

Inquiry into Family, Domestic and Sexual Violence

Australian Parliament House of Representatives
Standing Committee on Social Policy and Legal Affairs

Submission by McAuley Community Services for Women



McAuley Community
Services for Women

A ministry of the Sisters of Mercy

About McAuley Community Services for Women

McAuley Community Services for Women supports women and children who have faced family violence and/or homelessness.

We provide safe crisis and refuge services, temporary and longer-term accommodation, as well as a respite bed for those needing a short period of intensive support. An essential feature of our model is the provision of intensive support 24/7, 365 days of the year. All our services are accessible to women across Victoria. We also provide direct support to children in their own right and help nurture the confidence of their mothers.

McAuley's integrated solutions mitigate the risk that family violence becomes a starting point for a cycle of homelessness. Features of our approach are:

- women have access to a full range of McAuley's broader services including nursing support and trauma-informed mental health support
- financial and legal help and employment support are directly available through our partnerships, addressing the financial pressures that accompany family violence
- children's wellbeing is addressed through specific children's programs and educational support
- Children and young people, up to the age of 18, including boys, can stay in crisis accommodation alongside their mothers, keeping them safe from violence, and reducing the risk of identification with the violent partner remaining in the house. This also prevents them from, as teenagers, themselves becoming homeless.

In 2019 Deloitte analysed outcomes for 30 of McAuley's clients; 26 demonstrated a positive or equal return on investment. Deloitte stated: 'That the vast majority of case studies explored generated a positive return on investment is a significant finding given the level of complexity of the case studies analysed. In effect, this study demonstrates that even for the most complex clients, the services that McAuley provides generate positive social and economic returns.'¹

Our response to the Inquiry into Family, Domestic and Sexual Violence

McAuley welcomes the opportunity to contribute to the work of the Inquiry.

McAuley has been a leading voice in advocating for women and children who have experienced family violence. McAuley's Chief Executive Officer Jocelyn Bignold was an expert witness at Victoria's Royal Commission into Family Violence.

¹ Available at McAuley website: <https://www.mcauleycsw.org.au/about-us/evaluations/>

Our submission has a particular focus on this Inquiry's term of reference d) which examines ways that health, housing, access to services, including legal services, and women's economic independence impact on the ability of women to escape domestic violence.

Overview of the current family violence context

Family violence: are things improving?

In Victoria, where McAuley is based, there has been an intense focus on family violence and record expenditure as recommendations from the 2015 Royal Commission are implemented. With all the preventative and early intervention steps, it might be expected that rates of family violence would be starting to show a downward trend. Instead, since 2016:

- Family violence incidents have increased from 76524 to 85923 (a rise of 12.28 per cent) and per head of 100,000 population by 3.36 per cent;
- Family violence related homicides were 39 in the year to March 2020 and were 38 in the same period in 2016.²

These figures reflect the magnitude of the task ahead and the complexity of factors that lead to violence against women.

COVID and family violence

Rates of family violence were already high prior to the COVID-19 pandemic. The nature of the pandemic, which causes social isolation and confinement to home, are leading increased incidences. These effects may not show up immediately as the pandemic will also have made it more difficult for those needing help to reach out. Initial research from a survey of 166 Victorian family violence practitioners³ shows already a concerning trend:

- an increase in the frequency and severity of violence against women
- 59% of respondents reported that COVID-19 has increased the frequency of violence against women and 50% reported it has increased the severity of violence
- an increase in the complexity of women's needs noted by 86% of respondents
- an increase in first-time family violence reporting by women noted by 42% of respondents.

Similarly, a national Australian Institute of Criminology survey showed that 4.6 percent of women had experienced physical or sexual violence from a current or former cohabiting partner and:

² Crime Statistics Victoria: <https://www.crimestatistics.vic.gov.au/family-violence-data-portal>

³ Pfitzner, N., Fitz-Gibbon, K. and True, J. (2020). Responding to the 'shadow pandemic': practitioner views on the nature of and responses to violence against women in Victoria, Australia during the COVID-19 restrictions. Monash Gender and Family Violence Prevention Centre, Monash University, Victoria, Australia.

- almost six percent (5.8%) of women experienced coercive control and 11.6 percent reported experiencing at least one form of emotionally abusive, harassing or controlling behaviour.
- two-thirds of women who experienced physical or sexual violence by a current or former cohabiting partner since the start of the COVID-19 pandemic said the violence had started or escalated in the three months prior to the survey.
- many women, particularly those experiencing more serious or complex forms of violence and abuse, reported safety concerns were a barrier to help-seeking.⁴

The current COVID crisis is already intensifying aspects of gender inequality that make women more vulnerable to family violence. Women are assuming more of the caring responsibilities and are more at risk of job loss, due to their over-representation in less secure forms of employment. The majority of those in casual roles who are unable to access JobSeeker payments are women, and most essential workers in lowest paid jobs are women. More women are depleting their superannuation accounts, widening the already considerable gap between amounts accumulated by men and women.⁵

ACOSS has warned against a snapback on the extra childcare or income support provided during COVID-19 risks. They say it risks trapping single mothers and their children in poverty, given that they are already significantly disadvantaged in economic terms compared to men.⁶

Gender inequality and the link to family violence

Gender inequality has been established as an underlying or root cause of violence against women, and interacts with, and amplifies, other forms of social disadvantage. As the Our Watch report: 'Changing the Story' says: 'Gender inequality is the core of the problem and it is the heart of the solution.'⁷

On average women have lower lifetime earnings than men, due to lower wages for work performed, fewer opportunities for paid employment, part-time and casual employment, care responsibilities and limited access to higher paid occupations. For many, this has resulted in

⁴ Boxall H, Morgan A & Brown R 2020. *The prevalence of domestic violence among women during the COVID-19 pandemic*. Statistical Bulletin no. 28. Canberra: Australian Institute of Criminology.

