



September 2016

YWCA Adelaide's Submission to the South Australian Government's Domestic Violence Discussion Paper

YWCA Adelaide welcomes this important opportunity to provide a submission to the South Australian Government's Domestic Violence Discussion Paper.

This submission has been informed by existing research, community consultation, and YWCA Adelaide's work in the violence of prevention, in particular through our primary prevention respectful relationships programs in schools, and our Bystander Intervention Workshops in workplaces. This submission also aligns itself with the advocacy and expertise of domestic violence services in SA who work at the frontline of responding to and supporting women and children experiencing violence.

YWCA Adelaide

YWCA Adelaide is a not for profit young women's leadership organisation which has been providing a voice for young women and girls in South Australia for 135 years. The organisation is well respected for its work in advocating for greater gender equality and efforts to build strong communities through the development of women's leadership. YWCA Adelaide engages an early intervention and primary prevention approach to its policy and program priority of preventing and eliminating violence against women.

YWCA Adelaide and YWCA Australia are part of the World YWCA movement, the world's largest women-led membership movement with a global outreach of 25 million women and girls. This global network of women leads social and economic change in over 120 countries worldwide. Across Australia, the YWCA works with approximately 250,000 individuals and families each year.

Introduction

YWCA Adelaide acknowledges the sustained nation-leading work of the South Australian Government in the area of violence against women. Since the introduction of the National Plan to Reduce Violence Against Women and their Children we have witnessed and welcomed a critical shift in the national dialogue around gendered violence over recent years. South Australia has often led the way in areas of legislative and policy reform such as the implementation of the Multi-Agency Protection Service (MAPS), the Family Safety Framework (FSF), and changes to Intervention Orders and Tenancy laws.

Important in our efforts to end domestic violence is sustained and adequate funding for crisis services accessed by women and children experiencing domestic violence or sexual assault. These critical services should be additionally supported by legislative and policy changes such as those outlined in the Domestic Violence Discussion Paper.

YWCA Adelaide welcomes efforts towards the 8 topics outlined in the Discussion Paper, and notes the importance of implementing policy and legislative reform. While we will make comments on these topics, the focus of our submission is on the need for the increased investment into prevention work on domestic and family violence that is well resourced, long-term, and utilises best practice models.



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Prevention

YWCA Adelaide notes with disappointment the lack of focus on prevention in this discussion paper, and urges the South Australian Government to undertake further work in the area of preventing domestic and family violence.

The Social Development Committee's 2016 Report into Domestic and Family Violence noted that one of two key messages was: "*More needs to be done to prevent domestic and family violence from occurring in the first instance*".¹

Similarly, as highlighted in the A Right to Safety – South Australia's Women's Safety Strategy 2011-2022, prevention is a key direction in the elimination of violence against women and children.² It is crucial then, that a coordinated, cohesive and evidence-based approach be taken to reduce and prevent gendered violence against women and children, with the ultimate goal of eliminating it. Such vision requires generational change and a 'Collective Impact' (whole of community) approach similar to that identified by the Together SA initiative³.

With the release of the *Change the Story* national framework from Our Watch, we now have nationally agreed guidelines to frame prevention work.⁴ The *Change the Story* prevention framework highlights that in order to reduce violence against women, we must address its underlying cause of gender inequality.

It is therefore critical that the South Australian Government take a leading role in investing in prevention efforts that aim to reduce domestic and family violence and sexual violence.

YWCA Adelaide advocates for prevention work that includes (but is not limited to) the following initiatives that address the causes of violence against women:

- Implement and evaluate primary prevention programs which aim to change the social and cultural attitudes that support violence against women and gender inequality. This is reiterated in the Women's Safety Strategy, in their commitment to '*delivering evidence based prevention programs*', and is supported by Our Watch's Respectful Relationships Education Evidence paper⁵. Examples in South Australia include YWCA Adelaide's Respectful Relationships Programs in primary schools and high schools.⁶
- Develop policy and legislation on prevention and gender equality
- Support efforts to address disrespectful representations of women and gender stereotyping in media, popular culture and social norms.
- Fund and promote workplace initiatives promoting positive bystander responses (for example YWCA Adelaide's Bystander Intervention Workshops⁷ delivered to workplaces and community groups).
- Promote partnerships with local, state and federal government, community organisations and local groups in prevention work.

