



WOMEN'S LEGAL SERVICES NSW

**Incorporating
Domestic Violence Legal Service
Indigenous Women's Legal Program**

25 March 2014

Senate Standing Committees on Economics
PO Box 6100
Parliament House
Canberra ACT 2600
By email: economics.sen@aph.gov.au

Dear Committee members

Senate Standing Committees on Economics inquiry into affordable housing

About Women's Legal Services NSW

1. Women's Legal Services NSW (WLS NSW) thanks the Senate Standing Committees on Economics for the opportunity to make a submission to the Inquiry into affordable housing.
2. WLS NSW is a community legal centre that aims to achieve access to justice and a just legal system for women in NSW. We seek to promote women's human rights, redress inequalities experienced by women and to foster legal and social change through strategic legal services, community development, community legal education and law and policy reform work. We prioritise women who are disadvantaged by their cultural, social and economic circumstances. We provide legal services relating to domestic and family violence, sexual assault, family law, discrimination, victims compensation, care and protection, human rights and access to justice.
3. We have read and endorse the submission by the Equality Rights Alliance, Australia's largest network advocating for women's equality, women's leadership and recognition of women's diversity.
4. The WLS NSW submission draws on the experiences of our clients who are victims/survivors of domestic and/or family violence seeking housing in NSW. We submit that the current housing options for such women and their children are inadequate and appropriate housing strategies must be developed as a matter of urgency.

Summary of Recommendations

5. In summary we recommend:
 - 5.1 The response to social, public and affordable housing must be grounded in a human rights framework;
 - 5.2 Review and improvement of housing options for women and children experiencing domestic and family violence must be a priority;



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- 5.3 Continued and sustainable funding of the National Homelessness Partnership Agreement beyond 30 June 2014;
- 5.4 A substantial increase in public housing stock available for victims/survivors of domestic and/or family violence;
- 5.5 The rental subsidy program in NSW, Start Safety, continue with discretion for applicants to receive the subsidy beyond 24 months;
- 5.6 Where permanent public housing property is the most suitable option for a victim/survivor of domestic and/or family violence, rent should be subsidised for the period it takes for a public housing property to become available;
- 5.7 Expansion of current public housing products in NSW to support clients accessing the private rental market such as the Private Rental Brokerage Service and Tenancy Guarantee;
- 5.8 Increase funding for women's refuges and emergency accommodation;
- 5.9 Housing NSW Domestic and Family Violence Policy should have a greater focus on prioritising housing for women and children where there is domestic and/or family violence;
- 5.10 'Housing NSW ensure that staff in Housing Offices are applying social housing policies accurately and consistently in relation to victims/survivors and children seeking housing as a result of domestic and/or family violence' as recommended in the *Domestic violence trends and issues in NSW Report*;
- 5.11 Additional funding for the expansion of the Staying Home Leaving Violence program; and
- 5.12 Domestic and family violence be included as a protected attribute in Commonwealth anti-discrimination legislation.

Domestic Violence and Homelessness

6. Violence against women is one of the most widespread human rights abuses in Australia. Domestic and family violence puts more women aged 15-44 years at risk of ill health and premature death than any other risk factor.¹ Violence against women also comes at an enormous economic cost. Research released by the Government shows that each year violence against women costs the nation \$13.6 billion.² This figure is expected to rise to \$15.6 billion by 2021.
7. It is well documented that domestic and family violence is the biggest single cause of homelessness among women and children.³ The Government has acknowledged the link between domestic violence and homelessness in *The Road Home: A National approach to Reducing Homelessness*, Commonwealth of Australia.⁴ The *National Plan to Reduce Violence against Women and their Children 2010 – 2022* (National Plan) recognises that escaping violence is the most common reason provided by people who seek help from specialist homeless services.⁵

¹ VicHealth and Department of Human Services, *The Health Costs of Violence. Measuring the Burden of Disease Caused by Intimate Partner Violence – A Summary of Findings*, 2004 at 10.

