing investment in services, programs and housing in regional, rural and remote to improve the safety of women and children experiencing family violence. This includes:

- Increasing resourcing in regional, rural and remote areas to ensure services are place-based and can meet the needs of the community and support victim survivors of family violence.
- Adapting service provision to the regional, rural and remote context having regard to the unique challenges in these areas, such as lack of phone/internet coverage, large geographical areas and small communities.
- Addressing recruitment shortages and increased service delivery costs in regional, rural and remote areas.
- Increasing access to affordable housing in regional, rural and remote areas where there are often critical housing shortages.
- Ensuring greater harmonisation of cross border services, including justice processes, police responses, education and health (as agencies are often funded to deliver services in their own State or Territory even if they are in a cross-border community).
- Ensuring new family violence initiatives are not only trialled or delivered in metropolitan areas or large regional hubs, but also in smaller regional, rural and remote areas.

7. Is there any other feedback or additional information you wish to provide?

7.1 Reforming the family law system

The National Plan acknowledges the importance of a streamlined family law system and access to family law services to ensure that victims survivors achieve a fair family law outcome which enhances their safety and economic security.²⁶ Under the National Pillar (response), there is a commitment to enhancing the response to family violence in family law matters,²⁷ which we strongly support.

There have been multiple inquiries into the family law system which have set out recommendations to improve the family law system's response to family violence. With this available evidence, the National Plan could commit to more extensive reforms to the family law system to enhance the way it addresses family violence.

Victim survivors are 16 times more likely to have a family law issue than the general population.²⁸ A series of recent studies by the Australian Institute of Family Studies found that family violence (including physical harm and emotional abuse) is reported by approximately 60% of separated parents prior to and during separation.²⁹ While many family law matters do not reach court, family violence is often a factor in those matters that result in litigation due to the increased complexity and risks involved.

While we recognise that there are extensive reforms that could be made to the family law system to improve the response to family violence, we have highlighted a handful of key reforms:

- The presumption of ***equal shared parental responsibility*** in the *Family Law Act 1975* should be removed. There has been an incorrect interpretation that the presumption equates to equal time with children. There needs to be a shift in culture and practice towards a greater focus on the safety of children.³⁰

²⁶ Ibid, page 35.

²⁷ Ibid, page 37.

²⁸ Coumarelos, Christine (2019). 'Quantifying the legal and broader life impacts of domestic and family violence' in *Justice Issues*, Paper 32, The Law and Justice Foundation NSW June 2019.

²⁹ Cited in the Australian Law Reform Commission, *Final Report: Family Law for the Future – An Inquiry into the Family Law System*, ALRC Report 135, March 2019, p.104

³⁰ See Joint Select Committee on Australia's Family Law System, *Improvements in family law proceedings*, Second Interim Report, March 2021 (Recommendation 17); Women's Legal Services Australia, *Safety First in Family Law*, February 2020.

- The ***Lighthouse Project*** should be expanded to all Federal Circuit and Family Court registries.³¹ This project involves comprehensive risk screening at the point of entry to the family law system, safety planning, referral and case management for high-risk matters. The project is currently in three pilot sites and should be expanded nationally.³²
- The ***early determination of family violence*** should be promoted through a case management process and early testing of evidence of family violence in family law matters and resourced appropriately.³³
- A ***national legally assisted family dispute resolution program*** that is appropriate for family violence matters should be implemented and resourced. This program should be supported by lawyers and mediators with specialist experience in family violence and trauma-informed practice and it must be affordable to cater for families without financial means.³⁴
- The ***Priority Property Pools under \$500,000*** (PPP500) should be expanded to all Family Federal Circuit and Family Court registries.³⁵ The PPP500 is a more efficient and cost-effective process for resolving property matters involving small pools, which aims to preserve parties' scarce assets. This is important as women often face more financial challenges following separation than men. Women experiencing family violence are particularly vulnerable to economic abuse and hardship following separation, which can be exacerbated by a lengthy and expensive property settlement process.

We reiterate the importance of disadvantaged and at-risk families having access to affordable and trauma-informed legal assistance in their family law matters. Legal advice and representation in family law matters is critical, particularly where there is family violence. Family law assistance comes at a high cost which many families cannot afford. The Joint Select Committee on Australia's Family Law System recommended that the Australian Government increase funding to legal aid commissions and community legal centres to enable them to increase assistance to vulnerable families in family law matters.

We recommend that:

- **The reforms to the family law system to improve responses to family violence are expanded in the National Plan.**
- **The National Plan commits to increased investment in community legal centres and legal aid commissions to provide assistance in family law matters to families experiencing family violence and disadvantage.**

8.2 Responding to family violence in the context of emergencies and disasters

We welcome recognition in the National Plan that family violence rates increase in the context of disasters, as well as the commitment to upskill emergency and first responders in identifying family violence and making appropriate referrals.³⁶ However, we support stronger commitments under the National Pillars in addressing family violence in the disaster context.

As a result of climate change, the frequency and severity of disasters will increase with flow on effects for women and children experiencing family violence. It appears that there has been limited research in Australia into the gendered impacts of disasters and the relationship between disasters and family

³¹ See Joint Select Committee on Australia's Family Law System, *Improvements in family law proceedings*, Final Report, November 2021 (Recommendation 1).

³² Federal Circuit and Family Court of Australia, The Lighthouse Project, available at: <https://www.fcfcoa.gov.au/fl/fv/lighthouse>

³³ Women's Legal Services Australia, *Safety First in Family Law*, February 2020.

³⁴ See Joint Select Committee on Australia's Family Law System, *Improvements in family law proceedings*, Second Interim Report, March 2021 (Recommendation 1); Women's Legal Services Australia, *Safety First in Family Law*, February 2020.

³⁵ See Joint Select Committee on Australia's Family Law System, *Improvements in family law proceedings*, Final Report, November 2021 (Recommendation 2).

³⁶ National Plan, pages 18 and 34.

violence against women and children.³⁷ However, global research shows that family violence against women and children is taken to a new level in a post-disaster context, particularly given high stress levels. In disaster contexts, support services are also likely to be over-burdened with addressing the aftermath of a disaster which can limit capacity to focus on family violence.³⁸

We recommend that the response to family violence in the context of disasters be strengthened under the National Pillars.

This includes:

- Increasing research, literacy and awareness on the impact of disasters and climate change on family violence.
- Increasing capacity building on how to respond to family violence in the context of disasters for a range of frontline services, including legal, community, family violence, health and emergency services.
- Investing in frontline services (including, legal, community, family violence and health services) to respond to increased family violence rates in the wake of disasters (e.g, surge capacity).
- Ensuring family violence is a focus area in government's disaster guidelines and disaster preparedness planning.

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³⁷ Gender and disaster, Family Violence and Disaster, available at: <https://www.genderanddisaster.com.au/themes/family-violence-disaster/>

³⁸ Parkinson D and Zara C, *The way he tells it...Relationships after Black Saturday*, 2012, available at: <http://www.genderanddisaster.com.au/wp-content/uploads/2015/06/Doc-005-The-Way-He-Tells-it.pdf>