

**INQUIRY INTO DOMESTIC VIOLENCE TRENDS AND
ISSUES IN NSW**

Organisation: Immigrant Women's Speakout Association of NSW
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The Secretary
Standing Committee on Social Issues
Legislative Council, NSW Parliament
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*Submission of the NSW Immigrant Women's Speakout Association on the Parliament of NSW
Inquiry into DV trends and issues in NSW*

The Immigrant Women's Speakout Association of NSW (IWSA) is the peak community body representing the interests of immigrant and refugee women in NSW. Since its inception twenty years ago, it has been providing direct services, and advocacy. IWSA plays a community development role, assisting emerging ethnic women's groups, and educating the broader community about immigrant women's issues and perspectives.

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IWSA is very pleased to make this submission. Once again it is of great urgency that several domestic violence issues be addressed down to their root causes and consequences. It is our hope that the NSW government will put priority on comprehensive and long-lasting solutions, rather than palliative and short-term responses.

The following key issues that IWSA wishes to call to your attention with this submission are:

Issues in the use of GPS bracelets as deterrents to offenders – GPS bracelets can only reduce breaches and improve compliance with ADVOs if there are dedicated and sophisticated systems put in place to monitor, respond to the bracelets.

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The implementation of early intervention strategies with regard to culturally and linguistically diverse (CALD) women – Early intervention strategies need to be inclusive of and sensitive to the experiences of women migrating to Australia on a partner visa. They need to focus on education and awareness programs for vulnerable migrant women.

Expense of Family Violence Provisions (FVP) applications – Application for FVPs to escape violence is a costly and time-consuming process, for which there is no assistance in either a financial capacity, or practical capacity. This is especially important when considering migrant women with children who require day care or other support.

Older women and abuse – There are no specialised services for older women in NSW suffering from domestic or family violence. Elderly women are a vulnerable at-risk group who are often overlooked concerning issues of domestic and family violence.

Housing issues/homelessness and domestic violence – Domestic violence has been acknowledged as the largest single cause of homelessness in Australia for women. Access to housing, especially emergency housing, remains a pressing issue.

Access to legal services for culturally and linguistically diverse (CALD) women – Migrant and refugee women are hesitant to access services that they don't understand and that don't understand them. Education on the Australian legal system and women's rights are necessary for all incoming migrants to help prevent domestic violence and abuse.

Rural women and domestic violence – The rate of domestic violence in rural areas has been reported as much higher than that in metropolitan areas of NSW. There is a lack of information on domestic violence and methods for recourse for women (especially migrant or refugee women) in rural NSW. Emergency services, including police response to domestic violence calls, have been unanswered in various cases.

The diversity of support services – Cultural and linguistic awareness and training is necessary for all support services, both governmental and non-governmental. Migrant and refugee women have been unable to access or understand some services that are not covered by existing CALD organisations.

IWSA implores the current NSW government to institute measures and programs for immediate implementation:

- i) Compulsory and English classes for newly arrived migrants and refugees, with electronic registration and monitoring
- ii) Migrant education on the Australian legal system
- iii) Financial provisions for women making FVP applications
- iv) Provision of funding and grants for research and action on elderly CALD women experiencing domestic and family violence
- v) Specialised education programs about domestic violence, within CALD communities
- vi) More emergency accommodation for women leaving domestic violence – for both short term and medium term stays and more availability of ethno-specific housing
- vii) Cultural competency training for staff and volunteers at refuges, in police and legal professions, and other support services, both governmental and non-governmental

The following document provides our research and responses to the terms of reference of the NSW Parliament Inquiry in domestic violence trends and issues in NSW.

Please contact us if further information or clarification is required.

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Inquiry into domestic violence trends and issues in NSW

TERMS OF REFERENCE

That the Standing Committee on Social Issues inquire into and report on domestic violence trends and issues in New South Wales, and in particular:

1. Strategies to reduce breaches and improve compliance with Apprehended Domestic Violence Orders (ADVOs), including:
 - a. the use of GPS bracelets
 - b. whether existing penalties for domestic violence are adequate
2. Early intervention strategies to prevent domestic violence
3. The increase in women being proceeded against by police for domestic violence related assault, and
4. Any other relevant matter.

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Submission to:

Public Consultation:

Inquiry into DV trends and issues in NSW

Standing Committee on Social Issues

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ACRONYMS

AVO/ADVO Apprehended Violence Order/Apprehended Domestic Violence Order

CALD Culturally and Linguistically Diverse

FVP Family Violence Provision

GPS Global Positioning System

IWSA Immigrant Women's Speakout Association Inc.

