



ASU Submission

Family, domestic and sexual violence

House Standing Committee on Social Policy and Legal Affairs

Submitter:	Linda White, Assistant National Secretary
Organisation:	Australian Services Union
Address:	116 Queensberry Street Carlton South, Victoria, 3053
Phone:	03 9342 1400
Fax:	03 9342 1499
Email:	██████████
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1. The ASU

The Australian Services Union (ASU) is one of Australia's largest unions, representing approximately 135,000 members.

The ASU was created in 1993. It brought together three large unions – the Federated Clerks Union, the Municipal Officers Association and the Municipal Employees Union, as well as a number of smaller organisations representing social welfare workers, information technology workers and transport employees.

Currently ASU members work in a wide variety of industries and occupations because the Union's rules traditionally and primarily cover workers in the following industries and occupations:

- Disability support
- Social and community services
- Local government
- State government
- Transport, including passenger air and rail transport, road, rail and air freight transport
- Clerical and administrative employees in commerce and industry generally
- Call centres
- Electricity generation, transmission and distribution
- Water industry
- Higher education (Queensland and South Australia)

The ASU has members in every State and Territory of Australia, as well as in most regional centres. Around 50% of ASU members are women, the exact percentage varies between industries, e.g. in social and community services around 70% of our members are women.

2. Our submission

The ASU is pleased to provide this submission to the House Standing Committee on Social Policy and Legal Affairs.

The Australian Services Union (ASU) represents workers throughout the not-for-profit and the social and community services sector. The Union has members throughout Australia. Our members work in local community services, national, regional and state-wide organisations, community partnerships and hubs, all of the major charitable organisations and trusts, all of the social and community sector peak organisations, and all of the major faith-based organisations. The ASU is therefore in a unique position, representing professional workers in almost every non-government organisation in Australia dealing with individuals and their families who are living with domestic and family violence and its impacts.

Our members know about domestic and family violence. They know that domestic violence destroys individuals, families and communities. It shames us all.

As part of the Australian union movement, the Australian Services Union (ASU) is committed to ensuring that family and domestic violence is recognised as a serious workplace issue. The introduction of paid domestic violence leave into enterprise agreements was achieved by the Australian Services Union (ASU) in 2010 by our Victorian Tasmanian branch. Since that time the ASU has advocated for domestic violence to be recognised as a workplace issue and for paid domestic violence leave clauses to be included in enterprise agreements, awards and through legislation in the National Employment Standards. We continue to work in partnership with workplaces to ensure that they have the tools to act responsibly and provide adequate supports to those who live with domestic violence.

3. The extent of domestic violence in Australia

When defining domestic, family or sexual violence the ABS distinguishes between 'prevalence' and 'incidence'. 'Prevalence' estimates the number of people who have experienced domestic, family or sexual violence in the relevant population within a specified time period, while 'incidence' measures the number of reported incidents of domestic, family or sexual violence that have occurred within a specified time period¹.

As most incidents of domestic, family and sexual violence go unreported it is not possible to measure the true extent of the problem. However, prevalence estimates show that domestic, family and sexual violence in Australia is widespread and that the majority of those who experience these forms of violence are women².

Other available statistics show that a woman is more likely to be assaulted in her home by a male partner than anywhere else or by another party³. The majority of female homicide victims are killed by an offender with whom they share a domestic arrangement and women are over-represented in intimate partner homicides⁴. Most women also do not report their experiences of violence to police and they are even less likely to report violent incidents to police when the perpetrator is a current partner⁵.

One in six women, since the age of 15, has been subjected to physical violence and/or sexual violence by a current or previous cohabiting partner⁶. Violence against women and their children takes a profound and long-term toll on women and children's health and wellbeing, on families and communities, and on society as a whole.

Intimate partner violence is the greatest health risk factor for women aged 25-44⁷. Domestic or family violence against women is the single largest driver of homelessness for women, a common factor in child protection notifications, and results in a police call-out on average once every two minutes across the country⁸.

The combined health, administration and social welfare costs of violence against women have been estimated to be \$21.7 billion a year, with projections suggesting that if no further action is taken to prevent violence against women, costs will accumulate to \$323.4 billion over a thirty year period from 2014-15 to 2044-45⁹.

Children and young people are also affected by violence against women. Exposure to violence against their mothers or other caregivers causes profound harm to children, with potential impacts on attitudes to relationships and violence, as well as behavioural, cognitive and emotional functioning, social development, and – through a process of 'negative chain effects' – education and later employment prospects¹⁰.

¹ ABS Defining the data challenge for family, domestic and sexual violence cat.no. 4529.0

² ANROWS, Key statistics on violence against women ANROWS Fast Facts

³ Ibid and R Alexander, Women and Domestic Violence in P Easteal, ed Women and the law in Australia Butterworths, Chatswood NSW 2010

⁴ A Chan and J Payne Homicide in Australia 2008 – 09 to 2009 – 10 National Homicide Monitoring Program Annual Report Australian Institute of Criminology Canberra 2013

⁵ ABS Personal Safety Survey Australia 2012 and J Mouzos and T Makkai Women's Experiences of male Violence: findings of the Australian component of the international violence against women survey Research and Policy Series 56 Canberra 2004

⁶ AIHW 2018 Family, domestic and sexual violence in Australia 2018 Cat No FDV 2 Canberra AIHW

⁷ AIHW 2018 Family, domestic and sexual violence in Australia 2018 Cat No FDV 2 Canberra AIHW

⁸ ABC News 16 Jul 2018, 10:54am

⁹ Price Waterhouse Coopers Australia (PWC) 2015 A high price to pay: The economic case for preventing violence against women

¹⁰ Frederick J and Goddard C (2007) Exploring the relationship between poverty, childhood adversity and child abuse from the perspective of adulthood, Child Abuse Review

4. Economic impact

At a national level, the costs of domestic violence are substantial. In 2015, a report by Our Watch provided evidence that violence against women and their children is costing Australia \$21.7 billion each year¹¹.

