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Proof Committee Hansard

SENATE

FINANCE AND PUBLIC ADMINISTRATION REFERENCES
COMMITTEE

Domestic violence in Australia

(Public)

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SENATE

FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE

Wednesday, 5 November 2014

Members in attendance: Senators Bernardi, Lundy, Moore, Rice, Waters.

Terms of Reference for the Inquiry:

To inquire into and report on:

- a. the prevalence and impact of domestic violence in Australia as it affects all Australians and, in particular, as it affects:
 - i. women living with a disability, and
 - ii. women from Aboriginal and Torres Strait Islander backgrounds;
- b. the factors contributing to the present levels of domestic violence;
- c. the adequacy of policy and community responses to domestic violence;
- d. the effects of policy decisions regarding housing, legal services, and women's economic independence on the ability of women to escape domestic violence;
- e. how the Federal Government can best support, contribute to and drive the social, cultural and behavioural shifts required to eliminate violence against women and their children; and
- f. any other related matters.

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ELTRINGHAM, Ms Libby, Community Legal Worker, Domestic Violence Resource Centre Victoria

GEDDES, Ms Virginia, Executive Officer, Domestic Violence Resource Centre Victoria

Committee met at 09:02.

CHAIR (Senator Lundy): Good morning, everybody. This is the fourth hearing of the Senate Finance and Public Administration References Committee inquiry into domestic violence in Australia. We held a hearing in Sydney yesterday and tomorrow we are in Brisbane. It is a public hearing, so a Hansard transcript will be made of the proceedings. Before the committee starts taking evidence, I would like to remind all witnesses that, in giving evidence to the committee, they are protected by parliamentary privilege and that it is unlawful for anyone to threaten or disadvantage a witness on account of evidence being given to a committee. Such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee. We prefer all evidence to be given in public but under the Senate resolutions witnesses can request to give evidence in camera. If you are planning to do that, it is always helpful to give some notice.

I welcome representatives of the Domestic Violence Resource Centre. I know that information on parliamentary privilege and the protection of witnesses has been provided to you.

Ms Geddes: I would like to start by thanking the committee for holding this inquiry. It is really important and I think it will provide a lot of information for us to progress this issue in the future.

CHAIR: Do you have any comments to make on the capacity in which you appear?

Ms Eltringham: I also am part of a training team within the organisation and work around policy systemic advocacy on behalf of DVRC for systemic change.

CHAIR: Thank you.

Ms Geddes: Our organisation is a specialist family violence organisation operating in Victoria mainly. Our main role is to educate professionals and resource professionals around working with women and children who have experienced family violence. We also produce materials online and printed, and provide initial support and referral for women who experience violence. We have printed materials, we have several websites, training programs and telephone support, and we also engage in research and systemic advocacy. Some of the recent examples of our research include domestic homicides, parents who kill in the context of separation, safety and technology, and the experiences of women with disabilities and their experiences of violence. We see ourselves as having a role in translating evidence into practice, policy and advocacy.

One of the areas that we would like to focus on today is the importance to the common understanding of the underlying causes and dynamics of family violence and violence against women more generally, and the role of training professionals in that. Quite a few of the recommendations in our submission are going to be discussed in detail by other organisations that are appearing before the inquiry today. So we might leave those organisations to expand on those more fully, while we focus on some of the issues around training and a common understanding.

We are the major provider of professional education on family violence in Victoria. The participants in our training programs include family violence specialists, health workers, court workers, housing and maternal and child health nurses. We also do general training on our half-yearly calendar, but we also do customised training for particular professional groups to suit their needs. What we try to do in our training is to ensure that the responses to family violence are evidence based and informed by an understanding of the causes and dynamics of the violence.

Our work is informed by the VicHealth framework, as is the work of many other organisations, which identifies gender, inequality and rigid adherence to gender stereotypes, and unequal power relations between men and women as the underlying causes of the violence.

We see our responses to the violence situated on a continuum from primary prevention to early intervention to crisis responses and then to looking at what we can learn from the inquiries into family violence deaths. We have provided you with a diagram today that we would like to speak to after our initial introductory remarks.

What we are now seeing is a heightened community awareness of violence against women and a community calling for action. What we need to ensure is that the action is informed by the evidence base we have and really linked to our understanding of what is causing violence against women. Whether you are a teacher discussing respectful relationships in school, a maternal and child health nurse noticing that a woman seems uncomfortable with her partner, a telephone counsellor receiving a call from a woman who is seeking help, someone doing risk assessment, a worker at a refuge where a woman stays, a solicitor who assists with the Family Court matters or a Family Court judge who is making decisions on child access matters—everyone needs to understand those underlying causes and the dynamics and social context in which that woman is experiencing violence; that

includes the community attitudes that impact on her decision to seek help, to stay or leave. The same applies to those engaged in making policy and writing legislation—our political leaders.

You are probably familiar with the recent national community attitudes survey, which was released in September. There were some positives in that survey—namely; there is a better recognition of the different forms of violence against women. Fewer people think violence against women can be justified and fewer people think women should stay with a violent partner in order to keep the family together.

But there are also a number of concerns: most people see violence against women as a result of men not being able to control their anger and more than half the people surveyed thought that women fabricate cases of domestic violence in order to improve their prospects in the Family Court. Two in five believe that many times women who say they were raped led the man on and later had regrets. So, while we have a better understanding of violence and a higher awareness, there is not really a widespread understanding of the causes. Those community attitudes reflect that.

There are a few other concerns in that survey in terms of our focus on the prevention of violence against women. There has been a decrease in the understanding that women are at greater risk of physical or sexual assault by someone they know rather than by a stranger. Since 1995 there has been a decrease in people who agree that violence is primarily perpetrated by men and, alarmingly, 28 per cent of the people recently surveyed endorsed attitudes supportive of male dominance in decision-making and relationships. We believe these survey results indicate that, although there is a high level of awareness that violence is happening and an intolerance to the violence, people really do not understand the links between that violence and sexist attitudes and rigid gender stereotypes. There is a lot of work to do to make that link and that is the next challenge in this area of work; I think the government can play quite a role in this.

Ms Eltringham: What I would like to do is speak to the diagram and talk you about where it has come from and how it helps inform our thinking about opportunities for improving responses across the continuum of violence, or the continuum of response opportunities. As Virginia said, violence against women is an expression of attitudes that support gender inequality and which are manifested across this continuum, from violence-supportive attitudes to acts of violence.

With that in mind, DVRC recently developed prevention training to take her to community groups with No To Violence, who are appearing later before the committee. The training encourages participants to think about where they could step or how they could operate to help prevent violence against women. We developed the continuum as a way of trying to help people make sense of where they sit on that continuum in terms of their efforts to make change. We talked about prevention in terms of potential response opportunities from primary prevention. You will see that on the diagram, from local government gender-equity policies to respectful relationships education; looking at gender quotas, thinking about gender audits of organisations and addressing gender-equity barriers. There are a range of primary prevention opportunities; that is by no means a full list. But it is a way of starting to think about whether you are there in the work that you are doing, or whether you are starting to work in the area of early intervention, where we might be looking at anti-sexism bystander intervention.

There is primary prevention, early intervention, crisis responses and then there are death reviews. You would have been hearing about the inquest into Luke Batty's death over the past couple of weeks in Victoria, in the coroner's court. We really believe such inquests are one of the possibilities for creating responses that can help to change what is happening for women and children around family violence.

The continuum provides us with a bit of a map for our work. It is not the only way of describing this, but we have found it helpful in working with people from a range of settings, in thinking about how we locate ourselves and what we need to do before we step into any of those spaces to do the work we want to do. It also reminds us to talk about what violence against women is, its prevalence and what it looks like, if we are going to do safe and effective prevention work—including primary prevention work—in our communities. I talked about a couple of the primary prevention possibilities. Starting at the other end, we can learn from death reviews and death review work concerning women who have been murdered by current or former partners; or, where children have been murdered, we can learn about issues around filicide. What can we learn from death reviews? We can learn about risk assessment. In terms of crisis responses, how do we actually do effective risk assessment work? What needs to inform our thinking when we are developing local and state-wide public education efforts to support family members, friends and colleagues to safely take action?

We have just talked about some of the publications and the work that DVRC has done. We have a family and friends brochure, booklet and card that help family and friends to know what they might do and how they might

step in. More appropriate media reporting starts to look at that early intervention space and says, 'Well, how do you actually get media reporting on the nature and dynamics of family violence effectively?'

Some of those others you can see on the continuum. What we try to do in all of our work at DVRC that is described in this continuum map is to say to participants—all of our training participants—that we have to start from a place of having a shared understanding to do safe and effective prevention work. We can talk about some examples where, if you do not have that shared understanding, what you are doing may be actually doing more harm than good or you may be stepping into a space that is not safe for the person who may be experiencing violence.

Developing that shared understanding means we need to understand a definition: what is family violence and what does it look like? We need a shared understanding and definition. Through Victoria's legislation, the Family Violence Protection Act helps to provide a platform for everyone working in Victoria, for example, to work from the same space; to say: 'We all have a piece of legislation that tells us what it looks like.' We have a preamble in that act that says it is about gender, power and control—it is about coercive control. So we have something that actually spells it out in legislation in Victoria.

Certainly, the Australian Law Reform Commission and the New South Wales Law Reform Commission in their report *Family violence: a national legal response* from 2010 talked about the need for a common interpretive framework. So that need for having shared understandings around what it looks like appears in a range of settings. You would have heard, probably from VicHealth and from Our Watch, I think, about a similar drive to build that shared understanding. We are trying to do it through our training. We think and we argue—and we work with our participants in training to say this—that in order to really understand, or develop that shared understanding, we need to understand prevalence. We need to understand how family violence presents in the community, how often it occurs, who it happens to and how many people are affected by it. What are the numbers? What is the raw data?

Again, in Victoria, we have police data coming out that there are increasing reports. There are increasing numbers of intervention order applications. It is escalating. In terms of reports, they are constantly climbing. We can talk about why a bit later. But we need to know that that is what it looks like. So when someone says, 'But aren't women as violent as men', we are able to say: 'Hang on; let's have look at the stats. Let's have a look at what the evidence says about the nature and prevalence of domestic violence.' So we built that shared understanding around that.

We also need to build the shared understanding around impact: how does it affect victims? How is it affecting the community? How is it playing out? And then the most important one, of course, is the causes. How do we build the shared understanding around causes? In order to prevent family violence we need to know why it occurs, and certainly VicHealth's work has really helped us to think about how we frame some of that, so the rigid gender roles and gender inequity in our community.

Understanding tactics, understanding how violence is played out in a one-to-one relationship or by a perpetrator with a family or in a broader family setting. What are the tactics? What are the issues, the behaviours that are actually designed to maintain some sort of control? One of the things we use in this training—I just find it really helpful to think about this—is Ellen Pence from the US talking on a video, and we use it all the time in our training now, and she says: 'I used to think that it was about men wanting power and control, and then I just realised that it really was not about that. It was about them feeling entitled to it.' So we talk about that sense of entitlement in the tactics that get used to maintain power and control—it is the entitlement to power and control, the entitlement to feel, 'I'm here, I'm the one in the family who gets things done around me so that I maintain some power of control.'

We think building the shared understanding includes also understanding barriers to talking about violence. To interrupt the whole pattern of family violence we have to understand what stops women leaving violent partners, what stops them talking about it. What barriers stop us from taking action? What stops us from actually stepping in and taking some responsibility as a broader community, as extended family members, if we see that something is happening? We are building the shared understanding through this range of unpacking, I guess: some of the evidence, some of the legislation, some of the definitional stuff, but also getting a little bit deeper into what it looks like and how it plays out.

We also really try to work with participants in our training to think about the barriers to taking action and to really get us to address our own beliefs about causes and dynamics of violence, so we can 'fess up about how we might collude or how we might avoid taking action when we see something that concerns us and stepping into that bystander, early intervention space on our continuum. Increasingly importantly, there is the issue of understanding risk, understanding what it is that constitutes risky situations in families or for women and children

who may be living with that level of family violence, where we were able to see—we become more literate around the idea of risk. What is it that we are seeing, and when should we be starting to think about taking some action to preserve life and safety? There is a whole range of things that work around that building of the shared understanding, but we think it is essential too.

CHAIR: We need to save some time for questions, Ms Eltringham.

Ms Eltringham: Just finishing now. We think we can address all of those things through training. We think the community awareness campaigns can start the conversation, but for meaningful engagement and to really influence change we need time to engage with a complex and challenging reality by investing in training across professional groups and settings.

CHAIR: You talk about building a shared understanding. In your frank assessment, how close are you to building a consensus about what that shared understanding is about the data, the impact, the causes and the tactics involved in domestic violence? Are we still a little way away? What is that dynamic?

Ms Geddes: I think we can comment on Victoria. Some important things that have happened here include the definition of 'family violence' in the Family Violence Protection Act. That is now commonly used by practitioners across the board. The VicHealth framework has provided us with a shared understanding of the underlying of causes of violence against women. I cannot really comment so much on what is happening outside Victoria, but my observation is that in Victoria it has been very strong, building a shared understanding among people working in that field, but the next step is to get the next layer out. The specialists understand that really well. Now we have to move into, say, the legal profession, health workers, to build the shared understanding and further out from the core group of people who have been doing the work.

Senator RICE: Do you have some ideas about the training or interventions to reaching out beyond the professionals?

Ms Geddes: One of the things is generally the evidence seems to be that working in primary prevention work with young people is a key area. There has been quite a lot of evidence to suggest that some of the work done on respectful relationships programs around the world is effective. That would be something, getting people's attitudes really early to build those respectful relationships and to change ideas about gender. That is one. I think in Victoria the EVAs, the Elimination of Violence Against Women media awards, have been quite important in shifting some thinking among journalists, the way they report and think about underlying issues. Anecdotal evidence from journalists in Victoria is that they think the reporting in Victoria is probably better than in other states.

Senator RICE: Are those programs being adequately funded at the moment? How much more funding or resources do you think needs to go into that field?

Ms Geddes: Given the cost to the community, I think we could at least double the resources going into this area, particularly in primary prevention.

Senator WATERS: Hello ladies. My apologies to you for being a few minutes late at the beginning. Thank you for detailed submission and your remark so far. I want to pick up on the last point. You make an excellent recommendation about the current review of the national curriculum in that it needs to ensure respectful relationships programs are properly embedded. Do you have any insights about whether that is occurring?

Ms Geddes: I am not sure about that, but I am sure that we need more education for the teachers delivering those programs. What has become clear is that teachers are often not confident about discussing some of those issues with young people and I think it is very important also that they are well trained because if you are talking about power and control and intimate relationships, you are going to get disclosures of abuse. So teachers need to feel confident about that.

Senator WATERS: Is there a program for teachers to receive that training at the minute?

Ms Geddes: No, I think that area needs a lot more work. I understand that Our Watch in Victoria is just starting on the program in some schools in Victoria where teachers will get training, but that is probably needed across the board.

Senator WATERS: Moving to housing, you have made quite a number, in my view, of important and strong recommendations about funding efficiencies, including NRAS, the need for NPAH, the homelessness agreement, to be renewed, and capital spending from government. Can you tell us what feedback you have been getting from your member organisations about the availability of affordable housing in that long term post the crisis response? Is it getting worse, is it still as bad as was or is it better?

Ms Geddes: It is getting worse.

Ms Eltringham: No, I think one of the big barriers to women trying to safely escape violence is one safe and affordable housing. Domestic Violence Victoria probably addressed this issue more substantially in their appearance before the committee but certainly greater investment from the Commonwealth in housing, targeted to addressing family violence, is something in which we would support the call for from Domestic Violence Victoria. The continuity of that, the security of tenure, the NPA is only a year's commitment in advance and there really needs to be much more security of funding and ongoing rolling recurrent funding for organisations to be able to work safely with women. DV Vic probably also talked a bit about the Safe at Home initiatives, and they are working across different states under different names. But that is only effective where other systems are in place to make it possible for women to stay safe. There is always going to be a need for safe crisis housing and then post-crisis housing for women and children—in order to move on with their lives. Women end up living in poverty and trying to remake lives. The cost of getting safe is sometimes that struggle to find safe, affordable housing for themselves and their children.

Senator WATERS: You make a recommendation, No. 26, about an earlier report, the Braaf, Barrett, Meyering paper from 2011 about women's economic independence and security. It talks about the various barriers that women have to economic independence in the first place but particularly after escaping from a violent relationship. Are you aware whether there has been any progress within any level of government to adopt those 2011 recommendations?

Ms Geddes: Not to my knowledge.

Senator WATERS: Why not?

Ms Eltringham: Why is it not happening?

Senator WATERS: Yes. Is anybody justifying why?

Ms Geddes: Political will, maybe?

Senator WATERS: Okay. I am not sure if you are the right folk to ask, but are you able to provide any insights into the experiences of women who are lodging complaints about violence by a former partner against children whilst the children are in the ex-partner's custody and how the system is responding to those needs—the police, other support services?

Ms Eltringham: Could you ask that question again?

Senator WATERS: I am just interested in whether you have insights about the experiences of women who have experienced violence from a former partner who has some custody access to the child and the child is now experiencing violence by the former partner—its father. How is the system responding to that situation? Do you have any experience with women complaining about that and how support services are either assisting or falling short?

Ms Geddes: We are not a direct service organisation so we have not got any direct experience of that.

Senator WATERS: Your members—

Ms Geddes: We could follow that up for you and provide something.

Senator WATERS: Who do you think would be the best folk to ask that question of? Violence Free Families, perhaps?

Ms Geddes: Maybe one of the legal services.

Ms Eltringham: I keep just touching on some of the issues that are related to that in terms of the interrelationship between state family violence services and working within state legislation and the Family Law Act and their relationship then with child protection agencies in each state. The Australian Law Reform Commission, New South Wales Law Reform Commission report contained a huge number of recommendations, and I think it probably provides the best guide to how we get that national legal response around family violence. It would be great to do an audit of that report and see how many of those recommendations have been picked up or are being followed up and how they are actually playing out. I think it is the obvious great gap between family law and family violence at state level. You see it played out over and over again. Again I think it is a good example of where the gaps are, that we do not even use absolutely the same definition in family law and in family violence legislation across different states. We do not use the same risk frameworks. We have a family law risk framework that was developed completely separately from the risk assessment and risk management framework that was developed, for example, in Victoria. That has been in place and DVRC has been working to train over about 6,000 to 7,000 people in Victoria over the last six years, but new frameworks keep coming down through the Commonwealth without necessarily even consultation with states about what they are doing and how they are working with that. The parallel systems are hugely problematic. Short of constitutional change, we are probably

not going to change that overnight. But how do we actually build in some requirement for consultation and collaboration across those systems to really make sure that the language, the definitions, the tools, the understandings around risk can start to narrow the gap between some of those?

Senator WATERS: Can you tell me the name of the report that you referred to at the beginning of your contribution?

Ms Eltringham: The ALRC report?

Senator WATERS: The 2010 or the 2012? Was it the first ALRC report or the second?

Ms Eltringham: I am talking about the October 2010 report.

Senator WATERS: Thank you.

Senator BERNARDI: I have a read your submission too. There was something in there—it may have been your report or it may have been one that you have referenced—about the sharing of information. There was specific mention in relation to the White Ribbon Foundation that there was a lack of sharing of information and accountability.

Ms Geddes: I think that is the report that we referred to.

Senator BERNARDI: But it is in your submission.

Ms Geddes: Yes, that is right.

Senator BERNARDI: Do you have any comment on that? What would you like to see more there?

Ms Geddes: White Ribbon does some interesting work in Australia. It seems that in Victoria there has not been a strong collaboration with other organisations doing the same work. Many of the organisations that will be appearing before you today have really strong collaborative networks in terms of consulting with each other, being engaged in developing training together or in campaigns or in lobbying or in responses to issues papers or in organising events. As yet we have not had that kind of relationship with White Ribbon in Victoria.

Senator BERNARDI: This is entirely uninformed, but I wonder whether they see it as their role to communicate with other organisations or whether their role is simply to bring awareness to the issues attached to domestic and family violence.

