



**SOUTH-EAST MONASH
LEGAL SERVICE INC.**

ADVOCACY COMMUNITY EMPATHY



SUBMISSION

Prepared by Springvale Monash Legal Service Inc for the
Australian Department of Social Services
In relation to the
Draft National Plan to End Violence Against Women and Children

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Our organisation

Established in 1973, South-east Monash Legal Service ('**SMLS**') is a community legal centre that provides free legal advice, assistance, information and education to people experiencing disadvantage in our community within the City of Greater Dandenong, the City of Casey and the Shire of Cardinia.

SMLS operates a duty lawyer service at various courts in Victoria, including Dandenong Magistrates Court, the Children's Court and provides legal representation at courts and tribunals such as the Victorian Civil and Administrative Tribunal, Fair Work Commission, Federal Circuit Court, Family Court and Victims of Crime Assistance Tribunal.

For most of the 40 years in operation, SMLS has been running a clinical legal education program in conjunction with Monash University's Faculty of Law, whereby law students undertake a practical placement at the legal service as part of their undergraduate degree.

SMLS has an extensive community legal education program that is developed in response to feedback from the range of community engagement and community development activities that we are and have been involved in.

SMLS also has a significant policy, advocacy, and law reform program, contributing to reforms in family violence laws and practices, access to civil procedure reforms, discrimination towards young community members in their use of public space and their interactions with the criminal justice system, as well as in highlighting the needs of refugees and people seeking asylum, particularly unaccompanied humanitarian minors and women escaping family violence.

Acknowledgment of Country

SMLS wishes to acknowledge the traditional custodians of the lands upon which our offices are located, the Wurundjeri and the Boon Wurrung peoples. We pay our respects to Elders past, present and emerging.

Acronyms

SMLS: South-East Monash Legal Service

DNP: Draft National Plan to End Violence Against Women and Children

All names have been changes in the case studies, in order to protect the confidentiality of SMLS clients.

Introduction

We thank the Australian Department of Social Services for the opportunity to respond to the Draft National Plan to End Violence Against Women and Children.

In principle, the Draft National Plan sets a solid foundation towards ending violence, however we believe the plan can be strengthened.

Gendered violence and violence against children is a nation-wide problem that needs a well-coordinated, nationally consistent collective response. The National Plan is an opportunity for the national government to lead on best practice. We acknowledge that the 5-year action plans will underpin the national plan, however, we believe that a robust and comprehensive National Plan is imperative and will aid in structuring those action plans. As the DNP is intended to be the national framework to end violence, a more comprehensive prescriptive National Plan is required in order to achieve the targets on a national level.

SMLS and Family Violence

SMLS provides a duty lawyer service at the Dandenong Magistrates Court. This position is funded by state funding. The majority of the clients seen are victims of family violence under the *Family Violence Protection Act 2008* (VIC)(FVPA). The remaining clients are either respondents (i.e., perpetrators of family violence) or persons referred to SMLS for advice regarding parenting arrangements when an Intervention Order (IVO) is in place.

SMLS also has a joint clinic with the South Eastern Centre Against Sexual Assault which funds a position for a lawyer working with victims of sexual assault. SMLS prepares applications to the Victims of Crime Assistance Tribunal (VOCAT) under the *Victims of Crime Assistance Act 1996* (VIC).

Victoria Police data indicates that reports of family violence incidents are high in the Local Government Areas which we service - the Greater Dandenong, City of Casey, and Shire of Cardinia.¹ In the year ending December 2020, a breach of family violence order was one of the top five principal offences occurring within the Shire of Cardinia.² An average of 43% of recorded family violence incidents in the Cardinia Shire have children present.³ The City of Casey has the highest actual numbers of family violence related recorded incidents in Victoria, with 1343.1 police callouts per 100,000 residents, putting us well above state averages. In 2021, there were 5,334 recorded family

¹ Crime Statistics Agency, State Government of Victoria, "Year Ending 30 September 2021" <<https://www.crimestatistics.vic.gov.au/crime-statistics/latest-victorian-crime-data>> (accessed 15 February 2022).