⁵ <https://www.wgea.gov.au/topics/gendered-impact-of-covid-19>

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⁷ Our Watch, Australia's National Research Organisation for Women's Safety (ANROWS) and VicHealth (2015) *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia*, Our Watch, Melbourne, Australia.

few assets in older age — men have an average of \$270,000 in superannuation while women have \$157,000.⁸

Women and poverty

Eighty two percent of sole parent families are headed by a woman, and dependence on social security benefits is strongly associated with poverty. Sole parent families have the highest poverty rates, at 35%, and children in sole parent families have a poverty rate of 44%.⁹

The doubling of JobSeeker as part of the COVID-19 response has been a tacit recognition of the well-documented inadequacy of NewStart payments. It has not been raised in real terms for more than 25 years, while other costs, particularly energy bills and housing, have skyrocketed. In 2019, an ACOSS' survey of almost 500 people trying to get by on the old rate of Newstart of \$40 a day found: 84% skipped meals to save money, 66% did not use heating in winter, and more than half had less than \$100 left per week after housing costs.¹⁰

There have been concerted efforts in recent years to move people away from 'welfare dependency' and into work or the lower NewStart payments. Already disadvantaged and more likely to be recipients of welfare benefits, women have been disproportionately affected by harsh and demeaning measures introduced. These include policies requiring recipients to supply a "referee" to sign a legally binding form verifying that the welfare recipient is single; and a 'demerit' system in which minor infractions such as missing appointments can lead to suspension of benefits. These fail to recognise women's caring responsibilities. Nor does it take account of the unique circumstances and challenges facing women endangered by family violence.

These punitive approaches can lead to a paradox as described by one commentator:

*"Government policy seems to have a disconnect between assisting a woman and her children to leave an abusive relationship and ensuring that they can re-establish their lives on a positive trajectory in the medium- and long-term. In fact, it's something like a magic trick, in which the victim/survivor is supported to leave the abusive partner, and then – poof! – is turned into an enemy of the Australian national budget."*¹¹

⁸ Older Women's Risk of Homelessness: Background Paper: Hon. Dr Kay Patterson AO, Kathryn Proft and Joanna Maxwell (from Australian Human Rights Commission website)

⁹ Poverty in Australia 2020: Part 2 - Who is affected? is published by the Australian Council of Social Service, in partnership with the University of New South Wales

¹⁰ <https://raisetherate.org.au/wp-content/uploads/2020/02/2019-Survey-Of-People-On-Newstart-And-Youth-Allowance.pdf>

¹¹ <http://www.powertopersuade.org.au/blog/women-welfare-and-a-policy-of-economic-abuse/21/6/2018>

Lack of financial independence makes it harder for women to leave violent relationships and build new lives

While women remain financially dependent on men who are violent, they are less likely to leave them¹². Women may find themselves in a vicious cycle where their financial independence may be the path to freedom from violence — but the violence may prevent them from becoming financially independent.

Addressing this, by building women's economic security, has been noted as a missing factor in many family violence strategies. McAuley has directly addressed this gap by developing an intensive employment support program for women facing serious barriers to entering or rejoining the workplace. To our knowledge we are the only organization in Australia that includes this focus on economic empowerment within our range of services to support women endangered by family violence. McAuley Works is funded by Jobs Victoria and has so far supported more than 300 women.

Employment builds confidence, resilience, and social networks, all of which can assist women to leave a violent relationship. The likelihood of other consequences that women typically face when they leave violence – poverty, homelessness, health issues, and effects on children – is also lessened if they can join or re-enter the workforce.

Supporting women who have faced family violence into employment also represents value for money for governments. The Deloitte Social Return on investment study of 30 McAuley case studies noted that the return was, on average, significantly higher for women who also engaged in McAuley Works.¹³

Advantages of employment support within a family violence- focused organisation

Locating an intensive employment support service within a family violence and homelessness support agency means an integrated and accessible response to all the other needs that arise. McAuley can, for example, assist women to access family violence flexible support packages for moving costs or security upgrades at their home, offer connections to legal help and mental health support, and connect them with our skill development programs and local training services.

Ninety-four per cent of the women supported by McAuley Works have experienced family violence. Many are still facing an immediate threat of violence. This has a significant impact on their ability to be 'job-ready'. Our case managers often note that such is the chaos in their

¹² Postmus, J. 2010. *Economic Empowerment of Domestic Violence Survivors*. Harrisburg. VAWnet. <http://www.vawnet.org>

¹³ Deloitte evaluation is available on McAuley website: <https://www.mcauleycsw.org.au/about-us/evaluations/>

lives, women initially find it difficult to focus on practical steps they need to take to enter the workforce.