¹ Social Development Committee of the Parliament of South Australia, *Report into Domestic and Family Violence*, April 2016

² Office for Women, South Australian Government, *A Right to Safety – South Australia's Women's Safety Strategy 2011-2022*, 2011

³ See Together SA: <https://www.togethersa.org.au/community/all-projects/>

⁴ Our Watch, *Change The Story: A shared framework for the prevention of violence against women and their children*, released Nov 2015

⁵ Our Watch, *Respectful Relationships Education in Schools Evidence Paper*, released Dec 2015

⁶ See <http://ywca.com.au/programs/respect-communicate-choose/>

⁷ See <http://riseabovethepack.com.au/get-involved/bystander-intervention-workshops/>



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Crucial to this approach is adequate and sustainable funding of evidence-based and best-practice initiatives that undertake prevention work with a gendered analysis of violence against women.⁸

This work should be undertaken using a Collective Impact approach with a shared responsibility among individuals, communities, businesses, and government. YWCA Adelaide is committed to the role it can play in delivering and advocating for generational change regarding the prevention of gendered violence, and looks forward to a sustained focus on prevention in South Australia.

Discussion Paper Topics

1. Domestic Violence Disclosure Scheme

YWCA Adelaide supports the implementation of a Domestic Violence Disclosure Scheme (DVDS) similar to the model operating in the UK, whilst incorporating some aspects of the NSW model. Such a scheme would allow victims and potential victims to access information that could empower their decision-making and increase their safety. It also increases accountability of perpetrators, and creates a more comprehensive picture of the cycle of domestic violence perpetrators.

However, ensuring the safety of the victim and their children is paramount. We support calls for a domestic violence specialist to work with potential victims or applicants in every case, and undertake an automatic risk assessment to ensure their safety. This utilises a Safety First approach to a DVDS, and reduces further risk to the victim and their children.

It is also important to ensure collaboration and consultation between domestic violence services, government services and other community services that can best support and protect victims.

In line with both the UK and NSW models, YWCA Adelaide supports a relevant third party being able to make an application on behalf of someone else, as there may be factors preventing a victim from making an application themselves, or a legitimate concern from the applicant who has a relationship with the victim or potential victim.

The scheme should apply to both current and former intimate relationships as with the NSW model, however the offences that can be disclosed should be closer to the UK model to increase accessibility of information and victim safety.

A useful definition of an 'intimate relationship' can be taken from the US Centre for Control and Disease Prevention recommendations:

An intimate partner is a person with whom one has a close personal relationship that may be characterized by the partners' emotional connectedness, regular contact, ongoing physical contact and sexual behavior, identity as a couple, and familiarity and knowledge about each other's lives. The relationship need not involve all of these dimensions.⁹

⁸ See 'Principles for the effective implementation of prevention techniques' in Our Watch, *Change The Story: A shared framework for the prevention of violence against women and their children*, released Nov 2015, p44

⁹ Breiding MJ, Basile KC, Smith SG, Black MC, Mahendra RR. *Intimate Partner Violence Surveillance: Uniform Definitions and Recommended Data Elements*, Version 2.0. Atlanta (GA): National Center for Injury Prevention and Control, Centers for Disease Control and Prevention; 2015.



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2. Expiry Dates on Intervention Orders

YWCA Adelaide advocates that there should not be an expiry date automatically placed on Intervention Orders. This would place further burden on a victim and act as a potential risk to their safety, and may reduce accountability on the part of the perpetrator.

3. Comprehensive Collection of Data

While we support a collection of data that more accurately reflects instances of domestic violence, it is vital that we also collect data that broadens our understanding of the scope and nature of domestic violence.

For example informal data collected through corrections, child care, health and education institutions, and strong collaboration between these sectors can not only build a stronger picture of instances of domestic violence, but also help to understand the social, economic and health aspects of domestic violence in South Australia.

Disaggregated data is similarly crucial in understanding the diversity of experiences of violence amongst victims and perpetrators. For example data should be disaggregated by gender, sexual orientation, ability, ethnicity, and Aboriginal or Torres Strait Islander status.

The establishment of a single body to collect evidence would be an effective strategy, however we believe that this should not necessarily sit within the homelessness sector as there are a range of factors that contribute to and arise from domestic violence.

4. Allowing Video Evidence

YWCA Adelaide supports the admissibility of police video recordings from potential domestic violence incidents as evidence at a trial. This would not only increase opportunities for providing evidence, but also afford the victim less burden of responsibility and reduce the stress of the victim throughout the court process.

5. Confidentiality

YWCA Adelaide believes amendments to the Evidence Act 1929 (SA) should be made in order to improve confidentiality in court of medical and counselling records in relation to a victim of domestic violence. These changes should occur to protect the safety of the victim and prevent victims from choosing not to disclose out of fear for their safety or disclosure of sensitive information.

