

22 February 2022

National Plan to End Violence against Women and Children 2022-2032 – submission from Relationships Australia National Office

The work of Relationships Australia

Relationships Australia is a federation of community-based, not-for-profit organisations with no religious affiliations. Our services are for all members of the community, regardless of religious belief, age, gender, sexual orientation, lifestyle choice, living arrangements, cultural background or economic circumstances.

Relationships Australia has, for over 70 years, provided a range of relationship services to Australian families, including services for victims and perpetrators of family violence, individual, couple and family group counselling, dispute resolution, services to older people, children's services, and relationship and professional education.

We aim to support all people in Australia to live with positive and respectful relationships, and believe that people have the capacity to change how they relate to others and develop better health and wellbeing. Relationships Australia State and Territory organisations, along with our consortium partners, operate around one third of the 66 Family Relationship Centres across the country. In addition, Relationships Australia Queensland operates the national Family Relationships Advice Line and the Telephone Dispute Resolution Service.

The core of our work is relationships – through our programs we work with people to enhance relationships in the family (whether or not the family is together), with friends and colleagues, and within communities. Relationships Australia believes that violence, coercion, control and inequality are unacceptable.

A commitment to fundamental human rights, to be recognised universally and without discrimination, underpins the work of Relationships Australia. We respect the rights of all people, in all their diversity, to live life fully and meaningfully within their families and communities with dignity and safety, and to enjoy healthy relationships. Further, Relationships Australia is committed to:

- Working in regional, rural and remote areas, recognising that there are fewer resources available to people in these areas, and that they live with pressures, complexities and uncertainties not experienced by those living in cities and regional centres
- Collaboration. We work collectively with local and peak body organisations to deliver a spectrum of prevention, early and tertiary programs with older people, adults, young people and children. We recognise that often a complex suite of supports (for example, family support programs, mental health services, gambling services, drug and alcohol services, and housing) is needed by people affected by family violence and other complexities in relationships
- Enriching family relationships, and encouraging clear and respectful communication
- Ensuring that social and financial disadvantage is no barrier to accessing services, and
- Contributing our practice evidence and skills to research projects, to the development of public policy, and to the provision of effective and compassionate supports to families.

This submission draws upon our experience in delivering, and continually refining, evidence-based programs in a range of family and community settings, including for:

- people affected by domestic, family and sexual violence, including older people who experience abuse and neglect
- people affected by complex grief and trauma, intersectionality and polyvictimisation
- people living with intergenerational trauma
- survivors of all forms of abuse, including institutional abuse
- people who come from culturally and linguistically diverse backgrounds •
- Aboriginal and Torres Strait Islander people
- people with disability
- people who identify as members of the LGBTIQ+ communities, and
- younger and older people.

Overarching principles

In commenting on the draft *National Plan to End Violence against Women and Children 2022-2032* ('the Plan'), Relationships Australia has taken into account the following overarching principles.

Commitment to human rights

Relationships Australia contextualises its services, research and advocacy within imperatives to strengthen connections between people, scaffolded by a robust commitment to human rights. We acknowledge Australia's engagement with multilateral instruments and fora that promote the recognition, protection and vindication of human rights.

Relationships Australia supports the conceptualisation of violence against women and children as a human rights, as well as a criminal justice, issue.

We welcome the draft Plan's acknowledgement of intersectionality, cultural competency and the recognition of children and young people as rights bearers and as victim-survivors. We note that, in the context of family law, the best interests of the child are paramount; this informs our comments on the draft Plan. Further, we welcome those parts of the draft Plan that recognise that family, domestic and sexual violence occurs across the lifecycle.

Our commitment to human rights also underpins our advocacy for universal accessibility to expert services within the four National Pillars. This requires geographical equity in service availability.

Relationships Australia welcomes the centrality accorded under the Plan to lived experience, as fundamental to applying human rights frameworks to day to day life.

Commitment to promoting social connection while reducing social isolation and address the serious public health issue of loneliness

Policy, regulatory and service interventions that strengthen connections and reduce isolation constitute the most promising and feasible avenues for reducing the risk of abuse and

exploitation of people who face structural and systemic barriers to their full participation in society. Social support has emerged as one of the strongest protective factors identified in elder abuse studies

....Social support in response to social isolation and poor quality relationships has also been identified as a promising focus of intervention because, unlike some other risk factors (eg disability, cognitive impairment), there is greater potential to improve the negative effects of social isolation.¹

We serve many cohorts who are disproportionately more likely to experience systemic and structural barriers to full participation in Australia's social, cultural, political and economic life and, as a result, experience loneliness. Loneliness is a public health concern.² It is linked to physical health risks such as being equivalent to smoking 15 cigarettes a day and an increased risk of heart disease (Valtorta, 2016).³

Loneliness is a precursor to poorer mental health outcomes, including increased suicidality.⁴ Poor mental health has long been acknowledged as a co-morbidity with domestic and family violence.⁵ Relationships Australia has welcomed the Government's prioritisation of improvements to mental health and suicide prevention services, and the substantial funding,

¹ See Dean, A. (2019) Elder Abuse: Key Issues and Emerging Evidence. CFCA Paper No. 51.

<https://aifs.gov.au/cfca/publications/cfca-paper/elder-abuse> ; Box 7, citing the United States of America population study described in Acierno, R., Hernandez, M. A., Amstadter, A. B., Resnick, H. S., Steve, K., Muzzy, W., & Kilpatrick, D. G. (2010). Prevalence and correlates of emotional, physical, sexual and financial abuse and potential neglect in the United States: The National Elder Mistreatment Study. *American Journal of Public Health*, 100(2), 292–297; citing also Hamby, S., Smith, A., Mitchell, K., & Turner, H. (2016). Poly-victimization and resilience portfolios: Trends in violence research that can enhance the understanding and prevention of elder abuse. *Journal of Elder Abuse & Neglect*, 28(4/5), 217–234. doi:10.1080/08946566.2016.1232182 ; Pillemer, K., Burnes, D., Rife, C., & Lachs, M. S. (2016). Elder abuse: Global situation, risk factors, and prevention strategies. *Gerontologist*, 56, S194–S205. doi:10.1093/geront/gnw004

² Heinrich L & Gullone E (2006). The clinical significance of loneliness: A literature review. *Clinical Psychology Review* 26:695–718; Holt-Lunstad J, Smith T, Baker M, Harris T & Stephenson D (2015). Loneliness and Social Isolation as Risk Factors for Mortality: A Meta-Analytic Review. *Perspectives on Psychological Science* 10:227–37; Mance, P. (2018). Is Australia experiencing an epidemic of loneliness? Findings from 16 waves of the Household Income and Labour Dynamics Survey.

https://relationships.org.au/pdfs/copy_of_Anepidemicofloneliness20012017.pdf ; Australian Institute of Health and Welfare 2019. Social isolation and loneliness. Canberra: AIHW. <https://www.aihw.gov.au/reports/australias-welfare/socialisolation-and-loneliness>

³ Valtorta, N., Kanaan, M., Gilbody, S., Ronzi, S., & Hanratty, B. (2016). Loneliness and social isolation as risk factors for coronary heart disease and stroke: systematic review and meta-analysis of longitudinal observational studies. *Heart*, 102(13), 1009-1016.

