

Consultation: the next stage of Victoria's work to end family violence

We welcome the opportunity to provide feedback on the next stage of Victoria's work to end family violence. The development of the 2024-2026 Family Violence Reform Rolling Action Plan (**RAP**) provides a critical opportunity to build on and complete the family violence reforms set out in the current RAP in a way that meaningfully gives effect to the vision the Royal Commission into Family Violence (the **Royal Commission**).

We have set out key priorities focusing on amplifying the critical role of the legal assistance sector in Victoria's family violence support system. The legal assistance sector is an important part of the family violence support system and is essential to an integrated response to keep women and children safe from family violence and increase perpetrator accountability. It is crucial that the next RAP also strengthens Aboriginal-led responses to family violence in relation to prevention, response and recovery, alongside increased investment in Aboriginal Community Controlled Organisations (**ACCOs**). In line with the treaty process, this involves a devolution of responsibility to ACCOs to adopt a more self-determined approach to addressing family violence.

While we commend the government's extensive family violence reform in the decade following the Royal Commission, there is still much more to be done to prevent family violence and strengthen the family violence support system in Victoria. It is critical that the government commits to ongoing family violence reform once the 10 Year Plan, *Ending Family Violence – Victoria's Plan for Change* (the **10 Year Plan**) ends and develops a comprehensive strategy designed to transition from the 10 Year Plan.

We have set out a summary of our recommendations below.

About the Federation

The Federation of Community Legal Centres (Vic) (the **Federation**) is the peak body for Victoria's 47 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 over 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 Federation's members are critical in the response to family violence in Victoria. Across the state, there are more than 4,000 staff and volunteers working in Community Legal Centres. The vast majority of Community Legal Centres provide legal assistance with family violence matters, often to Victorians who experience compounding layers of disadvantage across metro, regional and rural areas in Victoria. Community Legal Centres provided over 120,000 legal services to Victorians last year and 38 per cent of people accessing Community Legal Centres were experiencing or at risk of family violence. We highlight that the proportion of victim survivors of family violence assisted by Community Legal Centres is likely to be higher as this only reflects data from three quarters of the sector.

There are specialist, statewide Community Legal Centres in Victoria supporting cohorts of people experiencing family violence such as migrant and refugee women, the LGBTIQ+ community, young people, older Victorians, and Aboriginal and Torres Strait Islander people. Placed-based Community Legal Centres also offer dedicated family violence services across the state. Community Legal Centres work in partnership and in an integrated and trauma informed way with family violence services, health services, schools and the community sector, to provide holistic support to victim survivors.



THE FEDERATION ACKNOWLEDGES THE TRADITIONAL ABORIGINAL OWNERS OF COUNTRY AND WE PAY OUR RESPECTS TO ELDERS PAST, PRESENT AND EMERGING. WE RECOGNISE THEIR CONTINUING CONNECTION TO LAND, WATER AND COMMUNITY. SOVEREIGNTY WAS NEVER CEDED.

Summary of recommendations

We have set out a summary of recommendations for the next RAP below.

We recommend that the next RAP includes the following priorities:

Strengthen support for victim survivors

- Enhance the legal response to family and sexual violence.
- Embed a state-wide approach to the connection and coordination of legal services across the Orange Door Network.
- Expand early engagement methods and socio-legal early intervention models to assist victim survivors.
- Establish stronger pathways between legal services and related supports (including, financial counsellors, social workers, advocates and case managers).
- Implement the Specialist Family Violence Court (SFVC) legal practice model at the seven new SFVCs, which requires increased resourcing to expand access to specialist legal assistance at these courts.
- Roll out Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM) aligned training to the legal assistance sector which is culturally safe.
- Increase crisis accommodation and longer-term safe and affordable housing options for victim survivors, including children and young people affected by family violence.
- Advance a multi-agency coordinated approach to address misidentification of victim survivors as perpetrators of family violence, including Victoria Police, Magistrates Court of Victoria, Family Safety Victoria, the community legal sector, specialist Aboriginal family violence and legal services and Victoria Legal Aid.
- Develop solutions to access to justice barriers and prevent systems abuse, including perpetrators' exploitation of legal processes.
- Support Djirra to expand regional service delivery capacity.

Focus on children and young people

- Invest in respectful relationships education across schools and early childhood settings in Victoria.
- Expand access to trauma informed, early and holistic legal and other social supports for children and young people experiencing or using violence in the home.
- Expand early and holistic legal and other supports for families at risk of child protection intervention due to family violence and other related protective concerns.
- Establish a mandatory Aboriginal child protection notification and referral system to assist Aboriginal families experiencing family violence and other protective concerns.

Understand and demonstrate impact

- Implement a robust monitoring system to measure impact and to guide future reform needed to continue to prevent family violence and strengthen the family violence support system in Victoria.

Overarching principles

- Recognise the gendered nature of family violence as an overarching principle.

Other recommendations

- Provide long-term, sustainable funding to ensure victim survivors have ongoing access to legal and other support.
- Include specific actions to prevent and address elder abuse, including expanding access to community legal assistance programs for older people.
- Recognise the unique challenges faced by women on temporary visas who are experiencing family violence and commit to providing access to community legal assistance and equitable support.
- Commit to ongoing family violence reform following the end of the 10 Year Plan and develop a comprehensive strategy designed to transition from the 10 Year Plan.

