



**Commissioner for Children and Young People**  
Western Australia

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Our reference: 20/4568

Mr Andrew Wallace MP  
Chair  
Standing Committee on Social Policy and Legal Affairs  
PO Box 6021  
Parliament House  
CANBERRA ACT 2600

Dear Mr Wallace

**Submission – Inquiry into Family, Domestic and Sexual Violence**

As Commissioner for Children and Young People in Western Australia I have a statutory responsibility under the *Commissioner for Children and Young People Act 2006* (WA) to monitor and review laws, policies, practices and services affecting the wellbeing of all children and young people under the age of 18 years. In undertaking these responsibilities, I must give priority to Aboriginal and Torres Strait Islander children and young people and those who are vulnerable or disadvantaged for any reason. I must also have regard for the United Nations Convention on the Rights of the Child (UNCRC).

It is within the context of my role as an independent, statutory office and the functions outlined above that I provide this submission to the Standing Committee on Social Policy and Legal Affairs' inquiry into family, domestic and sexual violence. In drafting this submission I have focussed on the following elements of the Inquiry's Terms of Reference:

- (a) Immediate and long-term measures to prevent violence against women and their children.
- (b) Best practice and lessons learnt from international experience.
- (c) The level and impact of coordination, accountability for, and access to services and policy responses across the Commonwealth, state and territory governments.
- (d) The way that housing and access to services impact on the ability of women to escape domestic violence
- (f) The adequacy of the qualitative and quantitative evidence base around the prevalence of domestic and family violence.

## Background

Under Article 19 of the UNCRC Australian governments are required to take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse while in the care of parents or legal guardians. Article 39 of the UNCRC goes on to require governments to take all appropriate measures to promote the physical and psychological recovery and social reintegration of a child victim of any form of abuse. These obligations encompasses measures to protect children and young people against family and domestic violence, and to support the recovery of those who have experienced it.

Family and domestic violence can be defined as “abusive behaviour in an intimate relationship or other type of family relationship where one person assumes a position over another and causes fear”.<sup>1</sup> Abusive behaviour can include physical abuse, or verbal, mental or emotional abuse or control. Experiencing family and domestic violence may not necessarily mean being the direct victim of abuse – in many cases children and young people experience trauma as a result of witnessing acts of family and domestic violence. Additionally, while family and domestic violence is often perpetrated by parents or carers, perpetrators can also be siblings and other family members.

The causes of family and domestic violence are complex. Violence against women is linked to gender inequality, and reinforced through gender stereotypes. It is further influenced by factors including intergenerational abuse and trauma, exposure to violence as a child, social and economic exclusion, drug and alcohol misuse, and mental illness.<sup>2</sup> In addition, there is a higher rate of family and domestic violence in Aboriginal families than non-Aboriginal families across Australia.<sup>3</sup> This should be understood in the context of a history of colonisation, forced child removal, significant social and economic disadvantage, and intergenerational trauma.<sup>4</sup>

## Health and wellbeing of children and young people

Feeling safe and being safe at home is critical for the healthy development of children and young people. A safe and supportive family provides a sense of security, which supports attachment, enables children and young people to develop good mental health, and responds appropriately to the needs of children and young people. Most children live in safe and

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<sup>1</sup> Queensland Department of Child Safety 2018, *Domestic and family violence and its relationship to child protection – practice paper*, Queensland Government, p. 3

<sup>2</sup> State of Victoria 2016, *Royal Commission into Family Violence: Summary and Recommendations*, Parl Paper No 132

<sup>3</sup> Australian Institute of Health and Welfare 2019, *Family, domestic and sexual violence in Australia: continuing the national story 2019*, Cat no FDV 3, AIHW, p.106

<sup>4</sup> Campo M and Tayton S 2015, *Domestic and family violence in regional, rural and remote communities: An overview of key issues*, Child Family Community Australia, Australian Institute of Family Studies

supportive homes. However, for some children and young people, home can be a place of conflict and distress as a result of family and domestic violence.

Living with family and domestic violence has both short and long term impacts on the health and wellbeing of children and young people. These can include mental health issues such as anxiety and depression, difficulties with learning, behavioural issues, a higher likelihood of future alcohol and drug misuse, and a greater risk of homelessness<sup>5,6</sup>. Research has shown that the existence of violent behaviour in the home increases the likelihood of trauma and negative health and wellbeing outcomes.<sup>7,8,9</sup> This can have an effect on a child's coping mechanisms and sense of self. It can also cause a state of hyper-vigilance, and in some cases can manifest as post-traumatic stress disorder. Research also suggests that family and domestic violence can impact a parent's ability to parent effectively.<sup>10</sup>

Whilst there has been a significant policy focus on family and domestic violence in Australia over the last 10 years, how to address its impacts on children and young people has been less considered. To do this effectively, it is essential that the voices of children and young people who have experienced family and domestic violence are brought to the fore. Families must also be supported to foster a safe environment at home for children and young people. This should include the continuance of general information campaigns about effective parenting (such as the importance of responsive, consistent and warm parenting throughout childhood), providing parents who are experiencing vulnerabilities with access to specialised and intensive parenting support services<sup>11</sup>, and the implementation of policies focussed on reducing disadvantage and social exclusion in order to reduce stressors in socially and economically disadvantaged communities.<sup>12,13</sup>

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<sup>5</sup> Campo M 2015, *Children's exposure to domestic and family violence: CFCA Paper No. 36*, Australian Institute of Family Studies, p. 6

