

# Blueprint for the domestic and family violence response in NSW

NCOSS Submission

5 February 2016

## About NCOSS

The NSW Council of Social Service (NCOSS) works with and for people experiencing poverty and disadvantage to see positive change in our communities.

When rates of poverty and inequality are low, everyone in NSW benefits. With 80 years of knowledge and experience informing our vision, NCOSS is uniquely placed to bring together civil society to work with government and business to ensure communities in NSW are strong for everyone.

As the peak body for health and community services in NSW we support the sector to deliver innovative services that grow and evolve as needs and circumstances evolve.

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NCOSS can be found at:

3/52 William St, WOOLLOOMOOLOO NSW 2011

phone: (02) 9211 2599

email: [info@ncoss.org.au](mailto:info@ncoss.org.au)

website: [www.ncoss.org.au](http://www.ncoss.org.au)

facebook: [on.fb.me/ncoss](https://on.fb.me/ncoss)

twitter: [@\\_ncoss\\_](https://twitter.com/_ncoss_)

## Summary of recommendations

1. Expand Start Safely to ensure women have genuine choice and control over where, and with whom, they and their children live.
2. Expand Staying Home Leaving Violence to all locations across NSW
3. Task the NSW Council for Women's Economic Opportunity with developing an action plan to improve the economic empowerment of women, including actions to end the gender pay gap, reduce poverty amongst women, improve access to education and improve financial literacy.
4. Establish a Pay Equity Commission, to monitor and advance pay equity in NSW; and work proactively with employers and employees to identify and remove barriers to pay equity.
5. Lobby the Commonwealth Government to immediately increase the single rate of NewStart Allowance and Parenting Payment by \$51 per week.
6. Lobby the Commonwealth Government to make Commonwealth Rent Assistance more responsive to the high cost of housing in markets like Sydney.
7. Make fee exemptions for Smart and Skilled training courses available to women affected by domestic violence and their dependents; using eligibility for the Smart Safely Program to establish eligibility for fee exemptions.
8. Explore opportunities to waive fees or adjust eligibility for concessions for people leaving violence to reduce their cost of living and enhance their access to work, education and other activities.
9. Increase funding to legal assistance services for women
10. Commit at least \$560,000 to trial an 18-month, evidence-based whole of school approach to preventing domestic violence in up to 30 schools in NSW.
11. Consult with children, young people, researchers and service providers on the best way to facilitate disclosure by children and young people of violence that affects them.
12. Increase investment in specialist services for children affected by domestic violence
13. Review child protection and child removal policies to ensure that they reflect that children who are exposed to violence recover better when they remain in the care of their non-violent parent.
14. Make significant additional investments in Male Behaviour Change programs, in both community and correctional settings
15. Introduce residential Men's Behaviour Change programs in NSW.
16. Provide accommodation supports and subsidies to perpetrators so that women can stay safe, in their own home.

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17. Send ADVO defendants for a mandatory assessment to determine the most appropriate response (on the basis of eligibility and suitability) for intervention programs and provided with a relevant referral. Where an ADVO breach occurs, participation in more targeted interventions should be mandatory.
18. Consult directly with Aboriginal women, communities, leaders and organisations on appropriate content for the Blueprint
19. Increase funding for DFV prevention, services and programs (including perpetrator programs) targeted at, and developed and delivered by the LGBT community.
20. Ensure the Blueprint has an objective to make the DFV service system accessible for people with disability, in line with the best practice guide developed by PWDA and DVNSW.
21. Fund rights-based, co-facilitated DFV education for women with intellectual disability
22. Fund a grants scheme to assist women with disability leave DFV situations with immediate disability related costs, like the Victorian Disability and Family Violence Crisis Response Initiative.
23. Consult directly with CALD women and communities on content for the Blueprint, to ensure the Blueprint harnesses the diversity of the New South Wales population to achieve real change for women from all cultures.
24. Increase investment in interventions in rural and regional areas of NSW, where data indicates high concentrations of domestic violence related assault
25. That minimum funding periods for DFV services are increased to five years
26. Work with the community sector to improve the delivery of programs to perpetrators in prison or community detention.

## Introduction

Thank you for the opportunity to provide feedback on the development of the *Blueprint for the domestic and family violence response in NSW* (the Blueprint). NCOSS commends recent collaborative efforts to co-design responses to domestic and family violence (DFV) driven by the NSW Government.

The effects of the domestic and family violence on women, families, communities, our economy and our society are well documented. We know that DFV damages and dislocates the lives of women and children, impairs productivity and prosperity in our economy and makes our communities and our society less safe and less fair. Our response to the crisis to date has not recognised that DFV rends the fabric of our society and is inherently immoral. We are too far away from solving the cause of violence against women – gender inequality. We still expect women and their children to “flee” and compromise their safety. Too often we fail to hold perpetrators to account and require them to change their behaviour.

**We know that the discourse must change. The violence must stop. Gender inequality must end. Women must be empowered, and their choice and control enabled. Men must change. Society must be reshaped.**

NCOSS strongly endorses the submission of the Women’s Alliance to this process. A trauma informed practice and policy response, and properly resourced women’s services, must be central to the Blueprint.

