

Budget 2021 – Reducing violence against women and their children

Violence against women overview

The ongoing impacts of the COVID-19 pandemic and recent public conversations about sexual violence continue to highlight the importance of addressing and preventing all forms of violence against women.

NFAW welcomes the Government’s investment of \$1.1 billion to address and prevent violence against women. This funding largely funds existing programs and initiatives, ensuring a continuation of services and in some cases expanding on what is currently in place, during a transition period while the next National Plan to Reduce Violence against Women and their Children is being developed (due to begin in mid-2022).

However, to see real change in both the way that our systems respond to and support women experiencing violence and in the underlying drivers of gender-based violence to prevent it, deep structural reforms informed by the expertise of women’s and specialist organisations is critical.

The Government has described this funding package as a “down payment” on the next National Plan. The design and resourcing of this next Plan will be critical to seeing real change on this issue.

Addressing and preventing violence against women

The Budget

The Government has committed \$1.1 billion over four years aimed at addressing, reducing and preventing violence against women and children.

This is made up of 3 key budget measures:

- Women’s Safety (cross-portfolio measure) - \$998.1 million over four years (and \$2.3 million in 2025-26).
- A Roadmap for Respect – the Respect@Work response implementation (Attorney-General’s) – the full cost of this measure has not been published.

- Family Law System – improving access and safety for children and families (Attorney-General’s) - \$123.8 million over four years.

Additionally, the Government announced in the Budget that it will not proceed with a measure to extend early release of superannuation to victims of family and domestic violence (Budget Paper 2, p. 15).

Women’s Safety

Payments (\$m)

	2020-21	2021-22	2022-23	2023-24	2024-25
Department of the Treasury	-	161.6	189.1	60.2	61.2
Department of Social Services	-	122.1	131.9	29.0	39.1
Attorney-General’s Department	-	19.9	28.2	29.7	30.2
National Indigenous Australians Agency	-	12.8	10.9	2.3	-
Australian Communications and Media Authority	-	12.1	6.7	-	-
Department of Home Affairs	-	10.2	10.3	8.9	-
Services Australia	-	5.8	5.8	5.8	-
Department of Infrastructure, Transport, Regional Development and Communications	-	4.4	-	-	-
Total — Payments	-	348.8	382.8	135.9	130.5
<i>Related receipts (\$m)</i>					
<i>Australian Taxation Office</i>	-
<i>Department of Home Affairs</i>	-
Total — Receipts	-

Source: 2021 Budget Paper No 2, Women’s Safety, p. 83.

The Women’s Safety cross-portfolio measure includes funding to support women and children who have experienced family, domestic and sexual violence (\$507.3m) including a new National Partnership with states and territories to expand the funding of frontline support services, flexible financial support for women leaving violence relationships, and support for migrant, refugee, Aboriginal and Torres Strait Islander women’s safety. Funds have been committed to assist women and children to engage with the legal system (\$320.1m) including funding for women’s legal centres, increasing access to Children’s Contact Services, and funds to support national discussions on strengthening justice responses to sexual assault, sexual harassment, and coercive control. Funds have also been dedicated to addressing online harms for Australians (\$23.2m over 2 years).

\$80.6m over 5 years has been committed to improve data collection and research capability including funding for a dedicated Aboriginal and Torres Strait Island survey on safety and violence and funding for the ABS, ANROWS and AIHW.

Commitments relating to the prevention of violence against women include funding to extend the *Stop It At the Start* campaign (\$24.4m), for additional resources for young Australians about respectful relationships (\$10.7m) and \$34.1m for further measures aimed at prevention and early intervention in violence including for women with disability.

Family Law System — improving access and safety for children and families

Payments (\$m)

	2020-21	2021-22	2022-23	2023-24	2024-25
Federal Court of Australia	-	22.1	22.3	22.4	22.5
Attorney-General's Department	-	7.1	1.3	1.1	1.1
Department of the Treasury	-	3.6	6.8	6.8	6.8
Total — Payments	-	32.7	30.4	30.3	30.4

Source: 2021 Budget Paper No 2, Family Law System, p. 62.

The measure focusing on the family law system includes funding to reform family law case management processes (\$60.9m); improving information sharing between the family law and family violence and child protection systems (\$29m); funding to the Family Violence and Cross Examination of Parties Scheme (\$6.3m) and funding to support the Family Law Council to advise the Attorney-General on the operation of the *Family Law Act 1975* and other relevant matters (\$0.9m).

