



WESNET Inc

Women's Services Network

Australia's peak women's organisation working to eliminate domestic and family violence

FAMILY VIOLENCE BILL – A GOOD START, MORE NEEDED

WESNET welcomes the Attorney-General's announcement today that he is introducing the Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011 into Parliament – this is a major step forward but the Bill could have gone further. The safety of women and children must always be prioritized in any legislation. For too long, women have had to enter into a law system that routinely prioritizes shared parenting arrangements over the safety of children.

WESNET strongly supports the Federal Government's moves to provide better protections for people who have experienced family violence within the family law system and believe that the proposed amendments are essential to place safety and protection of children and family members at the forefront of the Family Law Act.

The Family Violence Bill, which was introduced into Federal Parliament today, sends a clear message that family violence and child abuse are unacceptable and WESNET strongly supports the proposed amendments to the Family Law Act 1975 in the following key areas:

- prioritising the safety of children
- changing the meaning of 'family violence' and 'abuse' to better capture harmful behaviour
- strengthening the obligations of lawyers, family dispute resolution practitioners, family consultants and family counsellors to prioritise the safety of children and their protective parent.
- ensuring courts have better access to evidence of family violence and abuse, and
- making it easier for state and territory child protection authorities to participate in family law proceedings where appropriate.

"The domestic and family violence sector has for many years been acutely aware that the family law changes of 2006 and the interpretations of the law by legal practitioners have acted as an enormous barrier for women and children experiencing domestic and family violence and other abuse to live a life free from ongoing violence and abuse. This has at times resulted in the most tragic of consequences" said Catherine Gander, spokesperson for WESNET.

"The current system allows for, if not enables, the continued traumatization and abuse of women and children. This abuse is occurring not only at the hands of perpetrators, but also through the court system itself", said Ms Gander. "It is critical that that system is reformed to redress this and we welcome the Government's commitment."

There is a lack of understanding in the community and the system generally, that domestic and family violence can be " multifaceted and ... characterised by a pattern of behaviours aimed at exerting coercive control. This type of intimate partner violence is known as "coercive controlling violence"." A recent study¹ of 22 women navigating the family court system in NSW found that the most frequently reported forms of abuse reported by the women were emotional/ psychological, financial, controlling behaviours, using children, and "using the system" to abuse and physical violence."

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¹ Laing, L (2010) "No way to live: Women's experiences of negotiating the family law system in the context of domestic violence" downloaded from <http://www.bensoc.org.au/uploads/documents/no-way-to-live-full-report-june2010.pdf> on 21 March 2011.

BACKGROUND INFORMATION

About WESNET

Established in 1992, the Women's Services Network (WESNET) is the peak body for Australian domestic and family violence services.

Our National Committee is comprised of twelve women who volunteer their time and expertise to further our work as a sector and in the elimination of violence against women. Drawn from every State and Territory in Australia, they are grassroots service managers, direct service workers, counsellors, trainers, peer educators, researchers, and expert advisers. These women are also Australian experts in various aspects of domestic and family violence. They are experts in policy and legislative frameworks, evaluation, and what constitutes 'good practice'. They are fully conversant with 'good practice' discourse and programs in each of their States and Territories. There is also a representative for immigrant and refugee women, Aboriginal and Torres Strait Islanders and older women.

We participate in key national policy debates and consultative processes, research and develop publications, and present at national and international conferences. We host a national discussion and networking forum – Virtual WESNET – on our website. We recognise domestic and family violence is only one form of violence against women. WESNET works with other organisations in Australia and internationally.

In recent years WESNET has played an important role nationally and international in advocating the elimination of all violence against women.

What is domestic and family violence?

Domestic violence is any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. (UN 1993).

