

**SUBMISSION TO**

**THE ROYAL COMMISSION INTO  
FAMILY VIOLENCE**

**May 2015**

**Ros Spence MP  
State Member for Yuroke  
3A Hamilton Street  
Craigieburn Victoria 3064**

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## **Introduction:**

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I refer to the above and thank the Commissioners for the opportunity to make a submission in response to the Terms of Reference for your Inquiry.

I make this submission in my capacity as the State Member for Yuroke and do so on behalf of the residents of Yuroke.

The Yuroke electorate is located in Melbourne's outer north-west and includes the suburbs of Attwood, Craigieburn, Greenvale, Kalkallo, Oaklands Junction, Yuroke and parts of Mickleham, Roxburgh Park, Somerton and Westmeadows.

Yuroke is home to over 63,000 people from over 160 countries, speaking over 120 languages. Hume is entirely within the Hume City Council Local Government Area (LGA) and includes the federal electorates of Calwell and McEwen.

The Hume City LGA has the second highest rate of family violence incidents per 100,000 population across metropolitan Melbourne and incidents have been increasing each year in excess of the statewide rate of increase.

In preparing this submission, I met with representatives of Hume City Council and many community groups, service providers and individuals.

On 20 May 2015, I co-hosted a family violence community forum with Frank McGuire, Member for Broadmeadows. This forum was attended by over 200 people including the Victorian Minister for the Prevention of Family Violence, the Hon. Fiona Richardson, Federal Member for Calwell, Maria Vamvakinou, representatives of Victoria Police, representatives of Hume City Council, representatives of the Kangan Batman TAFE and local schools, and representatives of many culturally and linguistically diverse groups within the community.

My submission to the Royal Commission into Family Violence draws on my experience as well as information gained through my discussions with interested persons, community groups and attendees of the community forum.

These discussions identified a wide range of concerns and issues that are presented in this submission in four categories, being prevention, systemic responses, support initiatives and evaluation.

The intention of my consultative discussions and the community forum was to collect the views of community members and inform the Commission on their behalf. As such, the issues and concerns included are varied and extensive and this is very much my community's submission.

I trust that the Commissioner's will take the views and issues included herein, into consideration in their deliberations.

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## Prevention

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Consideration of prevention initiatives has been undertaken in the context of family violence having both causes and contributing factors. It is accepted that the causes of family violence are identified as gender inequality and attitudes towards women, and contributing factors include gambling, drugs, financial stress and mental illness.

Appropriate preventative responses to family violence ought therefore address the identified causes if they are to be effective. It is acknowledged that this may require generational cultural change and needs to be a long term, human rights based approach in all aspects of our lives, be it in the home, at school, in the workplace and in the community.

## Cultural Change

In addition to the need to address cultural approaches to gender, it is also important to address cultural approaches to family violence. Family violence needs to be seen as universally unacceptable and as a whole of community problem.

The view held by some that family violence is a domestic or personal issue, where others should not get involved, needs to change. As one attendee at the community forum noted, there are no innocent bystanders in family violence, everyone is responsible and need to be proactive and speak up as it may save a life.

Cultural change is also needed in regard to perceptions of police involvement, particularly for newly arrived migrants. Attendees at the community forum spoke of the stigma within their communities associated with contacting police and having police attend their home. One victim noted the uncertainty she held in reporting family violence, as she had never previously attended a police station. Contact with the police was associated with being in trouble and brought shame upon their family. Cultural change is required to remove this stigma and police/community engagement initiatives will be required such as those conducted in schools but adapted to the needs and cultural sensitivities of newly arrived migrants.

## Gender Inequality & Attitudes Towards Women

Gender inequality and attitudes towards women were raised as the key issues that require change if family violence prevention is to be effective.

This change can be generated through both school based and community based education that address some of the current misconceptions regarding gender and focus on what it means to be a man or a woman in our society.

- **School based education**

The importance of ethics and communication being included in the school curriculum was raised at the community forum.

It was noted that given our behaviours are learned, it is important that ethics and communication are included in the curriculum from an early age and continue throughout education.

In addition to teaching appropriate behaviours to young children, it is also necessary to change behaviours have become accepted despite being unacceptably gendered and to teach appropriate communication given the prevalence of social media and text based communication.

It was disturbing to hear from several attendees at the community forum that gender stereotypes are still playing a major role in young people with the adolescent male culture dominated by macho attitudes and hitting out considered a 'manly' display. It was also reported by some attendees involved in secondary education, that some young men hold gender inequality views whereby men don't clean or cook, and men are smarter and generally better at most activities.

### *“Being violent is too easy as a young man”<sup>1</sup>*

These attitudes towards women, about what it means to be a man and about gender inequality need to change and this education based response needs to be formalised in education institutions.

