

Royal Commission into Family Violence

Victoria, May 2015

Submission by
Good Shepherd Australia New Zealand



Good Shepherd
Australia New Zealand

*Stopping violence
against women everywhere
will be one of the most
important contributions to
the advancement of human progress.*

Authors:

Rhonda Cumberland, CEO (Part One)
Yvonne Lay, Development Lead–Safety & Resilience
(Parts Two, Three and Four)

We thank our Peninsula Family Violence Program and other teams who work with women and families affected by domestic violence and acknowledge the vital work of the Good Shepherd network of services, including Good Shepherd Microfinance.

Key contact:

Yvonne Lay, Development Lead–Safety & Resilience

Good Shepherd Australia New Zealand

PO Box 182

Abbotsford Victoria 3067

T: +61 3 8412 7313

E: Yvonne.Lay@goodshep.org.au

www.goodshepherd.com.au

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● About our organisation

Good Shepherd Australia New Zealand

This submission has been prepared by Good Shepherd Australia New Zealand, a community services organisation that aims to disrupt the intergenerational cycle of disadvantage with a focus on women and girls. We achieve this through services that address social and economic exclusion.

Our specific expertise is in:

- **Safety and resilience** – supporting women to be resilient provides a buffer between an individual and adversity, allowing them to achieve improved outcomes in spite of difficulties
- **Financial security** – supporting women to ensure they have access to sufficient economic resources to meet their material needs so that they can live with dignity
- **Educational pathways** – assisting women and girls to overcome the obstacles in their life that hinder them from achieving their educational/vocational capacity

We provide a range of services and support to people who are experiencing disadvantage in our community. These include:

- Peninsula Family Violence Program – family violence support, including safe refuges, phone and face-to-face counselling, support and referral, case management, outreach and group work for women and their children
- Firmer Foundations – a program dedicated to increasing economic independence for women, including those at risk of family violence
- Family Services West & Family Services Peninsula – service partnerships for ChildFIRST assessment and referral for families with children at risk, providing family support through one-to-one case management and group work for families who experience difficulties that affect their children's safety, stability and development
- St Albans Community House – provides a safe and supportive environment for people of all cultures
- Good Shepherd Community House @ Wallaroo – provides a safe and supportive environment for people to engage with community, learn skills and develop pathways for safety and self-reliance
- Financial Counselling – financial information, advocacy and referral for people experiencing financial stress and/or vulnerability
- No Interest Loans Scheme (NILS®) – in partnership with Good Shepherd Microfinance, no interest loans for eligible people to purchase household goods, health aid or educational costs
- NILS Pathways Loans – specialist no interest loans for women to rebuild their lives after leaving prison or family violence

A central part of our mission is to challenge the systems that entrench poverty, disadvantage and gender inequality. We do this through research, advocacy and social policy development.

● Contents

Executive summary	6
Recommendations	9
Part one: Governance and policy reforms	12
Putting the cause of family violence at the heart of reform	12
Governance	13
Strategy	14
Resources	14
Management	15
Service outcomes	15
People and culture	16
Gender equality	16
Outcomes	19
Recommendations	19
Part two: Women's decapitalising experience of family violence	20
The chronic economic insecurity of women	20
Economic abuse	21
The family violence and financial insecurity nexus	23
The cost of family violence	25
Responding holistically to the security/family violence nexus	27
Outcomes	28
Recommendations	28
Part three: Preventing family violence	29
Prioritising gender within organisational culture and communities	29
Primary prevention and early intervention— building and fostering positive and healthy relationships	31
Adopting an informed and responsive approach to family violence— from prevention through to recovery	32
Outcomes	34
Recommendations	34

Contents *continued*

Part four: Response and recovery	36
Crisis intervention	36
Access to justice and safety	38
Perpetrator accountability	38
A family violence connected legal system	39
The assessment of risk of women and children	40
Conflicts of interest and access to the legal system	40
Foreign partners of Australian citizens, family violence and forced marriage	40
Post crisis response and recovery	41
Outcomes	44
Recommendations	45
Conclusion	46
References	47
Glossary	51

● Executive summary

Good Shepherd Australia New Zealand (Good Shepherd) welcomes the establishment of the Victorian Royal Commission into Family Violence (the Commission). We thank the Commission for this opportunity to contribute to the inquiry into family violence in Victoria.

Family violence is a human rights violation. Globally and nationally, it is the most pervasive form of violence perpetrated against women. The health, social and economic impacts of family violence on women, children, families and communities are devastating and, in many cases, lethal. Family violence transcends socio-economic status, ethnicity, religion and culture. These facts are now well-known.

What is being increasingly recognised is that any successful efforts to address and prevent family violence must be founded upon an agreed shared responsibility between federal, state and local governments, communities, organisations, business and non-business sectors, and individuals alike. Our submission proposes mechanisms to drive this greater engagement and accountability.

Family violence is a gendered crime. **At the core of this submission is a belief that gender organising principles must be the central tenet in responding to, addressing and preventing family violence because gender inequality is at the crux of this pervasive societal issue.** Unless we put the cause of family violence at the heart of reform and at the heart of every prevention and response efforts, the eradication of family violence will remain elusive.

Specifically, we will focus our submission on governance and policy reforms, women's decapitalising experience of family violence, prevention, and response and recovery. Our submission is sectioned into four parts, each identifying the specific terms of reference and/or question from the issues paper our response relates to.

In part one we begin at the macro level, speaking to the need for governance and policy reform. We argue that successfully addressing family violence requires strong government leadership, irrespective of political persuasion, and an overhaul of current governance and policy structures. Within this section we illustrate where Victoria needs to move to achieve a violence-free society.

The subsequent sections provide evidence, best practice examples, key questions, potential tools, example benchmark results and recommendations that we believe can progress us towards these aspirations.

Part two of our submission turns the spotlight onto economic abuse—both a form and consequence of family violence, which we consider to be poorly understood, and therefore inadequately addressed. We also assert that family violence is a decapitalising experience for women, and unless the system can better support women in enhancing their economic security, women will remain severely disadvantaged in many areas of their life. In this section we also highlight work currently being undertaken by Good Shepherd in relation to the development of an economic security index. This work may be of interest to the Commission and the government with reference to the development of the Family Violence Index.

Following this, our submission turns its focus in part three to the prevention of family violence, and emphasises the need to prioritise gender equality within organisational cultures and communities more broadly. Drawing on some of the work undertaken by Good Shepherd, we advocate for both targeted and more generalist prevention efforts in order to maximise engagement with community members, and argue that with the adoption of an informed and responsive approach to family violence, all Victorian organisations, whether public or private, can support the state's prevention agenda.

Lastly, part four highlights issues, limitations and concerns with current responses to family violence, particularly in relation to crisis intervention, access to justice and safety, and post-crisis response provisions. The experiences of Good Shepherd staff members who work directly with victims of family violence, and within the family violence service system, have heavily informed this section of our submission. Here we propose ways to ensure an adequate response to victims while the more foundational work proposed in the previous three sections is undertaken.

Our analysis of the issues currently facing Victoria in relation to family violence is drawn from research and practice experience. Our intimate knowledge of the family violence service system and its inherent problems gives us a strong basis for making our recommendations. At this point we would also like to highlight for the Commission that some recommendations we make are ideas of change, a starting point rather than an end point. Thus we support further research, consultation and investigation of these potential solutions. All the recommendations we make are strong and feasible, and cover a range of short, medium and long-term solutions.

We must work towards a world where women are free and able to live an independent life and fully participate in society.

We acknowledge that we do not address issues that are specific to Aboriginal women, women from culturally and linguistically diverse (CALD) backgrounds, young women or women with disabilities. We believe that there are specialist women's services that are more suitably positioned to address the needs of these cohorts of marginalised women. To this, we acknowledge and support the work of organisations such as the Victorian Aboriginal Legal Service, inTouch Multicultural Centre against Family Violence, Aboriginal Family Violence Prevention and Legal Service, Elizabeth Hoffman House, and Women with Disabilities Victoria.

Good Shepherd is aware that the Commission will receive many submissions from a range of organisations, services, professionals and individuals from the community. A number of issues that are pertinent to our organisation will be raised by other organisations through their submissions. As such, we have tried not to overly duplicate what other services will address.

The concerns we share with these other organisations include:

- The insufficient level of human resourcing at a program level to provide a timely response to family violence victims referred by Victoria Police (L17s) across all family violence specialist services
- The lack of affordable housing and services to address the current links between family violence, housing and homelessness
- The need for greater information sharing, data collection, and collation, through a shared database where appropriate
- The limited number of specialist family violence counsellors has resulted in lengthy waiting periods, thus exacerbating the trauma of family violence
- Due to limited availability, perpetrators are waiting lengthy periods of time before they commence Men's Behaviour Change Programs—this has the potential to increase risk to women and children
- The lack of safe access options available for the purpose of access arrangements between children and their father
- The care and recovery of children who have witnessed and/or are victims of family violence requires far greater resourcing
- The reduction in funding in public health and on primary prevention

We all agree that every Victorian should expect to live safely and have the full protection of the law and the systems that govern our society. Unfortunately, this remains elusive to victims of family violence. Recorded family violence rates are at an all-time high and there are no signs that these rates will plateau any time soon. This puts enormous pressure and strain on an already struggling system. There is recognition that family violence is a major health, economic and social issue. The establishment of the Commission is recognition that the current system is no longer functional or effective in responding to, and preventing, family violence in Victoria. We trust that our submission will contribute to the Commission's inquiry as it makes recommendations to the Government as to how we now move forward.

● Recommendations

● Recommendation 1

The Government develops a wide reaching and sustainable Family Violence Policy and Implementation Plan which the Premier reports on to Parliament annually.

● Recommendation 2

Led by Premier and Cabinet, the Victorian government establishes a governance system that is accountable for family violence funding, developing results, monitoring and continued community and individual impact.

● Recommendation 3

Develop the new family violence service system based on gender organising principles.

● Recommendation 4

Identify service gaps and new service models to address the causal factors of family violence in Victoria based on gender organising principles, and including a set of key result areas and adequate resources to achieve them.

● Recommendation 5

The Victorian Government and the federal government through COAG develop:

- Australian income support policies that enable women who experience family violence to maintain an adequate level of financial security
- Child support policies and procedures that recognise avoidance of child support can be a form of economic abuse, and appropriate recourse for recovery of funds
- Employment policies and programs that provide greater opportunities and support for women who experience family violence to participate in the workforce, including family violence related leave entitlements

● Recommendation 6

Establish and apply industry standards, policies and procedures for financial institutions in relation to understanding, identifying and dealing with economic abuse, including specialist NLLs for women escaping family violence, and developing new resources and materials to provide information about credit, debt, and economic abuse.

● Recommendation 7

Amend banking industry Codes of Practice and the national credit legislation to allow family violence survivors with unsecured debts of less than \$10,000 to apply to remove their name, be released from liability and/or sever the debt.

● Recommendation 8

The Australian Securities and Investments Commission and the Federal Department of Social Services work with microfinance providers to increase the reach of microfinance programs to improve financial literacy of women who have experienced family violence.

● **Recommendation 9**

Support is given to the financial counseling sector and community-based legal services to adopt a family violence informed approach to working with victims, to support them through financial crises and build women's financial security.

● **Recommendation 10**

Commission further research into how family violence impacts women's economic security.

● **Recommendation 11**

The Victorian Government supports Australia's National Plan to Reduce Violence Against Women 2010 - 2022 and commits to the required funding to design, implement and evaluate prevention strategies and activities.

● **Recommendation 12**

Our Watch implements the state prevention plan, ensuring that school based bullying programs are designed with a gendered lens, and focussed on respectful relationships.

● **Recommendation 13**

Establish new teams trained in financial hardship, economic abuse and family violence, to assist in the early identification of family violence within the business community using the Common Risk Assessment Framework.

● **Recommendation 14**

Magistrates and registry staff achieve required competencies in family violence, including CRAF competencies with court users.