Strengthen support for victim survivors

Providing victims survivors with the support they need

What steps would you recommend the Victorian Government take to provide all Victorians who experience family or sexual violence with the support they need when they need it?

Enhancing the legal response to family and sexual violence

To strengthen the support system for victim survivors, it is essential that the legal response to family and sexual violence is enhanced in the next RAP. In Victoria, we are continuing to see high demand for legal help for victim survivors which the legal assistance sector cannot meet on current resourcing levels. It is critical that the capacity of the legal assistance sector is increased to meet high unmet legal need so that victim survivors are not left to navigate high risk situations alone.

The legal assistance sector is an important part of the family violence support system. The legal assistance sector helps victim survivors to secure family violence intervention orders (FVIOs) and to resolve parenting disputes to put in place safe arrangements for children. Victim survivors also need legal assistance with a range of other challenges, including assisting families where child protection authorities intervene, migration assistance for women on temporary visas, securing safe housing and resolving debt issues. In addition, the legal assistance sector supports victim survivors to restore their financial safety and independence, helping them to recover from long periods of economic abuse. It is crucial that Victoria's family violence reforms enhance the capacity of the legal assistance sector to support victim survivors of family and sexual violence.

There is a high incidence of sexual violence in the family violence context. According to recent Crime Statistics Agency data, 41 per cent of recorded sexual offences were related to family violence.¹ The Victorian Law Reform Commission's report on *Improving the Response of the Justice System to Sexual Offences* recognised the need to improve responses to sexual violence within a family violence context.² It is essential to upskill the legal assistance sector to respond effectively and in a trauma informed way to victim survivors who have experienced sexual violence.

As part of this priority, it is critical that Aboriginal family violence and legal services are clearly identified as priority frontline services and resourced to provide culturally safe, holistic and trauma-informed legal assistance to Aboriginal women and children that experience family violence and sexual violence across all parts of Victoria.

We recommend that the next RAP includes enhancing the legal response to family and sexual violence as a priority.

¹ Crimes Statistics Agency data cited in State of Victoria, *Strong Foundations – Building on Victoria's work to end family violence*, November 2023, p.20.

² Victorian Law Reform Commission, *Improving the Justice System Response to Sexual Offences: Report*, September 2021, p.98.

Integration of legal assistance in the family violence support system

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. As part of creating a more integrated system, it is essential that legal support is available to people accessing the Orange Door hubs.

This is a key priority in the Victorian Government's 10 Year Plan which envisioned a network of Support and Safety Hubs for people to access the support they need to be safe and recover.³ The current RAP prioritises the embedding of legal services in the Orange Door network across Victoria. While there has been investment in legal services in one Orange Door hub in Victoria– there is more work to be done. The final RAP provides a key opportunity to achieve this important family violence reform across Victoria.

This involves:

- expanding access to legal services in Orange Door hubs across Victoria
- ensuring Aboriginal victim survivors who access the Orange Door network are connected with specialist Aboriginal family violence and legal services
- providing foundational training to Orange Door practitioners to equip them to identify legal issues, to make appropriate referrals and to respond effectively.

This requires increased investment in the legal assistance sector to be integrated within the Orange Door network, including specialist Aboriginal family violence and legal services. In the first year, this could involve embedding legal services in three more Orange Door sites, including a metropolitan and regional area, and building on this in subsequent years of the final RAP period.

We recommend that a state-wide approach to the connection and coordination of legal services is embedded across the Orange Door Network in the next RAP.

Early, holistic and trauma informed responses

Victim survivors often have complex and intersecting problems arising from the family violence they have experienced. It is critical that victim survivors can access holistic and trauma informed support to address the various challenges they are facing as early as possible.

Community Legal Centres assist victim survivors with complex issues and overlapping causes of hardship, such as family breakdown, incarceration, crippling debt problems and housing insecurity. Community Legal Centres work collaboratively with other community professionals, such as social workers, financial counsellors, school communities and health providers, to provide holistic support to victim survivors.⁴

People who are experiencing family violence and disadvantage have the lowest rate of seeking legal assistance of any group; and are more likely to speak to a health professional

³ State of Victoria (Department of Premier and Cabinet), *Ending Family Violence – Victoria's Plan for Change*, 2016, p.x.

⁴ Goodrick, D., and Sampson, E., *Meeting People Where They Are: Delivering Integrated Community Legal Services*, Federation of Community Legal Centres, 2020, p.10.

or other frontline service about legal problems than a legal service.⁵ This can result in legal issues not being identified or addressed.

Integrated legal services and health justice partnerships ensure that victim survivors are connected with legal services wherever they seek help, including at schools, hospitals, maternal health clinics, youth centres, alcohol and drug programs, settlement services, family violence services and more. This helps victim survivors to understand and identify their legal problem earlier and reaches victim survivors before their legal problems escalate, improving access to justice. This has a preventative effect in terms of reducing compounding harms for vulnerable groups and can reduce pressures on the justice system and other parts of the service systems down the track.

