

22 July 2020

Committee Secretary

Standing Committee on Social Policy and Legal Affairs

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Parliament House

Canberra ACT 2600

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### **Submission for the Inquiry into family, domestic and sexual violence**

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body representing Australia's culturally and linguistically diverse (CALD) communities and their organisations. FECCA develops policy and promotes issues on behalf of its constituency to Government and the broader community. FECCA strives to ensure that the needs and aspirations of Australians from diverse cultural and linguistic backgrounds are given proper recognition in public policy.

FECCA supports multiculturalism, community harmony, social justice and the rejection of all forms of discrimination and racism to build a productive and culturally rich Australian society. FECCA's policies are developed around the concepts of empowerment and inclusion and are formulated with the common good of all Australians in mind.

FECCA would welcome the opportunity to expand on this submission as required. For enquiries please contact FECCA CEO Mr Mohammad Al-Khafaji at [ceo@fecca.org.au](mailto:ceo@fecca.org.au) or on (02) 6282 5755.

### **Overview**

Family and domestic violence (FDV) in Australia is viewed as a significant ongoing issue, with enormous social and economic costs. Research has repeatedly shown that women are disproportionately more likely to suffer from FDV and sexual violence than men.

Women from CALD backgrounds are made even more vulnerable based on a range of factors including: a greater likelihood of not being a permanent resident, having limited or no access to social services; lower levels of English proficiency that can impact employment, education and the ability to form connections with the larger community<sup>1</sup>; being

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<sup>1</sup> FECCA (2019) 'Community, Connection and Flexibility Prove Key To Learning English', *Australian Mosaic Issue 55*, found at [http://fecca.org.au/wp-content/uploads/2019/10/FECCA-mosaic-Issue-52\\_WEB.pdf](http://fecca.org.au/wp-content/uploads/2019/10/FECCA-mosaic-Issue-52_WEB.pdf)

overrepresented in casualised sectors which leads to financial instability and dependency<sup>2</sup>. These vulnerabilities can be amplified for older women, women with disabilities, and those who identify as LGBTIQ+.

The following recommendations are in line with the recommendations set forth by the Settlement Council of Australia and Muslim Women Australia.

### **Recommendations**

- Ensure the next iteration of the National Plan to Reduce Violence against Women and their Children is more inclusive of CALD women, their experiences, and their needs.
- Invest in CALD-specific FDV services, including crisis and emergency accommodation services.
- Upskill current FDV services to ensure they are culturally competent and can cater to CALD women.
- Increase funding for crisis and community housing.
- Review and amend the eligibility requirements for victims of violence to access financial and other crisis supports, particularly for those on temporary visas.
- Review and amend the eligibility criteria for those accessing Family Violence Provisions.<sup>3</sup>
- Collect disaggregated data as per Australian Bureau of Statistics standards for statistics on cultural and language diversity ABS to identify CALD women who are experiencing FDV and are currently using FDV services.

### **Discussion**

**Recommendation: Ensure the next iteration of the National Plan to Reduce Violence against Women and their Children is more inclusive of CALD women, their experiences and their needs.**

The fourth National Plan to Reduce Violence against Women and their Children had limited reference to CALD women and families. FECCA recommends that empowering CALD women and introducing tailored strategies to tackle FDV in CALD communities should be a key outcome of future Plans. These strategies should be co-designed with CALD communities and relevant services providers to ensure they meet the needs of CALD women.

As stated in the Consultation Report for the Fourth Action Plan, experiences of FDV differ for women of CALD backgrounds, disabilities, sexualities, those who are refugees or recent migrants, and those who identify as Aboriginal or Torres Strait Islander. FECCA believes

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<sup>2</sup> Harmony Alliance (2019), 'Strategic Approach To Improving Employment Outcomes Of Women From Migrant And Refugee Backgrounds In Australia' found at <http://harmonyalliance.org.au/wp-content/uploads/2019/11/Employment-Outcomes-of-Women-from-Migrant-and-Refugee-Backgrounds.pdf>

<sup>3</sup> Family Violence Provisions refers to the special arrangements for family violence contained in Division 1.5 of the Migration Regulations 1994

these findings should be better reflected in any future iterations of the Plan and that services systems should be streamlined and improved to better assist these vulnerable cohorts.