We also acknowledge the many NCOSS members who have made detailed, comprehensive submissions in their own area of expertise. This deep reservoir of knowledge will be invaluable in shaping this Blueprint. The input of our members has been absolutely integral to developing this submission.

Equally important is the agenda being progressed through the COAG DFV process. The Blueprint must be fully integrated with the national response.

The Blueprint must focus on the safety of women and their children as its primary objective; and have choice, control, gender equality and perpetrator accountability as its key principles. The content of the blueprint should also focus on:

- Empowering women – as the people most likely to experience domestic and family violence
- Children – including how we provide appropriate supports, education and opportunities to disclose DFV
- Perpetrators – how we hold them accountable, and ensure that we see changes in their behaviour
- Intersectionality – including where the domestic and family violence is experienced by people who identify as lesbian, gay, bisexual or transgender; people with disability, Aboriginal people, people from CALD communities, and people in regional, rural and remote places.
- Ensuring the sector can respond effectively – through certainty, sustainability and better coordination

We look forward to a robust Blueprint, and finally making a dent in the crisis that has been with us for too long.

## Empowering women

### Housing First

Women's shelters are an enduring element of our service system, and we endorse the recommendations of the Women's Alliance in relation to appropriate resourcing for those and other DFV services. That said, for women to be truly empowered and safe, they must also have choice and control over where they live and who they live with. This means ensuring women are able to stay in their home as the first option – not the last. Where for whatever reason they decide that is not appropriate, women should be supported to live where, and with whom, they choose.

Adult women make up the majority of people experiencing homelessness in NSW<sup>1</sup>, and the primary driver of that homelessness is DFV. Yet many women find it difficult to sustain their tenancies or keep up their mortgage payments when they, or the perpetrator, leave<sup>2</sup>. This financial burden means that some women feel they have no choice but to remain in or return to violent relationships<sup>3</sup>.

The solution is actually relatively simple, and is already in place – women experiencing violence should be offered financial support to exercise choice and control over where they live. Programs like *Start Safely* and *Staying Home Leaving Violence* should be expanded so that they are the primary response to DFV, not a forced move to congregate accommodation arrangements.

***Recommendation 1: Expand Start Safely to ensure women have genuine choice and control over where, and with whom, they and their children live.***

***Recommendation 2: Expand Staying Home Leaving Violence to all locations across NSW.***

### Economic empowerment for all women is crucial to preventing DFV and enabling choice and control

We know that when women are economically empowered and secure, with access to employment and education, they are more likely to be safe<sup>4</sup>. Any response to DFV must recognise the important link between economic empowerment and the safety of women and their children<sup>5</sup>. But the reality is that women are more likely to experience poverty<sup>6</sup>, earn less than men<sup>7</sup>, and own less than men<sup>8</sup>. This economic disempowerment increases their insecurity and vulnerability and restricts their choice and control when they experience violence<sup>9</sup>.

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<sup>1</sup> Homelessness Australia, 2011, *Homelessness Statistics in Australia*, accessed 5/2/2016

<http://www.homelessnessaustralia.org.au/index.php/about-homelessness/homeless-statistics>

<sup>2</sup> Corrie, T. 2014, *A Wider Lens: Domestic Violence, Homelessness and Financial Security*, Good Shepherd, Sydney

<sup>3</sup> *ibid*

<sup>4</sup> Agarwal, B. Panda, P. 2007, 'Toward Freedom from Domestic Violence: The Neglected Obvious' *Journal of Human Development* (Vol 8 No, 3), Routledge, New York

<sup>5</sup> *ibid*

<sup>6</sup> ACOSS, 2014, *Poverty in Australia*, [http://acoss.org.au/images/uploads/ACOSS\\_Poverty\\_in\\_Australia\\_2014.pdf](http://acoss.org.au/images/uploads/ACOSS_Poverty_in_Australia_2014.pdf)

<sup>7</sup> Workplace Gender Equality Agency, 2015, *Gender Pay Gap Statistics*, Canberra, Australian Government  
[https://www.wgea.gov.au/sites/default/files/Gender\\_Pay\\_Gap\\_Factsheet.pdf](https://www.wgea.gov.au/sites/default/files/Gender_Pay_Gap_Factsheet.pdf)

In NSW some of the building blocks are already in place to plan and implement measures to economically empower women. The Premier has committed to 50% of senior leadership roles being held by women in 10 years<sup>10</sup>. The NSW Government has established the NSW Council for Women's Economic Opportunity (the Council) to provide "...specialist advice to the NSW Government on strategies aimed at providing women with greater economic opportunities..."<sup>11</sup> which has led on a number of initiatives aimed at improving the economic empowerment of women. Women NSW is in a unique position to contribute to the policy debate on this issue. But more can be done to close the gender pay gap, to ensure women and children are less likely to experience poverty, and to improve access to education.