Ms Geddes: Most of the organisations in Victoria are working together—it is about building common understandings of violence. Also in this work it is important that we do more than build awareness. I think we have a reasonable level of awareness. What we are looking at now is the next step to be able to really articulate the link between gender inequality, and rigid stereotypes about violence, and the violence against women. What we are really looking for now is leadership from men—this would include men in White Ribbon—to be able to stand up publicly and challenge sexism. I think a really good example of that kind of activity would be the Chief Commissioner of Victoria Police, Ken Lay, who regularly makes public statements not just about violence against women and how it is unacceptable; he makes those links between that violence and sexism and gender inequality. That is what we are really looking for now in male leadership.

Senator BERNARDI: I circled three things in the document, under primary prevention, which I had some questions about. Firstly, anti-sexism bystander intervention: I suspect that in the community there is a lack of will for people to get involved in public altercations. People seem to walk past people in distress and pain and things of that nature. Do you see that there is any hesitancy in people to stand up and say, 'No, what you are doing is wrong' in the public space because they do not want to get involved in someone else's problems?

Ms Geddes: Before we answer that I just want to clarify that bystander intervention is not just about taking action when someone is experiencing violence; it is about when you witness statements of sexism and that kind of thing—

Senator BERNARDI: I accept that; thank you for the clarification. Is there a hesitancy for people to get involved in a confrontation that they could walk away from?

Ms Eltringham: I think it goes back to our argument that, in order to know what to do and what to do safely, you need to have that broader understanding. If you witness a situation, for example, where there is some family violence or a relationship incident, we are not necessarily saying that individuals need to step in and take over; however, it is important that you understand what the issues might be for the person—or the woman—experiencing the violence and that there will be some risks if you step in at a particular point. You cannot intervene safely if you are not aware of the impacts and that broader understanding of what this dynamic is.

When we are working with people, we would say: 'There are things that you can do down at the pub when inappropriate jokes and sexist comments are being made. There are things you can say to your mates if they are

wolf whistling or there is street harassment happening towards women. You need to be careful about what steps you are taking when you are getting closer to this crisis. It requires good, well-informed understanding of the nature and dynamics and that we perhaps need to call the police or find a way to help that woman become safe in a way that does not put her at further risk.

Just barging in—and our family and friends booklet can help family and friends to think about what they might do. There are things along that continuum in terms of actions: how do we carry out this action safely, effectively and in an informed way that makes a difference to attitudes and helps people become safe?

Senator BERNARDI: As you were speaking, Ms Eltringham, I am reminded of the incident here in Melbourne where a bikie was hitting his girlfriend or acquaintance, and a bystander stood in and was killed as a result of that a few years ago. There are serious consequences in certain circumstances for everyone involved in this.

Ms Eltringham: Knowing what to do and when to call for law enforcement assistance in those situations—that is what we would do if we heard something going on next door. It is not necessarily going to be safe to barge in, but you need to make the call rather than think: 'Well, maybe they're just having another argument. We need to make that call, take action and do it in a way that is informed.'

Senator BERNARDI: You have got support in faith communities, and faith communities are a great strength for many people. But there are certain faith communities where there is entrenched gender stereotyping, which you have referred to, where men take on a much stronger role than women. How do you deal with those faith communities where they have a very traditionalist role or perspective?

Ms Geddes: I would not be singling out particular communities; I think it is across the board. You need to work with people within those communities, whichever community it is, to find the leaders who are prepared to work around this issue. I would not say that gender stereotyping is limited to minor communities.

Senator BERNARDI: I did not say that: you are putting words in my mouth. I merely said that within faith communities there are some that have a very different perspective—it is a matter for the public record. How do you deal with that where it is so entrenched?

Ms Geddes: We get the leaders within those communities on side and we work with them. There have been some great examples where leaders of faith communities have started to organise things in their own communities by speaking out and providing good support to women experiencing violence in those communities. You have to get the community leaders on side.

Senator BERNARDI: How is that going?

Ms Geddes: I think there have been some really good results in Victoria.

Ms Eltringham: I think VicHealth again may have some more information about this. One of the pilot projects that they were working on, when they were trialling some prevention activities, included some work with faith communities in Victoria. We also did some training with some faith communities in the outer south-east some time ago, but over a period of time momentum built and things started to change in what was happening within that community. Lots more disclosure started to happen and the community leaders started to see that they needed to get more resources on board, and they needed to inform themselves. So they got a little information and they started to get some more training to help to inform what their next steps might look like. It is about leadership; it is leadership across the board.

Senator BERNARDI: Can you give me your view on gender quotas and where you see they should apply?

Ms Geddes: I think it is one good strategy for getting a focus back on gender equity.

Senator BERNARDI: Can you give me some examples of where you think it should apply?

Ms Geddes: It could apply in committees, sporting clubs, local communities, boards.

Senator BERNARDI: Do you think there should be a legislative response?

Ms Geddes: Maybe it should be different for different settings, but I think it is one thing that some organisations could look at in terms of changing the power balance within their organisations.

Senator BERNARDI: Do you have a specific quota that you think should apply to the number of men and the number of women on particular boards?

Ms Geddes: Fifty-fifty would be quite good to reflect the population. It is just another one of the strategies for thinking about how to build gender equity in our community. It is not necessarily the major one; it is just one of many strategies.

Senator BERNARDI: You do not think there should be a legislative response to it? You do not think the state government should say you have fifty-fifty on your local sporting board or the netball association or the footy club?

Ms Geddes: I am not sure about that actually, but—

Ms Eltringham: It is an aspiration.

Ms Geddes: Yes.

Senator MOORE: I just want to put on record my apologies for being late. I know your work. I have been to see you. There were issues with Qantas leaving Sydney and the extreme danger of my small umbrella to the security of this building, but you are safe because it has been confiscated.

Regarding your work with the alliances and the consultation around the plan, you say the alliances, particularly the safety alliance, is a valuable tool. Do you believe that the alliances have been effectively used in the consultation process around the development of the plan and do you think there could be other ways of doing that in the future?

Ms Geddes: The national plan?

Senator MOORE: Development, evaluation, engagement—all those things.

Ms Geddes: I think there was quite good consultation. What often happens though, when there is consultation on the part of the Commonwealth, is that not all the key players who might have something to say on the issue are included. I am not sure of the networks that the Commonwealth relies on, but sometimes it feels as if there are players that are left out. Other than that, I think it was a good consultation process.

Senator MOORE: Were you invited to the round tables that they had in the development of the second plan?

Ms Geddes: Yes.

Senator RICE: Given we are out time, I will put a question on notice. Given your expertise in training, are there other areas of training that you say key sectors need that are not being provided or funded for at the moment? If you can think of other areas that you have not mentioned in your submission, we would love to hear from you.

Ms Geddes: Outside of this hearing?

Senator RICE: Yes, because we are out of time.

Ms Geddes: Okay.

CHAIR: A follow-up piece of correspondence would be adequate to respond to that. Thank you so much for your time this morning. The committee is greatly appreciative of not only your work but the effort you made with your submission and appearing here this morning.

Ms Geddes: Thank you for inviting us and thank you for your questions.

SMYTH, Dr David, Chair, The Family Violence Prevention Foundation of Australia, trading as Violence Free Families**VLAIS, Mr Rodney Stephen, Acting Chief Executive Officer, No To Violence Male Family Violence Prevention Association Incorporated**

[09:50]

CHAIR: I would like to formally welcome representatives of No To Violence and Violence Free Families. Information on parliamentary privilege and the protection of witnesses in giving evidence to Senate committees has been provided to you. I invite each of you to make an opening statement.

Mr Vlais: In the two or three minutes that I will focus on at the beginning, I really want to stress that my focus is on having a Commonwealth gaze. I think there have been many who have focused on issues that are relevant both for the Commonwealth and also for state and territory jurisdictions. My submission focused on four particular Commonwealth areas.

One of them was the focus of the inquiry on women with disabilities. We cannot go past the tremendous work done in the Voices Against Violence research and recommendations by Women with Disabilities Victoria. I think a lot of the work has already been done there. It is a fantastic set of reports and I think there is a real case for not reinventing the wheel with that.

A second issue that I focused on is that despite the national plan there is a real potential opportunity for the Commonwealth to take an active role in bringing together different state and territory departments, in particular, domains to really focus on lifting response and prevention, including perpetrator accountability in domestic and family violence. I wrote briefly about what it might mean to bring together, for example: corrections ministers; heads of corrections, probation and parole departments; chief and assistant police commissioners and other senior police across states and territories; senior child protection practitioners; and policy makers. You could do that in what could be called summits or something else that also bring in relevant international expertise from other jurisdictions that have similarities—whether those be New Zealand, Canada, the UK, the United States, Europe et cetera—really with the aim of sharing best practice that is already occurring within Australia and clarifying the visions and goals around particular things, like what 'perpetrator accountability' means.

I guess it is having some more consistency across states and territories, but in particular to learn from each other. I think we might have one state and territory, for example, that might be ahead of others in perpetrator accountability and child protection practice, another in policing and another in corrections. I think there is a lot to learn from each other.

A third thing that I focused on was that a wide range of economic and social policies have strong effects on family and domestic violence. They affect the ability of women to work towards their safety for themselves and their family. There is the raft of changes that have to do with income and with the Department of Social Security, and that affect single mothers and young, unemployed women—young women are particularly vulnerable to family and domestic violence.

All of those policies might affect not only their ability to leave or their confidence to leave and make a secure life for themselves and their children but also, as I wrote in the submission, the tactics of the men who use violence against women and who can use those policies as part of their coercive control. If he knows that it is going to be harder for his 26-year-old partner to leave with a young child because of these social and economic policies, he can increase his financial abuse and social control tactics. So I suggest that it would be really a great opportunity for the Commonwealth to do an audit of not only the range of social and economic policies in terms of what affects they might have on the ability of women to work towards safety for themselves and against the financial, economic, social, emotional, physical and sexual abuse of their partner or former partner but also what those policies might mean for the ability of men to coercively control and entrap their partners.

The final issue, which I have referred to very briefly—and obviously there is so much that we could talk about here—is that, while Aboriginal men are still individually responsible for the violence they use, we cannot at the same time ignore what colonisation and dislocation of Aboriginal communities mean, what the intergenerational trauma and suffering mean or what the unfinished business in terms of sovereignty, treaty et cetera for recognition of Aboriginal sovereign ownership of their land mean to them. That sense of being in place, that sense of reconnection to Aboriginal spiritual world views and that sense of the collective identity that comes from Aboriginal men knowing their place in land and in relationship to community has a role to play in their use of family and domestic violence. While we cannot say that it is the only reason or cannot even use that as an excuse—we want Aboriginal men, like all men, to stop their use of family violence now—the unfinished business is relevant to the matters of this inquiry

Dr Smyth: I have been given a strict time limit for this presentation so I decided that, with your permission, I will highlight two aspects of our submission rather than canvass the whole.

CHAIR: Dr Smyth, if you feel that you were not able to make a point, you are always able to subsequently correspond with the committee further.

Dr Smyth: Thank you. The first matter I would like to highlight is Violence Free Families itself—who are we? We are an independent community based national charity, and we have 19 years of continuous experience in behaviour change programs for violent men. We have provided programs; we have done research into improving programs; and, as I will mention shortly, we have now developed a new program. Our research work has been supported by the Commonwealth government, and we have been very grateful for that funding.

Our origins, as I said, go back 19 years. They lie with the Rotary Club of Brighton, in Victoria, which incorporated Violence Free Families five years ago as a vehicle for pooling the resources of Rotary nationally and for engaging the wider community in giving it a way to express the widespread concern about family violence. I have the honour to chair an excellent multidisciplinary board. We have four men and four women, you will be pleased to know.

Senator MOORE: Without quotas?

Dr Smyth: Without quotas. We select people on the best available of those who are willing to contribute. It is a terrific board, I have got to say. The skills range from social work to engineering, from IT to business and general management; so it is a very broad based group. As a small charity with limited resources, we have chosen to focus on men's behaviour change programs, because we believe that they are one of the most cost-effective methods of prevention available.

The second matter I would like to come to is our new behaviour change program. Behaviour change programs to date have always been done face-to-face, typically with two facilitators in a room with a dozen or so men. The men, of course, have to be there in person—and that is a problem for many men, because there are no programs or very few programs in rural areas, by and large, because we have a lot of fly-in fly-out workers, shift workers and all sorts of other people who cannot attend for various reasons. And we have a lot of men who simply will not go because they are afraid of being shamed in public.

So, to address this problem—at the suggestion, actually, of a serving police officer—we have developed a new online group interactive behaviour change program. We engaged a consortium of experts to do this and we have also engaged Melbourne university on a separate contract for ongoing evaluation and to report on improvements. We are finding in the trials that the advantage of this program, apart from, obviously, its wider availability, is that the relative anonymity of the men—they give their names but they are not seeing each other—is leading to much greater openness and a readiness to admit that they have problems and to address them. It is slightly unexpected, but that is what is happening. Secondly, the design of the program is rather different from a face-to-face program, and the men give approximately 50 per cent more time to addressing their problems because we give them homework offline between sessions. Also, there is a great advantage in the fact that they do not have to travel. That saves costs and time, babysitters, you name it. The trials are well advanced. We are more than halfway through three trials, and the results to date have been really pleasing. There are excellent results, and we are very happy with what is going on there.

This is an exciting new opportunity to bring to bear a new tool in the range of tools we have to prevent family violence. It is a program that is inherently without borders; it can reach all states and territories and most parts of them. As such, we believe that it warrants Commonwealth government support to roll it out and to develop it in the way described in our submission. Thank you again for the opportunity to be here. I look forward to answering any questions you might have.

CHAIR: Thank you, Dr Smyth. Senator Bernardi.

Senator BERNARDI: Dr Smyth, how do you choose the men for the program that you have just discussed? How are they selected? Do they self-select? How do you identify them?

Senator MOORE: For the online program or the general one?

Senator BERNARDI: The online one.

Dr Smyth: The men, to date, have been men who have presented at LifeWorks for their face-to-face program and have chosen to go into the trials of the online program.

Senator BERNARDI: So they have recognised already that they have an issue and they want some help with it?

Dr Smyth: Yes. We have mandated men in the second trial but not in the first trial. Generally, that is the route into the program at the moment.

Senator BERNARDI: How many men are undertaking it?

Dr Smyth: In the first trial, we ran it with only four men—deliberately, because we all had our L-plates on at that time. The second trial has about nine men in it currently.

Senator BERNARDI: Does it cater exclusively to men? Are there any instances of women participating in your programs?

Dr Smyth: At this stage, it is designed for men, but one of the potentials of this program is to design a program for women or for Indigenous people—we would probably need a number of Indigenous programs, given the diversity of Indigenous communities—or for various CALD communities. It has the potential to be developed to serve a lot of different needs.

CHAIR: I have a question too about that program, Dr Smyth. You mentioned at the conclusion of your opening statement that you would like to see the program rolled out nationally. Are you actively seeking Commonwealth government funding for the post-trial rollout of this, based on early results?

Dr Smyth: At the moment, we have not made a submission, but that is in our minds.

CHAIR: I do not want to pre-empt your activity, but I just wanted to clarify whether that request had been made yet. It has not been made yet, but you are optimistic about the results of the trial.

Dr Smyth: We are likely to make one, yes. We are working on the mechanism for rolling it out—who will do it, how, under what conditions and so on. We have active ongoing discussions along those lines, and when we have made a little more progress with that then we will have the basis for a concrete proposal.

CHAIR: I am interested in the structure of your program and its relationship with Rotary clubs. You mentioned Brighton and, I think, one other. To what extent does your board, and indeed Rotary, draw on what we heard from our previous witnesses about the shared learnings that were coming out of the improvements in knowledge and understanding and mutual understandings about domestic violence? How do you network yourself into that broader movement, if you like?

Dr Smyth: We have ongoing discussions with a number of players. We have been engaging with the Domestic Violence Resource Centre here in Victoria for some time, and with several others, especially through LifeWorks. With me here today is Kaye Swanton, who has just recently retired as Chief Executive of LifeWorks, and with your permission I could invite her to also answer that question.

CHAIR: We do not really have time for that. I was just wanting to get a feel for it. Do you liaise with VicHealth and their work on domestic violence?

Dr Smyth: We do not regularly consult with VicHealth but we do look at the literature, and our research work that is running at Monash University keeps us in touch with that ongoing research, especially in the field of behaviour change programs, which is where we are focusing. Rather than spreading our limited resources all over the place, we want to make a good job of what we are doing.

CHAIR: Thank you. Mr Vlasis, can I ask you a question. You mentioned a strong Commonwealth focus, and I note in your opening statements you referenced international best practice and the role that a range of jurisdictions could play in contributing to a common knowledge in this area. Can you give the committee an insight into how Australia or jurisdictions within Australia—and it might be state or even local government jurisdictions—fare on that international best practice scale? I am not asking for quantity. I am asking for your opinion about how Australia is tracking at local, state or federal government level, on that international scale. Are we part of that leadership conversation in this area, or are we not?

Mr Vlasis: It varies. I might just briefly talk about a few areas. Our main area of expertise is around mental behaviour change programs. We are the Victorian peak body for men's behaviour change programs. We are the only NGO in Australia that focuses specifically on providing training, professional development, practice resources et cetera. We run a graduate certificate, which is the only training qualification for men's behaviour change program workers. So we are quite well internationally networked. In that particular area, we are probably around the average of the pack, you could say, around working with men who perpetrate family and domestic violence.

In terms of research, we are aware of the national plan's research that will be upcoming through ANROWS, which will be fantastic, but the best research out there is in the UK currently through a program called Project Mirabal. You can find details from our website. That is an example of leading practice in terms of research.

In terms of our standards, our various minimum standards for men's behaviour change program work in Australia are probably on average fairly weak compared to other countries. Just to give an example, the UK accreditation standard—they call them DV perpetrator programs there—is a minimum of 60 hours face-to-face intervention in order for programs to be seen as safe and appropriate in the UK. Whereas we have many existing minimum standards for men's behaviour change programs in Australia where the minimum is still 24 hours face to face. And we know that is insufficient. We are just not able to get the funding to update our standards.

So I think in that area there is more that we can do, and the Commonwealth can take a lead. It is partly about looking through the national plan of action about a number of questions: how long do programs need to be? What is the mechanism? I think the online work from our perspective is new; it is interesting; it is certainly worth a look at; but it is very new compared to a lot of other interventions.

If we look at other areas—child protection practice—probably on average there is a lot of enthusiasm in some child protection jurisdictions in Australia around: what does it mean to make men who perpetrate family violence more visible? Because so much child protection work is due to family violence. I think there is a lot of enthusiasm but not a lot of really strong models out there about what it means for family violence and child protection systems to work closely together. We can look to the US for some examples, like the work of the Safe and Together Model by David Mandel and Associates.

In corrections and probation, in the UK many probation orders for family and domestic violence are for two years, because they know that it is a journey of time for many offenders to get to a point of sufficient behaviour change so that their family members are safer. Whereas I think that all correction or probation orders here are one year. It really depends. In police practice, it varies across Australia. It comes back to my point that there is some really good overseas practice. Some of it is relevant here, some of it is not; some of it is about legislation and some of it is not about legislation but about things that can be changed without the need for those steps. I think that the Commonwealth can play a leading role in helping to look at some of the good practice overseas but also within Australia and helping us to share that.

Finally, it comes down to the men's behaviour change program practice too. It varies considerably. The New South Wales government provides no dedicated funding for men's behaviour change program work, even though there are about 12 registered programs there. Queensland and Victoria provide some, as does Western Australia, but great parts of Western Australia are not covered by a program et cetera. So there is a lot of inconsistency.

Senator MOORE: I am just clarifying the funding arrangement. These programs are state funded—there are no Commonwealth funded programs—and it is part of their own process. We heard some evidence yesterday about a program at Woorabinda. I do not know whether you have had a chance to look at the other submissions—there are only about three tonnes of them, so I would be surprised if you had. But we heard about a specific program at Woorabinda, and I am interested in whether either of you have seen the work that is being done there. It is very specialised, because it is an Indigenous community, and they have statistics. We want to work those through.

