

**ATTACHMENT [JK-2]**

This is the attachment marked "[JK-2]" referred to in the witness statement of Julie Kun dated 10 July 2015.



# The Royal Commission into Family Violence (Victoria)

**Submission from**

**WIRE Women's Information**

Friday 29 May 2015



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# The Royal Commission into Family Violence (Victoria): WIRE's submission

Friday 29 May 2015

## Executive summary

In this submission we seek to give voice to the thousands of women who contact WIRE regarding the family violence they experience. In this submission we will contend that:

- Financial security for women is an essential element of addressing family violence and responses to family violence must address women's financial security and include access to decent secure employment.
- The experience of family violence takes years to recover from. Victoria must have a well-funded family violence crisis response but there must also be a funded, timely and appropriate response for women that require long-term or episodic support.
- It must be the individual perpetrating the violence that faces the consequences of their actions at every level of society. This includes at work, sporting clubs, churches, schools and in the justice system.
- Access to long-term safe housing for women who have experienced family violence is critical in enabling women to rebuild their lives.
- High security refuges will always be required by some women but not all. The restrictions imposed on women that enter a high security refuges limit the number of women able to access refuge accommodation. Victoria should have a range of safe housing options with different security levels, enabling lower level security refuges to support women and children to maintain as much of their usual routine as possible, including work and school, after leaving the abusive relationship.
- A whole of government action plan should be implemented that as a priority enables government services and institutions including but not limited to the judicial system, law enforcement, educational services, hospitals and DHHS services to provide an integrated, coordinated and collaborative response.



### Women's Information

Throughout this submission we use the term abusive relationship. For the purpose of this submission an abusive relationship is defined as a relationship in which an intimate partner—overwhelmingly, a male partner—chooses to use violence.



## Introduction

WIRE Women's Information welcomes this Royal Commission into family violence. We see it as a unique opportunity to have a 'roots and branch' look at the family violence service delivery system, the institutions that intersect with this system and the survivors and perpetrators of family violence. Family violence is pervasive throughout society: it is not just present in our homes; its impact is felt in our schools, places of work and religious and sporting institutions. Almost all aspects of life are touched by family violence in some way.

This Family Violence Commission provides an opportunity not to just tinker at the edges but to make recommendations that will have a lasting impact in reducing and eradicating family violence in our community.

WIRE Women's Information is writing this submission to amplify the voices of the thousands of women who contact WIRE about the family violence they have experienced. We do this not just by sharing our expertise as a service delivery agency but by enabling the stories of the women themselves be heard.

In our submission we will highlight the common themes we hear from women that contact our service for support, information and referral. We will use case examples where possible. Please keep in mind that when we tell the story of one woman, that woman's story reflects hundreds of women whose voices may not have been heard.

## WIRE Women's Information

WIRE Women's Information has been operating for over 30 years. WIRE believes that all women deserve to be safe, respected and have access to equal opportunity. WIRE is Victoria's only women's service that provides information referral and support to ALL Victorian women regardless of the issues they are facing. WIRE is not a family violence specific service but as a women's service, a high volume of our supports to women relate to family violence. WIRE is often a place of first contact for women who;

- are experiencing family violence but do not know what services to contact,
- do not wish to be labelled as a victim of family violence,
- have not identified what they are experiencing as family violence or
- are fearful that a family violence service may force them to leave their relationship.



Thus WIRE provides support to a significant group of women who for a range of reasons have not yet contacted a family violence specific service. This ideally situates WIRE to be able to meaningfully represent the current issues that women voice who are experiencing family violence.

WIRE's services include:

- **Women's Support Line** (9am – 5 pm Monday to Friday)
  - Phone, real time online and email support
- **Women's information Centre** (9.30am – 4.30pm Monday to Friday)
  - Face-to-face support without appointment
  - Legal clinics
  - Employment programs
  - Computer classes
  - Public access computers and free wifi
- **AMICA Club: Homeless and isolated women's lunch and activity program** (Tuesday to Thursday 11.30am – 3pm)
- **Research:** Current topics
  - Financial abuse in the context of family violence
  - Women's financial capacity building within relationships
  - Digital storage options for women that are homeless or are experiencing homelessness
- **Training**
  - WIRE is a Registered Training Organisation and provides training to all its Women Support Line volunteers
  - Professional Development training for the community sector
- **Information dissemination:**
  - Resource website available 24/7
  - Information booklets developed and written in plain English for women on issues such as family violence and stalking; available for free
  - Fortnightly e-bulletin delivered to over 3,000 email addresses





## No More Deaths Alliance: Principles Framework for the Family Violence System

WIRE supports all the principles outlined in the No More Deaths Alliance's framework for family violence system reforms. See *No More Deaths Principles Framework* document in Appendix A.

Our recommendations including the principles outlined by the No More Deaths Alliance are based on the following common understandings:

- That family violence is gendered.
- That family violence is most frequently and most severely perpetrated by men against women and children.
- That it is a basic human right to be free from violence.
- That women and children have a right to live self-determined lives and reach their full potential.
- That family violence is caused by structural gender inequality and the unequal distribution of power and resources between men and women.
- That the use of violence is a choice—one that should not and cannot be tolerated in any equal and free society.



## A. Financial Security and Family Violence

### Financial abuse

*“I am still paying off the debt 15 years after leaving.”*

Participant of WIRE’s *Relationship Problems and Money: Women talk about financial abuse* research 2014

Financial abuse is a form of family violence recognised by the Family Violence Protection Act (2008). Financial abuse not only negatively impacts the financial security of women when they are in the abusive relationship but well after they have left the abusive relationship. This leaves many women and their children in poverty and vulnerable to homelessness.