The current RAP has activities focused on providing early legal intervention and more wrap-around support to victim survivors. There is more to be done in the next RAP to achieve these existing priorities. We recommend the next RAP continues to focus on:

- expanding early engagement methods and socio-legal early intervention models to assist victim survivors
- establishing stronger pathways between legal services and related supports (including, financial counsellors, social workers, advocates and case managers).

This involves:

- resourcing more integrated legal services and partnerships between community legal services and specialist Aboriginal family violence legal services with health, family violence and sexual assault services
- upskilling community service professionals to identify legal issues and respond effectively (such as, making appropriate referrals).

It is important that victim survivors in regional and remote areas have access to community legal services in their local areas which are embedded in the community and can provide early, holistic and trauma informed legal support.

As part of this priority, it is important that investment includes Aboriginal-led prevention programs run by specialist ACCOs, such as Djirra and the Victorian Aboriginal Legal Service. For example, Djirra's programs offer safe, alternative ways for women to learn about and access family violence and legal support. Djirra's integrated services and programs play a crucial role in providing Aboriginal women with soft entry points into culturally safe and holistic services. These services assist Aboriginal women experiencing or at risk of family violence by addressing the spectrum of legal, social, health, financial and other needs they are facing.

We recommend that the next RAP continues to focus on:

- **expanding early engagement methods and socio-legal early intervention models to assist victim survivors**
- **establishing stronger pathways between legal services and related supports (including, financial counsellors, social workers, advocates and case managers).**

⁵ Ibid, p.10.

Expanding access to specialist legal assistance at the Specialist Family Violence Courts

The Royal Commission recommended the establishment of SFVCs at all major courts in Victoria to improve victim survivors' access to legal protection and help hold perpetrators accountable. This formed a key priority in Victoria's 10 Year Plan.⁶ Under the 10 Year Plan, a critical part of the roll-out of the SFVCs across Victoria was enhancing access to specialist legal assistance to victim survivors when they need it most.⁷

To date, five SFVCs have been established, with the roll-out of a further seven SFVCs in late 2022. While limited funding was provided to legal services at the new seven SFVCs in the last State Budget, this funding fell substantially short of the level required to provide a more intensive, specialist and therapeutic service as envisioned by the Royal Commission and committed to by the Government in the 10 Year Plan.

Many legal services have been forced to place caps on the number of victim survivors they can assist at court due to insufficient resourcing to meet high demand. This means that victim survivors are missing out on essential legal support at court, let alone a more intensive, therapeutic and specialist service. Additional resourcing is critical to improve the court process for victim survivors and to embed trauma-informed and culturally sensitive approaches to help people who have been affected by family violence.

The current RAP prioritises the continued implementation of the SFVC legal practice model. There is more work to be done to achieve this priority. This priority should remain a focus in the next RAP with recognition of the importance of increasing resources of legal services at the seven new SFVCs. The role of specialist Aboriginal family violence and legal services at the new SFVCs should also be expanded.

We highlight that there are regions in Victoria where there is no access to SFVCs for victim survivors, in particular, in North-East Victoria. It is important that this gap in services in such a vast area in Victoria is rectified.

We recommend that the next RAP continues to focus on the implementation of the SFVC legal practice model at the seven new SFVCs which requires increased resourcing to expand access to specialist legal assistance at these courts.

Upskilling the legal assistance sector in family violence risk assessment and management

The 10 Year Plan committed to re-developing the Family Violence Risk Assessment and Management Framework to ensure a consistent approach to risk assessment so that victim survivors are kept safe.⁸ In addition to strengthening the specialist family violence and prevention sectors, this involved building the capability of workforces within universal services, including the justice system.⁹ The current RAP commits to ensuring that training to the legal assistance sector is aligned with the MARAM. The purpose is to embed a shared approach to family violence risk assessment and management across justice, community, education and health sectors. The next RAP should prioritise rolling-out MARAM aligned training to the legal assistance sector.

⁶ State of Victoria (Department of Premier and Cabinet), *Ending Family Violence – Victoria's Plan for Change*, 2016, p.XI

⁷ Ibid, p.51.

⁸ Ibid, p.62.

⁹ Ibid, p.63.

While some Community Legal Centres have developed MARAM aligned training for the legal assistance sector, there is not sufficient resourcing for this training to be rolled-out across the sector. There also needs to be additional funding for the development of further MARAM aligned training packages for the legal assistance sector (such as, MARAM identification and screening training or the MARAM leading alignment training). To upskill the legal sector, it is important that family violence training is also available to private lawyers and barristers that work with victim survivors.

The training must be culturally safe which involves ACCOs in the design and delivery of the training and equipping the wider legal assistance sector with an understanding of the specific risks and needs of Aboriginal women.

We recommend that the next RAP prioritises the roll-out of MARAM-aligned training to the legal assistance sector which is culturally safe.