PINOP Person In Need Of Protection

MCLO Multicultural Liaison Officer

1. Strategies to reduce breaches and improve compliance with Apprehended Domestic Violence Orders (ADVOs), including:

a. the use of GPS bracelets

b. whether existing penalties for domestic violence are adequate

GPS bracelets can only reduce breaches and improve compliance with ADVOs if there are dedicated and sophisticated systems put in place to monitor, respond to the bracelets.

International studies indicate that GPS bracelets can be problematic for a number of reasons:

- Police and other enforcement authorities can be slow to respond to the bracelets
- Offenders can remove the bracelets using tools
- Satellite and other tracking systems can fail

Due to these weaknesses, the use of GPS bracelets will only be successful if dedicated and sophisticated systems are put into place before the bracelets come into use. If these supporting systems are not put into place, the GPS bracelets may only serve to lull victims and survivors of domestic violence into a false sense of security and can result in harm or death. International studies have shown that areas with fewer resources and police forces had long delays in answering bracelet warnings. Responding to breaches needs to be prioritised in order for the bracelets to serve as effective deterrents and increase safety of victims and survivors. Further to this, a survey completed by the Boston Globe (2010) found that despite a decade of use, there were flaws in using GPS tracking as deterrents to committing crime. With this system there are no guarantees to the safety of victims, and it does not physically prevent a crime from being committed.¹

Beyond tracking issues, there have been many cases where perpetrators simply remove the bracelets and go on to the commit violent crimes that the bracelets were supposed to prevent.² Victims and survivors may end up feeling disappointed and unsafe when

¹ *GPS Tracking Has Flaws – Devices Don't Stop Crime, Survey Says*. The Boston Globe, 2 March 2010.

² O'Connell, J. 'GPS Tracking Devices Can't Stop Crime', The MetroWest Daily News, 27 March 2011. Retrieved from <http://www.metrowestdailynews.com/features/x1840140395/GPS-tracking-devices-cant-stop-crime>

perpetrators are unable to be tracked, especially if they are able to escape detection for long periods of time.

Knowing the GPS was in place alleviated some of Julie's fear that he might harm her family again. For the first time in years, Julie didn't have to keep an alarm on or barricade the doors.

"It was just a freedom that most people enjoy and take for granted," Julie said. "It was just joyful."

But this freedom was cut short. "It was 15 wonderful days," Julie explained. "And then he took it off."

After he removed the GPS with bolt cutters, her ex-husband went on the run for eight months until the law caught up with him and he was sent to jail.³

Julie's story highlights the very real risks associated with GPS bracelets. In October 2010, the GPS Sex Offender Tracking System failed in several states in the US, when the global positioning system went out – this left authorities blind to the whereabouts of offenders for most of the day. It was confirmed that the system failure affected 16 000 offenders throughout the US.⁴ Effective fail-safes for tracking technology in the event of a disruption or system failure need to be created. These fail safes can include telephone warnings for victims to confirm their safety and advise of any potential danger.

If a GPS bracelet system were to be introduced, all the above considerations need to be addressed. Furthermore, education programs need to be developed so that people involved in the system (perpetrators, protected persons or PINOPs, Police and other members of the community) are well informed about the risks, benefits and mechanics of the system. This information should be translated into languages appropriate to different areas to ensure that culturally and linguistically diverse communities are educated.

³ Snow, K., Pereira, J., Zadrozny, B. *Fighting Back Abuse with GPS*. Good Morning America, 18 May 2009. Retrieved from <http://abcnews.go.com/GMA/story?id=7610978&page=1>

⁴ Leibowitz, B. *GPS Sex Offender Tracking System Fails in Several States*. CBS News, 7 October 2010. Retrieved from http://www.cbsnews.com/8301-504083_162-20018843-504083.html

2. Early intervention strategies to prevent domestic violence

Early intervention strategies need to be inclusive of and sensitive to the experiences of women migrating to Australia on a partner visa

Many of these women are not aware of the domestic violence laws in Australia and thus, are not aware of their rights. They are also not aware of the particularities of migration law in Australia and are often given false information by their partners. This is quite specific to domestic violence perpetrated by those who have sponsored a partner from another country. Language, cultural differences, and lack of knowledge all contribute to the vulnerability of these women.

Due to these vulnerabilities, these women are unaware of the services available to help them and typically do not disclose their experiences of domestic violence until later on in the relationship.