In the same year, Deloitte Access Economics¹² reported that domestic violence is very much a workplace issue, with the costs to business including:

- Reduced productivity of the survivor due to reduced workforce participation and/or 'presenteeism'.
- Absenteeism of the survivor, perpetrator and family members.
- Cost of replacing lost output through overtime by other workers.
- Reduced productivity of survivors' and perpetrators' co-workers, friends and family.
- Loss of unpaid household and voluntary work by the survivor, perpetrator, and family and friends.
- Higher workplace disputation.
- Less likely to be promoted or participate in training.
- Workplace health and safety issues if the perpetrator attends the workplace.

Regardless of their prior economic circumstances, many women experience financial risk or poverty as a result of domestic violence. These difficulties hamper their recovery and capacity to regain control over their lives.

Domestic violence directly affects women's financial security in key areas of life: debts, bills and banking, accommodation, legal issues, health, transport, migration, employment, social security and child support¹³.

Gaining and maintaining paid work is pivotal in creating a secure financial future for both those who have experienced domestic violence and their families. However, participation in employment can be seriously undermined by ongoing abuse and its subsequent effects.

Australian researchers found that some women had not been allowed to work while in a violent relationship and found it difficult to enter or re-enter the workforce post separation¹⁴. Women affected by domestic violence are also more likely to have a disrupted work history and to work casually or part-time than women with no experience of violence. In short, women escaping and experiencing domestic violence are often the most disadvantaged and vulnerable in the labour market¹⁵.

5. Paid domestic violence leave

The Australian Services Union has campaigned for almost four decades as part of the Australian union movement to win universal entitlement to paid domestic violence leave. Whilst we welcome the Government's 2018 decision to legislate for universal entitlement to 5 days unpaid domestic violence leave, on the basis of strong local and international research, we continue to call for a legislated universal entitlement to ten days of paid domestic and family violence leave.

The evidence is very clear that paid domestic violence leave provides survivors with an opportunity to undertake legal and medical appointments, relocation of home, school, childcare and other essential measures to address their situation without the risk of losing their job or income at a time when access to reliable income has been proven to be one of the most significant determinants in the decision to leave a violent relationship and remain away.

While it is difficult to quantify the extent to which the incidence of family and domestic violence is reduced by the universal availability of paid domestic violence leave, it is impossible to deny that

¹¹ Deloitte Access Economics July 2015, Change for a better future, addressing domestic and family violence together: The role of business

¹² Ibid.

¹³ J Phillips and P Vandenbroek, Domestic, family and sexual violence in Australia: an overview of the issues(2014)

¹⁴ www.aph.gov.au/Parliamentary_Business/Committees/...Administration/.../c09

¹⁵ Ibid.

access to paid leave to support escaping domestic violence significantly assists to reduce that incidence¹⁶.

By sending a high profile and authoritative message in workplaces that domestic violence is an important problem, one which all segments of society, including employers are prepared to take action against, supports the broader change in attitudes and expectations that are essential for reducing domestic violence – and ending it¹⁷.

Beyond the immediate assistance provided to survivors legislating for paid domestic violence leave would serve an invaluable educative function. In our view, introducing a paid domestic violence leave as a protected entitlement is likely to:

- Enable domestic and family violence to be identified and acknowledged as a legal wrong in need of redress and prevention;
- Raise community and business awareness about the impact of domestic or family violence;
- Increase recognition of the individual and systemic implications of this issue in education, housing, employment and other areas;
- Facilitate the introduction of measures to assist survivors in the workplace. For example, where a worker discloses experiences of domestic or family violence and is dismissed as an 'unreliable' employee;
- Increase recognition of the issues around domestic violence encouraging adoption of policies and procedures to support victims and survivors of domestic violence in a range of community, workplace and other settings;
- Assist changes to workplace culture and other environments so they become more supportive of victims and survivors;
- Encourage an environment in which survivors can feel free to disclose their violent situations and the impacts with a view to seeking support and assistance to leave the abusive relationship.

Legislation for paid domestic violence leave would also complement other strategies. For example: The National Plan to Reduce Violence against Women and Their Children, which recognises that all governments and the wider community must be involved to reduce (in the short term) and prevent (in the long term) violence against women in Australia.

It is our submission that access to domestic violence leave must be legislated as a universal entitlement for all workers in the National Employment Standards; that it should be a minimum of ten days and that it should be paid leave. We hold this to be singularly the most immediate and important action that can be taken by a Federal Government that is genuine in its commitment to assist people, particularly those with their children, to leave violence.

6. The impact of domestic violence during COVID-19

Reports of increasing rates of domestic violence are beginning to surface around the world. Social distancing and self-isolation measures have meant that victims of domestic family violence are at greater risk. These measures have also increased the challenges that victims face in seeking support.

¹⁶ J Stanford Economic aspects of paid domestic violence leave provisions The Australia Institute Centre for Future Work (December 2016)

¹⁷ ¹⁷ J Stanford Economic aspects of paid domestic violence leave provisions The Australia Institute Centre for Future Work (December 2016)

Unfortunately Australia has not been immune to this increase with the current COVID-19 pandemic seeing an increase in more women coming forward for the first time to report family violence¹⁸. In Victoria alone a survey of 166 family violence victim support practitioners reported:

- “Almost 60 per cent of practitioners said the COVID-19 pandemic had increased the frequency of violence against women.
- Half of respondents said the severity of violence had increased.
- The number of first-time family violence reports had gone up for 42 per cent of practitioners surveyed.
- Practitioners themselves were struggling working from home, which was "wreaking havoc" on their boundaries and mental health¹⁹”.