² Crime Statistics Agency, State Government of Victoria, "Latest Crime Data by Area" <<https://www.crimestatistics.vic.gov.au/crime-statistics/latest-crime-data-by-area>> (accessed 15 February 2022)

³ Cardinia Shire Council, "Liveability Plan 2017-29 - Cardinia Shire Council- reviewed in 2021" <https://www.cardinia.vic.gov.au/directory_record/4946/liveability_plan_2017-29_reviewed_in_2021> (accessed 15 February 2022).

incidents, a 3.9% increase from 2020.⁴ In 2015, Police stated that South-Eastern local government areas Greater Dandenong, Casey and Cardinia make up nearly 10 per cent of the state's total of family violence related police call outs.⁵ These figures are only representative of police intervention, and do not include women and children who are suffering from family violence have not felt confident to report it.

Our clients report being advised to contact numerous services, while they continue to process emotions and practical concerns, such as their and their children's safety after a violent incident. In addition, parties navigate a complex court system, often having to attend court appearances in multiple jurisdictions. It is our experience that violence leaves victims confused and overwhelmed, and their anxiety is exacerbated by the need to attend multiple services in order to address both legal and non-legal issues even before they attend the initial court hearing for an IVO.

We acknowledge that gendered and family violence does not exist in isolation. From the work that we undertake, we find that there are intersecting factors which affect individuals and communities, all of which may contribute to violence. For example, this can include the imbalance of power in relationships, mental health issues and drug and/or alcohol issues as well as income stress.

We submit that there is a strong correlation between a victim obtaining an IVO and the other party's conduct in their family law matter. Our experience is that clients who attempt to assert their rights through the legal system often face an increased risk of family violence by the other party in the proceedings. This is particularly evident where family violence has been present for some time. For example, in one of our more complex litigation matters regarding parenting orders in the Federal Circuit Court, the perpetrator increased the intensity of threats against the victim, including death threats once litigation was underway and the perpetrator was not content with the interim orders made by the court.

Many of our clients experience more than one intersectional disadvantage, for example, they may belong to a number of the following cohorts: CALD, migrants, temporary visa holders, living with a disability, have child dependents, are low or no income/Centrelink recipients, are at risk of homelessness, are at risk of family violence, Aboriginal or Torres Strait Islander, or have limited proficiency in English.

In the last 4 years (January 2018-February 2022) we have provided legal advice to approximately 3,893 clients who have reported they were at risk of family violence, provided 1,032 clients with

⁴ Crime Statistics Agency, "Latest Crime Data by Area" <https://www.crimestatistics.vic.gov.au/crime-statistics/latest-crime-data-by-area> (Accessed on 15 February 2022).

⁵ Herald Sun, "City of Greater Dandenong, Casey and Cardinia have almost 10 per cent of state's total family violence cases", <<https://www.heraldsun.com.au/leader/south-east/city-of-greater-dandenong-casey-and-cardinia-have-almost-10-per-cent-of-states-total-family-violence-cases/news-story/0c9ee3a3a80e1c9b258e1c421f716e4>>, (Accessed 15 February 2022).

further legal representation and legal work, and acted in 4,731 duty lawyer client matters in matters where clients reported being at risk of family violence.

Below we have commented on some of the key issues we see in the Draft National Plan as drafted, in terms of how useful those changes will be for our clients. We have not addressed all the Draft National Plan's provisions, only those of most relevance to our clients.

Key Issues with the Draft National Plan as drafted

1. Terminology

Despite the DNP “acknowledging that people with diverse sexuality and gender are impacted by gender-based violence, often in complex and intersecting ways” the terminology is not inclusive throughout. The use of “women and children” and “girls and boys” is blind to the gendered violence experienced by those in the LGBTIQ+ community. Those in the LGBTIQ+ community should be further consulted, to ensure the National Plan is inclusive of all those that face gendered violence. As it is currently drafted it seems to limit gender to men and women; gender is much more nuanced than this. The lived experiences of the LGBTIQ+ community is lacking. When gender is binary, this reinforces gender stereotypes which is a driver of violence. If the DNP has a focus on women and children as a subset of gender-based violence, then more work needs to be done to explore whether there is a need to create an equivalent that responds to gender-based violence as experienced by LGBTIQ+ communities. Our recommendation would be to ensure that *all* gendered violence and violence against children is included in the National Plan and thus the plan should be renamed and reworked to be inclusive.