Dr Smyth, in your submission, you talk about a national evaluation of men's behaviour change programs. What is the status of that? We have not heard about that before. Is that funding through the national plan?

Dr Smyth: It is not through the national plan. Violence Free Families commissioned Monash University to run a long-term longitudinal study into the results of behaviour change programs. In Victoria, New South Wales and Western Australia we are doing that. That program has largely been funded by charitable donations raised by Violence Free Families, but a couple of years ago we were the recipients of \$100,000 from the Commonwealth government as a special grant to assist with the costs of that long-term study.

Senator MOORE: Can you tell me which hat that grant came under? You can take that on notice. It just says here that the Commonwealth funded it. Can you give us any idea about how long that has been going on and when we can expect to see outcomes?

Dr Smyth: It has been running for three years. The first part of that was involved with getting ethics committee clearances, formulating the program, and raising funds to go get going and so on. We then commenced data collection for the baseline. Unfortunately, we have had to extend that period longer than we would have liked. Coming up towards the end of this year, we will complete the collection of baseline data. Then we need to follow those men further to see what the longer term outcomes of these programs are.

Senator MOORE: Can you give me, on notice again, the parameters of the grant in terms of what the Commonwealth is going to see, as a result of that, for its \$100,000? Is it a paper? Are you going to follow it through for two years? Is it going to be ongoing communication? I am trying to find out where it is going.

Dr Smyth: We completed that grant and fully expended the money last year. We believe that we have no ongoing obligations to report, although, of course, as conscientious people, we will be reporting. We do not yet have enough results to go public with them. They are interesting, as far as they have gone, and we will wait and see if those preliminary results are confirmed before we start publishing them.

Senator MOORE: Mr Vlais, are there some concerns about your organisation's engagement in this process?

Mr Vlais: Yes, probably about three years ago we had a look at the research, and we had some concerns at that stage. But I do not have more recent information on the last two or three years regarding the research.

Senator MOORE: Have you been involved in any of the ongoing data collection or anything of that nature?

Mr Vlais: No.

Senator RICE: Thank you for your submissions, and thank you, Mr Vlais, in particular, as I really enjoyed your assessment of the violence in Aboriginal communities and the connection with dispossession. I want to ask more about evaluation. Dr Smyth, I think you just said that your evaluation of your online program is preliminary. Given that you have said you are very pleased with the results from your first trials, is there anything you can share with the committee, given that this is a new and emerging area and it would be very useful to have some evaluation of that program?

Dr Smyth: As I mentioned, we engaged Monash University to evaluate it in an ongoing way. We planned three trials of 14 weeks in duration. We are just past half-way through the second trial. At the conclusion of the first trial Monash University was very thorough. They canvassed the opinions of the facilitators of the men and of their partners, and they actually ran a focus group for the men. We got universally positive views back from them. The facilitators, who are extremely experienced—I believe one of them has 14 years in this field—said that the men opened up more quickly and responded better, and that the whole program was at least as good as a face-to-face program, from their perspective. The informal responses from the facilitators in this current trial are similar in nature.

One particularly powerful remark came out of the focus group evaluation, which was recorded. One of the men said that because there was a degree of anonymity, because they could not be seen—but to be heard and they can write and see their writings—he was able to cry when he realised what he had been doing, and he would never have done that in a face-to-face group.

Senator RICE: Would we be able to have copies of the evaluation of your first trial?

Dr Smyth: The first evaluation report from Melbourne University is actually up on our web site—at least I trust it is. A summary and the full report should be there. If it is not I certainly will make it available. For the second report, we of course have to wait until the end of the year, when the second trial is completed. But we have every reason to believe it will be similar to the first one.

Senator RICE: If the details of where that is could be forwarded to the committee that would be good.

Dr Smyth: Yes, we can do that.

Senator RICE: Following on from the perpetrator programs, Mr Vlais, what do you see as the future for men's behaviour-change programs?

Mr Vlais: This also comes back to evaluation. The old view of these programs is that they are seen as an intervention. You grab a good man and you put them through the group intervention and they come out supposedly changed. I think now we are really understanding that we have to be really careful about what we expect from these programs. They are not just a standalone intervention. They are really part of a whole integrated response. The ability of the program to work towards the safety, dignity and human rights of women and children and others affected by men's violence can be shown in a number of different ways. Yes, some men do change their behaviour. Some men change from violence and then slip back. That is why evaluation really needs to be long-term over 15 months or two years. Some men will change some tactics of their violence and increase others.

But other outcomes are through the partner contact and partner support work, where she sees him not changing and then she realises that she does need to leave. It is the ability of the program to support a corrections or child protection worker to do their job better in supervising an offender. It is the improvement in police practices through the program, working together with police. It is the increase, sometimes, in recidivism that occurs through an effective program, because women feel safer reporting breeches. The program is working closely with a corrections officer, which means the corrections officer becomes more skilled at being able to detect if he is actually breaching the conditions of the probation order. That means more criminal justice system activity, but that is holding him accountable.

So I think the future for the programs is seeing them not as standalone interventions but as part of a coordinated community network of services, and the evaluations need to reflect that. The evaluations need to reflect what impact a program is having on his ability to be a good father and the ability of the child protection or family services system to work with him. How is it supporting corrections to do their job better? How is it having direct benefits for her safety, because she is starting to feel stronger now. She is starting to feel that because a program is engaging him she can now make more demands slightly more safely about him changing, and how we support her to do that. The new wave of evaluation work, which is reflected in Project Mirabal is trying to get at all of these multiple outcomes, rather than the old way of asking if he has or has not changed, because that is not so much the purpose of the programs. It is a big part of it but it is not just that.

Senator MOORE: Did you want to add to that, Dr Smyth?

Dr Smyth: I would like to support the theme of Mr Vlasis's remarks, but perhaps from a slightly different perspective. When a man presents at an agency, ostensibly with behaviour problems—violence problems—it is normal to do an intake and assessment interview with that man. At that time quite a lot of men are assessed as having problems that need to be addressed, apart from this violence problem—substance abuse and mental illness are among them, and many other problems can emerge. Where we need an integrated approach at a therapeutic level is to be able to assess the men and divert them into the program that is most suitable for their needs, rather than having a one size fits all behaviour change program. That is lacking. That is beyond the resources of most agencies.

Senator WATERS: Thank you for coming today and for your submissions. Like Senator Rice, I particularly enjoyed your submission, Mr Vlasis. Thank you for the thought you have put into it. I want to thank you for addressing one of the terms of reference of the inquiry, which was to look at the impact of Commonwealth policies on the ability of women to escape violence. I appreciated your analysis of the combined impact of the changes to the low-income super supplement, the proposed family tax benefit changes, the restrictions in Newstart and Youth Allowance for young people and the tightened eligibility for Disability Support Pension, which you have extracted in your submission. Can you reflect on the impact of the funding reductions to community legal centres, particularly women's legal services and other legal aid programs that are designed to assist women to escape from violence, and also the changes to housing funding, including the only 12-month increase on the homelessness agreement and the abolition of the National Rental Affordability Scheme?

Mr Vlasis: Certainly. To be honest, many of us would not be here today addressing the committee without the legal reform changes that have happened in Victoria. The Victorian Law Reform Commission drove the Family Violence Protection Act 2008. It identified so many of the deficiencies in family violence service systems. It is that incredibly important community grassroots based legal work that identifies where systems fall down and how they can be improved, because civil and criminal justice system processes are at the heart of everything to do with family and domestic violence. Whether it is do to with intervention order applications, or trying to hold perpetrators accountable, or supporting women and children through police processes, they are essential. So grassroots community legal practitioners often are at the coal face, as much as anyone else, in knowing what is needed. They are a critical voice. They have some critically important information on how to support the safety of women and children and how to work towards placing restraints around the behaviour of dangerous men, and they are able to translate that into legal language. They are able to translate it into potential legislative changes and into looking at legal system and how they relate with police, corrections, women's services and Commonwealth funded services such as Centrelink, Medicare et cetera. From a research perspective they are an incredibly cost-effective way to provide state, territory and Commonwealth jurisdictions with really important, rich information about how we need to improve systems to keep women and children safe and to hold men accountable for their behaviour. That work that they do to translate their on-the-ground practice in services, in supporting women and children and in providing legal services into systems-level recommendations is incredibly important. They do not need much money to do it, but they do not have that money without the funding changes. I think this narrative that separates out direct service work from advocacy is really a false narrative, because it all folds into each other. The advocacy comes from looking at what are those systemic changes that are needed to make their work better.

Very briefly, my professional background is as a psychologist. If all I ever did was just see clients and I never tried to use that information about what is needed to change organisational structures or what is needed to change a code of practice or what is needed to change the way we respond in a duty of care way, we would be stuck back in the 1950s. We would not be reporting so many things; we would be having a range of different practices which are problematic. I translate what I do with my individual work into something bigger. You could call that advocacy, but it is really essential. So I think it has had, potentially, a really detrimental impact, and that that funding needs to be restored and, if anything, increased.

In terms of the National Partnership Agreement on Homelessness—that insecurity has a major effect on services. Yes, state and territory governments have a strong responsibility to provide a big step up in funding for family and domestic violence, in both response and prevention. Yes, it is not just a top-up—a step up is needed. With family and domestic violence being one of the top five or six economic, social and health issues, it needs to be funded as such, and it is not. Having said that, there are areas where Commonwealth work does matter, as we know. Homelessness is an area where it is so entrenched and where men's use of family and domestic violence has such a big impact in driving homelessness that Commonwealth leadership is very, very important to work in a bipartisan way with the states and territories.

That funding has enabled a range of initiatives which the state government here in Victoria have not been able to fund, and they are initiatives which relate to case management work for men, which picks up on what you were saying, David. Some of that money has enabled some work with men who, yes, are going through men's behaviour change programs, but have other so-called criminogenic needs—where we do need to work on their alcohol use at the same time and we need to work on their housing. It has enabled women's family violence services to be able to do more case management work beyond the crisis-driven work. With increasing referrals happening—as systems getting better and police getting better in identifying family violence—demand increases significantly. Women's services often are forced to provide more and more resources at that crisis end and do not have that ability to do long-term advocacy. So when we have this money that is so insecure, where you do not know three or four months out whether you are going to have it for the next financial year and you need to start laying off staff, it makes it incredibly insecure. Women and children, to escape to recover to rebuild their lives from family violence, need a journey of a year or two or three or longer of support. And the men who are using that violence need to often be worked with for that period of time. When you have that insecurity it makes that work incredibly tricky.

Senator WATERS: Thank you very much. I note your recommendation that significant Commonwealth economic and social policy reforms be put through a modelling exercise to project potential impacts on women's access to affordable and safe housing options, and on their ability to achieve economic and financial independence for themselves and their children. I think that is an excellent recommendation. Are you aware of whether or not the Office for Women is meant to do that sort of work? Do you have a view on whether that needs to be further entrenched, increased or supercharged? And can you reflect on the lack of a women's budget impact statement for the first time in about 30 years in that context?

Mr Vlasis: I am not aware of the Office for Women doing that work, but of course I am not privy to their work plans or what might be in the pipeline there. Part of that comes to the place of an office of women—excuse the wrong terminology here—within the suite of Commonwealth departments, and the same with the states. Just to give a quick Victoria based example, our Office of Women's Affairs used to be within what was I think called the department of planning and community development. That enabled it to have a bit of interdepartmental focus. It enabled it, because of the way it was sited, to do work with other departments to strengthen an interdepartmental and cross-portfolio approach towards family violence. From ministers and heads of departments down, there were top-level meetings around how each of these portfolios and the work that has been done was relevant towards the state addressing family violence. That was moved into the Department of Human Services. You could say that that puts it into more of a welfare setting and makes it harder for it to do that cross-department, cross-portfolio work. So the imprimatur and the authorisation that an Office of Women might have is really key here. It is not really rocket science.

If we look at disability services, most government departments and portfolios will not hesitate when an audit is done in a disability services department and recommendations are made about how to change things. We do not blink an eye; we know that we need to do that to work against disability. Yet we do not yet have that in terms of gender issues or effects on family violence policy. What this is really about is applying the same mechanisms we have, when we are looking at issues like disability et cetera, to gender and to the impact of policies on family and domestic violence. It is raising it up to that same precedent that we have established in other areas.

Senator WATERS: You mentioned that in the UK there are moves to encourage more men to become involved in the childcare industry. What lessons do you think we can draw from those initial forays here in Australia? Is there any interest in Australia, either in the groups or in government, to think about those sorts of initiatives?

Mr Vlasis: Briefly, there is some really good primary prevention work being done in Australia, including in Victoria, led by a range of organisations, including VicHealth, but also many, many others now. I think the next step in that work is to look at what it means around men and masculinity, what it means around male privilege and entitlement, in a positive way for men. This quota issue is an example of that. We can talk about minimum

quotas for women or we can talk about maximum quotas for men. Flipping the focus on men and the power that we take and hold changes the language from, 'How do we empower women?' to, 'How do we actually help men to realise, "How are we taking up too much space? In what ways are we taking away the opportunities for women to be able to live free lives?"' Maybe we need to look at ourselves and what we are doing rather than empowering women. That is positive for men.

The research still shows that men play a small role as carers in our society. US research, for example, shows that adult daughters perform about 2.4 times as much work caring for their elderly parents than adult men. So if I have a sister—I do not—on average, she would be spending about 2½ times more caring for my parents than what I would. This campaign in the UK is a positive campaign for men. It is about saying, as men, that we can broaden our sense of masculinity. We do not have to define ourselves by the 'othering'—the othering of saying, 'We are not feminine; we are not gay.' The sexism, homophobia, transphobia et cetera is built into a sense of masculinity, where, as men, we have to say that we are not that, that we are above that. If we spend more time caring for our children, for other children, for our parents, for our communities, it just broadens our sense of masculinity. It means that we are going to do some of the work that we often just leave for women—an invisible burden of responsibility. It will create more opportunities for women, because we are doing more of that work rather than just leaving it for women, and we will be leading better lives for ourselves. In Australia currently only two per cent of childcare workers are male. What does that say about us as men? It is really sad. What does that say about what women's work means to be and what men's work means to be? Those things drive sexism, and the male privilege and entitlement we use to not do that work is sad for ourselves; it drives sexism and it drives men's violence against women.

That campaign in the UK involved industry, unions and government. It is cross-political. It is a lovely example of something which addresses in structural way something that can be really helpful for us as well as changing sexist attitudes.

CHAIR: We have run out of time. I would like to thank you both for appearing before the committee this morning, for your submissions and for the time you have taken in giving evidence today.

Senator MOORE: Could I quickly put a question on notice? Yesterday, we had evidence from an organisation called One in Three that made comment about male perpetrators and the approach. The *Hansard* of that evidence should be available within a couple of days. If you have the time, and I know you are both very busy, it would be useful if you could look at what was said there in that exchange about male perpetrators.

CHAIR: The committee will suspend for morning tea.

Proceedings suspended from 10:36 to 10:54

ATMORE, Dr Chris, Senior Policy Adviser, Federation of Community Legal Centres

CHAIR: Welcome. Information on parliamentary privilege and the protection of witnesses in giving evidence to Senate committees has been provided to you. I invite you to make an opening statement.

Dr Atmore: The committee will be familiar with our submission, but I just want to underscore our main motivation for being here, which is that 20 of our member community legal centres around Victoria provide assistance in 21 magistrates courts, primarily for victims of family violence who are seeking intervention orders. We also provide other legal assistance related to family violence, including, subject to capacity, assistance related to inquests where someone has been murdered as a result of family violence. Family violence was our top legal problem last year and accounts for more than one in every three new cases in the sector across Victoria. Our family violence case load has increased by more than 80 per cent since 2008. We also do a vast amount of work in family violence community legal education, community development and policy law reform. This committee is just one of many examples of the kind of work that a number of our CLCs and the federation engage in.

I just want to say a little bit pulling out some of our points around the impact of the recent federal funding cuts on family violence services and the changes to Commonwealth funding agreements meaning that systemic advocacy is ruled out for those centres who receive Commonwealth funding. The funding cuts are, to put it slightly bluntly, a partial rescinding of the previous federal Attorney-General's grant to CLCs. Effectively CLCs lost about half of what they had originally been promised, so the last two years of funding—which goes to, I think, 2018—is no longer there. Fourteen community legal centres in Victoria have been substantively affected by those cuts. For seven of those CLCs, the cuts apply directly to front-line family violence services, and those cuts amount to the order of roughly \$1 million. It is extremely unfortunate timing that those cuts have happened when they have. We know that there are further cuts in the offing. CLCs can never afford cuts to their front-line services, and particularly to family violence, given the massive increase in demand that we have seen over the last four or five years, which of course is a reflection of the success, to some extent, of the Victorian integrated response. It comes at a particularly difficult time for us.

I would also draw attention to the fact that one of our member centres, Aboriginal Family Violence Prevention and Legal Service, is currently struggling with the impact of cuts to the funding of those services and also because its funding future is currently uncertain. Given the high levels of violence that Aboriginal women and children, in particular, are subject to, and the extremely high death rates from family violence, quite frankly we are appalled. I just do not know how to put it more clearly than that.

On the systemic advocacy clause in the Commonwealth funding contracts, I guess the best way to talk about why we believe that is just so not the right way to proceed is to say that some of my work in the last few months has been with Rosie Batty. The committee may recall that I attended the hearing with Rosie in September. I do a number of different types of work with Rosie, including supporting her in the ongoing inquest into the death of her son, Luke. Also, perhaps even more importantly for this inquiry, Rosie and I do quite a lot of systemic advocacy together. We are visiting cabinet ministers. We are talking about systemic issues. We are raising them in the media. We are doing all that kind of work. If the federation were a Commonwealth funded organisation—we are actually not—I would not be able to do that work. Rosie could go to a number of other CLCs, possibly, to try and get that level of assistance, but a number of our CLCs are currently compromised by the Commonwealth funding clause. For example, the Women's legal Service, which is one of our leading specialists in the area, receives Commonwealth funding. We are extremely concerned about that and we also, as does the Productivity Commission, regard it as an inefficient strategy because we know that systemic advocacy is very strongly linked to case work, community legal education and community development. As Rodney Vlase was saying before, it is not really something that you can separate easily.

I did refer the committee in our submission particularly to the recommendations from the Australian Law Reform Commission and Law Reform Commission of New South Wales inquiries. We all know that many of those recommendations have yet to be implemented. We would see that as a really important first step for the Commonwealth government to return to those recommendations and actually start putting them into place in consultation with the relevant family violence specialists around the country.

One of the really important points that the commission made in its final report was that the fragmentation of the system has led to a fragmentation of practice. There is nothing like an inquest to sharpen your focus on systems, what works and what does not work, so I have been thinking about that quite a lot in the last two weeks. Relevant to this inquiry is that that fragmentation—pockets of good practice but more often pockets of bad practice or no practice—exists not only within jurisdictions and within individual systems like child protection, for example, but it also exists across states and territories. So as a federation we are grossly fragmented. We have huge gaps into

which women and children fall currently. And at the pointy end of that it results in death but, as we know, there is also a massive cost in terms of violence more broadly.

I am blogging in my official role on the Luke Batty inquest and I have been looking at some theories of systems as a part of that. There is some interesting work done by a British professor of psychology named James Reeton and he basically says that if we do not seek out and remove the properties within the system at large that lead to or increase the possibility of a death then we are not going to enhance safety across the board. I think that is the point we are at in Australia. He uses the metaphor of mosquitoes in a swamp. He says there will always be mosquitoes no matter what we do and the mosquitoes are human fallibility, essentially. He said the swamp is about the latent factors in the system that we can do something about—the procedures, the protocols, the shared understandings, the collaboration. So he concludes his work by saying we need to drain the swamp.

I would like to use the swamp metaphor to say that at times we have drained the swamp and have built some really good things in its place and the mosquitoes are gone but we are also really infested in other parts of the country and we need to take a systems approach to addressing that.

