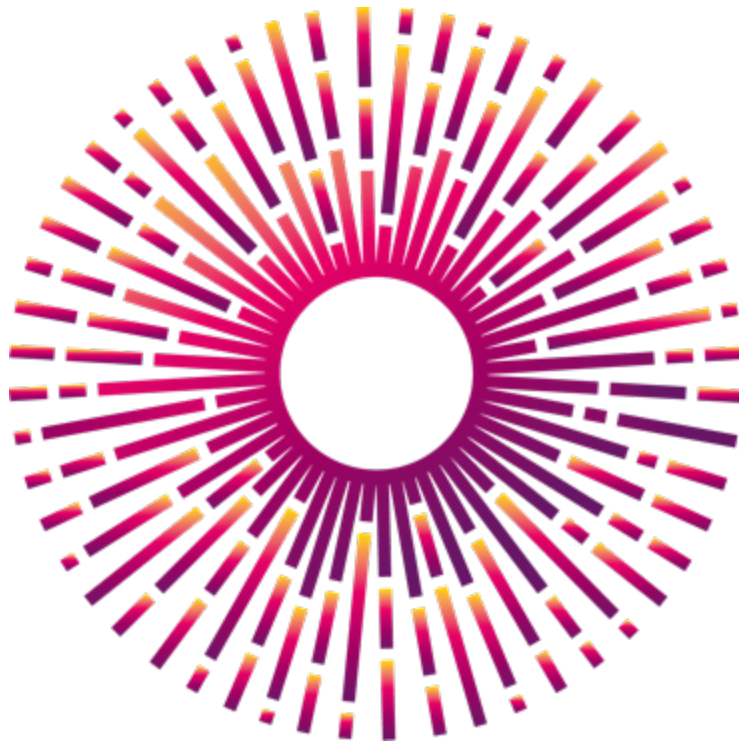


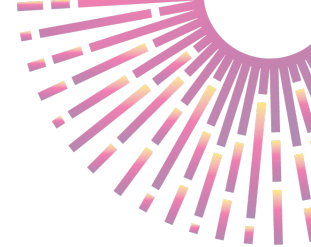


Submission to the Standing Committee on Social Policy and Legal Affairs – Inquiry into family, domestic and sexual violence

Australian Institute of Family Studies

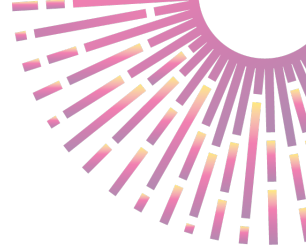
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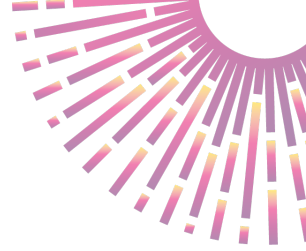
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Glossary

Term	Definition	Citation (if applicable)
AGD	Australian Attorney-General's Department	
AIFS	Australian Institute of Family Studies	
ALRC	Australian Law Reform Commission	
BNLA	Building a New Life in Australia	De Maio et al., 2014
CALD	Culturally and linguistically diverse	
CYPSF	Children and Young People in Separated Families Study	Carson et al., 2018
DCFL	Direct Cross-examination in Family Law Study	Carson et al., 2018
DFVP	Domestic and Family Violence and Parenting Study	Kaspiew et al., 2017
DFV	Domestic and family violence	
ESPS	Evaluation of the 2012 family violence amendments - Experiences of Separated Parents Study	Kaspiew et al., 2015b
FDR	family dispute resolution	
FLA	<i>Family Law Act 1975</i> (Cth)	
ICL	Independent Children's Lawyer Study	Kaspiew et al., 2014
IPV	Intimate partner violence	
LSSF	Longitudinal Study of Separated Families	Qu et al., 2014
RFV	Evaluation of the 2012 family violence amendments - Responding to Family Violence Study	Kaspiew et al., 2015a
SRSP	Surveys of Recently Separated Parents (2012, 2014)	See Kaspiew et al., 2015b



Part 1. Executive Summary

This submission presents findings from the research program undertaken by the Australian Institute of Family Studies (AIFS). These findings address seven of the twelve Terms of Reference set out by the Standing Committee on Social Policy and Legal Affairs in June 2020.

It is noted that some of the material covered in this submission was also included in AIFS' submission to the Joint Select Committee on Australia's Family Law System.

The following summary sections are matched to their counterpart sections in Part 2 – Responses to the Terms of Reference.

A. Measures to prevent violence against women and children

AIFS research in the family law context highlights the need for effective risk assessment and management in family law system services and the need to build the capacity of family law system professionals to identify, assess and respond to risks of harm including from family violence and other safety concerns that characterise substantial proportions of families using family law system services. In order to meet the needs of vulnerable clients, family law professionals require the necessary training and support to deal with multiple, co-occurring and complex risk factors, to enable them to respond in an effective and trauma-informed way. AIFS' more specific research with children and young people also highlights the importance of supporting safe and effective options for participation by children and young people in the post-separation decision-making process that addresses their best interests and safety concerns through multi-disciplinary, child-centred and child inclusive approaches.

B. Best practice and lessons from international experiences

AIFS research in relation to domestic and family violence (DFV) prevention, early intervention and response services identified a need for investment in the development, research and evaluation of existing programs for primary school-aged children focusing on respectful relationships as a means to address the underlying causes of DFV. The research also identified the importance of programs that can be delivered to younger children to address attitudes towards gender and violence that may form early in life. To address the detrimental impact of DFV on young children, the need for further funding and support of therapeutic services for children was also identified, along with a need for a holistic and integrated delivery of services for children.

Research based on data from humanitarian migrants highlight best practice principles in service delivery for migrant women as including culturally competent service delivery by a culturally diverse and bilingual workforce that facilitated collaboration with settlement and mainstream service providers.



C. Level and impact of coordination for, and access to, services and policy responses

AIFS' research provides insight into the fragmented nature of the systems and services with which separating families interact, and the potential for this fragmentation to contribute to the ineffective identification of, and response to, risks of harm, including violence against women and their children. The research highlights inconsistencies in service delivery and the potential for harm and dissatisfaction arising from the service responses in this context.

Measures directed at improving collaboration and information sharing between the family law and child protection systems are noted, including the expansion of the Co-located Child Protection Practitioner Initiative (Porter, 2019) and the National Domestic Violence Order Scheme (AGD, 2019).

D. Impact of health, housing and access to services and economic independence

AIFS' research shows that most separated parents have limited financial means suggesting a need for low-cost avenues for resolving parenting and property disputes that do not absorb modest asset pools and provide access to 'just and equitable' (*Family Law Act 1975*, s 79 (FLA)) orders for property settlement involving low or negative asset pools. The lack of access to cost-effective dispute resolution is particularly significant in the context of data that identified that parents who reported a history of family violence/ abuse also reported receiving a lower average proportion of the property division.

AIFS' evaluations of the mediation and court-based initiatives funded under the Women's Economic Security Package (WESP) are currently underway, with both initiatives aimed at increasing access to simplified and quicker processes to resolve post-separation property matters for parties (particularly women) where the value of the property pool may make it uneconomic to pursue an outcome through existing family law systems services.

AIFS research also identifies that compared to couple households, single parent households (usually single mothers) more commonly experience housing affordability stress, particularly just after separation, highlighting the importance of access to health, housing and other relevant services to support women and children at separation.