● **Recommendation 15**

Legislative change to the Children, Youth and Families Act 2005 (Vic) to include a definition of family violence (from the *Family Violence Act 2008 (Vic)*).

● **Recommendation 16**

That the penalties imposed by the justice system on perpetrators of family violence be strong enough to stop the behavior, and make necessary mandated referrals in order to address the underlying causes of family violence.

● **Recommendation 17**

Review and evaluate the effectiveness of current Men's Behaviour Change programs across the state.

● **Recommendation 18**

Review the way child protection and family violence services work together so that comprehensive support is wrapped around those at highest risk, with a specific focus on shared risk assessment tools and developing shared practice guidelines.

● **Recommendation 19**

Establish a system whereby family violence perpetrators and victims can access affordable low cost legal representation and assistance.

● **Recommendation 20**

Commission further research into the nature and extent of forced marriage in Australia to identify gaps in current supports for victims and those at risk of forced marriage.

● **Recommendation 21**

Establish an integrated post crisis response service where appropriate to support women and safeguard them from repeat family violence.

● Part one: Governance and policy reforms

Terms of Reference No. 1(a): Examine and evaluate strategies, frameworks, policies, programs and services across government and local government, media, business and community organisations and establish best practice for the prevention of family violence.

Terms of Reference No. 5: The need to establish a culture of non-violence and gender equality, and to shape appropriate attitudes towards women and children.

With reference to the above listed terms of reference, we argue for comprehensive governance and policy reform. With strong government leadership, supported by a system and tools designed and governed by gender as the organising principle, Victoria can become a world leader in eliminating violence against women. The ideas and recommendations presented in this section are ultimately informed by a vision to create a world where women can live a free and full life.

Putting the cause of family violence at the heart of reform

Stopping violence against women everywhere will be one of the most important contributions to the advancement of human progress. Given our current context, stopping family violence and sexual assault, both gendered crimes, seem a distant reality. That is why the Royal Commission into Family Violence (the Commission) is so important and engagement with it essential.

Good Shepherd proposes three high level ideas to develop policy solutions to violence against women:

Stopping violence against women everywhere will be one of the most important contributions to the advancement of human progress.

1. The available evidence indicates that the best way to reform the family violence service system is to start with what causes it. Gender inequality causes gender-based family violence. The overwhelming majority of victims¹ are women. This is not disproved by examples of male victims. The Royal Commission into Family Violence, as a policy focused enquiry, is responsible for recommending public policy, which in turn must be informed by evidence. Gender must be the organising principle around the new approach.

2. Change cannot happen unless it is someone's job to drive it. The governance of the system is as important as what the system sets out to achieve. A central governance system is required and while joint ministerial groups have worked to an extent, they have always been tacked onto the Minister's main role or departmental focus. Under the current system everyone is responsible for a part, which often means no one is responsible for the whole. We support an annual report every year by the Premier to the Parliament on family violence system reform. The structure that is

¹ The term 'victim' is used throughout this submission to define women and or children who are abused in the context of family violence. The term is also inclusive of children who witness and or hear abuse in the context of family violence.

responsible for preventing family violence should be made up of people whose only focus is to build a family violence free Victoria.

3. The success of any activity in life depends on knowing what results we are aiming for. One important gap in the family violence service system is a set of lead targets. The numerous enquiries preceding the Commission show many roads but no central destination.

Good Shepherd hopes for a vision outlining what is expected of each stakeholder, what the new system will look like and how it will impact the community. A clear vision of the result is possible even if unanimous agreement with the new direction is not.

We think it would be helpful in the reform process to measure the difference between activity and impact. Many individuals receive the help they are looking for and speak highly of the service response. But the goal of the service system should also be to achieve an impact. The new service system must bring social and economic change with it, and this can only be achieved if it works as a system designed to do just that.

Governance

The main governance challenge would appear to be identifying a central point for governance of the system. The most obvious central point would be the Premier and Cabinet. The present system of a group of Ministers working as a Ministerial Council has been problematic. Ministers have competing priorities and family violence has never been on top of the list.

Where we are now	→ Where we can be
<ul style="list-style-type: none"> • Ministers with responsibilities for factors correlating with family violence develop the family violence service system • Police, courts, the Department of Health and Human Services (DHHS), not-for-profit and community organisations focused on correlative factors receive the funds (85 per cent estimated) • Half the presenting issues in DHHS are related to family violence but named as other issues such as child abuse, homelessness, financial exclusion, etc 	<ul style="list-style-type: none"> • Ministers with responsibilities for addressing the causes of family violence and its prevention articulate the results that must be achieved for women, and at what cost • Critical mass of governance (33 per cent of any whole) is dedicated to addressing the causes of family violence and its prevention • If family violence is causing the presentation, the service system at that point of contact must be equipped to address the family violence

Strategy

The strategic challenge is to develop a more accountable and effective service system.

Where we are now	→	Where we can be
<ul style="list-style-type: none"> • Separate responses joined up through a web of partnerships, MOUs, small impact policies and programs, with no agreed result or goal • The different parts of the service system produce isolated result, eg a police response, a code of practice, an investigation, a safety notice, an intervention order, charges laid, women rehoused • Women enter the system via a multitude of non-family violence doors, (housing, child protection, mental health, alcohol and drug services, disability, cultural services, hospitals, doctors, financial support) so there is no designed system, family violence remains hidden, efforts are duplicated and there is no effective response. If you need a service about the causes of family violence, the wrong doors are everywhere. • Family violence grafted onto departmental structure 		<ul style="list-style-type: none"> • Integrated responses, built on evidence, expertise and capacity, and developed through a causal lens • Leadership takes us to an agreed result (such as women participating freely in society and reaching their full potential) through developing a system with simplified processes, responsibility for outcomes identified and high impact • Specialist and mainstream services are a part of one integrated system and strategy, built on a critical mass of services with capacity to respond effectively to family violence. Central points are placed in strategic locations, to direct activity into systems and measurable impact, and ensure 'no wrong door'. • Departmental structure fits with the causes of family violence

Resources

Most resources are tied up in a system of funding that has been broken for quite some time. The system is hard to change. However, if the new vision is to be realised, family violence resources should be directed to services that are based on gender organising principles. Funds cannot be calculated and filtered via the old mainstream services channels.

While challenging, the question of how to pay for services, with so much unmet demand, needs creative and bold discussion. With every new reform comes an opportunity to identify savings and investment. With each, the challenge is to build a sustainable reform program, not one that will start to lose heart before too long.

Building on the federal government's plan to encourage more women into the workforce is a good place to start. More women will be free to enter the workforce once family violence is no longer a threat to them and their families. This will generate economic growth and benefit the whole community.

Where we are now	→	Where we can be
<ul style="list-style-type: none"> • Women enter a service system where funding is spread across the many symptoms of family violence • Family violence is grafted onto mainstream services • New money competes with historical priorities • Large numbers of women are prevented from working because of family violence 		<ul style="list-style-type: none"> • Dedicated family violence funds and services to meet needs • Services that understand what causes family violence receive the funds to address causal issues • New funds address causal factors • Economic growth occurs with more women in the workforce

Management

One way of managing the culture and behaviour of mainstream organisations towards minority interests, although women are never a minority, is to create new leadership roles. It is generally understood that no real difference can be made when the change agent is less than 33 per cent of the whole. With this principle in mind, it is possible to develop a leadership force of 33 per cent of the whole, strong enough to drive significant change in the executive ranks of the public service.

Where we are now	→	Where we can be
<ul style="list-style-type: none"> • Executive leadership inadequate • Equality for women absent • Results absent 		<ul style="list-style-type: none"> • Critical mass of executive leadership capable and effective • Equality for women is core • Responsibility for results and performance are based on gender equality

Service outcomes

The family violence service system rarely engages men. The system rarely exercises its power to reduce male power over women, and certainly has no capacity to provide a response that lasts as long as the perpetrator's² determination to control, harm or kill his partner. We need a 21st century system that can tell us what we need to know about perpetrator behaviours and how to stop them from causing harm.

Where we are now	→	Where we can be
<ul style="list-style-type: none"> • The system provides little information and evidence about perpetrators 		<ul style="list-style-type: none"> • The full benefits of technology and the digital age will be used to build the best information and evidence to manage and prevent family violence.

² The term 'perpetrator' is used throughout this submission to define mine who choose to use violence against women and or children.

- | | |
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| <ul style="list-style-type: none"> • The system is as overwhelmed by the perpetrator as are the women themselves • The operators of the system, service providers, have indirect and incomplete accountability for it • Output and activity focused | <ul style="list-style-type: none"> • The system exercises its power effectively to reduce the power of perpetrators over women • The owners of the system, Victorians, entrust the service system coordination to managers and directors who are accountable to them • Outcomes and impacts focused |
|--|--|

People and culture

The very organisations set up to stop family violence are not always believers in the causes of violence against women. The organisations we rely on to stop family violence would not pass a test for internal gender equality.

There is a long history of all male leadership, male management, higher salaries for men and sexism in the public service. The masculine culture of these organisations has led to operational, managerial and attitudinal bias. New targets and new cultures must be developed. The best way to change culture is debatable, but always in the mix will be the necessity to change the people.

Where we are now	→	Where we can be
<ul style="list-style-type: none"> • Family violence is hidden in job descriptions and key roles • Traditional recruitment and job descriptions allow people to get a job in the system responsible for family violence and not know it • Gender inequality is dominant in organisations with responsibility for stopping family violence 		<ul style="list-style-type: none"> • If you work in the court system, police force or support services, you identifiably work in a family violence service system • New recruitment and job definitions ensure the best people are working in family violence system • Gender equality standards are met in all organisations

Gender equality

The true goal for family violence reform is for women to fully participate in society and live a free and independent life. The full aim for men is the same. Quality of life is diminished for perpetrators and victims. Safety is an essential part but not the end point we want for women. It is a stepping stone for her to reach her full potential.

Where we are now	→	Where we can be
<ul style="list-style-type: none"> • When women enter the service system to escape family violence they enter into a housing service or a family service, a system that is mainly operates 9 to 5 • Domestic violence traps women into poverty, locked out of the workforce, out of training 		<ul style="list-style-type: none"> • Women enter a system focused on the causes of family violence at times when family violence occurs • Emphasis is to keep women in work, support to find employment and training pathways

- The state delegates or abrogates its responsibility to coordinate the system's response
- Results are as varied as the women who enter the system
- Safety is the end point
- Responsibility for the system lies with state, which takes full responsibility for women's equality and safety
- Results are uniform, designed, standardised, and accountability and responsibility are clear and policy driven
- Women living freely and reaching their full potential is the end point

“Principles to underpin reform

- *Focus on the principle that critical mass equals impact. Being less than 33 per cent of any whole means you cannot influence an outcome.*
- *Pulling the right levers can change the whole system. One system change can offer a better approach than trying to prescribe in detail how the system will operate. One systemic change is better than a multitude of specific and limited changes in activity.*
- *If you practice gender inequality in your organisation, you won't be trusted to fix it for others*
- *No problem can be solved if the solutions are not about what causes that problem*
- *Social inclusion is not possible without financial inclusion*
- *Specialisations in any system must be few and essential. Any separation must answer the question 'how will the system be put back together'?*
- *An ongoing new revenue opportunity exists with all major reform, emphasising the need to always keep innovation, economic and social goals in the frame*
- *A central shared vision and results-based system will be more effective than one that has no locus of control at its heart*
- *A sound policy reform approach will always need to stop things that don't work*
- *Those who are most passionate against family violence are not necessarily the best people to design the system to stop it”*

“Potential new tools

These public policy tools exist in other policy areas and may prove useful as potential family violence reform tools after further investigation and consultation

A funding index that ties government spending in public violence to spending on family violence, increasing family violence spending until parity is reached

An ongoing Independent Commission, with the powers to keep progressing reforms and address practices that are not working

A new type of workforce to offer protective services to women and children, providing a suite of aligned services focused on women and children.”