² KPMG, *The Cost of Violence against Women and their Children. Safety Taskforce*, Department of Families, Housing, Community Services and Indigenous Affairs, Australian Government, 2009.

³ *Women, Domestic and Family Violence and Homelessness: A synthesis report*, Commonwealth of Australia accessed on 25 February 2014 at <http://www.fahcsia.gov.au/our-responsibilities/women/publications-articles/reducing-violence/women-domestic-and-family-violence-and-homelessness-a-synthesis-repor?HTML#sum>

⁴ *The Road Home: A national approach to Reducing Homelessness*, Commonwealth of Australia, 2008 at 7.

⁵ *National Plan to Reduce Violence against Women and their Children 2010 – 2022*, Commonwealth of Australia, 2012

8. It is also our experience that many women who are victims/survivors of domestic and/or family violence remain in a violent home and/or relationship as they simply have no where else to go. We note other domestic violence services have reported similar concerns. In 2011 the Legislative Council Standing Committee on Social Issues conducted a comprehensive inquiry into domestic violence trends and issues in NSW. We refer to the report by the Legislative Council Standing Committee on Social Issues, *Domestic violence trends in NSW* wherein it is stated that:

A number of participants including Homelessness Australia, Mt Druitt Family Violence Response and Support Strategy Leadership Group, the Women's Refuge Movement, Ms Betty Green, Manager of Liverpool Women's Health Centre and Convenor of NSW Domestic Violence Coalition, and the Immigrant Women's Speakout Association all argued that without safe, affordable housing, victims risk becoming homeless, or may stay in or return to situations of violence.⁶

9. We are deeply concerned that the inadequate housing options for women means that they are exposed to unacceptable risks to their safety and in some circumstances unable to escape domestic and/or family violence.
10. We submit this is a violation of human rights as outlined below.
11. Given the above, we seek to highlight that women and children experiencing domestic and/or family violence are one of the most vulnerable groups when looking at the housing needs of the community. Review and improvement of housing options for women and children experiencing violence should be made a priority.

Australian Human Rights Obligations

Right to adequate housing

12. The right to adequate housing is found in Articles 11 and 2 of the *International Covenant on Economic, Social and Cultural Rights*, ratified by Australia on 10 December 1975.
13. Pursuant to Article 11(1) of the *International Covenant on Economic, Social and Cultural Rights*, State parties 'recognize the right of everyone to an adequate standard of living for himself/herself and his/her family, including adequate food, clothing and housing and to the continuous improvement of living conditions.'⁷
14. The core elements of this right are outlined in *General Comment No.4* of the United Nations Committee on Economic, Social and Cultural Rights and include: legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy.⁸
15. We submit that the right to adequate housing is more than a right to shelter and specifically includes a right to be secure, safe and free from violence in your home. *General Comment No.4* states:

In the Committee's view, the right to housing should not be interpreted in a

at 8.

⁶ Legislative Council Standing Committee on Social Issues report 46, *Domestic violence trends and issues in NSW*, August 2012 at 136.

⁷ Article 11(1) *International Covenant on Economic, Social and Cultural Rights* (ICESCR), ratified by Australia on 10 December 1975.

⁸ CESCR Committee *General Comment No. 4: The right to adequate housing*, UN Doc E/1992/23 (1991) at para 8.

narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather, it should be seen as the right to live somewhere in security, peace and dignity.⁹

16. We also note, as outlined in *General Comment No.4*:

While the most appropriate means of achieving the full realization of the right to adequate housing will inevitably vary significantly from one State party to another, the Covenant clearly requires that a State party take whatever steps are necessary for that purpose.¹⁰

17. And further, the obligation is 'to demonstrate that, in aggregate, the measures being taken are sufficient to realize the right for every individual in the shortest possible time in accordance with the maximum available resources.'¹¹

Obligation to eliminate violence against women

18. Australia's human rights obligations to eliminate violence against women are outlined in the *Convention on the Elimination of All Forms of Discrimination Against Women 1979 (CEDAW)* ratified by Australia on 28 July 1983 and *CEDAW Committee General Recommendation No 12 (General Comment No 12)* and *CEDAW Committee General Recommendation No 19 (General Comment No 19)*.