Recently Women’s Safety NSW published two reports detailing the impacts of the COVID-19 pandemic on women and children experiencing domestic and family violence. A survey of frontline workers and service providers across NSW identified “a number of key service gaps preventing frontline workers and service providers from providing the best possible support to women and children experiencing violence during COVID-19, including:

- 59.5% identified inconsistent police responses
- 54.8% identified poor access to ongoing accommodation
- 50.0% identified poor access to support/ case management to support them in their complex needs
- 47.6% identified poor access to income and material needs
- 42.9% identified poor access to temporary accommodation
- 33.3% identified poor access to culturally specific community supports (for particular women, e.g. Aboriginal, CALD, women with disabilities, older women, younger women and LGBTIQ+)
- 33.3% identified inconsistent court outcomes
- 28.7% identified poor access to safe at home support (e.g. Staying Home Leaving Violence)
- 19.1% identified poor access to free legal services to assist them with child recovery where there are safety concerns
- 11.9% identified poor access to information in appropriate languages (for immigrant and refugee women)²⁰

Furthermore Aboriginal and Torres Strait Islander women are up to five times more likely to experience domestic and family violence than non-Indigenous women. That problem has been exacerbated by COVID-19²¹.

The Men’s Referral Service, a national telephone counselling service operated by No To Violence, has seen an alarming increase in calls from perpetrators of family violence. This included a 94% increase in phone traffic and an average 20% increase in time spent with callers²². Despite this dramatic increase the latest federal government funding announcement package does not specify additional funding for the Men’s Referral Service²³.

These reports and surveys support what our members have told us in relation to COVID-19 including:

- Family violence workers are increasingly worried about women who are locked down at home with the perpetrator and are having difficulty reporting family violence. It is very difficult to reach out when you are in the home with the perpetrator day in, day out.
- An increase in stress points, such as financial stresses, unemployment and mental health issues are all stressors that increase the risk of violence.
- For those that are able to report family violence and are trying to flee home, refuges are more difficult to access as there are now stricter conditions due to the pandemic.

¹⁸ The Age, New reports of family violence spike in COVID-19 lockdown, study finds, 8 June 2020

¹⁹ The Age, New reports of family violence spike in COVID-19 lockdown, study finds, 8 June 2020

²⁰ The Power to Persuade, COVID-19 impacts on domestic and family violence are coming into focus, 23 June 2020

²¹ SBS Online, COVID-19 lockdown puts Indigenous women at greater risk of domestic violence, new report says, 26 June 2020

²² The Conversation, How do we keep family violence perpetrators in view during COVID-19 lockdown?

²³ Ibid.

- The intensification of work has increased significantly for our members, with everything taking at least 2-3 times longer than usual as paperwork often requires physical signatures, witnesses etc. and court houses have been closed for months. The complexity of client needs is increasing.

Despite lockdowns now easing, the issues detailed above still persist. Federal and State governments have announced additional funding for domestic violence support in response to the pandemic and it is important that governments work with frontline workers and service providers to ensure support services are fully funded, safe and accessible, so women and children can have the safe home and the safe life they deserve.

7. Surviving and leaving violence takes time and costs money

Domestic violence does not discriminate according to postcode, culture or language group, religion, educational standard or workplace. Women living with violence need to work for many reasons:

Women who are working are more able to cope. Often being able to go to work allows them the only time in the day when they know that they are safe. It also allows them to talk with other people – to be told that they don't have to continue to live with violence and to find help to escape.

Many women resign or are terminated from their jobs because they need to take time off work to deal with injuries to themselves and their children, or to attend appointments with counsellors, police, real estate agents etc., or because the perpetrator of violence will not allow them to leave the house. If a woman living with violence leaves her job it is much harder for her to find help or to leave that violence.

Equally, where women are forced to choose between the financial security of their paid employment and undertaking the activities associated with making safe arrangements for themselves and their children (such as attending ADVO and court related matters) they are often unable to attend these vital lifesaving appointments.

Like everything in life, it is much easier to survive and to escape violence if you have time and money.

For working people who are living with violence, paid domestic violence leave is important:

- While they are living with violence – before they leave.
- At the time they make the decision to leave – in fact it can be the reason that a person does make the decision to leave.
- After a person leaves a violent relationship.

a. When a person is living with violence

Many people who are living with violence have children who may also be experiencing violence.

- This will mean that in most cases a woman who is living with violence will have expired all of her available leave entitlements (annual leave, sick leave etc.) because over time she will have needed to take this time off work to deal with her own injuries or those of her children, or because the perpetrator of violence would not allow her to leave the house to go to work, or because she has needed to attend appointments with her children at school, counsellors, doctors etc. She may also have needed to take time off work so that her children are not left alone or left alone with the perpetrator of violence – to protect her children.
- Children may be affected not only by physical assault, but also by witnessing (usually) their mother and siblings assaulted.
- The mother and children may need medical attention or even hospitalisation. They may also need to see counsellors if they are experiencing vicarious trauma from witnessing family violence.

- Appointments for women and/or children with specialist counsellors, doctors or even hospital can mean that the woman who is working will need to take time off work to attend those appointments – both for themselves and also for their children.
- It is usually impossible for women and children who are living with violence to get ‘permission’ from the perpetrator to attend these appointments, or to be given money to pay for these services, so the woman needs her own income to enable her to seek professional help for herself and her damaged/injured children.
- If a woman takes time off work and does not deliver her expected income to her violent and controlling partner, this often exacerbates the violence and also alerts the perpetrator to the fact that their victims are seeking assistance – again a common factor in initiating and escalating violence.
- Many people who live with violence do not only experience physical violence, but also control over their finances. The perpetrator of violence will often want their victim to work so that they bring in an income, but will then control that income, so that their victim is unable to have any freedom or independence and is unable to escape their control. This list is indicative rather than exhaustive but makes clear that it is very difficult for a person to arrange to leave a violent relationship without a secure job and paid leave.

b. When a person is preparing to leave violence

Paid DV leave allows a person to continue to have an income – so not attracting attention from their violent perpetrator – while they take time off work to seek counselling or attend appointments with police etc. in order to plan an escape. In many cases it may take many appointments or meetings with police, housing department, CentreLink, refuge staff, counsellors etc. to finally achieve an escape from violence. It is essential for both the woman and her children that the family is kept together, and that ‘normal’ life is resumed as soon as possible. Before a person is able to leave a violent relationship, they will need to organise:

- A safe place to live. This is extremely time consuming as rental markets can be saturated.
- A safe place for children to attend school.
- A safe place for their children to attend childcare.
- Legal advice.
- Transport so that they can continue to go to work. This may mean buying or hiring a car, or paying fares on public transport so that children can attend school and the mother can attend work and other appointments (lawyers, police, counsellors etc.)
- Transport so that they can leave the violent household (this may involve organising and paying for a removal truck and removalists to assist).
- Paying bond on a new rental property.
- Paying bond on utilities – gas, electricity, telephone at the new home.
- Buying new school uniforms, books, etc. for school aged children Paying in advance for child care placements.
- If it has not been possible for the person to leave with their belongings, they will need to purchase essentials for themselves and their children – new clothing, new beds, new kitchen utensils, food, laundry equipment, cooking equipment, toys for young children, bed linen, towels, school books etc., if children are older they may need a laptop, sporting equipment etc. or other equipment for school.
- If a person has pets, then it is important that the pets are kept with the family, particularly if there are children – so this also means purchasing pet food etc.
- In addition to the cost of these goods that must be moved or replaced, it is also extremely time consuming.

All of these arrangements are more difficult in a regional or remote location. There are always fewer services and they are always further away, so women planning or trying to leave violence need more time to attend appointments with counsellors, police, lawyers etc.

- Women in regional and remote areas also need to move further to escape violence as in small or isolated communities it is essential to be physically as far as possible from the community where the perpetrator and his network are able to find her.
- This is also a major issue for women and children who experience violence in ATSIC and CALD communities and in closed faith-based communities. Women and children who are escaping violent relationships in these communities may have language difficulties that make

it extremely difficult and time consuming to find appropriate support and advice. They may need to travel very long distances to access services and to escape identification and stalking behaviour etc.

- For these women and their children, it is essential that they have time to seek and access appropriate services and sufficient funds to pay for travel to appointments or safety outside the community or the region.

c. At the time of escape

It is recognised by all professionals in the sector and by the available research that the most dangerous time for a woman and her children living with violence is when they try to escape. Many women have been living in domestic violence for some time, trying to keep themselves and their children safe while they try to consider their options. The nature of domestic violence means there can be a serious incident which happens suddenly without warning.

- Police may attend and make an application for an ADVO with an 'exclusion' condition which prevents the defendant from returning to the home. As a result, women find themselves suddenly responsible for having to pay the whole amount of the rent, utilities, food etc. without having had the opportunity to prepare for such an event.
- They and their children may have injuries and are directed by police to attend the Forensic Medical Unit to have their injuries documented for evidence, which takes hours. They are then required to attend court, sometimes on multiple occasions, taking further leave from work which is often unpaid.
- Even if women ask police to remove the 'exclusion' condition, police will generally not do so. Women without access to paid leave will be at risk of accruing rental arrears pretty quickly as they wait for Centrelink applications, Start Safely applications etc. to be processed.

Paid DV leave allows women the opportunity to plan to leave, to take action to leave and supports them after they choose to leave. It also allows women who had yet to make a decision and who find themselves facing a new living arrangement some financial security as they navigate service systems.

d. After a person has left violence

- Unpack into the new home and assist children to settle in to new routines and new services – children will often be traumatised and afraid to attend a new school, child care placement etc. and may want their mother to attend with them.
- Children are often traumatised and unable to settle into new schools. They often have problems at school that require their mother to attend the school to deal with behavioural problems, ill health, emotional problems, learning issues etc. Women are also required to attend schools, childcare and clubs to discuss safe arrangements for children including authorised persons for collection of children and plans for the school's ability to monitor and identify warning signs in children regarding trauma and other child protection related matters.
- If police are involved, it will be necessary for the woman to attend multiple appointments with police to provide witness statements, evidence of assaults, medical records etc. These statements and records require hours of work and must be done at a time when the attending police officer and doctors are on duty and available.
- Usually there will be a need to attend court for AVO's and often also the Family Court for access and property related issues. These court attendances also involve appointments with lawyers, police, court appointed counsellors etc. and court dates will always be protracted.
- In many instances, perpetrators fail to attend court, or seek multiple adjournments so that women must arrange time off work, child care etc. so that they can attend court only to find that it has been cancelled, postponed again.
- These issues related to court do not end quickly. Most women who have survived and left a violent relationship report that court hearings often continue for more than 3 years.
- There is also significant evidence of perpetrators using 'revenge AVOs' against survivors which a woman is often forced to attend to defend.

Again, this list is indicative rather than exhaustive but makes clear that it is very difficult for a person to leave and remain away from a violent relationship without a secure job and paid leave. While the immediate crisis of leaving violence may be over, the ongoing pain continues for most women and

their children. The implications of having lived with and survived a violent relationship extend for many years, particularly when there are children. Appointments with counsellors etc. often continue for many years. They are time consuming and can be costly. A woman who is working will not be able to access 'free' community services in many instances and so will need to locate and pay for the supports that she and her children need. This will often require taking time off work and is prohibitive if the woman is not working.

e. Financial and other costs of leaving violence

There are many financial costs to leaving violence. Costs will depend upon how quickly a person leaves, how many children and their age, how far a person must go to escape, what resources are available in the current and new location, what personal supports the person has etcetera. Of course, if the person has employment and a supportive employer, then a person is more likely to consider leaving violence and is more likely to successfully leave and establish a new and safe home.