- **Emotional abuse** — blaming the victim for all problems in the relationship, constantly comparing the victim with others to undermine their self-esteem and self-worth, sporadic sulking, withdrawing all interest and engagement (e.g. weeks of silence).
- **Verbal abuse** — continual 'put downs' and humiliation, either privately or publicly, with attacks following clear themes that focus on intelligence, sexuality, body image and capacity to parent and spouse, for example accusations of sleeping around.
- **Social abuse** — systematic isolation from family and friends through techniques such as ongoing rudeness to family and friends, moving to locations where the victim knows nobody, and forbidding the victim or physically preventing the victim from going out and meeting people — in effect, imprisonment.
- **Economic abuse** — complete control of all monies, no access to bank accounts, providing only an inadequate 'allowance', using any wages earned by the victim for household expenses, or on alcohol or drugs; or making the victim totally responsible for the finances of the household, and then blaming her if there is not enough money.
- **Spiritual abuse** — denying access to ceremonies, land or family; preventing religious observance, forcing victims to do things against their religious beliefs, denigration of cultural background, or using religious teachings or cultural tradition as a reason for violence;
- **Psychological abuse** — includes: driving dangerously; abuse of pets in front of family members; making threats regarding custody or residency of any children; asserting that the police and justice system will not assist, support or believe the victim; denying the victim's reality.
- **Physical abuse** — including direct assaults on the body, use of weapons, driving dangerously, destruction of property, assault of children, locking the victim out of the house, and sleep deprivation.

- **Sexual abuse** — any form of forced sex or sexual degradation, such as sexual activity without consent, causing pain during sex, assaulting genitals, coercive sex without protection against pregnancy or sexually transmitted disease, making the victim perform sexual acts unwillingly, criticising or using sexually degrading insults.

Some facts about domestic and family violence in Australia

Data about the levels of and incidence of violence against women and their children in Australia is limited. We know that women are more likely to talk to family or friends about the violence they are experiencing than go to the police or a support agency. Two publications that give some indication of prevalence are the 1996 ABS publication Women's Safety Survey and the more recent ABS Personal Safety Survey 2005 that surveyed both men and women.

One in three Australian women have experienced physical violence in their lifetime since the age of fifteen. The 2005 survey showed that across the Australian population in general, 5.8 per cent of women were physically assaulted in the 12 months prior to the survey, and 38 per cent of these women were physically assaulted by their current or previous male partner. Of the women who had experienced violence by a current partner, 10 per cent had a violence order issued against their current partner and of those women who had violence orders issued, 20 per cent reported that violence still occurred.

Many groups of women such as Indigenous women, women with disabilities, women in rural and remote areas, immigrant and refugee women, younger and older women are particularly over represented in these statistics. Indigenous women are completely over represented in the homelessness and violence statistics and are more likely to suffer more serious injury than non-Indigenous women. We also know that:

- women with disabilities are more vulnerable to violence, often have fewer pathways to appropriate support, and often have fewer options to escape violence particularly when perpetrated by partners and/or carers.
- immigrant and refugee women are more likely to be murdered as a result of domestic violence².
- young women are more likely to be victims of homicide and be labelled as homeless young women when in fact most of them are leaving their homes because of violence and abuse, including sexual abuse³.
- older women experience violence and abuse at a rate that is 2.5 times more than older men⁴ and single older women affected by violence, poor and in need of affordable appropriate housing are an enormous demographic group about to need our support service sector in a huge way.⁵
- women in regional, rural and remote areas face increased vulnerability due to drought, stress, hardship, isolation and violence-supporting attitudes.
- almost one in four children in Australia have witnessed violence against their mothers or stepmothers.⁶

² The National Council to Reduce Violence against Women and their Children (2009) *A Snapshot to Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021*, FAHCSIA, Commonwealth of Australia, p4.

³ Oberin, J. (2009) *Homelessness and Violence Against Women in Australia: Will "the Plan" work?* Speech at the National Homelessness Summit, Sydney September 2009.

⁴ Boldy, D, M Webb, et al. (2002) *Elder Abuse in Western Australia – Report of a Survey Conducted for the Department For Community Development – Senior's Interests*, Curtin University of Technology, Division of Health Sciences: 40pp

⁵ Oberin, J. (2009) *Homelessness and Violence Against Women in Australia: Will "the Plan" work?* Speech at the National Homelessness Summit, Sydney September 2009

⁶ Crime Research Centre & Donovan Research (_00_), *Young People and Domestic Violence: National Research on Young People's Attitudes to and Experiences of Domestic Violence*, Commonwealth Attorney- General's Department, Canberra. Section _-_- available at http://www.crimeprevention.gov.au/agd/www/Ncphome.nsf/Page/CEF75E88C0C5564CA_56