The experience of violence also has consequences which adversely affect job searching and the types of jobs that are appropriate, such as:

- reduced confidence and focus
- reduced ability to meet appointments – women are often still dealing with court matters, sorting out Centrelink issues, may be couch-surfing, and have reduced childcare options because they have had to move away from their neighbourhoods and family connections
- safety needs – women are still at risk of being contacted or found by perpetrators
- having their job search activities sabotaged by the perpetrator.

Family violence is a significant barrier to employment

The experience of family violence has usually undermined women's work histories; it also affects their ability to get work and retain it.

The evidence is that women with a history of family violence have a more disrupted work history, are consequently on lower personal incomes, have had to change jobs more often, and are employed at higher levels in casual and part time work than women with no experience of violence.¹⁴

Disrupting women's employment opportunities is often a deliberate tactic of men who use violence. They frequently demonstrate controlling behaviours that ruin the chances of sustained employment for women. Women may have had restrictions on where they can go, their confidence and self-esteem is often systematically attacked, and be at risk of stalking and harassment at their workplace.

- A correlation has been found between women's attempts to enter the workplace and an escalation of the violence. Perpetrators target victims at work *to 'increase their control and compromise the victim's economic independence...[violence] is motivated by a desire to control the intimate partner, so perpetrators who extend their abuse to the work setting are increasing the number of domains in which they control their partners.'*¹⁵
- Harassing, stalking, and threatening women at work is also a strategy for getting them fired and increasing their dependence.¹⁶

¹⁴ McFerran, L: 'Safe at home, safe at work" Domestic Violence workplace rights and entitlement project (2011)

¹⁵ O'Leary-Kelly, A., Liou, R-S., & Reeves, C.) "When the personal is professional : Intimate partner violence and the workplace". Department of Management University of Arkansas, , Fayetteville, AR 72701, p 5

¹⁶ ACTU Submission to the Senate Finance & Public Administration Committee Inquiry into Domestic Violence in Australia, 31 July 2014 (page 8)

Unexpected outcomes: the most disadvantaged fare best in getting jobs

In 2018, we took a snapshot of McAuley Works' effectiveness, analysing the challenges the women we were supporting were facing. Eighty-six per cent of women were still at moderate, major or critical risk of violence while McAuley Works supported them.

There was a similar picture in exploring their 'job readiness'; 82 per cent had not held a job in more than 18 months, were unskilled, not fluent in English, and also faced other disadvantages such as a mental illness or learning disability.

A remarkable finding was that 85% of the women who obtained employment following support from the program were those living with the most serious forms of violence.

These somewhat unexpected outcomes highlighted women's high degree of motivation and drive, and their determination to find work as a way out of their circumstances.

More traditional employment support models are ill-equipped to deal with the complexities of this cohort: in fact the Australian Government program JobActive has difficulty meeting the needs of disadvantaged job seekers. An ACOSS survey of participants found their approach led to anxiety rather than jobs and that 73% were 'overwhelmingly dissatisfied' with the service. JobActive was seen as 'promoting benefit compliance, not positive help.'¹⁷ Those with caring roles (59%) reported that the providers failed to take adequate account of this (and only 9% said that they did). The Australian Government's Department of Jobs and Small Business's report into the next generation of Employment Services: '*I want to work*' further showed that while 51% of job seekers were women, they only made up 40% of job placements.¹⁸

Job market does not favour women experiencing or leaving family violence

Over the past few years, the job market has continued a trend of greater numbers of precarious and part-time work. These don't dovetail well with the caring responsibilities of the women taking part in McAuley Works who are also, because of violence, unable to rely on their children's other parent for support.

The increasing number of casual roles also makes it difficult for women to support their families out of poverty. On the other hand, many unskilled roles that become available are full time and blue collar on worksites, not suitable for our cohort.

¹⁷ https://www.acoss.org.au/wp-content/uploads/2018/08/ACOSS_submission-on-future-employment-services_FINAL.pdf

¹⁸ 'I want to work', Employment Services 2020 Report.

https://docs.employment.gov.au/system/files/doc/other/final_-_i_want_to_work.pdf

Employment support must be tailored to the particular challenges of family violence

McAuley is strongly of the view that employment support should be introduced as part of the suite of options to assist women endangered by family violence. However, any such programs will need to be designed to recognise the particular needs of this cohort, and there needs to be a more realistic and nuanced understanding of outcomes.

Our present contract with Jobs Victoria, for example, sets outcomes based on job placements and the number of weeks in employment. It takes no account of the reality that we frequently see women forced to leave jobs prematurely because they are found by the perpetrator and are no longer safe at work. This is then not counted as an 'outcome' though the failure of the placement in no way reflects the effectiveness of McAuley Works or the amount of effort that has been involved in supporting her into employment.

Neither is the whole range of benefits associated with employment – its positive effects on mental health, reduced reliance on welfare, and greater capacity to sustain housing – measured in any sense. The model also doesn't allow for early intervention opportunities such as assisting a woman to 'save' her job; she is not eligible for the service if she has been working. Yet having a job will go a long way to being able to leave a violent relationship and sustain her housing.

