

The Senate

Legal and Constitutional Affairs
References Committee

Inquiry into domestic violence with
particular regard to violence against
women and their children

May 2020

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Chapter 1

Introduction and background

Every two minutes, police are called to a domestic and family violence matter.
Every day, 12 women are hospitalised due to domestic and family violence.
Every nine days, a woman is killed by a current or former partner. The overall economic cost of violence against women and their children in 2015–16 was \$26 billion, with victims and survivors bearing approximately 50% of that cost.

Source: Fourth Action Plan, 2019, p. 2.

Introduction

Establishment of the inquiry

- 1.1 On 26 February 2020, the Senate referred an inquiry into domestic violence with particular regard to violence against women and their children to the Legal and Constitutional Affairs References Committee for report by 13 August 2020.
- 1.2 The motion establishing the inquiry set out the terms of reference, which are:
 - (a) That the Senate notes the inquiries relating to domestic violence in Australia undertaken by the Finance and Public Administration References Committee in 2014-2015 and 2015-2017, and the 2019 Auditor General's report on implementation of the *National Plan to Reduce Violence Against Women and their Children 2010-2022*.
 - (b) That the Legal and Constitutional Affairs References Committee, informed by the reports named at (1), inquire into and report, by not later than 13 August 2020, on domestic violence with particular regard to violence against women and their children, including:
 - (i) the status of, and any barriers in implementing, the recommendations of the reports;
 - (ii) the adequacy, effectiveness and resourcing of policies, programs, services and responses to domestic violence across the Australian Government, state and territory governments, local governments, nongovernment and community organisations, business and the media;
 - (iii) immediate and long-term measures that need to be taken to prevent violence against women and their children;
 - (iv) the effects of policy decisions regarding housing, legal services, and women's economic independence limiting the ability of women and children to escape domestic violence;

- (v) how the Australian Government and state and territory governments can best support, contribute to and drive the social, cultural and behavioural shifts required to eliminate violence against women and their children; and
 - (vi) any other related matters.¹
- 1.3 While the establishment of the inquiry was supported by the Senate, Opposition and Greens senators expressed some reservations about the referral.²
- 1.4 The Opposition was concerned that the inquiry was not being referred to the most appropriate committee, and would have been better directed to the Finance and Public Administration References Committee. Senator Gallagher also said:
- ...there are a number of recommendations before government, which can act on those recommendations now. Ample evidence has been taken in a number of committees and inquiries that have been held by the Senate. If this can assist in any way in focusing minds, then so be it, but we certainly would urge the government to take action, rather than wait for yet another inquiry...³
- 1.5 Senator Waters said that, while the Greens would not ‘stand in the way of yet another inquiry’ into domestic and family violence,
- ...we note that the inquiries that this chamber got up—thanks to the Greens moving them—in 2015 and 2017 have still largely remained not acted upon by this government. So we’re not confident that this inquiry would be any different... The government knows what needs to be done.⁴

Conduct of the inquiry

- 1.6 In deciding how to approach the inquiry, the committee was determined to avoid ‘reinventing the wheel’. The committee formed the view that conducting another lengthy, broad-ranging public inquiry into domestic and family violence in Australia at this time would be of limited value.
- 1.7 The committee noted in particular the Finance and Public Administration References Committee’s substantial inquiry in 2014-2015, and the Council of Australian Governments (COAG) ‘National Summit on Reducing Violence Against Women and their Children’, held on 2 and 3 October 2018 in Adelaide.⁵ These initiatives both provided substantial opportunities for

¹ *Journals of the Senate*, No. 45, 26 February 2020, pp. 1385-1386.

² *Senate Hansard*, 26 February 2020, p. 1548.

³ Senator Katy Gallagher, *Senate Hansard*, 26 February 2020, p. 1547.

⁴ Senator Larissa Waters, *Senate Hansard*, 26 February 2020, pp. 1546-1547.

