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WOVG Reform and National Policy
Reform and Impact Unit
Family Safety Victoria
Department of Families, Fairness and Housing

By Email: fv.rap@dffh.vic.gov.au

The next stage of Victoria's work to end family violence

We thank the Department of Families, Fairness and Housing for the opportunity to provide feedback on the next stage of Victoria's work to end family violence.

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. SMLS also undertakes significant community development, as well as policy and law reform. Our vision is a fair and inclusive community where people can access the resources, networks and support they need to resolve legal issues and overcome barriers to social, cultural, and economic inclusion and participation.

We provide a range of programs to achieve this vision, such as providing a full-time duty lawyer service at Dandenong Magistrates Court and Children's Court, various family law services, outreach services, community development initiatives and legal education programs.

In addition, SMLS delivers several programs specifically tailored to the needs of young people including our Sporting Change program which is a preventive community development program that contributes to young people engaging constructively in their community and in society by using sport to teach young people about the law. The program also increases access to justice for young people through an integrated school lawyer based within the school environment.

We also deliver community legal education on healthy relationships with a focus on young people from a CALD background with various schools and youth services across the south east.

Our Integrated Services for Survivor Advocacy (ISSA) program is a 30 year-old Health Justice Partnership that supports victims/survivors recover from sexual assault and/or family violence by supporting them to navigate the legal system. The ISSA program is health justice partnership

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between [South-east Monash Legal Service](#) (SMLS) and the [South Eastern Centre Against Sexual Assault and Family Violence](#) (SECASA). The program provides legal advice, assistance, and representation to victims/survivors of sexual assault, and family members affected by the assault other than the offender. The service specializes in Applications for Assistance to the Victims of Crime Assistance Tribunal.

SMLS maintains extensive knowledge of the unique needs and experiences of victim/survivors and significant expertise in issues such as trauma-informed approaches, and the relevant legal expertise to guide them through complex legal systems.

Legal systems are frequently retraumatizing, but they can also be rehabilitative. Lawyers and legal services therefore have a considerable responsibility – and opportunity – to help support victims in their recovery. SMLS has long been a leader in this space, advocating for and supporting victims to navigate extremely complex and often traumatic systems.

SMLS has significant knowledge and expertise in working with victims of crime, evidenced not just by our legal service work, but by their advocacy for victims over many years, including in major inquiries and references such as the recent Victoria Law Reform Commission’s reference for victims of crime.

In providing services to victims of crime, SMLS has also worked tirelessly to ensure that the work we do is responsive to the needs of local communities. We work with research partners including university academics, community health organisations, psychologists and counsellors, social workers, and other victim advocates. We also seek continuous learning and development, building our understanding of intersectionality and the needs of diverse communities.

Family Violence and our clients

South-East Monash Legal Service (**SMLS**) continues to see an urgent need to change social norms on family, domestic and sexual violence (**‘FDSV’**). Women who have experienced FDSV are frequently stigmatised and are subjected to ‘victim blaming.’ These attitudes appear to be culturally entrenched and can create significant hurdles to a woman’s willingness and ability to seek help. There needs to be a continuing sensitivity to any unique experiences of women from culturally and linguistically diverse backgrounds. We see a continuing need for services to be alert to these cultural differences so that women receive support that is tailored and effective.

Additionally, we see women experiencing FDSV may be reluctant to seek support due to concerns of:

- reprisals from the perpetrator;
- losing their children to the care of child protection;
- implications for their visa;
- vulnerability to homelessness and financial precarity if they leave an abusive partner; and
- police involvement.

Some women who experience FDSV oppose the prosecution of the perpetrator. Some want to continue living with the perpetrator. There may be cultural or financial reasons for these choices. The women may assess these as being the safest option of their family. Some women however feel a loss of control to service providers and lose their sense of independence. Others cannot afford to live as a single mother. We see a continuing need to ensure that women feel empowered and supported regarding their choices.