The benefits of the program have been acknowledged through an evaluation of Jobs Victoria partners, undertaken by The South Australian Centre for Economic Studies. They independently audited McAuley Works and found that our work is of importance across the community service system, and its learnings have value beyond the outcomes/payments formula. It described McAuley Works as: 'a very important initiative because effectively it is a 'trial of an additional service to assist with employment outcomes.'

'The McAuley Community Services for Women program is truly experimental....placement difficulties arise simply because victims of family violence are often the principal family care provider; considerations of children and work placements need to have a degree of security....put simply, the fact is overcoming family violence is not an easy task...'¹⁹

However, McAuley Works is currently in danger of being discontinued because it doesn't fit the existing Jobs Victoria model and outcomes measures.

¹⁹ Conversation with Associate Professor Michael O'Neil, Executive Director, SA Centre for Economic Studies and quoted with permission: from McAuley submission Inquiry into sustainable employment for disadvantaged jobseekers (Victorian Legislative Assembly Economy and Infrastructure Committee) available on McAuley website: <https://www.mcauleycsw.org.au/about-us/submissionsandadvocacy/>

Homelessness driven by family violence

The numbers of women and their children becoming homeless because of family violence has increased dramatically over the past five years across Australia as this table shows.²⁰

Clients who have experienced family and domestic violence and are seeking support from homelessness services: at a glance—2014–15 to 2018–19

	2014–15	2015–16	2016–17	2017–18	2018–19
Number of clients	92,349	105,619	114,757	121,116	116,419
Proportion of all clients	36	38	40	42	40
Rate (per 10,000 population)	39.3	44.3	47.4	49.2	46.6

This strong and growing association between homelessness and family violence should be a red flag. It indicates continued failures in a whole raft of policy areas including policing and the legal system, women's economic position and employment status, housing affordability, service integration, and perpetrator accountability.

The benefits of a 'safe at home' approach

McAuley has been a strong advocate for a 'safe at home' approach and this was our number one recommendation to Victoria's Royal Commission. Such an approach recognises that women and children who are victims of family violence would be better off supported to live in their own home rather than being forced to 'flee' violence, with refuges used as places of last resort.

In 2016 the Council of Australian Governments (COAG) Agreement recommended that: 'All Commonwealth, state and territory governments should ensure that the preferred response to violence against women and their children is to keep victims safe at home, if they choose to remain in their home and if it is safe to do so. This should be supported by removal of the perpetrator, and through appropriate policy and legislative settings.'²¹

²⁰ <https://www.aihw.gov.au/reports/homelessness-services/shs-annual-report-18-19/contents/client-groups-of-interest/clients-who-have-experienced-family-and-domestic-violence>

²¹ Commonwealth of Australia, Department of the Prime Minister and Cabinet, COAG Advisory Panel on Reducing Violence against Women and their Children – Final Report. (Recommendation 2.1 p.x)

The pillars of this approach are:

- maximising safety through a combination of legal, judicial, policy and home security to exclude the perpetrator and protect the victim
- co-ordination of local intervention services
- a homelessness prevention response which ensures women are informed of their options prior to a crisis and supported to maintain their housing afterwards
- and recognition of enhancing women's economic security.²²

This approach would mitigate many consequences of family violence that deter women from leaving violence and make it much harder to rebuild a new life: disconnection from neighbourhoods, friends and families; poverty and social disadvantage; disruption to children's education and women's employment; and housing instability and homelessness.

'Safe at home' not working in practice

On average, fewer than 6% of women who stay in our family violence crisis accommodation are able to return home safely. Instead they are going on to further unstable options – refuges, transitional housing, staying with families and friends, couch surfing and homelessness. Apart from the intolerable personal cost, this places an additional burden on the homelessness and mental health systems.

The rollout of personal safety equipment and technology is often seen as a panacea in helping women keep 'safe at home'. Whilst important, like all community services interventions, they are highly rationed, with a range of eligibility and access criteria, restricting broad access.

In any case, safety alarms and home security upgrades on their own will not necessarily mean women are safe to return, or remain, home. The reasons that only a small minority can do so are complex including high rates of intervention order breaches, lack of confidence in policing, a bias towards perpetrators remaining in the home, women's relatively poor financial position, and higher likelihood of poor health leading to an inability to sustain housing.

The inherent risks of returning to the family home are also evident. Women living in their own home may be particularly disadvantaged; their abusive ex-partner knows where they live, the physical layout of the house, and their regular routine.

"Separating is the point of increased danger ...and ousting the man from "his" home may provide an excuse for escalation of his violence ... It is also clear that not all women would

²² Breckenridge, J., Chung, D., Spinney, A. and Zufferey, C. (2015) *National Mapping and Meta-Evaluation Outlining Key Features of Effective "Safe at Home" Programs that Enhance Safety and Prevent Homelessness for Women and their Children Who Have Experienced Domestic and Family Violence*, Sydney, Australian National Research Organisation for Women's Safety (ANROWS).