⁵ Department of Prime Minister and Cabinet, ‘2018 COAG National Summit on Reducing Violence Against Women and their Children’, <https://www.pmc.gov.au/office-women/womens-safety/2018->

stakeholders, elected representatives, policy-makers and those affected by domestic and family violence to contribute their experience and expertise.

- 1.8 The committee has reviewed the reports referred to in the terms of reference, looking specifically at the recommendations made in those reports, the relevant government responses, and what action governments have taken in relation to those recommendations. The results of the committee's review are presented in this report.

Structure of the report

- 1.9 This report contains six chapters. This first chapter provides an introduction, information about the inquiry, and background on the *National Plan to Reduce Violence against Women and their Children 2010-2022* (the National Plan).
- 1.10 Chapter 2 looks at the Senate Finance and Public Administration References Committee's substantial 2015 report into domestic and family violence, including an analysis of the government's response and actions taken in relation to the recommendations.
- 1.11 Chapter 3 looks at the Finance and Public Administration Committee's subsequent 2016 report into domestic violence and gender inequality. The 2016 report did not contain formal recommendations, but made suggestions to ensure Australia's response to domestic and family violence continued to include initiatives designed to challenge gender roles and stereotypes.
- 1.12 Chapter 4 reviews the Finance and Public Administration Committee report into the national domestic violence and sexual assault service, 1800RESPECT; particularly in relation to procurement processes and the contracting model.
- 1.13 Chapter 5 considers the findings of the Australian National Audit Office (ANAO) in relation to the administration of the National Plan by the Department of Social Services. This chapter looks at how the ANAO's recommendations are being implemented as part of the Fourth (and final) Action Plan.
- 1.14 Chapter 6 presents the committee's view on Australia's efforts to reduce domestic and family violence under the National Plan, and proposes some questions for consideration in drafting the next iteration of the National Plan.

Background

The National Plan

- 1.15 The *National Plan to Reduce Violence against Women and their Children 2010-2022* (the National Plan) is a 12 year strategy designed to coordinate the efforts of governments at all levels, and the non-government sector, to ‘make a significant and sustained reduction in violence against women and their children’. The National Plan was developed in partnership with all states and territories and released by the Council of Australian Governments (COAG) in February 2011. The Plan seeks to improve the effectiveness of government action by providing a national ‘overarching mechanism’ for coordination of programs, campaigns and service provision in the areas of family violence and sexual violence.⁶
- 1.16 Domestic and family violence is a ‘wicked problem’ made more complex because services and initiatives designed to respond to the problem are largely coordinated by state and territory governments, and there has traditionally been no consistent approach across the jurisdictions. Responsibility for matters to do with domestic and family violence are summarised in Table 1.1.
- 1.17 The National Plan was designed to facilitate greater coordination across jurisdictions, and to promote a national approach, based on evidence and best-practice. The development of the National Plan was informed by a strong focus on prevention, ‘changing negative community attitudes, including among young people’, and building awareness in the community around the causes of violence against women. The Plan included four three-year Action Plans, with more than \$200 million of funding implemented for initiatives under the First and Second Action Plans. This funding:
- built national infrastructure including 1800 RESPECT and DV-alert;
 - funded research, including the *Personal Safety Survey*, conducted by the Australian Bureau of Statistics, and the *National Community Attitudes towards Violence Against Women Survey* (NCAS), and funded Australia’s National Research Organisation for Women’s Safety (ANROWS);
 - funded communication strategies, including ‘Our Watch’;
 - developed primary prevention initiatives; and
 - identified ‘better ways to respond to perpetrators’.⁷

⁶ Australian Government response to the Senate Finance and Public Administration References Committee Report: *Domestic Violence in Australia* (Government response: Domestic violence in Australia), December 2016, p. 3.

⁷ Government response: Domestic violence in Australia, pp. 3-4.