We also have concerns regarding the limited accessibility to services for women and children based in rural and remote areas. We see an urgent need to develop innovative solutions to improve accessibility.

Early intervention and holistic support are critical. Our Lawyers report that many of the clients we see (both victims and people who use violence) are seeking therapeutic support before any contact is made with the criminal justice system.

“Involvement with the criminal justice system for adolescents who use violence in the home should be a last resort—therapeutic responses should be adopted. Priority should be given to specialist therapeutic responses that work with the young person and their families as early as possible. The underlying causes of the violence should be addressed to prevent any further violence and involvement in the criminal justice system... For most participants, new alternatives built on counselling, mediation and conferencing type models and restorative justice principles offered the most hopeful prospects.”²

Endorsement of the Federation of Community Legal Centres (FCLC) submission

We endorse the FCLC submission into this inquiry and restate the following summary of recommendations:

We recommend that the next RAP includes the following priorities:

Strengthen support for victim survivors

- *Enhance the legal response to family and sexual violence.*
- *Embed a state-wide approach to the connection and coordination of legal services across the Orange Door Network.*
- *Expand early engagement methods and socio-legal early intervention models to assist victim survivors.*
- *Establish stronger pathways between legal services and related supports (including, financial counsellors).*
- *Implement the Specialist Family Violence Court (SFVC) legal practice model at the seven new SFVCs which requires increased resourcing to expand access to specialist legal assistance at these courts.*
- *Roll out Family Violence Multi-Agency Risk Assessment and Management Framework (MARAM) aligned training to the legal assistance sector which is culturally safe.*
- *Increase crisis accommodation and longer-term safe and affordable housing options for victim survivors, including children and young people affected by family violence.*

- *Advance a multi-agency coordinated approach to address misidentification, including Victoria Police, Magistrates Court of Victoria, Family Safety Victoria, the community legal sector, specialist Aboriginal family violence and legal services and Victoria Legal Aid.*
- *Develop solutions to access to justice barriers and prevents systems abuse, including perpetrators' exploitation of legal processes.*
- *Support Djirra to expand regional service delivery capacity.*

Focus on children and young people

- *Invest in respectful relationships education across schools and early childhood settings in Victoria.*
- *Expand access to trauma informed, early and holistic legal and other social supports for children and young people experiencing or using violence in the home.*
- *Expand early and holistic legal and other supports for families at risk of child protection intervention due to family violence and other related protective concerns.*
- *Establish a mandatory Aboriginal child protection notification and referral system to assist Aboriginal families experiencing family violence and other protective concerns.*

Understand and demonstrate impact

- *Implement a robust monitoring system to measure impact and to guide future reform needed to continue to prevent family violence and strengthen the family violence support system in Victoria.*

Overarching principles

- *Recognise the gendered nature of family violence as an overarching principle.*

Other reflections

- *Provide long-term, sustainable funding to ensure victim survivors have ongoing access to legal and other support.*
- *Include specific actions to prevent and address elder abuse, including expanding access to community legal assistance programs for older people.*
- *Recognise the unique challenges faced by women on temporary visas who are experiencing family violence and commit to providing access to community legal assistance and equitable support.*
- *Commit to ongoing family violence reform following the end of the 10 Year Plan and develop a comprehensive strategy designed to transition from the 10 Year Plan.*

Other high-level observations and recommendations surrounding family violence

In addition to the above FCLC recommendations, we make the following high-level observations and recommendations:

1. Community Legal Education

There is a need to support community legal centres to provide comprehensive community legal education in schools, especially in relation to consent, revenge pornography and family violence,

gender equality, respect, and sexual violence. There is an ongoing need for investment and training for a ‘whole of school’ approach including training for schools, teachers, and educators on the issues of healthy and safe relationships, and gender equality.

