

INQUIRY INTO DOMESTIC VIOLENCE TRENDS AND ISSUES IN NSW

Organisation: ACON
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Submission to:

**The NSW Legislative Council's Standing
Committee on Social Issues Inquiry into Domestic
Violence Trends and Issues in NSW**

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About ACON

ACON (formerly known as the AIDS Council of NSW) was formed in 1985 as part of the community response to the impact of the HIV/AIDS epidemic in Australia. Today, ACON is Australia's largest community-based gay, lesbian, bisexual and transgender (GLBT) health and HIV/AIDS organisation. ACON provides information, support and advocacy for the GLBT community and people living with or at risk of acquiring HIV, including sex workers and people who use drugs.

ACON is home to the Lesbian and Gay Anti-Violence Project (AVP), the Community Support Network (CSN), the Positive Living Centre (PLC) and the Sex Workers Outreach Project (SWOP). ACON has its head office in Sydney as well as branches in the Illawarra, Northern Rivers, the Hunter region and the Mid North Coast.

The AVP delivers an annual average of 500 occasions of services in relation to support and referrals for victims of violence. The AVP also works with partners in NSW such as the NSW Police Force, local councils, Local Health Districts, community groups, sector networks and educators to prevent violence and homophobic abuse.

General Comments

Domestic violence is understood to be experienced at the same rate in gay and lesbian relationships as heterosexual relationships. While more research will provide a broader evidence base on the issue of same sex domestic violence, there is a body of research from which useful information can be drawn. The *Private Lives* report found that 41% of lesbians and 28% of same sex attracted men had experienced some form of abuse in their current or previous relationship¹. If we compare these findings to the 2006 snapshot study of domestic violence and abuse in LGBT Sydney relationships, *Fair's Fair*² found similar patterns and prevalence (roughly 1 in 3).

For transgender and intersex people the rates of domestic violence are significantly higher. The *Private Lives* report found that 61.8% of transgender males and 42.9% of intersex females reported having been abused in a relationship³. While it is not clear from the data in *Private Lives* or *Fair's Fair* whether the abuse was from a same sex partner or not, it is likely, given the relationship profile of the samples that a significant amount occurred in same sex relationships.

Irrespective of the gender of the perpetrator, the levels of domestic violence experienced by GLBT people represent a considerable burden of distress and injury. The impacts of domestic violence on GLBT victims of domestic violence are similar to those of heterosexual victims but are exacerbated by homophobia, transphobia, heterocentrism and the isolation that many GLBT people experience.

¹ Australian Research Centre in Sex, Health & Society, *Private Lives: a report on the health and wellbeing of GLBTI Australians*, (2006), p. 31. ('Private Lives').

² ACON and the Same Sex Domestic Violence Interagency Working Group, *Fair's Fair: A snapshot of violence and abuse in Sydney LGBT relationships* (2006).

³ Australian Research Centre in Sex, Health & Society, *Private Lives: a report on the health and wellbeing of GLBTI Australians*, (2006), p. 31. ('Private Lives').

ACON gratefully acknowledges the NSW Office for Women's Policy for funding to identify gaps in NSW domestic violence service provision to GLBT people and contribute to training across NSW. This resulted in ACON's *One Size Does Not Fit All* Gap Analysis report which makes a number of specific recommendations relating to raising the profile of the existence of domestic violence in GLBTI relationships and increasing the knowledge and capacity of mainstream domestic violence services to address the needs of GLBTI victims of domestic violence. A number of the key recommendations from the Gap Analysis have been incorporated into this submission. A copy of *One Size Does Not Fit All* has been attached to this submission.

Recently there has been progress made in developing a more nuanced understanding of the intricate nature of domestic violence, especially when it comes to same sex domestic violence. The historical understanding of domestic violence as a form of gendered violence involving a male perpetrator and female victim has grown to recognise that while this remains the dominant form of domestic violence, there are incidents that do not fit this model. GLBT people are also concerned with the family violence that they experience, which is another experience that adds to the complexity of domestic violence. It is now time for program funding and policy settings to catch up to this understanding.

Due to our knowledge and expertise, we have focused our commentary in this submission on terms of reference 2, 3 and 4 of this inquiry.

Early intervention strategies to prevent domestic violence (TOR 2)

Inclusion of same sex relationships:

One of the key early intervention and prevention strategies to address domestic violence is to address the information needs of young people. For GLBT people this means the inclusion of issues relating to sexuality, gender, intersex and non-heterosexual relationships in mainstream domestic violence and healthy relationships campaigns is required. Modelling healthy and respectful GLBT relationships for young people means they are more likely to be equipped with tools to identify and address abuse in relationships.

The invisibility of GLBT relationships in material targeted to young people and the lack of modelling of such relationships is a significant barrier for GLBT people who seek to create healthy and resilient relationships. Specific attention must be given to creating an environment in NSW which is accepting of the diversity of GLBT relationships.