Table 1.1 Responsibility for domestic and family violence services and initiatives

| Area of action | State/territory | Commonwealth |
|--|----------------------------------|--|
| Family law support services | legal aid commissions | primary responsibility |
| Crisis services (shelters, etc) | primary responsibility | recent Commonwealth investments, including for men's support workers |
| Crisis payments and social security | | primary responsibility |
| Housing | primary responsibility | provides funding |
| Justice and policing | primary responsibility | |
| Child protection | primary responsibility | |
| Primary prevention programs | most have local programs | primary responsibility |
| Training and upskilling frontline workers | local initiatives | primary responsibility and investment |
| National support services (eg: 1800 RESPECT) | local collection and initiatives | primary responsibility |
| Research and data | local collection and initiatives | primary responsibility for national collection |

Source: Auditor-General, *Performance Audit Report No.45 2018–19: Coordination and Targeting of Domestic Violence Funding and Actions*, June 2019, pp. 18-19.

- 1.18 In the 2016-17 Budget, the Australian government invested an additional \$100 million, on top of the existing funding of around \$25 million per year, to implement the Third National Action Plan.⁸
- 1.19 As at June 2019, total expenditure by the Commonwealth on components of the National Plan was at a record high of around \$723 million. This includes \$328 million announced in March 2019 for the Fourth Action Plan.⁹ \$101.2 million was also announced in 2015 for the Women's Safety Package, administered through the Department of Prime Minister and Cabinet.¹⁰

⁸ Government response: Domestic violence in Australia, p. 4.

⁹ Auditor-General, *Performance Audit Report No. 45 2018–19: Coordination and Targeting of Domestic Violence Funding and Actions*, June 2019, p. 7.

¹⁰ Auditor-General, *Performance Audit Report No. 45 2018–19: Coordination and Targeting of Domestic Violence Funding and Actions*, June 2019, p. 19.

The Fourth Action Plan

- 1.20 Published in October 2019, the Fourth Action Plan lays out ‘an ambitious but practical agenda to achieve change’. The Fourth (and final) Action Plan seeks to improve existing initiatives, address gaps in previous action plans, and provide ‘a platform for future policy to reduce domestic, family and sexual violence’.¹¹
- 1.21 The Fourth Action Plan includes 20 practical actions across five priority areas. According to the Plan, the next step is for Commonwealth, state and territory governments to develop a national implementation plan to ‘outline how governments will deliver actions and measure their impact to address the national priority areas’.¹²
- 1.22 The National Implementation Plan for the Fourth Action Plan was developed in late 2019. It outlines the initiatives that Commonwealth, state and territory governments will deliver, and provides information on funding, milestones, and intended outcomes.¹³

COAG Women’s Safety Council

- 1.23 On 13 March 2020, COAG established the Women’s Safety Council, ‘elevating the status of the existing Women’s Safety Ministers forum’. Secretariat support for the Council is provided by the Office for Women in the Department of the Prime Minister and Cabinet.¹⁴
- 1.24 The Council is co-chaired by Senator the Hon Marise Payne, Minister for Foreign Affairs and Minister for Women, and Senator the Hon Anne Ruston, Minister for Families and Social Services.¹⁵
- 1.25 The Council will include other COAG councils in policy discussions ‘where appropriate’, and aims to provide a forum for member states to coordinate the following:
- Implementation of actions under the *Fourth Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022* (the National Plan) to prevent violence before it starts and provide support to women and their children.

¹¹ Commonwealth of Australia (Department of Social Services), *Fourth Action Plan – National Plan to Reduce Violence against Women and their Children 2010–2022* (Fourth Action Plan), 2019, p. 2.

¹² Fourth Action Plan, p. 3.

¹³ Australian Government, *Fourth Action Plan: Implementation Plan* (Implementation Plan), <https://plan4womenssafety.dss.gov.au/> (accessed 17 April 2020).

¹⁴ Department of Prime Minister and Cabinet, Office for Women, ‘COAG Women’s Safety Council’, <https://pmc.gov.au/office-women/coag-womens-safety-council> (accessed 13 April 2020).

¹⁵ Department of Prime Minister and Cabinet, Office for Women, ‘COAG Women’s Safety Council’, <https://pmc.gov.au/office-women/coag-womens-safety-council> (accessed 13 April 2020).