Senator MOORE: Your submission is very detailed and it covers many points. I am just going to talk about the Law Reform Commission reports. Those reports now are a couple of years old. They were highly proclaimed when they came out and everybody said how great they were. The first one was definitely linked to the national plan and the second one came in the middle of the transition. Has there been any feedback to the sector from the government or from the department about why they had not progressed? I am trying to find out, when it was actually in the plan, why that particular area was not progressed. A large number of submissions we received have referred to those reports so it is obviously an issue of import. Was there any discussion or feedback from the Office for Women, from the ministers or from the government about why that was not going ahead?

Dr Atmore: In relation to the recommendations?

Senator MOORE: Yes.

Dr Atmore: Not as far as I am aware.

Senator MOORE: In your professional capacity, that had not come up?

Dr Atmore: No.

Senator MOORE: So now we have the second plan. Talking with the department a couple of months ago—and I have got to reread the *Hansard*—I got the impression it kind of rolled over, so we will be following up on that.

One issue I want to take up with you, even though it has been raised with a few people, is the inquest and the specific recommendation in plan 1, which was about getting information about cause of death, process, and learning from policy. Why should we do that?

Dr Atmore: One of the reasons I started the blog is that a lot of people, including a lot of lawyers and journalists, do not really understand the functions of the coronial system. I have been doing my best in my limited capacity to address that. Essentially I think why inquests and family violence death reviews are so critical to the whole approach is that they come into play after the biggest failure you could ever see, which is the killing of a woman or child or sometimes a bystander. I think the Commonwealth has a critical role to play in leading the coordination of best practice family violence death reviews and associated inquests around the country. I think we are missing that opportunity.

Victoria has the oldest family violence death review, and the federation has played a key role in the reference group for that death review—but the reference group has not met here for 10 months, and this is in a year when we have had some extremely high-profile killings. The problem is capacity. It has not been effectively resourced and it is not utilising all the specialist expertise that is out there and waiting to be tapped. So it is a missed opportunity in the same way that I think some of that work done through the ALRC and the New South Wales LRC has been wasted. It has been done—we have heard from experts, we have heard from victims, we have heard from direct services and yet, somehow, it just falls away. I think some of that is characteristic of the family violence system as a whole, that it is not joined up. Also, of course, we have the extra federal, state and territory divide to contend with.

Senator MOORE: Another committee I was on, looking at suicide in Australia, was talking about the same thing. It was put down to the fact that this was a state responsibility and the feds will have to work within whatever the COAG model will be in the new system—but there will have to be one. There had been limited progress in that area as well. It is in the same bucket. But, in terms of that one, not only is the general report, which includes that, acknowledged—it is quite a specific recommendation of the plan, apart from anything else.

Has there been lobbying from the community, particularly the legal community, about the need for this to happen?

Dr Atmore: Specifically in relation to death reviews?

Senator MOORE: Yes.

Dr Atmore: Not so much the legal community. Until very recently no community organisation that I am aware of has been specifically funded to push these issues, so we have had to do it around the edges. We are hoping that this will change for us to some extent next year because of the new project. We did release a substantial issues paper a couple of years ago called 'Saving lives by joining up justice', which was more broadly looking at all the different coronial jurisdictions across Australia and what needed to happen to make them more effective. One of the key recommendations in that paper is also central to what we are saying about family violence death reviews—where the review does wrap around an inquest, agencies must be mandated to respond to coronial recommendations. At the moment that happens only in a few states across the board. The problem is that nobody monitors the implementation of those responses, either. So five years down the track we have no idea, even if there was a really good sounding response from, say, the Department of Human Services, no-one really has any idea about what has happened as a result and whether that has had any impact on future death prevention.

Senator WATERS: I will start off with the funding issue, which you have articulated quite well already in your submission. You outline the reduction in funding to community legal services of up to 26 per cent between 2013-4 and 2017-18, and you list a whole range of direct service impacts. What do you think that some of the impacts of these cuts will be in a day-to-day sense for women and children who are trying to escape from violence?

Dr Atmore: It means that fewer clients will receive a service. We already have a significant number of turnaways, because we have capacity issues more broadly. I have observed our lawyers in a number of our courts over a number of months to get a sense of the different conditions in different places because they vary quite a lot, including in terms of safety—for the lawyers as well—and I really think our lawyers on the front line as duty lawyers are the unsung heroes of the justice system. They are doing an incredible job under immense pressure. They could easily be seeing between 12 and 18 clients a day; by the time you allow for lunchtime, there are only five hours of court, really, in that day, and some of those cases are so complex.

One of the really important aspects of value, I think, in the service our lawyers provide is not just advising and informing the victims who come to them but also negotiating consent orders. So they are going back and forth between either the client and the respondent's lawyer or sometimes the respondent himself, which is obviously quite tricky for the lawyer, in order to try and negotiate an intervention order so that it does not have to go to a contested hearing. It is actually very cost and time efficient because the more that that can be done, mindful of women's safety and perpetrator accountability, the less often matters will then have to be set down again for a contested hearing involving costs on the court and greater cost to the system.

The problem with those cuts is that we know that, for example, some of our centres were intending to expand their services with that money to have more days in court or to offer advice to women who otherwise might not get access to it because they have to travel too far to get to a legal centre—so, as an outreach service. We know that a lot of those will be compromised, and that will have a direct impact on these women, who are then more likely to turn up to court not knowing what is happening and may not have sufficient time to see anybody or may not get through in the first place and therefore do not get help at all.

Senator WATERS: So all of those are front-line services?

Dr Atmore: Most definitely. They are all front-line service cuts. I know the federal Attorney-General has said that the cuts were to policy and law reform, but we actually consulted all the CLCs in Victoria that were subject to those cuts and all the family violence cuts are front-line services. There is no doubt about it.

Senator WATERS: Can you just remind me of those figures? You said seven of the 14 community legal centres have direct family violence services, and so all the cuts to those seven services are to front-line services?

Dr Atmore: They are front line.

Senator WATERS: Was that the \$1 million figure that you mentioned earlier?

Dr Atmore: Yes, it is just under. We calculated when we wrote the submission that it was just under \$1 million. We have subsequently re-surveyed our centres, the ones that provide family violence duty lawyer programs, to get a sense of what they would need to be able to operate at capacity, rather than not doing some of the things they do now, federal cuts or not. When you add the federal cuts to that, it is about \$1.2 million that is needed. There has also been a recent law reform in Victoria which I can elaborate on if the committee would like,

but essentially that has also created an additional impost on duty lawyers. It is going to mean that women turn up at a different point in the system, where duty lawyers do not usually act because they are concentrating on slightly later down the chain, at court. We have also calculated, and written to the state government pointing out, that that will probably require another \$1.2 million to effectively assist those women. So we are really looking at \$2.4 million a year.

Senator WATERS: Which was your point earlier—that, if you get in early, then you can avoid those expensive and time-consuming and often confronting court processes.

Dr Atmore: Yes, and that is not even starting to think about what money would be required in an ideal world. There are a number of our centres that would really like to be able to legally assist women even further back, with their initial application to the court, because that is often really confusing for women, particularly if they are from a non-English-speaking background or they have a cognitive disability or other issues.

The other thing that we would really like to do—and a number of centres that expressed enthusiasm for this but we are not funded to do so—is to run our own contests. At the moment, centres tend to brief private barristers to do that, because, again, the funding is really more for the earlier stages and, in terms of providing continuity of service for the woman, it makes more sense if she has the same place all the way through.

Senator WATERS: Yes, with someone who knows all of the back story. On that point about family law court reforms, I noticed you reference the ALRC report recommendations, including—and this was new to me, I confess:

... the creation of a National Family Violence Bench Book which provides guidance to judicial officers on family violence and sexual offences.

I have been asking some of the legal witnesses whether Family Court judges get training in domestic and family violence. I will ask you that as well. The answer has tended to be no—as far as people have been aware. Can you address that? Can you also talk about what the role of this bench book would be? Would it be a substitute for training or would it need to be complementary? Is anyone looking at adopting it?

Dr Atmore: My understanding is that it would be complementary. It is a recommendation that came out of the ALRC. We have a family violence bench book in Victoria now and it is a fabulous resource. It is available for anybody to have a look at. It is particularly used by our more excellent magistrates in family violence—everyone acknowledges that there is variability. It is used all the time. It has checklists of things they should think about when making decisions. Importantly, that checklist includes thinking about risk factors—what sort of order they should go through them.

Senator WATERS: Are you able to table a copy of that for our benefit?

Dr Atmore: Yes, I can provide the committee with a link.

Senator WATERS: Do any of the other courts have that? Have any of the other states adopted that approach?

Dr Atmore: Not as far as I am aware.

Senator WATERS: Has there been any evaluation in the roughly three years it has been used of its effectiveness and its success?

Dr Atmore: Again, not as far as I am aware. But, anecdotally, magistrates certainly find it very useful—when they do refer to it. That is the training element. One of the obstacles to creating a bench book goes back to the principles in the ALRC inquiry—seamlessness, fairness, effectiveness and accessibility. Part of the problem is that there are some common understandings about family violence across state and territory jurisdictions, but there is a lot of stuff which is different, which is what the ALRC looked at. A bench book is probably more helpful if at least the core is the same across jurisdictions—so that then you have cases they can follow or distinguish, depending on the jurisdiction.

Senator WATERS: The recommendation for restrictions on direct cross-examination of victims by alleged perpetrators—it seems that many of the state courts have adopted that but that the federal Family Court has not. Can you reflect on why that is and whether that should be reformed?

Dr Atmore: I think it partly goes back to the federal-state divide. I talk about this a bit in the submission. The understanding of family violence that underpins the Family Law Act has, in our view, improved somewhat as a result of various law reform changes. But it is still the case that, for example, the personnel in the family law system do not have any kind of systematic family violence risk assessment training. We have seen this in a number of cases.

Senator WATERS: Even though that is their jurisdiction?

Dr Atmore: Yes. We could talk for hours about the problems with the links between the Family Court and the state magistrates courts. Even a lot of magistrates are still confused about their power to suspend family law orders, for example—let alone lawyers and clients. You have a family law system that is not thinking 'risk assessment'. You could have, for example, a highly volatile situation where a woman has just been in a Family Court with the perpetrator, possibly having been cross-examined by him, and then she could come back to state court and all hell could possibly break loose—and nobody would know. There does not seem to be any way for personnel to inform the state court of the risks. That is something we think needs to be consistent across the board—that they have the same understanding and the same approach.

Senator WATERS: It seems as if there is some good scope for reform in that regard—hopefully reform that is not too controversial. You have spoken a little bit about the restrictions on advocacy, and we have had some other witnesses, both today and in other hearings, who have also talked about the importance of advocacy. Given your role as the peak community legal centre representative body here in Victoria, can you explain why advocacy is important, particularly in this arena?

Dr Atmore: Probably the best way to illustrate that currently is where the committee will be aware from today's hearing just what a strong community sector we have around family violence. One of the really important aspects of that strength is the collaboration among all the organisations. That is really only possible because we have been able to specialise and take up different aspects of the system and then work together with government to advance different reforms in both policy and law. From the federation's perspective, systemic advocacy covers a whole range of areas. I am thinking of two or three examples that I have been involved in this year, and they all involve law reform and/or high-level policy discussions. One of them, for instance, is a new family violence taskforce that has just been convened by the chief magistrate. The federation is a member of that. It has only just met for the first time, but it is going to be meeting fortnightly. One of the really exciting things about that is that it is basically a lot of key stakeholders in the justice system in Victoria all getting together to talk about how we can improve how we respond to family violence. It is the Chief Magistrate, us, No to Violence, Domestic Violence Victoria, the Victorian bar, the law institute—

Senator WATERS: Who drove that?

Dr Atmore: It was a combination of the Chief Magistrate and Caroline Counsel, who used to be president of the law institute and is from family law. So we are really excited by that. Systemic advocacy covers those kinds of things. I think that, if you are going to try to truly integrate a system, you have to be able to join up together even if you do not agree, and that is basically what we have agreed with the taskforce.

Other examples are law reform initiatives. Because systemic advocacy is pretty much all I do—I am a legal practitioner but in my current role that is not what I do—there is no way we would have been able to have the extensive input we were able to have into the Family Violence Protection Act, for example, which we were formally thanked for by the then Attorney-General, Rob Hulls. We have been able to have significant input into the sexual offences review which Victoria conducted recently, and again we were formally acknowledged by the current state Attorney-General.

We have been able to have input—even though we were only partially successful—into recent initiatives to change aspects of the family violence system, and part of being resourced to do systemic advocacy for us is that we have been able to play the specialist role because we can read legislation. With sexual offences, for example, which is a very complex review, a number of community organisations including the Centre Against Sexual Assault were throwing up their hands in horror because, even though there were some good things in it, they found it too technical and overwhelming. The federation was able to step in and take the lead on providing that expertise. It is really providing a missing piece of the puzzle in order to bring about effective and evidence based change, and you need to have systemic advocacy and a systemic lens. I am fortunate that, although I am a lawyer, I am also a social science academic originally, so I have that systems analysis. To me it just makes absolutely no sense that you would not fund that. Every time you make a systemic change you are helping thousands of individual clients, which may also mean that those clients never actually have to come to a front-line service, so it is cost effective as well as just.

Senator WATERS: Thank you very much.

Senator RICE: I want to get back to the issue of funding. You said that the need for the family violence services of the CLC is \$1.2 million and up to \$2.4 million. How does that compare with what the current funding is?

Dr Atmore: I would have to take that question on notice.

Senator RICE: Okay. It would be good to know what level of increase there is just to do that. Beyond that, you mentioned your ideal world. Have you done an analysis of how much it is to meet the demand given the increased reporting and the increased demands on the services? What would be needed? What is the level of funding that would be required to meet that demand?

Dr Atmore: We are working with the 2.4 per annum as our baseline. We have not gone further than that. I think the federation punches above its weight. We have something like 12 staff, quite a few of whom are part time and all of us are doing a number of different things. Even to get that sense of who needs what money was quite a data-gathering exercise in itself because CRCs are independent legal entities; we are not head office. With our peak advocacy, it usually means going out and trying to drill down into the experiences of our services on the ground. It is certainly something that we would like to do in the future to look at the wish list aspirations around family violence and what that would require.

Senator RICE: Have you attempted to do any analysis of the long-term economic benefits?

Dr Atmore: We would love to do that. We have talked about it quite a lot, including in our broader alliance about trying to cost out if we actually got some of these changes that we want. At the moment, all we have is the yardstick from the KPMG analysis that underpinned it and the cost to Victoria that flowed from that. We were hoping that the Productivity Commission inquiry into legal assistance services might look at some of that flow-on costing benefits. We had made that suggestion that they would be in a position to perhaps contract someone to undertake that. As far as I am aware, that has not been done, because it is a detailed exercise.

CHAIR: Thank you very much for appearing before the committee this morning. We greatly appreciate the time and effort you have put into your submission and for being here today.

AVDIBEGOVIC, Ms Maya, Chief Executive Officer, inTouch, Multicultural Centre against Family Violence**BECKER, Ms Elizabeth, Principal Lawyer, inTouch, Multicultural Centre against Family Violence**

[11:28]

CHAIR: Welcome. Information on parliamentary privilege and the protection of witnesses in giving evidence to Senate committees I know has been provided to you. Do you have an opening statement?

Ms Avdibegovic: In preparation for this submission, we had a very short time frame and it probably should have been a lot longer and in a lot more detail than this. But we tried to cover as much as possible in such a short time frame. It is around giving another view of inTouch and some current statistics that support our submission. We developed it around five main headings: family violence in CALD communities, barriers to legal services, support for CALD children experiencing family violence, access and equity for women without permanent residency, and tailored responses versus the one-size-fits-all approach. Under all of these headings, we have also come up with some recommendations for further actions.

CHAIR: Thank you very much. Are you happy to go to questions now? If there are any issues that emerge either during the course of the inquiry, you are able to make a supplementary submission or correspond with the committee as those ideas or observations come to you.

Senator WATERS: Thanks, ladies, for coming along today and for the work that you do. I am particularly interested in the recommendations about women who lack permanent residency status and whether you have any recommendations for how we can assist those women to get the assistance they need, particularly, given their entitlement to be in Australia depends on the abuser in terms of visas. Can you just go through that conundrum and talk about the current problem and what you see as some potential solutions?

Ms Avdibegovic: It has been an issue for our service in particular, because I think we are in the very rare position where we are a family violence service and we have a registered migration agent on board who has specific knowledge of migration issues but also of family violence. We have had a lot of referrals to our agency, and that is why we have such high numbers of clients who come to see us about this particular issue.

Out of the total number of clients that we see annually, anywhere between one-third and a quarter are clients do not have permanent residency and most of them are on spousal visas. The particular service that is offered by our agency is almost self-funded and it has been like that for the last 12 years. It is very hard to attract any interest or secure any funding for that particular position, because immigration issues are seen as the responsibility of the federal government's; but family violence is seen as the state government's responsibility. We have never been able to secure any funding.

Let me tell you: it is an enormous amount of work for one person to see 250 clients a year and have at least one face-to-face interview with all of them. We have the luxury of caseworkers who are mainly from the same cultural and linguistic backgrounds as the clients so they can support the registered migration agent's work in preparing the necessary documentation and evidence, lodging that with the department, liaising with the department, and following up on any additional documents.

Those women are in extremely vulnerable positions and at very high risk of experiencing family violence. If you can imagine being on your own in a country where you do not know anyone; you don't have any family or friends; you don't have any support; no language; no knowledge about systems; and there is only one person you know—that is your abusive partner.

I can give you so many case studies and examples of the difficulties that our clients experience. One of the most memorable is a woman from Lebanon who was here on a spousal visa. She was married overseas then came here. She was already pregnant with one child and gave birth to a second within a period of a year. She was physically abused throughout the whole relationship, and it was only when she ended up in hospital with physical injuries that she was able to speak to someone about her issues. She could not speak a word of English and was illiterate in her own language.

She was taken away and provided with crisis accommodation—in a regional part of Victoria. That particular service had trouble communicating with her and addressing her needs. One day she was just dropped off in front of the general homelessness service here in Melbourne and the accommodation that was given to her was in the general homelessness accommodation with a lot of men who suffered from mental health issues, alcohol and drug abuse.

She was given a room that had no windows and she had no food, clothes or anything for her babies. When she managed to phone us, we sent two workers who took some photos of the accommodation that she was in. They

brought her back to our office and we had her there for a day until we managed to find accommodation for her. And that is not the end of the journey for those women. For them, the post-crisis response is actually as important as that immediate crisis intervention.

Senator BERNARDI: Who dropped her off there at the general homeless centre?

Ms Avdibegovic: It was a regional crisis accommodation service that found it quite difficult. They did not have the capacity to meet her needs. Also, her permanent residency application process was just at the beginning. That whole process puts a lot of pressure on refugees. Refugees are planned to be a very short crisis accommodation option, for six to eight weeks, and then you should have an exit plan. Because the whole process can take up to a year for women without permanent residency, there is no exit plan in place and they actually block the system by staying in a refuge for too long.

Senator BERNARDI: Sorry, Senator Waters. Can you explain to me why the system does not take women in that circumstance directly to your resource, rather than just depositing them—

Ms Avdibegovic: Yes, they do. But we do not provide crisis accommodation; we provide all other support and linkages—immigration support, family violence support and cultural support. But we do not have resources—

Senator BERNARDI: Okay. I am horrified by what you have just told me and I cannot understand why any department or organisation would deposit someone where they cannot communicate with anyone else in a circumstance which seems unreasonable—I accept what you tell me—rather than to an organisation which is better placed to provide some support. You might not be able to provide the accommodation but at least you can provide some language support or some cultural support which goes with that.

Ms Avdibegovic: They could not deal with that; they were trying to secure some further accommodation because they just could not provide further service to her.

Senator BERNARDI: They should have gone to you directly, though. Anyway—sorry about that, Senator Waters; I did not want to take over!