Access to safe and affordable housing

Secure and affordable housing is crucial for the safety of victim survivors. Family violence is a leading cause of homelessness. In Victoria, almost half of the women who seek support from homelessness services identify family violence as the primary reason they need help.¹⁰

The current rental and housing affordability crisis has deepened housing shortages, pushing victim survivors into more desperate circumstances. Victim survivors end up remaining in violent relationships because they have nowhere to go. It is critical that Victoria addresses chronic housing shortages. This includes increasing social housing by at least 60,000 new public and community homes before 2032 and ensuring rent is more affordable in Victoria.

The government also needs to focus on the specific housing needs of victim survivors and children from crisis accommodation to longer-term affordable housing options. There needs to be less reliance on motels as a form of crisis accommodation by committing to:

- an immediate uplift in specialist family violence accommodation, so that at least 340 households can be supported on any given night
- dedicated crisis accommodation for children and young people who are affected by family violence.

There needs to be safe housing options for children and young people impacted by family violence and those leaving the child protection system, many of whom have experienced violence and abuse and have complex needs.

Crisis accommodation and housing must be culturally safe for Aboriginal victim survivors and children and be accessible for people with disability. There also needs to be more access to safe and secure housing for women exiting prison, many of whom (70 to 90 per cent) have experienced violence and abuse.¹¹ For example, the Victorian Aboriginal Legal Service operates the Baggarook program, an intensive support program for women transitioning from custody that are at risk of homelessness. This involves a partnership with Aboriginal Housing Victoria which provides transitional housing, while support workers from the Victorian Aboriginal Legal Service support women through the transition. This includes strengthening cultural connections, building women's

¹⁰ Council to Homeless Persons, *Factsheet: Homelessness and domestic and family violence*, Victoria, 2022.

¹¹ H Johnson, *Drugs and crime: A study of incarcerated female offenders*, Research and public policy series, 2004; Justice Health & Forensic Mental Health Network, 2015 Network Patient Health Survey report, 2017; M Wilson et al, *Violence in the Lives of Incarcerated Aboriginal Mothers in Western Australia*, SAGE Open, January 2017.

independence and looking at the underlying reasons for offending. While this is an important program in addressing homelessness among women who have experienced violence and abuse, it requires expanded access and ongoing funding.

There needs to be more access to legal assistance and financial counsellors to assist victim survivors to become financially independent, such as, help dividing joint property and removing perpetrators from leases.

We recommend that the next RAP focuses on prioritising crisis accommodation and longer-term safe and affordable housing options for victim survivors, including children and young people affected by family violence.

Shifting focus onto people who use violence

What steps would you recommend the Victorian Government take to continue to shift the focus onto people who use violence?

The priorities recommended above shift focus onto people who use violence. Legal assistance can contribute to safety, for example, by helping to ensure that people who use violence understand the conditions on FVIOs, the repercussions of breaching an order and avenues to address related legal issues (e.g., legal assistance with resolving 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. In addition to this, the Victorian government should focus on addressing misidentification of victim survivors and systems abuse to shift the focus onto people who use violence.

Stopping the misidentification of victim survivors as perpetrators of family violence

The misidentification of women as perpetrators of family violence remains a complex and pervasive issue in Victoria. Victoria Police estimated that women who are respondents on family violence reports about intimate partner violence are misidentified approximately 12 per cent of the time.¹² A study conducted by Women's Legal Service Victoria in 2018 revealed that of the 55 women they assisted that were named by police as respondents to FVIOs, 32 were incorrectly identified.¹³ Certain women are at greater risk of being misidentified, in particular, Aboriginal women, migrant and refugee women, women in the criminal legal system, women with disabilities and people who identify as LGBTIQ+.¹⁴

The flow-on effects for women who have been misidentified can be devastating. Without adequate protection, this places these women at higher risk of ongoing violence and can lead to far-reaching consequences, such as separation from children, reduced access to family violence services, criminalisation, and homelessness.¹⁵

¹² Family Violence Reform Implementation Monitor, *Monitoring Victoria's family violence reforms: Accurate identification of the predominant aggressor*, December 2021, p.11.

¹³ Women's Legal Service Victoria, *Snapshot of police family violence intervention order applications*, May 2018.

¹⁴ Family Violence Reform Implementation Monitor, *Monitoring Victoria's family violence reforms: Accurate identification of the predominant aggressor*, December 2021, p.11.

¹⁵ Ibid, p.14.

The Family Violence Reform Implementation Monitor (FVRIM) highlighted the urgent need to address misidentification in its monitoring report and set out a clear plan of action.¹⁶ To effectively reduce and respond to misidentification, as intended by the Royal Commission, the FVRIM recognised that a genuine whole-of-system effort is required.¹⁷ The next RAP should advance a multi-agency coordinated approach to address misidentification, including Victoria Police, Magistrates Court of Victoria, Family Safety Victoria, the community legal sector, specialist Aboriginal family violence and legal services and Victoria Legal Aid.

It is critical that the recommendations of the FVRIM are implemented. This includes Victoria Police improving their processes to ensure that the perpetrator of family violence is accurately identified, there are review processes in place and where misidentification occurs, it can be rectified quickly and effectively.

