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To whom it may concern

Submission – National Plan to End Violence against Women and Children 2022-2032

Thank you for the opportunity to provide comment on the draft National Plan to End Violence against Women and Children 2022-2032 (the Draft).

As Commissioner for Children and Young People I monitor and promote the wellbeing of all children and young people in WA under the age of 18 years. The responsibilities of my role are summarised in Appendix A. In my role I also have regard to the United Nations Convention on the Rights of the Child¹ and the below articles are of particular relevance to this submission:

Article 6: Every child has the right to life. Governments must do all they can to ensure that children survive and develop to their full potential.

Article 12: Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously.

Article 19: Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.

My submission to the Draft is formatted to align with select questions in the online survey. I have included some quotes from children and young people throughout this submission to highlight their views as shared with my office during consultations.

Responses to survey questions

Question 19. The draft National Plan includes a clear explanation of the prevalence, drivers, and different forms of gender-based violence in Australia

¹ UNICEF 2022, *A Simplified version of the UN Convention on the Rights of the Child*, viewed 17 February 2022, <https://www.unicef.org.au/upload/unicef/media/unicef-simplified-convention-child-rights.pdf>

Recognising children in their own right

I am pleased that the Draft recognises children and young people in their own right and recommend that this section is revised to more clearly articulate the ways that they may experience family violence. As mentioned at various points throughout the Draft, children and young people can be impacted by family violence in several ways including:

- witnessing their parents or other family members being subject to family violence
- directly experiencing family violence as an immediate target
- using violence in the family setting against parents, siblings, or other family members.

Explicitly defining these different experiences at the outset of the National Plan will make it easier for stakeholders to identify if appropriate corresponding actions and outcome measures are reflected in later sections. It will also support clarifying current data gaps. I note that the prevalence data provided in this section of the Draft is focused on the experience of adult women with only brief reference to the experience of 10 to 14 year old girls and those 15 years or older.

I support the Draft's recognition of the need for substantial investment in building data sources for different forms of violence and expanding the evidence base for family violence interventions. While there are significant data gaps on the prevalence and incidence of childhood experiences of family violence, some data sources do exist, and others are in development.

For example, drawing on Australian Bureau of Statistics crime data, it is evident that since 2014 there has been an increase in the number of WA children and young people reported as victims of family and domestic violence physical assaults across all age groups.² The Australian Child Maltreatment Study, which is currently in development, will also play a role in addressing some data gaps regarding children and young people's experience of domestic violence.³ I recommend that the Draft is revised to clarify data gaps and existing or planned data sources that correspond with the different ways that children and young people can be impacted by family violence.

Perpetrators of violence

As outlined in the draft, most perpetrators of violence are male; with a smaller percentage of perpetrators being female. The motivations for female perpetrated domestic violence are complex and distinct from male perpetrated domestic violence, especially for Aboriginal females.⁴ The settings in which this plays out can differ for Aboriginal girls and women and I am concerned that current responses do not always appreciate these complex dynamics and

² Australian Bureau of Statistics 2020, *Table 24 Victims of Family and Domestic violence-related assault, Selected characteristics, Selected states and territories, 2014–2019*, [Recorded Crime - Victims, Australia, 2019](#).

³ Queensland University of Technology n.d., *The first national study of child abuse and neglect in Australia: prevalence, health outcomes, and burden of disease*, viewed 21 February 2022, [The first national study of child abuse and neglect in Australia: prevalence, health outcomes, and burden of disease](#).

⁴ Australian Institute of Criminology 2020, *Trends & Issues: Female perpetrated domestic violence: Prevalence of self-defensive and retaliatory violence*, Australian Government, Canberra.

can result in criminalisation. Therefore, I encourage the National Plan to note that interventions and approaches used when dealing with female perpetrated violence differ from those used when dealing with male perpetrators. This is another reason amongst those I have highlighted in response to question 25, as to why a stand-alone National Plan for Aboriginal and Torres Strait Islander peoples is necessary.

Question 20. The draft National Plan meaningfully reflects issues highlighted through stakeholder consultations and the National Summit on Women’s Safety, including the experiences of victim-survivors.

"[...] you may think that since I’m a child, I’m [in]experienced and don’t know much but I say this cause I believe something can change in this country. I’m still recovering from the events of my past but I’m sure they will turn from bruises and scars, to a memory worth learning from” (male, 15-years-old)

I echo the concerns identified in the 9 February 2022 open letter by 45 prominent women⁵ that it is not possible to determine whether the Draft reflects issues highlighted through stakeholder consultations until the government releases the consultation reports prepared by Monash University.