i. Moving house

- Truck hire: \$170 (week day) \$260 + fuel and tolls for day hire of a moving van on a weekend.
- Truck + driver (no labour): Around \$60 per hour plus fuel and tolls to hire a truck with a driver.
- Removalist: Around \$70 per half an hour plus fuel – removal only, no packing included (depending upon the distance to be moved and how much to be moved).
- Removalist Interstate or regional move: approximately \$3,500+
- Plus take a day off for on site assessment and quote by removalist.
- Gas & Electricity: \$50 - \$180 depending upon provider and area.
- Phone line: \$90 - \$299 depending upon provider and whether or not there are existing connections.
- Solicitor: Around \$2,500 to sell + buy a new home.
- Plus take at least one day off to meet with loan provider and at least one day off to meet with solicitor
- Rental properties: Usually require 4 weeks rent in advance as bond, plus first two weeks rent up front.
- Depending upon what suburb, and whether you rent an apartment or house, the national median rent in Australia is \$450 per week²⁴. It could cost more if you tell the agent that you have pets and/or children. It will certainly be much more difficult if you admit to never having rented previously, not having an independent income, or previous violence or property damage at a rental property or leaving a property at short notice – all very likely where there is domestic violence.
- It will take many appointments to inspect and be approved for a rental property. It is not unusual for up to 30 property inspections. These must be at the agent's convenience, so often require taking time off work.

ii. Legal fees

- Solicitor for family law, AVO, property settlement, access/custody arrangements: Depending upon complexity of issues, around \$300 per hour consultation fees.
- Around \$5,000 for court appearances. This does not include barristers' fees or other disbursements that may apply.
- It may take years for property settlements, child access/custody disputes and may take months for AVO's and other criminal proceedings. This will mean taking days off to appear in court, meet with lawyers, police, court counsellors and other counsellors.

iii. Child care and schools

- Child care and pre-school: all outstanding fees must be updated and cancellation fee of 2 – 4 weeks or forfeit bond: Depending upon age of children, number of children, centre and area, around \$1200 per child.
- Bond on new childcare centre: Depending upon which centre and which location, a city child care centre average cost is \$600 per week per child with 2 – 4 weeks in advance to be paid.

²⁴ Rent.com.au, Rent.com.au rental market snapshot: December 2019

Most child care centres charge a premium for babies and pre-toddlers. Child care rebate usually reimbursed one month in arrears, so an initial outlay of at least \$1,200 plus similar amount to current centre.

- It will take at least one day off work to meet with current child care centre to arrange cancellation, payment of fees etc. It may take several days and many phone calls to find and make arrangements with a new child care centre.
- For older children it will be necessary to take at least a day off to transfer from one to another school.
- Even public schools have school fees averaging \$500 - \$1,500 each, depending upon the age of the child and what subjects are chosen.
- School uniforms: Depending upon the age of the child and what sports and other subjects are chosen (e.g. cooking, manual arts, fine arts, music etc.) uniform costs will vary.
- Average public school fees: \$500 - \$700 per child.
- School fees for private schools are considerably higher, and where it is safe for a child to remain in their current school moving the child could cause greater upheaval for the child.
- School books and equipment, including laptops for older children: depending upon the age of the child and the subjects chosen and other school requirements this could be around \$1,000 per child.
- School bus: When a child transfers to a new school there will be a period when school bus passes need to be transferred or are unavailable. School bus costs to the local public or Parish school could cost around \$20 per week per child.

iv. Counselling

Depending upon the specialty and the complexity, counselling for children and adults can be very expensive and will take many months in most instances.

1. Psychologist: initial consultation \$250+
2. Counsellor: Around \$240+ initial consultation.
3. Psychiatrist: Around \$500+ for first consultation then per hour (many do not bulk bill).
4. GP: \$80 - \$160 for a short or long consultation with a GP Each counselling session will require time off work – both for the counselling session itself (usually one hour), plus time to pick up children from school/childcare and return them, plus time to deal with behaviour difficulties that often arise associated with family violence and accompanying counselling and moving house, school, child care etc.

v. Essential goods in a new home

- Kitchen utensils
- Food
- Medicines
- Beds
- Bed linen
- Bathroom equipment, including towels etc.
- Toiletries for the woman and her children
- Laundry equipment
- Clothing for the woman and her children

Depending upon the number and age of children and the location of the new home, even buying these from op shops or other second-hand providers will be expensive. A very minimum set up cost of \$5,000 for a new home with children is expected. Regional areas without access to op shops and second-hand providers could be more expensive.

The expense of setting up a new home will also vary according to whether the woman has been able to take any belongings with her when she leaves. Her belongings are likely to have been damaged, destroyed or taken from her before she leaves. She is likely to not be able to return to her home to collect belongings and perpetrators rarely provide access to women who have left them. There will be many other expenses according to the individual circumstances of the woman and family concerned. How far the woman needs to move and how quickly she needs to do so will impact on the cost and

the amount of time involved. This list is indicative rather than exhaustive but makes clear that it is very difficult for a person to leave a violent relationship and live safely without a secure job and paid leave.

Within the population of women who have experienced violence, or are currently experiencing violence, the Australian Bureau of Statistics estimates that between 55% and 70% are currently in the workforce – that is, more than 800,000 women, or around one in six female workers. This means that a significant number of Australian workplaces will be impacted by women's experiences of domestic and family violence²⁵.

8. Workforce

Family violence is often the catalyst for requests for support from the community sector, including mental health, housing and homelessness, out of home care, foster care, community legal centres and beyond. The increasing prevalence and reporting of family violence and resultant family breakdown means increasing pressure on community services beyond frontline family violence services supporting survivors and their families.

Effects of this on the broader community sector workforce are similar to those outlined above, and include:

- Increase in workload causing health and safety risks such as stress, worker burnout and increased absenteeism.
- As in family violence services experienced employees are feeling burnt-out but powerless to fix the systemic sector issues, while new employees commencing work in the sector are then leaving after relatively short periods of time to get better paid jobs elsewhere. This leads to significant brain drain in the community sector at large;
- Award reliance and continued undervaluing of employees (low pay, conditions, difficulty addressing issues such as vicarious trauma, and opportunities for workplace/self-advocacy) are major contributing factors in burnout, stress and turnover.
- Difficulties in recruiting highly qualified staff who can get better paying jobs elsewhere, leaving inexperienced graduates and lesser qualified staff to fill vacancies.