A Roadmap for Respect — Respect@Work response implementation

Payments (\$m)

	2020-21	2021-22	2022-23	2023-24	2024-25
Attorney-General's Department	-	2.3	2.0	1.7	1.5
Workplace Gender Equality Agency	-	1.0	1.1	1.1	1.1
Australian Public Service Commission	-	0.5	0.5	0.3	0.3
Comcare	-	-	-	-	-
Department of the Treasury	-	nfp	nfp	nfp	nfp
Total — Payments	-	3.8	3.7	3.1	2.9

Source: 2021, Budget Paper No 2, A Roadmap for Respect, p. 61.

The measure setting out funding commitments for the Government's response to the *Respect@Work* report includes \$9.3m over 4 years to support the implementation of the response including for the Respect@Work Council Secretariat; \$6m over 4 years from 2021-22 to the Workplace Gender Equality Agency and the Australian Public Service Commission to strengthen reporting on sexual harassment prevalence, prevention and response; and funding for additional legal assistance.

The Government has also committed \$5.3m over 3 years to build evidence and further develop primary prevention initiatives for sexual harassment (Women's Budget Statement, p. 30, 2021).

Gender implications

This funding is described in the Women’s Budget Statement as ensuring essential services continue as governments transition to the new National Plan (Women’s Budget Statement, p. 21, 2021). The Minister for Families and Social Services and Minister for Women’s Safety, Senator the Hon Anne Ruston, has said that the package “represents the Commonwealth’s down payment on the next National Plan which will commence in mid-2022”.

Why is this an issue for women?

The recent March4Justice and national conversation around sexual violence have highlighted calls from women in Australia for action to be taken to address and prevent violence in all facets of our communities including in the home and workplaces.

The COVID-19 pandemic has exacerbated violence against women, and the impacts of this are likely to continue. This means that ensuring that women experiencing violence are appropriately supported is critical, as are efforts to prevent this violence in the longer term.

According to the ABS Personal Safety Survey, one in five Australian women have experienced sexual violence, one in five have experienced physical violence, and one in four have experienced emotional abuse since the age of 15. Women who experience multiple forms of discrimination and disadvantage experience higher rates of violence and/or greater severity of violence. For example, Aboriginal and Torres Strait Islander women were 32 times as likely to be hospitalised due to family violence assaults as non-Indigenous women; and recent research shows that women with restrictive long-term health conditions reported high levels of physical and non-physical domestic violence during the initial stages of the COVID-19 pandemic.

What are the 2021 Budget impacts on women?

The \$1.1 billion funding package is an encouraging step that acknowledges the scale of the problem and requisite effort required to address violence against women. It is positive to see this funding described as a “down payment” on the next National Plan, recognising that funds are needed now to meet service demand, and that in the development of the next Plan there will be further requirements identified. Importantly, a high level of ongoing funding is needed to meet service demand and invest in sustainable prevention efforts – this package cannot be a one-off commitment to this issue.

There are many positive measures in the Budget which will enable the work of frontline services, begin work on addressing and preventing sexual harassment in the workplace and improve data collection and monitoring efforts.

The investments in the family law system are positive including funding to support information-sharing and expanding social supports under the Family Advocacy and Support Services. However, NFAW remains concerned about the abolition of the Family Court and implications that this will have for women’s safety.

Funding for support for migrant, refugee, Aboriginal, Torres Strait women and women with disability is welcomed however this needs to be accompanied by reforms to address the structural discrimination that these women face in accessing supports. For example, the introduction of a 4 year waiting period for social security eligibility (announced in this Budget) will have significant implications for migrant women, and the planned changes to the NDIS including introduction of independent assessment may impede access to supports for women with disability. These structural barriers create additional risk factors for women experiencing violence.

Addressing and preventing violence against Aboriginal and Torres Strait Islander women is a key gap in this package. The Change the Record coalition has identified that the Budget delivers less than a quarter of the funding needed for the 14 family violence legal prevention services to provide crucial front-line services for Aboriginal and Torres Strait Islander women. The Government has announced an Aboriginal and Torres Strait Islander Advisory Council which will play a role in guiding development and implementation of the next National Plan and responses to the Closing the Gap target (Women's Budget Statement, p. 23, 2021). This is a positive step but must be supported by secure and ongoing funding for critical Aboriginal community-controlled services and reforms to address institutional racism and prioritise self-determination.

The provision of affordable and appropriate housing is a critical component of addressing violence against women, however this Budget does not adequately address this issue. The women's safety package includes \$12.6m over three years for Safe Places projects to renovate, build or purchase emergency accommodation for women and children experiencing family and domestic violence. This funding is not sufficient to meet the significant demand for emergency accommodation. Additionally, the level of funding for the National Housing and Homelessness Agreement (which includes women and children affected by family and domestic violence as a priority cohort) has been maintained rather than increased. See the 'housing' section of the Gender Lens for further analysis of this policy area.