19. *General Comment No 19* makes clear that gender-based violence is a form of discrimination within Article 1 of *CEDAW*¹² and Article 2 of *CEDAW* obliges state parties to legislate to prohibit all discrimination against women. Such violence is a violation of the rights to life, to equality, to liberty and security of person, to the highest standard attainable of physical and mental health, to just and favourable conditions of work and not to be subjected to torture and other cruel, inhuman, or degrading treatment or punishment.¹³

20. Under international human rights, States are required to act with due diligence to protect, promote and fulfil their human rights obligations.¹⁴

21. Additionally, *CEDAW Concluding Observations* on Australia in 2010 recommended that Australia develop strategies to prevent homelessness resulting from domestic/family violence.¹⁵

Recommendations:

The response to social, public and affordable housing must be grounded in a human rights framework.

⁹ CESCR Committee *General Comment No. 4* at para 7.

¹⁰ CESCR Committee *General Comment No. 4* at para 12.

¹¹ CESCR Committee *General Comment No 4* at para 14.

¹² CEDAW Committee, *General Recommendation No. 19: Violence against Women*, UN Doc A/47/38 (1992), para 7.

¹³ *CEDAW Committee General Comment No 19*, para 7. See also: *International Covenant on Civil and Political Rights (ICCPR)* ratified by Australia on 13 August 1980, Articles 2, 3, 7 and 26; ICESCR Articles 3 and 10.

¹⁴ Human Rights Committee, *General Comment No. 31*, CCPR/C/74/CRP.4/Rev.6, para. 8; Committee on the Rights of the Child, *General Comment No. 5*, CRC/GC/2003/5, 27 November 2003, para. 1; Committee on Economic, Social and Cultural Rights, *General Comment No. 14*, E/C.12/2000/4 (2000), para. 33.

¹⁵ Committee on the Elimination of Discrimination Against Women, *Concluding observations of the Committee on the Elimination of Discrimination against Women –Australia*, 30 July 2010, CEDAW/C/AUL/CO/7 at paragraph 29 accessed on 20 February 2014 at: <http://www2.ohchr.org/english/bodies/cedaw/cedaws46.htm>

Review and improvement of housing options for women and children experiencing domestic or family violence must be a priority.

National Partnership Agreement on Homelessness

22. The National Partnership Agreement on Homelessness (NPAH) was developed to help ‘people who are homeless or at risk of homelessness achieve sustainable housing and social inclusion.’¹⁶ WLS NSW supports the initiatives under the agreement and notes that the ‘NPAH funds have provided for the development or expansion of programs and responses providing accommodation and support for women and children experiencing domestic and family violence so that they can live a life free from violence and abuse.’¹⁷
23. We further note the commitment in the National Plan to ‘implement homelessness services under the National Homelessness Partnership Agreement to improve housing options for women victims of violence.’¹⁸
24. WLS NSW is concerned that there has been no commitment to renewed funding for the National Partnership on Homelessness beyond 30 June 2014. As outlined in our submission there is an increasing and urgent need for funding to ensure appropriate housing options for women escaping domestic and/or family violence. We submit it is essential there be continued and sustainable funding of the National Homelessness Partnership Agreement beyond 30 June 2014.

Recommendation

Continued and sustainable funding of the National Homelessness Partnership Agreement beyond 30 June 2014.

Housing difficulties faced by women experiencing domestic & family violence

25. We submit that the inadequacy of housing options for victims/survivors of domestic and/or family violence stems from systemic failures across emergency, temporary and long-term housing options across public, social and private housing systems.
26. We submit that the failure to adequately address these issues can have devastating consequences such as mothers potentially losing the care of their children as they have no place to live.