The education initiatives provided in schools also need to be reinforced in the home. For instance with male participation in all household activities, whereby the children see this behaviour, and in turn they follow that influence.

- **Community based education**

In addition to school based education initiatives, it is important that education initiatives are also community based.

This should be via community groups who currently work with particular sections of the community and through government and non-government organisations.

These can include extending initiatives such as the White Ribbon movement, led by men to change the attitudes and behaviours that lead to, and perpetuate, men's violence against women. Hume City Council currently participates in White ribbon through the White Ribbon Walk and the Ambassadors Program that encourages boys and men to become the faces and leaders of the White Ribbon campaign and taking the White Ribbon Oath: never to commit, excuse or remain silent about violence against women.

Locally there are also a number of community groups that are active in providing community awareness about family violence and changing cultural attitudes.

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<sup>1</sup> Attendee at community forum on 20 May 2015

All these initiatives should be encouraged with additional support provided through resources that reinforce the educational messages in the school based curriculum, and any adaptations required to address identified issues in culturally and linguistically diverse communities.

Attendees at the forum also discussed the need for effective prevention programs to include men as part of the solution. Attendees discussed the need to challenge behaviours and acknowledge that men respond to issues and communicate very differently.

As such, educational responses need to acknowledge that some men may not have been taught appropriate behaviours, that corrective education is required, and that family violence circumstances may be traumatic for them also.

One approach to changing male attitudes towards women is to engage and educate men through those they respect, such as sports identities. This may be useful from an educational aspect, but it was also raised at the community forum that it may be problematic in getting men who engage in family violence to come forward and seek assistance to change behaviours as it may reinforce the shame that they already feel.

In considering community based education, the needs of culturally and linguistically diverse communities, and newly arrived migrants in particular, require a different approach that is based upon support both upon arrival and ongoing. One suggestion is that this would be best delivered via programs delivered by the Department of Immigration and Multicultural and Indigenous Affairs with case workers including this education as part of the settlement programs.

- **Forms of abuse**

In providing an education based approach to prevention, it is also important to ensure that all forms of abuse are understood as the current perception of family violence is limited to physical violence only.

It is important that all members of the community understand that there are other behaviours that may constitute family violence, including repeated threats or derogatory taunts, damaging property, withholding financial support or financial autonomy, preventing family associations, friendships or cultural connections, or causing death or injury to an animal.

An example was provided at the community forum of a newly arrived migrant woman who was not allowed to learn English. This was reported as being not uncommon, with the male becoming gatekeeper of information. In this example the police had visited the home with concerns about potential family violence and the husband told the wife that they had attended because they were concerned about her parenting and they may take the children if she did not behave as he instructed.

It is also important that the community is aware that whilst family violence is most commonly perpetrated by men towards women, this is not always the case and other

forms of abuse such as elder abuse and parental abuse need to also be recognised and included in education initiatives.

One suggested response to education in, was for an advertising campaign to provide information as to what is family violence, and what forms can it take, with additional multilingual information provided to culturally and linguistically diverse community members.

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## **Systemic Responses**

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In preparing this submission a number of systemic responses to family violence, particularly in regard to intervention orders, were raised. These concerns focussed on cross applications, breaches and the need for a national scheme.

### **Cross applications**

Concern has been raised by the Broadmeadows Community Legal Service and others in regard to the use of cross applications for intervention orders being used in many cases as a legal tactic and furthermore as a tactic to intimidate and further victimise women.

The use of cross applications as a 'standard tactic' has been discussed by one barrister who stated that he advises his clients who have an intervention order taken out against them to make a cross application for their own intervention order, to "level the playing field".<sup>2</sup>

More concerning is anecdotal reports of cross applications to either intentionally or otherwise, resulting in intimidation or further victimisation of women.

The use of cross applications needs to be reviewed to ensure that this cannot occur and victims of family violence should not be further victimised through baseless cross applications which are made tactically rather than with genuine concern.

### **Breaches of Orders**

Many attendees at the community forum and in other discussions, raised issues regarding breaches of Orders.

These issues included the frequency of breaches, responses to breaches, repercussions for breaches and means of breaches.

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<sup>2</sup> Out of Order?, Lucinda Schmidt, Sydney Morning Herald December 16, 2013 referring to Nicholas Kanarev 2013 paper *Intervention Orders in Victoria: Their use and potential for misuse*.

The frequency of breaches was very concerning with crime statistics from the local government area of Hume for January to December 2014 showing that 1298 Orders relating to a family incident had been breached. This represented 62.8% of all breaches of orders in Hume, compared with 56.96% of orders breached state wide being related to a family violence incident.

Issues regarding responses to breaches included concerns that police attendance times often meant that the perpetrator was no longer on the scene and it was difficult to prove that they had been there so no breach could be established.

There were also concerns raised that the repercussions for breaches were clearly not proving to be a deterrent given the frequency of these breaches occurring.