Outcomes

- In three years a new revenue and growth plan for Victoria will be developed building on Victoria's achievements in reducing family violence. This work will explore international research opportunities, innovation, economic growth, technology and innovation. The economic case for gender equality will be fully explored.
- In five years child protection services will not use failure to protect as a cause of removing children where the mother is a victim of family violence
- In eight years Victoria will grow economically, socially and ethically, as a result of family violence reform, demonstrating social and financial inclusion benefits the whole community and the economy
- In five years, 33 per cent of funding to DHHS, courts and police will be directly spent of family violence prevention, protection, education and training, leadership and equality, ensuring Victoria can grow as the most social and economically inclusive state in Australia

Recommendations

● Recommendation 1

The Government develops a wide reaching and sustainable Family Violence Policy and Implementation Plan which the Premier reports on to Parliament annually.

● Recommendation 2

Led by Premier and Cabinet, the Victorian government establishes a governance system that is accountable for family violence funding, developing results, monitoring and continued community and individual impact.

● Recommendation 3

Develop the new family violence service system based on gender organising principles.

● Recommendation 4

Identify service gaps and new service models to address the causal factors of family violence in Victoria based on gender organising principles, and including a set of key result areas and adequate resources to achieve them.

● Part two: Women's decapitalising experience of family violence

Terms of Reference No. 1(c): Examine and evaluate strategies, frameworks, policies, programs and services across government and local government, media, business and community organisations and establish best practice for support for victims of family violence and measures to address the impacts on victims, particularly on women and children.

Issues Paper Question No. 7: What circumstances and conditions are associated with the reduced occurrence of family violence?

We now turn the spotlight onto women's experience of economic abuse, and discuss the implications of women's economic insecurity at both an individual and societal level. In doing so we aim to draw the Commission's attention to the fact that economic insecurity is both a consequence *and* form of family violence, and underpinning this pervasive issue is ostensibly, gender inequality.

The chronic economic insecurity of women

The current state of women's economic insecurity is connected to the issue of gender inequality, and the gendered nature of care. For instance, women are more likely to undertake unpaid care work for children or relatives than men. According to the Australian Bureau of Statistics, women make up 82 per cent of Australian single parents.³ By taking time out of the workforce to care for children, women are limited in their capacity to participate in paid employment, thus economically disadvantaging them. The gendered pay gap remains a significant issue in Australia. According to the Workplace Gender Equity Agency, the gap between men and women in relation to pay was at 18.2 per cent,⁴ up from 17.6 per cent in 2013.⁵ Women also retire with less superannuation and therefore the economic inequity women face often extends over their entire lifespan.⁶ Undoubtedly gender inequities in employment, pay and working conditions continue to disadvantage Australian women.

UN Women argue that 'the chronic underinvestment in programmes that tackle the structural causes and consequences of gender inequality in areas including unpaid care work, violence

³ Australian Bureau of Statistics, (2012), *Gender indicators, Australia*, 4125.0. Retrieved May 18, 2015 from Australian Bureau of Statistics: <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4125.0~Jul%202012~Main%20Features~Employment%20conditions~1120>

⁴ Workplace Gender Equality Agency, (2014), 'National gender pay gap rises to 18.2%'. Retrieved May 26, 2015 from Workplace Gender Equality Agency: <https://www.wgea.gov.au/media-releases/national-gender-pay-gap-rises-182>

⁵ Workplace Gender Equality Agency, (2013), *Gender Pay Gap Statistics*. Retrieved May 14, 2015, from Workplace Gender Equality Agency: <https://www.wgea.gov.au/sites/default/files/2013-02-Gender%20pay%20gap%20statistics.pdf>

⁶ Australian Human Rights Commission, (2009), *Accumulating poverty? Women's experiences of inequality over the lifecycle*, Sydney: Australian Human Rights Commission.

⁶ Australian Council of Social Services, (2012), *Poverty in Australia*, Paper 194, Strawberry Hills: Australian Council of Social Services, p. 21.

against women, health, education, and peace and security⁷ perpetuate women's inequality. As such, there is a push for governments to integrate gender into their public financial management systems 'to ensure that policies, plans and budgets are gender-responsive'⁸. At a national level, by virtue of being a woman living in a world where inequality is deeply rooted in social structures, more than half of Australia's population experience poorer economic outcomes. Factors such as the gendered responsibility for care, the under-valuing of women's paid and unpaid work, and gendered discrimination within the workplace and in society in general, all contribute to women's economic insecurity.

As research suggests:

- Women who work full-time earn on average 18 per cent less than men⁹
- Women are more likely to engage in part-time and casual work¹⁰
- 25 per cent of single parents (of which the majority of women) live below the poverty line¹¹
- Women retire with less than half the average superannuation payouts received by men¹² and 2.8 million women compared to 1.6 million men aged 15 years and over are not covered by superannuation¹³
- Female graduates are earning almost 5 per cent less than their male counterparts¹⁴

These statistics alone highlight the pervasive problem women face on a daily basis. Layer this situation with experiences of family violence and women can often find themselves in an impossible situation, and one where they continue to yield minimal control and agency.

Economic abuse

Economic abuse is defined as behaviours that 'control a woman's ability to acquire, use, and maintain economic resources, thus threatening her economic security and potential for self-

⁷ UN Women, (2015), *Financing for Gender Equality*. Retrieved on May 26, 2015 from UN Women: <http://www.gender-financing.unwomen.org/en/about-us>

⁸ UN Women, (2015), *Financing for Gender Equality*. Retrieved on May 26, 2015 from UN Women: <http://www.gender-financing.unwomen.org/en/about-us>

⁹ Workplace Gender Equality Agency, (2013), *Gender Pay Gap Statistics*. Retrieved May 14, 2015, from Workplace Gender Equality Agency: <https://www.wgea.gov.au/sites/default/files/2013-02-Gender%20pay%20gap%20statistics.pdf>

¹⁰ Australian Bureau of Statistics, (2012), *Gender Indicators, Australia*, 4125.0. Retrieved May 18, 2015 from Australian Bureau of Statistics: <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4125.0~Jul%202012~Main%20Features~Employment%20conditions~1120>

¹¹ Australian Council of Social Services, (2012), *Poverty in Australia*, Paper 194, Strawberry Hills: Australian Council of Social Services, p. 14.

¹² Workplace Gender Equality Agency, (2013), *Gender Pay Gap Statistics*. Retrieved May 14, 2015, from Workplace Gender Equality Agency: <https://www.wgea.gov.au/sites/default/files/2013-02-Gender%20pay%20gap%20statistics.pdf>

¹³ Australian Human Rights Commission, (2010), *Gender Equity Blueprint*. Retrieved May 18, 2015 from Australian Human Rights Commission: <https://www.humanrights.gov.au/our-work/sex-discrimination/publications/gender-equality-blueprint-2010>

¹⁴ Graduate Careers Australia, (2014), *GradStats: Employment and salary outcomes of recent higher education graduates*. Retrieved May 18, 2015 from Graduate Careers Australia: https://www.graduatecareers.com.au/wp-content/uploads/2014/12/GCA_GradStats_2014.pdf

sufficiency'.¹⁵ Economic insecurity therefore is a consequence of family violence and can be a form of family violence.

The Victorian definition of family violence as enshrined in the *Family Violence Act (2008) Vic* recognises economic abuse as a form of family violence.

Examples of economically abusive behaviours include:

- Unreasonable controlling behaviour without consent that denies a person financial autonomy
- Withholding financial support reasonably necessary for the maintenance of a partner
- Coercing a partner to relinquish control over assets
- Unreasonably preventing a person from taking part in decisions over household expenditure or the disposition of joint property
- Coercing a person to claim social security payments
- Preventing a person from seeking or keeping employment

Despite this inclusion, the identification of economic abuse by both victims and service providers remains difficult.

In a recent collaborative research project conducted by Good Shepherd Australia New Zealand and Wyndham Legal Service, it was found that:

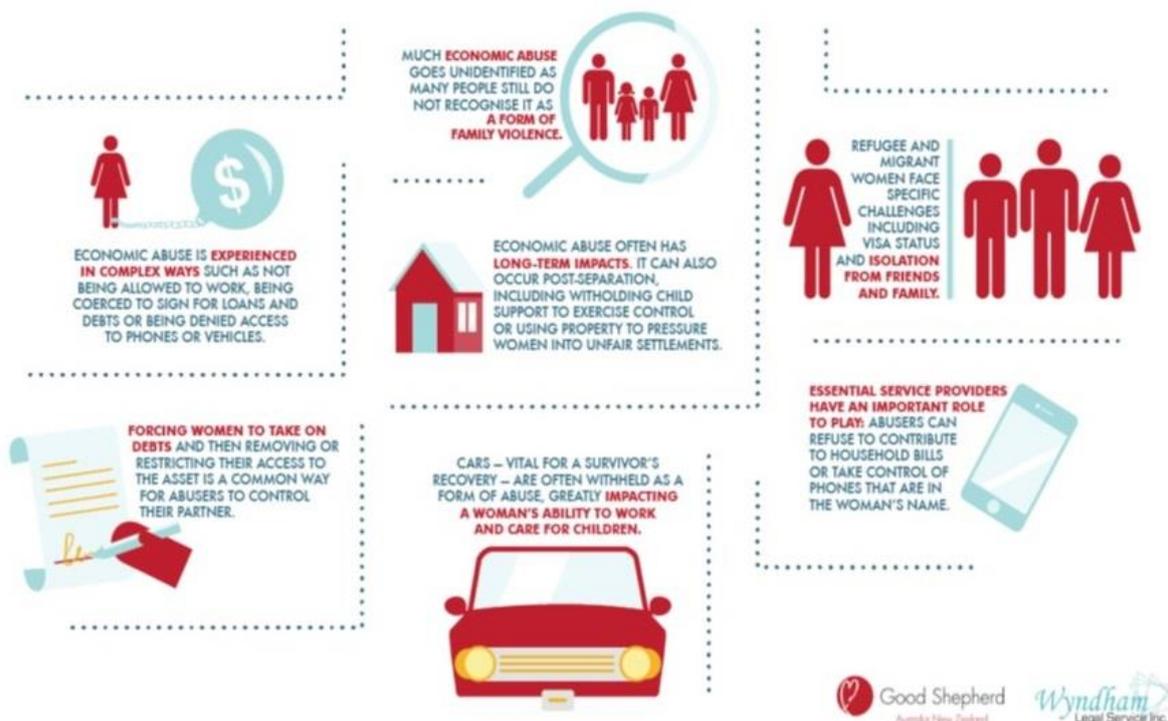
- Economic abuse can be experienced and perpetrated in a variety of complex ways
- Refugee and migrant women face specific challenges
- The impact of economic abuse is long-term and occurs (and can begin) post-separation
- Debt is a common way for abusers to control their partner
- Essential service providers, such as utility and phone companies, have an important role to play
- Cars are often vital for survivors to recover and are often withheld as a form of abuse.¹⁶

Women who experience family violence, and especially economic abuse, therefore already occupy an economically disadvantaged position just by being women. The abuse exacerbates their financial vulnerability and long-term risk of financial dependence.

¹⁵ Adams, A.E., Sullivan, C.M., Bybee, D. and Greeson, M.R., (2008), Development of the scale of economic abuse, *Violence Against Women*, 14(5), pp. 563–588, p. 568.

¹⁶ Camilleri, O., Corrie, T., and Moore, S., (2015), *Restoring Financial Safety: Legal Responses to Economic Abuse*, Abbotsford: Good Shepherd Australia New Zealand.

RESTORING FINANCIAL SAFETY: LEGAL RESPONSES TO ECONOMIC ABUSE KEY RESEARCH FINDINGS



The family violence and financial insecurity nexus

In order to increase women's financial security and thus women's safety, it is critical to focus on women's experiences of economic abuse, and find solutions to remedy this at both an individual and structural level. At the individual level, a targeted and strategic approach is required to increase the financial capabilities of women and girls. The current financial education curriculum should continue in schools to build the financial knowledge and confidence of girls. Further to this, healthy financial relationships should be included in the education curriculum as a prevention strategy.

