



Australian Government
Department of Social Services

Supplementary Submission to the Standing Committee on Social Policy and Legal Affairs inquiry into family violence orders

Department of Social Services

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Introduction

On 16 September 2024, the Committee sought the availability of representatives of the Department of Social Services (the department) to appear at a public hearing, and a supplementary submission outlining relevant new Australian Government commitments, to further inform its Inquiry into family violence orders.

The department welcomes the opportunity to provide a supplementary submission to the Standing Committee on Social Policy and Legal Affairs (the committee).

The department has overarching stewardship of the *National Plan to End Violence against Women and Children 2022-2023* (National Plan), working collectively to harness experience, diversity and resources for the ongoing and sustainable delivery of policies and programs. The department is providing this supplementary submission given new commitments following the significant new spending announcement at the 6 September 2024 National Cabinet towards efforts to prevent gender-based violence and support legal services.

On 26 July 2024, a submission was provided to the Committee by the department. In the covering letter to the Committee, the department offered to provide additional assistance or further information to assist the Committee's Inquiry, if required. National Cabinet met in Canberra on 6 September 2024 to agree on practical next steps to accelerate action to end gender-based violence in a generation and deliver on the National Plan.

National Cabinet is committed to maintaining a central focus on missing and murdered First Nations women and children and agreed that all government commitments on gender-based violence must explicitly consider the needs and experiences of First Nations people and be delivered in genuine partnership with First Nations communities.

These actions are guided by contributions of the Rapid Review of Prevention Approaches (Rapid Review) which was established to provide the Australian Government and National Cabinet practical advice on further action to prevent gender-based violence. The Rapid Review builds on the considerable work underway to implement the National Plan, by both the Australian and state and territory governments.

National Cabinet (1 May 2024) Announcement Rapid Review - Report Published August 2024

On 1 May 2024, following a meeting of the National Cabinet, the Commonwealth announced it would undertake a rapid review of evidence-based approaches to prevent gender-based violence (Rapid Review), led by a panel of experts (the Panel).

On 23 August 2024, the Australian Government published the Panel's final report '[Unlocking the Prevention Potential: accelerating action to end domestic, family and sexual violence](#)', which contained 21 recommendations across 6 key areas for action

by Commonwealth, state and territory governments, and contained specific and practical advice to strengthen prevention approaches.

The National Cabinet meeting on 6 September 2024 considered the recommendations of the report and First Ministers agreed to use the Rapid Review's recommendations to inform and strengthen efforts to deliver the National Plan, with the collective governments' response to the recommendations in the report to be overseen by Women and Women's Safety Ministerial Council.

National Cabinet 6 September 2024

At the 6 September 2024 meeting National Cabinet agreed on a comprehensive \$4.7 billion package that harnesses important opportunities for Australian and state and territory governments to work together to prevent gender-based violence and support legal services. The Australian Government's \$4.4 billion contribution to the package builds on its \$3.4 billion investment to deliver the National Plan over the past 3 budgets.

The department is responsible for implementing the following initiatives agreed by National Cabinet:

National Partnership Agreement

- A renewed, five-year National Partnership Agreement on Family, Domestic and Sexual Violence (FDSV) Responses, to commence on 1 July 2025 which will deliver over \$700 million in new matched investments from the Commonwealth and states and territories.
- The new agreement will support greater flexibility for states and territories to direct funding to meet local need and will be accompanied by stronger transparency and accountability mechanisms. It will include a focus on nationally coordinated approaches to support prevention activities through frontline services, including funding for:
 - specialist services for women;
 - services to support children exposed to family, domestic and sexual violence to heal and recover; and
 - working with men, including men's behaviour change programs for perpetrators of gendered violence.

Standards for men's behaviour change

- Establishing national standards for men's behaviour change with the Commonwealth to provide funding. The department will lead this work in consultation with state and territory governments and stakeholders from the family, domestic and sexual violence sector.

Support for Children Exposed to Violence

- Undertaking comprehensive work with sector experts to identify gaps in supports for children and young people who have experienced or witnessed FDSV, to inform the design and implementation of new and revised initiatives and interventions.

- This work will include a specific focus on First Nations children and young people through culturally safe consultation and expertise. While this comprehensive work is underway, the Commonwealth will provide a funding boost of over \$80 million to enhance and expand child-centric trauma-informed supports for children and young people.

Risk Assessment Principles and Framework

- Leading the development of new national best practice family and domestic violence risk assessment principles and a model best practice risk assessment framework, in close consultation with First Nations people to support consideration of their application to First Nations people and communities and in collaboration with states and territories.

The National Cabinet Communique also announced that there will be an audit of key Commonwealth government systems to identify areas where they are being weaponised by perpetrators of family and domestic violence. The audit, being led by the Office for Women at the Department of the Prime Minister and Cabinet, will be informed by safety by design principles, and will identify actions that can be taken to prevent abuse of Commonwealth systems. The audit will initially focus on key systems such as child support and social security systems and will leverage existing reviews underway that seek to strengthen these systems.

Current work to strengthen the social security and child support systems

The Government is committed to ensuring that the needs of women and children experiencing family and domestic violence are considered in the delivery of government services. This includes working closely with the community sector and advocacy groups such as Economic Justice Australia (EJA) to improve supports for victim-survivors of family and domestic violence.