The Yoorrook Justice Commission highlighted that Aboriginal women are frequently misidentified as the perpetrator by police, deepening distrust of police and leading to adverse consequences for these women.¹⁸ As highlighted by the Victorian Aboriginal Legal Service, Aboriginal women are more likely to be misidentified due to systemic racism and stereotyping. Aboriginal women are less likely to be believed by police because they may be less willing to cooperate with police as a result of inherent distrust, are disproportionately impacted by mental health issues and are more likely to have had previous contact with the criminal legal system.¹⁹ The government and Victoria Police must work with specialist Aboriginal family violence and legal services to improve police responses for Aboriginal women who are at higher risk of misidentification by police.

We recommend that the next RAP prioritises a multi-agency coordinated approach to address misidentification of victim survivors as perpetrators of family violence, including Victoria Police, Magistrates Court of Victoria, Family Safety Victoria, the community legal sector, specialist Aboriginal family violence and legal services and Victoria Legal Aid.

Addressing access to justice barriers and systems abuse

The current RAP recognised the importance of developing solutions to access to justice barriers, including perpetrators' exploitation of legal processes by, for example, deliberately creating conflict of interest issues to limit victim survivors' access to legal assistance. This remains a pervasive issue alongside other forms of systems abuse by perpetrators. It is particularly problematic in regional and remote areas where there are limited legal services available.

Systems abuse is a complex and under-recognised form of family violence. It occurs where a perpetrator of family violence manipulates the legal system to coercively control, threaten and harass a partner or other family member.²⁰ Misuse of the legal system can be an attempt to shift accountability away from the perpetrator onto the victim survivor with profound emotional and financial implications.²¹ Systems abuse often takes place following separation. It can include making up allegations to gain advantages in parenting matters, making false reports to child protection or

¹⁶ Ibid, p.5.

¹⁷ Ibid.

¹⁸ Yoorrook Justice Commission, *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems*, 2023, p.262.

¹⁹ Victorian Aboriginal Legal Service, *VALS Policy Paper – Addressing coercive control without criminalisation – avoiding blunt tools that fail victim survivors*, 2022, p.26.

²⁰ Ellen, R., *Research Brief – Systems Abuse, Monash Gender and Family Violence*, Monash University, 2018.

²¹ Ibid.

police, attempting to have a partner arrested or applying for FVIOs against a victim survivor.²² In preventing systems abuse, it is important that services do not collude or facilitate the perpetrator of family violence. It is also important that court processes susceptible to exploitation are closely considered, such as scrutinising the use of cross-FVIO applications as early as possible. We consider that access to justice barriers and preventing systems abuse should remain a priority in the next RAP as part of shifting focus to perpetrators and holding them accountable.

We recommend that the next RAP focuses on developing solutions to access to justice barriers and prevents systems abuse, including perpetrators' exploitation of legal processes.

Aboriginal-led responses

What steps would you recommend the Victorian Government take to support Aboriginal-led responses for Aboriginal victim survivors and people who use violence?

It is critical that specialist Aboriginal family violence and legal services drive reform to support Aboriginal communities. We have set out Aboriginal-led responses in each of the reforms above. In addition to this, the current RAP includes a priority to support Djirra to expand regional service delivery capacity. Investing in the expansion of Djirra's regional services will assist in overcoming inequities that arises for many women and families living in regional areas. It will also ensure Aboriginal women living in these areas can access Aboriginal-led, culturally appropriate services at an earlier point. This priority has not been achieved. Investment and support is required for Djirra to expand regional service delivery capacity, including the establishment of a central hub – an Aboriginal Women's Centre – to power the regional expansion.

We recommend that the next RAP supports Djirra to expand regional service delivery capacity.

Focus on children and young people

Creating generational change

What steps would you recommend the Victorian Government take to engage children and young people to create generational change?

It is critical that there is ongoing investment in respectful relationships education across schools and early childhood settings in Victoria. Schools must be appropriately resourced and supported to take a comprehensive, whole-of-school approach to age-appropriate healthy relationships education across the lifespan of students' education. Teachers and other staff should be trained to support the roll-out of this education in their schools. There should be continued funding for ACCOs to ensure that the respectful relationships education is culturally appropriate and to be involved in the delivery of this education in Aboriginal communities.

In line with the introduction of affirmative consent models in Victoria, it is critical that this education includes sessions on consent. For example, Community Legal Centres across Victoria provide

²² Ibid.

education in schools to increase young people's understanding of what constitutes consent and the consequences of unlawful behaviour.

We recommend continuing investment in respectful relationships education across schools and early childhood settings in Victoria.

Supporting children who are experiencing or using violence in the home

What steps would you recommend the Victorian Government take to provide support for children and young people where, when and how they need it?

Early and holistic support for children and young people

The 10 Year Plan focuses on improving support for children and young people experiencing or using family violence in the home. This included embedding early intervention in all aspects of Victoria's family violence, social services and justice systems. The current RAP prioritises identifying avenues to better support access to legal assistance for children and young people in relation to family violence. There is more work to be done in the next RAP in implementing early, holistic and trauma informed support to children and young people experiencing or using violence in the home.

