



To: National Council to Reduce Violence Against Women and Children

From: Women's Electoral Lobby

Response to Inform the Development of the National Plan

July 2008

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FOREWORD

Women's Electoral Lobby Australia is an independent women's lobby group working to protect the rights of Australian women. It was established in 1972. WEL lobbies government, politicians, unions, employers, educationalists and others on behalf of women of all backgrounds. It seeks to change social attitudes and government policy, practice and programs to take account of women's priorities and lives. It advocates an end to discrimination against women.

INTRODUCTION

WEL stresses the importance of dealing with both domestic violence and sexual assault within the overall context of

violence against women, whilst at the same time allowing for specific analysis of these two manifestations of violence against women.

WEL looks forward to the National Council being empowered and resourced to work on eliminating violence against women and children. WEL sees the Council's main influence being on programs which are within the Commonwealth Government's jurisdiction

Much of what is proposed by WEL is directed at State and Territory Governments as they have main carriage of violence against women programs. WEL urges the National Council to maximize its influence with State and Territory governments.

1. DOMESTIC VIOLENCE AND SEXUAL ASSAULT IN AUSTRALIA

Domestic Violence

Approximately 40% of homicides in NSW are domestic violence related. That is around 40 each year for the past 10 years.

In the handling of domestic violence, WEL is concerned that there are systemic weaknesses that are not being rectified. The issue of domestic violence came out from behind closed doors and became a public policy issue in the 1970s. Yet assaults and homicides in the home are still not getting equivalent attention to assaults and deaths in workplaces and assaults and homicides in the community.

Women's rights are human rights. Women should be getting protection at home and the full support of services and the

criminal justice system when they are the victims of domestic assaults- before they become another homicide statistic.

The system should save women not fail them.

There is considerable experience and research that identifies proven effective strategies. NSW has the capability to provide victims of domestic violence with the protection and services they need. Well-resourced women's specialist services are the core of a robust system.

Sexual Assault

Over the past 30 years there have been many law reforms and improvements to services, police response and community education. And yet looking at the statistics it is little wonder that women still have little faith in the criminal justice system bringing them justice in sexual assault matters. In NSW 2004 the number (7000) of sexual and indecent assault incidents reported to police exceeded the number of proven charges by about ten to one. Most reported sexual offences get no further than the police investigation stage because police do not lay charges. The rate of acquittal in sexual assault cases is higher than for any other criminal offence. Proving cases continues to be an enormous problem. Most sexual assaults still go unreported. The NSW Crime and Safety Survey shows that each year only 10-30% of adult female sexual assault victims report their assault to the police. This means the number of sexual offences in NSW is between 70,000 and 23,000 each year. Women who have been raped have the right to receive help to recover and redress through the criminal justice system. A major government initiative is needed to tackle this abhorrent crime of violence and sexual violation and to give cases a fair go at every stage.

2. SUCCESSFUL RESOURCES, PROGRAMS OR SERVICES

WEL recommends the expansion of successful programs.

Domestic Violence

- That the NSW Domestic Violence Committee Coalition and similar groups around Australia be supported to continue their work in advocacy and community education work
- That the Council conduct a gap analysis (using Rapid Assessment Process*) to identify which proven effective programs and services (e.g. women's specialist services

**; DV Court Assistance Scheme (DVCAS)) need additional resources or greater coverage capacity.

- That funds be injected into the proven effective pilots, programs and services which the gap analysis reveals are under resourced. It is noted that trends in funding policies such as competitive tendering which favours corporatised agencies may impact negatively on the work of locally based and supported services.
- That the Hospital DV Screening Systems be extended to hospital emergency departments, GPs and other health care providers so they also do routine screening and risk assessment

Sexual assault

Services

That Governments provide a safe location for complainants by resourcing one-stop units around Australia at major local hospitals or those community health centres where sexual assault centres are currently based. Units should include:

- Case managers who would stay with case right through to trial

- □ Medical forensic and pathology facilities
- □ Police interview facilities and equipment
- □ Counselling rooms
- □ Waiting area for family and supporters
- □ Shower and change facilities
- □ Victim information room

Such units would create a safe familiar and informative environment. Service providers would come to the victim/survivor.

Community Education

That community education programs focus on ethical sexual relations and are matched with adequately planned response services with funds for evaluation built in.

Improve Criminal Justice System Response

That laws be reformed in relation to sexual assault by:

- introducing a positive definition of consent emphasising that consent means free agreement. This would be in line with the Commonwealth /State Model Criminal

Code Committee's view that defining consent in positive terms more properly reflects two objectives of sexual assault law: the protection of sexual autonomy and freedom of choice of adults. This reform reflects society's expectations of detailing various circumstances in which consent is not freely given. The 1991 Victorian reforms provide a model.

