



the women's

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Please accept the following joint submission from Inner Melbourne Community Legal and the Royal Women's Hospital to the *Inquiry into Domestic Violence in Australia*.

For further information, please do not hesitate to contact:

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Yours sincerely

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To: Senate Finance and Public Administration References Committee

Re: Domestic Violence in Australia

From: Inner Melbourne Community Legal and the Royal Women's Hospital

Date: 29 July 2014

Executive Summary

Domestic violence is a major health, legal, social and economic issue for our community; VicHealth has identified intimate partner violence as the leading preventable contributor to death, disability and illness for Victorian women aged between 15–44 years.¹ In response, governments need to support programs that reduce the barriers to women getting timely, expert support. This submission highlights an innovative, multi-disciplinary project that aims to address family violence in Victoria.

Research has shown how legal service provision is a key factor contributing to the decline in violence against women,² but community legal services are underfunded to meet demand. Studies show that women often disclose violence to their health professional³, and health services can provide a safe place for women to access sensitive information and advice, but few health professionals are trained and supported to manage this issue.

Inner Melbourne Community Legal and the Royal Women's Hospital have developed a ground breaking model for combining health care with legal services for women affected by domestic violence. Acting on the Warning Signs is an innovative partnership project that offers women an integrated pathway for health care, social work support and legal advice. It trains health professionals to recognise and respond to violence as a women's health issue and provides access to free legal services at the hospital. Since August 2012 Acting on the Warning Signs has trained 125 health professionals including 27 doctors and has delivered 123 instances of legal advice.

An evaluation, led by Professors Cathy Humphreys and Kelsey Hegarty from the University of Melbourne, is in its final stages. Findings indicate that the project is delivering early intervention services to vulnerable women and that health professionals are more confident after training to address domestic violence as part of their clinical care. The final report from the evaluators will be available in mid–August.

¹ VicHealth, *The Health Costs of Violence: Measuring the Burden of Disease Caused by Intimate Partner Violence: A Summary of Findings*, DHS 2004 (reprinted 2010), p10.

² Farmer & Tiefenthaler, "Explaining the recent decline in domestic violence" in *Contemporary economic policy*, vol.21, issue 2, pp.158-172 (April 2003).

³ Roberts, G et al (eds.), *Intimate Partner Abuse and Health Professionals: new approaches to Domestic Violence*, Churchill Livingstone Elsevier, 2006, p.81.

Recommendations to the Senate Inquiry

Recommendation 1

1. That government funding for community legal services support holistic models of service that reduce barriers for women experiencing, or at risk of, domestic violence

Recommendation 2

2. That undergraduate and post graduate training for health professionals and social workers include identification, assessment and management of violence against women and their children.

Recommendation 3

3. That government policy support programs like Acting on the Warning Signs, which break down the professional silos between different parts of the family violence system, with recurrent funding.

Background Information

The following section provides additional information about the partner organisations and the project as well as further evidence to support these recommendations in the context of the Inquiry's Terms of Reference.

About Inner Melbourne Community Legal

Inner Melbourne Community Legal (IMCL) is a not-for-profit community legal centre that has been providing legal assistance to marginalised and vulnerable people in the City of Melbourne area for over thirty-five years. Recognising the importance of legal assistance within the social model of health and acting on research relating to advice-seeking behaviour, IMCL works in partnership with several organisations with a view to providing holistic legal services to the community that it serves.

About the Royal Women's Hospital

The Royal Women's Hospital (the Women's) is Australia's leading specialist hospital dedicated to improving the health of all women and newborns. The Women's is a statewide tertiary hospital for women and newborns with complex needs. The Women's is also a local hospital for women and newborns residing in inner northwest Melbourne. In 2014, the Women's has been funded as the lead hospital in the Strengthening Hospitals Responses To Family Violence

project, which will be delivered in partnership with Bendigo Health and the Foundation to Prevent Violence Against Women and their Children.

About Acting on the Warning Signs

Advocacy-health Alliances provide an innovative framework for addressing violence against women. Recent studies in the United States that analysed the decline of violence against women by their intimate partners found that legal service provision was one of three key factors contributing to the decline.⁴ Implementing the findings of research that show that training for health professionals and increased legal assistance has the capacity to improve the health and well-being of a significant number of Victorians, the Women's and IMCL established the Acting on the Warning Signs project (the Project). The Project, funded by the Legal Services Board Major Grants Programme, views legal assistance through a social model of health and aims to empower a significant number of Victorian women.