Senator WATERS: No, it was a good line of questioning. You started to touch there on the length of time that it takes for a permanent residency to be granted and where these women go in the meantime, given that refugees are meant to be short-term crisis accommodation and that they are already in great demand and that there is not enough room. Then you talked about the importance, therefore, of post-crisis accommodation. So there are two related issues there: there is the bottleneck problem of the crisis accommodation not having enough capacity and then there is not enough capacity in post-crisis accommodation either. Do you have any recommendations from your expertise and experience on how we should address that issue?

Ms Avdibegovic: I think that it is speeding up the process of assessing the applications. I know that a lot of changes have been made in terms of the evidence required when you submit the applications. We welcome those decisions and they have been great. But I think that from our perspective, again, where we only have one specialist worker who can do that, it makes it really hard.

Apart from that, there is only a small number of other services that can provide that support, but they do not specialise in family violence issues. Otherwise, there are only private lawyers that can help and those women do not have funds to access private migration agents.

Ms Becker: They do not have the money.

Ms Avdibegovic: So it puts a lot of pressure on one point in the system that can support them. So it starts from there and then goes to the refugees. And I want to emphasise that refugees have done extremely good work with women without permanent residency. This is in no way a criticism of the way they work—most of them. It is about the system; it just does not have the capacity to meet all of the needs.

So making the process of the application even faster would be much better because that means that once they secure permanent residency status they then have access to other kinds of support, which would make things easier.

Senator WATERS: I will just ask one question—and it is from general ignorance: how do we identify the risk early on and then support women who have come on spouse visas, so that they do know where to go and that they have a point of contact—even if it is just someone who can then refer them on to somebody more appropriate? How do we capture them in the system so that it does not get to the end point where they have already had to suffer abuse and they are clearly not being supported by the system? Does that happen currently? Or, if not, how could we support those women from the outset so that they know what to do and where to go when they start to experience violence?

Ms Avdibegovic: I think there are a few issues with that. I know that the federal government has been doing something—providing some information and translating materials for those women before they come into the country. It is part of the welcome pack.

You have to be aware of one thing. When you migrate to a new country you are bombarded with information. It is about how much you can take at that point and whether that is an interest of yours at that stage. When you are migrating to a new country, you come in with big hopes and your hopes are about positive things in your life; you do not expect at that time to become a victim of family violence. You are really very selective about what you take in from all of that information that is given to you at the beginning.

The other issue for women without permanent residency is that they are not treated the same way as other migrants—for example, humanitarian entrants. People who come here as refugees, for example, as soon as they arrive in the country they are eligible for settlement services, which include free language classes and support through settlement programs. Women without permanent residency are not eligible for that. So I think, if there was a program in place similar to settlement programs that are provided to other refugees, that can address a lot of things.

Settlement services, such as adult migrant educational services or the migrant resource centre, do fantastic work with newly arrived migrants. They have a lot of bilingual workers, workers who can establish trust and a relationship with those families and those clients; it is really important to have someone you feel comfortable going to. You might not be experiencing family violence then, but, if six months down the track you start experiencing that, you know where to go. Those women are very isolated because there is not a specific program in place to support their settlement process.

Senator WATERS: Food for thought there. Thank you.

CHAIR: Senator Moore?

Senator MOORE: I want to ask you about your role in consultation around the development of the National Plan to Reduce Violence against Women and their Children. Did you as an organisation have a role in terms of the consultation and meetings around that; and in particular about the focus in the plan on women from non-English speaking backgrounds? What is your expectation of your ongoing involvement in that plan?

Ms Avdibegovic: We have been part of the consultations.

Senator MOORE: The roundtables?

Ms Avdibegovic: Yes, we went to the roundtables, and also consultations about the second action plan, and we welcome the focus on issues around CALD communities that are part of the second action plan. But, when I think about it, it is really the tip of the iceberg; because we really only have three or four issues and that are selected there and that is: women without permanent residency, forced marriages and female genital mutilation. They are really such a tiny part of that whole complex issue around women from CALD backgrounds and their experiences of family violence. My concern—

Senator MOORE: (inaudible) understanding of the role.

Ms Avdibegovic: No, I am just saying that, with the second action plan being the focus, from our perspective, during the consultations—and obviously it is a result of the consultation—and I am a bit surprised that there were only three or four of those issues that came up to the surface and that were identified as the major issues for CALD women, when there is a whole complexity on the basic level that I think needs to be addressed first.

Senator MOORE: So you do not expect that everything to do with violence against women should be looked at through the lens of women from multicultural backgrounds? I am interested—in terms of the roles—certainly in the plan, we said, in particular we had these groups that were not identified in the first plan. My hope was that that meant that all the issues around violence—the issues you are describing about homelessness and language, and all of the things that are general issues of violence—would then be looked at in the plan from the perspective of women from a CALD background. But you believe that, from your understanding, it will be those issues that are well known that have been highlighted by the minister—female genital mutilation, forced marriage and women with—

Ms Avdibegovic: Women on spousal visas.

Senator MOORE: Did you give a submission to the consultations about the plan? Because some people gave written submissions.

Ms Avdibegovic: I do not think we provided a written submission, but we were part of the consultations.

Senator MOORE: The information you provided to us in your submission to this inquiry is just so valuable in terms of across-the-board issues about community, legal rights and all those things, that that would our hope. Is

your intent that you will continue feeding information through the system from the perspective of this work over 30 years of community engagement?

Ms Avdibegovic: We have been doing that all this time, and we are doing it through different avenues. We are a fairly small statewide service. We have at this stage about 19 staff members. Most of them are in the direct service team, working directly with the clients. As a statewide service, and within the current family violence system in Victoria, where we have regional family violence partnerships, we are trying to stay across the board as much as we can and be involved with all of them. We are members of all the major groups such as the statewide forum and that is where we provide our feedback—

Senator MOORE: Domestic Violence Victoria and all that.

Ms Avdibegovic: Yes.

Senator MOORE: Do you have sister organisations in other states?

Ms Avdibegovic: There are similar organisations in other states but they all have different capacity. I do not think that there is consistency in the service provision model. There is Speakout, the immigrant women's support service in New South Wales, and I think they just lost a major chunk of their funding and they are currently struggling to recover from that. There is the Immigrant Women's Support Service in Queensland. I think they operate on a smaller scale than us and they focus on women with immigration issues, but I visited the service a couple of times. With the South Australian service the purpose has changed dependent on the funding a couple of years ago.

Senator MOORE: The range of your service seems to be across the board—women's support particularly in crisis. My own knowledge of the Queensland service is that it does not come close to the range of support. It is there as a contact but in terms of providing direct counselling and the kinds of things linked in your document, it does not have that. Do you get funding from the Victorian government to support your work?

Ms Avdibegovic: Yes. Most of our funding is from the Department of Human Services here in Victoria. That has been our strategic direction for the last five years, to build that multidisciplinary holistic service model, where we tackle issues of family violence from prevention and early intervention all the way through crisis and post-crisis response and then research and advocacy but also building up a service model to meet the needs of our clients on different levels. It has been a journey, and it is not an easy one. And we are not targeting all our clients with that kind of model. That model is for the most vulnerable ones that we fear we will lose in the referral process. In terms of that, that is also where the legal centre comes in. It is the first legal centre of its kind in Australia, where a family violence service has an in-house legal centre.

Senator MOORE: We certainly do not have that in Queensland—where your work is, Ms Becker. I will finish up, Chair, but it is fascinating. In terms of the legal work, what do you do?

Ms Becker: We established the legal centre through the Legal Services Board. I think the grant was made in 2012.

Senator MOORE: You finally got the funding quite recently.

Ms Becker: Yes. It was a brand new legal service and we had to set it up from the ground up. We opened our doors to clients in 2013 and we have seen over 200 clients since that time.

Senator MOORE: What are their needs? What do they come to see you for?

Ms Becker: It is not an open-door policy so our clients are only clients of the In Touch service generally.

Senator MOORE: Internal referral.

Ms Becker: Exactly. It is all internal referral. They have all got caseworkers allocated to them before they come and see me. And we are really dealing with the most vulnerable of our clients. We do not see all of the In Touch clients that require legal assistance. We see the most vulnerable. We only deal with family violence and family law issues.

Senator MOORE: You do not do FGM or early marriage?

Ms Becker: We assist them if we can and we refer them on, but there is very limited scope to our capacity. At the moment I am five days a week and I have one other lawyer who is two days a week, but effectively it is two part-time positions.

Senator MOORE: You are family law specialists, in effect. Are you part of the community legal network we have heard from?

Ms Becker: We are. We have just been accredited through the federation as a community legal centre.

Senator MOORE: On notice, could we get a little bit more about your case load? That would be very useful in terms of building up your newly stated capacity—what your caseload and your expectations are; some information from you. You have actually identified the need in the service and you have now established it; 'one year on', that kind of snapshot. I do not want you to do too much work because I can imagine what your workload is like but it would be really—

Ms Becker: I am happy to give that further information.

Senator MOORE: I do think this is unprecedented. I am not aware of anything else of this kind.

Ms Becker: It is. The general nature of our client base is that we see clients for approximately two hours at an admission appointment. If they need further follow-up appointments they are given as much time as possible, which is a rarity in the community legal sector.

Senator MOORE: Where are you located?

Ms Becker: In Richmond.

Senator MOORE: In the heart of where people are.

Senator RICE: Thank you very much for your submission, particularly the information on women on temporary visas. It was just such a shock to me to see the situation they are in. Thank you also for your summary of the barriers faced by culturally and linguistically diverse women. I thought it was terrific.

One of your recommendations was for further Commonwealth and state funding for inTouch and the expansion of your model nationally. I am wondering how much extra funding you think you would need to meet that need in Victoria? How much do you think would be needed to do that nationally? In terms of making the case for that to occur, has there been an evaluation of your model in Victoria? Could you say, 'This has been really effective so this is why our model should be expanded nationally'?

Ms Avdibegovic: I will send you that document. I will be able to provide you with all of that information after the 12th of this month, when we actually have a big session planned for the board and some consultants to take us through the process of expanding that model to other similar services in other states and what the cost of doing that would be. It is on 12 November—this month—and I am happy to provide you with that information.

Senator RICE: In terms of the work you are doing in Victoria at the moment, how much of the need do you feel you are meeting?

Ms Avdibegovic: A tiny bit; a fraction—because we receive very little funding for the establishment of the legal centres. As Elizabeth said, it is only in total just over one FTE. We piloted that in one particular region in the western suburbs where we have a high CALD population; that funding has finished now. We have been lucky to receive another lot of funding. Expanding the model in a different region and also establishing a so-called medical/legal partnership model, which is a US based and very successful model, is very exciting; but at the same time we have not received ongoing funding to continue the operation in the western region. It is a constant struggle to keep the work going.

Senator BERNARDI: There are hundreds of different cultural and ethnic backgrounds in Australia. How do you manage to provide this service to all of them? Are you available to deal with all of the language incarnations and different circumstances?

Ms Avdibegovic: In terms of a language service and all of that, of course not. But we identify the top groups through our work. We make sure our recruitment is quite targeted to meet the needs of those top groups which demand our service. We have a direct service team which has 12 caseworkers. Most of them—almost all of them—are migrants or refugees themselves, so there is that added understanding of the issues those women face. They speak more than 25 different languages. On top of that, about 80 per cent of our other staff members are first-generation migrants and bilingual. It is a crucial part of what we do; that is how we operate. We constantly exchange information with each other. We operate from the basis of the cultural context, looking into the issue within that cultural context. So even if we cannot provide service in the language, where we stand as an organisation having the understanding of issues for migrant women in general and then really good knowledge about family violence issues, we can support—

Ms Becker: Cultural competency.

Senator BERNARDI: You mentioned top groups. Is that done on a demographic profiling—there are X number of Greek or Italian migrants in the country, or whatever, so we want to provide a service to that—or is it done based on the preponderance of need, I guess? You do not say, 'These communities are particularly vulnerable, so we need to have someone who is there'?

Ms Avdibegovic: It is based on the number of clients who access our services. We keep those statistics and that is all we can do at this stage. If I give you an example: our three top groups have been in the last 10 years always Vietnamese, Chinese and Indian. When you look at the total demographics and the population in Victoria that is really what you would expect. You have two established communities that are very large communities; therefore, we have a large number of Vietnamese and Chinese clients who arrived here quite a while ago, are very established now at this stage and are accessing services. So they are aware of the support system in place. They are aware of services and they are aware of what constitutes family violence, so they access services. For the Indian community, we have seen a large increase in that. But it was not a surprise. That is a community that has doubled in size in the last five years. I think that has never happened before in the history—and no-one expected that. In five years, it increased by 110 per cent. So you can imagine then the increase in demand for different services for that community.

Senator BERNARDI: I am not sure whether you did mention this earlier, but are you able to tell me how many or what percentage of your clients have permanent residency or citizenship here in Australia?

Ms Avdibegovic: Anywhere between one-quarter or one-third of the total number of our clients would be—

Senator BERNARDI: Are not permanent residents or citizens?

Ms Avdibegovic: Yes.

Senator BERNARDI: So two-thirds are permanent residents or citizens?

Ms Avdibegovic: No, one-third are not—

Senator BERNARDI: Yes, so two-thirds are?

Ms Avdibegovic: Permanent residents and two-thirds are.

Senator BERNARDI: Thank you. I may have some other specific questions and if you are happy I might but those on notice for you.

Ms Avdibegovic: Yes.

CHAIR: There any no further questions, so I would like to thank you very much for your time this morning and for your submission. You have brought a perspective that is essential part of this committee's deliberations on this matter and we appreciate your time.

Proceedings suspended from 11:58 to 12:59

HARDGRAVE, Ms Jen, Policy Officer, Women with Disabilities Victoria

HOWE, Ms Keran Elizabeth, Executive Director, Woman with Disabilities Victoria

CHESTERMAN, Dr John, Manager, Policy and Education, Office of the Public Advocate

CHAIR: Welcome. Information on parliamentary privilege and the protection of witnesses and giving evidence to Senate committees has been provided to you. We have received your submissions. Would any of you or each of you like to make an opening statement?

Ms Howe: We wanted to start by thanking you for the opportunity to speak today. We appreciate that you will have read our submission and that you would be aware of the research that Voices Against Violence, the Office of the Public Advocate, Women with Disabilities Victoria and the Domestic Violence Resource Centre partnered in. Our position on violence against women with disabilities is informed by that research. Our submission and our remarks today will focus on the Victorian scene and our experience is state based. We thought that it was important to speak to you today on two significant counts. Firstly, as women with disabilities, we are often spoken about and we think it is very important that our experience and the experience of our members is represented to this inquiry. Secondly, we know from our research that the interaction of both gender based and disability based violence is what leads to much higher rates of violence against women with disabilities. Our question is: how do we stop this? We know that is also your concern.

We want to acknowledge the irreplaceable value of domestic violence services in the work that they do in responding to violence against women. Throughout the hearing you will be thinking deeply about the intersection of domestic violence services with other service systems. We are of the firm view that at this time there is no service system that needs a greater focus for the DV system than the disability service system. Right now in 2014 we are seeing the National Disability Insurance Agency take shape and right now a peak body national disability service is developing a guideline on neglect and abuse for people with disabilities. It is now that safeguards and standards on the NDIS are in development, but is the disability system responsive to the shockingly high levels of gender based violence and trauma that is faced by the people whom it is designed to protect? Does the system requires staff to respond to domestic violence? Most importantly, how to that system intersect with the domestic violence sector?

We think it is crucial that disability standards and safeguards are always developed with the input and the expertise that is required on gender based violence. We are not at all confident that this is happening. We are of the view that workforce development is a key plank to the effective response to violence against women with disabilities. If we were to focus on the NDIA workforce, if we were to instil them with core competencies in recognising women's rights to safety and how to respond to DV, imagine what we could achieve. Imagine the immense cultural shift that we would get from thousands of workers being informed and trained around domestic violence. We know that getting safe often means rapid, enormous upheaval, moving house or having a perpetrator removed, losing supports and services, and we know that disability services really have the agility to deal with a client with no fixed address, to put a care plan in place urgently or to replace equipment on the day it is lost.

In Victoria, the government has developed a program called the Disability and Family Violence Crisis Response Initiative, which does just that. It is brokerage funding which assists women with disabilities to be able to get the services they need in place immediately. It is a really good example of where the introduction of the NDIA could cause things to come unstuck. This is a state based funding program and, because it is funded out of disability funding, it is likely to be lost in the transition to the Commonwealth. It is an example of where we think there needs to be very extensive coordination between domestic violence and the National Plan to Reduce Violence against Women and their Children and the implementation of the NDIS.

We would also like to draw your attention to the fact that, in Victoria, we have a violence prevention program which is being funded by the Victorian government to Women with Disabilities Victoria. It is a violence prevention program that is based solely on collaboration of domestic violence services, disability services and Women with Disabilities working together. We believe that it is a really important example of what might be achieved more broadly in the area of violence of prevention for women with disabilities.

CHAIR: Thank you very much. Mr Chesterman, would you like to make an opening statement?

Mr Chesterman: Thank you for the opportunity to address the committee on this important topic. I will begin by apologising for the absence of the Public Advocate, Colleen Pearce, who has been called away on a pressing matter. By way of introduction, the Office of the Public Advocate has a range of statutory roles in relation to people with disabilities, particularly people with cognitive impairments and mental ill health. We are the guardian

of last resort for adults with decision-making incapacity. We discharged that role in relation to over 1,500 situations last year.

We also have five volunteer programs with over 900 volunteers, who exercise a range of roles in relation to ensuring the safety and wellbeing of people with disabilities. Our biggest program is our Community Visitors Program, where we have over 400 volunteers who visit a range of disability residences and report on the wellbeing on the residents. Another of our big volunteer programs is the Independent Third Person Program, where we have volunteers sit in on police interviews when police are interviewing a person with an apparent cognitive impairment. That person can be an alleged offender, victim or witness. In the last financial year we sat in on over 2½ thousand police interviews.

The Victorian Office of the Public Advocate is committed to tackling violence against people with disabilities, particularly women—who make up the largest proportion of victims of violence. Recent research that was undertaken by OPA as part of the Voices Against Violence project in conjunction with Women with Disabilities Victoria and the Domestic Violence Resource Centre Victoria showed that violence was in evidence for 45 women out of the 100 women whose guardianship files were reviewed.

Senator WATERS: Could you repeat that figure again, please?

Mr Chesterman: Violence was in evidence for 45 women out of the 100 women whose guardianship files were reviewed. That is just relying on the documentary evidence. We suspect the real figure is higher than that. The most common forms of violence experienced were psychological violence, physical violence, controlling behaviour and economic abuse. Impairment related abuse was reported in some cases and included behaviours such as denying women medication and disability aids.

Economic abuse is a common form of violence experienced by women coming into contact with OPA. Examples include perpetrators controlling women's money, prostituting women and keeping the money for themselves, and using powers of attorney to facilitate economic abuse. Women with disabilities experience many barriers to safety, including social isolation, difficulties reporting violence to police and lack of support through the court process. A lifetime combination of the experience of violence may mean that women do not identify what is happening as violence or that their fearful of seeking help.

Our point is that violence against women is preventable. There is considerable scope for governments and communities to prevent violence before it occurs.

I will stop there. I was going to go on and talk about five of key recommendations from our combined research that we think have purchase at the national level. But we can perhaps come to those during our discussions.

CHAIR: Thank you. Ms Hargrave, would you like to make a statement?

Ms Hargrave: I will just refer to Keran's statement; thank you.

CHAIR: We will now go to questions.

Senator BERNARDI: Mr Chesterman, you mentioned that the Public Advocate sits in on police interviews—and some thousands of them. What role do you have should there not be a police interview or police involvement? How do you interact with other organisations that are dealing with victims of domestic violence, particularly those with a disability?

Mr Chesterman: The Independent Third Person Program is the program in which our volunteers sit in on police interviews and it begins at the police interview. So those people only have a role where police are interviewing somebody and outside of that it is only through the range of our other programs that we have knowledge of this topic—through our community visitors who visit a range of accommodation settings. It is also through our Guardianship Program where evidence comes to light about a person being a victim of violence. We also have our policy research unit, which undertook this research that we are talking about in the Voices against Violence project, where we spoke with individuals as part of the research.

