

1. LEGISLATIVE FRAMEWORK

Amendments

Australian state and territory governments have made amendments to strengthen implementation of the provisions of the Convention. For example, Tasmania and Northern Territory enacted legislation to provide for the recognition and enforcement of domestic violence orders obtained in other states and territories. The Northern Territory is also reviewing its *Anti-Discrimination Act*, and *Domestic and Family Violence Act* to strengthen rights and protections for all citizens.

2. RESERVATIONS

No additional data.

3. VISIBILITY OF THE CONVENTION, THE OPTIONAL PROTOCOL AND THE COMMITTEE'S GENERAL RECOMMENDATIONS

State and Territory Governments host a range of websites and social media platforms which enable members of the public to access Government policies that give effect to the Convention.

Victoria

The Victorian Human Rights Unit, together with the Victorian Equal Opportunity and Human Rights Commission, is currently delivering a Charter Education Program across the Victorian public sector, through face-to-face and online learning, covering the Victorian Charter of Human Rights and Responsibilities.

Tasmania

The principles of the Convention provide an overarching structure that informed the development of the *Tasmanian Women's Plan 2013-2018*.¹

The Northern Territory

The Northern Territory Department of Attorney-General and Justice incorporates into its compulsory orientation for new employees (including prosecutors, lawyers and law administration officials), information on anti-discrimination, sexual harassment and bullying. The *Northern Territory Framework for Action for Women in the Northern Territory 2008-2012 Building on our Strengths* detailed and promoted the Northern Territory's international obligations to undertake activities to increase gender equality. These obligations are also detailed in the *Policy Framework for Northern Territory Women 2015-2020*, and will continue to be promoted in the *Northern Territory Gender Equality Strategy*, currently being developed to replace the Policy Framework.

¹ http://www.dpac.tas.gov.au/_data/assets/pdf_file/0019/202834/Tasmanian_Womens_Plan_2013-18.pdf

Queensland

The *Queensland Women's Strategy 2016-21* provides a framework for government, the private sector and the wider Queensland community to take significant action to achieve gender equality in Queensland.

The *Strategy* was prepared on the basis of wide consultation. The *Strategy and Community Implementation Plan* is promoted throughout Queensland using a wide variety of community engagement mechanisms including a regular newsletter, website, events, social media and a free women's information service (Women's Infolink service).

4. ACCESS TO JUSTICE AND REMEDIES

Court proceedings

The Convention was referenced to explain the statutory history of the *Sex Discrimination Act* and to assist with its interpretation (*Piper Meanoia Kojo Pty Ltd* [2005] FMCA 1051 and *Jacomb v Australian Municipal Administrative Clerical and Services Union* [2004] FCA 1250).

AB v Registrar of Births, Deaths and Marriages [2007] FCAFC 140, is an example of a case that invoked the Convention to challenge the constitutional validity of state legislation, arguing it was inconsistent with the *Sex Discrimination Act*. *R v Wei Tang* [2007] VSCA 134, *Industrial Relations Act Case* [1995-1996] 187 CLR 416, and *Aldridge v Booth* [1988] 80 ALR 1, involved constitutional challenges to provisions of federal legislation on the basis that their enactment was an invalid exercise of power as they failed to give effect to the Convention.

In *SZANS v Minister for Immigration and Multicultural and Indigenous Affairs* [2004] FMCA 445, the Court considered that impinging on the right to refrain from entering into a marriage, except as an act of free choice (Convention article 16), may constitute persecution under the *Convention Relating to the Status of Refugees* 1951. In *T v S* [2001] FamCA 1147, articles 2 and 15(1) of the Convention were invoked and the denial of legal aid to victims of domestic violence was found to infringe the practical enjoyment of rights assured under the Convention.

5. WOMEN, PEACE AND SECURITY

No additional data.

6. NATIONAL MACHINERY FOR THE ADVANCEMENT OF WOMEN

No additional data.

7. TEMPORARY SPECIAL MEASURES

No additional data.

8. STEREOTYPES AND HARMFUL PRACTICES

Strategies

Northern Territory
The first action plan under the <i>Domestic, Family and Sexual Violence Reduction Framework 2018-2028</i> focuses on changing the values, norms, attitudes and behaviours that drive domestic, family and sexual violence, intervening earlier and responding better
Queensland
The <i>Queensland Women's Strategy 2016-21</i> provides a whole-of-community framework to take action to change culture and achieve gender equality.
Victoria
<i>Safe and Strong, Victoria's gender equality strategy</i> , (2016) and <i>Free from violence: Victoria's strategy to prevent family violence and all forms of violence against women</i> (2017).
Tasmania
<i>Safe Homes, Safe Families.</i>

Combating harmful practices

Australian Capital Territory
The government's <i>Child and Youth Protection Services (CYPS)</i> is the primary statutory protection agency for children and offers legal assistance to their clients, while also referring them to other services for psychological, physical, and residential support. Financial support is available to suspected victims of human trafficking, slavery and slavery-like practices, including forced marriage, through the CYPS.
Victoria
The Victorian <i>Royal Commission into Family Violence</i> recommended: "The Victorian Government amend section 6 of the <i>Family Violence Protection Act 2008 (Vic)</i> to expand the statutory examples of family violence to include forced marriage and dowry-related abuse" (rec 156).