The Council has the imperative, credibility and facility to tackle the complexity of this issue head on. As a starting point, the Council should examine and report on the causes and consequences of economic disempowerment of women in NSW; particularly the gender pay gap, the overrepresentation of women among people experiencing poverty, and barriers to access to education and employment. A wealth of evidence exists to support an examination of this type, along with a deep reservoir of knowledge in the community sector, in Government, and in business and in unions. This examination should lead to the development of a comprehensive action plan for the NSW Government to address this economic disempowerment, which is specifically aimed at ending the gender pay gap, reducing poverty amongst women, improving access to education, and improving financial literacy.

***Recommendation 3: Task the NSW Council for Women's Economic Opportunity with developing an action plan to improve the economic empowerment of women, including actions to end the gender pay gap, reduce poverty amongst women, improve access to education and improve financial literacy.***

## Closing the gender pay gap is central to the economic empowerment of women

The gender pay gap is a persistent barrier to achieving gender equality and economically empowering women. Some relatively recent steps have been taken toward closing this gap. An Equal Remuneration Order is in place covering workers in the community sector, recognising the gender based cultural undervaluation of the work performed by the predominantly feminised community sector workforce. This order arose from a pay equity case brought by the Australian Services Union, based on a provision of the Fair Work Act 2009, which provides that there must be equal pay for work of equal, or comparable value<sup>12</sup>. There are both Commonwealth and State laws that prevent gender based discrimination at work. However these laws largely rely on complaints based schemes or adversarial industrial processes that have had limited impact on reducing the gender pay gap overall<sup>13</sup>.

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<sup>8</sup> ACOSS, *ibid*

<sup>9</sup> Workplace Gender Equality Agency, 2013, *The Business Case for Gender Equality*, [https://www.wgea.gov.au/sites/default/files/business\\_case\\_web.pdf](https://www.wgea.gov.au/sites/default/files/business_case_web.pdf)

<sup>10</sup> Baird, M, 2015, *Making it Happen – Premier's Priorities for NSW*, <https://www.nsw.gov.au/making-it-happen>

<sup>11</sup> Women NSW, 2015, *Council for Women's Economic Opportunity*, [https://www.women.nsw.gov.au/women\\_and\\_work/Council\\_for\\_Womens\\_Economic\\_Opportunity](https://www.women.nsw.gov.au/women_and_work/Council_for_Womens_Economic_Opportunity)

<sup>12</sup> QIRC, *Time to Act: The Impact of WorkChoices on Pay Equity in Queensland*, Queensland Industrial Relations Commission, Brisbane [http://qirc.qld.gov.au/qirc/resources/pdf/inquiry/pay\\_equity/section%205.pdf](http://qirc.qld.gov.au/qirc/resources/pdf/inquiry/pay_equity/section%205.pdf)

<sup>13</sup> *Ibid*.

Research tells us that complaints based schemes are the least effective at achieving pay equity<sup>14</sup>. By comparison, the international experience tells us that proactive schemes, where employers and employees work together to examine and remove barriers to pay equity can achieve real change<sup>15</sup>. The model for this approach is Canada, where a number of provinces have established pay equity “commissions” tasked with working with employers and employees to identify and remove barriers to achieving pay equity<sup>16</sup>. This model is held up internationally as the most effective in identifying and removing discrimination and gender bias in pay<sup>17</sup>.

The NSW Government has the legislative and constitutional authority to establish a Pay Equity Commission, and should use the policy levers it has to put in place a framework that can finally end the gender pay gap. If we don't address the gender pay gap, women will continue to experience higher levels of economic disempowerment, and remain more vulnerable to DFV.

***Recommendation 4: Establish a Pay Equity Commission, to monitor and advance pay equity in NSW; and work proactively with employers and employees to identify and remove barriers to pay equity.***

## Commonwealth family payments and supports reduce poverty and provides choice and control for women

Our Social Security and income support system is one of the most successful programs in history, in terms of its effect on poverty (particularly extreme poverty). It provides options for women, allowing them to make choices that meet their own, and their children's needs and aspirations.

Despite this success, the program has been eroded in recent years. Eligibility has been tightened, payments have failed to keep up with living standards, and many women have slipped into poverty as a result. Noting that women are more likely than men to be in receipt of any payment, significantly more likely than men to receive Parenting Payment, and on average spend longer on Newstart than men, this issue has a distinct gendered element to it. These changes have resulted in more poverty, more inequality, more disadvantage and less choice and control for women<sup>18</sup>.

At the same time, the housing market in Sydney is now completely unaffordable for people experiencing poverty. This has resulted in a 20% increase in rental stress in the past year, with 144,971 low income households in NSW now experiencing rental stress (more than 30% of household income paid in rent). Commonwealth Rent Assistance is inadequate, has failed to keep up with the cost of housing and is impairing the capacity of women on low incomes to provide for themselves and their children<sup>19</sup>.