Amendments to the Guide to Social Security Law (the Guide) were made in May 2023 after consultation with EJA to further aid Services Australia staff to support those impacted by family and domestic violence, act flexibly when assessing payment eligibility and determining whether a person is a member of a couple for the purposes of payment assessment. Further amendments to the Guide in November 2023 clarified the definition and scope of family and domestic violence, including that sexual violence should be considered in the administration of member of a couple determinations.

The Government is also committed to ensuring the Child Support Scheme (the Scheme) is not able to be used to continue financial control and abuse after separation. The Government has invested \$5.1 million to build the evidence base for improvements to the Scheme and reviews are currently underway looking at compliance, with a focus on income accuracy, collection and enforcement.

Further, as part of the Government's response to the Family Law Inquiry's Third Interim Report, Services Australia enhanced staff training to support child support parents where family and domestic violence may exist.

Missing and Murdered First Nations Women and Children Inquiry

The [Missing and Murdered First Nations Women and Children Senate Inquiry report and recommendations](#) was publicly released on 15 August 2024, containing 10 recommendations.

The National Indigenous Australians Agency (NIAA) is leading the government's response to the report and recommendations. The department is working with NIAA and is considering the recommendations in the context of its work to end gender-based violence through the National Plan.

Some of the recommendations fall within the responsibility of the Commonwealth Government, while others belong to the states and territories or require collaboration across all levels of government.

Intersection between FVOs and parenting orders, including that a family court parenting order may override an FVO

The National Plan identifies the Family Law System as a critical element in the frontline response system to FDSV. There are several intersecting components: DV orders, parenting orders and child protection.

Research by Australia's National Research Organisation for Women's Safety (ANROWS) in 2022 found:¹

- A lack of mechanisms in the family law system to monitor the implementation of parenting orders and adapt to changes and problems.
- Children and young people are not given sufficient opportunity to participate in post-separation decision-making that directly affects them in terms of their care and living arrangements.
- The research also found that most parents and carers who have issues with compliance do not use the contravention regime to address them. Some parents and carers were distrustful of the system, with some even fearful of it. Other parents and carers feared systems abuse, in terms of litigation causing a resumption or escalation in violent or abusive behaviour by the other party. As a consequence of these issues remaining unaddressed, the research found some children are living with parenting arrangements that are not consistent with their safety and wellbeing.

¹ Carson, R., Kaspiw, R., Qu, L., De Maio, J., Rhoades, H., Stevens, E., Horsfall, B., Press, L., & Dimopoulos, G. (2022). Compliance with and enforcement of family law parenting orders: Final report (Research report, 20/2022). ANROWS.

- The report notes specific findings where at least one application for a breach in parenting orders was made that:
 - 92% of court files contained allegations or evidence of either family violence, child abuse, child protection or safety concerns with 53% of these specifically citing allegations of family violence.
 - In the primary proceeding, 54% of applications raised either family violence, child abuse, child protection or safety concerns.
 - In contravention hearings 43% were citing allegations which had been raised in the primary proceeding as well – only 3% of contravention hearing cited either family violence, child abuse, child protection or child safety for the first time.
 - In both primary and contravention hearings mothers were more likely than fathers to be assessed as victims, while fathers were more likely than mothers to be assessed as perpetrators.

Continuing to expose children to violence is a risk factor for perpetration. The Rapid Review found that 43% aged 18 years and over who experienced childhood abuse before the age of 15 went on to experience violence or abuse by a cohabiting partner as an adult. 89% of young people (aged 16–20 years) who had used violence in the home reported that they had experienced child abuse.

Updates to the department's July 2024 Submission

National Plan to End Violence Against Women and Children 2022-2032

(additional information to original submission at p3)

The department's submission references *Safe and Supported: the National Framework for Protecting Australia's Children 2021-2031* (Safe and Supported). The Committee may wish to note that under Safe and Supported's Aboriginal and Torres Strait Islander First Action Plan 2023-26, the department has funded SNAICC - National Voice for Our Children, to conduct a scoping study on the interface between child protection systems and relevant legal services (including domestic and family violence legal services) and youth justice systems. The scoping study aims to support improvements to the availability and quality of legal support for Aboriginal and Torres Strait Islander children and families engaged with child protection systems.

Aboriginal and Torres Strait Islander Women, Children and Families (additional information to original submission at p14-15)

First Nations National Plan for Family Safety

To address Target 13 of the Closing the Gap agenda, the Government is committed to delivering the First Nations National Plan for Family Safety, subsequent to the

National Plan and the Aboriginal and Torres Strait Islander Action Plan 2023-2025. Once delivered in June 2025, the First Nations National Plan will be a signature piece of policy that will guide a whole-of-society approach to addressing the unacceptable rates of violence against First Nations women and children.

The First Nations National Plan is being developed in genuine partnership between the department and the First Nations National Plan Steering Committee (Steering Committee), with support from SNAICC – National Voice for our Children as Steering Committee Secretariat. The Steering Committee consists of 12 non-government First Nations representatives, two Commonwealth representatives, eight state and territory representatives, the Aboriginal and Torres Strait Islander Social Justice Commissioner and the Domestic, and the Family and Sexual Violence Commissioner.

The representation of Commonwealth, state, territory and non-government members on the Steering Committee ensures that the First Nations National Plan is developed with consideration to the requirement for collaborative cross-agency accountability to the direction and implementation of the Plan.