



29 May 2015

Royal Commission into Family Violence
PO Box 535
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Dear Commissioners,

I welcome the opportunity to provide a submission to the Royal Commission into Family Violence. Family violence is a complex social issue that requires responses at the Commonwealth, State and Territory, and local levels of Government, as well as responses from within the community. The Commission is an important opportunity to examine the ways that we are responding to family violence in Victoria, and to ensure that the system will respond more effectively and efficiently in the future.

The current response to family violence is too uneven across Australia, which often means that the level of support available to victims depends on where they live. There is a high level of unmet demand for support services for victims and responses for perpetrators, as well as a lack of coordination between these services and responses. In order for the system to work most effectively, all levels of Government, as well as the justice and community sectors, need to work together to coordinate a national response.

I recommend that a new deal be reached between the States and Territories, and the Commonwealth Government, to implement coordinated judicial and social services reform. I urge the Commission to lead the way towards a national approach to addressing this issue, and to frame its recommendations in such a way that will encourage the States and Territories to work together, along with the Commonwealth Government, to develop a coordinated and effective response to family violence across all jurisdictions.





Prevalence of Family Violence

The latest research shows that 1 in 3 Australian women have experienced physical violence since the age of 15, and 17 per cent of Australian women have experienced violence by a current or previous partner in their lifetime.¹ In 2013/14 in Victoria, 81 per cent of all family violence reports to police arising from current or former partners involved female victims and male perpetrators.² An average of one woman per week is dies at the hands of her current or former partner.³ These statistics show that family violence is a national emergency that demands a national response from all levels of Government and across the community.

In my electorate of Gellibrand, family violence is a particularly important issue to my constituents, with a number of high profile and horrific deaths having occurred in the area. The electorate of Gellibrand is characterised by significant disadvantage and high levels of cultural diversity, with 37.4 per cent of constituents speaking a language other than English at home.⁴ While family violence cuts across all ages, races and cultures, socioeconomic and demographic barriers, women with lower socioeconomic status or culturally and linguistically diverse backgrounds are at increased risk of violence.⁵

However, there are a number of organisations in Melbourne's West that are doing important work to tackle family violence in my electorate. These organisations are under increasing pressure to meet the growing demand for services and face ongoing funding uncertainty without Government assistance. For example, Women's Health West in my electorate has received 6893 police referrals in the 10 months since July, which is almost 10 times the number of referrals that they received a decade ago. It is clear that much more needs to be done to ensure that we are responding to this issue effectively.

¹ Australian Bureau of Statistics (2012) Personal Safety Survey. Cat. No. 4906.0, Australian Bureau of Statistics: Canberra.

² Crime Statistics Agency (2015) State Government of Victoria: Melbourne, available at: <http://www.crimestatistics.vic.gov.au>

³ Chan, J & Payne, J (2013) *Homicide in Australia: 2008-09 to 2009-10 National Homicide Monitoring Program Annual Report*, Australian Institute of Criminology, Canberra

⁴ 2011 Census

⁵ World Health Organisation (2010) *Preventing Intimate Partner and Sexual Violence Against Women*





National Crisis Summit – Coordinating a National Response

In Government, Federal Labor created the first National Plan to Reduce Violence for Women and their Children. In March 2015, Labor wrote to the Prime Minister seeking his bipartisan support to hold a National Crisis Summit on family violence to build on the work of the National Plan. Labor believes that a National Crisis Summit is required so that the Commonwealth, State and Territory Governments can reach a new agreement to implement coordinated judicial and social services reform within their respective areas of responsibility.

Labor's plan for a National Crisis Summit on family violence was developed in consultation with academics, support service providers and advocates for change. The outcome of the National Crisis Summit will be a national coordinated response that focuses on the following priorities:

i. Recognising increased demand for homelessness services

The majority of Federal Government funding for family violence services is delivered through partnership agreements with the States – the National Partnership Agreement on Homelessness and the National Affordable Housing Agreement. Family violence is the leading cause of homelessness for women and children. In 2013/14, 33 per cent of all people requesting assistance from specialist homelessness agencies were escaping family violence, with the majority of these people being women and children.⁶

The National Partnership Agreement on Homelessness currently has funding secured until the end of the 2016/17 financial year. However, it is clear that the current level of funding is not meeting the demand for services. Last year, 423 people were turned away from homelessness agencies each night, including refugees.⁷ The States and Territories should engage with the Federal Government to renegotiate funding for the National Partnership Agreement on Homelessness to recognise the increased demand for services, allow for more innovation in service delivery to prevent crisis situations, and to better coordinate services across Australia.