E. All forms of violence against women

AIFS research demonstrates that while relatively even proportions of mothers and fathers reported experiencing emotional abuse (without physical hurt) before, during or after separation, more mothers than fathers reported physical hurt before or during separation, and certain injuries were experienced more by mothers than fathers. AIFS data also showed that women were significantly more likely to report experiencing family violence to a greater level of intensity/frequency than men before/during separation and were also more likely to report a greater number of impacts/effects. This research also identifies that participating mothers were more likely than fathers to report that the behaviour of the other parent had caused them to feel fearful, coerced or controlled before/during separation.



G. Efficacy of perpetrator intervention programs and support services for men

An AIFS review identifies limited evidence of effective, safe practice where there is domestic and family violence (DFV) and mothers and fathers remain living together, or when they are co-parenting. In the context of the range of responses developed in different areas of the service system to respond to families living with DFV, workforce development was identified as particularly critical in this area, with skilled work identified as essential to support the safety and wellbeing of all family member. Whole of family approaches that engage each member of the family where there is DFV and focus on parenting represented emerging practice in this area.

H. Experiences of women

AIFS' research of domestic and family violence prevention initiatives identifies the gaps in services and programs as more pronounced for people who identify as LGBTIQ, for women in regional, rural and remote communities and for women with disabilities and mental health issues. This research also raises concerns with the lack of evidence about the effectiveness of prevention and early intervention strategies for at-risk communities, and highlighted the need for further research and evaluation about DFV prevention and early intervention work in Australia to guide existing and future initiatives, particularly in relation to at-risk communities.

AIFS research provides insight into experiences of intimate partner violence in Australian refugee communities, including that in addition to physical and sexual violence, women from refugee backgrounds are particularly vulnerable to financial abuse, reproductive coercion and immigration-related violence. Intersecting factors relevant to the experience of IPV in refugee communities were identified as including migration pathways and traumatic pre-arrival experiences, as well as settlement issues such as acculturation stress and social isolation. Lower levels of education, poor English proficiency and overall lower economic integration puts refugee women at increased vulnerability. Barriers to accessing family violence support services were identified as including caring responsibilities, the gender roles of migrant and refugee women, the location of services and transport issues and inflexible service delivery approaches.

Insight is also available from AIFS research in relation to the experiences specific to teenage girls, with teenage girls more likely than boys to experience unwanted sexual attention and sexual discrimination.



Part 2. Responses to the Terms of Reference

Introduction

This submission presents findings from the Australian Institute of Family Studies' research program that are relevant to the Terms of Reference set out by the Standing Committee on Social Policy and Legal Affairs in June 2020.

Since its inception in 1980, AIFS research has informed government policy and legislative reform, including key amendments to the *Family Law Act 1975* (Cth) (*FLA*). AIFS' many studies of the family law system include extensive evaluations commissioned by the Australian Attorney-General's Department (AGD) for the major reforms to the FLA of 2006 and 2012. In addition to making reference to findings from these studies, this submission also draws on AIFS research beyond that relating to the family law system, including the Longitudinal Study of Australian Children (LSAC) and the longitudinal study of humanitarian migrants, the Building a New Life in Australia Study. It also includes relevant material from AIFS' knowledge translation and exchange program, Child Family Community Australia.

The material in this submission addresses seven of the twelve Terms of Reference. It is noted that some of the material covered in this submission was also included in AIFS' submission to the Joint Select Committee on Australia's Family Law System.

Relevant AIFS research

The following is a list of AIFS research projects referred to in this submission.

- 1. Children and Young People in Separated Families: Family Law System Experiences and Needs (2018):** This qualitative study was commissioned by the AGD and involved in-depth, semi-structured interviews conducted with 61 children and young people aged between 10 and 17 years of age, supplemented by interviews with the parents. The aim of this research was to investigate the experiences and needs of children and young people whose parents had separated and had accessed the family law system. The study focused on children and young people's experiences of these services and how the family law system may better meet their needs.
- 2. Domestic and Family Violence and Parenting: Mixed-Method Insights into Impact and Support Needs, Final Report (2017):** This project was commissioned by the Australian National Research Organisation for Women's Safety (ANROWS) and conducted with researchers at the University of Melbourne and La Trobe University. It was designed to explore the impact of parenting and service engagement and experience in the context of domestic and family violence. The project comprised: a systematic literature review; analysis of responses to semi-structured interviews with 50 participants; and analysis of three datasets – *Growing Up in Australia: The Longitudinal Study of Australian Children* (LSAC), the Survey of Recently Separated Parents 2012 (SRSP 2012), and the Longitudinal Study of Separated Families (LSSF).
- 3. Evaluation of the 2012 Family Violence Amendments (2015):** The evaluation research program examined the effects of amendments to the FLA that were intended to improve the family law system's responses to matters involving family violence and safety concerns. It comprised the following studies:



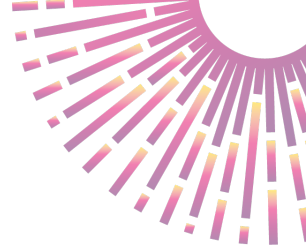
- a. **Responding to Family Violence: A Survey of Family law Practices and Experiences (RFV):** Survey of family law professionals, primarily based on online surveys completed by judicial officers and registrars ($n = 37$), legal professionals ($n = 322$) and non-legal professionals ($n = 294$) across the family law system.
 - b. **Experiences of Separated Parents Study (ESPS):** Study comprising two cross-sectional quantitative Surveys of Recently Separated Parents (SRSP), conducted in 2012 and 2014: SRSP 2012 ($n = 6,119$) and SRSP 2014 ($n = 6,079$). These surveys allowed a comparison between the pre-reform (2012) and post-reform (2014) data.
 - c. **Court Outcomes Project:** Study involving:
 - i. an analysis of quantitative data from court files in matters resolved prior to the 2012 family violence amendments ($n = 895$) and in matters resolved post-2012 family violence amendments ($n = 997$)
 - ii. an examination of patterns in court filings based on administrative data from each of the three family law courts for each financial year from 2009/10 to 2013/14
 - iii. a systematic analysis of published appeal and first instance judgments applying the provisions introduced by the 2012 family violence amendments.
4. **Evaluation of the Co-Located Child Protection Practitioner Initiative** (Wall et al., 2015): This evaluation (commissioned by the Victorian Department of Health and Human Services and Australian Attorney-General's Department) examined the impacts of a co-location initiative instigated by the Victorian Department of Health and Human Services (DHHS) which co-located a senior child protection practitioner in two Victorian registries of Commonwealth family law courts (one at the Melbourne registry and the other at the Dandenong registry). The project adopted a mixed-methods research design that involved:
 - i. qualitative interviews with key informants working in a range of roles in the child protection and family law systems;
 - ii. quantitative administrative data from the DHHS client database; and
 - iii. qualitative documentary analysis of relevant legislative, guidance and policy material.
 5. **Evaluation of the 2006 Family Law Reforms:** This evaluation included the Longitudinal Study of Separated Families (LSSF; Qu et al., 2014), with three survey waves (2009, 2010, 2014) of up to 10,000 parents covering a five-year period after separation.¹
 6. **Growing Up in Australia: The Longitudinal Study of Australian Children (LSAC).** This is the national follow-up study of Australian children and their families that commenced in 2004 with cohorts of approximately 5,000 babies (0-1 year olds) and 5,000 pre-schoolers (4-5 year olds). The study collects information about children's daily lives and their physical, socio-emotional, cognitive and behavioural development. The study is a partnership between the Department of Social Services, the Australian Institute of Family Studies and the Australian Bureau of Statistics.
 7. **Building a New Life in Australia (BNLA):** Longitudinal study of 2,399 recently arrived humanitarian migrants aged 15 and over (De Maio et al., 2014), involving five annual survey waves between 2013-14 and 2017-18.
 8. **Empowering Migrant and Refugee Women study:** Mixed-methods study including an online survey and qualitative interviews of service providers exploring various aspects of service delivery to migrant women who have been living in Australia for at least five years (De Maio et al., 2017).