Training for health professionals

Since December 2012, the Project has provided multi-disciplinary training on family violence to over 125 staff including 27 doctors at the Women's.

The project provides training to health professionals at the Women's to identify signs of family violence, understand the different behaviour that may amount to family violence under the *Family Violence Protection Act (2008)*, respond appropriately to disclosures of family violence and provide appropriate information and referral pathways to women to obtain appropriate legal assistance alongside other key support services within the hospital, including social work support.

Accessible, free legal advice

Since 1 July 2012, IMCL lawyers have provided over 123 instances of advice on-site to patients at the Women's.

Recognising that pregnancy and illness may be one of the rare occasions when chronically abused women are permitted to go to a doctor, the hospital provides a safe environment where women can access free information about their rights and entitlements and see a lawyer without the risks involved in contacting or attending a legal service.⁵ Some women may not recognise

⁴ Farmer & Tiefenthaler, "Explaining the recent decline in domestic violence" in *Contemporary economic policy*, vol.21, issue 2, pp.158-172 (April 2003).

⁵ Taft, A, *Violence against women in pregnancy and after childbirth: Current knowledge and issues in health care responses*, Australian Domestic & Family Violence Clearinghouse, Issues Paper 6, 2002, p1.

that they are entitled to free legal advice and this also provides an opportunity for healthcare providers to inform women of this on-site pathway.

Since 2009, IMCL has been providing a legal assistance outreach clinic at the Women's where patients can receive free legal information and advice from a lawyer within the safe and neutral confines of the social work department. Since January 2014, IMCL lawyers have increased their on-site presence at the Women's providing a generalist legal service twice a week. Patients can receive information and advice about intervention orders, separation and divorce, child support, parenting matters and a range of other legal matters.

By providing a referral pathway within a hospital to a legal service, patients are provided with an opportunity to be referred to a lawyer by their trusted health professional and to see a lawyer within the safety of the hospital setting. This access to a lawyer can provide women with the foundations to make informed choices that provide them with alternatives to remaining in violent relationships and support their continued engagement with healthcare.

Response to (selected) Terms of Reference

a. The prevalence and impact of domestic violence in Australia as it affects all Australians

Violence against women continues to be a major health, legal, social and economic issue for the community. The effects of violence against women are multifaceted and may include social exclusion, economic hardship and homelessness. Studies show that since the age of 15, over one third of Australian women had experienced physical and/or sexual violence⁶

Evidence about the health impacts

Significantly, violence against women has a staggering effect on the health of Victorian women. A report by VicHealth has found that intimate partner violence is the leading preventable contributor to death, disability and illness in Victorian women aged 15-44 and is responsible for more of the disease burden for Victorian women aged 15-44 than other risk factors such as high blood pressure, smoking and obesity.⁷ Pregnancy is a particularly high risk time for women and research shows that violence significantly impacts pregnant women. Studies have found that between 4-9% of pregnant women are abused during their pregnancy and/or after the birth.⁸ In a

⁶ ABS, Personal Safety Survey, 2006

⁷ VicHealth, *The Health Costs of Violence: Measuring the Burden of Disease Caused by Intimate Partner Violence: A Summary of Findings*, DHS 2004 (reprinted 2010), p10.

⁸ Taft, A, Violence against women in pregnancy and after childbirth: Current knowledge and issues in health care responses, Australian Domestic & Family Violence Clearinghouse, Issues Paper 6, 2002, p1.

study conducted of 399 pregnant women at the Women's, it was found that 20% of the women surveyed did experience and continued to experience violence during their pregnancy.⁹ A survey conducted by the Australian Bureau of Statistics shows that 20% of women who experienced violence by a previous partner during the relationship stated that the onset of violence occurred during pregnancy.¹⁰

Disclosures to Health Professionals

Interviews with survivors of partner abuse have shown that health professionals are the major group to whom women disclose violence. A study shows that "a full-time primary care clinician is probably seeing at least one currently abused woman each week, although she may not be presenting with obvious signs or symptoms".

b. The factors contributing to the present levels of domestic violence

Barriers to Accessing Support

There are significant barriers to women accessing support services. This is highlighted by a report of the Victorian Systemic Review of Family Violence Deaths, established in 2009 which states that:

a number of individuals known to the victim appeared to have wanted to offer further assistance and support, but did not due to a range of reasons. These included fear of the perpetrator; lack of recognition of the signs of escalating violence; lack of awareness as to the range of legal and community services that could provide assistance; a reluctance to get involved in family disputes; and hesitation about contacting police or other services. Witnesses also revealed that individuals were not always clear about the range of behaviours that comprised family violence, particularly in connection to non-physical forms of abuse.