*choose to stay in the home given that this has been the site of abuse and potentially, isolation ...*²³

These are serious concerns and 'safe at home' will not be an option for each and every woman. However it currently appears the scales are heavily weighted towards the scenario where 'safety is secured by fleeing rather than perpetrators of violence being excluded'²⁴ Given the gravity of the consequences of this, we believe renewed commitment to 'safe at home' should still be central to policy planning.

Re-committing to a 'safe at home' approach

A National Audit of 'safe at home' responses across Australia is underway as part of the 4th National Action Plan to Reduce Violence against Women and their Children 2010- 2022. Once the Audit has been completed, a national framework will be developed – due to be released mid-2021.

The findings of this audit should pave the way for a national commitment to Safe at Home as the preferred model in keeping women and children safe.

This will involve attention to the reasons that it is an infrequent outcome for women (this is based on the Victorian experience but likely to be broadly applicable to other states):

1. High rates of intervention order breach

In a Melbourne University study of 22 women who wished to stay in the family home, all but one reported that their male partner had breached an intervention order that was meant to keep him away from the home.²⁵ The rate of intervention order breach in Victoria is appalling and on the rise. In the 12 months prior to March 31, 2020, there were 47,776 family violence-related breaches. This was an increase of 6.1% or 2,740 offences over that time frame²⁶.

Trust in the ability to go home will not eventuate while a sizeable proportion of perpetrators aren't taking them seriously. Knowing intervention orders are flouted so often and repeatedly leads to a tendency, even among support workers assisting in the development of a safety plan, to adopt a cautious and risk-averse approach.

²³ Safe at home? Housing decisions for women leaving family violence', K. Diemer, C.Humphreys, K. Crinall, Australian Journal of Social Issues, Vol. 52, Issue 1, March 2017

²⁴ Breckenridge, J., Chung, D., Spinney, A. and Zufferey, C. (op.cit)

²⁵ K. Diemer, C.Humphreys, K. Crinall, (op. cit)

²⁶ <https://www.crimestatistics.vic.gov.au/media-centre/media-releases/media-release-family-violence-related-offences-contribute-to-increases>

2. *Lack of confidence in policing*

Confidence in swift and effective police responses when breaches occur is necessary if women are to remain home safely. Unfortunately, women still tell us of instances where police have not taken their reports of violence seriously. One woman told us that the police refused to take action even though her teenage son had recorded the violence on his phone; another said: 'You feel sometimes as though they will only take it seriously if you get killed.' She had driven straight to a police station when she was being followed, by her abusive ex-partner, only to have her concerns dismissed. Our workers have noted with concern, that when incidents such as these are followed up with the police, there is sometimes a lack of accountability.

In Victoria, the COVID-19 emergency has shown what can be done with the right will and commitment. Victoria Police announced Operation Ribbon, sending a strong message to offenders: 'Closed doors will not protect you from being held to account'. In this blitz, police contacted (in person) high risk perpetrators and family members.

While full data is not available, in its first week the Operation had already carried out 2500 proactive checks since April 13, recording almost 800 offences. More than 100 people were charged and remanded in custody, and 98 arrested to appear in court.²⁷

This intense and proactive focus should be the norm rather than a one-off.

3. *A bias towards perpetrators remaining in the home*

Family violence responses are in the main predicated on women 'leaving', 'fleeing' and escaping' their own homes; more than 50 per cent of women report that they, and not their partner, move out of the home they share²⁸.

We need to see it as normal — a community responsibility — to make that home safe, with the perpetrator excluded by whatever legal, security and policing protections are necessary. A change in community mindset is most likely to bring about better outcomes though it must also be acknowledged that leaving and separation are the most dangerous actions a woman can take.

²⁷ <https://www.theage.com.au/national/victoria/closed-doors-won-t-protect-you-police-ramp-up-response-to-family-violence-20200421-p54lqx.html>

²⁸ Australia's National Research Organisation for Women's Safety (ANROWS) (2019) *Domestic and family violence, housing insecurity and homelessness: Research synthesis* (2nd. Ed: ANROWS Insights, 07/2019) Sydney, NSW: ANROWS

Measures put in place for the COVID-19 emergency shows us some potential ways to improve this situation by utilising cheaper motel accommodation to remove perpetrators – not their victims.

More men than ever rang the Men's Referral Service on April 5, the day Stage 3 restrictions were announced, a 94 per cent increase on usual traffic. This was an encouraging sign that men had insight into the risks and wanted to take responsibility for their behaviours.

However subsequent reports indicate that due to COVID-19 lockdowns, perpetrators are waiting as long as nine months to be admitted into behaviour change programs. No to Violence has stated: 'average wait time for behaviour change programs was almost three months, but some services in Victoria and NSW now have waiting lists that extend for 40 weeks'²⁹.

A denial of prompt support, in that crucial window of time when men reach out for assistance, is not acceptable and dangerous to women and children.