The sector must support women to build their financial capability. This can be achieved through the development and implementation of innovative financial education programs that cater to the specific learning needs of women, and ultimately seek to build women's financial strengths. A rights and strengths-based approach to financial capability education, that targets and supports women at their different life stages, is required.

An example of this is the Good Shepherd Income Maximisation framework that suggests four framework components critical to viewing and understanding the financial information needs of people living on low incomes:

1. Critically examining financial information.
2. Understanding rights.
3. Understanding individual responsibilities.

4. Awareness of entitlements.¹⁷

In order to address the structural inequities that perpetuate women's economic disadvantage, income support policies, workplace relation policies, and regulatory and legislative frameworks must be changed. For the economic wellbeing of all women, pay equity needs to be addressed; workplace, income support and childcare policies need to reflect and compensate for women's caring roles; and misconceptions about women's capacity to manage money that undermine women's economic security need to be challenged. Without such attention, women will continue to experience economic insecurity and poorer economic outcomes in comparison to men. Regulatory frameworks and social norms must change to support women's ability and right to manage her finances.

Access to financial services is one critical way to support women to gain economic independence. For many women who have been subjected to economic abuse, they often inherit debt from the relationship and this severely limits their access to mainstream financial services. As found by Good Shepherd Youth & Family Service women's limited access in this situation 'is because there is no mandated capacity to sever debt, there is a great deal of difficulty having debt waived or interest frozen...and damaged credit records as a consequence of economic abuse make credit risk an issue'.¹⁸

As a means to increase women's access to fair financial services, Good Shepherd strongly supports the microfinance industry in addressing issues of exclusion and equity of access. Indeed, gender issues cannot be seen as a marginal concern for the financial sector, or any sector for that matter. Rather than treating family violence, its causes and consequences as an optional add-on, we must mainstream gender and empowerment 'throughout programme design in order not only to be benefit women, but in the process improve the longer term financial and organisational sustainability of the services themselves and the sustainability and dynamism of the economy in general'.¹⁹ Microfinance service providers can have a positive, immediate and longer-term impact on people's financial skills, knowledge and behaviours. Microfinance also addresses structural issues relating to access to safe and affordable financial services. Thus by providing access to safe affordable services, women have a significantly increased capacity to apply their skills and knowledge, hence changing financial behaviour.

¹⁷ Good Shepherd Youth & Family Service, (2008), *Income Maximisation Framework*. Retrieved May 26, 2015 from Good Shepherd Australia New Zealand:

http://www.goodshepvic.org.au/Assets/Files/INCOME_MAXIMISATION_FRAMEWORK.pdf

¹⁸ Good Shepherd Youth & Family Services, (2014), *Fair Financial Services. Women's Economic Security: Through life events*, Policy Position Paper 3, Collingwood: Good Shepherd Youth & Family Services, Social Policy Research Unit.

¹⁹ Mayoux, L., (2009), 'Taking gender seriously: towards a gender justice protocol for financial services, Paper presented for publication in *Microfinance Handbook*, p. 2.

Currently, Good Shepherd is exploring and developing its own economic security index to gather a more comprehensive picture of how family violence impacts women's economic security. The indicators that have been preliminarily selected for this economic security index are:

Measure 1: Victims level of income

Measure 2: Victim/Survivors workforce participation

Measure 3: Survivors education participation

Measure 4: Survivors experience of economic deprivation

Measure 5: Relative price-index for survivors of family violence

Measure 6: Survivors experience of housing stress

Measure 7: Number of survivors reliant on Income Support

Measure 8: Survivors financial inclusion

Measure 9: Survivors economic resources

Measure 10: Survivors superannuation balances.²⁰

Given this current work of Good Shepherd, we strongly support the development of Victoria's first Family Violence Index to measure how Victoria approaches and addresses family violence. As Minister Richardson aptly states, 'we need a measure of family violence to ascertain where we are now and where we will be in the future'.²¹ Without such measures, Victoria's efforts in addressing and preventing family violence will remain inadequate in meeting the needs of women and children.

The cost of family violence

It is clearly evident that family violence is costly. The impacts of economic abuse, coupled with the physical, emotional, psychological and spiritual consequences, makes family violence a decapitalising experience for women, which is further compounded by societal structures and norms that undervalue women in the first instance. Indeed, women's decapitalising experience of family violence occurs whether or not economic abuse is present. Undeniably, women's experience of economic abuse negatively impacts greatly and undermines their efforts to achieve economic independence.²² It has been conservatively estimated that 1.86 million Australian women have been victims of economic abuse in their lifetime.²³ The long-term impacts of economic abuse on women include damaged credit records, loss of sense of financial capability and poverty.

²⁰ Corrie, T. (2014), *Economic Security for Survivors: family violence and economic security*. Discussion paper, unpublished, Abbotsford: Good Shepherd Australia New Zealand, p. 30.

²¹ Victorian Government, (2015), *Measuring the toll: the family violence index*, Melbourne: State Government of Victoria.

²² Camilleri, O., Corrie, T., and Moore, S., (2015), *Restoring Financial Safety: Legal Responses to Economic Abuse*, Abbotsford: Good Shepherd Australia New Zealand.

²³ Camilleri, O., Corrie, T., and Moore, S., (2015), *Restoring Financial Safety: Legal Responses to Economic Abuse*, Abbotsford: Good Shepherd Australia New Zealand.

The need to focus on women in relation to economic abuse is best depicted in Figure 1 below.

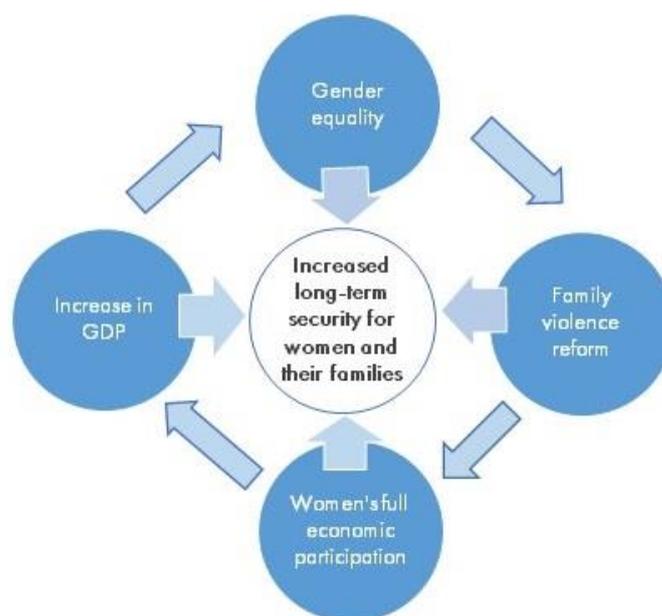


Figure 1. Women's economic participation, family violence reform and gender equality: better outcomes

Women's long-term economic security relies on reforms to the family violence system, achieving gender equality, and economic participation. These in turn will lead to increased productivity in the economy and a more sustainable system.

Family violence comes at a financial cost to every Australian citizen. Access Economics found that:

- Absenteeism as a result of family violence costs victim \$25.3 million per annum, and employers \$106.6 million per annum
- Family violence costs employers an estimated \$175 million per annum
- Female victim lose 100 days of paid work as a consequence of family violence
- 149 female family violence victims lose jobs each year because of family violence.²⁴

Not discounting the fact that the prevention of family violence may well be a financially costly endeavour, without such investments, family violence will continue to erode our community and diminish the lives, security and independence, of thousands within it.

Although the outlook may look grim now, the potential for advancement in this area is endless. Progress is being made in relationship building between those in the community sector and larger organisations and corporations in the private sector. These crucial small steps will benefit all – women, their children, the community, and the Victorian economy. More and more corporations are taking notice of family violence and the consequences this societal issue has on their bottom line. Although our starting points may be different, it is with confidence that we say, our focus is

²⁴ Access Economics, (2004), *The cost of domestic violence to the Australian economy: Part 1 and 2*, Canberra: The Commonwealth of Australia, Office of the Status of Women.

the same – we want to see and live in a world where all Victorians are productive and contributing to society. Thus, we encourage more interactions and partnerships between these two sectors. Good Shepherd is fortunate to have forged such partnerships with the finance sector through Good Shepherd Microfinance. Since 2003, National Australia Bank and Good Shepherd have worked together to develop microfinance solutions to give Australians living on low incomes access to fair, safe and affordable financial services. This is an example of how the community sector can successfully work with the private sector in addressing underlying causes of family violence.

As we have highlighted in this section, the impacts of family violence are significantly compounded by women’s economic insecurity. Unlike physical violence, economic abuse and the impacts of economic abuse often continue even after a woman leaves a violent relationship, thus diminishing her capacity to achieve economic security and independence. Economic abuse and the consequences for women and children cannot and should not be underestimated.

Responding holistically to the security/family violence nexus

Our analysis is underpinned by the concept of collective impact, achieved through integration. Women’s safety and resilience, financial security and educational pathways are mutually reinforcing goals. Addressing all of these through an integrated service approach will result in greater and more enduring changes for women and their families than addressing each solely or separately.

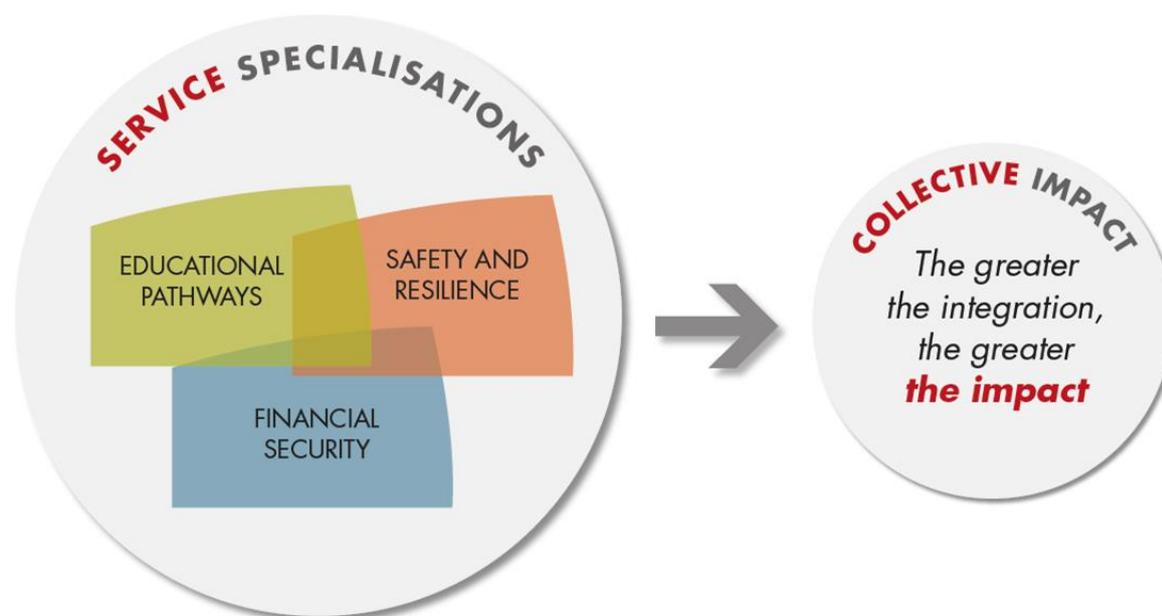


Figure 2. Integrating our Service Specialisations (Services and Innovation Framework, Good Shepherd Australia New Zealand, March 2015)

Outcomes

- In five years women's equality must trend towards equal pay, women in leadership roles and women's return to work and employment

Recommendations

● Recommendation 5

The Victorian Government and the federal government through COAG develop:

- Australian income support policies that enable women who experience family violence to maintain an adequate level of financial security
- Child support policies and procedures that recognise avoidance of child support can be a form of economic abuse, and appropriate recourse for recovery of funds
- Employment policies and programs that provide greater opportunities and support for women who experience family violence to participate in the workforce, including family violence related leave entitlements

● Recommendation 6

Establish and apply industry standards, policies and procedures for financial institutions in relation to understanding, identifying and dealing with economic abuse, including specialist NILs for women escaping family violence, and developing new resources and materials to provide information about credit, debt, and economic abuse.