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<sup>14</sup> QIRC, Time to Act: The Impact of WorkChoices on Pay Equity in Queensland, Queensland Industrial Relations Commission, Brisbane [http://qirc.qld.gov.au/qirc/resources/pdf/inquiry/pay\\_equity/section%205.pdf](http://qirc.qld.gov.au/qirc/resources/pdf/inquiry/pay_equity/section%205.pdf)

<sup>15</sup> ibid

<sup>16</sup> ibid

<sup>17</sup> ibid

<sup>18</sup> ACOSS, 2014, *Poverty in Australia*, [http://acoss.org.au/images/uploads/ACOSS\\_Poverty\\_in\\_Australia\\_2014.pdf](http://acoss.org.au/images/uploads/ACOSS_Poverty_in_Australia_2014.pdf)

<sup>19</sup> Productivity Commission, 2015, Report on Government Services, <http://www.pc.gov.au/research/ongoing/report-on-government-services>



Policy action by the Commonwealth and the housing affordability crisis is putting at risk the NSW agenda to end violence against women. These aren't state issues per se, but without action the negative impact they are having on the empowerment of women will make the task of reducing DFV in NSW much harder.

***Recommendation 5: Lobby the Commonwealth Government to immediately increase the single rate of NewStart Allowance and Parenting Payment by \$51 per week.***

***Recommendation 6: Lobby the Commonwealth Government to make Commonwealth Rent Assistance more responsible to the high cost of housing in markets like Sydney.***

## Improving access to vocational education for women experiencing DFV provides choices and opportunity

Building skills and connecting with employment is key to achieving economic empowerment and exercising choice and control. With other cost pressures associated with reestablishing or making significant changes to your life, the cost of vocational education is often considered prohibitive<sup>20</sup>.

Removing the financial barriers to accessing vocational education and training for people leaving domestic and family violence would allow them to re-establish themselves and connect with employment opportunities through skill development. This could be done by providing fee exemptions for *Smart and Skilled* training courses to women affected by domestic violence and their dependents. NCOSS also encourages the NSW Government to explore other opportunities to waive fees or create concessions to enhance the capacity of women leaving violence and their dependents to access economic opportunities.

***Recommendation 7: Make fee exemptions for Smart and Skilled training courses available to women affected by domestic violence and their dependents; using eligibility for the Smart Safely Program to establish eligibility for fee exemptions.***

***Recommendation 8: Explore opportunities to waive fees or adjust eligibility for concessions for people leaving violence to reduce their cost of living and enhance their access to work, education and other activities.***

## Realising choice, control and rights requires access to specialist legal services

Specialist legal services are a crucial protection for women experiencing DFV. These services inform women about their rights and assist them to obtain access to justice. Early referral and access to free legal advice is particularly important for women experiencing DFV in the context of recent child protection reforms, which focus on permanency planning, and introduce a legislated timeframe for making a decision about the realistic possibility of restoring children to their family.

The Productivity Commission recognised the substantial unmet need for civil legal assistance, recommending a \$200 million increase in funding nationally.<sup>21</sup> Unmet need is felt keenly in regional areas, where women experiencing DFV are often prohibited from accessing legal assistance because of the lack of services within a reasonable distance.

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<sup>20</sup> ACPET, *Submission into the Legislative Council Inquiry into vocational education and training in New South Wales*, <http://www.acpet.edu.au/uploads/files/NSW%20Legislative%20Council%20submission%20ACPET%20.pdf>

<sup>21</sup> Productivity Commission (2014), *Access to Justice Arrangements*, Inquiry Report No. 72, Canberra.

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To facilitate choice and control for women, it is important that a range of specialist legal services be funded, such as community legal centres, Legal Aid, Aboriginal legal services, and family violence legal services.

***Recommendation 9: Increase funding to legal assistance services for women.***

## Children

Too often children are exposed to domestic and family violence and/or abused themselves.<sup>22</sup> Our response to their needs is patchy at best. As we shape responses in this Blueprint, we must not forget that children should also be a focus. This should include a focus on early prevention via education to promote gender equality and positive relationships, providing options to disclose and supports, and of course ensuring that children have choice, control and options. All these elements can and must be integrated through a whole of community and whole of government response that recognises that wherever a child's background, physical or intellectual capacity, age or culture; they have a right to safety.

### Schools are self-evidently a great place for education

Schools are central to the lives of all children, and can play an integral role in raising awareness about DFV and encouraging positive behaviours. Youth Action and DVNSW propose a 'whole-of-school approach' to establish a trial program aimed at embedding a culture of respect and equality within individual schools. The trial program will draw on gender and violence expertise to:

- Enhance leadership and encourage prevention;
- Deliver training and development opportunities for teachers and key staff;
- Develop student skills and knowledge; and
- Tailor delivery to individual schools and their communities.

NCOSS supports the proposal.

***Recommendation 10: Commit at least \$560,000 to trial an 18-month, evidence-based whole of school approach to preventing domestic violence in up to 30 schools in NSW.***

### Enabling disclosure is important to helping children realise their right to safety

Depending on their physical and intellectual capacity, their cultural background, their gender, age and circumstances, children and young people will face different barriers to sharing their experience of violence and seeking help. These barriers include fear (that people won't believe them, that they will be removed, that their parents relationship will end, or that they or their mother will be at further risk of violence), isolation, lack of opportunity, lack of capacity or a range of other barriers<sup>23</sup>. But whatever the barriers, children must have the right and opportunity to disclose violence that affects them, and to seek help for themselves and their family.