Therefore, there is strong evidence to suggest that early intervention strategies will be more effective in preventing domestic violence if they take into account these pre-arrival and post-arrival experiences of migrant women. Education and awareness programs that are implemented offshore, in the countries of origin, will be more effective in preventing the domestic violence from occurring in the first place. If partners are educated in a timely manner, then warning signs are more likely to be noticed earlier. For migrant women, the initial period after arrival is a crucial time for learning English, establishing support networks and settling into a new country. If this period is disrupted by controlling behaviours (not allowing her to attend English class, forbidding her from socialising with new people, especially religious and cultural groups relevant to her, limiting her access to information about employment, finances and the law) then it will require more intensive casework to rebuild her life when (and if) she chooses to leave.

Post-arrival education and awareness can play a similar role by reiterating the message and capturing anyone who fell through any gaps and missed the offshore education and awareness programs.

Early intervention strategies need to focus on education and awareness programs for vulnerable migrant women.

IWSA recommends:

- Compulsory English classes for newly arrived migrants and refugees:
Making these classes compulsory will go a long way towards preventing domestic violence. Clients of IWSA report that they wanted to attend English classes but their partners prohibited them from going. One client was escorted to her first lesson by her husband and watched as he told the teachers that he really wanted her to learn English but then turned to her and said in Arabic that he didn't want her to attend. Other IWSA clients have been in Australia for seven or more years, yet report they haven't been allowed to socialise with people outside of the family and thus have had no English classes or access to legal information and education.
- Electronic registration and monitoring of attendance:
Women migrating to Australia can be given a short time period within which they must register to attend a class and then attend a certain number of classes within a given period of time. An electronic register for attendance can prevent women from falling through the gaps in education, and serve as a deterrent to partners who would otherwise try to stop women from attending classes.
- Migrant education on the Australian legal system:
Introductory classes about the Australian legal system should be developed, with classes specifically designed for women who have come to Australia on a spouse visa.

4. Any other relevant matter

Funds/financial provisions to assist women making FVP applications

The Family Violence Provisions (FVP) were introduced into migration law in order to allow temporary residents to continue application for their permanent residency, without the sponsorship of an abusive partner or spouse.

Preparing an application for Australian permanent residency under FVP is a time-consuming and costly process. Statutory declarations from various competent persons are required and, depending on an individual's case, can include up to 2 professionals who may ask for payment. For example, a client seeking a statutory declaration from a psychologist may be asked to attend a minimum of 3 sessions before the psychologist is prepared to fill out the form. As the form requires detailed professional opinion, some psychologists will charge an extra fee on top of the appointment fees in order to complete the form. Therefore, one statutory declaration can cost up to several hundred dollars to prepare.

Part of the application process may include attendance at court, appointments with community workers at domestic violence services, police checks, translation of official documents and other tasks that have a financial effect, whether it be direct costs or costs associated with taking time off from work or paying for childcare.

One example of where financial domestic violence provisions have been accepted is the workplace. An employment support initiative in the form of 'Special Leave' has been accepted for NSW public service staff who need to take time off in order to deal with the effects of domestic violence, including organising new accommodation, attending court, seeking counselling and other appointments with medical professionals and community services. This 'Special Leave' stems from the recognition that domestic violence can take an exacting toll on financial and employment situations of many survivors, victims and their families.

IWSA recommends:

- Financial provisions for women making FVP applications:

An allowance or provision for special leave should be made available to women who are applying for Family Violence Provisions, to assist them in completing and meeting all the requirements of their application – this can include subsidies in professional consultations for the purpose of filling out statutory declarations, special leave taken from work, or a reimbursement or allowance for childcare.

Domestic violence leave for NSW public service staff should be taken as a precedent for financial domestic violence provisions applicable to other members of our communities.

Older Women and Abuse

There are no specialised services for older women in NSW suffering from domestic or family violence.

In a consultation with older Culturally and Linguistically Diverse (CALD) women, IWSA found that incidents of marital rape were common, where women were forced to engage in sexual activity with their spouses against their wishes – incidents involving women over the age of 60 also stated there were medical issues and pain associated with sexual activity. A lack of awareness on their rights and service availability were found to contribute to this. 'Elder Abuse' was still considered a 'Silent Issue' within ethnic communities, and often the position of women within these communities impacted the treatment of older women. Initial settlement issues continue to impact on the level of autonomy for these women, creating further dependency on their families and partners. Victims also experience fear; they are afraid of the perpetrators, police, the legal system, and the implications disclosure could have on their family and within their communities.

IWSA recommends:

- Funding and grants for research and action on this issue:

An increase in funding for welfare services to specifically accommodate elderly clients experiencing domestic violence. More grants for in-depth research and action regarding older women and domestic violence, with special consideration for immigrant or refugee women who may be of non-English speaking background.