● Recommendation 7

Amend banking industry Codes of Practice and the national credit legislation to allow family violence survivors with unsecured debts of less than \$10,000 to apply to remove their name, be released from liability and/or sever the debt.

● Recommendation 8

The Australian Securities and Investments Commission and the Federal Department of Social Services work with microfinance providers to increase the reach of microfinance programs to improve financial literacy of women who have experienced family violence.

● Recommendation 9

Support is given to the financial counseling sector and community-based legal services to adopt a family violence informed approach to working with victims, to support them through financial crises and build women's financial security.

● Recommendation 10

Commission further research into how family violence impacts women's economic security.

● Part three: Preventing family violence

Terms of Reference No 1 (a), (b): Examine and evaluate strategies, frameworks, policies, programs and services across government and local government, media, business and community organisations and establish best practice for the prevention of family violence; and early intervention to identify and protect those at risk of family violence and prevent the escalation of violence.

Terms of Reference No. 5: The need to establish a culture of non-violence and gender equality, and to shape appropriate attitudes towards women and children.

Issues Paper Question No. 6: What circumstances, conditions, situations or events, within relationships, families, institutions and whole communities, are associated with the occurrence or persistence of family violence?

Issues Paper Question No. 18: What barriers prevent people in particular groups and communities in Victoria from engaging with or benefiting from family violence services? How can the family violence system be improved to reflect the diversity of people's experiences?

Eradication and prevention of family violence will only be realised and achieved under strong leadership from the government, driving a whole-of-government and community agenda, supported by mechanisms to ensure that every Victorian government department, government-funded organisation, community group, not-for-profit organisation and corporation takes steps in restoring the value of women. This agenda must be targeted and reflexive in order to ensure success. We advocate for: the transforming of gender within organisations and the community; the need to reframe 'family violence' in order to facilitate the success of prevention efforts, and encouraging mainstream and professional services to adopt an informed and responsive approach to family violence as part of their core business.

Prioritising gender within organisational culture and communities

To be successful in preventing violence against women, we need to transform gender-power imbalances. Awareness raising campaigns are an important ingredient to this success, but only if such campaigns have been designed to support and facilitate real attitudinal and behaviour change. In working towards our ultimate goal, we can and should balance being aspirational and realistic. We will realise our goal if we accept that transforming such deeply rooted gender-power imbalances will take time, and taking this time must include strategising, planning, delivering, monitoring and evaluating our efforts beyond election cycles.

In order to achieve this transformation, gender equity must be central to all prevention efforts. Much progress has been made in this transformation process. Victoria Police, various Australian sporting codes and big businesses have taken important steps in changing their organisational cultures to be more aware and sensitive to the issue of family violence and, inextricably, gender inequity. Not discounting these significant steps, much more work is required. Good Shepherd is of the belief that in order to facilitate external, societal change, organisations must be committed to working towards and achieving change internally.

Two examples that Good Shepherd participated in are provided below: one targeted at the organisational level and one working both within and through organisations to create community change.

The Victorian Health Promotion Foundation's (VicHealth) *Equal Footing: The Workplace Program that Boosts Gender Equality* seeks to support organisations in taking this crucial first step. Established as a pilot program, *Equal Footing* aims 'to identify the most effective means of changing the culture of Australian workplaces to achieve greater respect and gender equality long term'.²⁵ This initiative is another example of the need to create prevention strategies and activities that speak to a majority of Victorians—rather than explicitly identifying that the program is about eliminating violence against women, the focus is on achieving equality for women by building respectful relationships. Prevention strategies that specifically name family violence, and those that are more 'general' are required in order to maximise chances of success.

To facilitate external, societal change, organisations must be committed to working towards and achieving change internally.

The Peninsula Model²⁶ is clear on its vision for women and children to live free from violence. The Peninsula Model articulates three clear objectives that are to be achieved by 2017:

1. Organisations in the Frankston Mornington Peninsula catchment will have formed strong partnerships across sectors to collectively address gender inequity and male privilege.
2. Organisations that have signed the statement of intent will have increased their understanding of primary prevention approaches to violence against women and will be working towards actions that promote equal and respectful relationships within their workplace.
3. The Frankston Mornington Peninsula community will have greater representations on strategies undertaken to prevent violence against women and are supported to take appropriate actions with their communities.

This is an innovative and collaborative example of how strong leadership is required in all primary prevention efforts. Strong leadership facilitates genuine and accountable engagement and can guide the collective effort in preventing violence against women. Without such leadership, we run the risk of sabotaging and undermining the good will, commitment and work thus far. The responsibility for preventing violence against women sits with each and every individual. While government must drive this

Strong leadership facilitates genuine and accountable engagement and can guide the collective effort in preventing violence against women.

²⁵ Victorian Health Promotion Foundation, 2014, *Equal Footing: The Workplace Program that Boosts Gender Equality*, Carlton South: Victorian Health Promotion Foundation, p. 2.

²⁶ The Peninsula Model, (2014), *The Peninsula Model for primary health planning. Creating safety, equality and respect in our community: a catchment wide strategy to prevent violence against women and their children 2014 – 2017*. Retrieved May 18, 2015 from: <http://www.whise.org.au/docs/Project%20Reports/Creating%20Safety%20Equality%20and%20Respect%20in%20our%20Community%20a%20catchment%20wide%20strategy%20to%20Prevent%20Violence%20against%20Women%20and%20their%20Children%202014-2017.pdf>.

agenda, without such organisational leadership, prevention initiatives will continue to be ad hoc and largely unsustainable, and without clear measures of accountability.

Primary prevention and early intervention- building and fostering positive and healthy relationships

The prevention of family violence requires commitment and a continued effort at a macro and micro level. Primary prevention in particular requires a distinct system comprising cross-government, multi-sector, community and business partnerships. The release of VicHealth's *Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria*²⁷ in 2007 provides a framework for a new and innovative approach to the prevention. Ostensibly with gender inequity and rigid gender norms at the crux of the issue of family violence, the aim of primary prevention is to address these two determinants of family violence across all levels of society. Building on this significant development, Good Shepherd fully supports the work of Our Watch, in partnership with VicHealth and Australia's National Research Organisation for Women's Safety (ANROWS) in creating a National Framework for Prevention of Violence against Women and their Children.

As Victorians become increasingly aware of family violence and its impacts, prevention strategies must be robust enough to target those women and children who may not identify with family violence. Currently this is not the case. Thus in order to ensure greatest engagement and success, it is necessary that some prevention strategies and activities adopt a more positive or 'healthy' approach. To reframe family violence is not to bury the issue, but rather to widen the scope and reach of prevention activities. Good Shepherd's Firmer Foundations program is a good example of how reframing family violence can extend the reach of prevention efforts. Designed as a secondary and early intervention program for women at risk of economic abuse, the program works with women who are vulnerable to economic abuse, and/or who desire to be more empowered in economic planning within their family in general and their relationship in particular.

The Firmer Foundations program works with women in building their skills and financial capability. The program's evaluation shows many women did not identify economic abuse as a form of family violence, nor did women feel comfortable to identify their situation as a family violence issue. Through the delivery of this project, Good Shepherd learnt the importance of reframing family violence in a manner that does not intimidate community members, in order to engage women in the program. Indeed, promoting respectful financial relationships is important in promoting respectful and healthy relationships in general. Thus, ensuring that all financial education includes negotiating money

Promoting respectful financial relationships is important in promoting respectful and healthy relationships in general.

²⁷ Victorian Health Promotion Foundation, (2007), *Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria*, Carlton South: Victorian Health Promotion Foundation.

and how to have a respectful financial relationship is important for promoting economic equality within families and familial relationships, including intimate partner relationships.

Making the link between the dynamics and impacts of family violence and the broader health, social and economic wellbeing status of Victorians is critical. Current perspectives and approaches to family violence fail to link its occurrence to the largest social problem in schools—bullying. Bullying is a relationship problem,²⁸ and it has been increasingly identified as a growing problem within Victorian schools, impacting thousands of Victorian children. The link between bullying behaviours displayed within the school setting and acts of family violence is strong. Developing effective prevention programs to be implemented in schools is critical in Victoria's primary prevention endeavours. As argued by Our Watch, 'schools are mini communities where respect and equality can be modelled to help shape positive attitudes and behaviours at an early stage of life'.²⁹ To effectively intervene at an early stage to address these attitudes and behaviours, early intervention strategies that focus on bullying within Victorian schools are fundamental in preventing family violence. In order to do this successfully, all bullying prevention strategies must be developed using a gendered lens, with the ultimate aim of creating healthy relationships. Without acknowledging the strong link between bullying behaviours in schools and family violence, the prevention of family violence in Victoria will continue to remain elusive.

Adopting an informed and responsive approach to family violence— from prevention through to recovery

Historically deemed to be a 'private' issue, family violence is now in the mainstream. More and more Victorians are openly talking about family violence, its impacts, stronger condemnation of its occurrence, and there is growing acceptance that family violence is at crisis point. The increased reporting of a traditionally under-reported crime signals a positive step towards encouraging more victims to speak out about the violence they have been subjected to. Increased awareness has resulted in a surge in the number of family violence reports made to Victoria Police. This presents a challenge for the family violence service system and has significant impacts on all parts of the system, including police, courts, legal services and specialist family violence services. Currently these parts of the system are stretched thin. While we strongly advocate for adequate resourcing for the family violence service system to meet, at a minimum, the current demand, we also suggest that investment is necessary to support services outside of the family violence service system.

At present, specialist family violence services provide secondary consultation to a range of services and organisations across a number of sectors. There is no denying that this component of work is preventative. As 'family violence specialists', calls for advice, suggestions, information

²⁸ National Centre Against Bullying, (2015), How do we know if it's bullying?. Retrieved on May 25, 2015 from National Centre Against Bullying: <http://www.ncab.org.au/schools/isitbullying/>; Promoting Relationships & Eliminating Violence Network, (2015), Bullying: Facts and Solutions. Retrieved on May 25, 2015 from PREVNet: <http://www.prevnet.ca/bullying/facts-and-solutions>; Rigby, K., (2013), Opinion: Bullying in schools and its relation to parenting and family life, *Family Matters*, No. 92, Australian Institute of Family Studies, pp. 61 – 67.

²⁹ Our Watch, (2015), *Respectful Relationships Education in Schools (Victoria)*. Retrieved on May 18, 2015 from Our Watch: <http://www.ourwatch.org.au/What-We-Do-%281%29/Respectful-Relationships-Education-in-Schools-%28Vic>

and referral pathways are increasing. As part of the specialist family violence service system, Good Shepherd is encouraged by the increase in secondary consultations as it signifies a shift in the way in which family violence is perceived in the wider community. As a member of this specialist service sector, we welcome the opportunity to support mainstream and generalist services in informing and improving their response to family violence victims, and take pride in the position we hold. The dilemma we face however, along with other specialist family violence services, is how we meet this growing demand. To be involved and engaged in service delivery *and* in prevention, specialist family violence services require additional human resources to meet the *current* demand – thus funding for specialist family violence services to support a balance of response and prevention work is essential.

We acknowledge that our position as ‘specialists’ in this area also comes with a great deal of responsibility. We welcome and take ownership of this responsibility. We understand that taking this responsibility also comes with accountability. As such, we believe it to be necessary that all specialist family violence services adhere to a set of best-practice, quality practice standards to ensure that all women, children and community members receive the highest quality of service provision. Adherence to such standards will promote the specialist nature of our work, and validate our position as ‘specialists’.

As such, services both within and external to the family violence service system should be informed, resourced and equipped to respond adequately to victims of family violence. This includes mainstream and professional services in the public, community and private spheres, particularly those in the health, education, banking, finance and essential services industries. It is imperative that all organisations across Victoria adopt an informed and responsive approach to family violence as part of their core business.