Children and young people engage with education, health and other services – along with their friends and family – which provide key opportunities for them to disclose the DFV affecting them. Making best use of these and other opportunities to disclose will aid children's path to recovery.

***Recommendation 11: Consult with children, young people, researchers and service providers on the best way to facilitate disclosure by children and young people of violence that affects them.***

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<sup>22</sup> Australian Institute of Family Studies, [Children Affected by Domestic and Family Violence, a review of DFV Prevention and Early Intervention Services](#)

<sup>23</sup> Australian Institute of Criminology [Children's exposure to domestic violence in Australia](#)

## Children should be supported to recover in a caring and safe environment

An integrated approach that can connect both women and children with the right support to be safe and recover from the trauma of domestic violence is critical for the success of the Blueprint. While some supports exist, they are insufficient to meet demand, and are applied inconsistently across the state. Because the impact and trauma of exposure of children to DFV can be long lasting, it is critical that the supports also endure.

That said, despite any supports that the state or community can offer, we know that children are better able to cope with, and recover from DFV when they remain with their non-violent parent<sup>24</sup>. It is critically important that when we respond to violence we remember that removing a child from their mother can be traumatizing, stigmatizing, and damage the child's capacity to recover. A child's welfare, and indeed the welfare of their mother, should not be impaired by the state because of the violence of their father. Of course this shouldn't be taken as a suggestion that the welfare of children should not be the paramount concern of the state. Rather, that our understanding of what enhances and impairs the welfare of children should reflect the research that indicates that children recover better from exposure to violence when they remain with their mother.

***Recommendation 12: Increase investment in specialist services for children affected by domestic violence***

***Recommendation 13: Review child protection and child removal policies to ensure that they reflect that children who are exposed to violence recover better when they remain in the care of their non-violent parent.***

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<sup>24</sup> Hooker, L., Kaspiew, R., & Taft, A. (2016). [Domestic and family violence and parenting: Mixed methods insights into impact and support needs. \(link is external\)](#) ANROWS State of knowledge paper, Sydney: Australia's National Research Organisation for Women's Safety.

## Perpetrators

### Achieving sustained perpetrator behaviour change will take investment and energy

New South Wales has never effectively held DFV perpetrators to account. Even today, perpetrators are given lighter sentences than people who commit non-domestic violence offences<sup>25</sup>. As it stands, our culture, policies and practice expect women and children to “flee” violence, and our system delivers a DFV reoffending rate<sup>26</sup> that is not only unacceptable, but outrageous. Our society and service system should deliver choice and control for women, but instead, perpetrators are often left unaccountable and have options, and people experiencing violence are disempowered with few if any choices.

A focus on and resourcing for programs and projects aimed at achieve behaviour change in perpetrators should never detract from ensuring choice, control and resources for women and women focused programs. That said, if we are to make perpetrators truly accountable and change their behaviour we cannot ignore them.

There are existing, evidence based programs operating that meet the standards required. We need significant investment in these programs to ensure that the change that is achieved in individuals, also changes our society.

**Recommendation 14: Make significant additional investments in Male Behaviour Change programs, in both community and correctional settings**

### Residential behaviour change programs must be an integral element of the response

We know that residential behaviour change programs work, and are operating successfully right now in Western Australia. Communicare’s *Breathing Space* Program is a residential men’s behavior change program that provides three months accommodation for men in a therapeutic context. The program works with men to change their behaviour, and includes one-on-one counselling and group work focused on DFV education, anger/aggression management and parenting. Perpetrators with alcohol and other drugs issues are also offered a concurrent Alcohol and Other Drugs/Domestic Violence (AOD/DV) Prevention and Intervention Program<sup>27</sup>. The program costs \$134 per day per participant to deliver.

We also know that successful behaviour change depends on the length and depth of the program<sup>28</sup>. Removing men, and compulsorily placing them in a residential therapeutic program for at least three months achieves this aim, but also provides safety for the victims of domestic and family violence, and allows them to stay in their homes. While the evidence continues to emerge on the impact of residential MBC programs on reoffending rates, it is not entirely a leap of faith to assume that achieving lasting change in men’s behaviour would also almost certainly reduce reoffending rates.

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<sup>25</sup> Bond, CEW., Jeffries, S., 2014, ‘Similar Punishment? Comparing sentencing outcomes in domestic and non-domestic cases’, *British Journal of Criminology*, 54(5)

<sup>26</sup> Baird, M, 2015, *Making it Happen – Premier’s Priorities for NSW*, <https://www.nsw.gov.au/making-it-happen>

<sup>27</sup> Communicare, 2016, Accommodation Services (webpage) available at <https://www.communicare.org.au/Accommodation-Services/communicare-breathing-space.html>

<sup>28</sup> Ibid.

That said, access to these residential programs, should not be limited to compulsory referrals. Men should be able to refer themselves, or be referred by health practitioners like GPs and psychologists. Irrespective of the referral mode, perpetrators must be required to give permission for services to engage with their partners, former partners and children to provide referrals and other appropriate services.