¹ The first two waves of the LSSF were commissioned by the Australian Government, Attorney-General's Department (AGD) and the then Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA), now called the Department of Social Services (DSS), while AGD commissioned the third wave.



Brief mention is also made of the following AIFS' reports:

- *Direct cross-examination in family law matters* (Carson et al., 2018)
- *Independent Children's Lawyers Study – Final report* (Kaspiew et al., 2014)
- *Groups and communities at risk of domestic and family violence – A review and evaluation of domestic and family violence prevention and early intervention services focusing on at-risk groups and communities* (Tayton, Kaspiew, Moore & Campo, 2014) (see at: <https://aifs.gov.au/publications/groups-and-communities-risk-domestic-and-family-violence>)
- *Children affected by domestic and family violence – A review of domestic and family violence prevention, early intervention and response services* (Campo, Kaspiew, Moore & Tayton, 2014) (see at: <https://aifs.gov.au/publications/children-affected-domestic-and-family-violence>).
- Campo, M. (2015). *Domestic and family violence in pregnancy and early parenthood: Overview and emerging interventions.* (see at: <https://aifs.gov.au/cfca/publications/domestic-and-family-violence-pregnancy-and-early-parenthood>)
- Campo, M, & Tayton, S. (2015). *Intimate partner violence in lesbian, gay, bisexual, trans, intersex and queer communities: Key issues.* (see at: <https://aifs.gov.au/cfca/publications/intimate-partner-violence-lgbtq-communities>)
- Campo, M & Tayton., S. (2015). *Domestic and family violence in regional, rural and remote communities: An overview of key issues.* (see at: <https://aifs.gov.au/cfca/publications/domestic-and-family-violence-regional-rural-and-remote-communities>)
- Humphreys, C. & Campo, M. (2017). *Fathers who use violence: Options for safe practice where there is ongoing contact with children.* (see at: <https://aifs.gov.au/cfca/publications/fathers-who-use-violence>)
- Murr-EI, A. (2018). *Intimate partner violence in Australian refugee communities: Scoping review of issues and service responses.* (see at: <https://aifs.gov.au/cfca/publications/cfca-paper/intimate-partner-violence-australian-refugee-communities>)
- Warren, D., & Swami, N. (2019). Teenagers and sex. In Australian Institute of Family Studies (Eds.), *Growing up in Australia: The Longitudinal Study of Australian Children, Annual Statistical Report 2018*. Melbourne: Australian Institute of Family Studies.
- Yu, M. & Warren, D. (2019). Shaping futures: School subject choice and enrolment in STEM. In Australian Institute of Family Studies (Eds.), *Growing up in Australia: The Longitudinal Study of Australian Children, Annual Statistical Report 2018*. Melbourne: Australian Institute of Family Studies.



A. Measures to prevent violence against women and children

Terms of Reference

Immediate and long-term measures to prevent violence against women and their children, and improve gender equality

Data from the AIFS Evaluation of the 2012 family violence amendments (Kaspiew et al., 2015c) highlight the need for effective risk assessment and management in family law system services and the need to build the capacity of family law system professionals to identify, assess and respond to risks of harm including from family violence and child safety concerns.

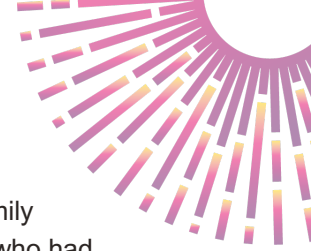
Evidence from the Experiences of Separated Parents Study component of the Evaluation (Kaspiew et al., 2015b) indicates that a substantial proportion (between 22% and 32%) of participating mothers reported that when interacting with family law system professionals to make parenting arrangements, they were not asked about family violence and child safety concerns (Kaspiew et al., 2015b, Table 5.4). A substantial proportion (37%) of mothers participating in the post reform cohort who experienced family violence did not report this violence to police or other agencies and did not disclose family violence or child safety concerns when engaging with the family law system (Table 5.1). This means that a significant proportion of mothers who have experienced family violence may not be able to corroborate it in the context of family law proceedings because they have not previously disclosed it to any person or agency. Where non-disclosure occurs and/or where evidence corroborating family violence and child safety concerns are not available to be put before the court, it increases the risk of unsafe parenting arrangements being made. These findings illustrated the need for family law professionals to improve how they screen for, assess and respond to disclosures of family violence and safety concerns.

In the Responding to Family Violence (RFV) study component (Kaspiew et al., 2015a) of the Evaluation of the 2012 Family Violence Amendments, concerns were also raised by professionals about the family law system's capacity to screen for risk and respond to family violence and child abuse. Almost half of participating professionals did not agree that the legal system had the capacity to screen adequately for family violence and child abuse, or to deal adequately with these cases (*ibid.*, Table 4.1 and 6.1).

Comparison of data from the evaluation of the 2006 family law reforms and the Evaluation of the 2012 family violence amendments identified:

- improvements in perceptions of the legal system's capacity to screen adequately for family violence and child abuse and to deal adequately with these cases (*ibid.*, Table 4.2; Table 6.2)
- improvements in professionals' perceptions of screening and assessment capacities, particularly professionals' self-assessments of their own capacity to identify and assess family violence and child abuse.

However, in the qualitative component of the RFV study, judicial and legal participants raised concerns about ongoing resource limitations impacting on the ability of family law professionals to effectively screen for and/or address family violence issues. Family law professionals more generally expressed a desire for improved training and professional development to facilitate screening, assessment and responses for families characterised by these issues (*ibid.*, pp. 79–84, 123–27).



Relevant insights are also available from the qualitative component of the Domestic and Family Violence and Parenting Study (Kaspiew et al., 2017) which involved interviews with women who had past or current experiences of family violence and had used services and agencies in the domestic violence, child protection and family law sectors. With few exceptions, participants expressed negative views about their engagement with the family law system and its response to family violence. Most participants described experiences with family law professionals across the system who lacked sufficient expertise in family violence and did not place sufficient weight on their experiences and the impact of trauma. Further, limited or superficial engagement with children also meant that the needs of their children (and any experiences of trauma) were not adequately recognised and responded to by service providers. Several participants also described a system-wide emphasis on shared parenting and on the child's need to maintain relationships with a parent (despite the 2012 amendments), which resulted in a failure to accord priority to the protection of children from family violence and child abuse. Some participants reported being advised by family law professionals not to behave in a way that would suggest they were not supportive of the relationship between the father and the children. This appeared to supersede concerns over family violence and child safety. Some participants also described the continued engagement with family law system services as a tactic by their former partner to continue their abuse.

In relation to children and young people more specifically, our research identifies a need for family law professionals to develop skills to engage appropriately and effectively with children and young people. Participants in the Children and Young People Study (Carson et al., 2018) reflected on the need for safe and effective ways for children and young people to participate and to be heard in decisions that affecting them and to be kept informed about the progress and outcomes of the decision-making process.