- Development and implementation of the next National Plan, following the expiry of the current National Plan in 2022.
- Consideration of other actions to reduce violence against women and their children.¹⁶

Is the National Plan working?

- 1.26 The *2017–18 Annual Progress Report of the Third Action Plan*, published in 2019, looks at the impacts of the National Plan on reducing violence against women and their children. The report includes analysis of the nature and extent of violence against women between 2005 and 2016, based on data from the Australian Bureau of Statistics' *Personal Safety Survey* and the NCAS.¹⁷
- 1.27 The results are mixed. While there has been a reduction in *total violence* experienced by women, evidence indicates that violence in intimate partner relationships has not decreased since 2005, and sexual violence against women has not decreased since 1996 (see Figure 1.1).
- 1.28 The report reveals that the '[p]revalence of intimate partner violence against women since the age of 15 years is unacceptably high, with one in four women having experienced it since the age of 15 years'.¹⁸
- 1.29 It is important to note, however, that while the prevalence of sexual and domestic violence does not appear to have decreased, reporting and help-seeking have *significantly* increased, suggesting:
- The quality and availability of support services is increasing, as is women's trust in them.
 - Community awareness of violence against women and their children is growing.
 - The stigma associated with being a victim and seeking help is decreasing.¹⁹

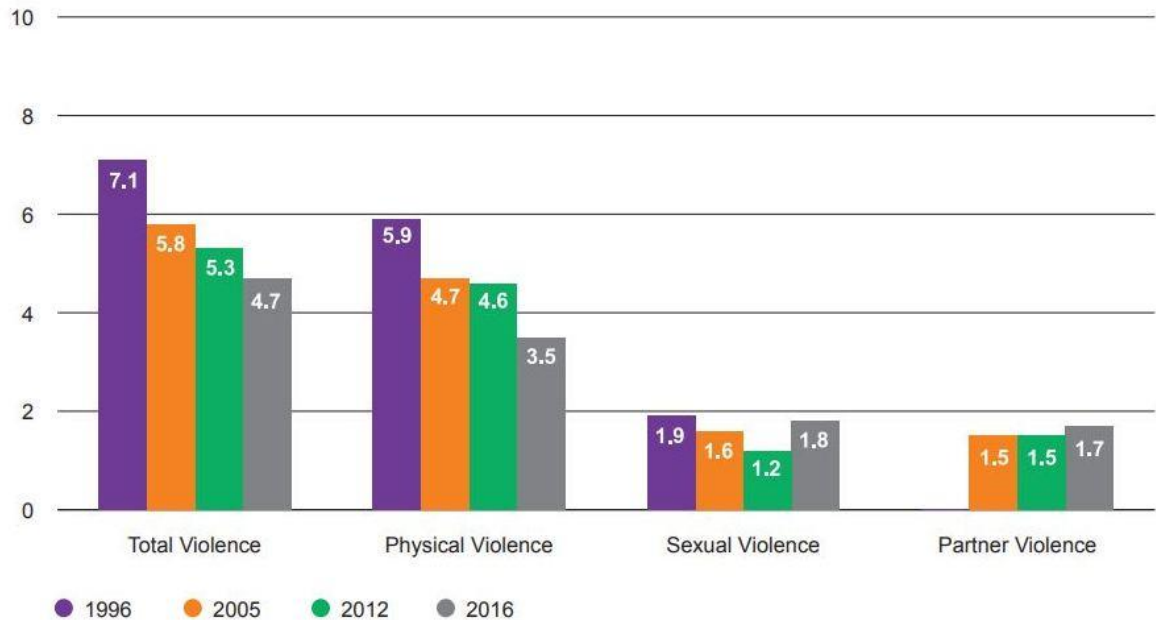
¹⁶ Department of Prime Minister and Cabinet, Office for Women, 'COAG Women's Safety Council', <https://pmc.gov.au/office-women/coag-womens-safety-council> (accessed 13 April 2020).