Children and young people experiencing family violence or using family violence in the home face complex challenges that can escalate and intensify without intervention leading to devastating long-term consequences. Children and young people who use violence at home are often victims of family violence themselves and experience high levels of vulnerability and trauma.²³ This can be an indicator of significant complexity within the family and underscores the importance of connecting these children and young people to early legal and therapeutic support and diverting them away from the justice system.²⁴

Early access to wrap-around support services which places children and young people at the centre is essential. Wrap-around services can be tailored to the young person's needs and include legal assistance, alongside other types of support, such as mental health support, housing and employment services. Where there are court proceedings, early referrals to legal and support services enable decisions at court to be as informed as possible, so that risk within the family is more adequately addressed. Research also shows that disability (in combination with other factors, such as, age), impact on children's and young people's capacity to comprehend or comply with an FVIO.²⁵ This underscores the importance of early legal advice to ensure children understand the legal proceedings and are supported to make informed decisions about their options.

Community Legal Centres have existing integrated legal models that deliver legal and social support to children and young people as early as possible. This includes multi-disciplinary programs of lawyers and specialist youth workers, as well as school lawyer programs which embeds specialist lawyers and

²³ Campbell, E., Richter, J., Howard, J., and Cockburn, H., *The PIPA project: Positive interventions for perpetrators of adolescent violence in the home (AVITH)*, ANROWS, 2020.

²⁴ Ibid, p.175.

²⁵ Ibid, p.13 and 94.

legal education in schools. The next RAP provides a critical opportunity to expand access to these integrated legal services and school lawyer programs.

It is important that specialist Aboriginal family violence and legal services are resourced to deliver programs to Aboriginal children and young people. For example, the Victorian Aboriginal Legal Service operates Balit Ngulu, a trauma-informed and holistic legal practice for Aboriginal children and young people, providing support in criminal matters as well as FVIOs (where the FVIO has related criminal charges). This program requires ongoing funding.

We recommend that next RAP prioritises expanding access to trauma informed, early and holistic legal and other social supports for children and young people experiencing or using violence in the home.

Expanding early and holistic supports for families at risk of child protection intervention

To adequately support children and young people experiencing family violence, it is critical that the next RAP focuses on the intersection between child protection and family violence. Family violence is often a key risk factor for child protection involvement, but has not had sufficient focus within family violence reforms to date. In Victoria, “Aboriginal people are more than twice as likely than non-Aboriginal people to experience family violence, and 15 per cent of clients of homelessness services are Aboriginal”.²⁶ These known risk factors are the most significant driver for higher rates of child protection intervention in Aboriginal families.²⁷ This needs to be urgently addressed in the next RAP.

As highlighted by the Yoorrook Justice Commission, “the evidence overwhelmingly shows that providing families with early, wrap around support from culturally safe services can help parents achieve the strong families they want for their children”.²⁸ Despite this, “the vast majority of child protection resources are still spent on the statutory (tertiary) end of the system, removing children, rather than investing in keeping children with their families”.²⁹ It is critical to expand early intervention services for families at risk and provide proactive, integrated supports to promote family preservation and child safety for families experiencing family violence and other difficult circumstances. This must include access to early legal assistance to support families experiencing family violence, to assist them to navigate a complex system and understand child protection’s concerns.

Intervening early can stop issues reaching crisis point, prevent the separation of children from their families, and reduce complex litigation. Early intervention allows parents to access the support they need to address family violence and other compounding issues, including housing instability, unemployment, substance dependency or mental health issues.³⁰ For example, Women’s Legal Service Victoria partners with Monash Health to provide early intervention and holistic support for pregnant women at risk of child protection intervention. Together from the Start Health Justice Partnership (HJP) was developed to support women experiencing family violence provide a safe and healthy environment for their children and keep mothers and babies together from the start.

²⁶ Yoorrook Justice Commission, *Yoorrook for Justice: Report into Victoria’s Child Protection and Criminal Justice Systems*, 2023, p.128.

²⁷ Ibid.

²⁸ Ibid, p.126.

²⁹ Ibid.

³⁰ Pfitzner, N., Meyer, S., Helps, N., and McGown, J., *Stronger Together: Strengthening family functioning to improve outcomes for children*, Women’s Legal Service Victoria and Monash Gender and Family Violence Prevention Centre (Monash University), April 2022, p.55.

Recognising the overrepresentation of Aboriginal children in the child protection system, early intervention models require Aboriginal-led solutions and investment in specialist Aboriginal family violence and legal services to deliver early, trauma informed and holistic support to Aboriginal families. This includes early child protection notification system set out below.

We recommend that the next RAP prioritises expanding early and holistic legal and other supports for families at risk of child protection intervention due to family violence and other related protective concerns.

Aboriginal-led services for Aboriginal children and young people

What steps would you recommend the Victorian government take to enable Aboriginal-led services for Aboriginal children and young people?

It is critical that specialist Aboriginal family violence and legal services drive reform to support Aboriginal children and young people experiencing or using violence in the home. We have set out Aboriginal-led responses in each of the reforms above. In addition to this, the RAP must prioritise establishing an Aboriginal child protection and notification system.