⁴ Calati, R., Ferrari, C., Brittner, M., Oasi, O., Olié, E., Carvalho, A. F., & Courtet, P. (2019). Suicidal thoughts and behaviors and social isolation: A narrative review of the literature. *Journal of Affective Disorders*, 245, 653-667; McClelland, H., Evans, J. J., Nowland, R., Ferguson, E., & O'Connor, R. C. (2020). Loneliness as a predictor of suicidal ideation and behaviour: a systematic review and meta-analysis of prospective studies. *Journal of Affective Disorders*, 274, 880-896; Mushtaq, R. (2014). Relationship Between Loneliness, Psychiatric Disorders and Physical Health? A Review on the Psychological Aspects of Loneliness. *Journal of Clinical and Diagnostic Research*. The campaign Ending Loneliness Together has released a guide that explains how community organisations can use validated scales to measure loneliness: https://endingloneliness.com.au/wp-content/uploads/2021/08/AGuideto-Measuring-Loneliness-for-Community-Organisations_Ending

⁵ See, for example, the Interim and Final Reports of the Family Law Council on Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems: <https://www.ag.gov.au/families-and-marriage/family-law-council/family-law-council-published-reports>

announced in May 2021, for mental health and suicide prevention measures under the National Mental Health and Suicide Prevention Plan.⁶ Mental health and suicide prevention are cross-cutting issues, and the prioritisation accorded them requires policy makers across all portfolios and agencies to take into account potential impacts on mental health.

Relationships Australia has a particular interest in isolation and loneliness. Loneliness is a complex social problem stemming from dissatisfaction with our relationships, a lack of positive and respectful relationships, or both of these. It is often caused by experiences of exclusion due to structural and systemic social realities that form obstacles to participation in social, economic, cultural and political life. We are invested in supporting respectful and sustainable relationships not only within families, but within and across communities. Relationships Australia is uniquely positioned to speak on isolation and loneliness as we have clinical experience supporting clients who experience loneliness, have conducted pioneering research into who experiences loneliness (eg Mance, 2018), and manage a social connection campaign, Neighbour Day,⁷ which supports people to create connections which combat loneliness. In our clinical practice and our advocacy, we apply a social model of loneliness which recognises systemic and structural barriers that inhibit people from making fulfilling social connections and from participating as fully as they would wish in all facets of our community.

Commitment to acknowledging and responding to the relational nature of family, domestic and sexual violence

Systems and institutions emerging from common law doctrine and practice (such as the family law system) are not designed to meet the needs of victim-survivors; indeed, they have explicitly avoided doing so. Relationships Australia has noted in submissions to other inquiries and consultations that, in developing the *Family Law Act 1975* (Cth), the Government of the day consciously omitted provision for family violence, and paid scant attention to the needs of children and young people, notwithstanding the statutory identification of children's best interests as 'paramount'. As understanding of family, domestic and sexual violence increases, and children are increasingly acknowledged as rights-bearers, legal systems have sought to retrofit responses onto systems and institutions ill-equipped to come to grips with them.

Violence of these kinds takes place largely away from the eyes of institutions or authorities, within intimate family and community settings. Apart from awareness raising and public discussion that may set broad cultural expectations, prevention and response must reach beyond the institutional gaze and into the relational environments, including family and community settings.

The institutional gaze, and mechanisms centring on it, are inherently limited to 'event-based markers of relationship violence as peripheral enforcement tactics in a more extensive system of interpersonal domination'.⁸

⁶ See <https://www.pm.gov.au/media/historic-2-3-billion-national-mental-health-and-suicide-prevention-plan>

⁷ Neighbour Day is Australia's annual celebration of community, encouraging people to connect with their neighbours. Neighbours matter (whether near, far, or online), and now, more than ever, is the time to make creative connections and to stay connected; see <https://neighbourday.org/>

⁸ See McLeod, D.A.; Pharris, A.; Boyles, E.; Winkles, R.; Stafford, W. The Model of Systemic Relational Violence: Conceptualizing IPV as a Method of Continual and Enforced Domination. *Trauma Care* 2021, 1, 87-98; <https://doi.org/10.3390/traumacare1020009>.

Relational approaches, such as found in community-situated programs, better allow for the development of culturally appropriate, accessible and inclusive programs of prevention, early intervention, response and recovery. These programs can respond directly to specific group culture and complexity that are drivers of violence. Restorative practice empowers those directly involved and affected to respond and recover, and creates opportunities and mechanisms to prevent future harm.⁹

Clarity, transparency and accountability in legislation, regulation, systems and processes

Fragmentation of legislation, services and programmes is a burden that is routinely imposed on our clients by virtue of our federated structure and bureaucratic organisation within jurisdictions. We have consistently argued the burden should be lifted, as far as possible, from the shoulders of those least equipped to bear it (for example, in navigating the family law, family violence and child protection systems).

Accordingly, we welcome the commitment expressed in the draft Plan to holistic and integrated services. We have previously advocated for Family Wellbeing Hubs, which we consider would support achievement of the goals articulated in the draft Plan.¹⁰

We welcome the emphasis on accountability against specific targets and the proposal for an Outcomes Framework. Relationships Australia has valued the opportunities to engage with the Department of Social Services in respect of the development of an Outcomes Framework for the Families and Children Activity, and hopes that the products of that consultation will align with the Outcomes Framework developed under the draft Plan.

Comments on sections of the draft Plan, following the headings used in the Plan

Towards Zero (p 6)¹¹

Relationships Australia welcomes the acknowledgement that cultural transformation necessary to achieve 'zero violence' depends on effective whole-of-government, whole-of-society action and accountability.

We consider the Plan could be enhanced by more clearly articulating how governments will be accountable for effective collaboration across jurisdictions and portfolios within jurisdictions. For example, the recent report by the Australian Institute of Family Studies into the nature and prevalence of abuse and neglect of older people (Qu *et al*, 2021)¹² indicates the following risk factors for experiencing and perpetrating abuse and neglect of older people:

⁹ Jeffries, Samantha, William R. Wood, and Tristan Russell. 2021. Adult Restorative Justice and Gendered Violence: Practitioner and Service Provider Viewpoints from Queensland, Australia. *Laws* 10: 13. <https://doi.org/10.3390/laws10010013>

¹⁰ See our submissions to the ALRC family law inquiry (March and November 2018), the Joint Select Committee on Australia's family law system (January 2020), and to the House of Representatives Social Policy and Legal Affairs Inquiry into family, domestic and sexual violence (July 2020).

¹¹ See also comments on 'Targets', as described at pp 49-53 of the Plan.

¹² Qu, L., Kaspiew, R., Carson, R., Roopani, D., De Maio, J., Harvey, J., Horsfall, B. (2021). National Elder Abuse Prevalence Study: Final Report. (Research Report). Melbourne: Australian Institute of Family Studies. Available at <https://aifs.gov.au/publications/national-elder-abuse-prevalence-study-final-report> .