A small proportion of the \$1.1 billion funding commitment has been dedicated to preventing violence against women, however much of this funding appears to be focused on change at the individual level. To achieve deep and sustainable change in the drivers of violence against women, further investments are needed at all levels of society (organisational, institutional and structural). This includes the introduction of gender responsive budgeting and policy-making to identify and address inequalities in public policy. Funding of prevention recommendations from the Respect@Work report are a good start however the Government has not yet committed to introducing a positive duty on employers in the *Sex Discrimination Act*. This is an important reform that will contribute to preventing violence against women.

Recommendations

- With states, territories and specialist organisations, monitor and respond to the ongoing impacts of the COVID-19 pandemic on violence against women, including through resourcing for increases in service demand.
- Address violence against Aboriginal and Torres Strait Islander women by providing adequate and ongoing funding to Aboriginal community-controlled organisations and services, including the national family violence legal prevention services.
- Prioritise the provision of appropriate and affordable housing for women as part of the national approach to addressing violence against women (see ‘housing’ section for further information about NFAW’s policy recommendations in this area).
- Invest in addressing the underlying drivers of violence against women including through initiatives that address these drivers at all levels of society (institutional/system, organisational, community and individual) and the introduction of gender-responsive budgeting and policy-making.
- Meaningfully and substantially engage women’s and specialist violence against women organisations in the design of the next National Plan and decision-making processes about resourcing required to implement the Plan.

Budget 2021 – Reducing violence against women and their children

Community Legal Centres overview

The amount provided to the sector through the National Legal Partnership Agreement 2020-2025 over the 2020-21 to 2023-24 period has increased by \$244.4 million comprising increased funding of \$129 million over four years to Women’s Legal Centres, a modest increase of \$4 million per annum to Domestic Violence Units and Health Justice Partnerships, and \$26 million to Family Violence Prevention Legal Centres over 4 years to assist Aboriginal and Torres Strait Islander women and children experiencing family violence

There has been no specific additional funding to Community Legal Centres (CLCs) and the COVID-19 Legal Assistance funding and Bushfire Response funding has been discontinued.

While the \$129 million allocated to Women’s Legal Centres is welcome to improve services to women, NFAW is concerned about the lack of detail in the Budget around the specific allocation of funding. In terms of the demand for services, the amount in the Budget is not enough, and it is immensely disappointing that Community Legal Centres received no additional funding from the Budget. During 2020 CLCs reported a significantly increased demand in a range of areas, and demand is anticipated to continue to increase over time as the community recovers from the pandemic crisis.

Community Legal Centres

The Budget

The National Legal Assistance Partnership 2020-2025 provides funding to all states for legal assistance services delivered by legal aid commissions, Community Legal Centres and Aboriginal and Torres Strait Islander Legal Services. While in the 2021-22 Budget overall funding has increased ‘to increase the capacity of the legal assistance sector to meet community demands’ there was been no increase to Community Legal Centres.

Additional funding has been provided in 3 key areas although the detail around how this money will be shared between the State and Territories and the various services within each state and territory is yet to be announced. Overall the amount provided over 2020-21 to 2023-24 has increased by \$244.4 million compared to the previous Budget. For the 2024-25 year, the Budget provides \$499.4 million to the sector.

Increased funding to Domestic Violence Units and Health Justice Partnerships

The Budget provides a \$77.1 million increase over four years from 2021-22 to the National Legal Assistance Partnership. This is 'to support the early resolution of legal problems for those experiencing mental illness and for mental health workers in Domestic Violence Units and Health Justice Partnerships to support women who have experienced family violence' (Budget Paper 2, p. 117).

- This includes increases of approximately \$4 million per annum increase to the funding provided to Domestic Violence Units and Health Justice Partnerships.
 - (21/22 from \$10.1 to \$14.3; 22/23 from \$10.2 to \$14.5; 23/24 from \$10.4 to \$14.7 AND for the next year \$14.9)

Additional legal assistance funding for Women's Legal Centres under the National Legal Assistance Partnership

'Women's legal centres will receive a significant increase in their funding, to enable them to meet the high levels of need for assistance from women including those experiencing, or at risk of, family violence' (BP2, p.84)

- Specifically, \$129.0 million over four years from 2021-22 for additional legal assistance funding for women's legal centres under the National Legal Assistance Partnership.
 - 2021/22 – \$31.6mil; 22/23 - \$32.0mil; 23/24 - \$32.5mil; 24/25 \$32.9mil.