***Recommendation 15: Introduce residential Men's Behaviour Change programs in NSW.***

## People experiencing DFV should be able to stay safe in their homes

We currently accept a system where the main way that women and children experiencing violence can achieve safety is to flee from perpetrators. The basic premise of our system is in fact highly troubling – women must flee violence, dislocating themselves and their families from networks, services, employment and education, while perpetrators remain in their homes.

At the same time, the risk of a women experiencing violence at the hands of their partner significantly increases where the partner experiences homelessness<sup>29</sup>. Allowing a person experiencing DFV to remain in their home, and excluding the perpetrator is undoubtedly the preferred option, but if we do this we also need to resolve how we ensure the safety of the victim.

Preventing perpetrator homelessness by providing appropriate supports or subsidies for a time limited period would ensure that women can both remain in their homes and stay safe. It might seem jarring to provide supports to perpetrators, but if our aim is to keep women safe, provide them with choice and control, and prevent violence and reoffending by perpetrators, we should consider what is put at risk by making a perpetrator homeless.

***Recommendation 16: Provide accommodation supports and subsidies to perpetrators so that women can stay safe, in their own home.***

## Apprehended Domestic Violence Orders present a key opportunity for intervention

The making of an Apprehended Domestic Violence Order is a key opportunity for intervention to promote behaviour change in perpetrators. There is a system assumption that not every perpetrator is suitable for every program. However, because there is no mandated assessment process at the moment, the reality is that we are probably missing opportunities to effectively intervene.

A mandated assessment process when an ADVO is made could identify and channel perpetrators into the most appropriate response. Such a response could include one-on-one counselling, parenting courses, or other programs. These referrals could encourage readiness for more targeted domestic violence interventions (like residential MBC) upon completion. Where a breach of the ADVO occurs, more targeted interventions should be mandatory.

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<sup>29</sup> Spinney, A. and Blandy, S., 2011, 'Homelessness prevention for women and children who have experienced domestic and family violence: innovations in policy and practice' *AHURI Positioning Paper No 140*, AHURI, Monash

**Recommendation 17: Send ADVO defendants for a mandatory assessment to determine the most appropriate response (on the basis of eligibility and suitability) for intervention programs and be provided with a relevant referral. Where an ADVO breach occurs, participation in more targeted interventions should be mandatory.**

## Intersectionality

Where the domestic and family violence is experienced by people who identify as lesbian, gay, bisexual or transgender; people with disability, Aboriginal people, people from CALD communities, and people in regional and remote areas, the effects of the violence are compounded. Often services are non-existent, inaccessible or inappropriate. Sometimes service providers turn people away because of their identity, physical or intellectual capacity or culture.

The Blueprint must recognise that people experiencing DFV and their children (and indeed perpetrators) come with culture, identity and needs that must be met. If we are to end violence, and address it when it occurs in the meantime, our system needs to be responsive to that intersectionality and complexity

## Aboriginal Women and their children

The DFV crisis touches all parts of our community, and Aboriginal women and their children are not immune. NCOSS would not speak for Aboriginal peoples, and encourages the NSW Government to consult directly with Aboriginal women, communities, organisations and leaders to ensure the Blueprint reflects their needs and aspirations. That said, we stand in solidarity with Aboriginal women – who are significantly more likely to experience domestic and family violence than other women – who can most effectively lead their community's response. This consultation should not be limited to the service responses, but also how we empower women economically, change the discourse and end gender inequality in NSW.

**Recommendation 18: Consult directly with Aboriginal women, communities, leaders and organisations on appropriate content for the Blueprint**

## Lesbian, gay, bisexual and transgender (LGBT) people and their children

While lesbian, gay and bisexual people experience domestic violence at least at the same rate as straight women<sup>30</sup>, and transgender people experience higher rates again<sup>31</sup>, the DFV crisis in the LGBT communities is rarely given the prominence it deserves. The complexity of LGBT relationships, heteronormative assumptions about violence and a range of other factors mean that LGBT people cannot access, are turned away from or feel unwelcome at mainstream services. This problem is even more pronounced for trans people and perpetrators<sup>32</sup>.

Keeping LGBT people safe from violence requires a nuanced response, that requires delivering services that people experiencing the violence know and trust. This response also needs education and awareness programs

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<sup>30</sup> ACON, 2011, *One Size Does Not Fit All, Gap analysis of NSW domestic violence support services in relation to gay, lesbian, bisexual, transgender and intersex communities' need*,

[http://static1.1.sqspcdn.com/static/f/471667/11435293/1301286771177/Gap+Analysis\\_V4-a.pdf?token=dmJWGokgixfL%2BwNxVyxAVTJzZ%2FY%3D](http://static1.1.sqspcdn.com/static/f/471667/11435293/1301286771177/Gap+Analysis_V4-a.pdf?token=dmJWGokgixfL%2BwNxVyxAVTJzZ%2FY%3D)

<sup>31</sup> *ibid*

<sup>32</sup> *ibid*

that speak to a community using language and imagery they understand, and requires the input and leadership of the community itself. LGBT communities must lead the response to the crisis in their own communities.

