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Assistant Secretary
Human Rights Policy Branch
Attorney-General's Department
Robert Garran Offices
3-5 National Circuit
BARTON ACT 2600

**Response to Consolidation of Commonwealth Discrimination Law
Eastern Community Legal Centre and Eastern Domestic Violence Service (Victoria)**

This response is prepared on behalf of Eastern Community Legal Centre (ECLC) and Eastern Domestic Violence Service (EDVOS) to question 9 of the Consolidation of Commonwealth Anti-Discrimination Laws Discussion Paper ("Discussion Paper").

We note that the Discussion Paper refers to earlier submissions which have supported the protection of discrimination against victims of domestic and family violence in the Consolidation process. Both ECLC and EDVOS strongly support the inclusion of domestic and family violence victims in the list of attributes to be protected from discrimination.

Both ECLC and EDVOS support the Australian Human Rights Commission supplementary submission to the Consolidation of Commonwealth Discrimination Law. Further to the information already supplied by the submissions of the Australian Human Rights Commission and the Australian Domestic and Family Violence Clearinghouse (NSW), we now take this opportunity to provide some specific information that may be helpful to the Government's consideration of the inclusion of a new ground of discrimination on the basis of domestic and family violence.

About us

EDVOS provides a range of services to women and children experiencing domestic violence including advocacy, support, information, and referral. Employing a structural feminist analysis of domestic violence, EDVOS locates violence and abuse of women within a social and political context. EDVOS also understands that domestic violence is experienced by women and children regardless of class, ethnicity, religion, age, abilities or sexual preference, and perpetrators must be held accountable for their use of violence and challenged to take responsibility.

ECLC is located in the Eastern region of Melbourne and serves the Cities of Whitehorse, Boroondara, Manningham, Maroondah, Knox and the Shire of Yarra Ranges. ECLC offers free legal advice from its offices in Box Hill and Boronia during the day, at night and also through various outreach locations across the East, with a priority being given to those who are disadvantaged.

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The Eastern Region has a number of areas of significant disadvantage. Healesville, in the Shire of Yarra Ranges, is home to the second most populous indigenous population in Victoria. The cities of Whitehorse, Maroondah and Knox host large communities of new arrivals to Australia, particularly from the Horn of Africa.

In addition to direct legal services, ECLC also focuses on community development and education activities that empower clients, workers and the general community. It raises awareness of its service, new legal developments and human rights through various projects.

Both agencies work closely together on issues related to family violence. The views in this response are reflective of both organisations unless otherwise stated.

Homelessness and employment for domestic and family violence victims

It is very common for victims to become homeless as a result of domestic and family violence. Women often leave the family home in order to ensure the safety and protection of their families. If a woman is already employed, or seeking employment, homelessness can adversely affect her ability to obtain or keep her employment.

In situations where female victims (and children) are housed in one of Victoria's refuges, it is standard procedure for a refuge to request a woman to not attend at her workplace during the period she is housed there. This standard procedure is to protect against the possibilities of a perpetrator following a woman back to the refuge. In such circumstances, she would then put not only herself, but other refuge residents at risk of safety. As a result however, any employment opportunities that a woman may have are adversely affected by the fact that she is housed in a refuge.

Furthermore, due to Victoria's limited number of refuges, women are often forced to move into a refuge that is either in a rural region, or a location far from her previous accommodation. Even in the event that the refuge standard procedures were changed, the location of the refuge would then make it difficult for a woman to maintain her current employment in any event.

The impact of domestic and family violence in employment

Both agencies are aware of situations where a perpetrator has become more violent once a victim has engaged in employment. It is a common experience for our clients to be prevented from going to work, (or getting to work on time) due to the perpetrator's violent and abusive behavior. As a result, in order to 'keep the peace' victims have been known to leave their employment to protect her safety. Unfortunately, this also results in an immediate substantial major reduction in financial independence.

Legal proceedings that involve victims of family and domestic violence are commonly featured in the Family and Children's courts as well as the State Courts for civil intervention and apprehended violence order proceedings. All of these jurisdictions often involve protracted, lengthy proceedings where parties are required to attend for a number of court hearings.

Consequently, victims of family and domestic violence are compelled to take time off work to attend at all court dates, and as a result must negotiate with their workplaces about their time away from work. This can jeopardise a victim's ability to retain their employment, particularly for those who are employed on a casual or temporary basis. For victims who are employed in more secure employment, the numerous court dates are used up by the victims' annual leave entitlements. This situation has been observed as a deliberate exploitative tactic used by perpetrators to force victims to settle their legal proceedings to the perpetrator's advantage.

It is also common for women who have been in violent relationships to re-partner in other abusive relationships. In situations where women are employed and have disclosed the violence of one relationship to their workplace, if future relationships are also violent, it is less likely for women to disclose the nature of the additional relationships due to fear and shame that her credibility has been damaged within the workplace.

The workplace itself can also be used as a forum for further harassment and humiliation. It is not uncommon for perpetrators to contact (or threaten to contact) a victims' employer and colleagues, or to dump personal belongings of the victim at her workplace as a form of humiliation and shame.

Conservative families and domestic and family violence

The Eastern region of Victoria is diverse, and has a vast range of communities from different economic backgrounds. For those clients who appear to be economically more advantaged, family violence can go either unnoticed or unacknowledged. As a result, there is a collusion of silence about family violence due to some community member's economic background. In such situations, victims of family and domestic violence live two lives where their 'public face' does not reveal the reality of having money for simple amenities such as bus fares and struggling with large debts brought about as a result of the relationship. In these situations, children are also less likely to tell other people about the domestic and family violence at home. If victims from these backgrounds are working, they are less likely to disclose to their workplace the reality of their experience of domestic and family violence.

It is recommended that employers be made aware of the above factors that may feature in the experience of an employee who is experiencing family and domestic violence. In educating employers to understand the experiences of victims of family and domestic violence, it is anticipated that the stigma of being a victim of family and domestic violence will be diminished within a broader social context.

Is the consolidation of laws alone enough? The need for education

While the discussion paper focuses on the possible legal reforms, the agencies note a clear lack of focus on the need for extensive education programs to encourage and facilitate the change in social attitudes behind discrimination, rather than relying only on the formal legal process.

There are a range of appropriate and beneficial education initiatives that could be utilised or expanded (for example ECLC's own Human Rights are Aussie Rules– a primary prevention education program targeted at children and young people) but these are consistently operated with very limited resources without broad implementation.

The possibility of having enhanced rights or protection but being entirely unaware of this protection is a regrettable likelihood for many of our clients from marginalised communities. The two agencies have collaborated (and involved other partners) on a number of significant education projects to assist victims of domestic and family violence.

We hope that the government takes into consideration the information we have provided in its consideration of the inclusion of a new ground of discrimination on the basis of domestic and family violence.

Please do not hesitate to contact Belinda Lo of Eastern Community Legal Centre on belindal@eclc.org.au for any further information about this response.

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