“Although there is no exact measure, research indicates that financial abuse in intimate relationships is widespread and common. It is known that a majority of women (between 80 – 90 per cent) seeking support for domestic and family violence have experienced financial abuse (Potmus et al, 2013; Sharp 2008; McDonald 2012:12).”<sup>1</sup>

Family violence not only negatively impacts women’s financial security when they are in the abusive relationship, the lack of financial security continues post-separation. Many abusive men continue to financially abuse their ex-partners and exert control by abusing the courts and other government institutions such as the Child Support Agency.

*“On an individual level, domestic violence creates complex economic issues for women and their children and disrupts their lives over the short and long-term. Regardless of their prior economic circumstances, many women experience financial risk or poverty as a result of domestic violence. These difficulties hamper their recovery and capacity to regain control over their lives. Domestic violence directly affects women’s financial security in key areas of life: debts, bills and banking, accommodation, legal issues, health, transport, migration, employment, social security and child support.”*<sup>2</sup>

In WIRE’s 2014 research report *Relationship Problems and Money: Women talk about financial abuse*, WIRE spoke to 59 women in focus groups about their experience of financial abuse and 145 women participated in an on-line survey. Our findings clearly show that women’s financial security is negatively impacted in the short and long-term as a result of financial abuse.

<sup>1</sup> *Relationship Problems and Money: Women talk about financial abuse*, WIRE Women’s Information, Cameron Prue, (2014) p. 1

<sup>2</sup> *Domestic Violence in Australia- an overview of the issues*, 22 November 2011, Australia Parliamentary Library  
[http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2011-2012/DVAustralia#\\_Toc309798394](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2011-2012/DVAustralia#_Toc309798394) p.28



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*"I had about \$32,000 saved up in cash. I was working and I was working a lot, I was working a lot of hours and was doing a number of jobs going at the same time. I had plenty of money, probably for the first time I was sort of peaking in what I was earning. And also because the relationship was so abusive, my capacity to work went down as well and my income actually dropped because I wasn't able to juggle everything and my energy levels just weren't there. And when I left I was about \$7000 in debt and it was a bit heartbreaking because it's so hard to save that amount of money."* [REDACTED]

[REDACTED]<sup>3</sup>

Participant of WIRE's *Relationship Problems and Money: Women talk about financial abuse* research 2014

In addition financial abuse often continues even after the intimate relationship has ended.

Our findings included that for many women the financial abuse manifested itself in many ways post separation including:

- Non-payment of Child Support payments
- The perpetrator acting as a vexatious litigant causing their ex-partner to use any savings they have to fund legal costs
- Perpetrators withholding money to pressure their ex-partner into financial deals that disadvantage them in the short and long-term.

*"Well my ex-husband is definitely, blatantly, obviously using the system to abuse me. Like I said I am about to go to court for the eighth time for child support. He is taking me to court. He has a [child support] debt; he won't pay it. He is not going through the child support system because he has already appealed it and they have said no. So he is going through the legal system because he has the money and he is spending more on legal fees than the child support. It is just a control thing and it is just about breaking me down and he is doing all sorts of things within the system to abuse me."* [REDACTED]

[REDACTED]<sup>4</sup>

Participant of WIRE's *Relationship Problems and Money: Women talk about financial abuse* research 2014

<sup>3</sup> *Relationship Problems and Money: Women talk about financial abuse*, WIRE Women's Information, Cameron Prue, (2014) p. 30

<sup>4</sup> Ibid p.35



The financial abuse that women experience is further compounded by the gender pay gap which amounts to women on average earning 18.2 per cent less than men. This financial abuse is exacerbated by women having to juggle work and family due to primary care responsibilities for dependent children, limiting their access to employment and in many cases to more highly paid career options.

### Innovation in providing support to women who have experienced financial abuse

WIRE has built on its 2007 research 'Women's Financial Literacy Report'<sup>5</sup> in order to provide a gendered response to financial abuse in the context of family violence. This approach is both preventative as well as restorative. In this research it was determined that women's relationship with money and the societal expectations of women as poor financial managers had a significant impact in how women respond to money issues and their perception of themselves as a good financial manager. In our 2014 research 'Relationship Problems and Money: Women talk about financial abuse' women repeatedly told us that their partner would ridicule their skills as a financial manager as a way of perpetrating financial abuse and using money to control them. Women often cited that it was their relationship with money and what they believed to be the cultural or community norm that made them more vulnerable to financial abuse. WIRE's work in this financial abuse space includes working with women and understanding their relationship with money and how perpetrators exploit stereotypes of women being poor money managers.

WIRE along with other organisations from 2011 to 2013 received funding from a variety of sources to provide workshops and financial information to women that identified as currently experiencing financial abuse. Generally these programs had very poor reach, with few women participating. As a result of these programs not meeting expectations WIRE undertook its 2014 research, *Relationship Problems and Money: Women talk about financial abuse* to build knowledge and understanding of the nature and impact of financial abuse in the context of family violence, to identify the barriers that prevent women from accessing their financial entitlements and other information that would improve their financial security outcome. The research findings included identifying strategies to overcome these barriers.

As a result of the findings from our research and through collaboration and information sharing with other organisations in the financial abuse space, WIRE is in the process of undertaking new innovative projects that take into account all new available information regarding how best to work with women who have experienced financial abuse.