Listening to the voices of children and young people was identified both in the Children and Young People Study and the Independent Children's Lawyer Study (2014) as particularly critical in cases characterised family violence and other risk issues not only because this participation is central to meeting obligations pursuant to the United Nations Convention on the Rights to the Child², but also because it is important from an evidentiary perspective and is consistent with the expressed views of the relevant children and young people in cases characterised by family violence. Our research shows that where children and young people are not afforded the opportunity to participate, this may be associated with the experience of harm where they have agency and capacity to participate in decisions affecting them, and this agency and capacity is not accommodated.

While some young participants in the Children and Young People Study described their engagement with family law system professionals in positive terms, nearly two thirds (64%) indicated that they wanted family law system professionals to listen more effectively to their views and experiences. Most children and young people who described their family access family law system services, reported negative experiences for reasons including that they had no visibility of the process, no interaction, limited or cursory interactions or unsatisfactory interactions with relevant family law system professionals (Carson et al, 2018). Together, these data illustrate a need for further training and development of skills and mechanisms to facilitate safe and effective participation. More specifically, the data identified a need for:

- improved communication with children and young people, and consideration of measures that respond appropriately to their views and safety concerns
- developing a multi-disciplinary, child-centred, child-inclusive approaches

² The United Nations Convention on the Rights of the Child recognises the rights of children and young people to participate in decision-making relevant to their care and for their views to be given due weight in accordance with their age and maturity.



- giving children and young people safer and more effective opportunities to participate in the decision-making processes affecting them.

More generally, AIFS' research shows that the families who use courts and lawyers, and to a slightly lesser extent family law dispute resolution, have high concentrations of complex issues such as family violence, safety concerns and substance misuse (Kaspiew et al., 2015c, Table 2.2). Parents who used the courts as their main pathway reported the most problems: 38% of the 2014 post-reform sample had four or more reported issues, compared with 27% of the parents who used lawyers, and 21% who used FDR. These complexities are compounded for the significant proportion who use the courts on an unrepresented basis. This highlights the importance of effective risk assessment and management practices in all courts exercising family law jurisdiction. The research suggests the need to address the underlying issues and complex needs of families by facilitating access to effective support services and dispute resolution options that secure the safety and best interests of children. To this end, the research identified the need to develop core and specialised competencies among family law professionals so that they can meet vulnerable clients' needs. More specifically these professionals require the necessary training to deal with multiple, co-occurring and complex risk factors, to enable them to respond in an effective and trauma-informed way.

B. Best practice and lessons from international experiences

Terms of Reference

Best practice and lessons learnt from international experience, ranging from prevention to early intervention and response, that could be considered in an Australian context

An AIFS review of domestic and family violence prevention, early intervention and response services (Campo, Kaspiew, Moore & Tayton, 2014) considered approaches to primary prevention of DFV in Australia and internationally. In relation to DFV primary prevention, the review observes that Australian developments in this area have been strongly influenced by international approaches.³ These approaches are generally premised on a public health approach that focuses on strategies for preventing DFV before it occurs by focusing on behavioural change. This public health approach has been adopted by various national policy frameworks. The available literature and international studies around risk factors associated with the perpetration of violence point to the impact of social norms around gender, attitudes supportive of gender inequality, and socio-economic factors such as low education, substance abuse and a childhood history of trauma or DFV. The World Health Organization's framework (2010) aimed to provide information for policy-makers to develop prevention programs that were based on evidence about what is known about the causes and risk factors of DFV. That report pointed to school-based programs as being an established mechanism to prevent DFV.

The AIFS review considered school-based programs when considering best practice strategies for DFV primary prevention and early intervention programs for children, focusing on strategies targeted

³ World Health Organization. (2002). World report on violence and health: Summary. Geneva WHO; World Health Organization. (2010). Preventing intimate partner and sexual violence against women: Taking action and generating evidence. Geneva: WHO. See also national policy frameworks: Victorian Government. (2012). Victoria's action plan to address violence against women & children 2012–2015. Melbourne: Department of Human Services, Office of Women's Policy; NSW Government. (2014). It stops here: Standing together to end domestic and family violence in NSW. The NSW Government's Domestic and Family Violence Framework for Reform. Sydney: Department of Family and Community Services.



at children aged 0-8 years affected by DFV. A key finding was the need for investment in the development, research and evaluation of existing programs for primary school-aged children focusing on respectful relationships as a means to address the underlying causes of DFV. It was identified as important for there to be programs that can be delivered to younger children to address attitudes towards gender and violence that may form early in life.

The research also indicated that there was less evidence as to efficacy of programs for children aged eight years and under, as most programs are delivered to secondary school students, and there was a greater need for evaluation of such services. To address the detrimental impact of DFV on young children, the need for further funding and support of therapeutic services for children was also identified, along with a need for a holistic and integrated delivery of services for children. This could involve better communication and integration between family violence services and other systems including the child protection system, the state-based justice system, family support systems (such as those that deliver maternal and child health services) and the education system.

An AIFS literature review in relation to fathers who use violence also investigated whether there are strategies that address the issues for children, women and men living with DFV (Humphreys & Campo, 2017). For discussion of this review, see section G below.

AIFS has also undertaken research into domestic and family violence prevention initiatives focused on groups and communities identified as being at greater risk of experiencing DFV and/or having difficulty accessing support services (Tayton, Kaspiew, Moore and Campo, 2014). For discussion of this research, see section H below. Broader research based on data from the Building a New Life in Australia (BNLA) Study (De Maio et al, 2017) highlight best practice principles in service delivery for migrant women generally as including:

- the delivery of services in a gender responsive and culturally appropriate manner
- culturally competent service delivery by a culturally diverse and bilingual workforce (including migrant and refugee women)
- collaboration with settlement and mainstream services providers
- fostering collaborative relationships with migrant and refugee community leaders and
- employing a strengths-based approach to services delivery that harnesses the strengths of migrant and refugee women.

C. Level and impact of coordination for, and access to, services and policy responses

Terms of Reference

The level and impact of coordination, accountability for, and access to services and policy responses across the Commonwealth, state and territory governments, local governments, non government and community organisations, and business

AIFS' research provides insight into the fragmented nature of the systems and services with which separating families interact, and the potential for this fragmentation to contribute to the ineffective identification of, and response to, risks of harm, including violence against women and their children. The research highlights inconsistencies in service delivery and the potential for harm and dissatisfaction arising from the service responses in this context.



The AIFS Evaluation of the 2012 Family Violence Amendments (Kaspiew et al., 2015c) includes data relevant to the interaction between the family law system, state and territory child protection and family and domestic violence jurisdictions. The data provide insight into the extent of these interactions and the need for information sharing and coordinated, trauma-informed service delivery to address service fragmentation and to respond to the varied and complex needs of client families.

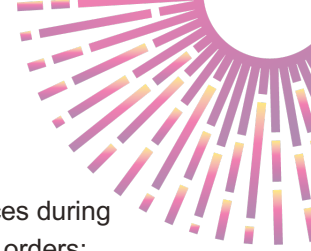
In relation to personal protection orders, findings from the Experiences of Separated Parents Study (ESPS; Kaspiew et al., 2015b), a component of the evaluation, show that in the majority of cases where family violence occurs, separated parents do not obtain personal protection orders from state or territory magistrates courts (Kaspiew et al., 2015b, Figure 3.22). More specifically, where family violence commenced after separation, 1% of mothers reported obtaining a personal protection order (*ibid.*, Figure 3.22, based on data from the SRSP 2014). Mothers who experience family violence are most likely to obtain personal protection orders when the family violence has been sustained, occurring before, during and after separation (30% of mothers) (*ibid.*, Figure 3.22, based on data from the SRSP 2014).