<p>Following the recommendation the government consulted across government and non-governmental organisations, the Victorian Multicultural Commission, Multi-Faith Advisory Group and organisations that raised this issue with the Royal Commission. These consultations informed the bill to be introduced the Victoria parliament in March to amend the <i>Family Violence Protection Act 2008</i> (Vic) to expand the statutory examples of family violence to include forced marriage and dowry-related abuse.</p>
<p>Northern Territory</p>
<p>In 2011, the Office of Multicultural Affairs partnered with relevant Territory government and non-government organisations to deliver a pilot community education program for the Somali community, separate for men and women, to discuss a range of issues related to Female Genital Cutting and sexual and reproductive health.</p>
<p>Queensland</p>
<p>The <i>Queensland Violence Against Women Prevention Plan 2016-2022</i> acknowledges forced and servile marriage, female genital mutilation, dowry and bride-related crime and trafficking for sexual exploitation as abuses of human rights and forms of gendered violence as victims are almost entirely women.</p>

9. GENDER-BASED VIOLENCE AGAINST WOMEN

Efforts towards centralised data system

Commonwealth

The Personal Safety Survey (PSS) is a national survey conducted by the Australian Bureau of Statistics. The PSS collects detailed information from men and women about the nature of violence experienced since the age of 15 including:

- current and previous partner violence and emotional abuse since the age of 15
- stalking since the age of 15
- physical and sexual abuse before the age of 15
- witnessing violence between a parent and partner before the age of 15
- lifetime experience of sexual harassment
- general feelings of safety.

The 2016 PSS results are at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>.

The Australian Institute of Criminology’s *National Homicide Monitoring Program* also collected national data. See: <http://aic.gov.au/publications/current%20series/rip/21-40/rip38.html>.

Australian Capital Territory

The ACT Government's first full-time Coordinator-General for Safer Families commenced work in 2016. The Coordinator-General's role is to ensure consistency and continuity in reporting, as well as to drive cultural change, lead reform and provide accountability. A Safer Families team was also established.

Victoria

Following recommendation (rec 138) from the *Royal Commission in Family Violence, Coroners Act 2008* was amended in 2017 to establish the Victorian Systemic Review of Family Violence Deaths Unit under the Coroners Court. This ensures the Coroner's Court can continue to assist coronial investigations and provide evidence-based research into family violence-related deaths.

Tasmania

The Tasmanian Government is engaging with national efforts, led by the Australian Human Rights Commission, for coroners from all jurisdictions to work towards a process for national reporting.

Northern Territory

The *Domestic and Family Violence (Recognition of Domestic Violence Orders) (National Uniform Law) Amendment Act 2017* was passed in 2017 as part of a commitment made under the National Plan for all Australian Governments to ensure that domestic violence orders issued in one jurisdiction are automatically enforceable across all states and territories in Australia.

New South Wales

NSW is a founding member of Australia's National Research Organisation for Women's Safety (ANROWS). The *NSW Domestic and Family Violence Blueprint for Reform 2016-2021: Safer Lives for Women, Men and Children* sets out the directions and actions to reform the domestic violence system in NSW.

Data on gender-based violence

Commonwealth

Key findings of the 2016 *Personal Safety Survey*²:

- 15.2 per cent of women who had experienced sexual assault contacted the police about their most recent incident of sexual assault by a male
- 29.2 per cent of women who had experienced physical assault contacted the police about their most recent incident of physical assault by a male
- 17.4 per cent of women who experienced violence by a current partner reported the incident to police
- 35.4 per cent of women who experienced violence by a previous partner reported the incident to police

Victoria

The *Crime Statistics Agency* provides comprehensive data reporting for the period 2012- 2017, available here: <https://www.crimestatistics.vic.gov.au/family-violence-data-portal>.

Complaints

Commonwealth

The Australian Institute of Criminology's *National Homicide Monitoring Program* reports are available at: <http://aic.gov.au/publications/current%20series/rip/21-40/rip38.html>.

Tasmania

Equal Opportunity Tasmania's Annual Report 2016-17 provides information on complaints received http://equalopportunity.tas.gov.au/_data/assets/pdf_file/0003/398181/EOT-Annual-Report-Accessible-2016-17.PDF, page 30-40.

Prosecutions – Police involvement in women's experiences of partner violence

*Commonwealth*³

The 2016 Personal Safety Survey (PSS) published the following information:

Current partner

- An estimated 82% of women (225,700) who experienced current partner violence never contacted the police.
- Of those who contacted the police, approximately half (55% or 26,200) reported that their partner was not charged.