Establishing an Aboriginal child protection and notification system

An Aboriginal child protection notification and referral system needs to be established to ensure that families are linked into culturally safe and holistic legal assistance as early as possible. The notification system will ensure that parents are immediately connected with an appropriate legal service as soon as a child protection notification is received for an Aboriginal family. It is important that this system is adequately resourced and led by specialist Aboriginal family violence and legal services. For example, for Aboriginal mothers linked in with Djirra, this system ensures that they are offered opportunities for Djirra to provide holistic and independent legal and other support that works to keep mothers and children safe and together. As well as improving child and family safety and working with families experiencing family violence, it will contribute to reducing Victoria's unacceptable and worsening record of removal of Aboriginal children from their families (which is nearly double the national average). It also seeks to address Aboriginal women's fear of child protection involvement which can be a major barrier to seeking assistance where family violence is occurring.

This recommendation is in line with the Yoorrook Justice Commission which called on the government to substantially increase investment in ACCOs to "keep Aboriginal children out of the child protection system and to prevent their involvement from escalating when it does occur".³¹ The Yoorrook Justice Commission recommended that where a child protection report is substantiated (including pre-birth reports) for an Aboriginal child, the Department of Families, Fairness and Housing must automatically notify a Victorian Aboriginal legal service provider (to be funded by the Victorian Government) so that the child's parents and/or primary care giver are offered legal help and, where appropriate non-legal advocacy (subject to the family's consent).³²

³¹ Yoorrook Justice Commission, *Yoorrook for Justice: Report into Victoria's Child Protection and Criminal Justice Systems*, 2023, Recommendation 8(c), p.139.

³² Ibid, Recommendation 12, p168.

We recommend that the next RAP prioritises establishing a mandatory Aboriginal child protection notification and referral system to assist Aboriginal families experiencing family violence and other protective concerns.

Understand and demonstrate impact

What steps would you recommend the Victorian government take to strengthen how we measure impact?

It is important that there is a robust monitoring system to assess the extent to which the priorities and activities under the 10 Year Plan and the RAP have been achieved and to measure their impact. This will help to determine what further work needs to be done after the end of the current 10 Year Plan to continue to prevent family violence and strengthen available supports. FVRIM played an important oversight function of the implementation of the Royal Commission recommendations. A similarly robust oversight mechanism should be put in place. Further, there should be oversight and monitoring on the implementation of the FVRIM's recommendations.

While the third RAP marks the end of the 10 Year Plan, it does not signify the end of much needed family violence reform in Victoria. While we commend the government's extensive family violence over the past decade, there is still much to be done. Robust monitoring systems should guide future family violence reform to continue to prevent family violence and strengthen the family violence support system in Victoria.

We recommend that there is a robust monitoring system to measure impact and to guide future reform needed to continue to prevent family violence and strengthen the family violence support system in Victoria.

Overarching principles

Aboriginal Self-Determination: In addition to any answers you provided above, what other steps can the Victorian Government can take to support Aboriginal self-determination in the next stage of Victoria's work to end family violence?

Lived Experience: How do you think people who have experienced family violence can be involved in developing policy, services and activities in the next stage of Victoria's work to end family violence?

Intersectionality: What steps can the Victorian Government take to ensure the next stage of Victoria's work to end family violence addresses the diverse needs of different communities and peoples in our community?

We support the overarching principles of Aboriginal self-determination, lived experience and intersectionality. In line with the Yoorrook Justice Commission, Aboriginal self-determination must

involve “the transfer of power, authority and resources to First Peoples via the treaty process”.³³ Decision-making power over service design, funding, accountability and oversight needs to rest with ACCOs. In line with the treaty process, this involves a devolution of responsibility to ACCOs to make a more self-determined approach to prevent and address family violence. This requires investment in ACCOs, including specialist Aboriginal family violence and legal services.

The government should also work with and invest in services (including community legal services) that provide tailored support to victim survivors from diverse communities, including services that work with people from migrant and refugee communities, LGBTIQ+ services and specialist services that work with people with disability, young people and seniors.

In addition to the above overarching principles, we believe that a gendered nature of family violence should be clearly set out as an overarching principle in the next RAP. This reflects the high number of women who experience family violence (71 per cent) from predominately male perpetrators (73 per cent) with gender inequality being a key driver of violence against women.³⁴

We recommend that the gendered nature of family violence is recognised as an overarching principle in the RAP.

Other reflections

Areas requiring improvement

Thinking about the way the Victorian Government is currently working to prevent and respond to family violence, is there anything it should be doing less of?

Short term and inadequate funding

While the Victoria Government has announced that it has acquitted 227 recommendations made by the Royal Commission, this has not been supported by long-term, adequate, and sustainable funding to family violence services, including the community legal sector. Funding provided to the legal assistance sector to support victim survivors is often short-term and insecure (e.g., one to two year contracts). Community legal services face yearly funding cliffs as they are often not informed about whether lapsing funding will be renewed until shortly before or even after the expiry of that funding. The inadequate and uncertain nature of this funding constrains the sector’s capacity to engage in important, long-term planning. It causes service disruption, loss of key staff and expertise, resulting in victim survivors being unable to rely on crucial services from year to year.