GLBT people tend to access support in relation to domestic violence primarily from friends and family members before approaching police or services for assistance. Only one in ten GLBT people who had experienced intimate partner abuse reported

it to the Police⁴. Mainstream early intervention services, strategies and campaigns, such as White Ribbon Day and 16 days of activism against gendered violence, should therefore include and make reference to abuse in GLBT relationships so that the community is able to respond appropriately.

Recommendations –

- *That healthy GLBT relationship information be included in the NSW Personal Development, Health and Physical Education curriculum and curriculum support resources and activities. Consideration should also be given to including prevention programs in the Proud Schools initiative after the pilot. Further, to address entrenched homophobic beliefs, the Minister for Education should publicly endorse these improvements to the curriculum.*

Awareness raising within GLBT communities:

Another key early intervention and prevention strategy involves targeting GLBT communities with strategic, coordinated and well resourced campaigns that raise awareness of domestic violence. Such programs would provide individuals with tools for early recognition of domestic violence and assist in identifying the specific dynamics and impacts of relationship abuse within GLBT relationships.

ACON has been working in the area of same sex domestic violence prevention, identification and support for a number of years. This work has included information, support, and referral for GLBT people affected by DV; assessing the accessibility to, availability of domestic violence services; researching the prevalence and understanding of domestic violence in Sydney's GLBT communities; building capacity for mainstream domestic violence services and staff in meeting GLBT client's needs; and contributing to network development across the state. ACON has also developed and rolled out of the *There's No Pride* campaign and the comprehensive *Another Closet* project that produced a booklet and website utilising many personal stories. These and other campaigns, which aim to raise awareness about the existence and nature of domestic violence in GLBTI relationships, have been running in the GLBT community press since 2005.

The LGBTIQ Domestic and Family Violence Interagency (previously the Same Sex Domestic Violence Interagency) is a collaborative partnership of government and non-government stakeholders that has been working to raise the profile of domestic violence and create responses to the needs of the LGBTIQ community since its formation in April 2001. The interagency is unfunded and relies on the support and participation of individuals and agencies. The interagency has a presence at major annual GLBT community events and distributes prevention materials in venues, at parties during Sydney Gay and Lesbian Mardi Gras and other significant GLBT events. The work of the interagency is currently driven and resourced through the Inner City Legal Centre's Safe Relationships Project, and the Same Sex Domestic Violence

⁴ Australian Research Centre in Sex, Health & Society, *Private Lives: a report on the health and wellbeing of GLBTI Australians*, (2006)

Project Officer at AVP. These vital programs and positions are at the end of their funding periods and ongoing funding is currently unavailable.

Work with the GLBT community and service sector must be accompanied by targeted action to reduce what GLBT people have identified as the barriers to seeking help – fear of reporting to the Police, difficulty in identifying abuse in GLBT relationships, and the real or perceived fear of homophobia, transphobia or inappropriate service from existing supports and services.

Recommendations

- *That the NSW State government continue its commitment to early intervention and prevention of domestic violence through the allocation of ongoing funding to projects that address the issues of GLBT domestic violence including court support and advocacy, increasing the capacity of mainstream service providers and further research.*
- *That the LGBTIQ Domestic and Family Violence Interagency be adequately resourced to grow and sustain a state-wide network with better participation from rural and regional NSW. This should include resourcing the utilisation of online technology, resources for rural and remote services to participate, and quarterly regional training forums roundtables where service providers can come together to share knowledge and best practice.*
- *That GLBT organisations are adequately resourced to provide information, education and support options to GLBT communities about the nature and prevalence of domestic violence. This should include developing culturally appropriate tools to identify domestic violence and which recognise the value and importance of community and personal support networks.*

Increase in the number of women being proceeded against by police for domestic violence related assault (TOR3)

Currently, statistics and data on GLBT domestic violence are not adequately collected by the NSW Police Force and this makes it difficult to comment specifically on the number of lesbian, bisexual, transgender and intersex women being proceeded against. Data collection at national and state levels omits sexuality indicators, making it very difficult for researchers and policy makers to consider evidence for, and design programs in response to, issues affecting GLBT populations. This gap in the evidence base exists across health, criminal justice and other portfolios.

Accurately identifying the primary aggressor, especially in GLBT relationships, is one area of practice that needs to be improved. Part of the increase in the number of women being proceeded against could be that police find it hard to identify the primary aggressor when they arrive at a crisis, a view that has been confirmed through conversation with *Women's Legal Services NSW*. Work that the *LGBTIQ Domestic and Family Violence Interagency* is doing in this area, along with national collaboration with other organisations, could assist in improving the knowledge and resources of police in this area. The *No To Violence* organisation have been a leader

in policy development on primary aggressors and working with perpetrators and is one example of the way that mainstream and GLBT domestic violence sectors can share good practice and experience.

