

RESPONDING TO FAMILY VIOLENCE DURING COVID-19

RESPONSES TO QUESTIONS FROM SESSION

- 1) **GIVEN THE INADEQUATE FUNDING FOR FAMILY VIOLENCE HOUSING SPECIFICALLY AND SOCIAL HOUSING GENERALLY, WHAT NEEDS TO BE DONE TO ENSURE THAT AS ISOLATION RESTRICTIONS EASE, WE ARE ABLE TO PROVIDE ACCOMMODATION SUPPORT FOR VICTIMS WHO COME FORWARD?**

Response by Alison Macdonald, CEO, Domestic Violence Victoria

The lack of affordable housing in Australia continues to present a significant barrier to victim-survivors of family violence being able to leave violent relationships and establish safety in their lives. In fact, family violence is the leading cause of women and children's homelessness in Australia. While it is the preference that victim-survivors are able to stay safely within their own homes and have the perpetrator of violence be removed, this is not always practical nor desirable and there remains an urgent need for pathways into secure, stable and affordable housing as a key part of the state's response to family violence.

There are a range of strategies that governments could commit to increase housing affordability in the private housing markets and these should be a part of an overall solution, however for Domestic Violence Victoria (DV Vic) our advocacy priority is to push for increased investment into social (public and community) housing. DV Vic is a member of the Housing Peaks Alliance, which developed the [Make Social Housing Work Framework](#). Through this work we are calling on the Vic Government to develop a 10-year social housing plan to address the critical housing shortages in our state (which has the lowest per capita rate of social housing stock in Australia). Our ask is for the Government to invest in increasing social housing homes by 6,000 every year for the next 10 years to match the national average of 4.5 per cent of all households.

We also use our voice in the national arena to raise housing and homelessness for victim-survivors of family violence with the Commonwealth as many of the housing affordability levers sit in the Commonwealth's jurisdiction. We have joined calls by many in the social services sector for a social-housing led post COVID-19 economic recovery (as we saw post GFC last decade). This should be focussed on creating incentives for new investment in social housing and maintaining and upgrading existing social housing. It's also critical to mitigate against what we are concerned will be new levels of economic and social disadvantage open up in Australia post COVID-19, in which women are predicated to bear a disproportionate burden.

Response by The Hon Marcia Neave AO, Emeritus Professor, Monash University

Lack of suitable housing continues to be a significant problem for victims/ survivors. There is insufficient housing for adolescents who experience violence or for adolescents who use violence. This contributes to the reluctance of parents who experience violence to report it to the police. There is also insufficient housing for women affected by violence, particularly women with several children and older women, though victims of family violence get priority for public housing. The result is that victim/ survivors may be in transitional housing or may have to live in insecure or very undesirable accommodation for long periods and some may become homeless.

Some men who are excluded from their home after using violence may also have difficulty accessing housing. In some situations this may result in their former partners letting them back into the home. I am aware that this is a problem in some regional areas.

The Victorian Government has recently announced that it will spend an additional \$10 million on housing the homeless. I do not know how this is to be allocated. It is unfortunate that the federal government has decided to direct funds to home renovations rather than on public housing. There is a good program by Peter Mares on ABC 621 which discusses the history of housing funding in Australia.

I do not have the current break up between State and Commonwealth funding for social housing. But Victoria has had a housing waiting list of at least 50,000 people for some years.

2) DO YOU KNOW OF ANY NEW WAYS OF DOING THINGS THAT HAVE COME ABOUT BECAUSE OF THE EXTREME CIRCUMSTANCES OF COVID-19-- ANY NATIONAL OR INTERNATIONAL PROJECTS OR ANECDOTES TO SHARE?

Response by Dean McWhirter, Victoria Police Assistant Commissioner

From a policing perspective there hasn't been any significant change because of the way in which police members have to respond to reports of family violence which is why for police it's very much business as usual. An immediate learning is that the system response failed to meet the change in our social circumstances in terms of restrictions and we missed an opportunity to provide engagement and communication to victims of family violence or 'third party' reporters of family violence – because as a community we could essentially only go to supermarkets and pharmacies for an extended period – the system didn't mobilise (and still hasn't) to provide information hubs in those domains, nothing changed for victims we just expected them to ring or walk into a service like before COVID-19.