- family separation
- conflictual family dynamics
- financial hardship (particular association to perpetrating financial abuse of an older person)
- physical ill-health (particular association to perpetrating neglect of an older person)
- misuse of alcohol (particular association to perpetrating sexual abuse of an older person), and
- mental ill-health.

It is our experience, and that of our clients, that internal government divisions continue to pose insuperable barriers to clients in seeking help and support. For example, our clients living with disability comment on difficulties they encounter navigating between Centrelink and the NDIA, although these are both Commonwealth agencies. Despite decades of language such as ‘whole of Government’, ‘cross-cutting issues’, and use of mechanisms such as inter-departmental committees, the Commonwealth Government offers numerous instances where the burdens deriving from fragmentation are displaced onto service providers (as seems to be the intent of the draft Plan) and, of greater concern, onto clients. There remain too many ‘wrong doors’ and, as a result, gendered violence is not treated, within and across governments, as a core priority. Responsibility for legislation, policy and programmes to address these risk factors transcend customary divisions of responsibility. The setting of macro-economic policies, for instance, must actively engage with the downstream effects on risk factors for family and domestic violence.

Accordingly, we would urge that governments should be held accountable, under the Plan, for addressing inter and intra governmental fragmentation, and for ensuring that, in developing policies and programmes across government, implications for achieving ‘Towards Zero’ are deliberately and explicitly considered.

What we know about violence against women and children

Domestic and family violence, including intimate partner violence, violence and abuse of children and young people by family members, and abuse and neglect of older people, are core business for Relationships Australia. A national study of FDR outcomes conducted by Relationships Australia involved approximately 1700 participants, of whom 68% reported experiencing at least one form of abuse, with verbal abuse being the most common (64%). A large proportion (72%) of parenting participants in the Study also reported significant child exposure to verbal conflict between parents, including yelling, insulting and swearing.

Intersectionality – older women

While the draft Plan identifies intersectionality as a foundation Principle, ageism, and the ‘unique and specific challenges’¹³ faced by older women are referred to only intermittently, and at a level of superficiality at odds with the detail accorded some other factors. At present, the

¹³ See p 36 of the draft Plan.

Plan's treatment of abuse and neglect of older women is treated in a perfunctory manner, generally as part of a 'shopping list' of intersectionalities.¹⁴

Accordingly, the Plan should be strengthened to reflect the recent findings about experiencing abuse or neglect as an older person, and perpetrating abuse or neglect of an older person. For example, Qu *et al* (2021) found the following associations:

- older women are more likely than men to experience all sub-types of elder abuse/neglect, and more likely to experience the sub-types of sexual and psychological abuse, as well as neglect
- being divorced or separated is associated with higher risks of experiencing abuse, and
- complex family dynamics and conflictual relationships are associated with higher risks of experiencing and perpetrating abuse.¹⁵

The Plan should also reflect the insights from Qu *et al* (2021) in respect of risks and associations of perpetrating abuse or neglect of older people, which include:

- physical and mental health problems
- substance misuse
- dependence on the victim
- having been a witness to, or a victim, of family violence
- histories of family conflict, and
- social isolation.¹⁶

A further key finding from the AIFS report into prevalence of abuse and neglect of older people jettisons the assumption that financial abuse is the most prevalent form of abuse of older people. Rather, psychological abuse and neglect are more prevalent. Qu *et al* found that the most common sub-type was psychological abuse (11.7%), followed by neglect (2.9%).¹⁷ Psychological abuse clearly falls within the parameters of the draft Plan which must, therefore, adequately address the complexities of abuse of older women.

As noted above, effective responses to abuse and neglect of older women over the life of this Plan will constitute prevention and early intervention in respect of children and young people who might otherwise be at risk of either experiencing or perpetuating violence beyond the life of this Plan.

Children as independent rights-bearers

A 'shopping list' approach seems also to have been taken in respect of children. While the draft Plan seeks to elevate the status of children, and recognise their status as rights-bearers independent of their relationship/s to adult/s, there is little substantive engagement in the Plan

¹⁴ See, for example, the list of 'unique and specific challenges', which omits older women, despite extensive evidence that older women do face specific risks of experiencing family, domestic and sexual violence (p 36; see also pp 17, 38).

¹⁵ See, for example, Qu *et al*, 2022, Chapter 2, p 57.

¹⁶ See Qu *et al*, 2022, Chapter 2.

¹⁷ For specific reasons why AIFS considers that this estimate of neglect significantly under-represents its prevalence, see Report, p

with how this might flow into practical actions, including (for example) service design and delivery, as well as data collection and evaluation. These deficiencies are manifested in family law and criminal justice systems that fall within the parameters of the Plan.

For example, workforces are often adult focussed and uncomfortable talking to children and young people experiencing domestic, family and sexual violence. This underlines the need for specialised workforce development as we have canvassed in previous submissions.¹⁸ Evidence-based models for building an understanding of child-centred family practice are available.¹⁹

This Plan needs more explicit – and substantive - integration with the *National Framework for Protecting Australia's Children 2021-2031*. Without such integration, we fear that full effect to the rights of children and young people are likely to be confined to superficial, 'tick a box' levels.

Definitions

Relationships Australia supports clear and consistent national definitions of relevant terms, and makes the following suggestions, to strengthen the definitions used in the Plan:

- the definition of family violence (at p 10) should be re-cast to refer to 'abuse and neglect of older people' rather than 'elder abuse', (see Qu *et al*, 2021)²⁰
- the definition of sexual violence (at p 11) should explicitly acknowledge connections with technology-facilitated abuse and image-based abuse
- the boxed note on p 11 should also refer to reproductive coercion
- the Plan refers to forced sterilisation as a risk faced by women with disability (p 12); the Plan should also acknowledge that forced sterilisation, as defined in the Glossary, is experienced by people (including children and young people) who are intersex (as also defined in the Glossary)
- the Glossary should include a definition of 'abuse and neglect of older people', which should be taken from Qu *et al*, 2021 (see, especially, Chapter 3).

Drivers of violence against women and children (p 12)

The drivers and reinforcing factors identified in the draft Plan align with our practice experience and research base.

Relationships Australia supports the whole of lifecourse approach envisaged by the draft Plan, but considers that this approach is not yet fully embedded in the Plan. The Plan would be strengthened by reflecting the insights into the drivers of abuse/neglect of older people that are set out in Qu *et al*, 2022, and the reports of the Royal Commission into Aged Care Quality and Safety. The Royal Commission characterised abuse of older people living in residential aged care facilities as 'an extreme example of substandard care' which extended 'into the realm of

¹⁸ See, in particular, submissions to the ALRC family law inquiry (March and November 2018), the Joint Select Committee on Australia's family law system (January 2020), and to the House of Representatives Social Policy and Legal Affairs Inquiry into family, domestic and sexual violence (July 2020).