6. Drug and Alcohol Treatment

Within the context of other gendered drivers, the harmful use of drugs and alcohol has been identified as a contributing factor to the frequency and severity of domestic violence. However, as noted in the *Change the Story Prevention Framework*, it is not a driving factor in and of itself.¹⁰

¹⁰ Our Watch, *Change The Story: A shared framework for the prevention of violence against women and their children*, released Nov 2015, pg 8



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Therefore, whilst YWCA Adelaide supports the option for courts to mandate attendance at a drug and alcohol treatment program, we would like to reaffirm calls for courts to address other contributing factors beyond drug and alcohol use, such as mental health, unemployment, and gambling.

7. Housing and Homelessness Service Priorities

Domestic violence is the single biggest driver of homelessness for Australian women and children, and is noted as the primary driver for 23% of people seeking access to Specialist Homelessness Services.¹¹

YWCA Adelaide reaffirms the need for the National Partnership Agreement on Homelessness (NPAH) and National Affordable Housing Agreement (NAHA) to include specialist domestic violence services and to continue to be funded with a sustainable and long term focus. We note with concern that the NPAH is set to expire in June 2017 and strongly urge the South Australian Government to push for longer term national funding to ensure the quality and consistency of services and their adequate resourcing.

Furthermore we advocate that a Safety First model should be the primary approach when working with victims of domestic violence, ahead of a Housing First model, to ensure the most appropriate support is provided that best serves the needs of each victim, and to ensure that housing issues are not kept separate from safety issues.

8. Fostering Supportive Environments

ABS figures show that two thirds of the 400,000 plus people who experience domestic violence each year are in paid employment.¹² The financial security that employment affords women can allow them to escape becoming trapped and isolated in violent and abusive relationships, and to maintain, as far as possible, their home and standard of living.¹³

Initiatives such as paid domestic violence leave in enterprise agreements, as well as policies that promote victims feeling safe to disclose experiences of violence, receive support and feel secure in their employment are paramount. YWCA Adelaide commends the South Australian Government for their implementation of paid domestic violence leave, and encourages the Government to consider further ways that domestic violence leave can be strengthened by legislation and other initiatives.

Former Sex Discrimination Commissioner Elizabeth Broderick has highlighted that including domestic violence in antidiscrimination laws could “provide another avenue of protection for victims and survivors who experience discrimination, as well as lead to improved measures for addressing domestic/family violence.”¹⁴ YWCA Adelaide therefore supports the Australian Human Rights Commission in advocating for the inclusion of domestic violence as a ground for discrimination.

¹¹ <http://www.homelessnessaustralia.org.au/index.php/42-news/125-new-analysis-shows-additional-33-8m-needed-to-address-domestic-violence-service-gap>

¹² ABS via <http://www.actu.org.au/Media/Mediareleases/Unionpushfortherighttodomesticviolenceleave.aspx>

¹³ National Domestic Violence and the Workplace Survey (2011), [http://www.adfvc.unsw.edu.au/PDF%20files/Domestic violence and work survey report 2011.pdf](http://www.adfvc.unsw.edu.au/PDF%20files/Domestic%20violence%20and%20workplace%20survey%20report%202011.pdf)

¹⁴ https://www.humanrights.gov.au/sites/default/files/document/publication/2015_DomesticViolence_workplace_issue_factsheet_0.pdf



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Furthermore, in fostering supportive environments for domestic violence victims, education and awareness raising is essential. YWCA Adelaide commends the South Australian Government for their commitment to achieving White Ribbon Workplace Accreditation, but acknowledges that more needs to be done to change workplace cultures and attitudes.

We advocate for workplace training and education such as YWCA Adelaide's Bystander Intervention Workshops, which educate men and women on the link between gender inequality (including attitudes and behaviours) and violence against women, and equips them with the skills and confidence to intervene in situations where the safety or respect of women is in question. These workshops have been delivered to state government departments as part of their White Ribbon Accreditation process, including to the Attorney General's Department and Department of Corrections.

It is also important that in fostering supportive environments we address gender inequality within the wider community, and not just the workplace. This includes prevention efforts, and we refer to our key messages above as a response to how we can create safer and more respectful communities through prevention work. For example, initiatives such as YWCA Adelaide's *Rise Above the Pack* campaign serve to raise awareness of gender inequality, and engage men as ambassadors for promoting the respect and safety of women.¹⁵

Conclusion:

Thank you for the opportunity to provide a submission to the South Australian Government's Domestic Violence Discussion Paper.

We look forward to further action being taken in South Australia to better protect and support victims of domestic violence, the majority of whom are women.

We also look forward to increased efforts towards the prevention of violence against women, with the ultimate goal of eliminating it.

YWCA Adelaide commends the work of the South Australian Government in working with the community and putting forward this Discussion Paper to address this important issue.

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¹⁵ See www.riseabovethepack.com.au