In regard to the means of breaches, concern was raised about cyber bullying and breaches of orders via social media. These tactics were used to intimidate, to threaten and harass, and in some cases to blackmail women with the release of private messages or images. Representatives of Victoria Police at the community forum confirmed that they are more frequently seeing the use of social media to breach orders.

These concerns all raise the need to investigate how the Intervention Order system can be more effective. Breaches are unacceptably high and this may be addressed through more severe repercussions or penalties. The duress card and CCTV monitoring trial by the Victorian government may address some concerns with response and the findings of this trial will determine of broader application of this program as a deterrent to breaches and an evidence collection mechanism where breaches do occur.

## **National Domestic Violence Order Scheme**

Development of a National Domestic Violence Order Scheme has been agreed to by the Council of Australian Governments (COAG), however rollout is not expected until the end of 2016 after Queensland, New South Wales and Tasmania provide a report on the trial.

In the meantime, some genuine concerns remain about current process and the importance of having access to shared information that can save lives.

The issues with the current state based system are not uncommon. If a victim flees to another state without first obtaining an Order, they cannot seek that order in Victoria and can only do so in the State where the offending behaviour occurred. If the offending continues in Victoria, such as via text message harassment or threats, then an Order can be sought in Victorian but the Order needs to be served on the perpetrator in the other state which can take weeks, and until the Order is served it cannot be registered in Victoria. As we know this is a very dangerous time for victims of family violence and a lengthy process can compound this danger when the actual travel time between states can be a matter of mere hours.

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## Support

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It is broadly acknowledged that support for people involved in family violence, be it as victims, perpetrators, friends or family, will not solve the problem of family violence and that community change is needed to have any lasting solution.

However, it is also broadly acknowledged that support programs are required to assist those in need and this will require extensive resources. The hope is that the long term investment in prevention and community cultural change will lead to a reduced need for support programs over time.

Issues raised in regard the support that is currently required include access to information, legal support, children, pets and services and resources more generally.

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### Access to information

*“You can’t make a decision if you don’t know what your options are”<sup>3</sup>*

A common theme in discussions has been that many women experiencing family violence want to leave but believe they can't as they do not have anywhere to go, nothing to go with and no knowledge as to how they would be able to leave. Too many victims don't know what services are available, how to report family violence or how to be heard.

Suggestions to address issues with access to information include a service directory and targeted information for culturally and linguistically diverse community members.

- **Directory of Services**

The difficulty in accessing localised information regarding support services has been frequently raised. There is information available in the internet but that presumes women are able to access these resources.

It has been suggested that a comprehensive online directory, with postcode search options may be useful.

Another suggestion that could compliment the online directory is a dedicated telephone number with operators to triage callers and direct them to appropriate localised assistance.

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<sup>3</sup> Attendee at community forum on 20 May 2015



- **CALD Community**

Whilst the directory of services options above may be adaptable to a multilingual resource, there may be a need to specifically target information for culturally and linguistically diverse community members.

Many of the issues that were raised at the community forum were from the perspective of persons of migrant or non-English speaking backgrounds, however the issues were equally applicable and relevant to the community as a whole.

As previously noted in regard to community based preventative education initiatives, the needs of culturally and linguistically diverse community members, and newly arrived migrants in particular, require a different approach that is based upon access to information both upon arrival and ongoing and this may be best delivered via programs and multilingual information newsletters delivered by the Department of Immigration and Multicultural and Indigenous Affairs.

## **Legal Support**

There is currently legal support provided through Legal Aid and through Community Legal Services in partnership with Legal Aid.

In my community the Broadmeadows Community Legal Service (BCLS) provides a free Intervention Order Support Service on Monday and Thursday mornings at the Broadmeadows Magistrates Court. This service is staffed by a Family Violence Duty Lawyer, in a position that is funded by the State Government for 3 days per week.

This position and the services provided by the BCLS are vital in providing information to intervention order applicants and providing legal support to those who lack the means to access commercial lawyers. However there is concern that many in need are not able to access support and the BCLS is not able to keep up with the increasing needs of the community.

The Family Violence Duty Lawyer position commenced in 2007 for one day per week and whilst it is now funded for 3 days per week, this is not adequate for addressing the increasing number of family violence or related cases. The workload of the BCLS has increased substantially in regard to these matters, which now comprise the greatest proportion of the BCLS workload.

For the BCLS to be able to provide adequate support in the many family violence related matters, increased funding is necessary both for the Family Violence Duty Lawyer position and for Community Legal Services more generally.

## **Children**

Many community members, particularly those who had themselves been victims of family violence, raised the importance of providing children with a voice in family violence matters.

These family violence survivors had an understanding and appreciation of how these circumstances effect children and the need to protect, counsel, and listen these often forgotten victims. The perception that a child who is not subjected to physical violence themselves does not require assistance, was dispelled with an acknowledgement that observing, hearing, or dealing with the repercussions of family violence can be extremely.