**Recommendation: Invest in CALD-specific family and domestic violence services, including crisis and emergency accommodation services.**

There is a serious and urgent need for the Government to invest in FDV services that are tailored specifically for CALD women. Currently, there are very limited multicultural service providers that cater to CALD women and their children. Those that do provide crisis accommodation and case management services are often working to deliver numerous other services, such as legal representation, resettlement, and employment, without sufficient funding. Moreover, organisations that provide CALD specific FDV services such as In Touch Multicultural Centre and Linking Hearts are based in city centres and are less accessible to women in rural and regional areas. These organisations need additional funding to provide for the growing number of CALD women in Australia.

**Recommendation: Upskill current FDV services to ensure they are culturally competent and can cater to CALD women.**

CALD women, especially those from new and emerging communities (NEC), are less likely to be aware of the resources and FDV services that are available to them. According to FDV services, there is a significant demand for well-trained interpreters and cultural competency training to benefit their CALD clients.<sup>4</sup> Interpreter services support these claims, while also adding that CALD women have reported feeling embarrassed and uneasy at the idea of narrating their experiences of violence to a member of their community. Moreover, women have reported having their words translated incorrectly or being interrupted by translators who are not trained to manage family violence situations.<sup>5</sup> In its 2018-19 Annual Report, family violence response centre, Safe Steps, reported that 22% of their clientele were of a CALD background and that upskilling staff and hiring specialist counsellors was a priority for the upcoming year.<sup>6</sup> FECCA strongly recommends that translators, counsellors, and case workers working in family violence undertake sufficient and ongoing cultural competency training. FECCA has published an updated Cultural Competency guide for organisations seeking training.<sup>7</sup>

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<sup>4</sup> Professionals Australia (2015) 'The critical role of language services for CALD women affected by family violence' found at <http://www.professionalsaustralia.org.au/wp-content/uploads/2015/08/Submission-to-Royal-Commission-into-Family-Violence-June-2015.pdf>

<sup>5</sup> Professionals Australia (2015) 'The critical role of language services for CALD women affected by family violence', pages 6 – 10.

<sup>6</sup> Safe Steps, (2019) 'Annual Report' found at <https://www.safesteps.org.au/wp-content/uploads/2019/11/Annual-report-2018-19.pdf>

<sup>7</sup> Federation of Ethnic Communities' Councils of Australia (2019) 'Cultural Competence in Australia: A Guide', found at <http://fecca.org.au/wp-content/uploads/2019/05/Cultural-Competence-in-Australia-A-Guide.pdf>

### **Recommendation: Increase funding for crisis and community housing.**

The COVID-19 pandemic has led to a growing demand for crisis accommodation for women and their children escaping FDV who have been forced into isolation with their abusers. The strain this has placed on refuges and crisis accommodation shows that these areas are in severe need of funding increases. Reports from organisations in the homelessness sector show that CALD women face an increased vulnerability of being homeless but, they are significantly unsupported by service providers.<sup>8</sup> According to the National Advocacy Group of Women in Temporary Visas Experiencing Violence, crisis accommodation and long-term housing are the services that are in highest demand from clients. Major homeless shelter providers in New South Wales report being close to full capacity at all times, this issue is only exacerbated in rural and regional areas.<sup>9</sup>

The average length of stay for vulnerable women and their children staying in refuges or crisis accommodation is 6 – 12 weeks, but with the lack of affordable housing or community housing that is available, many of these families find themselves stuck in a traumatic cycle of moving from one temporary location to another.<sup>10</sup> FECCA recommends a two-pronged approach to resolving this issue; invest in more crisis accommodation in metro and regional areas, and ensure housing is made more affordable.

