

## FEEDBACK – NATIONAL PLAN TO END VIOLENCE AGAINST WOMEN AND THEIR CHILDREN

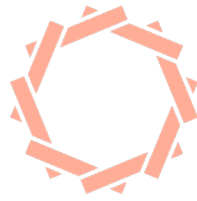
### Summary

The National Women's Safety Alliance (NWSA) welcomes the opportunity to provide feedback on the draft National Plan to End Violence against Women and Children 2022-2032. It is reassuring that the new Government is committed to releasing the National Plan and that the spectrum of violence, including sexual violence, child sexual abuse and harassment, as well as intersectionality are considered in the draft.

This latest feedback builds on that previously provided by the NWSA on earlier drafts. In providing this latest feedback, NWSA has sought the advice of our Sexual Harassment Working Group, our Domestic, Family and Sexual Violence Working Group and our Policy & Advocacy Advisory Committee (PAAC). These groups provide expert advice to the NWSA and inform the delivery of the Alliance's policy and advocacy program of work.

As the draft Plan somberly notes, *'despite progress, the 2010-2022 National Plan did not succeed in reducing violence against women and children. The prevalence of violence against women and children has not significantly decreased during the last 12 years.'*<sup>1</sup> It is lamentable that after decades of progress in how Australia talks about violence against women and children, at a social, political and economic level, that the previous National Plan was not able to substantially contribute to an overall reduction in violence. Given this acknowledgement and the opportunities presented by a new government, NWSA is concerned that this latest draft, without either substantial reflection across the document or the addition of improved ambition and measurable outcomes, will potentially result in similar disappointment.

We urge the Department to consider this feedback with the vision of eliminating violence against women and children within one generation.



## Substantive concerns

### **Disjointedness of themes and intersectionality considerations**

The new draft is an improvement on previous efforts in that it recognises the continuum of violence and attempts to incorporate an intersectional understanding by explicitly discussing violence against diverse groups; LGBTIQ+ persons, migrant and refugee women, children, Aboriginal and Torres Strait Islander women and women with disabilities.

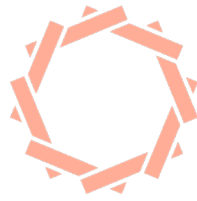
However, rather than these intersectional considerations being embedded throughout the document they seem to appear as afterthoughts to an otherwise mainstream document. Consistency across the document remains problematic. The draft is at times a blend between overly specific detail counterposed with broad observations. Elsewhere the language used is an inconsistent mix where expressions like 'sexual assault', 'sexual violence', 'sexual harassment' or 'sexual abuse' (for example) are used interchangeably. Furthermore, the dynamics of violence such as coercive control, sexual harassment, sexual violence, family, and intimate partner violence can manifest in markedly diverse ways depending on the intersectional identity of the person being targeted by the violence. Embedding this understanding throughout the pillars, targets and outcomes of the Plan will be fundamental to its success in developing an effective national approach to eliminate violence in one generation against all women and children.

We note that coercive control National Principles<sup>2</sup> are being developed to consider the impact of coercive control on diverse groups, including Aboriginal and Torres Strait Islander peoples and how responses can be effective, accessible, inclusive, and culturally appropriate. While this is a welcomed step forward in addressing this form of violence, the National Plan, the key policy instrument in eliminating gender-based violence, does not discuss the intersectional dynamics of coercive control in any substantive way. We are concerned that such thematic gaps present significant oversights in the document itself which have the potential to undermine the National Plan in setting the conversation and leading change from the front.

It is likely that the absence of measurable targets (discussed below), the limited number of targets in general, and the abundant shortage of outcomes sensitive to intersectionality are relevant to the disjointed nature of the Plan and the unintegrated consideration given to diverse forms of violence and intersectional identities.

