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Tasmanian Government

1 2 AUG 2014

Senator the Hon Kate Lundy
Committee Chair
Senate Finance and Public Administration References Committee
fpa.sen@aph.gov.au

Dear Senator Lundy

On behalf of the Tasmanian Government, I am pleased to make this submission to the Senate Finance and Public Administration References Committee on the issue of the prevalence and impact of domestic violence in Australia.

The Tasmanian Government is a signatory to the *National Plan to Reduce Violence Against Women and their Children* (2010-2022) and is committed to the reduction of family violence against women and their children in our community and across the nation.

Thank you for the opportunity to comment.

Yours sincerely

Will Hodgman MP
Premier

Attachment

14/55371

Tasmanian Government's Submission
Senate Finance and Public Administration
References Committee

Inquiry into Domestic Violence in Australia

August 2014

Department of Premier and Cabinet
14/55098

Tasmanian
Government

Tasmanian Government's Submission

Senate Finance and Public Administration References Committee

Inquiry into Domestic Violence in Australia

Introduction

The Tasmanian Government is a signatory to the Council of Australian Governments (COAG) *National Plan to Reduce Violence Against Women and their Children 2010-2022* (National Plan) which was endorsed on 15 February 2011. The vision of the National Plan is that 'Australian women and their children live free from violence in safe communities'. As a signatory to the *National Plan*, Tasmania has committed to developing complementary Tasmanian Implementation Plans aligned with the National Implementation Plan Action Plans:

1. Building a Strong Foundation (2010-2013)
2. Moving Ahead (2013-2016)
3. . Promising Results (2016-2019)
4. Turning the Corner (2019-2022)

It is important to note that each jurisdiction in Australia has its own terminology and legislation surrounding domestic/family violence. Tasmania uses the term 'family' violence to acknowledge that children who witness family violence have their safety, psychological wellbeing or interests affected by violence directed at one of their carers and, as a result, are victims in their own right.

This submission will, therefore, use family violence rather than domestic violence as defined by the Tasmanian *Family Violence Act 2004* (the Act).

The Act defines family violence as:

(a)   any of the following types of conduct committed by a person, directly or indirectly against that person's spouse or partner:
  (i)   assault, including sexual assault;
  (ii)   threats, coercion, intimidation or verbal abuse;
  (iii)   abduction; and
  (iv)   stalking within the meaning of section 192 of the *Criminal Code*;
(b)   any of the following:
  (i)   economic abuse;
  (ii)   emotional abuse or intimidation;
  (iii)   contravening an external family violence order (FVO), an interim FVO, an FVO or a Police Family Violence Order.

Tasmanian Data

Family violence and sexual assault remain at unacceptably high levels in Tasmania. These forms of violence not only affect the victim themselves, but the children who are exposed to it, their extended families, their friends, their work colleagues and ultimately the broader community.[1]

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[1] Commonwealth of Australia, 2011, *National Plan to Reduce Violence Against Women and their Children*, Canberra, ACT, p. 2

Unpublished data from Tasmania Police shows that from 2012-13, 2 041 victims of family violence were recorded by the Department of Police and Emergency Management (DPEM). Of these victims, 1 771 (86.6 per cent) were female.

According to the DPEM's 2011-12 Annual Report, there were 126 reported victims of sexual assault in Tasmania. Of these, the majority (86 per cent) were women (this breakdown was not provided in the 2012-13 Annual Report).

Response

In relation to the Terms of Reference to the Inquiry, the Tasmanian Government would like to make the following comments:

a) **the prevalence and impact of family 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**

It is important that the National Plan continues to support its flagship activities including the *Foundation to Prevent Violence Against Women and their Children* and the *Australian National Research Organisation for Women's Safety* (ANROWS) to build the evidence and best practice in primary prevention that will support the needs of women living with disability, Aboriginal and Torres Strait Islander women.