Such work is currently being undertaken within the health sector. Good Shepherd supports the work of Our Watch with the Royal Women’s Hospital and Bendigo Health in supporting hospital staff to better identify the signs of family violence or sexual assault, and equipping them with appropriate tools, strategies and information in order to better support victims.³⁰ Good Shepherd particularly applauds this project in its endeavour to support the facilitation of organisational change within hospitals. All workplaces play a vital role in Victoria’s primary prevention agenda. New respectful workplace cultures will challenge gender norms and violence against women. This will then filter out to the broader community.

Similarly, the Judicial College of Victoria has developed a family violence specific workshop for magistrates and judicial registrars from the Magistrates’ Court, Children’s Court and Coroners Court to ‘assist judicial officers to make more informed and consistent decisions’.³¹ The development and delivery of this training is an indication that adopting an informed and responsive approach is absolutely necessary, particularly for those whose work is primarily concerned with family violence victims and/or perpetrators. Good Shepherd strongly advocates that all civil/social service agencies commit to, and adopt, a similar approach. All of these services play an important role in not only identifying family violence but also in facilitating

³⁰ Our Watch, (2015), *Strengthening Hospital Responses to Family Violence (Victoria)*. Retrieved on May 18, 2015 from Our Watch: <http://www.ourwatch.org.au/What-We-Do-%281%29/%E2%80%8BStrengthening-Hospital-Responses-to-Family-Violen>

³¹ Judicial College of Victoria, (2015), *2015 Prospectus*, Melbourne: Judicial College of Victoria.

sensitive and appropriate responses to victims of family violence. In order to achieve this, all mainstream services and professional services should adopt a family violence informed practice.

Essentially, by adopting an informed and responsive approach to family violence, Victorian organisations, public and private, can better support vulnerable Victorians and better meet their specific needs. To ensure that mainstream and professional services adopt and demonstrate successful application of this approach, mechanisms must be established and/or strengthened to support and facilitate its application.

This work needs to first start from within. Internal policies and practices should be underpinned by gender organising principles. Undertaking changes within will then filter out to the community. If the Commission, and indeed the Victorian Government, adopts Recommendation 1 of this submission, the framework for the application of a family violence informed practice will have already been established at the macro-level, with gender organising principles driving policy reform across government.

To ensure the success of the Family Violence Primary Prevention Policy, it is necessary for mainstream and professional services to adopt a similar policy framework. Good Shepherd fully supports the inclusion of family violence specific training, such as the Common Risk Assessment Framework (CRAF) in professional development modules, professional guidelines and/or standards, registration processes, regulatory guidelines and sector or professional accreditation standards. Each of these mechanisms could be used to successfully ensure that all mainstream and professional services are sensitive to the nature of family violence. Furthermore this critical improvement will ensure that mainstream and professional services work towards achieving Victoria's vision of a violence-free world.

Outcomes

- In five years women will comprise one third of all leadership in departments responsible for family violence protection
- In three years Victorian men and women will be aware that perpetrators of family violence are socially and economically excluded and cannot live full and meaningful lives
- In five years Victorian attitudes to preventing violence against women will be the most supportive of all states in Australia

Recommendations

● Recommendation 11

The Victorian Government supports Australia's National Plan to Reduce Violence Against Women 2010 - 2022 and commits to the required funding to design, implement and evaluate prevention strategies and activities.

● Recommendation 12

Our Watch implements the state prevention plan, ensuring that school based bullying programs are designed with a gendered lens, and focussed on respectful relationships.

● **Recommendation 13**

Establish new teams trained in financial hardship, economic abuse and family violence, to assist in the early identification of family violence within the business community using the Common Risk Assessment Framework.

● **Recommendation 14**

Magistrates and registry staff achieve required competencies in family violence, including CRAF competencies with court users.

● Part four: Response and recovery

Terms of Reference No. 1(b), (d): examine and evaluate strategies, frameworks, policies, programs and services across government and local government, media, business and community organisations and establish best practice for early intervention to identify and protect those at risk of family violence and prevent the escalation of violence; and perpetrator accountability.

Terms of Reference No. 1(c): Examine and evaluate strategies, frameworks, policies, programs and services across government and local government, media, business and community organisations and establish best practice for support for victims of family violence and measures to address the impacts on victims, particularly on women and children.

Terms of Reference No. 2: Investigate the means of having systemic responses to family violence, particularly in the legal system and by police, corrections, child protection, legal and family violence support services, including reducing re-offending and changing violent and controlling behaviours.

Terms of Reference No. 7: The need to identify and focus on practical short, medium and long-term systemic improvements to Victoria's current response to family violence and the need for this response to be sustainable into the future.

Terms of Reference No. 8: The need for coordination across jurisdictions to provide the most effective response to family violence.

Issues Paper Question No. 8: Tell us about any gaps or deficiencies in current responses to family violence, including legal responses. Tell us about what improvements you would make to overcome these gaps and deficiencies, or otherwise improve current responses.

Issues Paper Question No. 11: What are some of the most promising and successful ways of supporting the ongoing safety and wellbeing of people affected by violence? Are there gaps or deficiencies in our approach to supporting ongoing safety and wellbeing? How could measures to reduce the impact of family violence be improved?

The establishment of the Royal Commission into Family Violence highlights the acceptance and the important admission that our current system dedicated to reducing family violence is not working. Not discounting the recent injection of funds for emergency support by the Victorian Government, our system is and has been in crisis. Acknowledging that this recent funding boost will no doubt alleviate some pressures on the system, history has taught us that these ad hoc, band-aid fixes merely shift the burden and strain onto other parts of the system. In addressing the above listed terms of reference and questions, this section seeks to identify and highlight a number of critical issues that require immediate attention in order to meet *current* demands and issues.

Crisis intervention

Every component of the Victorian integrated family violence service system is over-worked, under-resourced, and despite its collective efforts, failing Victorian women and children. This system is made up of Victoria Police, specialist family violence service, Department of Health and Human Services Child Protection, and homelessness services. An overwhelming majority of the work of Victoria Police members relates to family violence. Attendance at each and every one of

these incidents translates into a formal referral to a specialist family violence service and/or Child Protection. Specialist family violence services and Child Protection are now in a position where they need to redeploy and extend existing resources in order to meet the demand. For those women and children who must flee their home, they are referred to a crippling emergency accommodation/homelessness service system. Those on the frontline are increasingly experiencing burnout and compassion fatigue. Women and children are still being victimised. Perpetrators of family violence are still perpetrating violence. Drastic measures are needed to fix the current system.

As explained earlier in this submission, the first step in doing this is to adopt a sound policy reform approach, with gender organising principles at its core, to stop things that are not working. But we know that significant, sustainable change requires more than just changing government policy approaches—it requires adequate funding.

The feedback from Good Shepherd staff that work directly with family violence victims is that there has been a significant improvement in the way Victoria Police members respond to family violence incidents. There is no doubt that the Victoria Police Code of Practice into the Investigation of Family Violence has re-instilled the community's trust and faith in the police. However, the strain on Victoria Police resources is becoming evident to those working at the coalface. Good Shepherd staff have reported that due to under-resourcing of police on the frontline, women are having to wait lengthy periods of time before a police member is available to assist her in returning safely to her home to simply collect basic belongings such as medications, personal documents and clothes. On this point, Good Shepherd queries whether or not this should be a function of Victoria Police when it is not an issue of safety, given that anecdotally we know that Victoria Police are already stretched thin with respect to frontline police members. Chief Commission Ashton recently stated that Victoria Police are called to respond to over 600 incidents of family violence a day.³² Irrespective of the answer to the question we raise here, we advocate for a significant increase in the number of frontline members so as to guarantee a timely and adequate response *and* follow-up to family violence incidents.

Good Shepherd staff members have also identified that police member rotations from within Family Violence Units are problematic. Much progress has been made with respect to relationship building efforts between Victoria Police and specialist family violence services. This professional relationship however is often fractured when there is a lack of continuity of police personnel. Consistency within Victoria Police Family Violence Units is important to ensure successful building of positive relationships between Victoria Police and specialist family violence services, particularly at a regional level.

Access to public housing is almost impossible, which places women and children's safety at risk. Due to the way in which the Victorian refuge and housing system has been established, women and children are cycled through a variety of different accommodations, refuge, crisis properties and transitional housing properties. This has detrimental impacts on a woman's ability to connect with her community, maintain employment and/or training opportunities, and feel safe. This constant state of instability also has devastating impacts on children as they are often required to move schools, therefore affecting their education.

³² Bucci, N. 'Victoria Police Chief Commission Graham Ashton: in his own words'. *The Age*, May 25, 2015.

In addition to this, we also know that due to limited funding, the quality of crisis accommodation options made available to women and children fleeing the home are often second rate motels or, in worse case scenarios, boarding or rooming houses. These types of accommodation options are often not suitable for victims of family violence.

What worked decades ago is no longer relevant or effective. The system we are working within now is reactive. Rather than applying band-aid solutions to a system that is clearly fractured, an overhaul of policy reform and service delivery structures is necessary.

Now is the opportune time to undertake this transformation, with gender organising principles at its core. We understand and appreciate that this work will take time, thus in order to support the tireless work of the current system, some short-term investment is critical.

Now is the opportune time to undertake this transformation, with gender organising principles at its core.

Access to justice and safety

The justice system is a key component of the Victorian integrated family violence service system. Although there is no denying that significant progress has been made with respect to increasing access to justice for victim of family violence, unfortunately, we are still far from a point where women enjoy the same level of access to justice as men. There are a multitude of layers that, to date, prevent this from being a reality. This section of our submission introduces justice-related issues and/or barriers that women face on a daily basis, and our recommendations as to how the system can be improved in order to ensure women's access to justice and safety.

Perpetrator accountability

'Accountability for men who choose family violence needs to be grounded in the service system's efforts to work towards the safety, wellbeing and human rights of women and children'³³. The current family violence service system rarely engages men, rarely exercises its power to reduce male power over women and certainly has no capacity to provide a response that lasts as long as the perpetrator's determination to control, harm or kill his partner. The success of Family Violence Safety Notices and various other new initiatives aimed at protecting women, and holding perpetrators accountable, have been mediocre at best. The fact is men are still getting away with murder.

Courts are not holding perpetrators to account for their use of violence against women and children. We know anecdotally that penalties for breaches of intervention orders are relatively light. This has often led to a situation where women do not have confidence in a system that is tasked with protecting them whilst holding perpetrators accountable. Subsequently many women

³³ No To Violence, (year unknown), *What can be done to strengthen accountability for men who perpetrate family and domestic violence?* Melbourne: No To Violence: Male Family Violence prevention Association. Retrieved May 22, 2015 from No To Violence: <http://ntv.org.au/wp-content/uploads/130919-ntv-accountability-paper.pdf>

do not report breaches because they do not believe nor expect that the Courts will impose an adequate penalty.

Consequences for repeatedly using violence against women and children need to be matched with stronger penalties to reflect the gravity of the crime *and* include a more proactive approach in challenging a perpetrator's attitudes towards women. As argued by the Centre for Innovative Justice, interactions between the Courts and perpetrators of family violence 'should be seen as an opportunity for multiple, *purposeful* interactions'³⁴ with the aim of keeping the perpetrator within the purview of the justice system, and society more broadly, while simultaneously connecting perpetrators to treatment programs. Short of this, we as a community continue to condone family violence. As such, we advocate for a more effective and dynamic justice system that holds perpetrators accountable for their use of violence against women and children, and challenges perpetrator's sense of entitlement, their use of power and control, their violence and the beliefs on which these are based.