As such, it is vital that adequate resources be provided to ensure all children who are associated with family violence matters are assisted through appropriate support services and not merely regarded as 'collateral damage'.

## **Pets**

Victims of family violence have also raised issues regarding the safety of their pets and concerns about separation from their pets. One victim explained that as the relationship deteriorated, her attachment to her dog became stronger as she relied upon this pet for affection and companionship.

Research shows that family pets are a powerful tool that perpetrators can use to coerce or intimidate victims, and pets can themselves become victims of cruelty associated with family violence. Disturbingly, a 2008 study reported that 53% of women in violent relationships reported their pets had also been abused, and in 17% of households where there is family violence, pets had been killed.<sup>4</sup>

Family pets can also be a factor in a woman's decision not to leave a family violence situation with 33% of women delaying leaving their relationship out of concern for the welfare of their pets.<sup>5</sup>

Women's emergency refuges being unable to accommodate companion animals compound this problem. As such, those concerned about the welfare of their pets need to find appropriate foster homes or affordable pet accommodation and this can be difficult and in some cases, not currently possible.

Pets in Peril Domestic Violence Service, is one currently available service in the eastern suburbs that is able to help around 100 families at a cost of around \$30,000.<sup>6</sup> More services however are required across the State.

It is pleasing that the Victorian Labor Government has committed \$100,000 for family violence victims to access pet foster care or rehoming at animal shelters and this will no doubt assist many families.

There are very few services that can be located online in Victoria and funding is required to provide more services, in more areas and to make information regarding them more accessible.

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<sup>4</sup> Volant, A., Johnson, J., Gullone, E., Coleman, G., (2008) The Relationship Between Domestic Violence and Animal Abuse: An Australian Study

<sup>5</sup> ibid

<sup>6</sup> <http://www.animalaid.org.au/pets-in-peril.html>

Once these services do become available an online directory would be of assistance. The Animal Welfare Institute in the United States provides a zip code based searchable database for entities that provide sheltering services for safe havens for companion animals of family violence victims and this model of directory would be a beneficial resource both for victims and for those who are assisting victims.

## **Resources**

There were many other support services and resources that members of the community identified as needing additional funding.

There was considerable concern raised about the shortfall in social housing properties and the need to increase the supply of diverse social housing opportunities. An example was provided of an increase in the number of women leaving refugees to live in their cars with their children.

One suggestion was that there ought be a requirement for developers to include a set proportion of social housing properties in new developments.

Another issue raised was the impact on the cuts to TAFE and whilst this was being addressed the importance of this sector being supported as a pathway of opportunity was stressed. It was noted that the cuts to TAFE funding and therefore programs had a detrimental impact as women sought education as a means to leave their circumstances.

Behaviour change programs for men were also raised as a concern both in regard to access and effectiveness of these programs. There is currently a six to eight week wait for access to a program and this is considered to be an unacceptable delay with the risk of repeating the behaviour in that time unacceptably high.

Uncertainty about the effectiveness of these behaviour change programs was also raised, with research required to determine if they are effective, and if there is any difference in effectiveness where the program is mandated and when it is voluntary.

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## **Evaluation**

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### **Family Violence Index**

A significant issue confronting policy makers in regard to family violence is the absence of any way to measure the problem. We know that family violence is under reported yet there is no mechanism to determine when the rate of offending is increasing or to what extent, or how to assess the impact of any policy response.

As such, the Family Violence Index is vital to understanding the extent of family violence and determining appropriate responses.

In considering any recommendations that the Commission may make to Australia's National Research Organisation for Women's Safety (ANROWS), the following feedback is provided.

Issues that have been raised as important data points to include in the index measure include the social and cultural demographics of perpetrators and victims, so as to target education programs and responses appropriately.

There has also been great concern with the impact of the use of drugs as a contributing factor to family violence but in particular, the current prevalence of Ice. It is important that offending by Ice users be monitored to determine if any programs that may reduce the use of this drug, have any corresponding effect on family violence offending.

Additional factors raised as important to any measure include the rate of youth violence in schools, participation in behaviour change programs and the need to include data regarding family violence related suicides.

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## Conclusion

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This submission makes it clear that there is no quick fix and no single answer to prevent or respond to family violence.

The submission has covered many issues covering prevention, systemic responses, support resources and evaluation. It is important that all these issues are included in this submission as the intention of my consultative discussions and the community forum was to collect the views of community members and inform the Commission on their behalf.

As such, this is very much my community's submission and I trust that the Commissioner's will take the views and issues included herein, into consideration in their deliberations.

*"I want us to be seen as victories not victims."*<sup>7</sup>

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<sup>7</sup> Attendee at community forum on 20 May 2015