Public housing waiting lists and rental subsidies

27. The most significant problem encountered by our clients trying to access public housing in NSW is the lack of available properties which result in unacceptable waiting times to access long-term stable accommodation. Despite meeting the criteria for either urgent housing or urgent transfers and despite indicating that they are at risk of harm if they remain living where they are, our clients often are simply not able to access public housing due to lack of available housing stock.

¹⁶ <http://www.dss.gov.au/our-responsibilities/housing-support/programs-services/homelessness/national-partnership-agreement-on-homelessness> accessed on 19 March 2014

¹⁷ Australian Women Against Violence Alliance submission regarding the development of the Second National Action Plan: National Plan to reduce violence against women and their children 2010-22, March 2014 at 2.2 accessed on 24 March 2014 at: <http://awava.org.au/wp-content/uploads/2014/03/24032014-AWAVA-NAP-Submission.pdf>

¹⁸ *National Plan to Reduce Violence against Women and their Children 2010 – 2022*, Commonwealth of Australia, 2012, Strategy 4.3 at 29.

We submit that this is unacceptable and places victims/survivors of domestic and/or family violence and their children at risk of further harm.

28. We are supportive of rental subsidy programs in NSW, such as *Start Safely*, which are designed to provide some initial assistance to victims/survivors of domestic and/or family violence in the private rental market as they regain their financial independence. *Start Safely* has allowed some of our clients to access the private rental market while they are re-establishing themselves in circumstances where they would otherwise have been unable to enter the private rental market. For these clients this provides a quick and efficient solution to their housing needs which enables them to quickly escape domestic and/or family violence while at the same time providing them with the ability to choose where they live.
29. However, we also submit that the *Start Safely* rental subsidy may not be an appropriate solution for all our clients escaping domestic and/or family violence. Under the program, clients are only supported for a period of up to 24 months, after which they are required to support themselves in the private rental market. While we support programs that assist clients to become financially independent, this is not always appropriate. It is common for our clients to experience long-term psychological, social and economic difficulties as a result of experiencing domestic and/or family violence. This can significantly limit their capacity to work. In such cases permanent public housing accommodation is a much more appropriate housing solution.
30. Given the obligation on State Parties under ICESCR to take the necessary steps to realise the right to adequate housing for every individual in the shortest possible time in accordance with the maximum available resources, we submit that these obligations require priority to be given to increasing the number of public housing properties available.
31. We recognise that improvements in the public housing waiting lists and availability of public housing stock may take a significant amount of time and resources. However, providing safe housing for women and children is consistent with the State's due diligence obligations discussed above. It is also important that appropriate strategies are put in place to assist women who are experiencing domestic and/or family violence while the system is being improved.
32. We submit that victims/survivors escaping domestic and/or family violence need access to long-term stable accommodation. While there remains a shortage of public housing properties and significant wait times for entry into public housing or for transfers, one option would be to subsidise clients rent in the private rental market for the period of time it takes for appropriate public housing to become available. We propose that clients should pay the same amount in rent that they would if the property was public housing. We note that there already exist similar rental subsidy programs in NSW under the Housing Pathways Private Rental Assistance Policy, such as the Private Rental Subsidy – Special; and Private Rental Subsidy – Disability, for clients with HIV/AIDS or disability.¹⁹
33. We note, however, that in addition to the cost of private rental market there are multiple additional barriers that our clients encounter when trying to access the private rental market in NSW that make victims/survivors of domestic and/or family violence particularly vulnerable. We submit that these would need to be taken into account when developing any program which channels clients who would otherwise be housed in public housing, into the private rental market. For example, our clients who have previously been living with a violent partner or other family member often have substantial rental debts due to property damage caused by violent family members as well as rental arrears. They also often report that neighbours have made complaints

¹⁹ Housing Pathways, Private Rental Assistance Policy, accessed on 24 February 2014 at <http://www.housingpathways.nsw.gov.au/Ways=we+can+Help/Private+Rental+Assistance/Private+Rental+Assistance+Policy.htm>

about noise and nuisance and some clients have reported that their partners have harassed real estate agents. These debts, as well as noise and harassment complaints can make it hard to obtain rental references which can make it difficult to obtain private rental properties.