- introducing a requirement of the accused to show what steps were taken to ensure consent. Such steps would have to be acceptable as proof to a reasonable person. The 2003 law reforms in England and Wales provide a model for this. These reforms introduced an objective test of whether the accused can prove that he had a reasonable belief that the alleged victim consented. The UK reforms reverse the 1976 ruling by Lord Cross in *Dpp vs Morgan*.

- Improve the management of cases, committal hearings and trials by:

- further improving police investigation procedures.
- reducing complexity by streamlining and restricting judges' warnings and directions to juries. There is now a large list of directions given by trial judges to juries. These provide fertile ground for having cases thrown out of court eg. warning about delay in reporting complaints, corroboration.
- expanding the use of complainants statement in committal hearings and transcripts for retrials.
- exploring the efficacy of establishing well resourced specialist Sexual Assault Courts to decrease trauma on victim, increase skills and knowledge of all Court staff and stakeholders, and improve outcomes for complainants.
- exploring the efficacy of a specialist prosecutorial unit in the Office Director of Public Prosecutions to represent the Crown in sexual assault matters. If such a unit is established then rotating staff is important to avoid burn out.
- expanding the excellent Witness Assistance Scheme (WAS) to give help to every victim whose case proceeds to committal or trial.
- providing increased protection for vulnerable witnesses.
 - Table an Annual Report prepared by the Bureau of Crime Statistics and Research

Offices for Women using a set of agreed performance indicators covering progress on reforms, prevalence, risk factors, women's empowerment, health outcomes and adequacy of service availability.

3 BARRIERS TO FAMILY SAFETY FOR WOMEN AND CHILDREN

Living standard equity

Single aged female pensioners are a fast growing group, many of whom have little or no other savings or super. Yet

there have been few attempts to increase their weekly income as single pensioners, even though it is not enough on its own for comfortable living. Similarly women on their own because of violence or marriage break up are also finding the housing rental market a problem. In both cases there is a need for more resources targeted to these groups. Higher single pensions and more public housing or cheaper rental housing are crucial. Those income recipients who are moved from Parenting payments to Newstart will find their living expenses too tough to manage at the lower rate.

WEL proposes

- Increased income for single aged pensioners without other income: few now have superannuation and women continue to miss out the most.
- More affordable housing particularly for those renting and for women needing to leave violent relationships.
- Put single parents with children over 8 back on pension rates not Newstart.

4 STRATEGIES TO REDUCE DOMESTIC AND FAMILY VIOLENCE AND SEXUAL ASSAULT AGAINST WOMEN AND CHILDREN

WEL proposes

- That specific Indigenous women's services be resourced and supported. Priority attention should be given to Indigenous women's needs.
- That the Commonwealth/State Council of Australian Governments (COAG) commission and consider an annual multi-state report against agreed national indicators. This would include, adequacy of service availability including Commonwealth/State programs such as SAAP for refugees and the possible effects of the new Family Law Act

provisions in relation to increased shared time with non resident parents.

- That a statutory independent National Domestic Violence Related Homicide Review Board be established. This Board would investigate and report annually to Parliament on what is effective, lessons from systems failure and what system changes should be made to prevent future deaths.
- “safe houses” with adequate security (e.g. police stations, hospitals, Family Court Contact centres) be proclaimed and resourced.
- That awareness raising community education campaigns be matched with adequately planned response services.
- That priority be given to women survivors of domestic violence and their children for moving into longer term public housing and community housing places. Children survivors should have access to proven programs or group work.

➤ Improve Criminal Justice System Response

- That the Council work on model legislation including assessing the efficacy of a Domestic Violence Act separate to the Crimes Act, with domestic violence narrowly defined as occurring in intimate personal relationships and other intra-familial relationships. This is already occurring in some states. That the Council explore the efficacy of establishing a well resourced Domestic Violence Division of the Magistrates Court administration along the lines of the system now operating successfully in Victoria.
- That states be encouraged to provide adequate training and education be provided for police, prosecutors, court

- staff, judges and magistrates to enable effective, equitable and respectful response. This would include the Judicial Commission's judicial education program giving judges and magistrates education, guidelines, materials and online resources to make sure that their courtrooms provide real help to victims of violence.
- That greater use of exclusion orders in ADVOs be encouraged so that women and the children can stay in their home. Exclusion orders should only be sought when it is assessed as safe for the family to stay in the home and support services available to maintain safety.
 - That DV Court Assistance Schemes DVCAS be made.
 - That the Commonwealth increase funds to legal aid so that it can be made readily available to women seeking ADVOs in defended hearings.
This is especially important for Indigenous women.
 - That a statutory scheme be established for mandated court counselling for men assessed as accepting responsibility for their actions and willing to change their behaviour. Treatment would be by accredited services that are authorised by the court to report progress directly back to the court including breaches and satisfactory conclusion of treatment. This must not be funded from domestic violence funding but from crime prevention resources.