### **Recommendation: Review and amend the eligibility requirements for victims of violence to access financial and other crisis supports, particularly those on temporary visas.**

Domestic violence victims on temporary visas are more vulnerable and more likely to remain in violent situations because they do not have access to crucial supports such as Medicare (including access to subsidised abortion services or contraceptive services), Centrelink benefits or access to social housing. Aside from the lack of financial support and access to social services, these women also live with the ongoing fear and uncertainty of deportation. They are also likely to be removed from their friends, family, and have a smaller network. In addition, having a limited understanding of their rights and the laws that are in place to protect them allows an abusive partner to exploit them further.

In the Safe Steps Annual Report, 80% of CALD clients were not permanent residents. This presents a range of additional challenges that case managers are not trained to address.

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<sup>8</sup> Homelessness Australia, (2013) 'Homelessness and Women', found at [https://www.homelessnessaustralia.org.au/sites/homelessnessaus/files/2017-07/Homelessness\\_and\\_Women.pdf](https://www.homelessnessaustralia.org.au/sites/homelessnessaus/files/2017-07/Homelessness_and_Women.pdf)

<sup>9</sup> Mission Australia (2020) 'Mission Australia CEO calls for more social and affordable housing' found at <https://www.missionaustralia.com.au/housing/news/916-mission-australia-ceo-reveals-duke-street-social-home-plans-and-calls-for-more-social-and-affordable-housing>

<sup>10</sup> Australian Institute of Health and Welfare (2011) 'Government-funded Specialist Homelessness Services' *SAAP National Data Collection annual report 2010– 11*, catalogue HOU252, p.32.

According to the 2019 Path to Nowhere Report, there were 387 women on temporary visas across Australia who ex

In New South Wales, crisis services are only funded to house women on temporary visas for a maximum of two days. In South Australia, women have only to reside in the state to qualify for social housing, whereas in Victoria they need to be permanent residents.<sup>11</sup>

FECCA strongly believes that all women and children across Australia should be afforded the same right and dignity to seek shelter in periods of extreme vulnerability.

**Recommendation: Review and amend the eligibility criteria for those accessing Family Violence Provisions.**

FECCA recommends that the migration system be improved so that all women on temporary visas who experience any kind of violence and their dependants can easily access protections, services and justice in Australia.

Currently, there are some provisions in place for those on partner visas to continue their journey to permanency, but those on temporary visas are less supported. According to the Migration Act 1994, parties that wish to access special provisions must present evidence that has been obtained from a judge or a magistrate in an Australian Court. The other alternative is for both the victim and perpetrator to present a joint statement that is signed by both parties that admits to violence having taken place. Both options are extremely inaccessible for victims of FDV. Entering the legal system is intimidating, time-consuming, and expensive even for Australian citizens who are familiar with their rights. For women who are unfamiliar with court proceedings, have no family support system in Australia, and do not have English as their first language, obtaining a court order may seem like an impossible task. Similarly, producing a joint document with an abuser that outlines and recognises the violence and abuse that has taken place is highly unlikely and could be dangerous or traumatic.

Family Violence Provisions and the right to be safe from harm should be accessible to all women and their children living in Australia regardless of visa status.

**Recommendation: Collect disaggregated data as per Australian Bureau of Statistics standards for statistics on cultural and language diversity ABS to identify CALD women who are experiencing FDV and are currently using FDV services.**

Disaggregated data and research on the prevalence of FDV within CALD communities should be collected at every level to determine the rates of violence and the different variables and factors that influence it, including cultural or ethnic background, economic status, level of

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<sup>11</sup> inTouch (2018) 'Support options for migrant women on temporary visas experiencing family violence in Australia' found at [https://intouch.org.au/wp-content/uploads/2019/03/MonashResearchBrief\\_SupportOptionsForMigrantWomenOnTemporaryVisasExperiencingFamilyViolenceInAustralia-.pdf](https://intouch.org.au/wp-content/uploads/2019/03/MonashResearchBrief_SupportOptionsForMigrantWomenOnTemporaryVisasExperiencingFamilyViolenceInAustralia-.pdf)

education, religious/cultural beliefs and location. While studies show that FDV occurs across cultures and economic backgrounds without discrimination, these data can be used to inform targeted strategies and help identify service gaps.