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<sup>5</sup> 'Women's Financial Literacy Research Report' (2007), WIRE Women's Information



## WIRE's innovation

Reducing financial abuse needs to occur at multiple levels - at the preventive level as well as the recovery level. To this end WIRE is doing the following:

- **Prevention:** Providing information and support to women entering new intimate relationships on engaging their partner in constructive money conversations. *Strong Beginnings—Financial Equals* is a WIRE project funded by Financial Literacy Australia. The project is a financial capability<sup>6</sup> project rather than a financial abuse project. By working with women and providing a space for them to understand their relationship with money and build their confidence and skills to talk to their intimate partner about money issues, women have the opportunity to take action if they see the early signs of financial abuse. The second phase of this project is yet to be funded and includes creating a website for women on having money conversations with their partner. As a prevention strategy this project has several advantages:
  - Women do not have to identify as experiencing family violence to participate.
  - The project is aimed at women who are entering or have newly formed relationships and thus a relationship in which the norms are being established. If financial abuse is indicated by the woman's responses to assessment questions about her financial relationship with her partner, the website will inform her that what she is experiencing may be financial abuse and that financial abuse is a form of family violence, and provide information regarding where she can seek support. This once again reaches women who may not have sought assistance for financial abuse.
- **Reducing the impact of financial abuse:** WIRE will in 2015 commence an innovative program called *New Beginning: Steps to a more secure financial future*. This program aims to enable women who have experienced family violence to improve their short, medium and long-term financial security outcomes by decreasing their financial recovery time. The project provides women throughout Victoria with financial capability support through one-on-one support and workshops. Like the *Strong Beginnings- Financial Equals* project this program will provide women with information to enable them to assess their relationship with money and understand the tactics perpetrators use to control women and children through money. These workshops and support will be provided by staff who have an

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<sup>6</sup> Definition of financial capability: **Financial capability** is the combination of attitude, knowledge, skills, and self-efficacy needed to make and exercise money management decisions that best fit the circumstances of one's life, within an enabling environment that includes, but is not limited to, access to appropriate financial services.





understanding of financial capability and work within a strength-based, trauma-informed and gendered framework; thus enabling the support to be tailored to the needs of women that have experienced family violence.

- **Training to the community services sector:** WIRE is a recognised expert in the field of financial abuse and is also a registered training organisation with a long history of providing accredited and non-accredited training to the community sector. To enable more community sector workers to recognise financial abuse and thus take appropriate action in concert with their clients, WIRE since 2011 has been delivering professional development training regarding financial abuse in the context of family violence.

### Family violence and employment

*"[It] was a city of 10,000, so everyone knows everyone; we were in a high profile business so that definitely had a play. I mean it had a big impact on me being able to get work because my ex-husband retained the business and it was one of the largest businesses in town and he said to me, 'Look I have blackened your name everywhere, you won't be able to get employment because no one will be game enough to employ you because I will pull the business away from them and no one will be game enough to hire you' and it was true because I applied for several jobs and I didn't even get an interview so we moved cities... So I lost my career in that my qualifications weren't transferrable and I didn't realise that when we split and so I lost the business and my home and our farm and all the assets but I was lucky enough to retain enough to have a house."*

Any strategies developed to protect the financial security of women who have experienced family violence must enable women to acquire decent and secure employment. We have already established in this submission that women and their children who experience family violence are far more vulnerable to poverty, financial insecurity and homelessness. The most effective way to counter poverty is meaningful and decently paid employment.

*"Gaining and maintaining paid work is pivotal in creating a secure financial future for victims of domestic violence and their families. However, participation in employment can be seriously undermined by ongoing abuse and its subsequent effects. Australian researchers, for example, found that some women had not been allowed to work while in a violent relationship and found it difficult to enter or re-*

<sup>7</sup> Relationship Problems and Money: Women talk about Financial abuse, WIRE Women's Information, Cameron Prue, ( 2014) p. 30



*enter the workforce post separation. These findings are echoed in overseas studies, which highlight how domestic violence not only acts as a barrier to education, training, and employment but also can escalate when survivors seek or participate in such activities. In order to maintain control over their partners, abusers may interfere with women's efforts to become self-sufficient.*

*Women affected by domestic violence are also more likely to have a disrupted work history and are more likely to occupy casual and part-time work than women with no experience of violence. In short, women escaping and experiencing domestic violence are often the most disadvantaged and vulnerable in the labour market. Some researchers argue that the dominant approaches to domestic violence in Australia have been crisis oriented and focused on providing accommodation, welfare assistance, and emergency support services to women and children without looking towards job search and training to facilitate financial security independent of social service agencies.”<sup>8</sup>*

The Australian and Domestic Violence Clearance House's report *Key findings—Safe at Home, Safe at Work? National Domestic Violence and Workplace Survey (2011)* noted that two thirds of family violence survivors are in paid employment. This statistic highlights the importance of enabling women affected by family violence to continue their employment. Apart from providing crucial financial security, employment often also provides support networks to women who are experiencing family violence. This strategy aimed at retaining women in employment is critical.

The ACTU is presently running a case to insert Domestic Violence Clauses (including paid leave) into Modern Awards. As of November 2013 over 1.2 million workers in Australia now have access to paid Family Violence leave. WIRE supports all employers incorporating the ACTU's Domestic Violence Clauses into their industrial Agreements and policy documents.

Some women may need to give up their employment to escape their abuser; others may not have had an opportunity to work whilst in an abusive relationship. Thus many women who have experienced family violence will require additional assistance finding employment. Assistance provided to women who have experienced family violence needs to incorporate job search expertise, a strengths based approach to working with women and additionally have a strong understanding of the impact of family violence on women and children.

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<sup>8</sup> [Domestic Violence in Australia- an overview of the issues](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2011-2012/DVAustralia#_Toc309798394), 22 November 2011,Australia Parliamentary Library  
[http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2011-2012/DVAustralia#\\_Toc309798394](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2011-2012/DVAustralia#_Toc309798394) p.28- 29



WIRE runs weekly job coaching for women. Often women who have experienced family violence attend job coaching to get support and advice on how to find employment. Women who have experienced family violence often present to job coaching with multiple barriers to overcome which includes but is not limited to:

- For women that have had to change their identity as a safety measure, they are not able to demonstrate a work history or provide referee details or written references to prospective employers.
- Many women in abusive relationships are prevented by their abusive partner from working and earning an independent income, and thus they do not have a recent work history.
- Many abusive men isolate their partners in order to exert control. Over time the woman's network diminishes, leaving the woman with few networks to utilise to find employment.
- Women that have accessed security and housing in a family violence refuge must give up their usual routine – this includes any employment they may have had prior to leaving the abusive relationship.
- Women are placed in refuges away from their local community; for some women this means moving from the city to a regional centre or vice versa. Maintaining employment in these circumstances is exceedingly difficult.
- Women in abusive relationships can have a poor work history as a result of their abusive partner using control tactics which prevent the woman from keeping her job. Examples of these tactics include:
  - Taking away the woman's access to transportation to work
  - Refusing at short notice to care for children
  - Stalking the woman at work so that she is unable to perform her work
- Women often report being psychologically exhausted by the violence and intimidation to the extent that they had difficulty holding down a job.
- Women have increased absenteeism from work as a result of psychological and physical injuries inflicted on them by an abusive partner. These unexplained absences from work are often interpreted by an employer as the woman not caring about their job and being unprofessional. As a result women may lose their jobs.