34. In addition to rental subsidies, other public housing products to support victims/survivors of domestic and/or family violence accessing the private rental market are required, such as the Private Rental Brokerage Service and Tenancy Guarantee.²⁰
35. However we believe that there will still be a significant number of clients for whom the private rental market will not be suitable, even with the above supports, and as such there is clearly still a need to substantially increase the public housing properties available for women fleeing domestic and/or family violence.

Recommendations:

A substantial increase in public housing stock available for victims/survivors of domestic and/or family violence.

The rental subsidy program in NSW, *Start Safety*, continue with discretion for applicants to receive the subsidy beyond 24 months.

Where permanent public housing property is the most suitable option for a victim/survivor of domestic and/or family violence, rent should be subsidised for the period it takes for a public housing property to become available.

Expansion of current public housing products in NSW to support clients accessing the private rental market, such as the Private Rental Brokerage Service and Tenancy Guarantee.

Emergency Accommodation and Refuges

36. We believe that wherever possible victims/survivors of domestic and/or family violence should be assisted in finding long-term permanent housing options as quickly as possible. Given that victims/survivors of domestic and/or family violence may need to leave their home at very short notice there will, however, always be a need for emergency accommodation and women's refuges.
37. Given the gendered nature of domestic and family violence it is imperative that specialist services for women, such as women's refuges, are not replaced by gender-neutral services.
38. Specialist services for women understand the nature and dynamics of domestic and family violence and why such violence is primarily perpetrated against women and children. Such services are important for empowering and supporting women victims/survivors of violence. They provide a safe space for women and children and strongly support holding perpetrators to account. We acknowledge that men can also be victims/survivors of violence and should have access to services. However, this should not be at the expense of women only services.
39. We note that our clients report that it is often difficult to access emergency accommodation or

²⁰ Housing Pathways, Private Rental Assistance Policy, accessed on 24 February 2014 at <http://www.housingpathways.nsw.gov.au/Ways=we+can+Help/Private+Rental+Assistance/Private+Rental+Assistance+Policy.htm>

refuges especially where they are living in rural and remote communities. Our clients also report on the significant challenges they face when they are forced to flee to a refuge a significant distance away from their current employment, children's schools and support networks. We endorse Recommendation 31 of the *Domestic violence trends and issues in NSW* report regarding examining the need for additional safe houses in remote communities.

40. WLS NSW sees that there is an increasing demand for women's refuges and emergency accommodation. It is important that the Going Home Staying Home reforms in NSW include a strong commitment to the provision of women specific services that also include children.

Recommendation:

Increase funding for women's refuges and emergency accommodation.

Housing NSW Polices

41. In addition to the inadequacy of available housing stock we have noted some concerns regarding Housing NSW's policies and the implementation of these policies around domestic and family violence.
42. While we acknowledge that the Domestic and Family Violence Housing NSW Policy Statement²¹ addresses the issue of domestic and family violence to some extent, this is not sufficient protection for victims/survivors of domestic and/or family violence. We submit that Housing NSW policy should have a greater focus on prioritising housing for women and children where there is domestic and/or family violence. Our clients often have complex needs and the way in which their housing matter is handled can have a significant impact on their safety and the safety of their children.

Case study one

Melinda is living in a Housing NSW property. Her partner, Nigel* becomes extremely violent and threatens to kill her and her children.*

Melinda contacts the police and Nigel is arrested for a domestic violence offence. An ADVO is granted for her protection.

Melinda believes that Nigel is serious about his threats to kill her and makes an application to Housing NSW for a transfer. While she has the ADVO, she feels that she needs even greater protection and doesn't want Nigel to know where she lives.