A family violence connected legal system

Currently our legal system's response to family violence is disjointed and increases risk of further abuse and victimisation because the focus has been on horizontal integration, ignoring the need for vertical coordination, as well.³⁵ The gap from our perspective is the Magistrates' Court and Family Court nexus. As we know, family violence is damaging Victorian children. Exposure to and experiences of violence have lasting impacts on children and young people. Even after separation, children are often forced into a situation where violence, whether witnessed and/or experienced, is further perpetuated, 'given that ongoing contact with abusers exposes victims and their children to risk of abuse or danger'.³⁶

It is argued that decisions made at the federal level, particularly in relation to family law can undermine the effectiveness of state-based integrated systems that work tirelessly to enhance victim safety. Thus while we advocate and indeed are working towards a more engaged, holistic and truly integrated service system at a state level, we also push for a more joined up, 'vertical coordination' approach within the legal system. We acknowledge that the establishment of Family Violence Court Divisions of the Magistrates' Court seeks to bridge this gap, and we welcome the Andrews Labor Government's investment of \$12 million to expand this model.³⁷ This will indeed facilitate a more seamless experience for victims as they navigate Victoria's legal system. We must however advocate to ensure that those working within these specialised divisions are well informed and trained on the issue of family violence, its dynamics and the devastating consequences it has on women and children. Thus, as we have argued throughout

³⁴ Centre for Innovative Justice, (2015), *Opportunities for early intervention: bringing perpetrators of family violence into view*, Melbourne: RMIT University, Centre for Innovative Justice.

³⁵ Wilcox, K., (2010), Connecting systems, protecting victims: towards vertical coordination of Australia's response to domestic and family violence, *UNSW Law Journal*, 33(3), pp. 1013 – 1037

³⁶ Wilcox, K., (2010), Connecting systems, protecting victims: towards vertical coordination of Australia's response to domestic and family violence, *UNSW Law Journal*, 33(3), p. 1021, pp. 1013 – 1037.

³⁷ Victorian Labor Party, (2015), Family violence services to get urgent funding under Labor, Media Release 19 November, 2014. Retrieved on May 25, 2015 from: <https://www.viclabor.com/aumedia-releases/family-violence-servces-to-get-urgent-funding-under-labour/>

this submission, all approaches to family violence, including law reform must hold gender organising principles at their core.

The assessment of risk of women and children

Historically there has been a tension between specialist family violence services and child protective services. One assesses risk of family violence and the other assesses risk with respect to the child. Both groups are victims, are vulnerable, require protection and are entitled to safety. The respective systems however speak two distinct languages. Specialist family violence service providers assess risk with reference to women and children whereas child protective services assess risk with reference to children only. In doing so, child protective services can sometimes treat the woman, also a victim and in most cases the primary victim, as though she is the perpetrator—‘failing to protect’ her children from abuse. All the while, the perpetrator is nowhere to be seen and not held to account by either service system. And herein lies a flaw. There is no disputing that both specialist family violence services and child protective services seek to protect their clients. The issue is that both work from competing standpoints. In order to truly be an integrated system, providing high quality and an evidence-based service to women and children, both need to be speaking the same language, have a shared understanding and common goal. In order to do so, Child Protection and specialist family violence services must firstly come together with a commitment to achieving the same goal—ultimately to end abuse.

Conflicts of interest and access to the legal system

Currently, due to the issue of conflict of interest, many women are unable to access Victorian Legal Aid because the perpetrator has already engaged this service or has been a previous client of Victorian Legal Aid. We acknowledge that the same is true for perpetrators when a victim accesses Victorian Legal Aid first. Something urgently must be done to rectify this serious issue. As discussed earlier, women are financially less secure than men. In Victoria, 82 per cent of community legal centre clients earn less than \$26,000 a year, and one in three new cases opened by a community legal centre is a family violence case. There is no disputing that the work of community legal centres is very much about family violence. Thus, if we are truly motivated to establish a system that upholds the rights of all Victorians, affordable access to the justice system is essential.

Foreign partners of Australian citizens, family violence and forced marriage

Forced marriage is an emerging form of exploitation and family violence. In 2012, Good Shepherd Australia New Zealand, Anti-Slavery Australia and the Jumbunna Indigenous House of Learning at the University of Technology (Sydney) released *Hidden Exploitation: Women in forced labour, marriage and migration (Hidden Exploitation) report*. From this piece of research it became evident that gaps of knowledge exist in relation to this hidden issue. In 2009-2010, 44,755 partner visas were granted to non-citizens sponsored to Australia by their Australian citizen

or permanent resident partner.³⁸ In response to growing community experience and concerns that victims of family violence may choose to stay in a violent relationship rather than to be forced to leave Australia, amendments were made to the Migration Regulations 1994 (Cth) in 2012. The inclusion of family violence provisions in the Migration Regulations Act provided victims an avenue to report their experience of abuse to authorities, without the threat of deportation, so long as the victim could produce 'evidence' of family violence. This recognition and subsequent legislative change indicates a growing awareness of the insidious nature of family violence and emphasises the need for change in order to provide protection to this vulnerable group of victims.

However, according to anecdotal evidence from the *Hidden Exploitation* report, family violence provisions may mask forced or servile marriage. Thus, while family violence provisions may assist victims who have experienced family violence through the grant of a permanent visa, such women may also be victims of crimes such as trafficking and slavery.

This recognition has resulted in federal legislative change with the identification of forced marriage as a specific criminal offence under the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013 (Cth)*. Undoubtedly, this amendment indicates the acceptance that forced marriage is not just an 'exotic' problem that occurs overseas. In a joint project between Good Shepherd and Domestic Violence Victoria, the resultant *The Right to Refuge: Examining forced marriage in Australia* report found that little is known about the prevalence and manifestation of forced marriage in Australia.³⁹ Despite the obvious gap in knowledge in relation to this human rights issue, concrete interventions can be undertaken by a range of sectors to tackle forced marriage. Central to all these interventions is education, particularly in relation to bringing about long-term change that ultimately challenges and transforms societal attitudes and norms that perpetuate women's inequality.

Gender inequality is fundamentally at the core of all forms of violence against women including forced marriage. Thus in order to eradicate this plight, we must focus our attention and efforts on its root causes.

Post-crisis response and recovery

Although deficient and under-resourced, the current Victorian integrated family violence service system does what it can to respond to family violence in Victoria. This system is and always has been only focused on crisis intervention. Little progress has been made by way of providing post-crisis support to women and children to facilitate their recovery from abuse even though research indicates that women will often experience an escalated risk of violence after they have left the violence relationship.⁴⁰ As articulated in the *Filling the Gap: Integrated post-crisis response for*

³⁸ Good Shepherd Australia New Zealand, Anti-Slavery Australian and Jumbunna Indigenous House of Learning, (2012), *Hidden exploitation: women in forced labour, marriage and migration*, Collingwood: Good Shepherd Australia New Zealand.

³⁹ McGuire, M., (2014), *The right to refuge: Examining forced marriage in Australia*, Melbourne: Good Shepherd Youth & Family Service, Domestic Violence Victoria and Good Shepherd Australia New Zealand.

⁴⁰ Webster, K., (2007), *Preventing violence before it occurs: A framework and background paper to guide the primary prevention of violence against women in Victoria*, Carlton South: Victorian Health Promotion Foundation; Kirkwood, D., (2006), Family law dispute resolution: the implications for victims of violence, *DVIRC Quarterly*, 4, pp. 16 – 23; Healy, L., (2009), A summary of the literature on initiatives to build integrated family violence service

women and children who have experienced family violence report, post-crisis support describes the support and assistance provided to women and children who have experienced family violence but are no longer in crisis.⁴¹ The overall aim of post-crisis support is to prevent women from returning to violent relationships and environments due to the lack of support or assistance, and to prevent their re-entry back into the crisis-oriented family violence service system and/or crisis homelessness system.

To achieve this, post-crisis support is essential in supporting women who have already experienced family violence to strengthen their capacity to consolidate and sustain the changes they have already made during the initial crisis period. Thus underpinned by a focus on breaking the cycle of violence and prevention of further harm and trauma, post-crisis support seeks to provide 'support safeguards' which target support where it is required and for as long as it is needed. This includes support to maintain stable housing, to overcome financial hardship, to find avenues of ongoing emotional support, to re-connect with family and community, to build resilience and self-determination, to address mental health and physical wellbeing issues, and to increase social and economic participation.

The following table as seen in the *Filling the Gap* report, details the benefits of focusing and investing in post-crisis support for women and children who have experienced family violence.

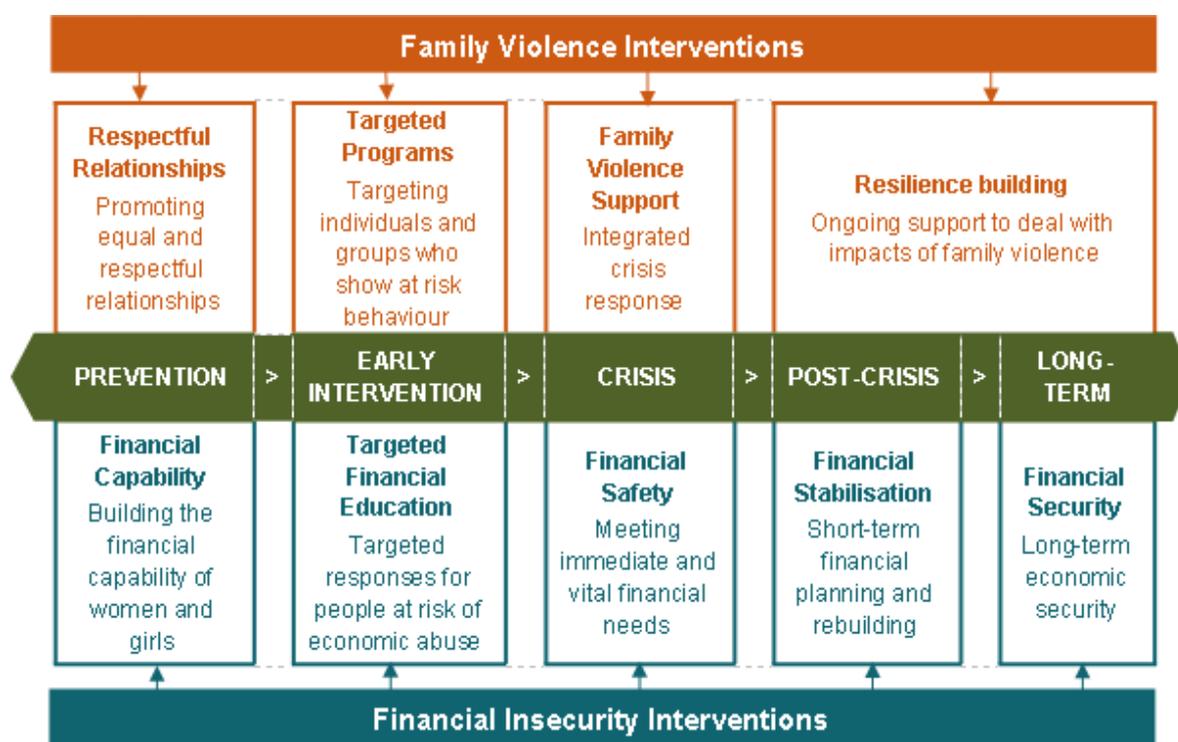
Reducing negative outcomes	Improving/strengthening positive outcomes
<ul style="list-style-type: none"> Reduce the use of crisis family violence and homelessness services 	<ul style="list-style-type: none"> Strengthening women's resolve to continue their journey away from family violence
<ul style="list-style-type: none"> Reducing social isolation and marginalisation particularly for women from vulnerable target groups (eg Aboriginal women, Culturally and Linguistically Diverse women, and women with a disability) 	<ul style="list-style-type: none"> Improving/strengthening women and children's social support resources, participation and connection within their local community
<ul style="list-style-type: none"> Reducing women and children's housing stress and instability 	<ul style="list-style-type: none"> Improving women's housing circumstances through support and assistance to maintain safe, secure, appropriate housing
<ul style="list-style-type: none"> Reducing the risk of child protection involvement and out-of-home care 	<ul style="list-style-type: none"> Strengthening women's capacity for positive parenting and their ability to support their children to work through the effects of family violence
<ul style="list-style-type: none"> Reducing the deterioration of women and children's mental and physical health and 	<ul style="list-style-type: none"> Improving women and children's mental health and physical wellbeing through the provision

systems. Retrieved May 20, 2015, from: http://www.cfecfw.asn.au/sites/default/files/Healey-et-al_2009_Summary-literature-integration_gov.pdf

⁴¹ Desmond, K., (2011), *Filling the Gap Service Model: Integrated post crisis response for women and children who have experienced family violence*, Melbourne: Good Shepherd Youth & Family Services and McAuley Community Services for Women.

reducing the use of high-cost emergency services	of integrated case management support and linking with other post-crisis services (counselling, children’s services, mental health services, etc)
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A significant component of post-crisis support is supporting women to become economically independent and financially safe. Financial capability building has been identified as a preventative measure and response for women who have experienced violence, yet the family violence service system does not usually incorporate formalised economic interventions into their service provision. The diagram below illustrates the relationship between family violence and financial insecurity, and how the combination of effective interventions from both ends can support women to live free of violence in an economically secure way.