Analysis of data obtained from the Court File Study component of the evaluation (Kaspiew et al., 2015d), shows that 28% of the 2014 post-reform sample had a personal protection order presented as evidence in cases with allegations of family violence or child abuse (*ibid.*, Table 3.17). This had increased from 17% before the 2012 reforms (*ibid.*, Table 3.19), indicating an increase in information in the family law court files about personal protection orders. In 77% of cases with a personal protection order, mothers were the protected persons; fathers were the protected persons in 11% of cases. Children were named on the orders in about a third of cases (*ibid.*, Table 3.21).

Court files in the 2014 post-reform sample included information about child protection engagement in 13% of files, compared with 7% in the pre-reform sample. In 21% of cases, the notifications were substantiated, in 53% of cases they were not substantiated (*ibid.*, Table 3.23). This indicates that more information about child protection engagement was being provided to the courts following the 2012 reforms.

AIFS' research also provides insight into experiences arising from the fragmented nature of the systems and services with which separating families interact across the family law and child protection systems and the family and domestic violence jurisdictions, and the potential for this fragmentation to contribute to ineffective identification of, and responses to, risks of harm. The qualitative component of the Domestic and Family Violence and Parenting study (Kaspiew et al., 2017) highlighted participating mothers' dissatisfaction with service responses to the risks and harm associated with family violence. This dissatisfaction often related to their engagement with multiple services, agencies and professionals. Some participants in this component reported being passed from agency to agency without a coherent or helpful solution being offered to resolve their concerns. This was particularly so when professionals lacked the expertise to respond appropriately to family violence and child safety issues.

Participants in this qualitative element of the Domestic and Family Violence and Parenting Study also reported inconsistencies in service delivery across jurisdictions, including those involving the granting of inconsistent family violence and parenting orders (*ibid.*, p. 179). Such inconsistencies were frustrating and confusing for participants, as were efforts by perpetrators to exploit these system and service overlaps. Indeed, the research identifies tensions emerging between the need for procedural fairness and the need to protect parties from harm, including in relation to experiences suggestive of post-separation systems misuse. More than half of the participants (58%) reported experiences suggestive of post-separation systems abuse by their ex-partner. This involved the use of administrative and legal systems or services and other agencies (including family law services) to further perpetuate abuse (*ibid.*, pp. 9, 11). Examples of the range of tactics used by perpetrators



included: repeated litigation and mediation; cross-examination about rape and sexual practices during proceedings; disruption of family law proceedings; repeated breaches of personal protection orders; non-compliance with family law orders; and protracted family law proceedings intended to exhaust personal and financial resources (*ibid.*, pp. 9, 147–57). A number of the participants reflected that family relationship services or the court system seemed unable to prevent these experiences. Some participants identified procedural steps such as providing addresses on court documents as having the potential to compromise a party's safety. And several participants described how the nature of the legal process itself may be traumatising due to the stress of having to repeat their stories and to come face-to-face with a perpetrator during court processes (*ibid.*, pp. 177–78).

The Direct Cross-examination in Family Law Matters Study (Carson et al, 2018) identified that cross-examination involving a self-represented party took place in more than two-thirds (72%) of the sampled cases⁴ and that typically, specific safeguards were not in place. It also identified that the most common form of direct cross-examination was where men directly cross-examined women.

Subsequent to this research, the Family Law Amendment (Family Violence and Cross-examination of Parties) Act 2018 was passed with the view to protecting victims of family violence in family law proceedings by banning direct cross-examination in certain circumstances, requiring that cross-examination be conducted by a legal representative.

Nevertheless, the findings of both studies suggest the need for a more comprehensive analysis of systems abuse as a form of family violence, and greater awareness of how services, systems and processes can be misused by perpetrators of family violence to perpetuate dynamics of abuse and control.

In relation to therapeutic support, close to one-fifth of the participants in the qualitative component of the Domestic and Family Violence and Parenting Study (*ibid.*, pp. 11–12) described challenges in accessing counselling for their children during their engagement with the family law system due to:

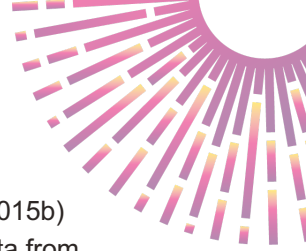
- conditions prohibiting them from taking children to counselling in court orders
- fathers vetoing counselling
- following advice not to engage in counselling to avoid creating the wrong impression before the court
- not engaging in counselling to avoid therapeutic records being subpoenaed.

Participants in this qualitative component made a number of suggestions as to how the family law system could better support victims of family violence, and these included parties and children being able to access therapeutic support without being concerned about records being subpoenaed (Kaspiew et al., 2017).

These findings may also be considered in the context of findings from the Experiences of Separated Parents Study component of the Evaluation of the 2012 Family Violence Amendments (Kaspiew et al., 2015b), where a substantial proportion of participating parents reported negative attitudes towards the efficacy of the family law system and its ability to protect the safety of children and address issues of family violence. Forty-four per cent of parents with safety concerns for themselves and their child disagreed that the family law system protects the safety of children, while 34% of those who had concerns for the child alone disagreed (*ibid.*, Figure 6.10). Minorities of parents who reported physical hurt (35%) and emotional abuse (32%) agreed with the proposition that the family law system addresses family violence (*ibid.*, p. 117).

The AIFS' Family Pathways Suite of studies also provides some insight into the interaction between the family law and child support systems. The third wave of the Longitudinal Study of Separated

⁴ The sample comprised cases involving one or more self-represented litigants, and allegations or substantiated instances of violence in family law matters that had progressed to a final hearing.



families (Qu et al., 2014) and the Experiences of Separated Parents Study (Kaspiew et al., 2015b) studies examined parents' child support experiences and family law system experiences. Data from these studies indicate that payee parents who reported experiencing family violence either before, during or since separation reported lower proportions of full compliance with the child support assessment by payer parents (Kaspiew et al., 2015b, p. 182). While payment compliance reported by payers participating in the Longitudinal Study of Separated Families generally did not vary according to whether they had experienced violence or abuse, mother and father payees who experienced violence or abuse were less likely to report receiving their child support in full and on time (Qu et al., 2014, pp. 127–28).

AIFS' data again highlights the need for a system that is trauma-informed and child-inclusive, that facilitates access to effective support services and dispute resolution options, and which is delivered by family law professionals with the requisite skills and expertise to secure the safety and best interests of children and parents. Measures directed at improving collaboration and information sharing between the family law and child protection systems include the expansion of the Co-located Child Protection Practitioner Initiative, which was identified in the AIFS evaluation of the initiative as a highly valuable program (Wall et al., 2015; Porter, 2019). The National Domestic Violence Order Scheme may also improve interaction and information sharing by enabling all domestic violence orders issued in any Australian state or territory from 25 November 2017 to be automatically recognised and enforceable across Australia (AGD, 2019).

D. Impact of health, housing and access to services and economic independence

Terms of Reference

The way that health, housing, access to services, including legal services, and women's economic independence impact on the ability of women to escape domestic violence

AIFS' research (Kaspiew et al., 2015c; Qu et al., 2014) shows that most separated parents have limited financial means suggesting a need for low-cost avenues for resolving parenting and property disputes that do not absorb modest asset pools and provide access to 'just and equitable' (*Family Law Act 1975*, s 79) orders for property settlement involving low or negative asset pools.