Melinda is told however that there are no properties available and her only option is to move to a refuge as she is not eligible for the Start Safety subsidy as she could not demonstrate that she would be able to support herself in the private rental market within 24 months.

Melinda has two children and does not want to have to move them into a refuge.

It takes over a year for her transfer to be approved.

** Not their real names.*

43. It is our experience that the policies are also often inconsistently applied. For example, some of

²¹ Domestic and Family Violence Housing NSW Policy Statement, June 2013, accessed on 20 February 2014 at <http://www.housing.nsw.gov.au/NR/rdonlyres/209D9254-0D27-41E8-BF95-56E94275BD68/0/DomesticViolencePolicyStatement.pdf>

our clients have reported that they have been told that they should not put in an application for housing or a transfer as there are no properties available or that without an apprehended violence order (AVO) there is not enough evidence that they are a victim/survivor of domestic and/or family violence.

44. We believe that it is essential that the matters are dealt with appropriately and consistently across housing branches.
45. We endorse Recommendation 33 made by the Legislative Council Standing Committee on Social Issues report 46, *Domestic violence trends in NSW*:

*That Housing NSW ensure that staff in Housing Offices are applying social housing polices accurately and consistently in relation to victims and children seeking housing as a result of domestic and family violence. Consideration should be given to the need for staff training in relation to domestic violence.*²²

Recommendations:

Housing NSW Domestic and Family Violence Policy should have a greater focus on prioritising housing for women and children where there is domestic and/or family violence.

'Housing NSW ensure that staff in Housing Offices are applying social housing polices accurately and consistently in relation to victims and children seeking housing as a result of domestic and family violence. Consideration should be given to the need for staff training in relation to domestic violence' as recommended in the *Domestic violence trends and issues in NSW report*.

Staying Home Leaving Violence

46. While we strongly advocate for significant increases in housing options that allow victims/survivors of domestic and/or family violence to leave their home, we also strongly support programs which increase the safety of victims/survivors who choose to remain in their home. We recognise that for many women there are substantial benefits in remaining in their home, including allowing them to retain jobs, keep their children in schools with which they are familiar and remain near family and support services. We receive positive feedback about the Staying Home Leaving Violence program which provides assistance in upgrades in security of premises in NSW. Our clients often report that while Apprehended Violence Orders can exclude a perpetrator of violence from the home and orders can be made that make it an offence to enter the property, improvements to security make them feel much safer in their home.

Case study two

Mina was renting a private property with her husband Peter* before they separated in 2011. Peter was violent during their relationship and when they separated Mina applied for an Apprehended Domestic Violence Order. After separation Peter moved out of the property and out of Sydney so Mina did not ask the Police to apply for an exclusion order. Mina remained living where she was as she has a good job with supportive workmates and friends. When Mina applied to the Family Court for parenting orders in relation to their children, Peter became angry. He used the key that he had to the property and while Mina was sleeping, he took their children with him. This caused Mina a great*

²² Legislative Council Standing Committee on Social Issues report 46, *Domestic violence trends and issues in NSW*, August 2012 at 144.

amount of distress and she was extremely concerned for the children's safety.

With assistance from our service and the Staying Home Leaving Violence program, Mina was able to apply for a recovery order to have the children returned and was able to have all the locks changed in her house so that it could not happen again. Mina would not have been able to afford to pay for the locks to be changed herself. Mina later reported feeling much safer in her home and relieved that she did not have to move and change jobs and the children's school.

** Not their real names.*

47. This case study highlights the benefits of the Staying Home Leaving Violence program. We are concerned, however, that currently the program is only available to clients in a small geographical area within NSW. Given the significant benefits of the program we would support the expansion of the program so that all victims/survivors of domestic and family violence who meet the eligibility requirements are able to access the program.