¹⁹ See, for example, <https://www.unisa.edu.au/contentassets/6c9ae01382c24f90a13320a92ca8ac12/stories-of-impact-bcbb-v7.pdf>

²⁰ See p 165 of that report.

criminal behaviour'.²¹ While the AIFS report into the prevalence of abuse/neglect of older people found an overall prevalence of 14.8%, the figure from the Royal Commission was dramatically higher, at 39.2%.²²

It is imperative that the Plan explicitly address abuse of older women, whether they are living in the community or are living in institutional facilities.

Further, the Plan needs greater integration with the *National Framework for Protecting Australia's Children 2021-2031*. Without such integration, we fear that full effect to the rights of children and young people are likely to be confined to superficial, 'tick a box' levels.

Building on the achievements of the first National Plan (p 19)

Relationships Australia acknowledges the considerable progress, made over the span of the first National Plan, towards greater collaboration and reducing fragmentation of laws and services. We note, in particular, the extensive work being undertaken under the auspices of the Meeting of Attorneys-General.

As indicated in our comments about the 'Towards Zero' section, there remain opportunities to further strengthen collaboration and dismantle legislative, funding and service siloes. These include breaking down siloes that segregate and other older women from existing service systems.

Family law reforms (p 21)

The years covered by the First National Plan included important reforms to the Australian family law system. But, as made plain through a series of recent reports from the ALRC and Parliamentary inquiries, these discrete reforms have failed to 'retrofit' an innately combative system, designed around binary win/loss outcomes between adults, to:

- fulfil Australia's obligations under the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities
- prevent, identify and adequately remedy manipulation of the family law system to perpetrate family violence, including (but not limited to) coercive controlling behaviour and systems abuse
- be accessible to people navigating intersectionalities and compounding disadvantages, or
- provide multi-disciplinary, expert, and geographically equitable psycho-social and therapeutic support to families with complex needs.

Why current systems need replacement, not mere refinement

The 'family law system' derives from traditional common law models in which a court cannot make its own inquiries. It must rely only on the evidence brought by the parties. Each party presents such evidence as supports their case and challenges evidence put by other parties to the dispute. For parties represented by expert advocates, who oversee and conduct their

²¹ Royal Commission into Aged Care Quality and Safety, *Final Report: Care, Dignity and Respect*, 2021, Volume 2, p 93.

²² As noted in Qu *et al*, 2021, p 1.

clients' litigation, this process has been historically accepted as reliably delivering outcomes which, while not always representing perfect justice, have enabled workable resolution of disputes between government and governed, between businesses, between businesses and their customers, and among other kinds of litigants. But disputes arising from family separation are very different:

- increasingly, people represent themselves, and struggle to collect and present evidence that is admissible and probative; this is a significant burden to impose
- there is an imperative, enshrined in law, to support children's ongoing relationships with parents and other people with whom they have a meaningful relationship; where children are involved, parents and caregivers (for example) will often need to co-operate over several years in co-parenting or enabling children to enjoy those relationships, and
- in disputes involving children²³ - the fundamental issues are:
 - not the relative rights of the parties who are in front of the judge, but about the rights of children who are not parties and may not have anyone, even chronically over-stretched ICLs, speaking exclusively for their rights and interests, and
 - the future wellbeing and healthy development of children - which is not a question of law which can be usefully determined by legal analysis.

Further, future arrangements that effectively safeguard and promote children's best interests are likely to require far more nuance than can be delivered by a win/loss judgment. There is, therefore, a dissonance between what parties to the dispute have been led to expect by the win/loss nature of litigation and the actual nature of the judgment which then has to be implemented by a parent who sees themselves (with a judge's 'stamp of approval') as a winner and a parent who sees themselves as having been – wrongly - branded a loser.

The 2012 AIFS survey of recently separated parents found that only 44% of parents agreed that the family law system meets the needs of children and just under half of all parents agreed that the system protects the safety of children. Just over two-fifths of all parents agreed the system effectively helps parents find the best outcome for their children. In its 2018 report on children's involvement with the family law system, one young person observed that the 'winner/loser' approach used in the courts 'should be ditched'.²⁴

Further, it has become evident over the past 40 years that a win/lose system, applied to family disputes, incentivises making unsupported allegations, which can remain untested for lengthy periods and ultimately distort any final resolution. Finally, it should be noted that each well-intentioned attempt to pare back the legalism and combative nature of family law proceedings, even those which initially achieve their objectives, has been gradually eroded as problematic features and dynamics are re-asserted. The efforts to retrofit a lawyer-centric win/lose system with problem-solving and multi-disciplinary features, have failed. A different

²³ Including disputes which are nominally about property, but where the needs of children are considered as part of property matters. If children are involved, a property dispute is never just about property – it will always affect children's development, wellbeing and relationships, too.

²⁴ Carson, R., Dunstan, E., Dunstan, J., & Roopani, D. (2018). Children and young people in separated families: Family law system experiences and needs. Melbourne: Australian Institute of Family Studies. See also ALRC Discussion Paper 86, paragraph 1.43, citing South Australia Commissioner for Children and Young People, What Children and Young People Think Should Happen When Families Separate (Office of the Commissioner for Children and Young People, 2018).

model is needed to achieve this Plan's 'Towards Zero' objective for people of all ages who experience family, domestic and sexual violence.

The safety of children and young people

In 2018, AIFS reported that 50% of parents interviewed expressed safety concerns for themselves and/or children as a result of ongoing contact with the other parent. Children and young people also reported instances where they felt unsafe with a parent with whom they were required to spend time.²⁵

At its commencement, the Family Law Act was silent on family violence and children's safety. In an effort to banish fully any concept of fault, the early Family Court assiduously avoided any form of interrogation of past conduct, including family violence, in both children's and property matters.²⁶ The Family Court simply was not 'set up as a court that would deal with issues of family violence,'²⁷ or complex health and social issues more broadly. Rather, it was established to resolve what were then seen as purely private disputes between individuals: the two adults who were parties to a marriage. Further, in the 1970s, there was not the expectation by society, or by fathers, that they would assume a co-parenting role. In the twenty-first century, however, the value of children having ongoing relationships with their parents is acknowledged and encouraged. Accordingly, fathers rightly expect to co-parent, and a Family Wellbeing System should support and encourage that.

The existing family law system, however:

- enables, entrenches and incentives combative co-parenting
- exacerbates financial disadvantage and other issues that leave women and children at risk of violence, and
- fails to accord substantive fulfilment of children's human rights as independent rights-bearers.

Harm prevention is particularly critical for children. Processes and services that de-escalate conflict and address oppositional behaviour between parents are vital to harm prevention and supporting healthy child development in the context of parental separation. This is the most fundamental failure of the current court-centric system. It expects that children's best interests can be protected by a winning parent and loser parent emerging, emotionally scarred and financially bruised (if not broken) from the prolonged turmoil of affidavits and cross-examination. The situation for many children, enmeshed in their parents' disputes, is dire and long-lasting. In too many instances, its repercussions will echo throughout their lives, bleeding into their relationships with their own partners and children. It is imperative for governments to break this cycle. An advanced society should not fail to protect its children because of blind insistence, in the face of all evidence, on a model that institutionalises and rewards parental conflict by offering only win/lose outcomes.