Of the three formal family law pathways – family dispute resolution (FDR), negotiations through lawyers and litigation in the courts – FDR is the most cost-effective. FDR is conducted by an independent practitioner, often on a no-cost or subsidised basis. While FDR has become an important pathway for separating parents to resolve their parenting matters, the use of FDR to resolve property matters has been uncommon. Indeed, LSSF study data (Qu et al., 2014; see Table 1 below) reveals that nearly three in 10 parents who reached property settlement did so through lawyers, and 7% of parents did so through the courts (*ibid.*, p.98). In contrast, only 4% used mediation or FDR services.



Table 1: Main pathways for property division, LSSF Wave 3

Main pathway	Settled (%)	In process (%)	All (%)
Mediation or dispute resolution services	4.2	4.0	4.2
A lawyer	29.3	26.3	29.1
The courts	7.1	9.2	7.2
Discussions	39.3	44.8	39.5
Nothing specific, it just happened	18.8	15.4	18.6
Other	1.4	0.3	1.4
Total	100.0	100.0	100.0
No. of participants	6,900	312	7,212

Notes: Data have been weighted. Excludes a small number of parents who didn't know or refused to answer (0.5%). Percentages may not total 100% due to rounding.

Table 2 (below) shows that the group most likely to nominate discussions as the main pathway for property division was the low asset group (<\$40,000). However, even among these parents, the use of courts (2%) or lawyers (7%) was more common than mediation or FDR services (1%) (ibid., 2014, p. 99). For the negative equity group, although interparental discussions formed the most common main pathway to settle the debt arrangements, over one-fifth reported lawyers as their main pathway.

Additional analysis by Qu (2019) suggests that those who are more disadvantaged are less likely to make use of FDR, which highlights the importance of promoting accessibility of FDR to this group.

As foreshadowed above, the Longitudinal Study of Separated Families data shows that approximately one-third of separated parents had low to moderate levels of assets (under \$140,000). Although data was not collected with regard to legal costs, it is likely that for the third of these parents who used formal family law pathways to resolve their property division, a significant proportion of their assets would have been used to cover legal costs.

Table 2: Main pathway for property division, by level of net assets at separation, parents who reached property settlements, LSSF Wave 3

Main pathway	Net assets at separation ***					
	Negative (in debt)	< \$40,000 (%)	\$40,000–139,000 (%)	\$140,000–299,000 (%)	\$300,000–499,000 (%)	\$500,000+ (%)
Mediation or dispute resolution services	4.9	1.3	3.5	6.1	5.0	7.7
A lawyer	22.8	6.8	25.0	41.4	42.7	50.6
The courts	7.4	2.0	6.0	8.9	10.4	13.1
Discussions	43.8	49.9	45.8	35.1	34.5	25.1
Nothing specific, it just happened	17.1	37.9	18.3	8.0	7.0	2.9
Other	4.0	2.3	1.5	0.5	0.5	0.6
Total	100.0	100.0	100.0	100.0	100.0	100.0
No. of participants	119	1,163	1,270	1,160	1,180	1,271

Notes: Data have been weighted. Excludes a small number of parents who didn't know or refused to answer (0.5%). Percentages may not total 100% due to rounding. *** $p < .001$; statistically significant relationship emerged between main pathway used and level of net assets.



The lack of access to cost-effective dispute resolution is particularly significant in the context of data (also from this wave of the study) that identified that parents who reported a history of family violence/abuse also reported receiving a lower average proportion of the property division. A reported history of family violence/abuse before or during separation, especially for those who experienced physical hurt, was also considerably less likely to be associated with a view that the property division was fair (Qu et al, 2014, p. 106). In particular, mothers who reported experiencing physical hurt inflicted by the other parent received a lower proportion compared with mothers who had not experienced violence/abuse. Mothers who experienced family violence/abuse before or during separation were also more likely to be the one who left the family home. For example, one-half of the mothers who reported experiencing physical hurt before separation indicated that they left the home at separation, compared to one-third of the mothers who did not report violence or abuse but left the family home (ibid). Excluding the variable of who left the home at separation from the model for mothers, the effect of physical hurt was statistically significant and it is likely that mothers who experienced violence/abuse may have accepted less satisfactory settlements due to fears of reprisal or a wish to conclude the negotiation process as quickly as possible due to their experiences.

Measures to address the gap in the availability of efficient, low cost and effective avenues for property settlement may include: the Attorney-General's Department funded Lawyer-Assisted Property Mediation Trial, to be conducted by state and territory Legal Aid Commissions; and the Small Claims Property Pilot currently underway in the Federal Circuit Court. The trial and pilot aim to test simplified and quicker processes to resolve property/financial matters involving net property pools of up to \$500,000. Both initiatives are funded under the Women's Economic Security Package (WESP) and aim to increase access to simplified and quicker processes to resolve post-separation property matters for parties (particularly women) where the value of the property pool may make it uneconomic to pursue an outcome through existing family law systems services. The evaluations of the Trial and Pilot, which are being conducted by AIFS, are due for completion in April 2022.

The significance of practical support to enable women and children to safely separate from violent partners/parents was highlighted in an AIFS literature review that investigated whether there are strategies that address the issues for children, women and men living with DFV (Humphreys & Campo, 2017). The review highlighted "a wide variety of reasons that make separation difficult or impossible for many women and their children" including the potential for violence and abuse to escalate during separation, that post-separation arrangements for children often ensure continuous, unsupervised time with fathers who use violence and abuse, In rural and remote areas, geographical and social factors, and lack of support services, were also identified as posing challenges to separation, and residency status may be dependent upon the violent partner for some women who have migrated to Australia. For women with disabilities, their abuser may also be their carer and for Aboriginal and Torres Strait Islander women, leaving a partner may mean leaving their land and community. More generally, the review identified that homelessness and poverty may result from separation and are particularly acute in the ongoing rental housing crisis. Data from Growing Up in Australia: The Longitudinal Study of Australian Children (LSAC) similarly identifies that compared to couple households, single parent households (usually single mothers) more commonly experience housing affordability stress, particularly just after separation. Together, these data highlight the importance of access to health, housing and other relevant services to support women and children at separation.



E. All forms of violence against women

Terms of Reference

All forms of violence against women, including, but not limited to, coercive control and technology-facilitated abuse

Experiences of family violence (including emotional abuse and physical hurt) are common among separated parents. The Experiences of Separated Parents Study component of the Evaluation of the 2012 family violence amendments (Kaspiew et al, 2015b) identifies that some two-thirds of separating parents in the 2014 cohort reported experiencing emotional and/or physical abuse before/during separation. While relatively even proportions of mothers and fathers reported experiencing emotional abuse (without physical hurt) before, during or after separation, (37% of mothers and 40% of fathers: Table 2.5); more mothers than fathers reported physical hurt before or during separation (ESPS, Table 2.5 23% v 16%), and certain injuries were experienced more by mothers than fathers (Table 3.1). The data also showed that women were significantly more likely to report experiencing family violence to a greater level of intensity/frequency than men (ESPS, Figure 3.5-3.6) and were also more likely to report a greater number (2+) of impacts/effects (eg., taking time off work/mental health (ESPS, Figure 3.9).