©Good Shepherd Australia New Zealand

In 2005, Good Shepherd released the *NILS® Small Loans – Big Changes: The impacts of No Interest Loans on Households* report.⁴²

The research found that No Interest Loans Scheme (NILS®) loans:

- Offered real solutions to essential needs
- Helped people experiencing real distress and hardship to feel better
- Helped improve people’s daily lives
- Helped strengthen money management skills of NILS® recipients

⁴² Ayres-Wearne, V. (2005), *NILS® Small loans – big changes. The impact of No Interest Loans on Households*, Collingwood: Good Shepherd Youth & Family Service.

- Helped people to feel more positive about the future.⁴³

In a more recent report, it was found that microfinance has a positive and direct impact on financial inclusion, material wellbeing, social and economic participation, and builds important foundations to assist households to function.⁴⁴ Essentially the report found that microfinance plays a critical role in reducing financial hardship.

The No Interest Loans Scheme is the largest microcredit scheme in Australia. NILS[®] loans are designed to offer people on low incomes the opportunity to access credit for an essential household item or service without any fees, charges or interest payments. Given the disparity between the experiences of women and men, particularly in relation to economical security and financial safety, innovative ideas like NILS[®] is critical in improving the lives of women in general.

As part of the philosophy of NILS[®], women are assisted throughout the loan process from beginning to end. The Family Violence NILS[®] Pathway involves an assessment to gauge the readiness for a loan to ensure that a woman's life is not further complicated by access to a loan and the financial implications of regular loan repayments. All loan repayments are recycled into the loan capital enabling other loans to be made to women in similar circumstances. Given the specific needs of the women accessing this program, certain guidelines have been established that differentiate Pathways and Women Exiting Prison (WEP) NILS[®] from other NILS[®] programs.

The principles common to all NILS[®] programs are:

- Income levels: applicants need to be in receipt of government payments and have a concession or healthcare card
- Capacity to pay: applicants must show a capacity and willingness to repay the loan and repayments must not cause additional hardship
- Loan purposes: loans can be used for white goods and other household goods

Specific to the Pathways and WEP NILS[®] are:

- Referrals for the loan scheme can only be made by specialist programs that are currently working with women leaving violence, or exiting prison
- Women must be case managed and supported by these specialist programs

Outcomes

- In three years the incidence of family violence will begin to reduce, and in five years the incidence must be halved
- In five years, Victoria will have the lowest murder rate of women in Australia, at least half any other state
- In three years Victoria's protective system will be resourced and operated as the best in Australia, closing the gaps that enable violent men to continue to inflict harm on women and children

⁴³ Ayres-Wearne, V. (2005), *NILS[®] Small loans – big changes. The impact of No Interest Loans on Households*, Collingwood: Good Shepherd Youth & Family Service.

⁴⁴ Corrie, T., (2011), *Microfinance and the household economy: financial inclusion, social and economic participation and material wellbeing*, Collingwood: Good Shepherd Youth & Family Service.

- In three years, the family violence protective system will be directly funded, and funds will not pass through other state department filters
- In three years, the family violence protective system will operate fully during 'family hours' and will be underpinned by the knowledge that violence occurs outside the hours of weekdays, 9 to 5

Recommendations

● Recommendation 15

Legislative change to the Children, Youth and Families Act 2005 (Vic) to include a definition of family violence (from the *Family Violence Act 2008 (Vic)*).

● Recommendation 16

That the penalties imposed by the justice system on perpetrators of family violence be strong enough to stop the behavior, and make necessary mandated referrals in order to address the underlying causes of family violence.

● Recommendation 17

Review and evaluate the effectiveness of current Men's Behaviour Change programs across the state.

● Recommendation 18

Review the way child protection and family violence services work together so that comprehensive support is wrapped around those at highest risk, with a specific focus on shared risk assessment tools and developing shared practice guidelines.

● Recommendation 19

Establish a system whereby family violence perpetrators and victims can access affordable low cost legal representation and assistance.

● Recommendation 20

Commission further research into the nature and extent of forced marriage in Australia to identify gaps in current supports for victims and those at risk of forced marriage.

● Recommendation 21

Establish an integrated post crisis response service where appropriate to support women and safeguard them from repeat family violence.

● Conclusion

We are all aware of the fact that the prevalence of family violence in Victoria is at crisis point. The system that was designed and implemented a number of decades ago is now no longer effective. This is because the system was not designed to address the cause of family violence – gender inequality. In order to establish an effective system, gender organising principles must drive and inform this change at every stage.

Central to the reform task is the need for government to accept the governance challenge of designing and implementing a wide-reaching and comprehensive new system. The further strategic challenge is to develop a more accountable and effective service system. Mechanisms and tools that drive engagement and accountability across multiple systems will be essential. This will require increased workforce capability and capacity in specialist and mainstream services.

A new funding channel for family violence services is required to proactively drive a holistic approach, enable comprehensive data collection, and set out clear outcome measures, about a range of family violence interventions. How these interventions impact on the individual and the wider community is of utmost importance. Without knowing the impact we are having, we cannot be sure that what we are doing is actually working. Thus, all service providers working with victims and perpetrators of family violence must be outcome focused.

Indisputably, primary prevention requires a systemic transformation of gender inequity and rigid gender norms at all levels of society, and in all significant institutions and corporations. We also particularly highlight the significance to individuals, families and the entire community of enabling women's economic recovery from the impacts of family violence. All our responses to women must be based on the consistent and rigorous implementation of a transparent, visionary system.

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● Glossary

In accordance with research evidence and best-practice approaches for addressing and preventing family violence, our submission is informed by the following definitions.

Early intervention

Early intervention is targeted at individuals and groups who exhibit early signs of perpetrating violent behaviour or of being subject to violence. Early intervention strategies can be aimed at changing behaviours or increasing the skills of individuals and groups. At the individual level early intervention can seek to address controlling behaviours before they become established patterns. Early intervention strategies can also be targeted at environments in which there are strong signs that violence may occur (eg, peer groups or sporting clubs in which there is a strong culture of disrespect for women).

Economic abuse

Economic abuse is a form of family violence that negatively impacts a person financially and undermines their efforts to become economically independent.

Economic security

‘Economic security is ensuring women and their children have sufficient economic resources to meet their material needs so that they can live with dignity. This can be through access to appropriate and well paid work; adequate social protection, including basic needs infrastructure for health, education, dwelling, information and a social wage; reasonable costs of living; the capacity to absorb financial shocks; and the resources to maintain this standard over their life course’.

Family violence

Family violence is defined as behaviour by a person towards a family member that:

- Is physically or sexually abusive (both of these constitute criminal offences)
- Is emotionally, psychologically or economically abusive
- Is threatening or coercive
- In any way controls or dominates the family member and causes them to feel fear for their safety or wellbeing or that of another person

Family violence also includes behaviour that causes a child to hear or witness, or otherwise be exposed to, the effects of any of the behaviours listed above. Actions or threats of such actions involving property damage, or limiting the family member’s liberty or causing harm to an animal so as to control, dominate or coerce the family member, all fall under this definition of family violence.

This broad definition of family violence under the Family Violence Protection Act 2008 encompasses behaviours in different family relationship contexts—such as violence between siblings, or by adult children against their elderly parents, or by carers in a domestic setting against those for whom they are responsible, or between intimate partners. Violence within an intimate partner relationship context is the most common form of family violence. It is important to stress and emphasise that within this relationship context the violence is gendered in terms of its context and dynamics, and it is typically about gender, power and control.

The following definition of family violence is used in this submission in addition to the one above:

‘Family violence includes violent behaviour that is repeated, controlling, threatening and coercive and that occurs between people who have had, or are having, an intimate relationship. In most cases, the violent behaviour is part of a range of tactics used by men to exercise power and control over women and children and can be criminal and non-criminal. Family violence therefore includes physical assaults and a range of tactics including intimidation, direct or indirect threats, sexual assault, emotional and psychological torment, economic control, property damage, social isolation and any other behaviour that causes a person to live in fear’.

It is also noted that for Victorian Aboriginal communities, the nature and forms of family violence are broader and more encompassing than the definitions provided above. Aboriginal family violence is defined as ‘an issue focused around a wide range of physical, emotional, sexual, social, spiritual, cultural, psychological and economic abuses that occur within families, intimate relationships, extended families, kinship networks and communities. It extends to one-on-one fighting, abuse of Indigenous community workers as well as self-harm, injury and suicide’.

Gender equality

Gender equality is the realisation of equal and measurable outcomes for women, men and gender diverse people, giving equal value to their lives. This includes equal representation, status and rights, establishing equal opportunities for all people to contribute to national, political, social and cultural development and to benefit from the results.

‘Refers to equal changes or opportunities for groups of women and men to access and control social, economic and political resources, including protection under the law (such as health services, education and voting rights). It is also known as equality of opportunity—or formal equality’.

Gender equity

Gender equity is the process of being fair to women, men and gender diverse people and taking measures to achieve equal outcomes for all. To ensure fairness, measures must overcome historical and social disadvantage that prevent women and gender diverse people from accessing the same opportunities as men.

‘More than formal equality of opportunity, gender equity refers to the different needs, preferences and interests of women and men. This may mean that different treatment is needed to ensure equality of opportunity. This is often referred to as substantive equality (or equality of results) and requires considering the realities of women’s and men’s lives. Gender equity is often used interchangeably with gender equality, but the two refer to different, complementary strategies that are needed to reduce gender-based health inequities’.

Integrated family violence service system

Victoria’s integrated family violence service system includes community services such as community health, community legal services and housing services; specialist family violence services; and statutory services providers including Victoria Police and the Magistrates’ Courts. Victoria’s integrated family violence service system has the dual aims of improving the safety of women and their children and holding men who use violence accountable for their actions. Principles underpinning Victoria’s integrated family violence service system includes a shared

understanding of family violence across all agencies, a proactive approach to information sharing to facilitate a coordinated response, and priority given to the safety of women and their children affected by family violence.

Primary prevention

Primary prevention involves intervening before violence has occurred. Primary prevention strategies seek to prevent violence and can focus on changing behaviour and/or building the knowledge and skills of individuals. Primary prevention strategies can also include those that do not have a particular focus on violence against women but address its underlying causes, such as gender inequality and poverty.

Tertiary intervention

This level of prevention involves providing support and treatment to women and children who are affected by violence or to men who use violence. Intervention strategies are implemented after violence has occurred. Strategies within this area of prevention aims to deal with the violence, prevent its consequences (such as mental health problems) and to ensure that it does not occur again or escalate. Intervention includes things such as crisis accommodation and social support for victims and criminal justice and therapeutic interventions for perpetrators.

Violence against women

As defined by the United Nations, violence against women is 'any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life'.



Good Shepherd

Australia New Zealand

53 Abbotsford Street
PO Box 182
Abbotsford Victoria 3067

T: +61 3 9270 9700
E: vicadmin@goodshep.org.au
www.goodshepherd.com.au