Women with disability

In 2011 there were 28 726 persons with profound or severe disability in Tasmania, defined as in need of assistance for core activities of self-care, mobility or communication. Of these 15 323 (53.3 per cent) were female and 13 403 (46.7 per cent) were male[2]. According to research undertaken by Women With Disabilities Australia, compared to women and girls without disability, women and girls with disability experience violence at significantly higher rates, more frequently and for longer, in more ways and by more perpetrators[3]. However, disaggregation of family violence data, to identify the proportion of victims with disability remains an area for improvement at the State and National level, as is the case with other demographic cohorts. At a national policy level, building on *Stop the Violence: Addressing Violence Against Women and Girls with Disabilities in Australia* project, undertaken in the National Plan First Action Plan, is essential to ensure women in this cohort do not face barriers in seeking support from service providers across the continuum of care required. Evidence from the project research indicates that the siloed nature of service delivery administered under gender, violence or disability often place women with disabilities who are at risk of, or experiencing violence outside the remit of the system.[4]

At a state level, the Tasmanian Government will continue to seek to ensure that the needs of women and girls with disability are considered in its implementation of key national policy frameworks including the National Disability Strategy and the National Plan. The Second Action Plan of the National Plan prioritises initiatives for women with disability who experience family violence and sexual assault. The Tasmanian Government is developing its implementation plan

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[2] Australian Bureau of Statistics 2011 Census of Population and Housing, Basic Community Profile (Tasmania), Catalogue 2001.6, Table B18, ABS, Canberra

[3] Frohmader Carolyn, *Women With Disabilities and the Human Right to Health*, May 2010.

[4] Women with Disabilities Australia(WWDA), Discussion Paper -*National Symposium on Violence Against Women and Girls with Disabilities*, Sydney, 25 October 2013, p.17

for the Second Action Plan and will be consulting and building on current strategies to ensure the needs of women with disabilities are considered.

One of the key mechanisms for doing this will be through the continued implementation of the Tasmanian Women's Plan 2013-2018, in particular the development of a gender mainstreaming policy and toolkit for Tasmanian Government agencies. The policy and toolkit will help ensure that policy makers across portfolios apply a 'gender lens' in policy development, and consider the needs of women in all population cohorts. In addition the Tasmanian Government's Disability Framework for Action 2013-2017, provides opportunities for women to influence government policy decision making. The Framework is overseen by the Premier's Disability Advisory Council that ensures all issues facing women are considered in its implementation.

Aboriginal and Torres Strait Islander (ATSI) women

Research shows that ATSI people are between two and five times more likely than non-Indigenous people to experience violence as victims or offenders[5]. ATSI females are 35 times as likely to be hospitalised due to family violence related assaults, and ATSI males 21.4 times as likely, than non-ATSI females and males. [6] However it is noted that 'there are significant deficiencies in the availability of statistics and research on the extent and nature of family violence in communities.[7]

Strategy 3.2 of the National Plan states that governments will support Aboriginal communities in developing and implementing local solutions across family violence.

The Tasmanian Department of Premier and Cabinet (DPAC) has engaged the Tasmanian Aboriginal Centre (TAC) to update and re-introduce two existing, but outdated resource booklets. The *palawa kids can say no* booklet and the *family violence is not ok! For palawa kids'* booklet were created in 2003 and although both were considered best practice documents at the time, they will now be updated to align with the National Standards for working with Children and Young People living with Domestic Violence.

DPAC is also working with the TAC on a project that will see the organisation, as a registered training organisation, deliver a course that will develop the skills of ATSI people in the area of family violence responses.

The above projects also link to the new Council of Australian Governments Indigenous reform agenda being progressed through the Working Group on Indigenous Affairs. This agenda recognises that without safe and stable communities, investment in areas such as housing and education will fail to make a difference.

b)   The factors contributing to the present levels of domestic violence

As noted earlier, there is no standardised definition of domestic/family violence in legislative frameworks across Australia. This gives rise to a degree of complexity in determining the contributing factors and levels of family violence in each jurisdiction. In addition, definitions of

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[5] Willis,M.(2011). Non-disclosure of violence in Australian Indigenous communities. *Trends and Issues in Crime and Criminal Justice. No.405.* Canberra: Australian Institute of Criminology.