It is unclear if there was consultation with children and young people in their own right, rather than via proxy through adult supporters. To accurately reflect issues experienced children and young people who have experienced family violence, it is crucial that they are consulted.

I encourage Department of Social Services (the Department) to meaningfully engage with children and young people to understand their views and inform the National Plan. My office has produced resources to guide organisations and policy makers that may assist this process:

- *Participation Guidelines: Ensuring children and young people’s voices are heard (2021)*⁶
- *Child Impact Assessment Guidelines: Considering children and young people in decision making (2020)*⁷
- *Engaging with Aboriginal Children and Young People Toolkit (2018)*.⁸

Question 21. The four *Foundation Principles* (gender equality, the diverse lived-experiences of victim-survivors are informing policies and solutions, Closing the Gap, and intersectionality) appropriately underpin the *National Pillars* and actions within the National Plan.

⁵ Submission in Response to Draft National Plan to End Violence against Women and Children 2022-2032, viewed 21 February 2022, <https://australianwomen.nationbuilder.com/>.

⁶ Commissioner for Children and Young People WA 2021, [Participation Guidelines: Ensuring children and young people’s voices are heard](#), Commissioner for Children and Young People WA, Perth.

⁷ Commissioner for Children and Young People WA 2020, [Child Impact Assessment Guidelines: Considering children and young people in decision-making](#), Commissioner for Children and Young People WA, Perth.

⁸ Commissioner for Children and Young People WA 2018, [Engaging with Aboriginal Children and Young People Toolkit](#), Commissioner for Children and Young People WA: Perth.

"my parents are divorced and its the hardest thing ive ever gone through and that i have seen things that someone my age shouldn't see like physical abuse, verbal abuse etc"
(female, 13-years-old)

I recommend that the foundation principles are strengthened to better reflect the experiences and particular needs of children and young people. While I have suggested ways the principles could be enhanced, I recommend that a specific principle is introduced that acknowledges children and young people as victim-survivors in their own right. This would embed the sentiments expressed in the introductory section of the Draft and ensure children and young people's experiences and needs are not subsumed by the equally important focus on their parents, and particularly their mothers.

Diverse lived experiences of victim-survivors

I recommend that this foundation principle is revised to establish the need to engage with young people as victim-survivors in their own right in the development of subsequent Actions Plans. Young people experience and perceive safety in a range of different ways that are often not acknowledged.⁹ Young people also may not be aware that they are experiencing family violence and may not seek help.¹⁰ Their views and experiences will be crucial to ensuring that the Action Plans meet their unique needs.

Gender equality

"I am a young girl, this means that I am automatically in danger when I am outside of my house [...] Sometimes I feel unsafe in public because of the potential danger that comes with being around strangers, as a girl, I do not feel safe." (female, 15-years-old)

I agree that addressing gender inequality is key to ending violence against women and children and I recommend that this principle is revised to explicitly include further considerations specific to young females. My office conducted the Speaking Out Survey in 2021 which heard the views of over 16 000 year 4 to year 12 students from across WA.¹¹ A key finding was that female young people are less likely than their male peers to feel safe at home, at school, in their community or on public transport.

My office released another report in 2021, *Exploring the decline in wellbeing for Australian girls*, which highlighted that many female children and young people experience gender inequality as a normal aspect of their everyday lives which has long-lasting impacts on their self-esteem, mental health and overall wellbeing.¹² This report identified that female children and young people have significantly lower wellbeing outcomes than their male peers across a broad range of indicators and that the gender wellbeing gap has increased in the last decade.

⁹ Corrie, T and Moore, S 2021, [Amplify: Turning up the Volume on Young People and Family Violence](#) Research Report. Melbourne City Mission.

¹⁰ Ibid

¹¹ Commissioner for Children and Young People 2021, [Speaking Out Survey 2021. The views of WA children and young people on their wellbeing - a summary report](#), Commissioner for Children and Young People WA, Perth.

¹² Commissioner for Children and Young People WA 2021, [Exploring the decline in wellbeing for Australian girls](#), Commissioner for Children and Young People WA, Perth.

Research cited in this report also suggests that the increasing viewing of pornography by children and young people contributes to sexually aggressive behaviours perpetrated by young males against their partners. I encourage the Department to review and consider the results of the Speaking Out Survey and the Girls' wellbeing report, the latter which was supplied to the Department on 7 September 2021.