- Specialised education within CALD communities:

Ethno-specific education should be implemented in communities where there is a high prevalence of elderly violence. This education would be for both families and older CALD women, and should focus on service access and legal rights in terms of domestic violence.

The previous suggestions for early intervention also apply to older women, but must take into account the added dimension of intergenerational issues.

Housing

Domestic violence has been acknowledged as the largest single cause of homelessness in Australia for women⁵. Housing is still an issue for women leaving domestic violence situations. It is a never ending struggle to provide appropriate and timely accommodation for women, their children, and their pets. Clients of IWSA have found it difficult to access housing due to overwhelming demand for services and refuges. In some cases, clients have been unable to communicate their needs effectively to refuge workers without translators or bicultural support workers acting on their behalf. When a translator or bicultural support worker is unavailable, clients have expressed a feeling of isolation and hopelessness.

The Family Violence Provisions Act allowed for the severing of co-tenancies, which 'allows persons to leave a tenancy and cap or sort out their liability if ending their tenancy or it can allow them to remain in the home.'⁶ Although this is a positive change in providing women with a choice when escaping violence, further action on the availability of housing must be taken, especially for women who choose to leave but have no alternative accommodation available to them.

When housing is not available, victims must often turn to friends or family, and failing that, some clients of IWSA have lived out of vehicles in an attempt to escape violence. Also the

⁵ Australian Government 2008, *The Road Home: Homelessness White Paper*, Retrieved from <http://www.fahcsia.gov.au/sa/housing/progserv/homelessness/whitepaper/Documents/default.htm>

⁶ Mohummadally, A 2009, *Homelessness and Family Violence, Law and Policy Nearly One Year After the Introduction of the Family Violence Protection Act 2008*, Parity, Vol. 22, Issue 10

looming prospect of homelessness can drive victims to return to their abuser, or never leave, because they are financially dependent on their abusers.

IWSA recommends:

- More emergency accommodation for women leaving domestic violence – for both short and medium term stays
- Mandatory cultural competency training for staff and volunteers at refuges, and an increase in bicultural support workers to assist in accommodation transitions and facilitation
- Ethno-specific housing:
Leaving domestic violence already presents so many difficulties for victims and survivors, they should feel comfortable in their emergency accommodation. Housing should take into account religious and cultural aspects of victims' lives.

Access to Legal Services

Immigrant and refugee women often have difficulty accessing legal assistance in matters concerning domestic violence. Aside from the costs associated with legal action, CALD women are also hesitant to access services they're not familiar with. Language barriers also prevent them from giving information in a clear way, made more difficult if police officers and legal counsel are not trained in assisting culturally or linguistically diverse women. This issue is also linked with the availability and related costs of interpreters and caseworkers, as well as having a support person in court. Access to appropriate and affordable legal services and advice is vital for women applying for ADVOs, trying to escape violence.

IWSA recommends:

- Bicultural support and awareness training for police and legal services:
Provide opportunities and funding for training of police and legal services in working with CALD communities, and women escaping violence. Further financial provisions

allocated for Multi-Cultural Liaison Officers (MCLOs) connected with existing police stations, as well as better access and education in dealing with interpreters and translators.

- Migrant education on the Australian legal system:
Introductory classes about the Australian legal system should be developed, with classes specifically designed for women who have come to Australia on a spouse visa. This could also focus on community education for families and CALD women experiencing DV. It is imperative that women are made aware of how to obtain an Apprehended Domestic Violence Order (ADVO).
- Incentive for legal professionals to engage in CALD and DV work:
Provision of financial support or benefits for legal professionals who are assisting community groups with domestic violence and CALD clients

Rural CALD Women

According to the NSW Bureau of Crime Statistics and Research, the rate of domestic violence committed in rural NSW is approximately 34% higher than the Sydney division⁷.

IWSA believes that working with rural groups to target domestic and family violence is especially important because of the increased isolation many women have felt living in rural areas of NSW. At a rural women's conference hosted by IWSA, several issues were raised regarding migration and domestic violence. During a group consultation it was found that several participants were not aware of what an Apprehended Violence Order (AVO) was, or how to access or file one. There seemed to be a distinct lack of information – and misinformation – on immigration and domestic violence. It was also noted that services need to have workers who have been trained with local information and knowledge which they can then provide to their clients in a culturally appropriate manner, taking into account cultural and religious considerations. Access to services and correct information regarding immigration and domestic violence was also difficult for women to obtain because of geographical problems, and simply not knowing where or which services were available to

⁷ Grech, K. & Burgess, M. 2011 *Trends and patterns in domestic violence assaults: 2001 to 2010*, Crime and Justice Statistics, Issue Paper No. 61, Retrieved from [http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/bb61.pdf/\\$file/bb61.pdf](http://www.bocsar.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/vwFiles/bb61.pdf/$file/bb61.pdf)

them in the first place. These women were then forced to rely on their abusive partners for information regarding their visa status, Australian law, and their rights. This was only made worse by the cultural isolation sometimes felt in their rural communities.