### **A lack of measurable targets**

Despite being a document of some length, as well as the ambition of *in one generation* in the title itself, there is a lack of targets with quantifiable outcomes in the draft. A comparative appraisal however of the previous National Plan (2010-2022) and the draft reveal a diminution in the number of measurable targets. The underdeveloped nature of the targets which are included, and the exclusion of targets related to violence against particular cohorts, including children, undermines the core objectives of the Plan itself, the elimination of violence. There also appears to be no measurable outcomes that relate to perpetration despite the Plan making repeated references to



perpetrator accountability. Outcomes such as 'perpetrator visibility' should not be conflated with system accountability or behavioural change outcomes. Beyond this, targets related to the ancillary elements of prevention and response which are discussed, such as workforce growth and development, remain absent.

The unmeasurable nature of the Plan's targets do not correlate with an expectation of progress across a suite government functions and markers such as reporting, evidence collection, and workforce growth. Expressions like 'significant', 'reduction' and 'good understanding' are left undefined and therefore open to subjective interpretation. Again, there is an incongruity between the ambitions of the Plan's content and measurable outcomes and its capacity to deliver on systemic change without the inclusion of targets. Given this, we question the National Plan's capacity to deliver on its *ultimate target* of ending violence in one generation.

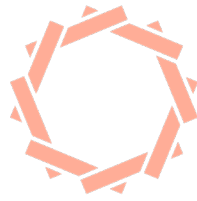
The draft Plan also fails to meaningfully commit to ways to grow the evidence base, and in particular, gather experiential data on perpetrator characteristics and patterns of behaviour. There is an outstanding need for a longitudinal study on family and relationship dynamics and on people's access to, and experiences of the service systems with which they come into contact. The value of this study can only be realised if it is nationally focussed and driven by those with expertise in the collection, analysis, and reporting of findings in a trauma-informed and culturally appropriate way, such as through Australia's National Research Organisation for Women's Safety (ANROWS)

We also regard it as a missed opportunity to include joint targets with other relevant national plans and strategies relying upon existing datasets like housing and homelessness, child maltreatment, and women's health.

We understand that the window of time for the finalisation of the draft is narrow and the probability of State and Territory Governments agreeing on National Plan targets now is exceptionally low. While this remains a significant concern, we urge governments, including the Australian Government, to commit to the development of Action Plans, in collaboration with specialist women's services, to monitor progress against tangible and measurable targets. We will work with our membership to pursue robust Action Plans and continue our work advocating for sufficient investment in the specialist women's services sector, whose expertise is intrinsic to the success across all domains.

### **Greater inclusion of children as victim-survivors in their own right**

There is a need to reflect on whether children, as a separate demographic with their own unique vulnerabilities, are given due consideration in the Plan. Notably, we ask the drafters to remember that children can be subjected to targeted forms of violence and not simply peripheral to violence perpetrated against others in their lives. In the vein of feedback given above, there is also a need to better integrate children into the Plan itself and to consider measurable targets that uniquely prevent, intervene and respond to violence against this demographic cohort. The indicators which align to the outcomes listed on pages 12-13 of the draft Plan are not inclusive of all ages and therefore cannot be relied upon to capture violence perpetrated against children.



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The NWSA supports the draft Plan's emphasis on sexual violence and recognition of it as a 'continuum' of violence that incorporates child sexual abuse, sexual harassment, and assault across public and private spheres as well as informal and formal settings. We also welcome plans to integrate the new National Plan with the National Strategy to Prevent and Respond to Child Sexual Abuse. Despite this consideration however there remains little substantive content on the prevalence of child sexual abuse, the settings where child sexual abuse can occur and how this form of violence can impact the wellbeing of survivors throughout their lives.

## **Stronger commitments to prevent and respond to sexual violence**

We endorse plans to implement all 55 recommendations of the *Respect@Work* report.

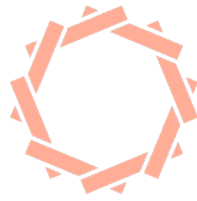
The new draft Plan progresses the discussion on sexual violence in a way that reflects a greater understanding of the dynamics gender-based violence, however there is very little inclusion of the major reforms required to address sexual violence more effectively. Where sexual violence is explicitly discussed in the draft, the detail is often vague, repetitive or appears as unintegrated and disjointed from the surrounding content. Further to this, while we are supportive of sexual harassment being included in the Plan, the emphasis on workplace sexual harassment is at a cost to the various settings women are subjected to sexual harassment, and the many and varied ways that women are subjected to sexual assault, again in the workplace, and in a range of other public settings.