Intersectionality

I strongly support an intersectional approach; however, the Draft appears to presume that children of women with intersectional identities would have the same intersectional identities as their parents. As per the Draft's expression of the need to treat children and young people as victim-survivors in their own right, their individual identities must also be acknowledged.

Children may have distinct identities to their parents and experience forms of marginalization and barriers to family violence support services based on different sexual orientations, gender identities, ethnicities, Aboriginality and abilities that their parent/s don't themselves experience. I encourage the National Plan to recognise these potential identity differences as well as the additional vulnerabilities to family violence or barriers to support services that children may consequently incur.

Question 22. The four National Pillars in the draft National Plan provide a holistic approach to identifying and responding to GBV.

I have highlighted below against each pillar how specific consideration is required to the experiences and particular needs of children and young people.

Prevention

"I'd work on making it a safer community so I can feel safe to go on runs early in the morning or late in the afternoon. I find that there are many creepy people (mostly men) in the area and many of my friends and I constantly talk about feeling unsafe in the city, the streets, neighbourhoods, parks, shops, stores, and transport stations. Just to let you know: many young girls in this area clutch keys in case something happens, hold deodorant to spray in a predators eyes. Fix this. We want to be safe and not taught that we have to be careful". (female, 15-years-old)

The Draft proposes preventive actions that are highly relevant for children and young people of all genders including respectful relationships education and building digital literacy; as well as specific primary prevention activities targeting boys which seek to challenge gender-based norms. Focus area one also identifies that targeted primary prevention activities will be designed by and tailored for priority groups including LGBTQIA+ people.

Missing in the Draft are specific primary prevention activities, or plans to develop them, that target girls. I strongly encourage the need to do this is explicitly recognised in the National Plan. My office's 2021 *Exploring the decline in wellbeing for Australian girls* report highlighted contributing factors to the gender wellbeing gap which should be considered in developing universal preventative measures targeting young girls.

The report shows that girls generally have lower self-esteem than boys and that various social processes, particularly a focus on girls' appearance, negatively impacts their self-

conception. This report also found that girls and young women have internalised the belief that it is their responsibility to manage their safety. These and other gender-based factors explored in the report have flow-on effects for girls including reduced feelings of safety and independence. Of relevance to developing primary prevention activities targeting girls, the report also explores protective factors.

In 2022 I will consult with diverse young people across WA to understand their ideas for addressing the gender wellbeing gap. I note that focus area one in the Draft identifies that targeted primary prevention activities will be designed by and tailored for priority groups including young people, and I would be happy to provide the Department with a report of the consultations I undertake this year to support this process.

Early Intervention

"My dad when he's angry, or drunk, [...] might break something or blame me, and scream at me [...]" (non-binary, 13-years-old)

"Sometimes I think of past experiences of me and my mum in domestic violence and it was scary but we got through but sometimes I think it could happen again." (female, 12-years-old)

I am pleased that the early intervention pillar includes a focus on children and young people and the need to increase capacity of services to assist women and children who experience violence. However, the community services and settings referred to in focus area five do not include all the places where children and young people may initially seek assistance or where opportunities exist for early identification. I recommend schools and other settings where children and young people engage on a regular basis are included. Adequate resourcing and training for all schools is necessary to support student's wellbeing.¹³ The system-wide approach to prevention and early intervention discussed in the Draft necessitates the inclusion of settings such as schools to ensure they are supported as potential early identification, support and referral partners.

Response

"I also think that children should have a say in their custody if they are over the age of 12. If a child's parents are divorced and one house that they go to is not safe at all for her. They would have a court case but the child does not get a say, therefore the outcomes can be bad and not truthful" (female, 14-years-old)

In the response pillar there is only one specific action for children and young people experiencing family violence which relates to delivering safe housing options for them. While many of the other actions in the response pillar are relevant to children and young people, the response pillar should be revised to include a clear focus area and more specific actions for children and young people.

Research shows children and young people's experience of family violence is different to that of adults and that their specific challenges often go unnoticed.¹⁴ While children

¹³ Commissioner for Children and Young People WA 2020, [Supporting student wellbeing in WA schools - Discussion paper](#), Commissioner for Children and Young People WA, Perth.

¹⁴ Corrie, T and Moore, S 2021, [Amplify: Turning up the Volume on Young People and Family Violence](#) Research Report. Melbourne City Mission.

accessing family violence services with adult family members are of course part of that family system, they are often viewed as an extension of their parents and not as individuals in their own right with particular needs requiring tailored support.