48. We endorse Recommendation 34 in the *Domestic violence trends and issues in NSW report*:

That the NSW Government fund an expansion of the Staying Home Leaving Violence Program across the State, including an expansion of the current funding available to each site.²³

49. While we welcome the NSW Government's recent announcement that the 'number of Staying Home Leaving Violence sites will expand from 23 to 27 over five years',²⁴ it is important that such a service is offered across the state and that current funding available to each site is also expanded.

Recommendation:

Additional funding for the expansion of the Staying Home Leaving Violence program.

Protections for victims/survivors of domestic and/or family violence in commonwealth anti-discrimination laws

50. Protection from discrimination on the grounds of status of being a victim/survivor of domestic and/or family violence in Commonwealth anti-discrimination legislation provides an opportunity to further educate and engage the community in addressing domestic and family violence.

51. Such protection is consistent with Australia's human rights obligations as outlined above.

52. It is also consistent with the *National Plan to Reduce Violence Against Women and their Children*, (National Plan) which aims to engage all in the community to address violence against women and advance gender equality including through developing workplace measures to support women experiencing and escaping from domestic violence.²⁵

²³ Legislative Council Standing Committee on Social Issues report 46, *Domestic violence trends and issues in NSW*, August 2012 at 146.

²⁴ NSW Government, *It Stops Here: Standing together to end domestic and family violence in NSW. The NSW Government's Domestic and Family Violence Framework for Reform*, February 2014 at 25.

²⁵ *National Plan to Reduce Violence against Women and their Children 2010 – 2022*, Commonwealth of Australia, 2012, Strategy 1.3 at 21.

53. Such protection builds on the important work undertaken across Australia to provide work entitlements for victims/survivors of domestic and/or family violence in the form of flexible work arrangements and additional paid leave through enterprise agreements and awards. Significantly, 1 million Australian employees have access to domestic violence leave as a consequence of the inclusion of such clauses in their enterprise agreements and awards.²⁶
54. However, such provisions do not address negative treatment, attitudes and stereotyping that lead to unfair treatment. Anti-discrimination laws have traditionally been used to address stigma and challenge barriers posed to equal participation in public life.²⁷
55. Additionally, protection through clauses in enterprise agreements and awards is limited to employment only and not to all areas of public life. There is growing evidence highlighting the need for protection from discrimination on the grounds of status of being a victim/survivor of domestic and/or family violence in all areas of public life, including accommodation.²⁸
56. The Legal and Constitutional Affairs Legislation Committee recommended the inclusion of domestic violence as a protected attribute in the commonwealth Human Rights and Anti-Discrimination Bill.²⁹

Recommendation:

Domestic and family violence be included as a protected attribute in commonwealth anti-discrimination legislation.

57. If you would like to discuss any aspect of this submission, please contact Gabrielle Craig, Senior Solicitor or Liz Snell, Law Reform and Policy Coordinator on 02 8745 6900.

Yours faithfully,
Women's Legal Services NSW

Janet Loughman
Principal Solicitor

²⁶ 'Domestic Violence Leave Comes of Age,' *Media Release*, 30 November 2012 accessed on 23 February 2014 at: <http://newsroom.unsw.edu.au/news/social-affairs/domestic-violence-leave-comes-age>

²⁷ Tashina Orchiston and Belinda Smith, 'Empowering Victims of Family Violence: Could Anti-Discrimination Laws Play a Role?' *Australian Review of Public Affairs*, March 2012.

²⁸ National Association of Community Legal Centres, *Submission in Inquiry into the Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012* (2012) (NACLC HRAD Bill submission) p25-29; ADFVC, *Submission to the Inquiry into the Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012* (2012) p 8; Ms Adams, Ms Davis & Ms McCormack, *Senate Legal and Constitutional Affairs Legislation Committee, Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012*, Hansard (23 January 2013) p 29-30, 32-33.

²⁹ *The Senate Legal and Constitutional Affairs Legislation Committee, Report on the Exposure Draft of the Human Rights and Anti-Discrimination Bill 2012* (2013), Recommendation 3.