**Recommendation 19: Increase funding for DFV prevention, services and programs (including perpetrator programs) targeted at, and developed and delivered by the LGBT community.**

## Women with disability and their children

The Blueprint must ensure the DFV service system responds to women with disability. Although surveys reflect the far higher incidence of violence experienced by women with disability,<sup>33</sup> they mask its extent by excluding people with severe disability needing assistance to participate, and those living in non-private dwellings, such as institutions.<sup>34</sup> Shockingly, 90% of women with an intellectual disability have been subjected to sexual abuse.<sup>35</sup>

Despite the prevalence of violence, research laments the lack of attention paid to the intersection of disability and violence.<sup>36</sup> DFV workers may not be educated about the issues facing women with disability, and disability workers may not be educated about DFV — meaning these vulnerable women “fall through the cracks”.

**Recommendation 20: Ensure the Blueprint has an objective to make the DFV service system accessible for people with disability, in line with the best practice guide developed by PWDA and DVNSW.**

Due to the increased risk they face, it is important women with disability receive specific rights-based domestic violence education. People With Disability Australia (PWDA) and Women With Disability run training programs targeted at women with intellectual disability, covering topics such as rights, relationships and seeking help.<sup>37</sup>

*Living Safer Sexual Lives: Respectful Relationships* is a Commonwealth funded pilot program where people with intellectual disability co-facilitate DFV prevention workshops to their peers. The program was extended in Victoria, and peer education is a key element of the program’s success.<sup>38</sup> This should be implemented in NSW.

**Recommendation 21: Fund rights-based, co-facilitated DFV education for women with intellectual disability**

Women with disability experiencing DFV may be reliant on perpetrators for daily and necessary supports. In these cases, leaving violence requires immediate alternative supports. In 2013, Victoria implemented the *Disability and Family Violence Crisis Response Initiative*, enabling women with disability to receive up to \$9 000 over 12 months for immediate disability related needs when escaping family violence.<sup>39</sup> While NSW Victim’s

<sup>33</sup> ABS 2012 Personal Safety Survey, Australian Bureau of Statistics (ABS), [Personal safety survey Australia 2012](#), cat. no. 4906.0, ABS, Canberra, 2013.

<sup>34</sup> Australian Bureau of Statistics (ABS), [Personal safety survey Australia 2012](#), cat. no. 4906.0, ABS, Canberra, 2013.

<sup>35</sup> Australian Law Reform Commission (ALRC) (2010) *Family Violence — A National Legal Response*. ALRC Final Report 114.

<sup>36</sup> Mikton, C., Maguire, H., & Shakespeare, T. (2014). “A systematic review of the effectiveness of interventions to prevent and respond to violence against persons with disabilities”, *Journal of Interpersonal Violence*, 29(17), 3207-3226, quoted in Frawley, P et al (2015) [What does it take? : Developing informed and effective tertiary responses to violence and abuse of women and girls with disabilities in Australia](#), Australia’s National Research Organisation for Women’s Safety (ANROWS).

<sup>37</sup> See [“Domestic Violence and Intellectual Disability”](#)

<sup>38</sup> Frawley, P & Anderson, S. (2014) Adopting Mainstream approaches: Taking account of and including people with an intellectual disability in violence and abuse prevention.

<sup>39</sup> Victorian Department of Human Services (2013) [Disability and Family Violence Crisis Response Initiative Guidelines](#)



Services provides \$5,000 on leaving violence, having funds available for additional costs stops women with disability making impossible choices, like between personal care and housing, or staying with a perpetrator.

***Recommendation 22: Fund a grants scheme to assist women with disability leave DFV situations with immediate disability related costs, like the Victorian Disability and Family Violence Crisis Response Initiative.***

## CALD communities and peoples

New South Wales is more culturally and linguistically diverse than any other state, a fact which brings special challenges in responding to the DFV crisis. NCOSS would not speak for CALD women and communities, and encourages the NSW Government to consult directly with CALD women and communities to ensure the Blueprint reflects their needs and aspirations.

However, a response that recognizes the unique diversity in NSW, and takes advantage of that diversity to harness action led by those diverse cultures, will enhance the response. The consultation undertaken to develop it should not be limited to the service responses, but also how we empower CALD women economically, change the discourse and end gender inequality in NSW.

***Recommendation 23: Consult directly with CALD women and communities on content for the Blueprint, to ensure the Blueprint harnesses the diversity of the New South Wales population to achieve real change for women from all cultures.***

## Regional, rural and remote communities

Communities across NSW are marked by their diversity. The size, demography and history of a community affects how the DFV crisis is manifest, and how the community is responding. Service systems have varying degrees of sophistication and readiness for significant investments. The Blueprint must consider the needs of people in rural, regional and remote areas of NSW, and contain a mix of statewide, regional and place based responses.