[6] Steering Committee for the review of Government Services (2009). *Overcoming Indigenous Disadvantage: Key Indicators 2009.* Canberra: Productivity Commission.

[7] Bartels, L Criminology Research Council, Research in Practise Report No.10, *Emerging issues in domestic/family violence research,* April 2010

family violence, domestic violence and sexual violence are 'shaped by the context of inquiry and informed by the perspective and understandings of researchers or organisations'.[8]

Importantly, there is no single factor to explain why one person and not another behaves in a violent manner, nor why one community will be torn apart by violence while a neighbouring community lives in peace. Violence is an extremely complex phenomenon that has its roots in the interaction of many factors – biological, social, cultural, economic and political. The understanding of gender-based crime as having multiple causal factors is best conceptualised by the social-ecological model that demonstrates the interactive nature of factors that contribute to violence. This includes consideration of:

Individual level influences: personal history factors are not causal but may increase the likelihood of an individual becoming a victim or perpetrator of violence. These risk factors include alcohol and/or drug use; attitudes and beliefs that support violence; impulsive and other antisocial tendencies; hostility towards women; and a childhood history of sexual abuse or witnessing family violence – all of which can influence an individual's behaviour choices that lead to the perpetration of violence.

Interpersonal relationship level influences: factors that increase risk as a result of relationships with peers, intimate partners, and family members. Peers, partners, and family members can reinforce attitudes and shape an individual's behaviour and range of experiences – all of which can influence an individual's behavioural choices that lead to the perpetration of violence.

Community level influences: factors that increase risk based on community and social environments and inform an individual's experiences and relationships with schools, workplaces, and neighbourhoods. For example, a lack of sexual harassment policies in the workplace can send a message that sexual harassment is tolerated, and that there may be few or no consequences for those who harass others.

Societal level influences: larger, structural factors such as government policies or laws that influence violence, for example, gender inequality, religious or cultural belief systems, societal norms, and economic or social policies that create or sustain gaps and tensions between groups of people – all of which can influence an individual's behavioural choices that lead to the perpetration of violence.

The levels of influences are not rigid or mutually exclusive.[9]

The application of a health equity lens in addition to a gender lens is likely to be useful in identifying and appraising the conditions and circumstances (social determinants of health) for family violence. These social determinants of health include, but are not limited to, access to adequate education, employment or income support, housing, and social constructs of gender. They can emerge as contributing and also as causal and multi-causal factors in the perpetration and experience of family violence.

Notwithstanding the issues of definition and the complexity of issues underpinning family violence, there still exists, despite extensive media coverage of family violence committed against high profile Australians, an attitude among a significant numbers of Australians that violence perpetrated between intimate partners in a domestic setting is a private matter.

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[8] Australian Bureau of Statistics- *Defining the Data Challenge for Family , Domestic and Sexual Violence, Australia, 2013*, p.6

[9] Quadara, A & Wall, L, 'What is effective primary prevention in sexual assault? Translating evidence for action', pp 4-5

The Tasmanian Government introduced Safe at Home, a criminal justice response to family violence, in 2004. The enacting *Family Violence Act 2004*, clearly articulates the behaviours that constitute family violence as a criminal offence. A social marketing campaign was delivered in late 2004-2005 alerting the Tasmanian public to the strong pro-arrest, pro-prosecution approach that is a key feature of Safe at Home. Evidence shows that Safe at Home has resulted in increased reporting of family violence and an increased holistic response.

While an in-depth analysis of offender typologies or criminogenic needs has not been undertaken in Tasmania, evidence has confirmed the need to address the behaviours that lead to offending and re-offending.

For example, Tasmania Police statistics reveal that drugs and alcohol are a significant contributing factor in family violence offences. The beliefs or attitudes that support offending, such as violence as a means of solving disputes within families also plays a significant role.

c)   the adequacy of policy and community responses to domestic violence

Policy and community responses need to adequately reflect the evidence base of what is known to help in terms of improving safety for women and children. This underscores the importance of continuing to build the evidence base to determine the effectiveness of family violence responses at the tertiary, secondary or primary prevention level.