There is also a need for the Plan to refine its content on person-centred responses in a way that respects the agency, preferences, stories and values of victim-survivors rather than just timeliness of services. Other national strategic approaches should be given consideration in intervening or responding to sexual violence. These include the need for a harmonised definition of sexual consent as well as recognising the opportunities of the education system. Further, to deliver person-focused services and responses, we urge the domains to include a greater emphasis on recruitment, training and development of the frontline and specialised workforces to improve service access, prevent survivor re-traumatisation, and embed a culture of trauma informed responses to both complex and vicarious trauma.

## **Perpetrator accountability**

There is a concern that the plan lacks a consistent position in relation to perpetrator accountability. Not only are there hints of mutualising and victim-blaming language throughout the plan, but the section "Focus on Perpetration" itself appears to conflate perpetrator opportunities to personally take responsibility for their actions with perpetrator accountability measures. Perpetrator accountability means the incurring and accepting of the actual consequences of one's behaviour - and this needs to be embedded in the system response of all public and private institutions across the country.

It is also of concern that in supporting the availability of restorative justice processes as an alternative rather than a complement to the civil and criminal justice system, the Plan appears to take a position in conflict with the public interest position that domestic, family and sexual violence



are acknowledged as serious crimes. A balance needs to be struck between supporting victim-survivor agency and shifting responsibility onto the victim-survivor to determine the accountability measure. Australian evidence of restorative justice processes in the sexual, domestic and family violence context is still limited and in its infancy. Determinative statements, especially with respect to matters involving children and young people, should be avoided. A more cautious approach is recommended.

## **A strategic approach to workforce growth and development**

Building on some of what has been referenced above, but also intrinsic to the success of the Plan itself, is the need for a nation-wide specialist workforce that can drive and sustain progress across all pillars. This will contribute to a survivor centric service framework that is underscored by principles of continuous improvement and evidence-based best practices. The sufficient recruitment, retention, professional development, and need for adequate succession planning for specialist workplace roles will not come about organically but would require strategic integration with relevant national level priorities such as those addressing skills mapping and skilled migration programs as well as reforms to education and training. These considerations apply to frontline responders outside the services sector as well such as police and health system workers.

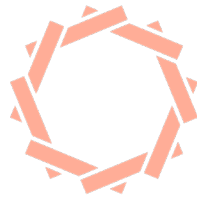
Limited resourcing of the services who respond to gender-based violence and provide specialised support across diverse and intersectional needs is a real barrier to achieving reform across all domains. Opportunities such as professional development, training, research and collaboration as well as the resources to address and respond to worker burnout and vicarious trauma can often be lacking but must be overcome in achieving the objectives of the Plan. This requires measurable workforce targets and outputs underpinned by sufficient resourcing.

## **The role of the Commissioner**

The role of the National Domestic, Family and Sexual Violence Commissioner in monitoring and evaluating progress against the Plan is not clearly defined in the draft. Given the centrality of domestic, family and sexual violence to other forthcoming priorities of Government, such as housing and building a skilled workforce the role of the Commissioner is potentially one that can serve as a conduit between these portfolios. This function would ensure that eliminating violence against women and children underpins related government strategies and policy settings.

## **Defining specialist women's services**

Specialist services, those which work with children, women and other victim-survivors of sexual, domestic, family or intimate partner violence in a trauma-informed and culturally appropriate way are critical to the success of the Plan and in progressing the national conversation and response around gender-based violence. Our work and the occupations of the sector are varied cutting across the domains of prevention, intervention, response and healing. The role of these services, are, however, not defined in the draft. This is concerning to the Alliance and our members in considering how the Plan will be resourced and the potential for our services to be deprioritised or forced to



compete with mainstream services whose client footprint is broad, and which do not operate in accordance with the principles of intersectional feminism, and are not trauma specialist.

## Domains

The draft Plan is much better at acknowledging gender equality as the primary driver of gender-based violence, but it remains largely silent on the details about the exact measures needed. We consider it imperative that if the Plan is going to meaningfully address gender equality, it must commit to relevant structural and legislative reforms to increase gender equality across the social and political economy.