¹⁷ Commonwealth of Australia (Department of Social Services), *2017–18 Annual Progress Report of the Third Action Plan 2016–2019 of the National Plan to Reduce Violence against Women and their Children 2010–2022*, 2019 (2017-18 Progress Report), p. 5.

¹⁸ 2017-18 Progress Report, p. 13.

¹⁹ Fourth Action Plan, p. 14.

Figure 1.1 Proportion of women who experienced physical, sexual, and partner violence, during the last 12 months, changes over time, Australia



Source: 2017–18 Annual Progress Report of the Third Action Plan 2016–2019 of the National Plan to Reduce Violence against Women and their Children 2010–2022, 2019, p. 12. Data from the 2016 Personal Safety Survey, Australian Bureau of Statistics.

1.30 The 2017 NCAS identified progress in some areas:

- Most Australians do not endorse violence against women.
- Most Australians support gender equality and are more likely to support gender equality in 2017 than they were in 2013 and 2009.
- Australians are more likely to understand that violence against women involves more than just physical violence in 2017 than they were in 2013 and 2009.
- Australians are less likely to hold attitudes that support violence against women in 2017 than they were in 2013 and 2009.
- Young people aged 16–24 years have a good understanding of the issues.
- If confronted by a male friend verbally abusing his female partner, most Australians say they would:
 - be bothered (98 per cent)
 - act (70 per cent)
 - feel they would have the support of all or most of their friends if they did act (69 per cent).²⁰

²⁰ Fourth Action Plan, p. 13.

1.31 However, the NCAS has also revealed that attitudes are 'going backwards' in some areas:

- There is a continuous decline in the number of Australians who understand that men are more likely than women to perpetrate domestic violence (down from 86 per cent in 1995 to 64 per cent in 2017).
- Two in five Australians believe that gender inequality is exaggerated or no longer a problem.
- One in five Australians believe domestic violence is a normal reaction to stress, and that sometimes a woman can make a man so angry he hits her without meaning to.
- Two in five Australians believe that women make up false reports of sexual assault in order to punish men.²¹

COVID-19 and domestic and family violence

1.32 The social isolation measures and job losses associated with the COVID-19 pandemic have led to serious concerns about a likely increase in domestic and family violence.

1.33 The COAG Women's Safety Council discussed the issue at its meeting on 30 March and 2 April 2020. In the resulting Communique, the Council explained:

While the COVID-19 outbreak is having a major impact on all Australians, measures in place to restrict the spread of COVID-19 are expected to increase the risk of violence against women and their children. In particular, quarantine and self-isolation measures may further exacerbate the risk for women and children in their homes with a perpetrator of violence. The Council also recognised that women may face increasing risks of abuse when they are online and that other external stressors are likely to act as a compounding factor, including health and economic concerns.

The Council acknowledged that the impacts of COVID-19 disproportionately affect many women, including Aboriginal and Torres Strait Islander women, culturally and linguistically diverse communities, women on temporary or other visas, women with disability and women living in regional and remote areas. The violence and barriers to accessing support experienced by these women may be exacerbated by COVID-19 responses, including travel restrictions, social-isolation, and limits to family and cultural connectedness. The Council also recognised children will be impacted by COVID-19 and face increased risks of violence, neglect, online abuse and social-isolation. This will require responses that

²¹ Fourth Action Plan, p. 13.

are age-appropriate, child-centred and tailored to their specific needs and stages of development.²²