4. *Lack of affordable and social housing*

The Productivity Commission has said: 'Australia's social housing system is broken...More than 400,000 households are eligible for, but cannot access, social housing.'³⁰ Analysis has shown a current shortfall of 433,000 social housing units in Australia with 36,000 a year required for the next 20 years to meet future need.³¹

The lack of affordable housing has a particular impact on women endangered by violence and trying to sustain housing on their own. Evidence suggests that those who remain in their home experience housing vulnerability for years following separation from a violent partner. If their partner leaves the home, women attempting to maintain their housing can come under increasing financial stress, particularly women who are not able to find well-paid employment.³²

²⁹ <https://www.theage.com.au/national/victoria/urgent-need-violent-men-facing-delays-in-getting-help-amid-pandemic-20200714-p55btz.html>

³⁰ <https://www.pc.gov.au/inquiries/completed/human-services/reforms/report> Introducing competition and informed user choice into human services (2018)

³¹ https://www.ahuri.edu.au/_data/assets/pdf_file/0019/29053/AHURI-MEDIA-RELEASE-Social-housing-needs-to-treble-over-the-next-20-year-through-direct-investment-15-November-2018.pdf

³² Cortis, N., & Bullen, J. (2016). Domestic violence and women's economic security: Building Australia's capacity for prevention and redress: Research report (ANROWS Horizons, 05/2016). Sydney, NSW: ANROWS.

Another issue is that Commonwealth rent assistance payment rates have fallen behind average rents over the past two decades, according to the Productivity Commission.³³ They are indexed to the CPI, not the actual cost of rental, which has soared.³⁴

The Commission also reported that two-thirds spend more than 30 per cent of their income on rent — the commonly used benchmark for identifying ‘rental stress’ — and many spend much more. 170,000 households have less than \$250 available each week after paying rent.

Private property and rental markets are increasingly failing to meet the needs of the most disadvantaged in our community.³⁵ The Australian Homeless Monitor report points to an important leadership role for the Australian Government in securing an increased supply of social and affordable rental housing. The case has also been made for government investment in social housing to be viewed as public infrastructure,³⁶ including by Infrastructure Australia.³⁷

We noted with great disappointment a recent lost opportunity for this sort of investment: the Australian Government’s COVID-19 building stimulus package directed \$688 million towards private home renovations and home construction did not include social housing or address rental or mortgage stresses.

5. Financial disadvantage and legal problems make it hard to sustain housing

Financial abuse is present in more than 90 per cent of family violence situations, and frequently escalates after separation – creating pressures to return to violence and making it more difficult to sustain independent housing.

Many women have no idea that they owe money because of an array of tactics by violent partners. Sometimes women end up owing money because of frauds committed by their

³³ Productivity Commission 2019, *Vulnerable Private Renters: Evidence and Options*, Commission Research Paper, Canberra.

³⁴ The Australian Homelessness Monitor, commissioned by Launch Housing 2018 (authors: H. Pawson, C. Parsell, P. Saunders, T. Hill, Lieu E.)

³⁵ https://www.ahuri.edu.au/_data/assets/pdf_file/0024/53619/AHURI-Final-Report-323-The-supply-of-affordable-private-rental-housing-in-Australian-cities-short-term-and-longer-term-changes.pdf

³⁶ Lawson, J., Pawson, H., Troy, L., van den Nouwelant, R. and Hamilton, C. (2018) *Social housing as infrastructure: an investment pathway*, AHURI Final Report No. 306, Australian Housing and Urban Research Institute Limited, Melbourne, <https://www.ahuri.edu.au/research/final-reports/306>, doi:10.18408/ahuri-5314301.

³⁷ Infrastructure Australia (2019) *An assessment of Australia’s future infrastructure needs: the Australian Infrastructure Audit 2019* (Australian Government).

partners; in other cases, they are coerced into signing agreements for contracts or loans they don't want or don't understand.

McAuley has developed a partnership with the WEstjustice community legal centre which has led to the waiver of more than \$400,000 of debt, accrued by women through economic abuse and family violence.³⁸

One woman alone ended up with \$86,000 worth of debt when her husband's family used her as a 'human line of credit.' WEstjustice's speedy work and expertise was vital in entangling these issues; and with the huge debt waived, she has been able to leave the violence and start afresh, planning for a new career with the help of McAuley Works.

Responses to family violence – what works, what doesn't

A future model for legal and financial help

As well as the lifting of the debt burden outcomes for individuals, McAuley's partnership with WEstjustice showcased an early intervention model which could be applied on a national level.

By bringing the legal help and financial counselling into the welcoming and safe space of McAuley House, WEstjustice practitioners noticed there was time for women to think through and resolve their legal and financial issues holistically. Often multiple and extended meetings were held with a McAuley family violence caseworker providing support as well. It enabled a longer-term focus on not just one or two immediately presenting issues such as one pressing debts; there was the ability to untangle other issues such as Centrelink, Office of Housing, smaller creditors, infringements and outstanding court proceedings.

Getting this help early avoided women feeling forced into actions that only compounded their problems: taking personal loans, credit cards or payday loans. These options often lead to women accruing bad credit records, making it even harder to become financially independent.

WEstjustice concluded that there were significant advantages in the legal and financial help being located **within** a family violence support service rather than based at courts. They noted that:

- duty lawyers help up to 12 clients at court in a day and do not have time
- women are under emotional stress due to the intervention order process and the perpetrator often being present at court
- women would generally would not have the support of a family violence caseworker.