Whilst parts of the system response changed the way they have conducted their business and processes, these have very much been done in isolation of other parts

of the system – the interesting thing here is whether those changes were in the best interests of victims of family violence or in the interest of those in the system, I think this is what needs to be assessed and reviewed and that's where the learning will be identified and possibly may influence broader thinking about system change.

3) HOW WILL THE EASING OF COVID RESTRICTIONS IMPACT THE BEHAVIOURS OF ADOLESCENT PERPETRATORS OF FAMILY VIOLENCE-- WILL IT REDUCE COERCIVE/VIOLENT BEHAVIOURS OR TRIGGER FURTHER ABUSE?

Response by A/Prof Kate Fitz-Gibbon, Director of the Monash Gender and Family Violence Prevention Centre and Senior Lecturer in Criminology, Monash University

Anecdotally we have heard from members of Victoria Police, the Department of Education and Training, and family violence practitioners that there has been an increase in the use of family violence by adolescents during the period of the COVID-19 restrictions. As we move into the easing of the COVID restrictions it is important that we ensure that families which may have experienced or are still experiencing adolescent family violence are provided with the necessary support. This includes mainstream and specialist support for young people using violence and also for mothers, fathers and siblings who have been victimised by an adolescent family violence. Ongoing high stress within families associated with the pandemic is likely to heighten the risk of adolescent family violence and other forms of family violence.

4) HOW IS THE MCV IMPLEMENTING THE RCFV RECOMMENDATIONS TO HEAR FAMILY LAW MATTERS AT THE SAME TIME AS FAMILY VIOLENCE MATTERS?

Response by Felicity Broughton, Deputy Chief Magistrate

The Victorian Royal Commission into Family Violence (RCFV) made several recommendations aimed at reducing fragmentation between the federal and state jurisdictions in cases involving family violence in the context of family law. Implementation of the RCFV recommendations present a unique opportunity for an integrated, comprehensive, and sustainable response to improving the safety of families living with family violence and to breaking down traditional silos. However, the limitations of the recommendations need to be recognized; the RCFV only had jurisdiction in relation to Victorian jurisdictional issues and family law powers jurisdictional powers are a Commonwealth responsibility.

The Magistrates' Court of Victoria (MCV) has developed a Family Law Demonstration Project (FLDP). The FLDP is delivered in partnership with Victoria Legal Aid (VLA), and operates by MCV referring eligible parties to VLA who will provide 3 hours of family law legal advice and where appropriate refer to VLA's Family Dispute Resolution Service, alternative legal services or a private contracted firm. The FLDP commenced on 3 February 2020 and was planned to be conducted

over a 12-month period at Shepparton and Ringwood Magistrates' Courts. Due to the COVID-19 pandemic the project has been suspended.

The FLDP objectives are to:

- identify family law matters in dispute in FVIO matters and refer parties to legal advice to reducing risk escalation and improve victim safety
- improve the court experience people experiencing family violence by addressing some of the risks and complexities of navigating both the federal and state court systems; and
- increase MCV's exercise of its existing family law jurisdiction in family violence matters
- provide insight into the need for family law advice for families involved in family violence matters.

Through the FLDP, families with family law needs at the demonstration sites are provided access to:

- a proactive, multidisciplinary and holistic approach
- options to resolve family law disputes and issues sooner
- less jurisdictional fragmentation and complexity
- continuity of service and consistent service delivery
- reduction in prolonged court proceedings.

In addition to the demonstration project, MCV has also:

- amended our Family Violence Intervention Order application form to include questions relating to Family Law matters and provide information to inform applicants of the ability to hear certain family law matters
- enacted a formal protocol with the Family Court to enable information sharing between jurisdictions
- continued to work with the Judicial College of Victoria and the National Judicial College of Australia to ensure that family law training is available to judicial officers

Through the continued implementation of our Specialist Family Violence Courts and the 'one family, one judge' operating model adopted within these courts, we continue to prioritize the hearing of family law matters in conjunction with family violence matters.