There is also mounting evidence that the needs of service users are becoming increasingly complex as clients present with disadvantages that require a multifaceted response. This in turn has led to a new emphasis on 'professionalism' by both government and sector employers who now generally require employees to have higher qualifications. This has not, however, been matched by support for improving qualifications, career paths or on-going professional development opportunities for staff.

In terms of the current COVID pandemic frontline family violence workers are undertaking vital tasks that place them at risk for the good of our communities. At a time when most of us are practicing social distancing to end COVID-19, community service sector workers are going to work, working with clients, and supporting many who are experiencing very difficult circumstances.

The pandemic has brought with it a range of unintended consequences that place significant pressure upon communities and community services workers. This sector has already spent the past 12 months supporting the Australian community through floods, through a horrific bushfire season and now through a pandemic. This sector needs appropriate resources to demonstrate they are valued and to recognise the impact COVID-19 has had at their workplace.

Restore funding for the Equal Remuneration Order

In 2012 ASU members won pay rises of between 23% and 45% after a long-fought campaign to address low wages in the community sector. The Fair Work Commission ordered that the Equal Pay increases on Award wages were to be phased in over eight years – with the final instalment due in December 2020.

²⁵ ABS Personal Safety Australia 2005 (Reissue) Cat. No. 4906.0 35

In January 2020 we wrote to the Federal Government to express our concern that funding agreements are being given to service providers that do not include funding for the ERO component of social and community services sector workers' salaries beyond December 2020.

We received a response from the Department of Social Services confirming the government plans to cut equal pay funding from commonwealth funded programs after December this year. When these cuts come in, employers in the sector will still be required to pay rate the full award rate, including the ERO component. We are concerned this will lead to a massive shortfall that will see workers sacked and clients left without the support they need.

With the extra demands currently placed on community services due to our recent bushfire season and now COVID-19 it is vital to ensure domestic violence workers are paid fairly in this sector. The people who work in this sector are specialist, highly skilled professionals and without proper pay, services will close and skilled professionals will leave the sector

Now is not the time to risk losing these workers due to funding arrangements especially as community services are already struggling to keep up with the current demands placed on them and we are concerned people will not receive the help and assistance they so desperately need. The community sector needs more support, not less.

We therefore ask the Federal Government to commit to restore funding for the Equal Remuneration Order implementation.

COVID-19 Care Allowance

Recently the ASU along with the Health Services Union (HSU) and United Workers Union (UWU) filed for a COVID-19 Care Allowance to be inserted to the *Social, Community, Home Care and Disability Services Industry Award 2010* in an application to the Fair Work Commission.

The COVID-19 Care Allowance aims to reward community support workers for their essential work and increased responsibilities associated with supporting a person who may have contracted the virus, including performing enhanced hygiene procedures and using personal protective equipment (PPE).

The unions are hopeful that the Commonwealth Government as the principal funder of the National Disability Insurance Scheme will agree to support this important initiative.

Paid Pandemic Leave

Furthermore the ASU along with other unions filed for Paid Pandemic Leave and Special Leave where an employee contracts COVID-19 to be inserted to the *Social, Community, Home Care and Disability Services Industry Award 2010* in an application to the Fair Work Commission. We see this as a crucial part of the Government's COVID-19 response.

Paid Pandemic Leave would ensure a worker receives two weeks paid leave each time they are required by the government, their employer or a doctor to self-isolate for the mandatory 14-day period due to exposure to COVID-19. Special leave where an employee contracts COVID-19 would allow for a worker to be absent from work without loss of pay, until the worker has medical clearance to return to work.

Paid Pandemic leave is already available to many public sector employees who can access up to 20 days of paid leave, it is only fair that the same benefits are available to family violence community sector workers as it is important that any worker exposed to COVID-19 self-isolate to minimise the risk of infection in already vulnerable groups. Paid Pandemic Leave would achieve this.

In early July a FWC Full Bench adjourned the union application to introduce a paid pandemic leave entitlement for award-covered health and community workers required to self-isolate during the coronavirus crisis. The Full Bench were satisfied based on the evidence, that workers in the health and social care sectors are at a higher risk of infection by COVID-19 (and other infectious diseases) than workers in the rest of the economy however due to Australia's degree of success in controlling

the COVID-19 pandemic that the elevated potential risk to health and care workers of actual or suspected exposure to infection has not manifested itself in actuality²⁶. The Full Bench indicated should the number of COVID-19 cases increase in these sectors the matter may be relisted on request at short notice²⁷.

The ASU along with the ACTU is calling on the Federal Government to urgently provide paid pandemic leave at the full rate of pay for everyone who needs testing or must quarantine – no matter how many times this may happen.

Specialised training

Now more than ever specialised training is vital to family violence community sector workers. Our members have responded the best that they can to the pandemic however the way in which they work has changed dramatically over the past few months. Many are now working from home via video conferencing or telephone and are developing a whole new skill set very rapidly, yet they are not receiving specialised training to support this new way of working.

Previously a worker would have met a survivor of domestic violence face-to-face or discussed financial difficulties with a client face-to-face, now this type of work is being done via Zoom and it is very demanding and uncomfortable work. The current demands being placed on the workforce are massive, however specialised online training or specialised supervision and support on how to work successfully from home is currently not available.

In addition our members are suffering from excessive vicarious trauma after 12 months of natural disasters. Whilst supporting people through difficult times can be highly rewarding, it can also be very exhausting and stressful.

As highlighted earlier in our submission family violence has increased during COVID-19²⁸. Our members have reported great difficulty in being able to talk candidly with victims of domestic violence as many victims are now inside the home with the perpetrator day in, day out and are unable to speak out.

This has caused much anxiety and stress for our members who often have to read between the lines when speaking to a victim via at home working arrangements. It is vital frontline workers are supported through specialised training to help mitigate work-induced stress and trauma.