² <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>

³ Source: 2016 Personal Safety Survey: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>

Previous partner

- An estimated 65% of women (888,100) who experienced previous partner violence never contacted the police.
- Of those who contacted the police approximately half (56% or 271,900) reported that their partner was not charged.
- Of the estimated 189,300 women whose violent partner was charged, approximately 86% reported their partner went to court.
- Women were more likely than men to have a restraining order issued against their violent previous partner.
- Approximately one in ten men who experienced previous partner violence had a restraining order issued against their partner (10% of 41,100), as against approximately one in four women.

Remedies

Commonwealth

Violence by a current partner

- Just over half of women (54% or 149,700) who experienced current partner violence had sought advice or support about the violence they experienced. Two-thirds of these women sought advice or support from a friend or family member.
- The most common reason for not seeking advice or support was because they felt they could deal with it themselves (50% or 63,100).

Violence by a previous partner

- An estimated 63% of women (864,100) who experienced previous partner violence, had sought advice or support about the violence they experienced. Two-thirds of these women sought advice or support from a friend or family member.
- The most common reason for these women not seeking advice or support was because they felt they could deal with it themselves (47% or 238,400).

Australian Capital Territory
<p>Measures include:</p> <ul style="list-style-type: none"> • The government’s crisis response scheme for women with disabilities. • ACT Policing’s <i>Family Violence Coordination Units</i> – dedicated family violence and community safety teams. • <i>Family Violence Intervention Program</i>- a multiagency model to respond to family violence incidents reported to the police, and proceed to prosecution. • Domestic Violence Crisis Service and the Canberra Rape Crisis Centre. • Support to Women’s Legal Centre and Canberra Community Law <p>The government is funding:</p> <ul style="list-style-type: none"> • Safe Families package of \$23.5 million over four years from 2017-18. • \$4.5 million in 2016/17 to women’s homelessness services. • \$315, 000 funding over 4 years to establish private rental for women who are not eligible for specialist accommodation.
Northern Territory
<p>Non-government organisations are funded to provide support services to victims and their children (e.g. the Critical Intervention Outreach Service). Under the current budget, \$33 million is allocated to frontline services, infrastructure and strategies to support the outcomes of the Third Action Plan.</p>
South Australia
<p>The government funds Our Watch, ANROWs and state-based initiatives which support the outcomes of the Third Action Plan.</p>
Victoria
<p>\$572 million from the 2016-17 State Budget to begin work on the <i>Royal Commission into Family Violence</i>’s most urgent recommendations. The 2017-18 State Budget provides a further \$1.9 billion to deliver on this commitment.</p>
Tasmania
<p>\$40 million in existing funding to address family violence each year. <i>Safe Homes, Safe Families</i> was allocated an additional \$26 million over a four-year period (2015-2019), and an additional commitment of \$2.2 million from other sources.</p>

Participation in the development and implementation of the Third Action Plan

Australian Capital Territory
The government used a co-design approach to develop a Family Safety Hub and included Indigenous women, CALD, LGBTIQ and disability cohorts. Insights gained will inform implementation plan of the Third Action Plan.
Victoria
The <i>Victorian Action Plan</i> (pending public release) sets out a range of actions that directly align with the Third Action Plan and actively seek to ensure the participation of Indigenous women, migrant and refugee women, women from ethnic and religious minorities, and women with disabilities.
Northern Territory
The Office of Women’s Policy, now the Office of Gender Equity and Diversity, hosted community engagement activities to inform the development of the Third Action Plan under the National Plan, specifically engage Indigenous men and women, and members of the multicultural community.

Shelters

Victoria
Victoria is redeveloping 19 existing family violence refuges thereby providing greater privacy, independence, and inclusivity for residents with a range of cultural, disability and other support needs. Two of the new facilities will be dedicated to Aboriginal women. Funding has been allocated to improve service provision for victims with no income due to their temporary migration status.
Northern Territory
Hobart Women’s Shelter, funded through <i>Safe Homes, Safe Families</i> , is currently under development, and when completed will have two accessible units and be staffed 24/7.

Counselling, legal advice and interpretation services

Australian Capital Territory
The government funds the Women's Legal Centre and Canberra Community Law, who provide crucial services to women and children experiencing or at risk of domestic and family violence. The government also funds translating and interpreting services to improve translating and interpreting services in courts and tribunals, and specialist family and domestic violence services, including community legal centres.
Northern Territory
The government operates an Aboriginal Interpreter Service that provides interpreters in up to 18 local Aboriginal languages. There is also a Northern Territory general interpreting and translating service.
South Australia
Services include the Family Violence Legal Service Aboriginal Corporation Migrant Women's Support Service, Victims Support Service, Women's Domestic Violence Court Assistance Service and Women's Legal Service.
Victoria
The government has introduced integrated service hubs to improve accessibility to all government services. Seventeen 'Support and Safety Hubs' provide integrated intake, assessment, referral and support services.