⁶ Australian Institute of Health and Welfare (2014) *Specialist Homeless Services 2013-14*. Cat. No. HOU 276. Canberra: AIHW.

⁷ Ibid.





ii. Investing in community legal centres and legal aid

There are over 190 Community Legal Centres in Australia that play a vital role in increasing access to justice, ensuring disadvantaged and vulnerable Australians have legal assistance, and providing a unique insight into the impact of the legal system on victims and perpetrators of family violence. In 2014, Labor committed \$42 million in community legal initiatives which would assist victims of family violence. However, in 2013/14 more than 150,000 people seeking free legal advice from community legal centres were turned away due to lack of resources. We need to ensure that no woman has to go to court alone to seek protection for herself and her children.

iii. Enabling women and children to safely remain in their current home

The nature of family violence is such that women are often forced to flee their homes at a point of crisis for their safety and their children's safety, which often results in homelessness due to a lack of financial security and other supports.⁸ In order for women and children to remain safely in their homes, a National Safe at Home program should be developed that incorporates a range of strategies to keep victims of family violence safe. This program will involve an integration of law reform, improved police responses, security measures, infrastructure and case management.

The National Safe at Home program should occur alongside any changes to the family violence intervention order system and other improvements to judicial and police responses to ensure that it is most effective.⁹

iv. Addressing the fragmented responses to family violence

The current situation means that women and children are subjected to a "postcode lottery" which means that where they live will determine their level of access to services and the quality of those services. The National Crisis Summit will be an opportunity for all levels of Government to come together and agree to address the fragmented responses to family violence across Australia. In order to ensure that a coordinated response is most effective, better measures of our progress need to be developed, there needs to be continual sharing of best practice, and we need to continue building the evidence base.

⁸ Tually et al. (2008) *Women, Domestic and Family Violence and Homelessness: A Synthesis Report*, Flinders Institute for Housing, Urban and Regional Research, Adelaide

⁹ Spinney, A (2012) *Home and Safe: Policy and Practice Innovations to Prevent Women and Children Who Have Experienced Domestic and Family Violence from Becoming Homeless*, AHURI Final Report No. 196, Australian Housing and Urban Research Institute, Melbourne





v. Building the capacity of the judicial system to deal with family violence

The way in which the legal system currently operates to respond to family violence needs to be strengthened. There are a number of issues in the way that the family law system responds to violence, particularly due to barriers to access to justice for disadvantaged victims and perpetrators. The cost of family law proceedings and the lack of affordable legal assistance increases the number of agreements made beyond the reach of the courts. Post-separation victims of family violence are particularly vulnerable, and may be forced into agreements that are not in their best interests, or the best interests of their children.

The high incidence of self-represented litigants in the family law system also has a significant impact on victims of family violence. There are currently no specific protections in the Family Law Act 1975 (Cth) to prevent victims of family violence from being cross-examined by their perpetrator in court. The cost of family law proceedings and the lack of affordable legal assistance also increase the ability of perpetrators to use the family law process itself to threaten assets and the care of children as a means of subjecting victims to further fear and control.

The courts themselves are often used by perpetrators as a means of subjecting their victim to further violence and this is exacerbated by the lack of appropriate safety measures and support services in place in the court environment. There needs to be improved training for Magistrates and Judges to deal with family violence, in both the intervention order system and family law system, as well as the development of best practice approaches for police prosecutors.

vi. Holding perpetrators accountable

The response to family violence must focus on holding perpetrators accountable, and ensuring that they are tracked throughout the time that they engage with the response system, including interactions with the justice system and the support services sector. If violent behaviours are identified early, then they can be responded to more effectively before they escalate. Perpetrator responses can be better coordinated across jurisdictions through sharing of best practice for behaviour change programs, and information sharing to better identify victims that are at risk.





vii. Preventing family violence by changing attitudes and promoting gender equality

The national response to family violence must address the root cause of violence against women: societal attitudes and behaviour that perpetuate gender inequality. In order to change these attitudes, we need to invest in programs and institutions that support and empower women, as well as programs that encourage young people to think about respectful relationships and to challenge negative gender stereotypes.

An outcome of the National Crisis Summit should be a coordinated primary prevention agenda that ensures that such programs are being implemented effectively in schools, sporting clubs, workplaces and the media. In my electorate, this is already being done on a smaller scale through a regional partnership, the Preventing Violence Together partnership, between local governments, justice and community services to ensure that effective and tailored primary prevention strategies are being implemented at the local level.

Please do not hesitate to contact my office on (03) 9687 7661 if I can be of further assistance.

Yours sincerely,

Tim Watts MP
Federal Member for Gellibrand