We are concerned that the terminology in the document is not inclusive as it refers to the DNP being for all ‘Australians.’ Many of those that are victims and victim survivors of violence in Australia are on visas including such as visitors' visas, temporary protection visas or student visas. Nevertheless, they are deserving of protection from gender-based violence. We recommend that it be made clear in the DNP terminology that the use of ‘Australians’ is meant to cover all those that are in Australia, not just those that are citizens.

- **Recommendation 1:** Ensure the language throughout the DNP is more inclusive of *all* those in Australia.

2. Drivers, National Pillars and Principles

We agree in principle with the four foundation principles; however, they could be strengthened further. To form the architecture of the DNP we also agree with the four national pillars in principle. The DNP contains broad statements and lacks the specificity to tackle the monumental problem of violence in Australia. These foundation principles and pillars could be further strengthened to ensure victim survivors needs and concerns are addressed.

Our general observations of the Drivers, Pillars and principles are:

- More focus to be put on prevention and education. Specifically, how will young people be educated that gendered violence is not acceptable.
- Intersectionality should be an overarching principle rather than a separate principle.
- Need a meaningful commitment to address gender inequality.
- Need commitments to deal with economic insecurity.
- It does not outline exactly how gender equality will be achieved.
- The provisions in the DNP for economic abuse are high level comments that must be more thoroughly outlined.
- More focus needed on victims' economic security.
- No commitment to funding or an outline of how much is needed based on research and community feedback.
- No specific details on how and when goals will be achieved.

The DNP could go further in clearly explaining the prevalence, drivers, and different forms of gender-based violence. In describing the prevalence and different forms of violence the DNP is simplistic and does not reflect people's lived experience perspectives. For example, there is no specific details on economic violence and abuse and does not link this abuse with the prevalence of elder abuse. The DNP could also go further in addressing technological violence. We are also concerned that the DNP does not enough focus enough on gender equality and how this will be achieved. The DNP must outline how to work towards gender equality and how it will address the systemic causes of gender inequality including the gaps in the welfare system and childcare.

Importantly, the DNP does not provide an outline of who perpetrators are, which would assist in combating generational cycles. It is also missing the opportunity to address larger structural and system drivers such as lack of police resources, lack of Magistrate training, an unsupportive welfare system and the Impact of the Covid-19 pandemic. It also does not recognise the lack of culturally appropriate training for police, magistrates, healthcare workers, lawyers, to assist in response and recovery.

- **Recommendation 2:** Strengthen the foundation principles and pillars with added specificity.

3. Victim-Survivor Lived Experiences and their needs

Aside from some high-level comments about their experiences and needs, the voices of the victim-survivor (adults and children) are almost silent throughout the document, in particular those in diverse communities. The DNP should clearly outline the concerns of victim-survivors with the current system and services in place, their past lived experiences and what they would like to see changed.

We recommend that the DNP have a greater victim-survivor focus on their experiences, wants and needs from a system that is meant to serve them. For example, we see the DNP lacking practical steps and actions to the plan, such as:

- Victim-survivors views should be heard and considered, in particular, in the criminal justice system context.
- The gaps in the current services and funding for those services.
- The urgent needs of victim-survivors, such as food, clothing, stable housing, work, visa stability, and other barriers they are experiencing, for example funding for childcare and Centrelink benefits for those not currently eligible for payments.
- How to best empower women and how to achieve greater gender equality, including reforms in:
 - Childcare;
 - Employment (return to work, staying in work, paid domestic violence leave provisions, flexible working arrangements);
 - Financial empowerment;
 - Housing security;
 - Concrete actions in relation to economic security- specific to gendered/family violence.
- How the risk of breaches of intervention orders will be better managed. The current system is very state focussed, and the burden is on the victim-survivor to register the order in a different state. We recommend a national police intervention order database to better monitor and enforce orders interstate when perpetrators or victims leave the state.
- Addressing the fear of reprisal and retaliation by men.
- Addressing the fear of losing children to child protection.
- how the targets will practically assist victim-survivors.

Criminalisation of family and domestic violence is an overly complex issue, particularly for Aboriginal and Torres Strait Islanders. The criminalisation or possible criminalisation of family violence is often not the response our clients want as victim-survivors of family violence. Priority should be given to listening to the wishes of the victim-survivor and investing in initiatives to help the victim-survivor reach material independence. Criminalisation of family violence falls short of being a satisfactory response to family violence. Many of our clients who are Affected Family Members in an Intervention Order do not want an Intervention Order in place, as they for example, want their partner living at home. This may be because of cultural, religious, or economic reasons. There is an added complexity of victim-survivors being perpetrators of violence or being misidentified as perpetrators of violence. The current criminal justice system is too blunt of a tool to respond to complexities of family violence. The courts also see high volume duty lists for intervention orders and there is a lack of funding in the court arena for training magistrates. Victim-survivors are often further traumatised once in the legal system.