Funding for Family Violence Prevention Legal Centres

Budget Paper 2 details that there will be '\$26.0 million over four years to better support Aboriginal and Torres Strait Islander women and children who have experienced or are experiencing family violence' (p. 84). While there is little detail, it is believed that this funding will be provided to Family Violence Prevention Legal Centres.

National Partnership Payments Expense (\$m)

	2020-21	2021-22	2022-23	2023-24	2024-25
Community Legal Centres	48.5	55.9	56.7	57.6	58.6
Aboriginal and Torres Strait Islander Legal Services	79.5	86.7	88.2	89.6	91.0
Domestic Violence Units and Health Justice Partnerships	9.9	14.3	14.5	14.7	14.9
Family advocacy and support services	9.9	10.0	27.1	27.1	28.3
Increased legal assistance funding for vulnerable women		31.6	32.0	32.5	32.9

Source: 2021-22 Budget Paper No.3, Table 2.11: Payments to support other state services

Other funding

Budget Paper 3 (p. 90) also notes that '...the legal assistance sector will receive additional funding to ensure that matters can proceed expeditiously through the courts. The National Legal Assistance Partnership 2020-25 contributes to an integrated, efficient, effective and appropriate legal assistance services that are focused on improving outcomes and keeping the justice system within reach for vulnerable people facing disadvantage, within available resources'. How this impacts the CLC sector is unclear.

Gender implications

Why is this an issue for women?

The community legal sector and all its elements provide vital assistance to women, children and the wider community. The advice provided covers broad areas including domestic violence, financial matters and employment to name just a few.

In the 2020-21 Budget analysis we noted concern that COVID-19 would have significant adverse impacts on the those who need the services provided by the community legal sector. It is unfortunate that the evidence confirms that this occurred:

In July 2020, the Australian Institute of Criminology reported that ‘for many women, the pandemic coincided with the onset or escalation of violence and abuse. Two-thirds of women who experienced physical or sexual violence by a current or former cohabiting partner since the start of the COVID-19 pandemic said the violence had started or escalated in the three months prior to the survey’.

Similarly, the Australian Institute of Health and Welfare reported in January 2021 COVID effects including an increase in child welfare issues, impacts on housing, employment, financial stress and so on. Their research highlighted the dire need for increased funding to the CLC sector with ‘people needing domestic violence support most likely to encounter difficulties accessing services’ with ‘around 1 in 5 (23 per cent) of those who sought help’ reporting difficult accessing services. The AIHW also found that despite increased government payments during 2020, individual families could still be financially worse off and overall incomes reduced compared to pre-pandemic levels. Housing stress also increased significantly with concerns that this ‘housing stress for vulnerable Australians will intensify’ with the end of the Job Keeper payments in March 2021.

It is clear that the pre-pandemic pressures on the community legal sector were only amplified by COVID-19. They will not subside immediately. While Australia is at present in a good position in terms of number of cases, the pandemic continues and the economy is yet to return to normal.

What are the 2021 Budget impacts on women?

The \$129 million allocated to Women’s Legal Centres is welcome to improve services to women.

However, NFAW is concerned about the lack of detail in the Budget around the specific allocation of funding. Specialist trauma informed women’s legal organisations are the best placed to deliver these services and every effort must be made to ensure that the funding is provided by the States and Territories to the centres themselves and not absorbed into administration or allocated elsewhere.

Similarly, the \$26 million provided over 4 years to assist Aboriginal and Torres Strait Islander women and children experiencing family violence must be provided directly to Family violence prevention legal centres. NFAW notes that given the demand for services, the amount in the Budget is not enough.

The need for increased funding for Health Justice Partnerships was something that NFAW raised in our previous Budget submission. This funding will be vital to ensuring that legal services are provided to vulnerable members of the community in settings that are most appropriate for their needs.

It is immensely disappointing that Community Legal Centres received no additional funding from the Budget. During 2020 CLCs reported increased demand in a range of areas including domestic and family violence, parenting arrangements, social security, tenancy, employment, legal services for children and young people, legal services and seniors, and insurance, credit and debt.

This is a significant proportion of the work undertaken by the sector, with CLCNSW reporting that 'community legal centres anticipate that increased demand for services will be maintained over the long-term as people and communities struggle to recover from the social and economic impacts of the crisis'.

Recommendations

- The government provide increased funding to assist the CLCs to address their existing and predicted high demand.
- The government ensure that the \$129 million funding provided to Women's Legal Centres goes directly to the legal centres in each State and Territory for the direct provision of assistance to women. and not absorbed elsewhere.
- That the government consider increased funding to Aboriginal Legal Centres to address unmet need.