For example, the way young people manage their safety, such as running away from home, may be viewed as problematic by authorities and agencies.¹⁵ Therefore, education for service providers in this sector needs to support workers to understand the ways children and young people might respond to family violence. Further specific strategies should be developed in consultation with children and young people themselves, or by drawing on research that has engaged directly with them.¹⁶

Children and young people's views on the family law system must also inform development of actions in focus area four which recognises the need to improve legal responses for all forms of family violence. Though my office does not have jurisdiction to investigate individual complaints by children, young people and their families, I have heard from a number of families over the last few years about outcomes from family court proceedings that they report have placed children and young people at greater risk of family violence. In 2017, my office consulted with children and young people with experience of separation and the family law system in WA. Their views on the challenges and improvements that they want made to this system are captured in my *Speaking Out About Family Separation* report¹⁷ and I encourage the Department to listen to their perspectives and develop child focused actions.

Recovery

"[...] I'm still deeply scarred by the events that happened in my past life [...] I really want children in Australia to feel happy and safe in their homes [...]" (male, 15-years-old)

I am pleased that the recovery pillar has a specific focus area on children and young people which recognises that their particular safety and recovery needs should be met. I strongly support the importance of the two identified actions regarding repairing mother-child relationships and reducing potential future re-victimisation, however I suggest that additional actions are included that address the broader developmental impacts on children who experience family violence.

Research has shown there is a distinct lack of services for young victim survivors of family violence¹⁸ and the Draft recognises that children who experience it may face profound physical and mental health impacts, developmental challenges, and barriers to effective participation in education and employment.¹⁹ Therefore it is essential that the National Plan

¹⁵ Corrie, T and Moore, S 2021, [Amplify: Turning up the Volume on Young People and Family Violence](#) Research Report. Melbourne City Mission.

¹⁶ Ibid.

¹⁷ Commissioner for Children and Young People WA 2019, *Speaking Out About Family Separation*, Commissioner for Children and Young People WA, Perth.

¹⁸ Corrie, T and Moore, S 2021, [Amplify: Turning up the Volume on Young People and Family Violence](#) Research Report. Melbourne City Mission.

¹⁹ Department of Social Services 2022, *Draft National Plan to End Violence Against Women and Children 2022 – 2032*, Australian Government, Canberra.

includes specific actions that address the particular needs of children and young people recovering from family violence.

Question 25. The draft National Plan reflects the needs and experiences of diverse communities and individuals.

- a. Aboriginal and Torres Strait Islander peoples**
- b. Migrant and refugee women**
- c. Women with disability**
- d. Children and young people**
- e. LGBTQIA+ people**
- f. Brotherboys and Sistersgirls**
- g. Women in rural, regional and remote communities**

"Young females shouldn't be scared to walk home at night, they shouldn't fear being sexually assaulted/harassed on a daily basis. Instead of teaching women to deal with these things schools should teach men how to behave themselves." (female, 12-years-old)

I am pleased that the Draft identifies all of the priority groups noted above and that children and young people have been included as a priority group. As previously discussed, I recommend explicitly outlining the vulnerability of female children and young people within the children and young people priority group. As previously mentioned, my *Exploring the decline in wellbeing for Australian girls* report highlights specific concerns for young females. In the context of the Draft, some of the relevant findings include:

- Female young people are more likely than male young people to be sexually assaulted by a relative or family member, experience intimate partner violence, sexual harassment, and sexual assault.
- Experiences of harassment, assault and violence and the fear of these experiences impacts female children and young people's daily activities, reduces their independence and increases feelings of anxiety.

Regarding Aboriginal and Torres Strait Islander peoples, I am concerned that the development of a separate action plan linked to the current National Plan does not go far enough to meet their needs and experiences. The drivers of violence against women and children described in the Draft do not do justice to the history and experience of Aboriginal women and children. As the developers of these drivers, Our Watch explicitly acknowledges this.²⁰ I also note that Change the Record has advocated for a dedicated First Nations Women's National Safety Plan²¹ rather than a separate action plan subservient to the National Plan. I strongly support this call and encourage the Department to prioritise a

²⁰ Our Watch 2021, *Change the story: A shared framework for the primary prevention of violence against women in Australia* (2nd ed.), viewed 21 February 2022, <https://media-cdn.ourwatch.org.au/wp-content/uploads/sites/2/2021/11/23131846/Change-the-story-Our-Watch-AA.pdf>

²¹ Change the Record 2021, *Open Letter - A First Nations National Safety Plan to Eliminate Violence against Aboriginal and Torres Strait Islander Women*, viewed 21 February 2022, <https://www.changetherecord.org.au/change-the-record/posts/open-letter>

stand-alone National Plan developed with and for Aboriginal and Torres Strait Islander peoples.