The specific needs of children and young people, including early intervention and assistance and advice, is lacking in the DNP. We recommend the DNP would benefit outlining the assistance and partnership opportunities with lawyers, counselling, and police in schools.

The DNP also does not reflect the unique issues migrant women face, such as cultural stigmas and visa issues. From what we see on the ground, women on temporary visas are especially vulnerable to experiencing violence and face extraordinary barriers to reporting that violence.

It also does not provide a strong voice for LGBTIQA+ experiences.

The needs of the elderly are also lacking. There is no to little reference on their specific struggles and how they can be assisted, for example, housing security, banking, financial, counselling advice.

There are also certain industries where workers face a higher prevalence, such as sex workers, and their needs and experiences should also be addressed in the DNP.

The DNP must also acknowledge that those vulnerable to violence may fall under a number of these diverse cohorts. SMLS has also witnessed how the systems abuse can be utilised in the family court. This systems abuse is detrimental to the recovery of victim-survivors, and can prevent them from rebuilding their lives, and even prevent them from sustaining employment due to multiple court dates.

Case Study

Sam had been a victim-survivor of family violence and was attempting to rebuild her life after a lengthy court process. Her ex-husband abused the family law system by filing successive contravention applications over a 6-month period, which tied our client up in having to attend multiple court hearings and defend each application as it arose. It was difficult for Sam to maintain employment as she constantly had to take days off to attend court. For each application, there was a reasonable excuse for non-compliance with the parenting orders. For example, the child was at school camp.

- **Recommendation 3:** Ensure the DNP is victim-survivor centre focussed and ensure that all their needs and experiences are better reflected throughout (whilst considering all the different cohorts of people).
- Address what reforms are needed. These can be high level statements with further clarity in the action plans.

4. Funding and Budget

We are concerned that the objectives of the DNP will not be achieved without sufficient commitment to investment. The DNP is silent on the budget which will be committed to the “Towards Zero” approach. The DNP must specify the commitment to investment towards critical areas that are currently lacking sufficient funding such as housing, education and upskilling of staff. For the approach to be feasible, there must be sufficient funding and investment for: resources; upskilling staff (who are also culturally trained), long term stable housing, funding to support current support services and emergency housing.

- **Recommendation 4:** Research and analyse what funding is required to adequately implement the plan (based on feedback from community led organisations providing essential services) and ensure that such funding is committed to in the DNP.
- Priority investment must be given to addressing intersectional discrimination and disadvantage and prevention.

5. Commonwealth Responsibilities

To achieve the goals set out in the DNP, it will take a national cohesive approach, which will involve Commonwealth policy leaders, as they can affect the necessary changes in education, migration, housing, and social welfare. The significant and crucial role these leaders and policy decision makers make is missing from this DNP. The DNP does not need to comprehensively outline all actions required by these leaders, but what bodies of work needs to be done to achieve the outcomes (which can be further clarified in the action plans), for example in social welfare, housing, and migration reform.

- **Recommendation 5:** Outline the Commonwealth leaders that will need to act, and general guidance on what actions are required to work towards the targets in the DNP.

6. Capacity Building

The DNP sets out a plan to support “capacity building of police, justice, health, educators and other frontline services (including settlement and multicultural services) to identify diverse forms and experiences of violence and provide appropriate responses.” We recommend strengthening this plan by ensuring and committing to mandatory:

- Adequate training of intersectional complexities provided routinely to all those servicing this area.
 - Routine training being delivered to courts and tribunals regarding the links between family violence and problem gambling.
- **Recommendation 6:** Set out a framework in the DNP for national mandatory capacity building taking into account the intersectional complexities at play.

7. Health-Justice Partnerships and Education-Justice as a Preventative Measure

As outlined in our earlier submission, Health-Justice and Education-Justice Partnerships are critical in ensuring intersectional assistance and support is provided to those facing violence. We believe it will be a missed opportunity if these partnerships are not a focus of the DNP in preventing, intervening, and responding to violence. We recommend priority investment in multi-disciplinary programs to provide a holistic and multi-disciplinary response to violence.