Recent research by the Australian National Research Organisation for Women's Safety (ANROWS) acknowledges the struggle of all Australian jurisdictions to meet demand for perpetrator interventions in rural and regional areas,<sup>40</sup> a fact which compounds the high rates of domestic violence offences which are recorded in rural and regional areas.<sup>41</sup> Consultation with NCOSS members has highlighted the need to overcome the negative impact of isolation and a lack of transport in rural, regional and remote areas that impact on the safety of women and children and their access to services. Funding allocations for services operating in rural, regional and remote areas of NSW should be appropriately weighted to recognise the costs of service delivery in these areas and the

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<sup>40</sup> Australian National Research Organisation for Women's Safety (ANROWS) 2015, Perpetrator Interventions in Australian Part 2: Perpetrator Pathways and mapping, p 5, available at [http://media.aomx.com/anrows.org.au/s3fs-public/Landscapes%20Perpetrators%20Part%20TWO\\_rotated%20\(1\).pdf](http://media.aomx.com/anrows.org.au/s3fs-public/Landscapes%20Perpetrators%20Part%20TWO_rotated%20(1).pdf).

<sup>41</sup> BOSCAR NSW Recorded Crime Statistics, 2014-2015, Recorded domestic violence related assault incidents by Local Government Area, available at [http://www.bocsar.nsw.gov.au/Pages/bocsar\\_pages/Domestic-Violence.aspx](http://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Domestic-Violence.aspx)

need for additional responses, such as mobile services or specialised transport to assist women and children remain safe and access support.

***Recommendation 24: Increase investment in interventions in rural and regional areas of NSW, where data indicates high concentrations of domestic violence related assault***

## Ensuring the sector can respond effectively to the needs of women

### Funding certainty is key to service continuity and effectiveness

The recent Legislative Council *Inquiry into Service Co-ordination in communities of high social need* recommended that funding periods be extended to a minimum of five years.<sup>42</sup> NCOSS supports this recommendation and concurs with the Standing Committee on Social Issues' assessment that:

*... the current length of service funding is too short for service providers to effectively build and maintain relationships with clients and other organisations, or to implement long-term planning and strategies to build capability across the sector.*<sup>43</sup>

NCOSS believes continuity of service is important for victims of domestic and family violence and to strengthen the capacity of the sector to tackle this important social issue. Longer funding periods will also allow services to concentrate more efforts on service delivery with staff who can be retained -making workforce training and development a long term investment.

***Recommendation 25: That minimum funding periods for DFV services are increased to five years***

### Greater co-operation could reduce reoffending

The stability of funding noted in the recommendation above will also allow great collaboration and co-operation between all stakeholders, including NGOs and government. In some ways, there are currently parallel systems that are operating to reduce DFV that are not well integrated and are opaque to those outside the system they operate in. One such example is the delivery of perpetrator interventions in Corrective Services settings.

NCOSS believes that the Premier's priority to reduce reoffending rates has the best chance of success if the Not-for-Profit sector works closely with Corrective Services. Collaboration between sectors will ensure systems work together well, support common goals, guard against unintended consequences and capitalise on existing resources. NCOSS encourages the NSW Government to ensure that responses that arise from the Domestic Violence Higher Risk offenders process are not implemented occur in isolation.

Linkages with existing services, a well-developed understanding of the networks and the current capacity of the service system are needed to produce successful interventions to reduce reoffending rates. For example, benefits can be derived from the teams working to deliver the Corrective Services NSW EQUIPS suite of Domestic Abuse Programs (DAP) having regular contact and sharing information with a range of services including:

- services that are supporting victims of domestic and family violence and sexual assault;

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<sup>42</sup> Legislative Council NSW, 2015, : Standing Committee on Social Issues, *Service Co-ordination in Communities with high social needs*, available at [http://www.parliament.nsw.gov.au/Prod/Parliament/committee.nsf/0/e5081ae518c63699ca257f18000178c2/\\$FILE/Report%20-%20Service%20coordination%20in%20communities%20with%20high%20social%20needs%20-%202011%20December%202015.pdf](http://www.parliament.nsw.gov.au/Prod/Parliament/committee.nsf/0/e5081ae518c63699ca257f18000178c2/$FILE/Report%20-%20Service%20coordination%20in%20communities%20with%20high%20social%20needs%20-%202011%20December%202015.pdf)

<sup>43</sup> Ibid

# Blueprint for the domestic and family violence response in NSW

- child protection and children's services;
- Community Legal Centres;
- Women's Health Centres;
- Men's Behaviour Change Program providers;
- police; and
- representatives from high-risk communities.

An integrated response can produce multiple benefits such as:

- the identification of systemic barriers and opportunities for resolution;
- a shared understanding of best practice;
- access to specialist knowledge between services and sectors;
- enhanced communication and the development of a common language;
- the capacity to work collaboratively to reduce service gaps that can impact on the safety of women and children;
- maximised referral pathways; and
- opportunities to maximize quality and consistency.

Frameworks for Corrective Services and the NFP Sector to work collaboratively may not exist across NSW, particularly given both sectors are presently experiencing high demand. Additional resourcing will be needed to develop a framework to enable collaboration to occur and ensure the viability of a collaborative approach.

***Recommendation 26: Work with the community sector to improve the delivery of programs to perpetrators in prison or community detention.***