Most of the language, funding and campaigns use a gendered heterocentric perspective of domestic violence. ACON recognises that the majority of domestic violence is perpetrated by heterosexual males against heterosexual females but there is evidence that other significant and damaging forms of abuse occur in domestic environments including sibling abuse and family violence. The interrelation between these forms of domestic violence and intimate partner violence requires further attention.

There are currently no funded programs, at the state or national level, appropriate for female perpetrators of domestic violence. Additionally there are very few appropriate programs for male victims of domestic violence. Currently funding is targeted at heterosexual male behaviour change which is inappropriate in addressing domestic violence in GLBT relationships. Mainstream services working with perpetrators in NSW, including the Cleveland Centre, Relationships Australia and other mainstream domestic violence service providers have identified this as a current shortfall in the domestic violence sector.

Recommendations

- *That a whole of government approach is developed to ensure that all relevant NSW Government and non-government bodies gather statistics on GLBT people accessing domestic violence services, including through the utilisation of client intake forms that gather specific statistical data on sex, sexuality and gender.*
- *That the NSW Government provides funding for female perpetrator programs and programs that recognise behaviour change needs to target a variety of people in a variety of relationships.*
- *That mainstream domestic violence support services in NSW use gender neutral and inclusive language in all intake processes so that all forms of domestic violence can be addressed. This includes not assuming heterosexuality and being sensitive to the diversity of relationships.*
- *That specific work is undertaken with the NSW Police to improve the identification of primary aggressors in situations of domestic violence. This work should expand on the work already undertaken by No To Violence in Victoria.*

Any other relevant matter (TOR4)

Lack of appropriate support options for gay, bisexual, transgender and intersex men:

In NSW there is a lack of funded mainstream services that have the capacity to support male victims of domestic violence. The needs of gay, bisexual, transgender and intersex men need to be systematically identified so that appropriate support

can be provided. Male victims of domestic violence are unable to access programs such as Housing NSW's Start Safely.

Recommendations

- *As a matter of priority, a range of culturally appropriate housing options be explored and developed for gay, bisexual and transgender men by NSW Housing and other relevant stakeholders. This includes short, medium and longer term housing such as supported accommodation, refuge services and public housing options.*
- *That existing programs, such as the Start Safely Program, are reworked to be inclusive of male victims of domestic violence and their children.*

GLBTI families and their unique structures and needs:

There are a large variety of family structures in the GLBT communities. These unique structures often pose problems for existing support services that have a more rigid expectation of what a family is. This could be a male victim of domestic violence being unable to access a shelter with children. This often means that men remain trapped in abusive relationships because they don't want to leave children with the abusive partner.

Recommendations

- *That GLBT domestic violence and support services are resourced to provide training to mainstream domestic violence services to assist them to recognise the unique cultural, legal and structural nature of GLBTI families (including pets), the diversity of parenting and care giving roles, and the specific impact that domestic violence has on these units.*

Rural and regional support:

Specific attention is required to ensure that services and supports in rural and regional NSW are adequately resourced to meet the needs of their GLBT communities. Issues around service capacity will need to be supported by local prevention activities.

Isolation experienced when a person is living with domestic violence is compounded in a rural or regional context particularly when they are GLBT – often no-one knows they are GLBTI. Even if people are out, it can be difficult to leave a partner because they are either not believed, the perpetrator may have significant standing in a small GLBTI community or there may be no option for support.

Recommendations

- *Ensure that key telephone counselling/support/referral services are supported to improve their capacity, knowledge and skills to better meet the needs of GLBTI people from regional and rural communities experiencing domestic violence.*

Transgender and Intersex clients:

The issues facing same sex couples and those facing couples where one or more partner is transgender are quite different. The issues facing same sex couples and those facing couples where one or more partner is intersex are quite different again. Policy and programs need to ensure the specific and unique needs of transgender, intersex and other sex and gender diverse people are addressed. This will need to include the provision of education and awareness training to these communities, the broader community and services.

Recommendations

- *That the NSW government provide funding for specific transgender and intersex focused prevention and reporting programs through the Transgender Anti Violence Project.*

Note on terminology.

In this paper the acronym GLBT (Gay, Lesbian, Bisexual, Transgender) or same sex attracted is used to try and encompass the diversity of those who do not identify with the traditional idea of heterosexuality and normative gender roles. It includes those questioning sexuality or gender. It recognises that transphobia and discrimination are not necessarily the same as homophobia and homophobic bullying. However, for the purposes of this paper the term homophobia is used as a catchall to cover discrimination and prejudice based on sexuality as well as gender identity and expression. Where variations, such as LGBTI (Lesbian, Gay, Bisexual, Transgender, Intersex) and LGBTIQ (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer) are used, it is to reflect the terms and people reflected in the respective programs and research.