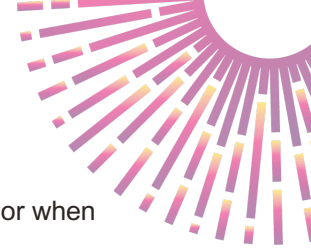
In view of the 2012 amendment to the definition of family violence in FLA s 4AB to encompass “violent, threatening or other behaviour by a person that coerces or controls a member of the person’s family (the family member), or causes the family member to be fearful”, new questions were included in the SRSP 2014 in the Experiences of Separated Parents Study to capture parents’ experiences in this regard. In the before/ during separation time period, participating mothers were more likely than fathers to report that the behaviour of the other parent had caused them to feel fearful, coerced or controlled, although these reports were more evenly dispersed between parents in relation to feelings of coercion and control (Table 3.11). In the post-separation period, mothers were again more likely to report that they felt fearful, while fathers reported in greater proportions than mothers that they “often” felt coerced or controlled in this time period (Table 3.12) Differences of statistical significance were identified between mothers and fathers who reported feeling fearful, coerced or controlled and experiencing either form of family violence, with these differences emerging both before/during and since separation. Mothers’ reports of their feelings of fear, coercion *and* control were also substantially higher than those made by fathers (Figure 3.14).

G. Efficacy of perpetrator intervention programs and support services for men

Terms of Reference

The efficacy of perpetrator intervention programs and support services for men to help them change their behaviour.

The literature review in relation to fathers who use violence noted in section B above, investigated whether there are strategies that address the issues for children, women and men living with DFV (Humphreys & Campo, 2017). The review identifies limited evidence of effective, safe practice where



there is domestic and family violence (DFV) and mothers and fathers remain living together, or when they are co-parenting. The review did note the existence of a range of responses have been developed from different areas of the service system to respond to families living with DFV, including nurse visitors, couple counselling, restorative justice, child protection, and whole of family approaches with vulnerable families. The need to have services and conditions that support the safety of all parties, including workers, when working with fathers who use violence was raised. Workforce development was identified as particularly critical in this area where skilled work is essential to support the safety and wellbeing of all involved. Whole of family approaches that engage each member of the family where there is DFV and focus on parenting represented emerging practice, with some promising developments.

H. Experiences of women

Terms of Reference

The experiences of all women, including Aboriginal and Torres Strait Islander women, rural women, culturally and linguistically diverse women, LGBTIQ women, women with a disability, and women on temporary visas.

AIFS has undertaken research into domestic and family violence prevention initiatives focused on groups and communities identified as being at greater risk of experiencing DFV and/or having difficulty accessing support services (Tayton, Kaspiw, Moore and Campo (2014)). These groups include Aboriginal and Torres Strait Islander women, women from culturally and linguistically diverse communities, people who identified as LGBTIQ, young women and women in regional, rural and remote communities. Although it was identified that there was a significant amount of practice knowledge and expertise within the DFV service sector, the research raises concerns with the lack of evidence about the effectiveness of prevention and early intervention strategies. Overall, the research highlighted the need for further research and evaluation about DFV prevention and early intervention work in Australia to guide existing and future initiatives, particularly in relation to at-risk communities.

The research also identifies structural issues including short-term and ad hoc funding, which posed a barrier to the development of programs that could build on DFV expertise and affect sustained change. Gaps in services and programs were more pronounced for some communities – specifically, people who identify as LGBTIQ, regional, rural and remote women and women with disabilities and mental health.

In relation to LGBTIQ women, while it was observed that the experience of intimate partner violence was at similar rates as those who identify as heterosexual, it was identified that LGBTIQ relationships are often invisible in policy and practice responses and that there was a lack of acknowledgement that intimate partner violence exists in these communities. In particular, beliefs that privilege heterosexual relationships or discriminate against LGBTIQ people can affect the experience of, and responses to, intimate partner violence in LGBTIQ populations. Research also indicated that service providers may lack sufficient awareness and understanding of issues specific to intimate partner violence in LGBTIQ populations, highlighting the need for education and training to improve responses.

In relation to regional, rural and remote women, the research identified that these women are more likely to experience DFV than women in urban areas (see also Campo and Tayton, 2015). Women living in regional, rural and remote areas who experience DFV also face specific issues related to their geographical location and the cultural and social characteristics of living in small communities. Some distinct barriers were identified to seeking help, such as a fear of stigma, shame, community gossip,



and a lack of perpetrator accountability. For example, a common view identified in rural communities is that "family problems" such as DFV are not talked about, which serves to silence women's experience of DFV and deter them from disclosing violence and abuse. A lack of privacy due to the high likelihood that police, health professionals and domestic and family violence workers know both the victim and perpetrator can also inhibit women's willingness to use local services. Furthermore, women who do seek help find difficulty in accessing services due to geographical isolation, lack of transportation options and not having access to their own income.

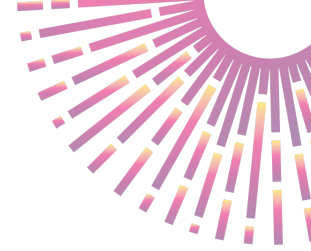
While some communities had more targeted services, there were still concerns around the accessibility of those services as well as the capacity of services to cope with the diversity in these communities. The research also highlighted the need for large-scale mainstream prevention campaigns aimed at preventing DFV alongside other targeted initiatives. Having community-based organisations and initiatives were seen as key to meeting the specific needs of at-risk groups and communities.

Other examples of AIFS publications specific to the experiences of violence among women in different communities are outlined below.

Campo (2015) provided an overview of the issues relevant to understanding DFV during pregnancy and examined some promising interventions for responding to DFV and preventing future violence. The overview highlighted that women are at greater risk of experiencing violence from an intimate partner during pregnancy and postpartum. In particular, young women aged 18-24, are more likely to experience domestic and family violence during pregnancy. Where DFV already existed, research indicated that it was likely to increase in severity during pregnancy. While the long-term effects of exposure to DFV in utero are emerging, poor birth outcomes (such as low birth weight, premature birth) and post-natal depression are associated with DFV during pregnancy. It was identified that there are several promising interventions for preventing and reducing violence during pregnancy. These interventions included universal screening for DFV in health and social support service settings, community education programs and counselling interventions. It was observed that pregnancy and early parenthood are opportune times for early intervention as women are more likely to have contact with health and other professionals.

In a recent paper, El-Murr (2018) explored what is currently known about intimate partner violence in Australian refugee communities, and what service providers can do to ensure appropriate support is available to this client group. Among the key findings, the research paper highlighted that intimate partner violence (IPV) is the most commonly experienced form of family violence used against women in Australia and takes place across all cultures and faith groups. In addition to physical and sexual violence, women from refugee backgrounds are particularly vulnerable to financial abuse, reproductive coercion and immigration-related violence. Intersecting factors relevant to the experience of IPV in refugee communities include migration pathways and traumatic pre-arrival experiences, as well as settlement issues such as acculturation stress and social isolation. To assist in overcoming barriers to engagement, service providers can implement strategies to enhance cultural safety. Promoting community involvement and leadership has been shown to be important in developing culturally competent programming and should underpin violence prevention strategies. Integrated, trauma-informed care is also regarded as promising practice in services targeting individuals from refugee backgrounds to address women's experiences of IPV.

More generally, AIFS' Building a New Life in Australia (BNLA) study identifies refugees as a particularly vulnerable population due to their potentially traumatic pre-migration experiences and the difficulties of settlement in a new country, and that although both men and women experience challenges, there are large gender gaps in most settlement outcomes. Lower levels of education, poor



English proficiency and overall lower economic integration puts refugee women at increased vulnerability (Smart, De Maio, Rioseco & Edwards, 2017). For example:

- Before migration, one in five humanitarian migrant women had never been to school, compared with less than one in eight men.
- At the time of the first interview⁵ (3-6 months after arrival for most participants), 16% of men could not understand English at all and 23% could not speak any English. In contrast, 29% of women could not understand any English and 37% could not speak it. Even though a similar proportion of men and women participated in English classes after arrival in Australia, a significant gap in English proficiency by gender still persisted five years on.
- Paid employment before migration and English proficiency are important facilitators of economic participation in the host country. Among adult humanitarian migrants in the BNLA⁶, 74% of men had undertaken paid work before migration, compared with 33% of women. Consequently, men's participation in the labour force in Australia has been much higher than that of women. Over the five years of the study, 65% of adult humanitarian migrant men and 26% of women had undertaken paid work. Large proportions of women report doing unpaid work, including caring for family and the home, and this proportion was higher for women than men (57% versus 25% at the time of the first interview).