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- Women's confidence is greatly affected by the controlling, disrespectful and undermining behaviour of their abusive partner. This reduced confidence also manifests itself when women are looking for work.

### Recommendations for addressing financial abuse and increasing women's financial security

- Women who have experienced financial abuse to have access to timely and extensive financial counselling and support, that involves exploring women's relationship with money and the impact that social stereotypes, family and upbringing may have had on a woman's confidence in financial decision making.
- Women who have experienced family violence having access to specialist employment programs that include but are not limited to intensive job search support and job matching programs.
- See attached WIRE's *Relationship Problems and Money: Women talk about financial abuse* for recommendations.
- That all employers including the State government make available in their industrial agreements and policy documents the ACTU's Domestic Violence Clause provisions.

## B. Increasing the effectiveness and accessibility of family violence services

### Effective response: women accessing family violence support during their recovery phase

The effects of family violence do not end when the abuse ends. The road to recovery can be a slow holistic process that encompasses emotional, physical and financial wellbeing.

*"I wake up in the morning and I feel physically sick and I think, 'Where do I start?' I wake up every morning and I vomit in the shower."* [REDACTED]

[REDACTED] describing having to cope with extreme poverty well after leaving the abusive relationship. [REDACTED] is unable to find work, struggles to find affordable accommodation and provide food for herself and her daughter.<sup>9</sup>

<sup>9</sup> *Relationship Problems and Money: Women talk about financial abuse*, WIRE Women's Information, Cameron Prue, (2014) p. 30



***Why doesn't she just get over it?*** Unfortunately this is still a question asked by many in the community. The vast majority of family violence practitioners and services understand that the trauma women experience when subjected to family violence often leaves women with deep emotional, psychological, financial and physical scars. Even so, many family violence services do not have the resources to provide these women with a service.

Women that have not received assistance from family violence services at the point of leaving have increased difficulty accessing family violence specific services down the track. This may be because their needs are viewed as being less critical than women that are at the point of leaving (one of the most dangerous times for women and children in abusive relationships), and most definitely due to the pull on resources to keep women and children that are deemed most in danger, safe.

Not all women will contact family violence services for assistance at the point of terminating an abusive relationship. Some will only seek assistance when particular flashpoints occur after the woman has left the abusive relationship; and others may seek assistance from the point of separation and as flashpoints occur post separation.

Examples of flashpoints include:

- Ex-partner begins to stalk physically or electronically
- The woman faces a housing crisis
- There is a recurrence of violence or the threat of violence from their ex-partner
- Ex-partner moves to a location close to the woman and her children
- The woman becomes aware that the ex-partner is trying to locate her
- There is an issue regarding child maintenance payments
- Court hearings
- The woman is feeling an emotional strain which is causing her difficulty with functioning at some level.

WIRE speaks to many women that have tried to access family violence services at these flashpoints. They often tell us that once the family violence service has conducted a safety screening, they are told that due to the number of women in crisis, their situation is not considered a priority. For many women, the experience of being told that they are not a priority or their situation is not serious enough gives the message that they are on their own and they have failed to 'just get on with life'.



Due to lack of resources and the high demand from women, family violence services are compelled to triage women requests for service. We need to move to a system that is able to assist women not only at the point of crisis but throughout the recovery and rebuilding process. Family violence services should:

- utilize trauma-informed practice
- have a strengths based approach
- enable women to receive support for the long-term effects of family violence
- take into account that some women may require long-term support, others short-term and/or episodic support
- recognise that the experience of family violence makes women and their children more vulnerable to homelessness, financial insecurity, and continuing emotional distress; and that this vulnerability can exist for years after the woman has left the abusive relationship.

### Proactively reaching women

WIRE receives calls from women who have been told by police that they would be contacted by a family violence service, but this contact has not happened. With the police attending 65,000 incidences of family violence last year WIRE is very aware that family violence providers throughout Victoria are overwhelmed by the increased numbers of L17s. This is resulting in those services having to prioritise the L17s that they respond to first and the method by which they respond.

For some women being told by the police that they will be contacted by a family violence service is their first experience of family violence support services and when that assistance does not materialise it is disappointing and discourages further contact with support services.

The introduction of L17s has been highly beneficial. It has enabled family violence services to be proactive and contact women who would not have otherwise contacted a family violence service. This has often led to women and children leaving abusive relationships earlier with the assistance of specialist services. Timely and proactive intervention by family violence services to women involved in family violence incidences attended to by police is a crucial element of Victoria's family violence response and as such must be appropriately funded.



## Recommendations for increasing the effectiveness and accessibility of family violence services

- That services that manage L17s are provided with additional funding so that they can act on the L17s within a reasonable time frame.
- Women have access to family violence specific services and are able to engage with the family violence service delivery system on a short-term, long-term or episodic basis.
- That family violence specific services are funded to support women who have experienced family violence related trauma and have ongoing issues as a result of the family violence they experienced, and this includes providing evidence-based family violence recovery programs and making support available to women.