Senator BERNARDI: We are talking about some people who have cognitive impairment. The abuse they may suffer could be from people who are very close to them and responsible for them. How do you go about eliciting information from the individuals who perhaps cannot communicate? Some of their testimony could be discounted because of their impairments. What process do you go through?

Ms Howe: It is a real issue, and we believe that in part there are communication mechanisms that can assist people to give evidence or make statements to police or disclose to someone who is close to them. That might be through the use of, for example, a communication assistant or communication board. For people who are close to someone with a cognitive disability, it is not difficult for them to understand and to communicate effectively. The

issue is more about the lack of training for people who work with someone with a cognitive disability in responding to a disclosure.

Within the disability system we use language like 'allegation' rather than the language that is used in the domestic violence, where a woman makes a 'disclosure'. In one setting it is disclosure and in the other it is seen as an allegation, and that sets up a very different response. You can understand a more legalistic response once we think of something as being an allegation. That is a key concern for us—the lack of training in how to respond effectively to someone who is making a disclosure. That needs to happen within the disability sector.

Senator BERNARDI: If I can generalise, abusers are pretty adept at excusing their behaviour—for example, a parent abusing a child who ends up in hospital—and even victims excuse things by saying things like 'I walked into a door.' If you have someone who is responsible for someone else, it is pretty easy for them to make excuses as to why bruises appear and so on.

Ms Howe: You are absolutely right. That is why we believe it is very important that those power-and-control issues are well understood and are taken into account. We cannot simply dismiss the word of a person with a cognitive disability, because a carer or someone close to them says, 'No, that is not what happened.' There needs to be more thorough investigatory processes, and we believe the role of OPA is very important there.

Mr Chesterman: One of the difficulties that confront people in those situations is having their claims brought before the criminal justice system, and that has been the focus of a number of recent inquiries here in Victoria. One is the Victorian Parliament Law Reform Committee's inquiry into 'Access to and interaction with the justice system by people with an intellectual disability and their families and carers'. That is a report from 2013. More recently, the Victorian Equal Opportunity and Human Rights Commission has put out a report called *Beyond doubt: The experiences of people with disabilities reporting crime*. Those are two recent reports that very much engage the situation where people who have been a victim of crime are unable, for one reason or another, to bring that claim before the criminal justice system.

Senator BERNARDI: Some of my earlier questions were prefaced around individuals who are independently caring for someone with a disability. Is there a marked contrast between that sort of environment and institutionalised care when it comes to incidents of abuse or violence?

Ms Howe: That is a difficult question to answer. We do not have the research in Australia that tells us anything about the incidence of violence within institutional settings. We still do not know a lot about the incidence of violence against people with disabilities in private homes. But what we do know from the research we have done is that there is a higher incidence of targeting of women with disabilities by perpetrators because they are seen to be able to be influenced and their words seem to be able to be dismissed. So we do not know whether in fact more are likely to be targeted in their home than they are in institutional settings. We believe there needs to be more research undertaken, particularly in institutional violence and abuse because there has really been very little done in Australia.

Senator BERNARDI: You are suggesting that women with disabilities are targeted because they are more vulnerable. Is it fair to say they are targeting those with intellectual disabilities rather than physical ones because it brings into doubt what actually happened, in their perception?

Ms Howe: Yes, that would seem to be the case. There appears to be a much higher incidence of violence against women with cognitive disabilities than women who do not have a cognitive disability.

Senator BERNARDI: Is that sexual violence or all types of violence?

Ms Howe: Sexual violence is very high against women with cognitive disabilities. But, as John said, economic abuse is very high also.

Senator BERNARDI: I understand that but I just wanted to clarify.

Ms Howe: The research is very limited but research from overseas suggests that, for women with cognitive disabilities, the rate of sexual assault is up to 90 per cent.

Senator BERNARDI: You also mentioned the NDIA or the NDIS. Tell me, what are you hoping that will do to help counter some of these things?

Ms Howe: Our whole push in Victoria has been to get disability services working more effectively with domestic violence and sexual assault services and moving to a Commonwealth platform for the delivery of disability services. We see it as absolutely critical that with the actual implementation of the program that awareness of gender based violence is taken into account. We are not seeing that happening to the extent that we want to. I think it is about aligning policy in the area of violence against women with policy in disability service delivery at the Commonwealth level.

Mr Chesterman: As senators know, the current situation with the NDIS is that the state and territory safeguards apply for the launch sites that are in place in most jurisdictions. As the full scheme is rolled out, there will be development of what has been termed 'nationally consistent safeguards and monitoring practices'. So this is a time to be having this discussion about what those nationally consistent mechanisms are. If they are new federal ones, what do they consist of? Or if they are state and territory based ones that are brought into a more even keel, again, what do they consist of and how do they take account of the matters we are discussing today?

Senator RICE: Thank you for your submissions. The Women with Disabilities Victoria one had lots of practical recommendations and areas for action, which was great. You said in your statement about the lack of research and you made a point in your submission about how women with disabilities views or experiences are not taken into account in the ABS personal safety statistics. Can you explain more what you think should happen to change that so that data is available—because obviously it is data that we need in order to be able to be making recommendations.

Ms Howe: Yes, and it is something that relates to the data collection methodology within the ABS but does not easily work for women with disability. So, what we are suggesting is that there needs to be a stratified sample that targets ways to identify and learn about the issues, for women with disabilities in particular, that does not just use standard methodologies of surveys that do not work with regard to women with disabilities.

Senator RICE: They need to do a specific sample that was—

Ms Howe: I guess that is the case for a lot of particular groups where standard methodologies may not work, such as women from culturally and linguistically diverse backgrounds. You have to think about sampling methods that work for that particular group. So for women with cognitive disabilities there needs to be a lot more work done to be able to reach them in terms of their experiences.

For some women with cognitive disabilities that is not going to work, but there are many women with intellectual disabilities that we were able to talk to within our research, one to one. That was found to be quite an effective way of women telling their stories.

Senator RICE: You also made a recommendation—again, this fits with the better linkages between women with disabilities and domestic violence—about the need for NDIS service providers to be better trained. Could you expand on that. What further training? Would it easily fit into the existing training that they are receiving or would it have to be something new and big?

Ms Howe: No, I think it can certainly be integrated into existing training. We are having discussions with Barwon NDIA at the moment about how we can support them to work with local domestic violence trainers around skilling up people—particularly the assessors and the local area coordinators—who are going to have most contact with clients of the NDIA. So, again, developing the relationships at a local level between domestic violence services and service providers in disability is what is critical. Having the training delivered by those services would be, we think, the most effective way to do that.

From conversations we have had, there is no real issue—other than that there are so many other things that they have to learn. That is one area that we have looked at, that they have been quite open to. Jen might want to talk about the risk assessment tool, and what is going on at the moment.

Ms Hargrave: Nationally, the National Disability Insurance Agency has developed a really broad risk assessment tool for client intake. As far as I know that has not been developed in consultation with domestic violence services. So there is a lot of work for them to think about in doing a risk assessment of a client. Is a family member present? When should someone else be there? When shouldn't someone else be there when the risk assessment is taking place? There are those types of considerations.

There is a fair amount of nuancing that John might be able to expand on in terms of whether you would say that a woman with an intellectual disability is not able to handle her money or you would say that someone in her life is mishandling the money. That can take some time and care to assess. If that family member is present while the interview is taking place it makes it really problematic and dangerous for the woman.

Dr Chesterman: I guess I would just add to that by saying that that is something we deal with all the time. On the autonomy and protection spectrum that exists in our line of work, we maximise autonomy as much as possible. We are still mindful, though, of the dangers that exist when someone's disability or other personal trait is taken advantage of for the gain of the perpetrator.

Senator RICE: Finally, another one of your recommendations was that you wanted to see the reinstatement of the Disability Discrimination Commissioner. Could you expand on that and how important you see that role being within the Human Rights Commission.

Ms Howe: We have seen over the years the incredible value that the Disability Discrimination Commissioner role has had in representing the issues of people with disabilities at a high level of government policy. The human rights framework within which that commissioner operates is critically important for progressing the Convention on the Rights of Persons with Disabilities within Australia, and upholding the CPRD within Australia. That role has a highly symbolic function but also a very practical one in ensuring that the convention is subscribed to by all jurisdictions.

Senator RICE: Is it too early yet to see what difference no longer having a Disability Discrimination Commissioner has made?

Ms Howe: I understand that, since we wrote that submission, there is a—

Ms Hargrave: There is a part-time commissioner.

Ms Howe: part-time commissioner who has been put in place.

Ms Hargrave: Susan Ryan.

Dr Chesterman: Susan Ryan, yes.

Ms Howe: That is right, yes.

CHAIR: Senator Moore.

Senator MOORE: [inaudible] during the implementation process. You are talking from a Victorian perspective.

Ms Howe: Yes.

Senator MOORE: Are you aware of similar discussions going on in the other three sites, so that we are hitting them at every level?

Ms Howe: Go on, John.

Dr Chesterman: I have just come from a meeting in Adelaide last week of the Australian Guardianship and Administration Council. In fact, I gave a talk to that group. They include public advocates and public guardians as well as tribunal members and public trustee equivalents. Yes, there is a lot of discussion in the trial sites around the role of nominees, for instance, under the NDIS—so, these are substitute decision makers appointed by the agency—and how that relates to, in our case, guardians and administrators appointed by the state based tribunals. There was considerable discussion on that topic because that is a safeguard, although that removes someone's decision-making authority; we are talking here about people with significant cognitive impairments. What the role of substitute decision makers will be in the future of the scheme is still an open question.

Senator MOORE: That area was identified and discussed during the development of legislation. We had a lot of discussion around the whole idea of effective decision making and having people do it, and the models for that. But, through that whole process, there was no discussion at all about gender, none at all. What I am trying to find out is whether the particular issues that the Women with Disabilities network raised about the training that we have talked about have been raised by others. You have Victoria, the big site, and Newcastle, Adelaide and Hobart, and they are all different because yours covers kids and adolescents—

Ms Howe: That is right.

Senator MOORE: which is critical. I am not aware of organisations in the other states as organised as you are. WWDA is in Tassie—

Ms Howe: Yes, Women with Disabilities Australia; that is correct. There is not an equivalent to Women with Disabilities Victoria in other states. We are an independent organisation but we work collaboratively with Women with Disabilities Australia. Within the ACT, there has been some work done in preparation for the NDIS, and there was a secondment from the office of—I am not sure of the name but it is similar to the Office of Women's Affairs in Victoria. Veronica Wensing was seconded across to do some work around the gendered considerations within the NDIS, and I know she has written a paper based on some of the work that we have done here.

Senator MOORE: So we should be able to access that through the ACT?

Ms Howe: Yes.

Senator MOORE: In terms of discussions, you said we needed to link the issues with the ministers. Have you actually contacted the ministers, Mitch Fifield here or Michaelia Cash, about your concerns?

Ms Howe: Yes, we did seek a meeting with Mitch Fifield. Unfortunately, he was called away on the day, so we met with his adviser and we tabled those concerns.

Senator MOORE: The things that you have mentioned to us in here?

Ms Howe: Yes.

Senator MOORE: In terms of talking directly with NDIA, your discussions at this stage have been with the manager at the Barwon site—

Ms Howe: Correct.

Senator MOORE: as opposed to the whole agency?

Ms Howe: That is right. We have spoken with Stephanie Gunn on a number of occasions.

Senator MOORE: It is just such an interesting area that you have raised. But, in the mounds of legislation which another committee that I was involved in spent way too many hours of our lives working through, this issue did not come up at all, and we are now 18 months down the track. So you are saying that the development of the standards is a critical point—that, at a stage of that development, that insertion has to happen?

Ms Howe: Standards and safeguards—correct.

Senator MOORE: Ms Hargrave, you also mentioned the risk assessment, when the client first comes in to talk with—I am not sure what they call them—the person who is going to handle the case. That is also a critical time. At that risk assessment, I think people are looking at issues to do with the disability—that is their focus—but you think there should be a widening of that risk tool to look at the environment and particularly possibilities of violence?

Ms Hargrave: That is right, and for the person doing that assessment to have a real awareness about how they are preparing the person that they are asking the questions of about what type of information is coming up, why they are being asked those personal things, whether it is going to be safe for them to have that conversation and what they will be going home to—to have some awareness around those things.

Senator MOORE: It is particularly sensitive, because as you will know there is that dynamic with carers and people at the moment through the whole program. The carers are feeling very abused and feeling that their role is being dismissed in the whole thing. There are levels of sensitivity. But your key point is that there should be an effective training program for everyone working in the NDIA?

Ms Howe: That is right. And I think a lot of work has to happen with families around the dynamics of protection. Traditionally families have wanted to be very protective of the member with a disability, for obvious reasons. But that can tip into overprotection, and that can work against the person becoming more autonomous and being able to be safer, in a way, from abuse.

Senator MOORE: There is that element and then you have the complementary issues. Certainly we have seen in New South Wales that, as the NDIS becomes established in an area, all state money disappears and all state programs disappear, and that is a huge issue. With the schemes that you have identified here, you want them to be translated into the NDIS; but what happens to all those people who do not get NDIS, who have significant disabilities? What is left for them? That is the other element.

Ms Howe: Absolutely, that is correct. I understand there are going to be 900,000—

Senator MOORE: Easy.

Ms Howe: large numbers—of Victorians who will fall into that area.

Senator MOORE: As it is going through that is becoming more clear. I am sorry I cannot go through all of your recommendations, but your recommendation No. 5 was that there should be the creation of employment and empowerment opportunities: 'that the NDIA take action to raise the status of women with disabilities through creating employment and empowerment opportunities, such as Victoria's MetroAccess program'. What does that mean?

Ms Howe: Again, that is an example of a program that in Victoria is funded through disability services. It assists people at the local level to become engaged in local participation. It also assists them with getting access to training and improving employment opportunities. What happens to something like the Metro and rural access offices under the NDIS?

Senator MOORE: What happens to those things that are currently funded in one way? When I first read it, I thought you wanted women to be empowered to work in the NDIA.

Ms Howe: That is the other side of it. My experience has been that the employment of people with disabilities has been appallingly low. I do know of a number of women who are very competent, who have been in CEO positions within the community, who were not employed, who applied and who did not get jobs in the NDIA.

Senator MOORE: There is the employment methodology for the agency itself, but those other programs are already funded by state disability—what happens to them.

Ms Howe: That is right.

Ms Hargrave: I would like to add something that touches on your questions around people with intellectual disabilities disclosing violence and what workers in the disability sector can do. One of the things they might be able to do is simply be aware of what family violence services are available locally and call an outreach worker to come and do a risk assessment, build up a relationship with the woman, talk about how she is feeling at home and, if she is not able to leave, look at strategies for how she can stay at home even if that is with the perpetrator, who is providing disability support. Those Safe at Home programs are funded through the NPA funding—the national partnership agreement. They are really critical, because whilst some women with disabilities or women with children with disabilities can leave, for many that is not an option and, for many, excluding the perpetrator is not an option either. Having that outreach is absolutely critical.

Senator MOORE: Where in the NDIA process would that kick in?

Ms Hargrave: That would be around training the disability workers to know how to seek secondary consultation or to call the family violence service to get Outreach.

Senator MOORE: So if they had a feeling about it, it would be raising their awareness of what to do.

Ms Hargrave: Exactly

Senator WATERS: Thank you for being here today and for your very detailed and thoughtful submissions. We have learnt so far that this is an incredibly complex and emotionally challenging issue, and this adds another layer of policy complexity in how we can even comprehend, let alone attempt to fix, family and domestic violence against women with disability. So thank you for doing the work that you do, and pardon us as we try to grapple with this additional challenge.

I will seek your views in the general. What kinds of additional responses are required at the federal level and also generally to try and reduce violence against women with disabilities? Is there any special solution required, or is it the same policy response to women without disabilities who are suffering from violence?

Ms Howe: Our view in general is that mainstream domestic violence services and sexual assault services should have carriage of the issue, but there do need to be tailored responses for groups that have particular needs. We also need to draw on the expertise of different areas as the need arises. One of the recommendations that we had within the Voices Against Violence work is that there be, for example, a referral agency—and I will ask John to speak to this—for the Independent Third Person Program. This is where they interview the victim of violence or where they may be interviewing someone with regard to another crime. It might be that a woman who is experiencing domestic violence is brought to the police on another charge and, in the course of that, it emerges that in fact she is the victim of violence or abuse.

We have identified examples of specialist work, such as a referral program from the Independent Third Person, where we do need additional resources. Making Rights Reality is another program in Victoria where there is a specialised sexual assault response to women with cognitive disabilities or women with communication difficulties. They have had more tailored case management from both legal advisers and counsellor advocates in the sexual assault services, and this has been found to be more effective in getting women to the court at all, let alone having successful prosecutions. John, do you want to add anything further?

Mr Chesterman: I think that has covered it well, but a general comment would be that we need to know more about incidence. This is why the recommendation is there about the Australian Bureau of Statistics Personal Safety Survey, which is trying to capture this information in a more routine and whole-of-nation way. It is very important to identify the scale of the problem. We know through our work that the problem exists to a significant degree; but, to assist in getting significant national policies in place, we do need the evidence.

Senator WATERS: That was brought home to me in the readings that we have done so far. There is a lack of data. I have got your excellent comparative table here of the various overseas studies that we can refer to as an indicative measure, but there are no Australian ones on the list. I have two questions. Firstly, would the ABS Personal Safety Survey be the appropriate spot for the data to be gathered? We have already talked about the recommendations that we would need to modify, but the methodology does not really fit for women with disabilities. Is that the right spot for us to be collecting that data? Should ANROWS be doing that? Should there be other bodies or other mechanisms to collect that data?

Mr Chesterman: This gets to a methodological question that I would be interested in the ABS engaging with, because they have got the expertise to do that. We point to the ABS because it is one existing national safety monitor that can tell us something, but it may be that one needs to have specifically organised research that is general population survey based. And how you elicit this information is—for the reasons we all know—difficult.

Senator WATERS: We have gone through that already. It just boggles the mind.

Ms Howe: I must say that I think research often gets bogged down in questions of definition of disability and does not get any further because it is not too sure how to define whether or not someone has a disability. We use the definition of personal assessment—if someone says they have a disability. That is not always seen as acceptable, but it is reasonable. Like everything, it precludes some who do not identify who might have a disability. Currently the census does not collect information on whether a person has a disability.

Senator WATERS: Why on earth not?

Ms Howe: It collects information on whether someone in the household is dependent on someone else for care.

Senator WATERS: That includes children.

Ms Howe: That does not include me. I do not think that includes you, Jen. There are a whole range of people. I have a severe and profound disability. I am paralysed from the waist down. I am not counted as having a disability in the census.

Senator WATERS: That seems a gross oversight.

Senator MOORE: At least we know your religion!

Ms Howe: Yes! Data is an immense area that needs to have a lot of work done.

Ms Hargrave: Likewise you would have seen in the submission about the specialist homelessness services database, the SHIP database. In Victoria we had really quite accurate data collection in our homelessness database around whether or not women had a disability. Going through a refuge in one year we looked at it, it was 13 per cent of women. But, when that become a national data collection system, with SHIP, that was lost. It took a long time to argue to get that question put back in, but it is buried quite deep within the database and most workers never, ever get to that question. It is not actually being used in a functional way, so workers are not actually functionally collecting whether or not women have disability support requirements for their time of family violence support.

Senator WATERS: I want to move now to housing, so thank you; that has brought me there nicely. You have made some really strong and clear recommendations—this is primarily to the disability group here—about, for a start, having NPAH extended by the normal four years and not just the one. I will ask you about the uncertainty that that is creating and whether or not that has flowed through, to your level of knowledge, with any services reducing staff or having to close their doors. But you also talk about the need for universal design housing standards. Do we have them at the minute? How would we introduce them? Where would they sit? Is there any appetite to do so?

Ms Howe: We have things called livable housing guidelines, which were set up nationally in the last couple of years. The idea of those is to encourage builders and developers to look at the guidelines. I am not aware of any states where there has been the political will to introduce building regulations. We had a go in Victoria some years back, and it did not get through to legislation. So there is no legislation that requires universal design in housing in Australia at the moment, and we are lagging a long way behind other countries where that has been introduced quite effectively.