Barriers to Accessing Legal Advice

The findings of the Legal Australia-Wide Survey in relation to legal assistance and recommendations for future action found that legal problems often have adverse impacts on many life circumstances including health, financial and social circumstances. These findings support the promotion of legal assistance as part of a social model of health.¹¹ The study also found that disadvantaged individuals (including individuals experiencing family violence) are

⁹ Walsh, D & Weeks, W, What a smile can hide, Royal Women's Hospital, 2004, p.95.

¹⁰ ABS, 1996 in Walsh, D & Weeks, W, "What a smile can hide", Royal Women's Hospital, 2004, p.26

¹¹ Christine Coumarelos, Deborah Macourt, Julie People, Hugh M McDonald, Zhigang Wei, Reiny Iriana & Stephanie Ramsey, Law and Justice Foundation of NSW, Legal Australia-Wide Survey: legal need in Australia (2012).

particularly vulnerable to legal problems, including substantial and multiple legal problems. They are more likely to struggle with the problems they face and less likely to take action in response to problems, thereby achieving poor outcomes. The Legal-Australia Wide Survey found that a lawyer is only consulted for legal problems in approximately 16% of cases.¹² People often seek assistance from services with which they are already in contact and rarely from more than one source for each legal issue.¹³ Indeed, in 74-81% of cases, advisers are commonly found through personal resources or networks and in approximately 27% of cases people turn to trusted health and welfare advisers.¹⁴

d. The effects of policy decisions regarding housing, legal services and women's economic independence on the ability of women to escape domestic violence

In 2002-2003, the annual cost of domestic violence in Australia was estimated at \$8.1 billion.¹⁵ A recent study shows that community legal centres have a cost benefit ratio of 1:18 signifying a benefit to society that is eighteen times the cost.¹⁶

However, recent Commonwealth government announcements have seen funding cuts to several community legal centres, including IMCL, who received additional funding in recent years to enhance service-delivery. As noted by the Federation of Community Legal Centres in their response to the Productivity Commission, six of the fourteen Victorian community legal centres that received the additional funding needed those funds to meet urgent need in relation to family violence legal help. These cuts risk community legal centres being required to reduce the scope of the provision of integral legal services to women experiencing violence.

e. How the Federal Government can best support, contribute and drive the social, cultural and behavioural shifts required to eliminate violence against women and their children

Recommendation 1

1. That government funding for community legal services support holistic models of service that reduce barriers for women experiencing, or at risk of, domestic violence

¹² Ibid., p.120.

¹³ Noone, M.A, 'Towards an integrated service response to the link between legal and health issues' (2009) 15 Australian Journal of Primary Health, 203-211.

¹⁴ Christine Coumarelos, et al., Legal Australia-Wide Survey: legal need in Australia (2012) Law and Justice Foundation of NSW, p.112.

¹⁵ Access Economics, The Cost of Domestic Violence to the Australian Economy: Part I, 2004.

¹⁶ Judith Stubbs & Associates, Economic Cost Benefit Analysis of Community Legal Centres, June 2012.

Recommendation 2

2. That undergraduate and post graduate training for health professionals and social workers include identification, assessment and management of violence against women and their children.

Recommendation 3

3. That government policy support programs like Acting on the Warning Signs, which break down the professional silos between different parts of the family violence system, with recurrent funding.

Conclusion

Acting on the Warning Signs is a ground breaking model that reduces the barriers to health care and legal services for Victorian women. Through training health professionals and increasing legal assistance to women experiencing family violence Acting on the Warning Signs has enabled Inner Melbourne Community Legal and the Women's to enhance the support offered to women affected by domestic violence. Building and expanding on this project has the capacity to provide a significant cost saving to the Victorian community.