### C. Holding perpetrating men accountable for their actions

In our community and in our institutions, the responsibility to manage family violence is often left to the women who are experiencing the violence. It is the woman that holds the responsibility for ending the violence. This culture of blaming the victim needs to end. The culture of blaming the victim enables the perpetrator to have his behaviour excused and tolerated.

It must be the individual perpetrating the violence that faces the consequences of their actions at every level of society. This includes at work, sporting clubs, churches, schools and in the justice system.

All too often women must leave the family home to end the violence. This relocation often results in women losing their jobs and social networks, and removing their children from schools and friendship networks. The loss associated with having to relocate is a significant barrier to leaving an abusive relationship.

Women and children leaving an abusive relationship face a significant risk of homelessness. Women carry the financial burden of ending an abusive relationship. Women who have violent partners find their options are limited to either living with violence, or living in poverty and facing potential homelessness. The choice is not an enviable one. The perpetrator is often very aware that their partner's options are limited and uses this to further control the behaviour of their partner.



There are many ways to reinforce that perpetrating men are responsible for their violent and abusive behaviour, and that they will be held to account and experience negative consequences.

### Recommendations to hold perpetrating men accountable for their actions:

- That the legal system and family violence sector continue to reinforce the concept that the perpetrator should be made to leave the family home, and not the victim
- That the perpetrator has financial responsibility for the child raising costs of their children including contributing to accommodation costs after the perpetrator has been removed from the family home
- That rent concessions are available to women who need assistance paying rent for the family home after a perpetrator has left. This enables the woman and her children to remain in the family home.
- That banks and financial institutions have trained staff to work with women who have experienced family violence, so that debts including mortgages can be renegotiated to assist the women to continue living in their family home.
- Perpetrating males who do not have alternative accommodation are relocated to group dwellings where men's behavioural change programs are compulsory.
- All men that are charged with family violence related offences are mandated to attend family violence specific behavioural change programs.
- Where appropriate, perpetrators have ankle bracelets to track their movements
- All women who have experienced family violence have access to financial support so that they can make their house more secure, for example with CCTV cameras and new locks.
- Women having access to workplace entitlements that will support them to continue their employment. This includes paid time to manage their family violence situation.
- That if work equipment such as a work phone or car is used to commit an act of family violence even if it is not considered an act in which criminal charges can be laid that the perpetrator will be disciplined by the employer.
- If the perpetrator and the victim have the same place of employment, the perpetrator must alter their work patterns to accommodate any Apprehended Violence Orders (AVOs).



- That from kindergarten upwards within our education system, children are taught appropriate conflict resolution strategies and explicitly taught that family violence is not tolerated and the actions of the perpetrator are never justified.

## D. Safe housing for women leaving an abusive relationship

Findings from the *National Domestic Violence and Workplace Survey 2011* included that of the women surveyed who had left a family violence situation, only 40% still lived in the family home.<sup>10</sup>

Many women call WIRE to talk about the family violence they are experiencing. They are usually very explicit about what they want; they want the violence to end. They want to be safe and for the children to be safe. They want their partner to take responsibility for stopping their violence. When the perpetrator refuses to take responsibility for ending the violence and the woman decides to end the abusive relationship, in the vast majority of cases the woman wants to remain in her home so that there is as little disruption to her life and the lives of her children as possible.

It is only when remaining in the home is not possible that the option of leaving is considered. Women do not want to become homeless but that is the outcome when women have to leave. When the only way to end the violence is to leave the home, the woman's options are usually limited to:

- Staying with a friend or family members until they can find alternative housing
- Quickly finding and paying for a private rental
- Moving to a refuge
- Public housing (whilst public housing is in theory an option the waiting lists are so long that in practical terms it is not an option)

Since 2009 the Victorian government has funded safe@home projects. These projects support women to stay in their own home by increasing the security of the home through measures such as changing the locks to the house and installing CCTV cameras. This option is suitable for many women and allows the woman and her children to continue with their lives with as little disruption as possible. It also provides a degree of security that is essential for women with ex-partners who use violence. These programs are to be commended and should be expanded.

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<sup>10</sup> Safe at home, Safe at work? National Domestic Violence and the workplace survey; McFerran Ludo, (December 2011) p.7





The enforcement of AVOs makes many women safer and they enable programs such as the safe@home program to be successful. Women cannot remain safe in their own home unless perpetrators understand that the justice system will hold them to account for their actions. This includes the police prosecuting and taking action to the full extent of the law when a perpetrator breaks an AVO.

For some women the safety risk to their own life and to that of their children is just too great, and it is not possible for them to remain in their own home and other options must be sought. Some women may have the social networks and financial resources to find alternative safe accommodation but many do not; and for these women the main option available to them is refuge accommodation.

The demand for refuge accommodation outstrips availability. In addition many refuges have eligibility criteria that make refuge accommodation unworkable for many women. Whilst different refuges have different eligibility criteria, the following are often barriers to women utilising refuge accommodation:

- Limited availability for women who have mental health illness or drug and alcohol issues
- Limited availability for women with physical disabilities requiring things such as wheelchair access
- Limited availability for women with a large number of children
- Most refuges still do not accept women if they are accompanied by a male child aged 14 and above
- Accommodation in a refuge is crisis-related; it does not provide long-term housing. For many women and their children after approximately 6 weeks they must move to yet another location in search of longer-term housing that is affordable and secure.

As most refuges are high security, women face additional barriers to entering a refuge, which include commitments to the following issues:

- ceasing any employment they had prior to entering the refuge
- ceasing contact with family and friends
- their children ceasing contact with their friends
- their children leaving their current school, kindergarten, play group or any other routine activities they used to attend, for example, soccer training.



Whilst for some women undertaking these high security measures is the only way they can be protected from the perpetrator, for others such high security is not required. To increase the diversity of accommodation options for women, there should be refuge options with a range of security levels available.

Family violence accommodation services should ensure that they are utilizing an integrated service delivery model and become a hub of service delivery. This will enable women with issues such as mental health and drug and alcohol use receive a comprehensive service response to the range of complex needs they may have.