Senator WATERS: I am conscious that, throughout the course of the inquiry, it has been made painfully clear to us how limited both crisis and post-crisis accommodation is for women without a disability, so already there is a huge shortage. Can you shed some light on the special needs of women with disabilities who want to access both crisis and post-crisis accommodation? How are they being accommodated?

Ms Howe: It is a huge problem. It is very difficult for women to be accommodated. There are some refuges in Victoria that have, in more recent years, made accessible accommodation available, but it is still extremely limited.

Senator WATERS: Is that for physical disabilities or for cognitive?

Ms Howe: Both. Women with cognitive disabilities or mental health problems have difficulty in being accommodated in refuges.

Ms Hargrave: I do not know how widespread it is, but in Victoria there are a few dispersed models of refuge accommodation. On one site there might be three or four separated units. That works well for women and children who are not in a position to share communally—for example, women with psychiatric needs. Someone with low vision, for example, might find it a lot easier to be managing their own household rather than sharing it with other women. Some of those were build with nation-building funding. They were created to be accessible but they are by no means available in every region in Victoria.

Senator WATERS: There are two things on that. You mentioned that 13 per cent of women using refuges had disabilities. Is that correct?

Ms Hargrave: That was the case in 2011.

Senator WATERS: You said earlier that some refuges in Victoria had started to try to accommodate women with disabilities. Presumably that comes with a price tag. Is anybody funding that facility upgrade or those additional services that might be required? If so, who? What quantum is actually required?

Ms Howe: There has been investment of funding from the Victorian government—capital funding—but it really has been on a case-by-case basis. There has not been a program for upgrading refuges to make them fully accessible.

Senator WATERS: How are post refuge accommodation needs being accommodated—for want of a better word—for women with disabilities?

Ms Howe: In Victoria the Safe at Home project has been found to be a very good option for women with disabilities. I cannot speak about other states, but there are programs such as Bsafe, which is a personal alarm system.

Senator WATERS: But it does not put a roof over your head, though, does it?

Ms Howe: No. I am just looking at various things that we have found to be valuable. To cut to the point, we need much more funding investment in specialised programs or programs that are tailored to particular groups, such as women with disabilities, and housing.

Senator WATERS: Was there ever a portion of NPAH that acknowledged that or dedicated some funding or some attention to that?

Ms Howe: Not that I am aware of.

Ms Hargrave: No.

Senator WATERS: You mentioned earlier that the Safe at Home program was funded, at least in part by NPAH. Given the funding uncertainty around the longevity of NPAH and the fact that it has been extended for just the 12 months and not the four years, are you aware whether that uncertainty is having any effects on the administration of that Safe at Home program?

Ms Howe: I cannot comment on that.

Ms Hargrave: I cannot either.

Senator WATERS: Well, I will watch that with great interest. Mr Chesterman, I do have some questions but I think we have run out of time. I was quite interested in your five key recommendations. I have your lengthy submission here, but I perhaps would have benefited from your verbal distillation—but only if there is time.

CHAIR: You can certainly take a couple of minutes on that. I think that would be useful.

Senator WATERS: Thank you, Chair.

Mr Chesterman: I will quickly highlight those five recommendations. The first is that federal, state and local governments ensure that women with disabilities are provided with avenues to participate in decision making and advisory and planning bodies across government in all portfolio areas relating violence against women with disabilities. That is a key one. The second is that the federal government, through the National Plan to Reduce Violence against Women and their Children, continues to fund programs preventing violence against women. The third is around our discussion on the NDIS and recommends that the federal government, as part of the implementation of the NDIS, ensures that appropriate safeguards, standards and practice guidelines are developed that prioritise and drive the sponsors to violence against women with disabilities. We are thinking here of workforce development initiatives as well as the creation of nationally consistent safeguarding practices.

The fourth is around the Australian Bureau of Statistics and recommends that the ABS explore appropriate methods for collecting data on violence experienced by women with disabilities—who are not currently included in the ABS personal safety survey. The last one is in relation to the National Centre for Excellence which is established under the National Plan to Reduce Violence against Women and their Children, and recommends that that national centre undertake research to explore what interventions are effective in preventing and addressing violence against women with disabilities.

Senator WATERS: Thank you for that.

CHAIR: I thank all of you for your time this afternoon. Your submissions have added a very important perspective. We appreciate the time you have taken to come and give evidence in person.

BRAYBROOK, Ms Antoinette, Chief Executive Officer, Family Violence Prevention and Legal Services Victoria

NEVILLE, Dr Alisoun, Manager National Secretariat, National Family Violence Prevention and Legal Services Forum

VINES, Ms Laura, Policy Officer, Family Violence Prevention and Legal Services Victoria

[13:51]

CHAIR: I welcome representatives of the Aboriginal Family Violence Prevention and Legal Services of Victoria and the National Family Violence Prevention and Legal Services Forum. Information on parliamentary privilege and the protection of witnesses in giving evidence to Senate committees has been provided to you. Would any of you like to make an opening statement?

Ms Braybrook: I am going to make an opening statement. I have been told we only have a few minutes to do that.

CHAIR: It lets us have more time for questions.

Ms Braybrook: I am hopeful it will only be a few minutes, but I am speaking in two capacities here.

CHAIR: Please proceed. We are very interested in what you have to say.

Ms Braybrook: Before we begin I would like to acknowledge the traditional custodians of the land, the people of the Kulin nation, and pay my respects to their elders past and present. I was born here in Victoria on Wurundjeri country. My grandfather's and grandmother's line is through Kokojelandji in Far North Queensland. I am also speaking as CEO of FVPLS Victoria and in my role as the National Convener of the National Family Violence Prevention and Legal Services program. I would like to thank you for providing us with an opportunity to speak here today.

Speaking first in my capacity as national convener, we all know that family violence is one of Australia's biggest social issues. A woman is killed every week by a partner or ex-partner and many more are severely injured. KPMG have calculated that violence against women and their children cost the Australian economy US\$14.7 billion in 2013. Aboriginal women are disproportionately more likely to be victims of family violence than any other Australian. Aboriginal women are 31 times more likely to be hospitalised and almost 11 times more likely to be killed as the result of a violent assault. The specific annual national cost of violence against Aboriginal and Torres Strait Islander women has been projected to reach \$2.2 billion in the next seven years. This does not include the cost of the flow-on impacts on their children.

Family Violence Prevention and Legal Services was established in recognition of the significant gap in access to legal services for Aboriginal and Torres Strait Islander victims of family violence and because of the high number of conflicts within Aboriginal legal services, as well as the increasing rates of family violence in our communities. In recent years the Family Violence Prevention and Legal Services program has been subjected to numerous reviews, including one by the Productivity Commission on access to justice arrangements, and the review of the National Partnership Agreement on Legal Assistance Services. Despite consistent findings supporting the need for continued and increased resourcing of our services, in December last year the federal government cut \$3.6 million and the federal government also collapsed the National Family Violence Prevention Legal Service Program into the Indigenous Advancement Strategy through a rationalisation of 150 programs into five.

The tender process announced in August, following our submission to this inquiry, confirmed that this decision effectively defunds or abolishes the National Family Violence Prevention Legal Service Program. So that \$21 million that was initially allocated to the program no longer exists. This has subjected our specialist, unique and essential services to open, competitive tendering and market forces. Under the terms of the Indigenous Advancement Strategy, it is not just a matter of which provider will deliver these services, it is a question of whether these types of services—individual, family violence prevention, legal services—will exist at all. Yet the reasons for our establishment, as we detailed in our submission, remain unchanged.

Meanwhile, the funding uncertainty continues to have detrimental impacts on our services on the ground. Our funding ceases in June 2015 and we are of the understanding that the success of our applications will not be known until March 2015. Community and client trust, which we have built over many years, is being compromised through this period of uncertainty. We are losing staff, which continues to put enormous pressure on our capacity to meet even our existing demand. Clients tell us that they are really worried about what they will do if our services do not exist.

As the CEO of FVPLS Victoria, I just want to say a few words about our organisation. I have held my position for 12 years. We have been providing front-line legal services to Aboriginal victims of family violence and sexual assault and working with families and communities affected by violence. More than 93 per cent of our clients in Victoria are Aboriginal women and children, and this is almost the same nationally. In 2009 KPMG calculated that violence against women and children cost the Victorian economy \$3.4 billion. We also know that reports to police of family violence against Aboriginal people in Victoria have almost tripled over the last few years. In 2013 and 2014, our essential services supported 4,000 people across Victoria. If FVPLS Victoria is not successful in its submission for funding under the Indigenous Advancement Strategy, we will lose our core infrastructure established under the national program and we will be forced to close doors. FVPLS Victoria remains a critically important service provider responding to the high levels of family violence in the Victorian Aboriginal community, and to address the significant and persistent gaps in services for Aboriginal victims of family violence. An important aspect of our work is the delivery of our highly successful early intervention, prevention, community, legal, education and community development activities such as our Sisters Day Out and Dilly Bag Program.

Both our national and our Victorian submissions cover many areas of concern, including what we have said about the impacts of family violence in Aboriginal communities, the key role FVPLS has had in addressing these impacts and what we need from the government, particularly the Commonwealth, to make a meaningful and sustainable change. In terms of impacts, family violence has significant, far-reaching and multiple impacts across our communities. For example, the Victorian Commissioner for Children and Young People has reported that family violence is one of the largest drivers of children and young people to out-of-home care. In Victoria, Aboriginal children are 16 times more likely to be on care and protection orders than non-Aboriginal children. Aboriginal children are also 16 times more likely to be out-of-home care. In Victoria, we also recently looked into our case work and discovered that between 150 of our clients there were almost 240 children effected.

The rates of Aboriginal child removal are now higher in Victoria than at any other time since white settlement. Family violence is also the single greatest reason Australians present to homelessness accommodation services. Aboriginal women are 15 times more likely to seek support from crisis homelessness services. We are urging the federal government to make a long-term commitment to the National Partnership Agreement on Homelessness. Family violence creates long-term damage to the mental and physical health and wellbeing of victim survivors. It contributes to the high incarceration rates of Aboriginal women, as well as increasing self-harm and self-medication with alcohol and other drugs.

FVPLS Victoria's client centred, holistic, front-line legal service model and high-quality, culturally safe operational practices have been developed to respond to the unique needs of Aboriginal victims of family violence. Access to our services increases the safety and well-being of Aboriginal women in our communities. One of the most significant issues impeding the progress towards reducing and eliminating family violence is a lack of an integrated united government approach. In relation to family violence in Aboriginal communities, now is the time to be investing in existing sector capacity, supporting strong and established relationships in communities and service responses that work—not to defund or abolish them.

Nationally, a much higher investment of resources is required to enable Aboriginal victims of family violence to have access to justice, including legal advice and representation that recognises and addresses their unique circumstances and needs. Family Violence Prevention Legal Services is now set under the Indigenous Advancement Strategy, from which \$534.4 million is expected to be cut. We have no security beyond June 2015. We have been calling on an reinstatement of our funding to a national program and for adequate resourcing, which includes ongoing funding for our legal services and support services, as well as our early intervention and prevention activities.

CHAIR: Thank you. Dr Neville or Ms Vines, would you like to add anything briefly?

Ms Vines: No, I think Antoinette has covered that well.

CHAIR: In your capacity as Family Violence Prevention Legal Services, you pose the rhetorical question about what will happen to your clients or what will happen to those clients. Can you tell the committee what you think will happen to those clients if that service does not continue past June 2015?

Ms Braybrook: Nationally, the program assists over 5,000 clients. As I talked about earlier, the reason why the program was established was to address the gaps in legal service provision to Aboriginal victims. We will have to find somewhere to refer our clients to. Given the complexity of the legal matters that we work in—family law, child prevention, compensation for victims of crime and family violence orders—that is going to be really difficult.

CHAIR: The options for those clients will be pre-existing state services? We certainly have heard evidence that they are already under an enormous amount of pressure.

Ms Braybrook: The existing services are under pressure. For Aboriginal women or Aboriginal victims of family violence, there are many barriers to accessing many of those mainstream services. That is why our services are very important.

Ms Vines: A real concern for us at a Victorian level, but I think this reflects nationally, is that the existing clients we have will have to find somewhere to refer. That will be very difficult. But we are also concerned that the clients who we would reach may just have nowhere to go. They may not seek help and they may stay in domestic-violence situations—at great risk to them and their children—without feeling like they have anywhere to go.

Dr Neville: All the research and evidence supports the fact that those barriers are still there, so there are barriers to reporting as well as barriers to accessing, if they do choose to report; yes.

CHAIR: The other question I have about FVPLS Victoria, and you spoke about the potential ending of funding for that organisation. What needs to happen for that funding to continue, for those doors not to close?

Ms Braybrook: We need to be successful in our application under the Indigenous advancement strategy.

CHAIR: Is that the service you mentioned where the decision is in March?

Ms Braybrook: Yes. Nationally, for all of the family-violence prevention legal services, under the program, everyone's funding ends on 30 June. So everyone is in the same position, or doors will close for each service.

CHAIR: I know you mentioned how many people that organisation services, but could you reiterate that and describe what alternative services, if any, will be available to those people if your funding does not continue here in Victoria?

Ms Braybrook: FVPLS Victoria—through our front-line legal services, early intervention and prevention work, community legal education and counselling and support—has touched at least 4,000 people in the Victorian community.

Senator MOORE: There is so much, in terms of where it is going. The services that you offer are the only specialised services for Aboriginal and Torres Strait Islander people who are going through family-law issues at the moment.

Ms Braybrook: Aboriginal legal services do assist with family law matters, but it is important to remember that one of the reasons the Family Violence Prevention and Legal Services program was established was due to the high number of conflicts within Aboriginal legal services. It is because of their major criminal focus. It is important to also say that Aboriginal women remain one of the most legally disadvantaged groups in Australia.

Senator MOORE: Have there been any valuations or reviews of the services? They have been going for 12 or 13 years, have they not? It is longstanding. Have there been any reviews or evaluations of whether it was doing its job or whether the expectations were greater than achieved and all those kind of things? It is like getting a report card. What did your latest report card say?

Ms Braybrook: The national program has been in existence for about 16 years. I have been involved with the program for 12 years. The most recent reports, which are the ones we have already talked about, are the Productivity Commission's Access to Justice Arrangements draft report as well as the National Partnership Agreement on Legal Assistance, both of which highlight the important need for specialist legal services for Aboriginal people, such as FVPLS.

Senator MOORE: The Productivity Commission report has a lot of comments about the need for access and so on. We are waiting for a final one now. In terms of just knowing how your services are operating, the process—the forum there operates across the whole country and I am very familiar with the Roma one—was there anything in discussions with groups along the way that indicated there was a problem, that you were not meeting the requirements, that there were any concerns about the way you operated and all those things that would lead you to say there is something wrong?

Ms Braybrook: In the lead-up to the review of the national partnership agreement, the Commonwealth Attorney-General's Department—our funder at the time—did undertake a review of the FVPLS program. That was also done by Allen's Consulting Group. They did the review of the national partnership agreement. That did not point to any failures of the program; it actually talked about some of the successes of the program.

Following that, I believe there was another report done about areas of need on the FVPLS program. Many of our members of the national program from other FVPLS questioned how the information was gathered.

Senator MOORE: Have you seen that report?

Ms Braybrook: We called it the Nous report. I am sorry—there have been so many reports!

Senator MOORE: That is absolutely true!

Ms Braybrook: Yes—I am pretty sure we have seen the Nous report. Do we have a copy of it?

Ms Vines: We could provide a copy on notice.

Senator MOORE: I think it is an important element. As you are well aware, this is not the only time a concern about this particular service has been raised in submissions coming to the committee. And this is the committee that looks after the Department of Prime Minister and Cabinet, so I suppose it is the appropriate committee all round to get that information anyway. Were you involved in that final report? What does 'Nous' mean?

Ms Braybrook: I think it is just a consulting group.

Senator MOORE: It is the name of a consulting group?

Ms Braybrook: Yes.

Senator MOORE: Fine—so that is the Nous report! I thought it could have stood for 'national something something', but it did not—okay!

Ms Braybrook: I think we just called it the Nous report.

Senator MOORE: So you have seen that report. When was it dated?

Ms Braybrook: I think it was done about 18 months ago, from memory.

Senator MOORE: Okay. If we can get a copy of that it would be useful. The other issue was in terms of Victorian stuff. You had two submissions: there was the Victorian one and the national one. Your first submission indicated the concerns that you were raising about the existing scheme not actually providing support for people in metropolitan and urban areas, that the focus of the other scheme was regional and remote. That is where we know all the members of the forum tend to be—from regional and remote areas.

You made some very telling points about the fact that Aboriginal and Torres Strait Islander people are not only in regional and remote areas and that their problems are not always regional and remote. Can you just give us a little bit of information about women who are in Aboriginal and Torres Strait Islander communities in urban Melbourne, which you probably know better than urban anywhere else? What options do they have? The expectation of the service was that because they are in a large city there would be other options for them to get the kind of personal and appropriate support they would need. Would you just like to put on record something about urban Aboriginal families?

Ms Braybrook: I will say something and then I would invite Laura and Alisoun to say something.

One of the concerns in my 12 years with the program has been around the restriction on rural and remote areas. We have a high population in Victoria and we know from our experience that when you are a victim of family violence that isolation from services has very little to do with geography, especially for Aboriginal women. We talk about all of those barriers to accessing mainstream services—they still exist for women who live in urban areas. The service may not be there in a remote area but you are still isolated as a victim in an urban area.

Laura—did you want to expand on that with some of the case work that you have done?

Ms Vines: Yes, absolutely. Our service provides legal assistance services to urban based Aboriginal women in Victoria. We do that with state government funding.

Senator MOORE: And you never know what is happening with that either?

Ms Vines: Which is also an issue, absolutely.

Ms Braybrook: I might add, too, that the state government has come to the party and provided us with three-year funding for two lawyer positions.

Senator MOORE: Your submission also said that that is not available in other states, that you are actually advantage by the Victorian government's decision?

Ms Braybrook: We do. I think it is due to my longevity in the role. I have been able to establish key relationships in the state government through sitting on major committees. Still, if we lose our federal funding, we cannot be operational—not with just what we get from the state.

Ms Vines: Returning to our experience of working with metropolitan clients here: we do see a lot of the same barriers and disadvantages in that client base as we do in our regional client bases through our regional offices. A lot of the disadvantages—poverty, mental health, housing, risk of child protection involvement, incarceration—

are there very strongly in the urban communities as well. The same barriers of lack of confidence in reporting, lack of trust police authorities—all of those barriers that mean that people are more likely not to seek help or remain in violent situations—exist very strongly in urban populations as well. The prevalence of child protection involvement where we see family violence as a root cause—that is also just as high in our case work with urban clients as it is with our regional clients. Indeed, in some cases it may even be more of an issue for urban clients where there are no strong community relationships—child protection authorities having those community relationships already established. Some of the barriers may even be greater for our urban clients.

Senator WATERS: Thank you so much for coming along today when you are so busy and facing so much funding uncertainty. Thank you also for the work you do every day. You said that you will find out in March 2015 about your new funding under the new consolidated blob that somebody else looks after now—and which is going to lose half a billion. Your current funding runs out in July, so you only have three to four months to work out whether you will still exist at that stage. Are you already losing staff because there is no certainty about whether people's jobs will continue to exist?

Ms Braybrook: We are losing staff.

Senator WATERS: How many staff have you lost so far?

Ms Braybrook: Maybe two or three. That is in Victoria only. I do not know what the picture is nationally.

Dr Neville: We have not collected the picture nationally but we have lost one of our CAs.

Senator WATERS: How many staff do you have—not just in Victoria but across the country?

Dr Neville: Can I take that on notice?

Senator WATERS: Yes, sure.

Senator MOORE: Can you give us information about where they are?

Dr Neville: Yes.