- 1.34 The Council also discussed the 'growing demand for services and increased complexity in cases' in response to COVID-19, and the need for service providers to transition to online or telephone based services, saying: 'This poses further challenges to managing the safety and privacy of people seeking support.'²³
- 1.35 In response, the Commonwealth government has pledged an emergency investment of \$150 million 'to bolster family and domestic violence supports given the expected increase in violence against women as a result of living changes forced by COVID-19'. The funding is designed to 'help ensure services can continue to support those who need it most over the next six months'.²⁴
- 1.36 In the short term, the government is providing \$32.5 million to states and territories 'to help meet urgent needs'. Each state and territory will direct this funding as it sees fit, investing in areas such as:
- safer housing and emergency accommodation, counselling and outreach, crisis support and helplines;
 - men's behaviour change programs and other perpetrator interventions;
 - assisting frontline services to manage the demand and explore new technology-based service delivery methods; and
 - responding to the unique challenges in regional, rural and remote locations.²⁵
- 1.37 As at 30 April 2020, \$27.8 million of this funding was 'in the process of being distributed to the states and territories to meet immediate demand'. This funding will be used to address immediate needs, such as accommodation, counselling and essential household items.²⁶
- 1.38 In addition, the Council committed to working through the Commonwealth government to deliver a national information campaign which will provide information on support services, and encourage Australians experiencing violence to 'reach out for help'.²⁷

²² COAG Women's Safety Council, *Communique 30 March and 2 April 2020* (COAG Communique), [p. 2], <https://pmc.gov.au/sites/default/files/files/communique-mar-apr-2020-coag-womens-safety-council.pdf> (accessed 20 April 2020).

²³ COAG Communique, [p. 2].

²⁴ COAG Communique, [p. 1].

²⁵ COAG Communique, [p. 1].

²⁶ Ms Liz Hefren-Webb, Deputy Secretary, Families and Communities, Department of Social Services (DSS), *Senate Select Committee on COVID-19 Committee Hansard (COVID-19 Committee Hansard)*, 30 April 2020, p. 24.

²⁷ COAG Communique, [p. 2].

- 1.39 Appearing before the Senate Select Committee on COVID-19 on 30 April 2020, Ms Liz Hefren-Webb from the Department of Social Services, explained that the campaign will ‘roll out’ from 4 May 2020, and is budgeted to cost \$15 million. The campaign will incorporate television advertisements, advertisements in shopping centres, online and social media content.²⁸
- 1.40 An additional \$20 million has also been provided to boost existing programs under the National Plan, including 1800RESPECT, Mensline, and the ‘Keeping Women Safe at Home’ program.²⁹
- 1.41 While it is too early to measure the impact of COVID-19 on the prevalence and severity of domestic and family violence, the department reported that:
- some jurisdictions had reported an increase in demand for services;
 - some jurisdictions had reported a decrease; and
 - there had been a ‘small but significant’ increase in phone calls to 1800RESPECT, and a larger increase in online contacts.³⁰
- 1.42 Ms Hefren-Webb added:
- We think that potentially some people who are experiencing domestic violence aren’t feeling free to make a phone call in the way that they might be in normal times, so they’re finding other means to reach out. I think this is something that, over the longer term, the patterns will become more clear.³¹
- 1.43 The COAG Women’s Safety Council is meeting at regular intervals throughout the pandemic,³² and will monitor the impact of COVID-19 on domestic and family violence, allocating a further \$97.5 million over the next six months ‘to where it is most needed’.³³

COVID-19 and parenting disputes

- 1.44 Restrictions associated with the COVID-19 pandemic have also impacted upon parenting arrangements, with the closure of borders causing particular problems. Media reports indicate there has been ‘a 39 per cent increase in urgent applications filed in the Family Court, and a 23 per cent increase in the Federal Circuit Court over the past month’. Courts have recognised a need to

²⁸ Ms Hefren-Webb, DSS, *COVID-19 Committee Hansard*, 30 April 2020, p. 24.

²⁹ Ms Hefren-Webb, DSS, *COVID-19 Committee Hansard*, 30 April 2020, p. 24.

³⁰ Ms Hefren-Webb, DSS, *COVID-19 Committee Hansard*, 30 April 2020, p. 24.

³¹ Ms Hefren-Webb, DSS, *COVID-19 Committee Hansard*, 30 April 2020, pp. 24-25.

³² Ms Hefren-Webb, DSS, *COVID-19 Committee Hansard*, 30 April 2020, p. 25.