However, refuge accommodation is only short term; what women need is long-term stable accommodation for themselves and their children. As discussed earlier, the best option is for women and their children to remain in their own family home; but when this is not safe other alternatives must be available.

Refuge is not a long-term option. Other alternatives to consider are subsidising rental of women's housing in both private and public rental markets. This subsidy could remain in place for several years, or until the woman reaches a threshold level of income, at which point she would remain in the same housing but with the subsidy removed.

### Recommendations on safe housing for women leaving an abusive relationship

- Varying the security level of refuges across the state to enable women to seek refuge accommodation where appropriate, without needing to give up their employment and remove their children from their schools.
- That family violence accommodation services utilize an integrated service delivery model become a hub of service delivery so that women with issues such as mental health and drug and alcohol use receive a comprehensive service response to the range of complex needs they may have.

The following recommendations are from the joint submission on family violence, homelessness and affordable housing and are endorsed by WIRE.

- Improving measures to sustain tenancies and prevent homelessness for women who can safely stay in their housing, including strengthened programs such as safe@home responses, the Social Housing Advocacy and Support Program, legal representation for women facing eviction, and private rental brokerage schemes. \$13.4 million per year could assist an additional 3,800 families.





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- Establishing a rapid rehousing program to assist women and children escaping family violence to be quickly rehoused with appropriate supports in place. \$10 million per year could assist over 1,000 women and their children.
- Improving affordable housing pathways for perpetrators of family violence to ensure they remain engaged with relevant supports to help prevent the risk of further violence.
- Developing a long-term affordable housing strategy to address the soaring public housing waitlist and increasing unaffordability of private rental for low-income Victorians. An affordable housing growth fund of \$200 million per year could build a minimum of 800 homes.

## E. A justice system that is responsive to family violence

Government services and institutions including but not limited to the judicial system, law enforcement, educational services, hospitals and DHHS services must provide an integrated, coordinated and collaborative response, thus ensuring that a consistent response is provided to affected women and children and perpetrators.

For the purposes of the submission we are concentrating on one area - the consistency of approach within the justice system.

WIRE supports a legal system where women affected by family violence have access to independent, specialist and free, legal support; where courts and court processes are responsive to the needs of women and children who have experienced family violence.

Wherever possible, the legal system must protect women and children from the consequences of the perpetrator's actions. This includes making affected women's and children's interactions with the justice system as transparent, effective and stress free as possible.

WIRE would in particular like to raise an issue about the justice system brought to WIRE's attention by many affected women whom we have supported; this being the lack of consistency between the Family Court and Children's Court.

Every year thousands of women encounter the justice system, either through attaining AVOs against their abusive partners, commencing divorce and separation proceedings, or by being a victim of a criminal assault perpetrated by their partner. Some women are also involved with child protective services as a result of the violence and related issues.



At WIRE we have had women contact us—usually in a state of distress and high frustration—because they feel that two parts of the government authorities are demanding that contradictory actions be taken. The most common occurrence we are aware of is women feeling that Child Protection services may remove their children unless they cease all contact with the perpetrator, whilst the perpetrator is using the family court to try and maintain contact with the children. Women must know that our judicial system will put the safety of children first and that our judicial system will work in unison to protect women and children from violence.

### Recommendations towards a justice system that is responsive to family violence

- That a whole of government action plan is implemented that as a priority that enables government services and institutions including but not limited to the judicial system, law enforcement, educational services, hospitals and DHHS services to provide an integrated, coordinated and collaborative response. Thus enabling a consistent response is provided to affected women and children and perpetrators.
- That child protection and all other relevant legal jurisdictions provide a consistent response
- That legal jurisdictions throughout the decision-making process put the safety of women and children first
- That all legal jurisdictions ensure that the perpetrator is held accountable and bear the full consequences of the abusive and violent actions they have inflicted on their partner and children.



## RECOMMENDATIONS

Women and children that are affected by family violence need a voice. The experience of women and children needs to inform how our state, private and community based institutions support women and children affected by family violence and work towards the eradication of family violence. Our recommendations are based on WIRE's in-depth knowledge of family violence and gender but more importantly our recommendations are informed by our interactions with women that have experienced family violence - their stories and their aspirations for a better life, a life free from violence for themselves and their children.

### A. Financial abuse and financial security

- That women who have experienced financial abuse have access to timely and extensive financial counselling and support that involves exploring women's relationship with money and the impact social stereotypes, family and upbringing may have had on a women's confidence in financial decision-making.
- That women who have experienced family violence have access to specialist employment programs that includes but is not limited to providing intensive job search support and job matching programs
- See attached WIRE's *Relationship Problems and Money: Women talk about financial abuse* for recommendations
- That all employers including the State government make available in their industrial agreements and policy documents the ACTU's Domestic Violence Clause provisions.
- Recommendations from the *Relationship Problems and Money: women talk about financial abuse* report (2014) - see Appendix B

### B. Increasing the effectiveness and accessibility of family violence services

- That services that manage L17s are provided with additional funding so that they can act on the L17s within a reasonable time frame
- Women have access to family violence specific services and are able to engage with the family violence service delivery system on a short-term, long-term or episodic basis.



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- That family violence specific services are funded to support women who have experienced family violence related trauma and have on going issues as a result of the family violence they experienced and this includes providing evidence-based family violence recovery programs and making support available to women.