Senator WATERS: State by state would be good. At estimates, I tried to ask various departments about the funding situation. I tried to ask the Department of Social Services and the Office for Women given that, I would have thought, it would be relevant to them. But I did not get terribly far. Those agencies did not let me know whether they had briefed their minister on the uncertain funding situation that FVPLS is presented with. Are you aware whether there any internal government decisions and discussions about your future have been or are taking place? Or is it just now in the bag of PM&C IAS?

Ms Braybrook: As I understand it, it is in the bag of PM&C IAS. No-one is talking at the moment due to probity issues.

Dr Neville: The other issue there is that we have still been seeking to meet with the minister but have not been able to do that.

Senator WATERS: That is unfortunate. I am going to move now to a statement that Senator Moore was asking about before. Where will your clients go if the worst happens and your funding is not renewed—because of course the terms of reference no longer have an emphasis on domestic and family violence in Indigenous communities? If worst comes to worst, you said there will be some generalist services. You mentioned the Aboriginal legal service. This is a bit of a technical question. As a legal service, have you had a client who turned out to be a perpetrator and you had given advice to that client? Are there going to be conflict-of-interest problems such that the service will not be able to provide legal services to the victim if they have that pre-existing advice or lawyer-client relationship with the person who is now the perpetrator?

Dr Neville: In Aboriginal legal services?

Ms Vines: Yes.

Senator WATERS: How great a problem do you think that will be? How much of that conflict of interest will there be in terms of lawyer-client conflict of interest between clients with competing—

Ms Braybrook: That is one of the reasons why the FVPLS program was established, because of the high number of conflicts within Aboriginal legal services, so I would think it is high.

Dr Neville: We also know anecdotally that there is a perception of conflict as well as the actual conflict, so the reporting will not occur. We also know that perpetrators will go there quickly because they know that is the reason and that it will prevent the legal assistance being provided.

Senator WATERS: Broadly, still on that theme before we move on: with the new conglomeration of 150 services down to five key themes, there is no longer the specific focus on what was your key and directly funded service. Are you worried that there will be a loss of specialist services in family violence, particularly Indigenous

family violence? What do you think would be the effect of generalising and subsuming specialist services into general funding pots?

Ms Braybrook: Leading up to the tender opening, the guidelines made provision to make direct allocations to either individual services or programs. Nationally, we did ask for direct allocation back to our program, and also some of the individual family violence prevention legal services, including FVPLS Victoria, did seek to have a direct allocation of funding. There was criteria that you had to meet in order to request that direct allocation. Probably about 20 minutes before the tender opened on the Monday, we were told that we were unsuccessful in our request both nationally and for our service in Victoria.

Senator WATERS: Were you told why?

Dr Neville: No. We were told that we had the opportunity to apply under the IAS in terms of the formal response. Informally, they also predicted that we would not receive the direct allocation and encouraged us to see the new program as potentially beneficial.

Senator WATERS: Were you given reasons as to why you were not able to get a direct allocation under the new IAS?

Ms Braybrook: We have not because we have just been heads-down doing our tender, but that is something that we should probably look into.

Senator WATERS: Do you know if anybody was successful in getting those direct allocations?

Ms Braybrook: There were some. I think Relationships Australia was successful through the Department of Social Services for a five-year allocation. It is important for us to also say that we did request that the \$21 million be allocated back to our national program and that we were happy to participate in a select tender process, but that was even—

Senator WATERS: I will put a few questions on notice.

Dr Neville: Could I quickly add to the question about the reason why. The email said that they were not able to have further correspondence. That was just before the tender opened. Again, we have not been able to meet directly with the minister.

Senator WATERS: I will put some other questions on notice, but to finish on that theme: were you consulted on the original decision about removing your direct funding allocation, your direct appropriation, and being included in the broader Indigenous advancement strategy?

Ms Braybrook: No. We were very shocked to learn that we were moved from the Commonwealth Attorney-General's Department as one of the four legal assistance providers under the national partnership agreement and then under PM&C.

Senator WATERS: Yet the national plan says that we are meant to be having a focus on Indigenous family violence. Now your funding is not guaranteed and you no longer have a specialist funding stream.

Ms Braybrook: When we did go to the senator's office to talk about the national plan and our funding issues, we were told that it was an Indigenous issue and we needed to go to the Prime Minister's office.

Senator WATERS: If there is time I will come back; otherwise I will put some questions on notice for you. Thank you.

CHAIR: Senator Rice.

Senator RICE: Thank you for your submission. It is very valuable. I want to continue talking about funding but funding more broadly for the Aboriginal women and children that you represent. In particular you mentioned the impacts of various budget proposals, like the \$7 co-payment. I am interested in exploring what impact you think that will have on Aboriginal women and children and on domestic violence rates, and also I am interested in what your thoughts are on income management with relation to domestic violence.

Dr Neville: Both of them link to the evidence around financial security and economic security as being critical factors in either managing or leaving violent relationships. Certainly the \$7 co-payment can be an immediate financial deterrent to someone attending a doctor when they do not necessarily have any financial control within a family violence relationship. Similarly with income management, the ability to have control over their own finances can be really critical for someone who does not necessarily have access to the economic resources they need.

Ms Vines: I guess the only thing to add to that in terms of legal representation and access to justice—going back to the gap in legal services and if we were not to be successful and we were not to exist—is that I think impacts like that on disposable income could also have a really significant impact on Aboriginal women's access

to justice, because there are a lot of limitations around legal aid funding, for example, for certain family law matters or child protection matters, and those sorts of gaps on disposable income could mean that there are a lot more Aboriginal women falling through that gap where they are not eligible for legal aid but they do not have disposable income to seek alternative legal representation.

Senator WATERS: I understand that you have two staff who are funded under NPA. How are those folk faring now that NPA has been extended by only one year and not four? Is there an expectation that they will be able to stay on, or are they in a holding pattern?

Ms Braybrook: We have two paralegal support workers funded under the homelessness agreement. Our paralegal support workers provide a critical role in supporting the client in court, linking them in to counselling and chasing them up, making sure they get to their appointments. Laura, you might want to expand on this, being the lawyer working with the paralegal.

Ms Vines: That is another thing that needs to be clarified if we were to go and clients had to seek support from other services. Most other services do not have the model that we have with paralegal support workers who work alongside the lawyers and provide all of the additional allied support to ensure that women can access their rights. The paralegal support workers who are funded through the National Partnership Agreement on Homelessness do a lot of that work ensuring that clients are linked into all of the referrals that they need to keep them safe and ensure they have the mental, practical capacity to stay engaged in their legal matter and see it through. That can be particularly important for child protection cases where women are at risk of family violence and there are a whole lot of support services that need to be involved. And those paralegal support workers also play a role in community legal education and informing us of our client's experiences. They are incredibly unique and important positions that we have.

Senator WATERS: So do they have any sort of longevity?

Ms Braybrook: No, the partnership agreement was only signed until June 2015.

CHAIR: Thank you for your evidence here today. If you have been asked to provide more information, as soon as possible would be helpful. You have brought an insight that is incredibly valuable for our deliberations and I thank you wholeheartedly for your time.

CELI, Dr Elizabeth, Founder/ Manager, Elements Integrated Health Consulting

[14:33]

Evidence was taken via teleconference—

CHAIR: Information on parliamentary privilege and the protection of witnesses in giving evidence to Senate committees has been provided to you. Would you like to make an opening statement?

Dr Celi: Thank you for the opportunity to appear today. I appreciate being able to contribute to this Senate inquiry into domestic violence in Australia. I appear in my capacity as a professional psychologist in private practice over the last 11 years. Over this time, having managed two private practices in both the city of Melbourne and regional Melbourne, I have presented at several conferences and on several panels with leading researchers [inaudible] Since that time, I have spearheaded a collaborative international study which included researchers from the UK, the USA and Canada to investigate some of their experiences and how this contributes to the larger picture of family violence for both male and female victims and male and female perpetrators [inaudible] violence. If I may give a brief background professionally—

CHAIR: Dr Celi, I am going to have to interrupt you because there is a little too much distortion in what we are hearing at our end and that is going to interfere with *Hansard* and recording. Bear with us; we may have to defer. We will just see if we can establish a better connection. Please proceed.

Dr Celi: In providing a bit of background as to where I am coming from in my capacity today, I have published two books [inaudible] both from my private practice—

CHAIR: I am sorry, Dr Celi; this is not working for us at our end. The only thing we can try, to avoid reconvening on a different day, is if you perhaps talk quietly into the headset.

Dr Celi: I am reducing my volume. Is that any better?

CHAIR: Let's give it a try. It is a technical issue. We are recording and we need to be able to understand, even though we can discern most of what you are saying. Please proceed and bear with us.

Dr Celi: I will not continue too much with the opening statement so as not to lose any question and answer time with the committee. I will just mention my submission to the Senate. My central tenet for that submission is to address some of the underlying [inaudible] dynamics of unproductive behaviours and the psychological variables that can contribute to dysfunctional relationship dynamics and which are therefore the basis of more severe family violence occurrences. That could, therefore, help financial contributions to this area which could bring better social health returns. Is there still a connection?

CHAIR: Yes. Perhaps I could start with a couple of questions for you. You say in your submission that you do not believe that gender is relevant any longer; that it was relevant in the 20th century. Can you explain that statement and how that point you make in your submission relates to the issue of inquiring into domestic violence?

Dr Celi: As mentioned in the submission, certainly in past years, where women were at a disadvantage it was very important to highlight the issue from a gender perspective, and it has helped to bring us where we are today, no doubt. It is certainly very important. When it comes to the issue of abuse and violence, there is a lot more in terms of psychological variables with the dynamics that occur, in the realm of mental health issues and social health issues that contribute to unproductive behaviours as a basis of then more severe dysfunctional behaviours and abusive cycles that occur. As I mention in the submission, in order for any perpetrator to be able to have the kind of intimidation or fear impacts that they have on a person, it requires another person that enables that. I need to be very clear that this is not a blame issue; it is the interactive dynamics of psychological variables.

If we can start to address that issue now—so that the public are far more educated about family violence, far more aware of it and obviously not accepting of this in any kind of relationship—we can then start to efficiently address the issue and reduce the prevalence, because we are looking at what the key contributing factors are. Unfortunately, at this stage, gender as a determinant variable actually confounds the issue and is reducing the rate of progress because it polarises what we believe to be the key issues, being male and female. Given there are two genders we can look at, male or female, it gives us one of two choices, and it polarises the issue and creates an 'us versus them' dynamic, which then provides, unfortunately, a blanket over the underlying dynamics—that men and women, victim or perpetrator, actually need assistance to break the cycle and break the unproductive habits.

I have assisted many male victims, and men perpetrating abuse and violence, as well as females who have experienced abusive behaviours and also, unfortunately, who have been perpetrators of abusive and violent behaviours—non-judgementally assisting them with psychological skills, emotional literacy skills and verbal literacy skills in how they can better manage disagreements and any levels of conflict in their relationship. I need

to acknowledge there are the more extreme ends of domestic violence—intimate partner terrorism, specifically—where a more strategic approach and social supports and systemic supports are very important. Does that answer some of your question?

CHAIR: I think so. I am interested in your definition of what the 'psychological variables' are in the mix.

Dr Celi: 'Psychological variables' are human psychological factors that anyone, male or female, can conduct. They include things like isolating behaviours, shaming of someone, manipulation—mental manipulation or emotional manipulation—naming and shaming, intimidating, demeaning, insulting, threatening to socially shame them, threatening reduced resources, put-downs, insults, belittling someone over a period of time, depending on frequency of these, over a day or over a week, and then the consistency over time. The pattern, as we know through a lot of the education about family violence, creates a battered psychology in the person on the receiving end, and so these psychological behaviours are important factors to be addressed. If we can do that in a non-gender-focused way—because they are actually human psychological behaviours; they are not gender behaviours—then we can start to really get to some of the key foundational issues that people in these situations are experiencing and need upskilling in in terms of their better psychological management of these situations and behaviours.

CHAIR: How would you describe a psychologically neutral family environment? Would that be one, in your view, where the male and the female, the woman and the man, are on equal terms?

Dr Celi: Sorry; I think we lost the connection. I did not hear any of the question.

CHAIR: My question was: would you describe a home environment or a domestic environment—I guess, in psychological terms—neutral if the partners are on equal terms? Is that your idea of the best case scenario?

Dr Celi: I am sorry, but I do not quite understand the question, Senator Lundy.

CHAIR: You have described a series of psychological variables that could be given effect by either partner in the relationship. My question to you is whether in your view, or from your research, the best case scenario is for those partners to be on genuinely equal terms in the relationship.

Dr Celi: Not necessarily. We are all going to have imbalances in what we might define as 'being on genuinely equal terms' with each other. One of the factors may be how a woman conducts herself and how a man conducts himself and their perceptions of what that might mean in the relationship. It does not necessarily mean patriarchal, though. There are many attitudes and traits that both men and women have as to their position in a relationship—their self-esteem, their self-image, their understanding of assertive communication and, their understanding of how to manage a disagreement—and to have normal conflict resolution within a relationship. We would all like the idea of everyone being on genuinely equal terms however that is defined. However, to keep polarising it according to men's power over women unfortunately induces too much defensiveness and antagonism from the word go, which is where the stifling of the rate of progress occurs. If someone is too busy trying to simply be heard or simply be a part of an interactive relationship that escalates matters. If the psychological skills and the verbal skills are not there and there is a huge disagreement in the first place it simply perpetuates a lack of skill that was there originally. Does that answer some of your question?

CHAIR: It goes to some way towards it. Senator Bernardi would like to ask you a question.

Senator BERNARDI: Dr Celi, you used the term 'patriarchal'. It is a term that we have heard quite often in this inquiry thus far. Are you really suggesting that, given the number of women who are subject to family violence versus the number of men, there is not a role that gender plays in family violence and the circumstances surrounding it?

Dr Celi: The role that gender plays in this situation is with regard to the unique experiences that men and women face—either being on the receiving end of unproductive behaviours or in instigating and being in a reciprocal cycle of unproductive behaviours. That is different to the common information we hear of 'patriarchal'. A lot of men are unfortunately labelled with this and are starting on the back foot, and if they speak up and defend themselves simply because as a human being they would like to have an equal place, it unfortunately gets labelled again as patriarchal.

Certainly gender plays a role in the unique experiences men and women have in receiving unproductive behaviours, and that would be the same for a female on the receiving end of unproductive behaviours from another female—and some of the psychological behaviours I outlined earlier for Senator Lundy. A female responding to that from another female is just as difficult for her to manage as it would be for a male receiving it from a female or a male. That is where gender plays an important role. However, I do not believe it is effective nor efficient any longer for it to be considered a determinant variable. It is stifling and it polarises an issue that is

otherwise a mental health and social health issue to be addressed. And it unfortunately would not see the best use of funds, because it is only looking at half the picture.

Senator BERNARDI: In responding to the circumstances of family or domestic violence, there seems to be a substantial amount of funding directed towards women, because that is where the substantial number of victims seems to lie. Surely that is an appropriate distinction to make.

Dr Celi: Understandable. This comes to another comment made in my submission with regard to research—research design and then research reporting. When you have a look at research design and the history of where we are coming from with this issue, when women were certainly at more of a disadvantage than they are in the modern day, it was important to really highlight the matters that affected them and kept them at a disadvantage, to make the changes that eventually we have been seeing over these years. Where the issue has become quite skewed is that the research design will naturally enable women to report their experience, to an extent, because we need to take into account battered psychology and the fear that any victim of abuse and violence experiences, and their willingness to report.

The design certainly enables women to more easily report this, so that we can assist them. What the research design lacks is addressing the barriers that male victims also face, in order to facilitate their reporting. Men are working against not only individual factors of shame and fear and emotional exhaustion—the same kind of responses women experience in being on the receiving end of abuse and violence—but they are also experiencing several social barriers, where a gender bias has occurred in service providers. There could be a gender bias in the approach where they are not equipped to deal with male victims. So research design is not necessarily maximising its ability to capture the prevalence figures of male victims, in the same degree. Similarly, it is not asking women about their abusive or violent behaviours.

To give you an example, look at the USA national prevalence numbers—I know we have been talking about the USA here. Their design over a 10-year period, initially with over 2,000 couples, and 10 years later with 6,000 couples, actually asks near 3,000 women who self-reported that the assault by their male partner on them was at an equal rate to the assault by them towards their male partner. So women can also be the initiator and can state it. But a lot of research design has not overtly asked women about their abusive and violent behaviours.

When you look back at the underlying tenets of the dynamics of abuse and violence it is important to look at factors such as who initiates and then what the reciprocation cycle is. Again, this is not a [inaudible] approach. It is about understanding that, whoever initiates and then reciprocates, an interactive cycle develops that escalates unproductive behaviour in the functional dynamics, and, unfortunately, more serious abuse and violence occurrences.

With the 500 couples in the family violence prevalence studies, it was self-reported by women, who were directly asked who initiated, that the man initiated in 25.9 per cent of the cases and the woman initiated in 25.5 per cent of the cases, and that man and woman initiated in 48.6 per cent of the cases. So we have near 50 per cent of what we call mutual abuse or mutual violence. These are some of the unproductive dynamics I am referring to. So when we ask the questions that capture the full picture, then we can see what the true prevalence rates are in terms of research design. Then, on top of that, in terms of research reporting we need to be mindful of how certain data points may be pulled out of context that leave a certain impression, when in actual fact we are not giving a whole-of-picture approach.

Senator BERNARDI: You referred to social inhibitions that are affecting some men. I will refer to those as cultural, because there is a cultural sense that men are meant to put up with some things—or there is a societal expectation. Are you suggesting that this is preventing men from reporting that they are victims of family or domestic violence?

Dr Celi: Yes, absolutely. This is one of the variables where gender influences the unique experience of the male or the female. In this case, the male has decades of information to the public, in effect, working against him—if I can put it that way. We have been educated that domestic violence is synonymous with male perpetration and female victimisation. And so, a lot of the public is educated in this way. Of course, it is important that they are made aware of that issue and I am certainly not denying its existence. No-one deserves to experience abuse or violence.

But it is not taking into account cultural factors of normal and natural masculine thinking, which is what prompted my first book on men's mental health—of their simple inhibitions or lack of social encouragement over the decades to really be open about their own experiences. It was not expected of men in the past. And so men are changing slowly in that respect. But there is a lot of shame in this issue and a lot of embarrassment already that they are in this position, and they have not received public education that certain psychologically abusive

behaviours by their female partner—or even by other men in their lives—are actually abnormal and unproductive, and can have an effect on their mental and emotional health. Not having that information, they do not have a gauge of what is normal and when it becomes abnormal and unproductive. So it will take a while for men to actually feel competent to report their experience.

The other factor we need to consider is the social health aspects for men, where people disbelieve or invalidate their experience. That is a form of re-victimisation. For someone who is already receiving mental and emotional abuse, social abuse or financial abuse, it is a very insidious and difficult-to-gauge thing. To then be disbelieved, or invalidated or told to 'suck it up' et cetera further inhibits their ability to report it. So it is easier actually to deal with it by yourself. This only worsens the situation of family violence that we are all here to reduce! Unless we have a whole-of-picture approach and really deal with a bout of psychology to help anyone feel safe to report what they are experiencing and to approach and engage with services then, unfortunately, this issue becomes latent and we are not addressing the central tenet.

As a psychologist working one-on-one, I have assisted many males and females, as mentioned, on both sides of the coin to improve their psychological skills and to develop more productive behaviours and, as a result, to enhance their own relationships and break the cycle. I would think that is what we all want: breaking the cycle of abusive violence, to bring more productive behaviours.

Senator BERNARDI: Thank you very much for your responses.

CHAIR: Thank you very much. Those are all the questions we have for you, Dr Celi. I would like to thank you for your time this afternoon and for persevering with us through our technical challenges. If you have any other thoughts or if you would like to make a supplementary submission or write to the committee, please feel free.

Dr Celi: Thank you very much.

CHAIR: I would now like to thank all the witnesses who have given evidence to the committee today. I now declare this meeting of the Senate Finance and Public Administration References Committee adjourned.

Committee adjourned at 14:58