²⁵ Carson et al, 2018, 33, 40.

²⁶ Fogarty, 11, 14.

²⁷ ALRC Report 114, para 4.33.

From family law to family wellbeing – a more meaningful conceptual framework to operationalise the National Plan

Relationships Australia has canvassed these, and other ongoing limitations, in detailed submissions to the ALRC, Parliamentary inquiries, the Attorney-General's Department and the Department of Social Services.²⁸ We have advocated for a comprehensive re-conceptualisation, leading to a family *wellbeing* system, rather than a family *law* system. The proposed Family Wellbeing System should be designed according to the following principles:

- the status of children as independent rights-bearers
- the well-being and healthy development of children is paramount and, in the event of conflict, prevails over the rights and interests of adults
- parents should be supported and empowered by services to co-parent safely, promoting healthy child development
- the needs of families should drive design, not existing legal, jurisprudential, administrative, funding or single-disciplinary structures, distinctions and hierarchies
- the aim of all services (including decision-making mechanisms) must be to respond to families' relationship needs, and acknowledge the enduring, rather than 'one off', nature of many family conflicts
- services must be available on the basis of universal service and accessibility,²⁹ emphasising prevention and early intervention
- services must be proportionate to families' needs and resources (ie not a 'one size fits all' journey with court as the ultimate and most highly valued destination), and
- there must be no wrong door and one door only - service integration and collaboration must happen at the organisational level, invisible to users.³⁰

The Family Wellbeing System would be supported by legislative amendment, court reforms and a national, integrated funding model. Its services would incorporate features of existing Family Relationship Centres, Children's Contact Services, health justice partnerships and domestic violence units, and would be delivered through hybrid physical/online service delivery hubs.

We have also recommended that the Government:

- implement universal screening of families for risk factors
- require parties to undertake pre-filing FDR for property matters
- encourage conciliation
- re-invigorate use of the Less Adversarial Trial provisions in Division 12A of Part VII of the Act
- encourage prudent use of case management approaches

²⁸ See, in particular, submissions to the ALRC family law inquiry (March and November 2018), the Joint Select Committee on Australia's family law system (January 2020), and to the House of Representatives Social Policy and Legal Affairs Inquiry into family, domestic and sexual violence (July 2020).

²⁹ In this connection, the comments by Relationships Australia on the KPMG final report, see out at Appendix E, especially at page 9, noting that '...FL [Family Law] services have successfully provided services to clients with high rates of disadvantage within a universal framework....Without universal access, a proportion of higher income clients will end up in court, and many of these families will end up disadvantaged by the end of this process.' This would undermine policies focused on encouraging timely decision-making.

³⁰ See the Family Law Council's recommendations in its 2016 report, especially recommendation 1.

- enable early fact finding, to prevent untested allegations becoming entrenched, and
- establish post-order and post-agreement services to help families implement them, and better address non-compliance (which could now be informed by the findings and insights in Kaspiew *et al*, 2022; in particular, the association between family violence and non-compliance with parenting orders).

Reforms currently work in progress

In addition, we note that family law reforms emerging from the ALRC's work are still in nascent stages. The Attorney-General's Department has, over the course of 2021, conducted multiple consultation rounds to further develop and test proposed reforms; consultations continue into 2022. These included consultation on:

- the property division provisions of the *Family Law Act 1975*
- implementation of the cross-examination of vulnerable witness provisions
- proposed Federal Family Violence Orders (which have been in development now for at least five years)
- regulation of Children's Contact Services
- locations for new Children's Contact Services, and
- regulation of family report writers and family consultants.

Policy development remains ongoing, and so the draft Plan should provide specific guidance about how ongoing reforms will be identified, tested with stakeholders (including people with lived experience), and implemented, in ways that reflect the Foundational Principles and four Pillars articulated in the draft Plan. The Plan should also recognise the newly reconstituted Family Law Council as an important resource to provide advice and insights on intersections between domestic and family violence and the family law system.

Criminal justice systems

Criminal justice responses to gendered violence need to be carefully designed and appropriately resourced by specialised training for adequately-funded positions, across law enforcement, prosecuting authorities, judges and courts, and post-conviction services.

We encourage all governments to collaborate in developing approaches to investigation, prosecution, and post-conviction services that can support and accommodate victim-survivors and perpetrators living with poor mental and physical health and impaired cognition, as well as those who must experience language and cultural obstacles.

Finally, we note the observation, on p 20 of the Plan, that

Over time, our awareness of the prevalence and impact of sexual violence in all settings has grown, and justice and policing responses have begun to evolve with it.

In this regard, we draw the Government's attention to the findings of Qu *et al*, 2021, in relation to sexual violence against older people. In particular, the findings that:

- police and legal responses are almost never invoked (despite the potentially criminal nature of the conduct)
- distress scores of older people who experience sexual violence being similar to those who experienced physical and financial abuse, and
- the relative absence of policy and programme responses to sexual violence against older people.³¹

The attention of policy-makers in this area is urgently needed.

Foundation principles – general comments

Relationships Australia agrees with the four foundation principles of:

- gender equality
- the centrality of diverse lived experiences of victim-survivors in informing policies and solutions
- Closing the Gap, and
- recognising intersectionality and its implications.

We would suggest adding the following principles:

- the importance of social connection (and, conversely, addressing social isolation among people at risk of becoming victim-survivors or perpetrators)
- geographic equity, and
- diversity of family formation and composition.

We further suggest that the Plan could be enriched by more detail in relation to intersectionality, which the current draft tends to reflect by 'shopping lists' which vary, without apparent reason, throughout the draft.

Foundation principle 2: The diverse lived experiences of victim-survivors are informing policies and solutions

Elevating the importance of reflecting diversity of lived experience is of critical importance in shifting society 'Towards Zero'. Relationships Australia welcomes this. Paying due attention to lived experience will guide policy and programme development which recognises that 'one size' does not 'fit all', and that victim-survivors need and deserve access to a choice of services and service providers. Further, as recognised in the draft Plan, victim-survivors are experts in their own lives, and will bring their individual strengths and resources to engage with services

Foundation principle 4: Intersectionality

As noted above, Relationships Australia considers that the Plan's acknowledgement of intersectionality, and the commitment to lifecourse approaches, should be fortified by express

³¹ See Qu *et al*, 2021, pp 161-162.

acknowledgement of the findings of Qu *et al*, 2021, and the Final Report of the Royal Commission into Aged Care Quality and Safety. For example, the description of points in women's lives where violence can escalate is currently silent on a range of risk factors for abuse and neglect, canvassed by these reports, that may arise for women as they get older.

National Pillars – general

Subject to the following comments, Relationships Australia supports the National Pillars identified in the Plan.

Pillar One: Prevention

Community sectors – recovery from the pandemic

Relationships Australia welcomes the identification of sport, arts, the corporate sector, and community organisations as valuable elements in achieving society-wide transformation of attitudes, assumptions and beliefs.