### C. Holding perpetrating men accountable for their actions

- That the legal system and family violence sector continue to reinforce the concept that the perpetrator should be made to leave the family home, and not the victim
- That the perpetrator has financial responsibility for the child raising costs of their children including contributing to accommodation costs after the perpetrator has been removed from the family home
- That rent concessions are available to women who need assistance paying rent for the family home after a perpetrator has left. This enables the woman and her children to remain in the family home.
- That banks and financial institutions have trained staff to work with women who have experienced family violence, so that debts including mortgages can be renegotiated to assist the women to continue living in their family home.
- Perpetrating males who do not have alternative accommodation are relocated to group dwellings where men's behavioural change programs are compulsory.
- All men that are charged with family violence related offences are mandated to attend family violence specific behavioural change programs.
- Where appropriate, perpetrators have ankle bracelets to track their movements
- All women who have experienced family violence have access to financial support so that they can make their house more secure, for example with CCTV cameras and new locks.
- Women having access to workplace entitlements that will support them to continue their employment. This includes paid time to manage their family violence situation.
- That if work equipment such as a work phone or car is used to commit an act of family violence even if it is not considered an act in which criminal charges can be laid that the perpetrator will be disciplined by the employer.



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- If the perpetrator and the victim have the same place of employment, the perpetrator must alter their work patterns to accommodate any Apprehended Violence Orders (AVOs).
- That from kindergarten upwards within our education system, children are taught appropriate conflict resolution strategies and explicitly taught that family violence is not tolerated and the actions of the perpetrator are never justified.

#### D. Safe housing for women leaving an abusive relationship

- Varying the security level of refuges across the state to enable women to seek refuge accommodation where appropriate, without needing to give up their employment and remove their children from their schools.
- That family violence accommodation services utilize an integrated service delivery model become a hub of service delivery so that women with issues such as mental health and drug and alcohol use receive a comprehensive service response to the range of complex needs they may have.

The following recommendations are from the joint submission on family violence, homelessness and affordable housing and are endorsed by WIRE.

- Improving measures to sustain tenancies and prevent homelessness for women who can safely stay in their housing, including strengthened programs such as safe@home responses, the Social Housing Advocacy and Support Program, legal representation for women facing eviction, and private rental brokerage schemes. \$13.4 million per year could assist an additional 3,800 families.
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- Developing a long-term affordable housing strategy to address the soaring public housing waitlist and increasing unaffordability of private rental for low-income Victorians. An affordable housing growth fund of \$200 million per year could build a minimum of 800 homes.



## E. Justice system

- That a whole of government action plan is implemented that as a priority that enables government services and institutions including but not limited to the judicial system, law enforcement, educational services, hospitals and DHHS services to provide an integrated, coordinated and collaborative response. Thus enabling a consistent response is provided to affected women and children and perpetrators.
- That child protection and all other relevant legal jurisdictions provide a consistent response.
- That legal jurisdictions throughout their decision-making process put the safety of women and children first.
- That all legal jurisdictions ensure that the perpetrator is held accountable and bears the full consequences of the abusive and violent actions they have inflicted on their partner and children.



## APPENDIX A

### No More Deaths Alliance: Principles Framework for Family Violence System Reforms



18 May 2015 Version

#### **PRINCIPLES FRAMEWORK FOR FAMILY VIOLENCE SYSTEM REFORMS**

The No More Death Alliance organisations believe that the Victorian Family Violence system should be built on these fundamental principles:

1. Freedom from violence is a basic human right and women and children have a right to live self-determined lives and reach their full potential.
2. Family violence is gendered - it is most frequently and most severely perpetrated by men against women and children.
3. The primary cause of family violence is structural gender inequality and the unequal distribution of power and resources between men and women.
4. The use of violence is a choice.
5. Violence is preventable.
6. Family violence services and systems are informed by and responsive to the lived experiences of women in all their diversity.
7. The system delivers effective responses to family violence across the continuum from primary prevention and early intervention to crisis responses and post-crisis recovery.



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8. The needs of women and children and ensuring their safety and well-being underpins all aspects of the family violence system.
9. Effective responses for women and children from groups and communities at highest risk of family violence are led with those groups and communities. For example, Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse communities, women with disabilities and women in rural and regional areas and other marginalised groups.
10. The family violence system is fully integrated and barrier free across sectors.
11. The family violence system is safe, respectful, responsive, consistent, affordable, efficient and tailored to individual needs. It maintains a consistent standard of service quality and a skilled and professional specialised workforce.
12. All aspects of society including governments at all levels, communities, systems, services and perpetrators are responsible and accountable for ensuring that women and children's lives are free from violence.
13. The family violence system, particularly the justice system, keeps perpetrators in view and holds them responsible for their behaviour.
14. Family violence is not incidental or temporary; it is an ongoing, serious and pervasive societal problem. Policies and funding models must reflect this.

Architecture needed for a family violence system built on these principles include:

1. Commonwealth and state government funding arrangements that reflect the serious, complex, cross-sectoral and endemic nature of family violence. This requires a dedicated, guaranteed and recurrent family violence funding stream through Commonwealth and state governments that is protected by legislation, for services across the family violence continuum – crisis support, early intervention, post-crisis recovery and prevention.
2. Minimum standards that apply across every aspect of the family violence system tied to funding and accreditation. These should be informed by best practice across operations, policy, tools, training, governance, cultural competency, disability access, data collection and evaluation.





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3. A family violence workforce with specialist skills and expertise which meet recognised standards of certification and continuous workforce development; and generalist services that meet minimum standards for responding to family violence.
4. A Common Risk Assessment and Risk Management Framework for responding to family violence, used consistently across sectors and settings in Victoria.
5. Family violence and risk assessment training, including cross-cultural competency and disability access, for all staff working in services and systems across the sector, including mainstream services and intersecting systems, such as, family services, child protection, health and education.
6. Statewide and regional governance structures and processes based on collaboration, evidence, sustainability and longevity.
7. Structures within government, community agencies and the justice system and dedicated funding to support women who have experienced family violence to formally participate in decision-making in an ongoing way.
8. A legal system that includes access to independent, specialist, free legal advice; family violence specialist support at every point; and courts and court processes that are responsive to the dynamics, impacts and risks of family violence.
9. Effective, transparent family violence death review processes, to inform continuous improvement in systems responses.
10. Consistent, relevant data collection, research and program evaluation to inform continuous improvement of the family violence system.
11. Long term, comprehensive primary prevention work across the community that is evidence-based and appropriately resourced, complemented by whole of government policies to address structural gender inequality.