We refer to the detailed research and discussion in ANROWS¹ that has found that early preventative measures are key for cultural change

“As attitudes towards relationships, equality and violence begin developing early and continue to mature in adolescence and young adulthood, prevention initiatives with young people should begin in early childhood and continue throughout school and postschool contexts. Given the broad context of influence on young people’s attitudes (e.g. peers, families, schools, institutions, communities, online environments), multisetting and whole-of-school and community approaches are needed to foster cultural change. For example, school-based programs should adopt a whole-of-school approach that brings together young people’s main agents of socialisation, including peers, parents, and teachers, and supports key stakeholders in the delivery of effective programs.”^[10]

2. Education and Health Justice Partnerships

Education-Justice Partnerships have demonstrated strong outcomes in ensuring intersectional assistance and support is provided to those facing violence. These partnerships are an opportunity for preventing, intervening, and responding to violence. We recommend priority investment in multi-disciplinary programs to provide a holistic and multi-disciplinary response to violence.

We recommend further investment in evidence-based programs that respond to issues of gender equality, consent, dismantling gender stereotypes, and respectful relationships in schools. We reiterate our recommendation for integrated Education-Justice partnerships across Victoria. Education-Justice partnerships connect education and legal assistance and provides young people with access to legal education and assistance from a young age. SMLS delivers an integrated program at several schools in the South-East of Melbourne, called ‘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. Education- Justice partnerships may provide referral opportunities to both therapeutic and restorative justice opportunities.

We recommend the provision of mentoring programs for adolescent boys throughout schools and social settings including sports clubs, scout groups and hobby clubs as well as young boys and men who have experienced family violence with an emphasis on:

- Gender equality and healthy respectful relationships
- Mental health
- Dismantling gender stereotypes

¹ Coumarelos, C., Roberts, N., Weeks, N., & Rasmussen, V. (2023). *Attitudes matter: The 2021 National Community Attitudes towards Violence against Women Survey (NCAS), Findings for young Australians* (Research report, 08/2023). ANROWS.

“Growing recognition of the diverse contexts influencing young people’s attitude formation has led to a wide range of primary prevention strategies aiming to harness the positive influence of families, role models and peer groups in online and offline environments. For example, these primary prevention strategies have included positive parenting programs, respectful relationships education and whole-of-school approaches (Moura et al., 2023; Our Watch, 2021d; Stern et al., 2023).

Youth-focused, peer-led interventions are based on the assumptions that youth is a critical developmental period for gender-related attitudinal and knowledge formation and that peer groups play a prominent role in young people’s socialisation (Johnson et al., 2022; Menesini et al., 2012; Morean et al., 2021). Youth-focused, peer-led interventions aim to address detrimental peer influences and promote respectful attitudes and relationships among young people. Such interventions have been shown to assist young people to develop skills for cultivating healthy relationships, to improve confidence and agency for challenging violence against women and to interact safely in online environments (Johnson et al., 2022; Menesini et al., 2012; Morean et al., 2021).’²

We also see the need for further funding and expansion of Health-Justice Partnerships.

Health-Justice Partnerships are programs that 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 Centres. 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. SMLS operates various Health-Justice Partnerships across the south-east, and the clients accessing our services through these programs are often the most vulnerable and the least connected to services.

3. Victoria Police

The misidentification of victim/survivors as perpetrators of family violence by police has been of growing concern nationally. Women from migrant and refugee backgrounds are disproportionately impacted by misidentification as there are systemic barriers that lead to them being misunderstood or not believed, particularly when their English language skills are limited. Misidentification can have grave legal, social and health impacts for victim/survivors.

While Victoria Police are required to organise an interpreter when conducting a family violence investigation if there is a language barrier, this does not always occur. A failure to have an appropriate interpreter leads to a poor understanding of the family violence dynamics and misidentification of the perpetrator of family violence. Being misidentified as a perpetrator of family violence can result in a victim/survivor being subject to prolonged visa cancellation processes or delay the processing of any pending visa applications.