³³ COAG Communique, [p. 1].

‘fast-track’ matters where social restrictions put in place due to COVID-19 may increase the risk of family violence.³⁴

- 1.45 The Chief Justice of the Family Court and Federal Circuit Court released a new practice direction on 28 April 2020 which creates an ‘urgent list’ dedicated to parenting matters impacted by COVID-19. Matters eligible for inclusion on the list can be heard within three days of filing an application if all criteria are met.³⁵

³⁴ Matthew Doran, ‘Coronavirus concerns see family courts rush through applications linked to COVID-19’, *ABC News Online*, 25 April 2020, <https://www.abc.net.au/news/2020-04-25/family-courts-to-fast-track-cases-coronavirus/12184498> (accessed 30 April 2020).

³⁵ Family Court of Australia, ‘Joint Practice Direction 3 of 2020 - The COVID-19 List’, *Latest News*, 28 April 2020, <http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/about/news/jpd032020> (accessed 30 April 2020).

Chapter 2

Report 1: Domestic Violence in Australia, 2015

- 2.1 On 26 June 2014, four years into the implementation of the National Action Plan, the Senate referred an inquiry into domestic violence in Australia to the Finance and Public Administration References Committee. Among other matters, the committee was asked to consider ‘how the Federal Government can best support, contribute to and drive the social, cultural and behavioural shifts required to eliminate violence against women and their children’.¹
- 2.2 The committee was originally due to report in October 2014, but the Senate granted two extensions. The committee tabled a 37 page interim report in March 2015, and a 192 page final report in August 2015. Throughout the course of the inquiry, the committee received 165 public submissions, a number of confidential submissions, and conducted seven public hearings in locations around Australia, including Sydney, Melbourne, Canberra, Brisbane and Darwin.²
- 2.3 In its final report, the committee highlighted the long-term commitment required to reduce domestic and family violence, and evidence indicating that ‘there is no silver bullet’. The committee concluded that reducing domestic and family violence requires ‘a coherent, strategic and long term effort by all levels of government and the community’.³

Recommendations

- 2.4 The interim report contained nine recommendations. These related to:
- funding for housing, homelessness and legal services;
 - better coordination of prevention programs, early intervention and crisis support;
 - better coordination of justice approaches;
 - more behavioural change programs for perpetrators;
 - long term funding for Australia’s National Research Organisation for Women’s Safety (ANROWS) and National Services; and
 - a review of policies and services for the treatment of alcohol and other drug abuse in the Northern Territory.⁴

¹ Finance and Public Administration References Committee, *Domestic Violence in Australia* (Domestic Violence in Australia), August 2015, p. 1.

² *Domestic Violence in Australia*, p. 1.

³ *Domestic Violence in Australia*, p. xiv.

⁴ Finance and Public Administration References Committee, *Domestic Violence in Australia: Interim report* (Interim Report), March 2015, pp. vii-viii.

- 2.5 The final report included 25 recommendations, going to issues including:
- family violence leave provisions;
 - affordable housing and crisis housing;
 - better coordination across states and territories, and with the non-government sector;
 - research, data, statistics and reporting;
 - community education;
 - funding balance to primary prevention and crisis services;
 - longer-term funding certainty (multi-year funding);
 - justice and policing initiatives, including those that remove the perpetrator from the home;
 - support for male victims; and
 - alcohol rehabilitation programs.⁵

Government response

- 2.6 The Australian government tabled its response to the recommendations on 17 May 2017. The response, dated December 2016, addressed the recommendations from both the interim and final reports.

Interim report

- 2.7 In relation to the interim report, the government either ‘supported’ or ‘supported in principle’ all of the recommendations except number nine. The unsupported recommendation suggested further research into alcohol-related harms in the Northern Territory, and proposed the ‘Banned Drinkers Register’ be re-established. In response, the government suggested that more research was not warranted, and reinstating the register would be a matter for the Northern Territory government.⁶
- 2.8 Recommendations 3 and 4, which were around better coordination between jurisdictions and sectors, were fully supported. Recommendation 6, which proposed ‘the inclusion of respectful relationships education in the national curriculum’, was also fully supported.⁷

⁵ The full list of recommendations is at: *Domestic Violence in Australia*, pp. ix-xii.