Participants, paid and voluntary, in community organisations, grass roots sports and the arts have all borne significant burdens through the Covid-19 pandemic. The 'real life' individuals who do the day-to-day work are fatigued, and their emotional, physical and financial resources depleted – in some cases, to the very point of disappearing altogether. Entities that have always operated 'on the smell of an oily rag' have been disproportionately affected by:

- substantial drops in any sporadic and minimal revenue that they may have been able to raise pre-Covid
- the social disruption, isolation and atomisation consequent on lockdowns and other restrictions, and
- enduring the physical and emotional effects of the virus, on themselves and on those for whom they care.

For such organisations to have the wherewithal to participate energetically in the (rightly) ambitious long-term project of pivoting our culture away from valorising conflict and violence, they and their members need to be replenished and nurtured. The Plan should reflect this need and provide guidance as to how this will occur.

The preceding comments also apply – and with particular urgency - to health service providers and professionals.

Digital literacy and digital exclusion

Relationships Australia also welcomes the recognition of digital literacy as an enabler of being safe online (see p 31), and of lack of digital literacy as a barrier in accessing justice (p 22). We have elsewhere expressed to Government our concerns about links between social isolation/loneliness and adverse impacts on physical and mental health. We have called for Government to undertake a surge of policy and programme effort to close the digital divide and minimise the extent to which economic and social disadvantage, and other vulnerable

circumstances, translate into barriers to participation in the social, economic, political and cultural dimensions of the digital environment ('digital participation').³²

Responding now to abuse and neglect of older people breaks the cycle of intergenerational violence

Finally, Relationships Australia notes the findings by AIFS of associations between family separation, and conflictual family dynamics, and risks of experiencing or perpetrating abuse or neglect of older people.³³ These findings underscore the critical importance of integrating policies and programmes relating to abuse or neglect of older people within every aspect of this National Plan, acknowledging that reducing abuse and neglect of older people is a critical component of the two Pillars of Prevention and Early intervention to break the cycle of intergenerational violence.³⁴

Pillar Two: Early Intervention

Relationships Australia suggests that the list of 'relevant departments and agencies' should be expanded to expressly include (at least) those departments and agencies involved in setting macro-economic policy, workforce conditions, education and industrial innovation policies. This would give fuller effect to other references, in the Plan, to the impact of economic and financial circumstances on the factors that weaken pro-social behaviour (described at p 12 of the Plan), and on the ability of victim-survivors to recover and fully participate in society.

We further suggest that embedding victim support in all programs (see p 34 of the Plan) should include embedding it in perpetrator programmes. Perpetrators may also be victims of trauma, and responding to that trauma may be critical in enabling accountability and change.

Pillar Three: Response

Potential role for local governments

Relationships Australia considers that the Plan could usefully elevate the opportunities for greater engagement with local government. Doing so could facilitate development of place-based, community co-designed services that fall within the other Pillars.

The tyranny of distance is felt by more than remote communities

Relationships Australia welcomes the recognition that increased costs are involved in providing services to remote communities (p 36 of the Plan). We suggest, though, that costs beyond those that are involved in metropolitan or urban service provision are also involved in serving many rural and regional populations. For example, Relationships Australia Canberra and Region serves communities in the Riverina and on the south coast of New South Wales. To

³² See our submission to the 2021 consultation by the Australian Communications and Media Authority about consumer vulnerability (accessible at <https://relationships.org.au/wp-content/uploads/Telcovulncnr.070921FINAL.pdf>) and our submission to the 2021 consultation by The Treasury about its strategic assessment to inform an economy-wide Consumer Data Right (accessible at <https://relationships.org.au/wp-content/uploads/CDR-strategic-assessment-submission020921FINAL.pdf>).

³³ Qu *et al*, 2021.

³⁴ See p 33 of the draft Plan.

deliver face-to-face service in these locations (which are not characterised as 'remote'), workers need to travel up to three hours each way. The cost of doing so (including the opportunity cost of not being able to see other clients while travelling, or to undertake administrative work) is considerable, and is not reflected in service funding arrangements.

Housing precarity – older victim-survivors of gendered violence

Relationships Australia is pleased that the Plan acknowledges the pivotal role emergency accommodation, transitional housing and long-term housing play in responding to family and domestic violence. This is another aspect of the Plan that would benefit from explicit acknowledgement of the 'unique and specific challenges' faced by older women, who are too often excluded from consideration in funding safe and secure housing. In our elder abuse services, we have encountered tragic cases where our older clients, enduring abuse (including intimate partner abuse) have been locked out of access to housing services. The research base, too, indicates the grievous impact that housing precarity can have in leaving older people at risk of experiencing abuse. Older women are particularly vulnerable because of factors such as disparity in superannuation and lifetime savings and the disproportionate economic impact of family separation on women.

Housing precarity – perpetrators of intimate partner violence

Housing precarity for perpetrators of intimate partner violence can also lead to abuse of older people. We are aware of older people whose adult children have been required to leave their marital home (for example, to comply with a family violence order), and moved in with older parents. They then repeat patterns of violence towards their parents. This is particularly likely if they are experiencing issues such as financial stress, mental ill health, substance misuse or disordered gambling.

Legal responses

Relationships Australia agrees that there is scope to improve legal responses for all forms of violence (p 37). A fruitful avenue for further work includes training and awareness for police, lawyers and the judiciary, including training in the scope and significance of psycho-social and therapeutic responses. Legal responses, by themselves, are not always the most suitable; nor can they be assumed to be effective in de-escalating conflict and responding to violence.

Rather, the research base demonstrates that legal-centric responses, where not complemented by psycho-social and therapeutic services, entrench and incentivise conflict and violence. We have canvassed this body of evidence in previous submissions to Government, and it informed our proposals of Family Wellbeing Hubs as the cornerstone in offering Australians seamless multi-disciplinary services, including specialist family violence services. We consider such Hubs to be the logical evolution of the highly successful Family Relationship Centres.

Further, Relationships Australia suggests that the discussion of improvement of legal responses explicitly refer to responses to children and young people as victim-survivors in their own right, who may wish to engage with an array of legal systems and responses to facilitate their agency in calling out, responding to and recovering from violence.

Pillar Four: Recovery

The evidence base demonstrates the barriers faced by women in achieving financial security post-separation. It also demonstrates clearly that financial stress and housing precarity are associated with experiencing and perpetrating violence. This underscores the importance of the economic portfolios and social welfare portfolios being held accountable, under the Plan, for the implications that their initiatives may have for moving 'Towards Zero'. Relationships Australia invites all Australian governments to consider mechanisms by which this could be effected in meaningful ways.

Relationships Australia welcomes the emphasis, throughout the Plan, on trauma-informed and strengths-based approaches that place victim-survivors at the centre of policy and programmes. To reflect this commitment fully, funding cycles, outcomes and targets will need to recognise that recovery is not linear, and that our most traumatised clients often require intensive support before they are able safely to engage in formal legal responses.

Dedicated Aboriginal and Torres Strait Islander Action Plan

Relationships Australia supports the development of a dedicated Aboriginal and Torres Strait Islander Action Plan.