The ASU urges the government to undertake the following:

- **Provide funding** - Commit to restore funding for the Equal Remuneration Order implementation.
- **Provide specialised training** - Provide ongoing training including vicarious trauma and specialised online training or specialised supervision and support on how to work successfully from home.
- **Provide COVID-19 Care Allowance** - Aims to reward community support workers for their essential work and increased responsibilities associated with supporting family violence victims.
- **Provide COVID-19 Paid Pandemic Pay**- Ensures a worker receives two weeks paid leave each time they are required by the government, their employer or a doctor to self-isolate for the mandatory 14-day period due to exposure to COVID-19.

Impact of the proposed university increases on the workforce

The Government's proposed university fee increases will see the fees for Social Work and related degrees (Human Services, Social Sciences, Youth Work, Community Welfare, Behavioural Science, Psychology) increase by 113%. The degree currently costs less than \$30,000 and will increase to \$58,000 (for four years).

²⁶ Fair Work Commission, Full Bench Decision, [2020] FWCFB 3561, 8 July 2020

²⁷ Ibid.

²⁸ SBS online, Coronavirus lockdown: Domestic violence complaints in Australia rise even as reports by phone, 17 April 2020

The Government's rationale for the new fee structure is that it will lower student contributions in study areas where there is a strong demand for jobs and qualified graduates and increase them in areas with less demand.

Yet, Social Work and related degrees form part of the broader Health and Social Assistance industry that the Government's own discussion paper says is the fastest growing jobs market (see pg. 23 of the discussion paper). The Government appears to have ignored the "Social Assistance" aspect of this industry and only focused on lowering the fees of Health-related courses in its plan for university fees.

The Government's own Job Outlook website lists Social Work as an area of strong future growth. The number of people working as social workers has grown very strongly over the past 5 years and is expected to grow to 35,500 by 2023. The ABS and other sources list Health and Social Assistance as the fastest growing employment sector in the economy²⁹.

The fee increases are also grossly disproportionate to the potential earning capacity of a social work graduate. A new graduate can expect to earn from around \$60,000 - \$64,000p.a. under the relevant Awards. Repaying a student loan or HECS debt for the increased cost of the degree on a salary at this level is an unreasonable burden.

The importance of Social Work and related degrees for the community services sector:

The social and community services sector includes disability services, child protection, youth and family services, domestic violence and sexual assault support services, specialist women's, CALD, Aboriginal and migrant services, counselling services (financial, sexual assault, domestic violence, trauma), housing and homelessness services.

This sector is growing and will be vital to supporting vulnerable and disadvantaged members of our community in the COVID recovery and as we enter a recession. The sector relies on a pipeline of Social Work and related degree graduates to fill critical roles in its workforce. The workforce is predominantly a female workforce and low-paid.

The Government's proposed fee increases in Social Work and related fields will further exacerbate the workforce shortages – in both recruitment and retention – that exist in this critical sector. It will disproportionately impact women who work in this sector, creating barriers for both entry and career advancement.

The Government's proposed fee increases for these degrees also overlooks recent State and Commonwealth Government initiatives or inquiries that have set or recommended minimum degree standards for employment in the social assistance sector.

For example:

- The Victorian Royal Commission into Family Violence recommended (recommendation 209) that all domestic violence specialist workers have a Bachelor of Social Work or equivalent degree by 2020. The Victorian Government is considering how to implement this recommendation for new workers to the sector.
- The Department of Social Services requires as part of its tender for 1800 RESPECT counselling service that all counsellors employed by contractor agencies have a minimum Bachelor Social Work or related degree qualification.

These trends for minimum degree qualifications are happening across the community services sector and across jurisdictions. They have come following extensive inquiries and reports and consideration.

The ASU recommends that Social Work and all related community service degrees (Social Science, Social Welfare, Youth Work, Human Services, Community Welfare, Behavioural Science / Psychology) be exempt from any fee increase, and rather should access the fee reductions that Health and Education degrees will be receiving.

²⁹ <https://www.abs.gov.au/ausstats/abs@.nsf/lookup/6150.0.55.003Media%20Release%20September%202019> & <https://joboutlook.gov.au/IndustrySpecific?search=Industry&Industry=Q>

9. Funding

The domestic violence sector is almost entirely reliant on government funding. However this funding is not adequate and does not meet all the true cost of service delivery by community sector organisations. This view is supported by research undertaken and commissioned within and outside the community sector³⁰.

The Australian Productivity Commission report into the contribution of the not-for-profit sector found that a substantial proportion of government funded services delivered by not-for-profits (NFPs) are not fully funded. The Commission recommended that governments should fully fund services that they would otherwise provide directly³¹.

The report also went on to state that:

funding should cover all relevant costs, allowing for the appropriate share of overheads; the costs of managing risk, and of monitoring, reporting and evaluation; costs associated with reaching required standards; staffing and capital costs; appropriate indexation that takes account of industry-specific factors; and costs associated with policy changes such as changed client eligibility rules³².

The Commission also argued that fully funding services would address issues such as ongoing financial viability of NFPs and their ability to retain and recruit staff with necessary skills.

Underfunding has a negative impact on the workforce as well as those who use services. Recently funding has been ceased for programs such as the Women's Family Law Support Service and the Care Partner program³³. Such funding cuts prompted over 80 organisations to sign a letter calling for the Government to fully fund specialised services that improve women's safety and hold men who use violence to account³⁴.

In addition we believe there is a need for 'wrap around' services (Community Legal Centres, Women's Domestic Violence Court Advocacy Service, Rape Crisis, Refuges, Drug & Alcohol services, Community Housing, etc.) to be properly funded as part of the network of organisations that work together to support people living with, escaping and recovering from family violence.

Adequate funding for current service provision and projected industry growth

With the demand for family violence services continuing to grow, especially in context of COVID-19, it is essential that government make adequate funding provision (including funding for wages, staff training, occupational health and safety obligations and relief staff) to support this growth in order to ensure quality service provision.

The Federal Government must recognise that the costs of running a service increase each year and that the indexation of funding should accurately reflect these cost increases.

Revision of the competitive tendering model of funding

The use of competitive tendering in the provision of social and community services is fundamentally contrary to the provision of services of the highest quality for the most disadvantaged and marginalised in our community.