Research with service providers has shown that the challenges mentioned above limit migrant women's capacity to access and use services effectively, even after they have spent five or more years in Australia (De Maio et al, 2017). Low language proficiency and low literacy were identified as significant barriers. Service providers in this study reported that the availability of professional interpreters and bilingual workers is necessary to improve women's access to much-needed support. Study participants suggested that there was great variation in service providers' ability to deliver services in a culturally and linguistically appropriate manner within mainstream services, and that mainstream service providers may sometimes lack the cultural competency required to provide appropriate support to migrant and refugee women. In addition, 36% of service providers in this study reported that family violence support services were difficult for migrant women to access, and a further 17% reported that these services would be helpful but were not available in their region.

Caring responsibilities were also identified as a significant barrier for women to be able to access the range of services that they needed (De Maio et al., 2017). In relation to access to service more generally, the gender roles of migrant and refugee women, the location of services and transport issues and inflexible service delivery approaches, were also identified as barriers by service providers. A lack of awareness of available services and/or confidence in knowing how to access them and issues associated with transitioning from specialist to mainstream services that lower levels of language and culturally appropriate responses also affected the uptake of services by migrant and refugee women. Service providers suggested that the ability to engage with women in their own language supports access, rapport building and the provision of appropriate and helpful services.

Insight is also available from AIFS research in relation to the experiences specific to teenage girls. Findings from the *Growing Up in Australia: The Longitudinal Study of Australian Children (LSAC)* demonstrate that the experience of girls growing up in Australia today differs to that of boys in many ways (Warren, D., & Swami, N, 2019). Firstly, teenage girls are more likely than boys to experience unwanted sexual attention. Almost half of girls and one third of boys aged 16–17 years said that they had experienced some form of unwanted sexual behaviour towards them in the past 12 months. One

⁵ Excludes n=368 participants who arrived as asylum seekers and had been in Australia more than one year at the time of the first interview in 2013-14.

⁶ Statistics in this paragraph refer to participants who were aged 18 or over at the time of the first interview in 2013-14.



in eight boys and around one in 12 girls reported that they had engaged in unwanted sexual behaviour towards someone else. More specifically:

- One in three 16-17 year old girls reported being the subject of shared sexual pictures, stories or jokes that made them feel uncomfortable. This compares to 1 in 5 boys.
- Thirty percent had been subject to sexual gestures, rude remarks, body language, or being touched, or looked at in a way that embarrassed or upset them. This compares to 15 percent of boys.
- Twenty eight percent of girls had received repeated and unwanted requests to go out on a date or 'hook up'. This compares to 15 percent of boys.

LSAC data has also shown that teenage girls are more likely than boys to experience sexual discrimination:

- In 2016, around 1 in 8 (13%) Australian girls in secondary school reported that they had been treated unfairly or badly because of their sex (sex discrimination). This compares to 1 in 20 boys who reported sex discrimination.

Girls were also more likely than boys to report discrimination based on their body or physical characteristics (36% compared to 28%). LSAC has demonstrated that exposure to body discrimination, especially when sustained over longer periods of time, is damaging to mental wellbeing. Regardless of gender, exposure to body discrimination in the secondary school years was related to a reduced self-rated happiness and higher risk of depression, anxiety and self-harm and attempted suicide. LSAC has also demonstrated that girls make different choices to boys when selecting their subjects of study in the final years of secondary school (Yu, M & Warren, D, 2019). Boys were more likely to choose key stem subjects (Advanced Maths, Physics, Technology, Engineering), as well as Business and Finance subjects, than girls. These differences are an important influence on subsequent educational and occupational outcomes and may contribute, in the long-term, to the gender gap in wage and career prospects.



Part 3. Summary

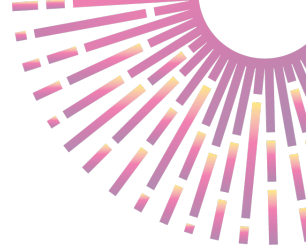
This submission has presented findings from the AIFS research program to address seven of the twelve Terms of Reference set out by the Standing Committee on Social Policy and Legal Affairs in June 2020. The findings include:

- the need for effective risk assessment and management in family law system services and the need to build the capacity of family law system professionals to identify, assess and respond to risks of harm including from family violence and other safety concerns that characterise substantial proportions of families using family law system services;
- the importance of supporting safe and effective options for participation by children and young people in the post-separation decision-making process that addresses their best interests and safety concerns through multi-disciplinary, child-centred and child inclusive approaches;
- the need for investment in the development, research and evaluation of existing domestic and family violence (DFV) prevention, early intervention programs for primary school-aged children focusing on respectful relationships as a means to address the underlying causes of DFV;
- the importance of programs that can be delivered to younger children to address attitudes towards gender and violence that may form early in life;
- the need for further funding and support of therapeutic services for children was also identified, along with a need for a holistic and integrated delivery of services to address the detrimental impact of DFV on young children;
- that best practice principles in service delivery for migrant women includes culturally competent service delivery by a culturally diverse and bilingual workforce that facilitated collaboration with settlement and mainstream service providers;
- that the systems and services with which separated families interact are fragmented, with the potential for this fragmentation to contribute to the ineffective identification of, and response to, risks of harm, including violence against women and their children.
- that most separated parents have limited financial means suggesting a need for low-cost avenues for resolving parenting and property disputes that do not absorb modest asset pools and provide access to 'just and equitable' orders for property settlement involving low or negative asset pools;
- that the lack of access to cost-effective dispute resolution is particularly significant in the context of data that identified that parents who reported a history of family violence/ abuse also reported receiving a lower average proportion of the property division;
- that compared to couple households, single parent households (usually single mothers) more commonly experience housing affordability stress, particularly just after separation, highlighting the importance of access to health, housing and other relevant services to support women and children at separation;
- that while relatively even proportions of mothers and fathers reported experiencing emotional abuse before, during or after separation, more mothers than fathers reported experiencing physical hurt before or during separation, and certain injuries were experienced more by mothers than fathers;
- that women were significantly more likely to report experiencing family violence to a greater level of intensity/frequency than men before/during separation and were also more likely to



report a greater number of impacts/effects and that participating mothers were more likely than fathers to report that the behaviour of the other parent had caused them to feel fearful, coerced or controlled before/during separation;

- that teenage girls more likely than boys to experience unwanted sexual attention and sexual discrimination;
- that workforce development was identified as particularly critical in relation to service responses for families living with DFV;
- that there are particular gaps in DFV prevention initiatives and service provision for people who identify as LGBTIQ, for women in regional, rural and remote communities and for women with disabilities and mental health issues, with concerns about the lack of evidence about the effectiveness of prevention and early intervention strategies for at-risk communities;
- that women from refugee backgrounds are particularly vulnerable to financial abuse, reproductive coercion and immigration-related violence, with substantial barriers to accessing family violence support services identified in this context.



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