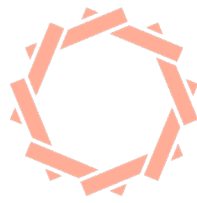
Reforms which should be considered for inclusion among the strategic policy responses of the Plan and subsequent Action Plans include:

- Availability of superannuation on paid parental leave
- Expanded and more equitable access to paid parental leave
- Expanding access to universal early education and measuring subsequent outcomes in terms of women's economic participation and the wage gap
- Amending the *Workplace Gender Equality Act 2012* to capture Commonwealth, State, Territory and local governments under the definition of *relevant employer*
- Including specific indicators on gender-based violence and discrimination in the *Workplace Gender Equality Act 2012*
- Relevant welfare reform measures such as those relating to single parents
- Legislative reforms including embedding the 'Kennon rule' in the *Family Law Act 1975* and removing the 'couple rule' from the *Social Security Act 1991*.

Regarding institutional responses to gender-based violence, the justice system reform measures improve on previous work but continues to downplay the need to improve confidence among victim-survivors going through the criminal justice system. Low rates of reporting, which is acknowledged as a problem across governments, will continue to present a barrier to progressive change if victim-survivors are not afforded confidence in accessing justice services and systems.

Further reforms which should be considered for inclusion among the policy and Action Plans to improve justice responses include:

- Universal access to audio-visual link services for the giving of evidence and to the pre-recording of evidence
- Procedural reforms to address inappropriate cross-examination practices of victim-survivors including bans on accused persons performing cross-examination and on cross-examining the sexual histories of victim-survivors
- Introduction of harmonised jury directions to counter myths and misconceptions about sexual, domestic, and family violence and greater use of independent experts.
- Presumptions in favour of similar and previous conduct evidence on the part of an accused person to be admissible in sexual offence matters. A focus on improving courtroom culture and



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greater emphasis on respect in the courtroom environment including trauma-informed approaches to the make-up of courtrooms.

- A universal right to privacy through the introduction of national sexual assault communications privilege laws.
- Universal access to interpreters.
- Nation-wide independent intermediaries to support victim-survivors through the justice system including information, counselling, legal and emotional supports.
- The justice system reform section must include a commitment to improving child sexual abuse laws and commit to implementing the remainder of the recommendations of Royal Commission into Institutional Responses to Child Sexual Abuse.

Family law system reforms are also missing including:

- Universally expansion of the Lighthouse Project and Evatt List.
- Implementing each of the recommendations of the Women's Legal Services Australia Safety First in Family Law Program.
- Ensuring universal access to specialist legal and sexual, domestic and family violence services to support parties during family law proceedings through the Women's Legal Service Network and Family Advocacy Support Services (FASSs).
- Universal access to Indigenous cultural liaison officers (including women identified positions).
- Ensuring that all family law personnel (whether legal practitioners, social workers, judges or registry staff) who work with people impacted by sexual, family and domestic violence have specialist knowledge and training in line with the Safe and Together model.
- Ensuring that federal family law orders do not override final state and territory-based orders for the protection of persons from family, domestic and sexual violence.

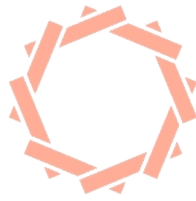
The Plan contains no specific targets/commitments to improving access to housing and financial security for victim-survivors including:

- Building more social and affordable housing
- Developing a National Housing Strategy
- Increasing access to social security such as Commonwealth Rental Assistance.
- Raising the rate of social security for victim-survivors and single parents. Removing the administrative burdens placed on single parents to access social security.

## Outcomes Framework

There was strong feedback that further work is required on the outcomes framework and all members expressed an interest in engaging further with KPMG to provide a more detailed level of feedback on the Outcomes Framework.

The response section needs to include a focus area for action related to the complex interplay of DFSV, alcohol and other drugs and mental health. Perhaps 'Ensure services understand and are equipped to appropriately respond to victim/survivors who are experiencing the complex interplay



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of FDSV and alcohol and other drugs and mental health'. This may also need to be added to recovery section (p. 62).