Competitive tendering is based on an assumption that the lowest cost base for the delivery of services is the best for government. However, in the case of provision of community services it is

³⁰ Australian Council of Social Services 2010, Australian Community Sector Survey Report 2010 – Volume 1, p.6; Productivity Commission 2010, Contribution of the Not-For-Profit Sector, Research Report, p. 283-7

³¹ Productivity Commission, op cit., p. 283-4

³² Productivity Commission, op cit.

³³ ABC Online, Federal Government axes funding to peak body representing Indigenous survivors of domestic violence, 6 December 2019

³⁴ Australian Women Against Violence Alliance, Letter to Women's Safety Ministers on urgent actions for women's safety, 5 March 2020

counterproductive as it can lead to a commensurate reduction in the quality of service delivered to vulnerable children and families.

Competitive tendering not only tears the sector apart, it is inefficient and does not foster collaboration amongst family violence agencies. Given that most of the budgets of family violence agencies is taken up by staff wages, competitive tendering can result in a race to the bottom on wages and conditions for workers. This then has implications for attraction and retention of experienced and prospective staff and exacerbates an already existing workforce crisis.

Social and community services should be funded on “cost basis” models such as those used in health and education. Competitive tendering undermines the role that the SACS industry plays in supporting social inclusion. It should be reviewed with a view to phasing out its use in the community services industry.

Review funding levels for workforce in these services

The Productivity Commission Research report into the Not-for-Profit-Sector (NFPS) noted that less than full cost funding of many services have resulted in substantial wage gaps for NFP staff. Furthermore, as the Productivity Commission has noted:

Governments should recognise the effect of not paying the full costs of service delivery. Part funding can make it difficult for the NFPS to make competitive wages to attract and retain employees, with the cumulative effects of underinvestment in employees, technology, and planning putting pressure on the quality and sustainability of service delivery. Full funding may be one of the most important steps to address the workforce issues in the relevant human services sectors.

Funding Recommendations

1. Increased on-going funding for improved wages and conditions in order to attract and retain a quality and skilled workforce while ensuring full funding with respect to the equal remuneration order.
2. Revision of the competitive tendering model of funding.
3. Adequate funding for current service provision and projected industry growth.

The ASU believes you cannot have a strong and inclusive community that supports children, young people and families without a strong social and community services sector. Further, the community sector cannot effectively deliver services and programs that are needed to achieve health and well-being for Australia’s vulnerable children and predominately female victims of domestic violence without appropriately paid, skilled and experienced staff.

10. 1800RESPECT - audit of previous parliamentary reviews

In 2017 the Federal Government put 1800RESPECT, the national telephone and online counselling service for women, men and children experiencing domestic or sexual violence, out to tender. Despite the Rape and Domestic Violence Services Australia (RDVSA) having run 1800RESPECT for 7 years and being established in the community almost 50 years ago, RDVSA lost the tender to Medibank Health Solutions (MHA).

Later that year the ASU NSW & ACT (Services) Branch made a submission to the Finance and Public Administration Resources Committee Inquiry into 1800RESPECT outlining:

- “Private for-profit companies have no place in the provision of human services, particularly those for people living with sexual, domestic and family violence.
- The procurement process for the provision of specialist sexual assault and domestic violence trauma counselling to 1800RESPECT was not a process undertaken in good faith and was in fact a sham.
- That as a result, clients and potential clients of the new service will not receive the service that they need and deserve.

- That employees of RDVSA and other organisations that deliver services as part of the sexual assault and domestic violence sector confront unresolved personal, professional, industrial and workplace health and safety issues as a direct outcome of the new contract and the new model of service.
- That the sector itself has been damaged by this procurement process³⁵.

Due to MHA securing the tender, the RDVSA had to make more than 100 committed, passionate workers redundant. The skills, knowledge and experience of these workers can never be replaced.

A key recommendation from the Senate committee was “That the Australian National Audit Office (ANAO) conduct a review of the service³⁶”. As far as we are aware, this has never occurred and we believe it integral that such a review be conducted to ensure vulnerable women and children are receiving the same level of service that was previously provided by RDVSA.

The ASU believes there is no place for profit in the provision of services to people living with sexual, family and domestic violence. There is no question that the primary motive and purpose of a private enterprise is the maximisation of profit for its owners and shareholders. Services are compromised when the priority of an organisation is maximisation of profits rather than best practice clinical service.

11. Conclusion and Recommendations

Our submission has demonstrated that domestic violence has a devastating impact on workers and their families and that domestic violence can also impact a workplace.

Accordingly, the ASU makes the following recommendations:

The Federal Government should:

- Urgently commit to 10 days of paid domestic violence leave to be legislated as a universal right within the National Employment Standards (NES).
- Provide adequate funding for domestic violence support in response to COVID-19.
- Revise the competitive tendering model of funding for domestic violence services.
- Prioritise funding to the Equal Remuneration Order to ensure it is restored.
- Support COVID-19 Paid Pandemic Leave.
- Support COVID-19 Care Allowance.
- Social Work and all related community service degrees be exempt from any university fee increase.
- Provide funding for ongoing training of domestic violence workers, including vicarious trauma and specialised online training or specialised supervision and support on how to work successfully from home.

Australia’s family violence workforce deserves better conditions and recognition for their hard work dealing with the continuing family violence crisis, especially over the past 12 months of natural disasters. We urge the Senate Committee to give consideration of the resource constraints and the need to appropriately resource services to retain specialist and skilled staff.

We take this opportunity to thank the Committee for conducting this very important inquiry and for providing an opportunity for the ASU to make this submission.

Finally, the ASU, including frontline workers, wishes to appear before the Commissioners to give additional evidence and to represent our concerns more fully.

³⁵ ASU NSW & ACT (Services) Branch, Submission to the Finance and Public Administration Resources Committee Inquiry into 1800RESPECT, 2017

³⁶ Federal Government, Chapter 4, Report 3: Delivery of National Outcome 4 (1800RESPECT), 2017