³⁸ Tonkin, S: Restoring Financial Safety: collaborating on responses to economic abuse Project report describing WEstjustice's work and reflections on economic abuse (July 2018)

WEstjustice also worked with industries, banks, and energy companies to create family violence policies and to develop single entry points. They also worked with them to help create a culture of being alert to, and responding quickly to, economic abuse. WEstjustice have also recommended that the Australian Government itself should develop fairer and more flexible ways to recognise, and respond to, Centrelink debt that was associated with family violence.³⁹

There needs to be support in crisis accommodation

In Victoria, most women and children who leave violent relationships end up living for weeks or sometimes months in hotels/motels, because of a lack of more suitable accommodation. Frequently, they move from motel to motel several times. The family violence response organisation Safe Steps is spending around \$4 million annually on 60 - 80 motel rooms and 31 refuges each night.

Many of these are of poor standard and unsafe. They have no cooking options and are particularly unsuitable for women with children.

McAuley provides 24/7 support in our crisis support services, and believes that every day unsupported in a motel is a missed opportunity for help and intervention with issues that will help women envisage a new and safer future: employment, mental health issues, children's wellbeing and legal help. Every day unsupported in a motel also increases the chances of her returning home to the perpetrator.

Bringing specialist trauma-informed mental health support on site: 'preventative medicine'

A psychologist now works within McAuley House Footscray, through CAREinMIND funding provided via the North Western Melbourne Primary Health Network – an Australian Government initiative. The on-site availability of this resource has proven to be extremely valuable in reaching women and children across all our services, as well as advising staff as required. However, there is a cap on the number of sessions provided. Most women accessing this help have suffered considerable trauma and find the number of sessions insufficient.

Since the COVID-19 emergency, these vital sessions have continued online, keeping the connection going and ensuring those living in the community are less alone. McAuley has opened up to new referrals and see great potential in expanding this vital support to many others in homelessness and family violence supports.

Women also tell us that specialist understanding of trauma is needed; many have had unsatisfactory experiences with other mental health professionals who do not have specialist insight and understanding⁴⁰. One woman, for example, was being encouraged to 'go for a walk'

³⁹ Tonkin, op cit.

⁴⁰ McAuley's submission to the Victorian Royal Commission into Mental Health was based on extensive consultations with women and features their own views of the sort of help they need. It is available at <https://www.mcauleycsw.org.au/about-us/submissionsandadvocacy/>

or do breathing exercises to deal with harrowing experiences of childhood abuse and trauma. Another battled to get the right help for many years, despite presenting regularly at emergency departments at hospital, and being treated for 'symptoms' rather than the reality of years of childhood trauma.

Recognising the plight of women without income

Last year 20 per cent of the women supported by McAuley had no income, with many of them having no visa or citizenship rights. Their situation is perilous. With no income or eligibility for government services, they are especially vulnerable to family violence, exploitation, forced labour and trafficking, while at the same time they are ineligible for many of the supports that could assist them. Services who support them are in effect 'picking up the tab', as a study by Family Safety Victoria noted.

They also outlined the unique and complex needs of this cohort:

- ineligibility for most government funded income benefits and services mean material aid requirements are high and the costs of medical care and medications prohibitive
- needing longer stays because of their complex needs and a lack of exit options
- difficulties in accessing interpreters
- over 80 per cent of women in (Victorian) safe steps' crisis accommodation were unable to enter a refuge because they lack permanent residency; they stay in crisis accommodation twice as long as other residents, with flow-on effects in an already struggling and overworked system.⁴¹

Last year McAuley was able to provide longer-term accommodation for a woman who does not have citizenship status and had become homeless because of family violence. She did not even know that one of her sons, who she had to leave with her violent former husband, had died. For months she slept next to a restaurant cool room. Multiple agencies supported her with other issues but none could provide what she most needed: a bed for the night. This highlights a serious system flaw and a fundamental breach of human rights.

Children who have been exposed to family violence

The National Plan to Reduce Violence against Women and their Children 2010-2022 includes a focus on response to children living with violence.

These early interventions to address the trauma of children's exposure to family violence are essential in reducing longer-term intergenerational impacts. Recent analysis of women living in our longer-term homeless accommodation showed that more than 40 per cent had

⁴¹ O'Brien, A: *No income, no way out*: (Family Safety Victoria) Parity March 2018, Volume 31, Issue 1

experienced childhood abuse and trauma and this has had continued and far-reaching mental health consequences.⁴²

Yet significant gaps still exist in responses for children who have been endangered by family violence (in Victoria last year, there were 25,760 family violence incidents where a child or children were present⁴³.)

Most mental health services for children are targeted at older children; however, 57% of children supported by McAuley, who have been exposed to the trauma and dislocation of family violence, are aged under five. As with the situation of women's mental health needs, specialist expertise in understanding the impact of trauma is required. McAuley has been providing direct support to children who have experienced and witnessed family violence, recognising their own pain and trauma is unique and different in nature from that of their mothers and requires a specialist response.

We also focus on rebuilding their mother's confidence in her own parenting. We have worked with an expert in the impact of family violence on young children, Dr Wendy Bunston,⁴⁴ to develop infant-led practice so that we can watch and 'read' the behaviour of very young children who don't yet have words for their experience. This helps us to respond to their specific needs and support mothers to recognise them too.