Engage Local Government and Communities

- That local councils be encouraged to initiate programs through community workers to respond locally to domestic violence. Templates for user-friendly kits could be developed and distributed for use by organizing communities and neighbourhoods against domestic violence.
- That proven programs such as Guy-to-Guy Projects be resourced, for example in Manly the NSW Government Regional Violence Specialist works with the local

leagues club. In Brazil a project engages young men as change agents in domestic violence prevention.

Affordable Housing Options/SAAP Funding

One area of particular concern to WEL is the lack of housing options available to women escaping from domestic violence. Barriers to accessing affordable housing means that these women rely heavily on continued use of emergency accommodation. Yet refuges are increasingly experiencing an accommodation crisis, with clients staying in crisis services much longer than 3 months due to the lack of housing exit options. For victims of domestic violence and their children, this situation increases the risk of long term homelessness or return to a violent situation. In NSW, for example, only 20.8% of women in refuges exit to public or community housing.

The recent Commonwealth Government's "Australia Says No" campaign has raised awareness of domestic violence. Together with increased police intervention and initiatives such as the mandatory reporting of children witnessing or experiencing domestic abuse, this has placed additional pressure on domestic violence services, yet the Commonwealth provided no additional funding for these services under SAAP (Supported Accommodation Assistance Program) for the period 2005 – 2010 except for one off funding for some specific initiatives under the Innovation and Investment Fund. During 2004-2005, agencies targeting women escaping domestic violence reported a daily turn away rate of 46% in NSW. Of these women, 56% were accompanied by children.

Insufficient SAAP funding also impacts on accommodation for the homeless, where there are serious unmet needs. For example in NSW, 42% of all people requesting

accommodation each day were turned away in 2004. Indigenous people, particularly women, are disproportionately represented as SAAP clients, with about 20% of SAAP female clients being indigenous women, often escaping domestic violence.

WEL supports National Shelter's call for the Australian Government to work with State and Territory Governments, non Government and private sectors to rectify these critical housing problems.

WEL encourages the National Council advocate to the Commonwealth Government that it should take a creative and proactive approach that encompasses:

- Increased funding for social housing under CSHA or other national housing agreement, and under SAAP to address unmet domestic violence emergency accommodation needs and the needs of the homeless.
- Incentives for private sector investment in affordable housing.
- Improved overall planning and co-ordination between various portfolios at Commonwealth and State Government levels, and between all levels of government and NGOs.

WEL urges the National Council to urge the Commonwealth Government to:

- Treat the provision of affordable housing for all Australians as a priority issue.
- Take a leadership role in achieving better co-ordination of housing policies:
 - Within its own policy portfolios.
 - Between levels of government – Commonwealth, State and Local.

- Provide a substantial increase in social housing capital investment.
 - i. Review the CRA to ensure that payment levels result in affordable rental costs.
- Encourage private sector and institutional investment into affordable housing, through:
 - Financial incentives provided by the tax system eg considering a tax credit scheme.
 - Better co-ordination between all levels of government to develop common national planning and land development standards that generate provision of affordable housing, especially in economic “hot spots” eg designating a percentage of new housing developments as affordable housing.
- Encourage home ownership for those who need it most through:
 - Targeting housing assistance programs such as the First Home Owners Grant to those on lower income.
 - Reviewing the impact of tax concessions that generally benefit older and wealthier home owners.
 - Considering innovative initiatives such as shared home ownership schemes where the home occupier gains wealth benefits from home ownership.
 - Develop a comprehensive strategy for indigenous housing, which maximizes self determination.
 - Work with State governments and NGO's to develop new models for housing and support for high need households including better aligning of homelessness and housing support systems to help people out of homelessness.
 - Increase its contribution to the Supported Accommodation Assistance Program (SAAP) to address the levels of unmet demand to ensure

that women and children escaping domestic violence receive appropriate support and assistance.

* Rapid Assessment Process (RAP) is a way to investigate complicated situations in which issues are not yet well defined and where there is not sufficient time or other resources for long-term, traditional qualitative research. RAP uses intensive team interaction in both the collection and analysis of data instead of prolonged fieldwork and iterative data analysis and additional data collection to quickly develop a preliminary understanding of a situation from the insider's perspective.

Women's specialist services include crisis accommodation/refuges, domestic violence services, family support services, counselling services.