Long-term and sustainable funding across family violence primary prevention, response and recovery is crucial to build robust organisations where workforce and practice expertise is retained. As part of this, it is essential that the government provides sustainable and long-term resourcing, to ensure that victim survivors have access to the community legal assistance they need. This is particularly acute in regional and remote areas where access to basic services are more limited and there are higher

³³ Yoorrook Justice Commission, *Yoorrook for Justice: Report into Victoria’s Child Protection and Criminal Justice Systems*, 2023, p.6, 84-85.

³⁴ State of Victoria (Department of Premier and Cabinet), *Ending Family Violence – Victoria’s Plan for Change*, 2016, p.25.

operating costs. We recommend the RAP prioritises long-term, sustainable funding with seven-year funding cycles.

We recommend that the RAP priorities long-term, sustainable funding to ensure victim survivors have ongoing access to legal and other support.

Additional areas

Is there anything else you think the Victorian government needs to do for all Victorians to access the support they need and be safe, thriving and live free from family violence?

Addressing elder abuse

There is insufficient focus on elder abuse in the current RAP. The dynamics and drivers of elder abuse are distinct from other forms of family violence which requires specific preventative measures and responses. Elder abuse is common. Around 15 per cent of Australians aged 65 and older experience elder abuse, but given underreporting, the prevalence is likely to be higher.³⁵ 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.³⁶ Elder abuse can compromise physical, sexual and psychological abuse, neglect and financial exploitation.³⁷ Older people can be at risk of family members and carers using their money, property or other assets illegally, or coercing them into changing their will.³⁸

The next RAP needs to include specific actions to address elder abuse as a specific and distinct form of family violence. There needs to be a greater focus on prevention and early intervention initiatives to reduce elder abuse. This involves:

- expanding awareness-campaigns on elder abuse
- educating family violence services, police and other relevant sectors to respond effectively to elder abuse
- expanding community legal education programs and resources for older people about elder abuse and related topics (such as, powers of attorney, substituted decision-making and wills).

Community legal education for older people is essential so they are informed about their rights and to empower them to feel equipped to plan for a healthy elder age.

Community Legal Centres deliver specialist programs to older people who are experiencing elder abuse. These centres have experienced high unmet need in this area as the population ages. The RAP should prioritise expanding access to community legal assistance for people experiencing elder abuse. These services have expertise in elder abuse, focus on early intervention to stop problems escalating and provide more holistic support to older people through interdisciplinary teams comprising community lawyers, financial counsellors and advocates.

³⁵ Qu, L., Kaspiw, R., Carson, R., Roopani, D., De Maio, J., Harvey, J., and Horsfall, B. [*National/Elder Abuse Prevalence Study: Final Report \(Research Report\)*](#), Melbourne, Australian Institute of Family Studies, 2021, p.3.

³⁶ 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/>

³⁷ Qu, L., Kaspiw, R., Carson, R., Roopani, D., De Maio, J., Harvey, J., and Horsfall, B. [*National/Elder Abuse Prevalence Study: Final Report \(Research Report\)*](#), Melbourne, Australian Institute of Family Studies, 2021, p.3.

³⁸ See Senior Rights Victoria factsheet - <https://seniorsrights.org.au/resources-education/elder-abuse-toolkit/what-is-elder-abuse/>

Older people who lack decision-making capacity have few supports available where they are experiencing elder abuse. This is a major system gap that needs to be rectified. The RAP should prioritise establishing dedicated supports for older people without decision-making capacity. Another avenue is to set up an agency or body with the power to investigate allegations of elder abuse, including where the older person lacks decision-making capacity. There are equivalents in other jurisdictions, such as the Ageing and Disability Commission in New South Wales.

We recommend that the next RAP sets out specific actions to prevent and address elder abuse, including expanding access to community legal assistance programs for older people.

Women on temporary visas who experience family violence

We consider that the next RAP should recognise the unique challenges faced by women on temporary visas due to their insecure visa status and lack of access to government support and services due to visa conditions.

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.

The next RAP should seek to address the precarious situation of women on temporary visas experiencing family violence in areas that fall under State responsibility, in particular migrant and refugee women having access to community legal assistance and other equitable supports, such as, financial support, housing and healthcare, regardless of residency status.

We recommend that the next RAP recognises the unique challenges faced by women on temporary visas who are experiencing family violence and commits to providing access to community legal assistance and equitable support.

Commitment to ongoing family violence reform

As highlighted above, while the third RAP marks the end of the 10 Year Plan, it should not signify the end of family violence reform in Victoria. While we commend the government's extensive family violence reform in the decade following the Royal Commission, there is still much more to be done. It is critical that the government commits to ongoing family violence reform once the 10 Year Plan ends and develops a comprehensive strategy designed to transition from the 10 Year Plan. Given the unique dynamics and risks of elder abuse, this should include a separate strategy to address elder abuse.

Family violence services, including the legal assistance sector, need to be genuinely engaged and resourced to contribute to future family violence reform. It is important that existing governance structures, such as the role of the Minister for the prevention of Family Violence, Family Violence Reform Advisory Group and sub-working groups (e.g, Family Violence Legal Assistance Working Group), are maintained beyond the final RAP to ensure ongoing engagement.

We call on the Victorian Government to commit to ongoing family violence reform following the end of the 10 Year Plan and to the development a comprehensive strategy designed to transition from the 10 Year Plan.