Health Justice programs connect healthcare and legal assistance to give people access to help for their problems when and where they need it. For example, embedding community lawyers in

Maternal and Child Health Centers. This provides the opportunity for early intervention and better client outcomes.

By working together, health and legal services can address the complex problems in people's lives in ways they never could alone.

The DNP outlines Education as a preventative measure, however it falls short of a detailed outline of what this education entails and how it will be structured. We recommend a national approach to how issues of gender equality, consent, dismantling gender stereotypes, and respectful relationships is taught in schools. We reiterate our recommendation for integrated education-justice partnerships across Australia. This would work towards the Preventative and Intervention national pillars. It would equip young people with essential knowledge about their legal rights and responsibilities, where to get help and ability to make informed choices. SMLS delivers an integrated program at several schools in the South-East of Melbourne, Sporting change, where we use sport to teach young people about the legal system. The data reveals that this program is highly successful in equipping young people with essential knowledge about their legal rights and responsibilities, where to get help and ability to make informed choices.

- **Recommendation 7:** Prioritise investment in multi-disciplinary programs to provide a holistic and multi-disciplinary response to violence.

8. Community Led Engagement

We recommend a stronger focus on community grassroots led engagement and education. These priorities should advocate for work with communities to develop more innovative approaches. They can be done by tackling triggering behaviors such as alcohol or drug abuse and identifying preceding behaviors before violence occurs. Further support for initiatives led by communities that can heal trauma and change attitudes by working together to identify, address and reduce the risk of violence occurring within the community is suggested. This can also include work with communities to deliver contingency planning and responses as well as primary prevention.

Focusing these priorities on locations with the greatest disadvantage and tailoring place-based approaches in partnership with communities and increasing police protection in rural and remote areas are also feasible steps in addressing physical barriers for those in isolated areas and developing community safety plans in remote service delivery locations.

There is a need for a funded tailored men's behaviour change programme, and just as importantly women's specific behavioural change programmes. We have assisted clients who are respondents to Intervention Orders and the Affected Family Member is a child, whilst also being a victim-survivors of family violence. The DNP needs to address how these services will be supported and funded by the Commonwealth. Family Violence is complex and requires considered efforts to overcome. Both perpetrators and victims often have generational trauma that requires the attention of support services.

- **Recommendation 8:** Prioritise investment in community grassroots led services.

9. Accessibility to Support Services

We reiterate our concerns outlined in our earlier submission, that there is limited accessibility to services for victims, including our clients, based in rural and remote areas. Between 2016 and 2021, the overwhelmingly most common legal issue affecting clients residing in Koo Wee Rup and surrounds was related to family violence (approximately 53%). Of those matters involving clients living in the broader Shire of Cardinia, approximately 50% related to family violence.

The DNP does not adequately address accessibility issues to those in remote areas but also those that cannot access traditional forms of face-to-face services, such as those with a disability or those from CALD backgrounds. Our experience shows that victims with a disability or those from a CALD background experience proportionally higher levels of intersectional disadvantage. Our records show that in the 2019/2020 period 38% of our clients with a disability reported being at risk of family violence.

The DNP recognises the issue of accessibility; however, it lacks the specific details on how to address the issue. To improve the service system responses and support for those who experience violence, physical location barriers must be reduced for victims to access service and build support systems among diverse communities, such as Aboriginal and Torres Strait Islanders and those of CALD backgrounds.

Case Study

SMLS assisted a client called Kim who had a hearing disability. We requested that an ASLAN interpreter be made available, however despite a booking being made no interpreter arrived on the day of the hearing. Though the Registry was apologetic, they ultimately decided that they could not do anything further to assist. Kim had to rely on lip reading and the assistance of a relative.

- **Recommendation 9:** We see an urgent need to develop innovative solutions to improve accessibility such as:
 - Supporting integrated service models such as health-justice and education-justice partnerships where onsite legal assistance is available in schools and health settings; and
 - Exploring ways technology can assist rather than harm those experiencing family violence such as the Nicholson Project (partnership between WAYSS and the Protective Group).

10. Financial Security and the Welfare System

The DNP is silent on practical steps to achieve gender equality and improve financial security of those vulnerable to violence. The Commonwealth must take responsibility for the homeless pandemic and the DNP needs to address the nexus between homelessness and domestic violence.