² Coumarelos, C., Roberts, N., Weeks, N., & Rasmussen, V. (2023). *Attitudes matter: The 2021 National Community Attitudes towards Violence against Women Survey (NCAS), Findings for young Australians* (Research report, 08/2023). ANROWS. p32

An interpreter must be used when Victoria Police are assessing incidents of family violence where English is not the victim/survivor's first language.

In addition, Victoria Police should not make cross-applications for Family Violence Intervention Orders as a substitute for using an interpreter and conducting a culturally responsive investigation.

Police officers' inability to recognise different forms of family violence that occur in diverse cultural contexts leads to victims/survivors being misidentified as the perpetrator of family violence. Without cultural competency and a nuanced understanding of family violence dynamics, police rely on stereotypes and subsequently distinct cultural forms of family violence are overlooked. Further training is required to ensure all police officers responding to family violence.

We also recommend that Victoria Police provide a written record to every reported contravention of Family Violence Intervention Orders (FVIO) to victim/survivors, including the date of the report, information provided, action taken.

4. Investment in community grassroots led services

We recommend a stronger focus on community grassroots led engagement and education. Communities must be supported to develop place-based initiatives tailored to their unique experiences and demographics. 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 needed.

A commitment to sufficient funding and support to community services and settlement services who are better equipped to provide culturally appropriate assistance and support. This may include supporting and resourcing community and religious leaders to identify and respond to family violence.

We recommend investing in early intervention and prevention throughout all stages of life:

- a. Parenting programs and assessments:
 - i. Providing early intervention and training and referral to programs where needed including gender-equal parenting programs and playgroups
 - ii. Support more expansive parental leave for non-birthing parents and ensuring family friendly carers leave workplace policies.
- b. Expand free or affordable mental health and counselling services.
 - i. Providing preventative mental health support and counselling throughout all stages of life in particular to children who have been exposed to family violence.

Family Violence is primarily understood in a heteronormative sense. We see a expand on the LGBTIQ+ Family Violence Workers at MCV and expand LGBTIQ+ Legal Services to provide family violence and family law services.

5. Integrated Services

Research and evaluation emphasise the importance of well-coordinated legal services to deal with co-occurring legal problems. Legal problems are often clustered together, and disadvantaged

people are especially vulnerable to a wide range of legal problems. Legal services must be sophisticated and responsive enough to handle the multitude of complex situations that people face. Services must develop responses that can address the complicated, coexisting and interrelated legal and non-legal problems that cut across many aspects of people's well-being, including their family circumstances, finances, employment, health, housing, and welfare. It is often inadequate to deal with each legal problem in isolation.

We recommend ongoing support and resourcing for integrated legal services including social workers, financial counsellors at Community Legal Centre's (CLC) and Victoria Legal Aid (VLA) offices.

6. Prevention and Housing

Without addressing the drivers of gender inequality, we will never have a society free from family violence. We must expand and enhance paid parental leave, childcare, secure and emergency housing, and access to Centrelink payments for all victim/survivors.

Housing services are indispensable in addressing family and domestic violence due to their critical role in providing safety, stability, and support to survivors. When individuals and families experience family violence, their homes often become sites of danger rather than sanctuaries where people can thrive. Housing services offer a lifeline by providing safe and secure accommodation, enabling survivors to escape abusive environments and begin the journey toward healing and independence.

Stable housing is fundamental for breaking the cycle of violence. Without a secure place to live, survivors feel compelled to return to abusive partners or endure unsafe living conditions, perpetuating the cycle of abuse. Housing services not only offer immediate refuge but also facilitate access to resources such as counselling, legal assistance, and financial support, empowering survivors to rebuild their lives free from violence.

By prioritising housing services for survivors of domestic violence, communities can foster resilience, restore dignity, and ultimately, prevent further harm. It is through these essential services that individuals and families can reclaim their autonomy and pursue a future characterised by safety, stability, and hope.