## APPENDIX B

### Recommendations from WIRE's research report Relationship Problems and Money: women talk about financial abuse (2014)

*To address the significant negative financial, psychological and health consequences of financial abuse in the context of family violence on women and their children, this report recommends:*

1. The Federal Government and State Governments:
  - a. make financial abuse in the context of family violence a priority area for family violence research, including the development of a diagnostic screening tool for financial abuse for use by key service providers, aimed at prevention, early intervention and later stage intervention strategies for combating financial abuse.
  - b. in collaboration with relevant national and state key stakeholders, as a matter of priority develop and implement a public information campaign about financial abuse using the full range of media technologies available.
  - c. assist women who are experiencing financial abuse to identify their situation by funding the provision of information about financial abuse and ensure this information is made available in a variety of access points, including targeted online searches and printed materials in a variety of locations such as doctors' surgeries, schools, childcare facilities, banks and other financial institutions. Information should be presented using accessible language and formats, and include, for example, the types of behaviours typical of financial abuse, case studies, early warning signals and prevention strategies. The information should be built into school- and community-based financial literacy programs and be included on financial literacy websites such as ASIC's MoneySmart.
2. Relevant professional bodies and government agencies provide professional development and training on financial abuse as a form of family violence, for key professionals and service providers, legal professionals, general practitioners and their staff, school principals and teachers, financial counsellors, bank personnel and financial advisors, and people working in the real estate and utilities industries.
3. Centrelink, the Child Support Agency and peak bodies for legal services and general practitioners adopt a diagnostic screening tool for financial abuse.



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***To improve women's access to support and advice services to address the impact of financial abuse in the context of family violence:***

4. The Federal Government expand the number of rebates (up to 20) per calendar year available for individual services through the Better Access to Mental Health Care program for women who have experienced family violence, to increase access to free or low cost personal counselling services.
5. State Governments:
  - a. increase funding for financial counselling services to provide women who have experienced financial abuse with advice and advocacy, as well as assist the women to navigate the income and child support systems post-separation.
  - b. fund a number of community sector not for profit forensic accountancy services and make these services free or low cost for women experiencing financial abuse.
  - c. allocate a special funding grant to women's support services to help women experiencing financial abuse access free or low cost photocopying and assistance with online research and other facilities, thus reducing the financial burden of providing documentary evidence to courts and agencies and the legal costs and stress associated with self-representation.
6. The Federal Government and State Governments increase funding to support services in rural and regional areas to increase access for women who are experiencing financial abuse, including to personal and financial counselling services.

***To increase access to and improve outcomes through the legal system:***

7. The Federal Government and State Governments increase funding to Legal Aid and community legal services to enable the provision of specific legal advice and representation in family law matters that involve property where there is a history of family violence.
8. The Australian Law Reform Commission:
  - a. develops a diagnostic screening tool for financial abuse to be adopted as a routine assessment in family law and family violence matters, and reviews the specific inclusion of financial abuse on relevant application forms, such as family violence intervention orders.
  - b. undertakes a review of measures to protect a woman's financial security in cases where financial abuse occurs, such as amending state-based family violence



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protection legislation to allow Magistrates Courts to order the freezing of bank accounts to prevent transfer of funds and facilitate access to necessary financial documents.

- c. considers legislative reform to strengthen vexatious litigation applications in cases where the legal system is being used as a mechanism of financial abuse.
- d. considers expanding definitions and examples of financial abuse in the *Family Law Act 1975 (Cth)* and state and territory family violence protection laws to address the complexity and multifaceted nature of this form of family violence.

9. Peak legal bodies:

- a. provide information about family law specialisation and the value of using family law solicitors who have an understanding of financial abuse in cases where there is a history of family violence.
- b. regularly deliver programs of judicial development on the nature and impact of financial abuse, including the practice of systemic post-separation financial abuse, for legal professionals at all levels of the system, including judges, solicitors and barristers, and court staff.

***To strengthen the responses of the Child Support Agency and Centrelink to financial abuse:***

10. The Federal Government introduce amendments to:

- a. the *Child Support (Assessment) Act 1989* to make the requirements for changes of assessment more rigorous, particularly in reference to cases in which there is a history of family violence, and strengthen penalties for malicious or false requests for changes to assessment to minimise payments or frustrate the process.
- b. the *Child Support (Registration and Collection) Act 1988* to increase the enforcement powers of the Child Support Agency and provide appropriate resourcing to enable the agency to enforce payment compliance.
- c. the *Child Support (Registration and Collection) Act 1988* so that in situations of financial hardship (including where there has been a history of financial abuse) the three-month delay in pursuing non-payment of child support is reduced to one month in the case of repeat offenders, to limit the impact on low-income families.



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- d. relevant tax legislation to prevent the use of family trusts, businesses and other income minimisation strategies to avoid child support payments, and increase the powers of the Australian Taxation Office to investigate cases of income minimisation or avoidance in relation to child support payments.

11. The Child Support Agency and Centrelink:

- a. provide professional development training in family violence for all staff, as recommended by the Australian Law Reform Commission (2012), that specifically addresses the nature and impact of financial abuse and the behaviours associated with ongoing financial abuse through the child support system.
- b. develop protocols and guidelines, and adopt a diagnostic screening process, for family violence that include specific references to financial abuse in order to identify, support and prevent ongoing financial abuse of women through these systems.
- c. undertake steps to improve inter-agency co-ordination and communication, including, where possible, co-location.

12. That the Family Courts, Child Support Agency and Centrelink make 'history of financial abuse' a key consideration in their policies, practices and assessments, to minimise opportunities for ongoing abuse and further financial and psychological suffering for women post-separation.