<sup>6</sup> Richards K 2011, *Children's exposure to domestic violence in Australia, Trends and issues in crime and criminal justice*, No 419, Australian Institute of Criminology, p. 3

<sup>7</sup> Campo M 2015, *Children's exposure to domestic and family violence: CFCA Paper No. 36*, Australian Institute of Family Studies, p. 6

<sup>8</sup> Richards K 2011, *Children's exposure to domestic violence in Australia, Trends and issues in crime and criminal justice*, No 419, Australian Institute of Criminology, p. 1

<sup>9</sup> Queensland Department of Child Safety 2018, *Domestic and family violence and its relationship to child protection – practice paper*, Queensland Government, p. 12-13

<sup>10</sup> Kaspiw R et al 2017, *Domestic and family violence and parenting: Mixed method insights into impact and support needs: Final report*, Australia's National Research Organisation for Women's Safety.

<sup>11</sup> Volmert A et al 2016, *Perceptions of Parenting: Mapping the gaps between expert and public understandings of effective parenting in Australia*, FrameWorks Institute, p. 6

<sup>12</sup> Webster C and Kingston S 2014, *Crime and Poverty*, in *Reducing Poverty in the UK: A collection of evidence review*, Joseph Rowntree Foundation, p. 148

<sup>13</sup> Schwartz M 2010, *Building communities, not prisons: Justice reinvestment and Indigenous over-imprisonment*, Australian Indigenous Law Review, Vol 14, No 1

The findings of the Victorian Royal Commission into Family Violence<sup>14</sup>, along with my own work regarding vulnerable children and young people<sup>15</sup>, suggests that providing improved support to children and their families who are experiencing family and domestic violence requires the following:

- Engagement with children who have experienced family and domestic violence to gain an understanding of what they need for support.
- Further work to integrate services that address the multiple factors that increase the risk of family and domestic violence occurring, including mental health issues and drug and alcohol misuse.
- Services that are provided directly for children who experience violence in their homes. Children need to be treated as victims in their own right with their own needs.
- Improved services responses for children with disability and children and young people from Culturally and Linguistically Diverse backgrounds.
- Continued effort to improve access to safe and stable housing for women who choose to leave violence relationships, and to develop approaches to enable women and children to stay (safely) in the home while the perpetrator is removed.
- Consideration at both a state and national level of a whole-of-government response to reducing childhood poverty, with a focus on Aboriginal children and young people.
- Provision of services and programs designed to address family and domestic violence in Aboriginal communities that are Aboriginal-led and tailored to local needs. Wherever possible, service providers should be from Aboriginal Community Controlled Organisations and non-Aboriginal service providers must be culturally safe and trauma competent.

#### Availability of evidence

As the Committee will be aware, data on children's exposure to domestic violence is limited. Family and domestic violence is often underestimated by parents and under-reported to police for various reasons, including concerns that children will be removed by child protection agencies.<sup>16</sup> Of particular concern is the significant gap in data and research with regard to Aboriginal and Culturally and Linguistically Diverse children and young people experiencing family and domestic violence.

Specific effort should be made by governments to collect children and young people's views on safety at home in order to develop our understanding of when children feel safe and unsafe,

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<sup>14</sup> State of Victoria 2016, *Royal Commission into Family Violence: Summary and Recommendations*, Parl Paper No 132

<sup>15</sup> Commissioner for Children and Young People 2019, *Improving the odds for WA's vulnerable children and young people*, Commissioner for Children and Young People WA

<sup>16</sup> Australian Bureau of Statistics 2013, *Defining the Data Challenge for Family, Domestic and Sexual Violence*, ABS

and what it is that they need to help them feel safe. Agencies providing family and domestic violence services should also ensure that their own data collection practices incorporates data specific to children and young people. Agency data such as this will allow governments to gain a better picture of the nature and extent of children and young people's contact with family and domestic violence legal and support systems. It will also support the development and monitoring of evidence-based responses that are aimed at reducing the incidence of family and domestic violence and children and young people's exposure to it.

### Views of children and young people

In 2007, the United Kingdom charity Women's Aid conducted an online consultation with children and young people living with family and domestic violence<sup>17</sup>. I believe the key messages of the children and young people who participated, outlined below, remain relevant in 2020 and should be taken into consideration by the Committee:


- Children and young people are almost always aware of the abuse – even if their parents try to keep it from them.
- They would like to find someone they could talk to about their experiences, and whom they could trust.
- They want to be listened to, taken seriously, and to be believed.
- Children and young people who had experienced family and domestic violence and other abuse were very supportive of each other.
- Children and young people wanted their views to be taken into account, whenever decisions were made that would affect their lives. In particular, they did not always want to see the abusive parent, or not until they were ready to do so.
- Children and young people wanted clear information and an appropriate response from any agency they approached for help and support – but sometimes found this was not forthcoming.
- They appreciated the help provided by refuge organisations and other specialist family and domestic violence services – though they also found it hard if they had to leave home.
- Those children and young people who had ongoing support were appreciative of the help provided – for example through a special Women's Aid support group set up for children and young people who had experienced family and domestic violence.

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<sup>17</sup> Barron J (2007), *Kidspeak – Giving children and young people a voice on domestic violence*, Women's Aid, UK, p.28

Thank you for the opportunity to provide a submission on this important subject matter. I am happy to discuss my submission with the Committee in further detail if required, and will monitor the progress of the Inquiry with great interest.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Colin Pettit', written in a cursive style.

COLIN PETTIT

Commissioner for Children and Young People WA

23 July 2020