The Tasmanian Government's Safe at Home response system delivers a holistic response to family violence. Tasmania Police are the first intervention with frontline police attending incidents. These incidents are followed up by the specialist Tasmania Police Victim Safety Response Teams. Counselling and support services for victims are provided as well as court support and legal services. There is a service that assists suitable offenders to address the criminogenic needs that have led to offending and an offender intervention program for high risk offenders.

A key feature of Safe at Home has been the introduction of integrated case coordination where all services, including Child Protection Services, come together to discuss new and active cases. These weekly meetings ensure that family violence cases are being monitored regularly to try to ensure the safety of victims.

In addition to tertiary and secondary interventions, primary prevention approaches to reducing family violence are increasingly viewed as the way forward to prevent violence before it occurs.

Primary prevention interventions may focus on changing public attitudes and behaviour or building the knowledge and skills of individuals to empower them to make changes in their behaviour that will stop them from becoming victims or perpetrators of violence in the future.[10] Tasmania is focused strongly on building its primary prevention approach to support women from diverse groups through its 10 year primary prevention strategy *Taking Action: Tasmania's Primary Prevention Strategy to Reduce Violence Against Women and their Children*.

Funded primary prevention and early intervention responses to family violence are urgently required if we are to be successful in changing behaviours. This includes a need for a greater focus on accessible and appropriate programs for perpetrators. For example, this is particularly relevant in a state that has a regionally dispersed population where the culture and imaging around rural masculinity combined with a lack of access to services means that male perpetrators in rural and remote settings may require and respond to different types of

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[10] VicHealth, *Preventing violence before it occurs: a framework and background paper to guide the primary prevention of violence against women in Victoria*, Melbourne, 2007, p. 9

assistance to men in urban settings. Incidentally, the concept of rural ideologies and masculinities in the context of family violence is an area that may benefit from further research, as part of a broader examination of the extent and impact of family violence in remote communities. [11]

d) the effects of policy decisions regarding housing, legal services and women's economic independence on the ability of women to escape domestic violence;

One outcome of increased domestic violence is an increase in homelessness especially in women and children. Homelessness Australia data shows that in Tasmania 24.3% of homelessness is attributed to family violence and relationship issues.[12] Furthermore, data from Housing Connect, Tasmania's new service designed to help with public and community housing, private rental assistance and emergency accommodation and support services shows that 3.5 % of clients seeking support do so due to family violence[13].

Under the National Partnership Agreement on Homelessness (NPAH) funding will be used to deliver an innovative tenancy guarantee pilot program to help low income Tasmanians access private rental and community housing. This pilot program will include families where homelessness is placing children at risk of being removed from their parents.

The Tasmanian Governments' primary focus is early intervention and support to assist families to address problems and stay together. Raising children is a fundamental responsibility and, in order to protect children, government must provide appropriate support to families in a timely fashion. It is well documented that children generally experience better outcomes if they remain with their parents, as long as it is safe for them to do so. Stable accommodation plays a key role in keeping families together. It also significantly improves the opportunities for families to receive the support they need from government agencies and community partners. The program will provide tenancy guarantees with the aim to encourage landlords to lease properties to households who might otherwise have difficulty accessing the private rental market. The program will be delivered through Housing Connect in partnership with private real estate agencies and community housing providers, providing affordable accommodation and "just-in-time" support to at-risk families.

The Australian Housing and Urban Research Institute (AHURI) recently released a paper outlining how integrated homelessness prevention schemes are effective for women and children who have experienced domestic and family violence. However, improvements to legal and judicial processes are needed for these schemes to be expanded.