Women on temporary visas experiencing family violence are ineligible for social housing supports in Victoria. Social housing is currently only available to Australian citizens and permanent residents. It may take years for a woman experiencing family violence to have her application for permanent residency accepted. The inability to access safe and sustainable housing during this time places these women at additional risk of family violence as well as experiencing additional social, health and legal issues.

We recommend addressing the gaps and issues in the current social housing and social security frameworks, including the expansion of social and emergency housing services to ensure that all those that need safe accessible and stable housing have access. We recommend Homes Victoria expand the eligibility to access social housing to include women on temporary visas who are experiencing family violence.

7. Adolescent Violence in the Home (AVITH)

A common concerning aspect of Adolescent Violence in the Home (AVITH) is that the users of violence are often themselves are victim/survivors of prior violence or abuse from someone within the home. They may be dealing with their own trauma and fear. Too often, AVITH is not limited to a single aggressor-victim relationship and the predominant aggressor may be misidentified. It can involve multidirectional and intergenerational violence, with parents, siblings, or other family members also engaged in abusive behaviours. A whole-of family therapeutic-restorative justice hybrid model may be more appropriate to deal with these complexities and to not place blame on a young victim/survivor.

“Reform—whether legal, policy, or service-delivery—that is limited to a focus on “AVITH-specific” initiatives, although important, is unlikely to see change unless broader reform occurs to stem the trajectory from trauma and neurodevelopmental impairment in childhood to the use of AVITH in adolescence.”³

“An overarching finding of the PIPA research was that trauma (including intergenerational trauma) was one of the biggest contributors to the use of AVITH, ... The relationship of prior victimisation to the use of AVITH includes “social learning”, in which a child is exposed to intimate partner violence perpetrated by a parent and then assumes the perpetrator’s role once the parents are separated... the “silent” or invisible victims of family violence who become all too visible when they start to use violence themselves. [there is a] systemic failure to respond to the presence of violence early in children’s lives, with trauma then contributing to a range of challenges as these children grew into adolescence.... Cases reviewed by the PIPA team similarly revealed perpetration across generations and in multiple directions – with parents who were struggling to address their own co-occurring issues appearing to use FVIOs as a means of imposing boundaries on their child. In these cases, children appeared to be the only ones identified as the target of system intervention, a particular concern where service and legal responses are designed to deal with people either as victims/survivors or as perpetrators, but rarely as both. As noted above, once a child becomes labelled by the courts or a service as a “perpetrator”, they can potentially be precluded from key supports. Further, some files featured adolescents who were the victims/survivors not only of previous but of ongoing family violence at home. Here the system was being used as a tool by parents to perpetuate the abuse – with the system inadvertently colluding in, rather than addressing, risk to children.¹... that families often experienced AVITH in isolation, including for fear that reporting would risk criminalising their adolescents or having other children removed. Child protection regimes in all three jurisdictions did not appear to have a frame through which to address AVITH. Authorities were also more likely to remove younger siblings at risk from the adolescent’s violence than to respond to the adolescent’s behaviour or put appropriate services in place to keep the whole family safe. This was a particular concern in Aboriginal and Torres Strait Islander (ATSI) communities, for whom the involvement of statutory child protection authorities - and legal system agents more broadly - carried an additional layer of compounded trauma and

³ Australia’s National Research Organisation for Women’s Safety. (2020). *The PIPA project: Positive Interventions for Perpetrators of Adolescent violence in the home* (Research to Policy and Practice, 04/2020). Sydney, NSW: ANROWS p11

*fear. To this end, ATSI families were especially unlikely to seek legal system intervention for an adolescent's use of violence at home. As such, practitioners described an acute need for community-led and whole-of-family support earlier in children's lives."*⁴

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.

We remain available for further consultation on any developments in relation to this Inquiry.

South-East Monash Legal Service Inc.

⁴ Campbell, E. and McCann, B. (2020) Behind closed doors: Adolescent Violence in the Home (AVITH) during COVID & challenges to come, Centre for Innovative Justice, RMIT University and Centre for Family Research & Evaluation, drummond street services, Melbourne. P14