Another issue was the police gap response times to emergency calls regarding domestic violence. Women in the Coffs Harbour area reported their calls for help regarding domestic violence weren't answered until almost 3 days after the incident, or not at all. This was attributed to the vast area in which rural police are expected to operate. Without the timely support of authorities, women's fear of being assaulted or killed by their partners increased – also making them jaded or more reluctant to rely on emergency services.

IWSA recommends:

- Regular training and information for services in rural areas:
Most workers at rural services are employed on a part-time basis; therefore it is important to continue their training on the latest developments involving immigration and domestic violence law and other support and emergency services. Provisions or funding for training sessions across rural NSW should be made to ensure current and effective strategies to work with their clients. This would include training several Bicultural Support Workers to specifically address incidents with CALD clients.
- State-wide service database:
Creation of a database (online), which is regularly updated and vetted, listing what women's legal, health, and community work services are doing and where. The database should have a brief but holistic description of activities and information. This could be updated by the organisations and services themselves, or by a separate over-arching service. An alternative to this could be a booklet disseminated to workers at least every 6 months with the same information printed in it, or a 1800 hotline service to provide this information on request.
- A review on emergency response systems and police resources in rural areas:

Research should be conducted on the effectiveness of police response in rural areas and whether a new system could be implemented with regards to domestic violence calls. A review on police resources should also be conducted to gauge whether provisions are meeting the needs of remote communities. Women in rural areas could be most supported by the use of GPS tracking bracelets with a hotline or phone-call advance warning system, if police are unable to reach them in time.

Support System Diversity

There is a lack of capacity and expertise of mainstream support services to handle or appropriately address the complex needs of immigrant and refugee women in domestic violence situations⁸. This means there is added pressure on CALD specific services to support *all* immigrant and refugee women experiencing domestic and family violence. Often immigrant or refugee clients of mainstream services are referred to CALD specific services, because they are 'too difficult' for the services to deal with. The lack of specialist services then places further burden on existing organisations that work with CALD women. All support service providers should have the capacity and ability to work with these clients in an understanding and culturally competent way, so they can assist the women from diverse backgrounds that come to them for help. This assistance should include working with interpreters, giving culturally sensitive and informed advice to clients, as well as knowledge of the legal responsibilities of migrants and refugees in domestic violence situations. By diversifying the support system for CALD women, they will be better able to access to housing, legal, and health-related services. It will also serve to ensure immigrant and refugee women are being informed of their rights and their options from the beginning, without having to be passed between mainstream support services who are currently unprepared to fully handle culturally or linguistically challenging cases.

Immigrant Women's Speakout, and other CALD specific services in NSW, are currently providing support, advice and telephone counselling to CALD women and other services

⁸ Pham, A. 2011, 'A glance at services supporting migrant and refugee women experiencing domestic and family violence', Australian Domestic and Family Violence Clearinghouse newsletter, Vol. 44, pp. 6-8.

based in states where there are no CALD specific services, such as Tasmania or the Australian Capital Territory (ACT)⁹. This becomes an added responsibility or service of NSW CALD services.

IWSA recommends:

- Training for existing support workers, and further training of Bicultural Support Workers:

Provide training activities and programs for current support workers and service, in working with culturally and linguistically challenging cases – this would include an introduction into utilising interpreting services and enhancing cultural understanding. Create and fund more positions within existing services, both government and non-government, for a bicultural or bilingual support unit.

- Increased resources for CALD specific services:

Increased funding for more caseworker positions at CALD specific services would prevent an over-burdening of existing CALD community workers, allowing for more cases to be taken on. These are needed in, not only the domestic and family violence services, but supplementary services like

- Working with other states to create a national hotline for general CALD client assistance:

Like the national Domestic Violence Line, which provides advice and referrals to women as well as services, a national line devoted to assisting services working with CALD clients would provide another dimension of support for these workers and those experiencing domestic violence. This would help ease the strain on NSW CALD services, and benefit other states that do not have CALD provisions.

⁹ Pham, A. 2011, 'A glance at services supporting migrant and refugee women experiencing domestic and family violence', Australian Domestic and Family Violence Clearinghouse newsletter, Vol. 44, pp. 6-8