We have recently introduced a tutoring program which addresses the disruption to children's education because of family violence. We are currently exploring funding opportunities for this program, which has the benefits of being able to be rolled out online and can follow children through the multiple moves that they usually experience.

Recognising family violence's role in protective concerns around children

Mothers trying to leave behind violence to keep their children safe are often in an invidious position. If they remain with the perpetrator because of a lack of options or unacceptable alternatives, they may come to the attention of child protection agencies for exposing their children to violence. If they leave and are in unstable accommodation the children may also be perceived to be in danger.

Involvement with child protection services can, though, place children at risk of continuing the same cycle of violence and homelessness with which their mothers have lived.

⁴² From McAuley's Royal Commission into Mental Health submission <https://www.mcauleycsw.org.au/about-us/submissionsandadvocacy/>

⁴³ Crime Statistics Victoria database 2018-2019

⁴⁴ Bunston, W. and Sketchley R (2012) *Refuge for babies in crisis: how crisis accommodation services can assist infants and their mothers affected by family violence* Royal Children's Hospital Integrated Mental Health Program (2012)

McAuley has been part of a national pilot called STACY (Safe and Together Addressing Complexity). The project recognises that the behaviour of violent fathers needs to be kept in mind when considering risks to children: 'When services do not engage with fathers who use violence and control, more focus is placed on mothers. This can result in mothers being held to account for failure to protect their children, rather than fathers being held responsible for exposing their children to harm.'⁴⁵

The Safe & Together approach on which STACY is built entails three core principles, of equal importance:

- keeping the child safe and together with the non-offending parent.
- partnering with the non-offending parent as the default position.
- intervening with the perpetrator to reduce risk and harm to the child.⁴⁶

Some parts of the Victorian child protection system have adopted the practice, which means they 'partner' with mothers to enhance their capability to protect their family. We have seen its benefit. One example involved a shift in focus from punishing a mother who has failed to attend rehabilitation to recognising that the violent perpetrator was refusing to let her leave home.

The 'Safe & Together' approach should be extended nationally to avoid the harm that can be done by separating children from their mothers.

Family law system and family violence

Two recent significant reviews of the family law system have already examined issues related to family violence. They noted the need for earlier and more urgent identification of family violence; fragmentation and lack of information sharing between state and federal jurisdictions; and concerns that the right to parental contact was being prioritised over children's safety.

McAuley sees the effect of these disconnections frequently. Women and their children living in refuges because of family violence are still forced to abide by Family Court parental contact orders which are either oblivious to, or fail to take account of, serious allegations of violence and abuse.

The issues around parental contact when there is family violence have already been examined closely in recent times. An earlier inquiry by this Standing Committee into family law recommended consideration of removing the presumption of equal shared parental responsibility from the Family Law Act, because it appeared to be "leading to unjust outcomes

⁴⁵ Healey, L., Humphreys, C., Tsantefski, M., Heward-Belle, S., Chung, D., & Mandel, D. (2018). *Invisible practices: Intervention with fathers who use violence: Key finding and future directions* (Research to policy and practice, 04/2018). Sydney, NSW: ANROWS.

⁴⁶ Healey et al (ibid)

and compromising the safety of children". It also recommended that allegations of family violence be determined earlier in legal proceedings, to deliver justice not only to those impacted by family violence, but also to those falsely accused.⁴⁷

In 2017 the Australian Law Reform Commission was asked by the Turnbull government to conduct the first comprehensive review into the family law system since the commencement of the Family Law Act in 1976. It had a particular focus on whether the family law system meets the contemporary needs of families and effectively addresses family violence and child abuse. Following 179 consultations across Australia, and over 1,200 written submissions, the Australian Law Reform Commission agreed that the presumption of "equal shared parental responsibility" should be replaced with "joint decision making about major long-term issues". It also recommended abolishing the section requiring the courts to consider equal, substantial or significant time with each parent.

Most of the recommendations of these two reports which have been described as putting children's safety back at the heart of family law⁴⁸ remain unfulfilled.

Conclusion

This submission has highlighted areas of federal responsibility which could address the blight of family violence on women and children. Australia is already paying a high price for system failings which hold women back from full social and economic participation, and have untold costs on their children.

McAuley has named several policy areas that could be enhanced or adopted to prevent family violence. In essence the Commonwealth must do more to:

- provide more affordable housing and invest in social housing
- ensure an adequate income to all including women with non-permanent residency
- resource the provision of specialist, trauma-informed family violence and mental health services including early intervention services for children
- adapt Federally-funded mental health programs to suit women who are transient due to homelessness and family violence and suffering from complex trauma
- implement the recommendations of the family law reviews
- embed employment, legal and financial counselling within family violence services.

McAuley Community Services for Women would welcome further discussion on the points raised in this submission.

⁴⁷ A better family law system to support and protect those affected by family violence Recommendations for an accessible, equitable and responsive family law system which better prioritises safety of those affected by family violence <https://www.aph.gov.au/fvlawreform>

⁴⁸ <https://www.theguardian.com/law/2019/oct/03/family-law-inquiry-is-no-sop-to-hanson-its-a-deliberate-move-to-bury-previous-reviews>