Question unnumbered. The draft indicators and outcome measures provide a strong framework for measuring progress towards the next National Plan goals.

I note that some stakeholders have publicly expressed significant concern over targets associated with the National Plan not yet having been set.²² Justifiably, community expectations of the National Plan include that ambitious targets are set, rigorously and transparently monitored during the life of the plan, and success made evident by the end of this decade. Targets are important to drive investment and change and should also be subject to community consultation and discussion.

I note that the Draft does not map the identified measures to the four-tiered levels of the outcomes framework or the individual outcomes. I understand that more work will be undertaken to develop the outcomes framework through the Department's development of the Action Plan/s and that monitoring and accountability for the plan will be supported by the creation of a National Domestic Family and Sexual Violence Commission. However, I would recommend that the National Plan clearly articulates the outcomes and specifies the measures that will be used to determine progress towards those outcomes.

I also urge the Department to ensure outcome measures are developed that will capture data on children and young people. Most of the measures outlined in the Draft focus on violence against women, with only one measure relating specifically to children and young people. This measure relates to "children exposed to their parent or carer's experience of domestic violence" which is important, however as outlined in my response to question 19, this represents only one of several ways in which they may be impacted.

I recommend reviewing the measures currently listed in the Draft and developing additional measures to ensure they better measure prevalence and outcomes for children and young people experiencing family violence. As per my response to question 19, a key data source that could be useful for this purpose is the Australian Child Maltreatment Study.

I also recommend that for each measure the data availability by priority group is determined and documented in the National Plan. For many of the priority groups, there is limited data available and therefore the ability to measure progress for these groups will be limited. It is essential that this is recognised and, if possible, addressed in data and/or research projects.

I was pleased to note the focus on improving data collection to better capture an understanding of Aboriginal and Torres Strait Islander experiences of family violence. I strongly encourage that these improvements ensure Aboriginal and Torres Strait Islander children and young people's experiences are captured as distinct members of their family unit.

²² Submission in Response to Draft National Plan to End Violence against Women and Children 2022-2032, viewed 21 February 2022, <https://australianwomen.nationbuilder.com/>.

Question 28. Is there any other feedback or additional information you wish to provide? Please describe your answer here.

I am very pleased that the federal government is investing in the development of the National Plan and other strategies that also relate to protecting children and young people and I specifically note that the Draft recognises work being undertaken through:

- The National Strategy to Prevent and Respond to Child Sexual Abuse 2021 - 2030²³; and
- The National Framework for Protecting Australia's Children 2021 – 2031.²⁴

I am encouraged by the significant commitments in these plans, and I suggest further detail is included in the National Plan about how these investments will be delivered in a coordinated manner that will result in material improvement to the safety of our children and young people by the end of this decade.

I appreciate the opportunity to provide feedback on the Draft and my office looks forward to supporting the development of the subsequent Action Plan and a potentially stand-alone National Plan by and for Aboriginal and Torres Strait Islander people. If you would like any further information on this submission, please contact Lucy Ledger, Manager Policy via lucy.ledger@ccyp.wa.gov.au or (08) 6213 2223.

Yours sincerely



Jacqueline McGowan-Jones

Commissioner for Children and Young People

25 February 2022

²³ National Office for Child Safety 2021, *A Guide for Children and Young People: The National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030*, Australian Government, Canberra.

²⁴ Department of Social Services 2021, *Safe & Supported: The National Framework for Protecting Australia's Children 2021-2031*, Australian Government, Canberra.

Appendix A – Role of the Commissioner for Children and Young People WA

The Commissioner for Children and Young People WA (the Commissioner) is an independent statutory officer appointed under the *Commissioner for Children and Young People Act 2006* (the Act).

Section 19 of the Act empowers the Commissioner to perform a number of monitoring, advocacy, research and consultation functions to ensure that legislation, policies, services and community attitudes support the overall wellbeing of children and young people.

As per section 3 of the Act, the Commissioner must regard the best interests of children and young people as the paramount consideration in the performance of these legislated functions. The Commissioner is also required by section 20 of the Act to:

- give priority to, and have special regard to, the interests and needs of Aboriginal children and young people and Torres Strait Islander children and young people.
- give priority to, and have special regard to, children and young people who are vulnerable or disadvantaged for any reason.
- have regard to the United Nations Convention on the Rights of the Child.