Measuring success

Relationships Australia has welcomed the opportunities extended by the Department of Social Services to contribute to the development of the Families and Children Activity Outcomes Framework. In our submissions and discussions with officials, we have expressed our support for focus on alignment between outcome levels, as well as on identifying outcomes that are valued by the intended beneficiaries.

We support the identification of quantifiable metrics, but express some caution around over-confidence in the capacity of such metrics to provide actionable insights to guide policies and programmes.

Currently, reliance on the language of measurement impoverishes our understanding of social service outcomes. Literature in the social sciences demonstrates that 'measurement' is most relevant where what is under consideration is the representation of mathematically equal properties over a clearly specified and applicable range of units (see Michell, 1986; Markus & Borsboom, 2013). Emphasis on the language of measurement is an artefact of rational technical models that are well-suited to engineering-type problems, but less apt for problems that are psycho-social and relational in character, innately grounded in emotions and value judgements.

Whether data is collected from clients or practitioners, client goals and circumstances are inevitably framed by values and emotional perspectives. Social demand characteristics will play a role in whatever subjective score is chosen by the client or the worker in their pre and post scoring, given the social conditions that are present in clients accessing services, and the worker's intentions for the client (Nichols & Maneer, 2008). The rubric of 'measurement' renders invisible how demand characteristics influence the scores.

Measurement is most relevant where generalisation is sought, with respect to what is measured, or client outcomes – that is, where what is sought is a capacity to generalise the results from one set of individuals at a particular point in time for a particular service, to another. SCORE – like Likert scales- is, however, inescapably tied to client circumstances and goals.

A key aspect of collecting data from clients is the underlying intention with respect to reporting outcomes. This is typically not the case when we ask individuals to apply subjective judgement on Likert scale structures, as is the case with the current DSS Measuring Client Outcomes approach to client goals and client circumstances, whether the data is collected from the client or their worker. Since a client's improvements can only be measured against their (and their practitioners') subjective perceptions, generalising across clients, programs or sectors is not a true 'measurement'. It would be better to assess their experience of the program and their improvement rather than attempt to measure the experience. Further, we are concerned that the use of SCORE as a measurement tool will tend to promote increased standardisation of services, at the expense of service innovation – especially client co-designed innovation.

There are alternative approaches. Under the RE-AIM (Reach, Effectiveness, Adoption, Implementation, and Maintenance: Glasgow, Vogt & Boles, 1999) framework, for example, what is needed is:

- an accurate account of the characteristics of program participants
- evidence of the effectiveness of the program once adaptations have been accounted for in terms of assessed outcomes
- the quantified attributes of the intervention, and
- some indication of maintenance of the changes supported in the account of program effectiveness.

In circumstances of complexity such as those that surround the implementation of programs for the unique client groups supported under FARS, a far better approach to tracking outcomes may therefore come from the rubric of assessment, distinct from measurement. Assessment has the benefit of supporting the integration of qualitative information which may be triangulated across sources to arrive at a perspective on the true efficacy of program delivery in context (Beutler, 2009).

Training to support an assessment approach would include re-crafting the structure of data collection, to include at a minimum:

- input from multiple parties in respect of any particular client outcome; for example, a client rating and a worker rating
- capacity to integrate qualitative information into the reported outcome, to contextualise the actual responses for the situation in question; the qualitative data may be obtained from, at a minimum, client and worker perspectives,³⁵ and

³⁵ Beutler, L. E. (2009) 'Making science matter in clinical practice: Redefining psychotherapy', *Clinical Psychology: Science and Practice*, 16(3), 301-317; Glasgow, R. E., Vogt, T. M., & Boles, S. M. (1999), 'Evaluating the public health impact of health promotion interventions: the RE-AIM framework', *American journal of public health*, 89(9), 1322-1327; Markus, K., & Borsboom, D (2013) *Frontiers of Test Validity Theory: Measurement, Causation, and Meaning*. London: Routledge; Michell, J. (1986) 'Measurement scales and statistics: A clash of paradigms',

- timely, regularised and structured engagement between DSS and practitioners in developing and refining assessment tools.

A shift from measurement to assessment would support richer, more nuanced understanding of our clients' presenting needs and the effectiveness of interventions, enabling the capture, collection and analysis of qualitative, as well as quantitative, data. Our clients themselves are more engaged with the importance of partnering with us, as providers, in capturing qualitative data to assess the effectiveness of interventions in progressing towards delivery of outcomes.

DEX

Transparency and accountability are enhanced by clear and parsimonious structures. At present, our members report that:

- activity work plans are interpreted and administered differently by individual FAMS
- DEX remains administratively burdensome for practitioners and clients (and particularly difficult when providing services online)
- practitioners remain sceptical about DEX capacity to measure psychological outcomes and to collect high quality data, and
- program logics and theories of change do not link evidence and outcomes clearly or comprehensibly.

There is scope to enhance DEX. Our members advocate:

- use of mixed methods
- universal screening at multiple time points, offering coherent and cohesive quantitative *and* qualitative data (both being prerequisites of a reliable understanding), using a validated tool such as DOORS,³⁶ and
- moving away from trying to count people by reference to their disparate needs - we need to identify and respond to holistic needs, which is how our clients experience them. Our clients tell us that they want to be seen and heard as whole people, not reduced to a bundle of fragmented needs and vulnerabilities.

Two recent examples of how the existing approach to data collection has not lived up to the promise of the 'partnership approach' are:

- in the Elder Abuse Service Trial, Relationships Australia was the service provider selected by Government to provide case management and mediation services; however, despite the Service being ostensibly to include a cohort which needs support to access and engage with services, we were not permitted to collect data about (or, within the parameters of the Trial) to support family members who approached us to express concern about older people who might be experiencing abuse or neglect by another

Psychological bulletin, 100(3), 398; Nichols, A. L., & Maner, J. K. (2008) 'The good-subject effect: Investigating participant demand characteristics,' The Journal of general psychology, 135(2), 151-166.

³⁶ See, eg, Wells Y, Lee J, Li X, Tan S E and McIntosh J E, (2018) 'Re-Examination of the Family Law Detection of Overall Risk Screen (FL-DOORS): Establishing Fitness for Purpose', Psychological Assessment <http://dx.doi.org/10.1037/pas0000581> .

family member; even more egregiously, the data collection system did not (despite the name of the service) allow for capture of case management and mediation; and

- in respect of the FaRS programme – DEX/SCORE does not in any way identify or capture unmet need; it counts only services provided, not services needed.

We therefore welcome the acknowledgment and intention, expressed at p 47, that

...the lack of nationally consistent services data, which currently means that while individual services may be able to report increases in demand for support, there is no systematic way of capturing this reporting, verifying it and understanding the drivers of the demand at a national level. The National Plan will seek to address these challenges.

The data gaps identified on p 47 should also include that data gaps identified in the report on prevalence of abuse and neglect of older people (Qu *et al*, 2021).