Whilst the DNP recognises that housing support services are needed it fails to adequately outline exactly how much housing support is needed, the exact types of housing support required and how much will be budgeted to meet this demand. The DNP must ensure that there is sufficient funding by the Commonwealth Government put towards services providing emergency housing, and affordable and secure housing. Safe, accessible, and stable housing is crucial for the safety and recovery of victim-survivors.

The DNP also needs to address what a supportive workplace looks like in practice, for example, whether this is to re-join the workforce/stay in the workforce, the provisions for childcare, and what paid family violence leave will become available. The DNP does not have concrete commitments to social housing and the Social Security framework that would support victim-survivors to leave violent circumstances and be supported.

To achieve gender equality, there must be concrete changes to support women towards financial independence, including:

- Introducing significantly increased paid parental leave for both parents.
 - Promoting flexible work arrangements.
 - Introducing affordable childcare.
 - Improving conditions for workers in insecure and precarious work; and
 - Ensuring Centrelink payments adequately reflect contemporary costs of living, including the cost of housing.
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- **Recommendation 10:** Commit to address the gaps and issues in the current social housing and social security frameworks and ensuring that all those that need safe accessible and stable housing.
 - Commit to address the drivers of gender inequality, including paid parental leave, childcare, and access to Centrelink payments for *all* victim-survivors.

11. Visas Holder and Migrant Victim-Survivors

Those that are living in Australia on a visa are particularly vulnerable and face barriers seeking support and services. Our clients will not report violence or seek support for a multitude of reasons, including an obligation to protect their partners, cultural or religious reasons, cultural stigma, due to lack of financial security and fear of losing their visa status. The DNP does not capture the nuanced lived experiences of migrant victim-survivors, where the perpetrator is also a migrant. Having men deported for committing family violence is problematic as this may not be what the victim-survivor wants, as it may break a family unit, or it may affect their visa status. That is why it is paramount to consider the victim-survivors wishes before any decision is made.

Visa insecurity is particularly important to consider alongside family violence. Visas can be used by both abusive partners to control victims and cause them harm. For example, there is a risk of

permanent separation from children if women report family violence and separate from abusive partners and they cannot access another visa without their partner.

For women who are on a partner visa, the Family Violence Provisions of the *Migration Regulations* 1994 enable them to access permanent residency if a relationship breaks down due to family violence. However, the role of extended family members as perpetrators of family violence is not really recognised within migration law. Individuals who arrive in Australia on another visa, such as a visitor visa (which is common) rather than a partner visa, are ineligible to apply under the Family Violence Provisions even if they otherwise meet the criteria. Where a relationship breaks down due to family violence in these circumstances, individuals have limited migration options as they are unable to engage the Family Violence Provisions to remain in Australia. They are also made particularly vulnerable as they are ineligible to access social security supports. If we genuinely care about women experiencing family, domestic and sexual violence, we must overhaul our migration system with a human rights approach.

There are many factors that further serve to create serious vulnerability for migrant women at risk of violence, including: the limited work authorisation, limited right of residence, dependence on a third party for the right of residence, and limited access to services and social security, combined with financial pressures such as debt because of their migration pathway, distance from family support and a lack of familiarity with employment regulations. Residency requirements for social security payments and waiting periods can prevent migrants from seeking safety and leaving violent circumstances.

It is a Federal Government responsibility to reform the migration system to ensure victims are not at risk of staying in violent relationships for fear of being deported and/or losing their children by being deported.

There must be rigorous protections available to those on all visas, so they are assured that any steps taken to deal with the family, domestic and sexual violence does not in any way compromise their visa or any future visa applications, that they are protected from being deported with or without their children and that they have access to federal income support.

Furthermore, the DNP must recognise that the lived experiences of migrants and refugees are different. Depending on the country of origin, migrants and refugees will have different vulnerabilities which may increase their risk to violence or limit their choices in responding to violence. For example, CALD migrants and refugees often struggle with obtaining access to services.