Improvements to the legal and judicial system include providing police powers to offer immediate protection to women by the removal of the perpetrator, consistent training for police in domestic and family violence, and specialist domestic and family courts.[14]

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[11] Bartels, L Criminology Research Council, Research in Practise Report No.10, *Emerging issues in domestic/family violence research*, April 2010

[12] Homelessness Australia – *Fact Sheet Homeless in Tasmania*, viewed 1 August 2014 http://homelessnessaustralia.org.au/images/publications/Infographics/TAS_-_updated_Jan_2014.pdf

[13] Jacobs, A *Housing Connect Regional Forum Presentation*- Hobart Tasmania, 1 August 2014

[14] Australian Housing and Urban Research Institute, Research and Policy Bulletin No. 164, *Preventing homelessness for women and children who have experienced domestic and family violence*, July 2013

Women's economic independence is often comprised through family violence. Centrelink payments are often the only means of support for victims leaving family violence situations, if they are eligible.

An integrated service system across the nation with a shared definition (legal and social) of what constitutes family violence is necessary. Policy development in the areas of safe, affordable housing, economic independence, timely and responsive legal services, including services from an informed police force are part of the journey for women in leaving family violence situations.

In addition to housing, legal services and women's economic independence, policy decisions related to child protection system responses may also service to support or diminish the ability of women to escape domestic violence.

e) **how the Federal Government can best support, contribute and drive the social , cultural and behavioural shifts required to eliminate violence against women and their children;**

It is critical that the Australian Government and states and territories remain committed to the National Plan. This includes the Australian Government's ongoing commitment to support its flagship activities including the Foundation to Prevent Violence Against Women and their Children, Australian National Research Organisation for Women's Safety (ANROWS), the National Community Attitudes Survey and the Personal Safety Survey. The research and data evolving from these key activities will assist all states and territories and community organisations to deliver evidence based service responses and empower victims to report incidents of sexual assault and/or family violence, participate in court proceedings, leave violent relationships and establish violence free lives for themselves and their children.

This also includes an adequately resourced Australia-wide social marketing campaign around family violence which includes specific streams for Indigenous Australians; people with disability; and culturally and linguistically diverse people. Such a campaign should be a major component of how the Federal Government best supports, contributes to and drives the social, cultural and behavioural shifts required to eliminate violence against women and their children.

While some of the primary prevention activity undertaken by the Federal Government is very worthwhile, they often do not reach those that need to hear the messages most.

Committed funding through the Australian Government for respectful relationships education in schools for years K-12 would help change the attitude that violence is an acceptable way to solve interpersonal issues. The World Health Organisation in evaluating primary prevention strategies reported that this has been found to be the most effective strategy in reducing interpersonal violence.

In summary, policy, legislative and service responses need to be strategic, collaborative, holistic and sustainable, and seek to achieve consistency across jurisdictions and avoid duplication. This includes a strategic approach to the delineation of funding and service delivery responsibilities between Australian and state governments, and it is hoped that this will be reflected in the findings of the White Paper on Federalism.

f) Any other related matters

There is increasing evidence that children are affected by family violence in their families even if they are not actually hurt or even present when incidents take place. For example Safe at Home, Tasmania's integrated criminal justice response to family violence, data indicates that

over 2 400 children were present at family violence incidents where there was a police intervention in 2010-11.[15]

Research has demonstrated that the impact of witnessing family violence has almost the same impact on children and young people as direct physical violence. A high percentage of children will experience complex trauma impacts from family violence. Evidence within Child Protection notifications indicates a high percentage of matters either with direct family violence as the presenting feature or as a significant contributing factor. The interface between family violence and child mal-treatment needs close examination, analysis and review.

Another area of consideration is the impact on family during pregnancy with pregnancy cited as a high risk period of more serious assault or an escalation to physical violence where this has not occurred before. Family violence impacts on the unborn child and on pregnancy outcomes. There is a high risk of miscarriage, pre-term delivery, and low birth weight.

Whilst the Terms of Reference rightly point to the need to consider ATSI women and women with a disability, any future policy responses would benefit from a consideration of the experiences of women and children across a broader range of cohorts that can add to their vulnerability including those with CALD backgrounds and those living in rural and remote communities.

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[15] Department of Justice, *Safe at Home Summarised Activity Report 2004-11*, Hobart (unpublished data)