Pilots

Relationships Australia:

- welcomes the establishment of five year funding arrangements
- encourages governments to require formative evaluations to be provided over the life of pilots (a 'no surprises' principle), and
- suggests that, when commissioning evaluations, governments engage evaluators with demonstrated specialist expertise and understanding of the sector and the communities intended to benefit from the services being piloted.

National research agenda

Given the centrality of domestic and family violence (including abuse and neglect of older people) to both our practice and our research activities, Relationships Australia would welcome the opportunity to participate in the development, by ANROWS, of future national research agendas (p 48 of the Plan).

Targets³⁷

Relationships Australia suggests that, in describing women on pp 51-2 of the Plan, the Plan substitute the terms 'Women who' and 'Victims who', for 'Women that' and 'Victims that'. Using 'that', rather than 'who', to describe people is objectifying and de-humanising.

Outcomes Framework

In light of the fact that domestic and family violence is core business for Family Relationships Centres, Relationships Australia considers that FRCs should be expressly referred to in the section 'Service level outcomes' on p 53. We welcome the effort put in, throughout the Plan, to present information in different formats. In some instances, there may be scope to further clarify the presentation of information. One instance of this is the tabular representation (see

³⁷ See also Towards Zero, pp 6-10.

p 54) of how the Outcomes Framework will interact with the four Pillars, which seems ambiguous. For example, it is unclear why Outcome 1.1 would not interact with the fourth Pillar, Recovery, and why Outcome 4.1 would not interact with the third Pillar, Response. An example of where the visual representation does not perhaps align with its purpose is on p 55, where the visual for reports is a *closed* briefcase. This visual may imply that reports are not actively considered in ongoing policy and program development.

International context

Relationships Australia commends Australia's engagement with multilateral instruments recognising human rights, and within the various international fora dedicated to recognising and improving the realisation of human rights, including those of women and children.

We consider that, in alignment with the Plan's commitment to acknowledge the importance of intersectionality, this section of the Plan would be strengthened by noting that progress towards international recognition of older persons has, for many years, stagnated.

Relationships Australia urges the Commonwealth Government to advocate for an international convention on the rights of older people, to support legislation and programmes that are human rights-centred and that move away from arrangements which segregate and 'other' older people, and those who work with them. Treaties for the rights of older people have been advocated for several years. Australian Governments of all political persuasions have previously declined to do support such a convention over many years, apparently on the basis that existing international treaties are sufficient, and that gaps are implementation, not normative, gaps. However, it is plain that existing protections are nowhere near being adequate to prevent violence, abuse and neglect of older people; in this regard, we note:

- the findings of the Royal Commission into Aged Care Quality and Safety, and
- the recent study of prevalence of abuse and neglect of older people dwelling in the community - including both the surveys of older people about experiencing neglect and abuse and of the general community about attitudes to older people), show that existing protections are nowhere near being enough.

Accordingly, Relationships Australia welcomed Australia's co-sponsorship of the recent United Nations Human Rights Council resolution on the human rights of older persons. Hopefully, this marks a new stage in Australia's commitment to prioritising the rights of older people.

As previously noted, the draft Plan's references to intersectionality accord only patchy acknowledgement of the unique and specific challenges faced by older women in relation to violence. That older women do face such challenges is starkly evident in the Final Report of the Royal Commission and in Qu *et al* (2021).

We would therefore suggest that, in the short term, the Plan be reviewed to ensure that it is infused with the recognition of the rights of older women, and the 'unique and specific challenges' they face in relation to gendered violence.

In the longer term, to give effect to the Plan's commitment to 'Towards Zero' for older women, Australia would be well-served by our Government's leadership in bringing into being an

international convention for the rights of older people. Such a convention would support cultural transformation to:

- make and hold space in public life for the voices, images and actions of older people – as a matter of right, not as a gesture of charity or tokenism
- understanding that ‘ageing issues’ are not a niche issue, but of universal importance
- strengths-based frameworks for service responses and interventions that centre lived experience
- expose and rebutted ageism, and
- foster and embed an explicit culture of respect for the dignity and innate value of all members of our community – including older people.

General comments

First, Relationships Australia has consistently advocated for better integrated, holistic service provision, in which the burdens of **fragmentation and navigation** are lifted from the shoulders of people in distress. We therefore welcome the commitment, stated in the Plan, to move towards increased integration. We note, however, that forming and maintaining constructive relationships between agencies, organisations and institutions comes with a tangible impost on resources (including, for example, through more extensive reporting and compliance obligations). Typically, this impost is not reflected in funding envelopes. If the Plan is to be successful in providing women and children with seamless access to multi-disciplinary services, then funding envelopes must accommodate these imposts.

Second, the Plan quite rightly acknowledges the role of technology both in creating or exacerbating risks to the safety of women and children, as well as its potential to identify and respond to violence. In this regard, Relationships Australia reiterates its advocacy that governments be proactive in addressing ongoing **digital exclusion**; particularly among cohorts where there remains significant gaps in digital literacy and digital inclusion, such as Aboriginal and Torres Strait Islander people, older people, and people living in areas (not always remote areas!) without access to safe, fast, private and reliable internet services.

Third, we welcome the acknowledgements in the draft Plan that experience and perpetration of gendered violence does not exist in a vacuum. Rather, as made explicit in the drivers and reinforcing factors identified at p 12, gendered violence emerges and persists in broader contexts. To achieve the ambition inherent in ‘Towards Zero’, it will be necessary for all elements of society to address the social, economic, cultural and political factors from which violence derives. In particular, governments have far more, and more powerful, levers at their disposal to address the systemic issues underpinning current and severe inequities in **social and cultural determinants of health**.

Finally, the Plan would be strengthened by explicit reference to the effect that the pandemic has had on exacerbating the drivers and reinforcing factors of gendered violence. This effect is likely to be felt for many years after the 2022-2032 Plan ends. To guide necessary refinements of the draft Plan, we commend to the attention of governments the Issues Paper, *Service*

Demand: Family and relationship services, published by Family and Relationship Services Australia in December 2021.³⁸

Conclusion

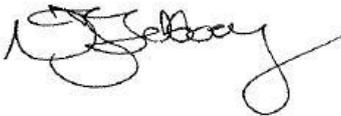
At p 15, the draft Plan acknowledges that:

Family, domestic and sexual violence also causes a huge economic impact with KPMG estimating this scourge costs Australia around \$26 billion each year, with victims and survivors bearing approximately 50 per cent of that cost. [endnote omitted]

This Plan, like its predecessor, will be critically important as a guide for policy and programmes devoted to successfully achieving 'Towards Zero'. Relationships Australia calls for investment in its four Pillars that is commensurate with the recurrent cost to our nation.

Thank you for the opportunity to comment on the draft National Plan. If you would like to discuss further any aspect of our response, please do not hesitate to contact me at ntebbey@relationships.org.au, or our National Policy Manager, Dr Susan F Cochrane, at scochrane@relationships.org.au. We can also be contacted by telephone at 02 6162 9300.

Kind regards



Nick Tebbey
National Executive Officer

³⁸ Accessible at <https://frsa.org.au/frsa-research/>