The DNP fails to reference practical support that will be provided to those living in Australia on a visa, such as Centrelink payments or other financial support, housing, and protection of their visa status. Many of our New Zealand citizen clients have reported on the economic strain of the lack of social welfare provisions available to them. To better protect and educate this cohort, there needs to be a focus and investment in community led engagement and education and a greater focus on intersectional partnerships. For example, having migration lawyers imbedded in community legal

centers is essential. Working collaboratively with family violence lawyers ensures better legal outcomes for clients. We would recommend that priority should be given to investing in community-based grassroots led organisations in the delivery of any relevant services, specifically organisations that know and trust the community well. The DNP must also acknowledge that any effective plan to end violence against women and children is inexorably linked with visa security.

Case Study

Mina spoke English as a second language. She suffered horrific family violence from her former husband, including frequent incidents of sexual violence. He would make threats to self-harm if she left him. He made threats to kill her family if she went to the police. She received pressure from her family to remain within the marriage. She felt isolated and hopeless. After finally separating from her husband, with SMLS' support, she applied for a family violence intervention order when her former husband would not cease contacting her. SMLS then assisted her in family law proceedings regarding her children. Mina was a very reluctant litigant. She just wanted it over with and to move on. She found the family law court highly distressing. Mina was ecstatic when the family court granted her sole parental responsibility over the children.

- **Recommendation 11:** An effective response must include reforms to Australian immigration law and the social welfare system.
- A commitment to sufficient funding and support to community services and settlement services who are better equipped to provide culturally appropriate assistance and support.

12. The role of technology in the perpetration and prevention of violence against women

As technology operates across difference jurisdictions, there needs to be a national response to preventing technology-facilitated violence and abuse. We urge that any effective response necessarily includes more rigorous obligations on digital providers in the prevention of technology facilitated FDSV and explores options for regulating digital platform operators that act as enablers of violence.

- **Recommendation 12:** Greater articulation in the DNP on the role that technology plays in both prevention and perpetration of violence.

13. Workplace Violence

Sexual Harassment in the workplace is alarmingly prevalent. Many of our clients are from non-English speaking backgrounds, new arrivals or on temporary visas. For this cohort of clients, job security is of paramount concern and clients fear losing their job if they make a complaint. We have seen several instances of clients being dismissed after making a complaint of sexual harassment. The DNP acknowledges the need to address this issue but does not outline *how* the “Commonwealth Government will support all levels of government and business to implement the Roadmap for Respect.” It is unclear how exactly the “Roadmap for Respect” ties into the DNP and whether the DNP, the funding, and the Domestic, Family and Sexual Violence Commission are to support, address, and monitor workplace incidents of sexual harassment. As workplace sexual harassment is not a separate issue it should be adequately outlined in the DNP with specific details of how the DNP and Roadmap for Respect interact and function together.

- **Recommendation 13:** Clearly articulate how the DNP and the Roadmap for Respect interact and function together.

14. Monitoring Outcomes, Measuring Success and Targets

There must be rigorous monitoring and evaluation to measure the impact of the plan. Significant investment is needed for data collection and research. To truly reflect the achievements and shortcomings of the National Plan, Community Legal Services and other service providers should be supported to provide administrative data. Further investment is recommended in exploring the extent that the justice system could have coordinated and consistent data practices to enable the better use of administrative data, including that of Community Legal Centres.

The draft outcomes could be strengthened to provide strong framework for measuring progress towards the next National Plan goals. The draft targets do not sufficiently measure outcomes from a victim-survivors perspective. This needs to be determined and captured in the DNP. The DNP should have concrete achievable targets set out to measure the impact of the DNP. It will be difficult to measure the outcomes of the focus areas as the DNP does not adequately outline what measures will be taken on a practical level to ensure the targets are reached, how the focus areas will be addressed and in what timeframe, and what funding will be put towards the focus areas. At this stage, in its current form, the targets are not yet adequately outlined to be able to comment on.

- **Recommendation 14:** The Targets to have a greater focus on the victim-survivor perspective.

15. Domestic, Family and Sexual Violence Commission

In principle we support the notion of the new Domestic, Family and Sexual Violence Commission having responsibility for monitoring and reporting on accountability and evaluation frameworks against the new National Plan. At this stage it is not clear who this Commission will be and exactly what their role and function will be. We agree that there should be a proactive independent national regulator, with effective enforcement powers; we would like to see more of what their role will be and the details of a clear framework to monitor before we can comment on their function. Funding for the work of the Commission over 5 years also seems to be limited and we would recommend increased funding to accurately monitor and report on the next critical years in the plan to end violence.

- **Recommendation 15:** Increased funding and a clear framework which the Commission will work within.