⁶ *Australian Government response to the Senate Finance and Public Administration References Committee Report: Domestic Violence in Australia* (Government Response: Domestic Violence in Australia), December 2016, pp. 5-15.

⁷ *Government Response: Domestic Violence in Australia*, pp. 5-15.

Box 2.1 Respectful relationships

Respectful relationships education is included in the National Curriculum but not all states and territories have made teaching it mandatory.⁸

2.9 The following recommendations were supported ‘in principle’, rather than fully supported:

- Recommendations 1 and 2, which suggested boosting funding to legal services, and housing and homelessness initiatives, were supported in principle because decisions about funding for the relevant period had already been made, and ‘the provision of social housing is primarily the responsibility of state and territory governments’.
- Recommendation 5, which proposed ‘the harmonisation of intervention orders across jurisdictions’ was supported in principle, noting that laws relating to intervention orders are a matter for states and territories.
- Recommendation 7, on behavioural change programs for perpetrators, was supported in principle, noting that it closely aligned with the approach already agreed by COAG.
- Recommendation 8, which proposed longer-term funding for ANROWS and National Services, was supported in principle. The response explained:

The Australian Government has committed to the ongoing funding of ANROWS for four years (2016-2020) and negotiations with the states and territories are almost complete. Funding will be extended for a further two years, subject to ANROWS’ satisfactory performance, from 2020-2022.⁹

Box 2.2 Funding for ANROWS

As part of the Fourth Action Plan, ANROWS is set to receive:

- \$3.4 million in core funding jointly provided the Commonwealth government and all state and territory governments each year;
- \$5.639 million in additional funds between 2019–20 and 2021–22 to fund new research and evidence projects; and
- \$3.8 million to undertake the 2021 wave of the National Community Attitudes Towards Violence against Women Survey (NCAS).¹⁰

⁸ Keddie, Amanda and Ollis, Debbie, ‘Let’s make it mandatory to teach respectful relationships in every Australian school’, *The Conversation*, 28 May 2019.

⁹ Government Response: Domestic Violence in Australia, pp. 5-14.

¹⁰ Australian Government, ‘Research on Fourth Action Plan priorities’, *Fourth Action Plan: Implementation Plan*, <https://plan4womenssafety.dss.gov.au/initiative/research-on-fourth-action-plan-priorities/> (accessed 17 April 2020).

Final report

2.10 In relation to the final report, the government fully supported:

- Recommendation 2, which advocated better consultation with the domestic and family violence sector;
- Recommendation 8, which promoted more school based education on respectful relationships;
- Recommendation 9, which proposed that primary prevention programs should be coordinated by the federal government;
- Recommendations 11 and 12, which recommend the government work through COAG to ensure that perpetrator programs are evidence-based and effective across jurisdictions, and take into account relevant research;

Box 2.3 Perpetrator interventions

The National Outcome Standards for Perpetrator Interventions (NOSPI) were endorsed by COAG on 11 December 2015. The NOSPI are designed to ‘guide and measure the outcomes achieved by perpetrator interventions across Australia’.¹¹

In 2016, the government published the *National Outcome Standards for Perpetrator Interventions: Baseline Report*, which provided ‘a national snapshot of the efforts underway in 2015 – 2016 in each jurisdiction to implement the Standards’. The report states the government’s intention that the NOSPI will be reported against nationally and annually.¹²

- Recommendation 19, which urged the government to prioritise realising efforts through COAG to create a national domestic violence order (DVO) scheme, and facilitate information-sharing among state police forces around DVOs;

Box 2.4 National DVO scheme

The National Domestic Violence Order Scheme came into effect in November 2017. Under the scheme: ‘All Domestic Violence Orders issued in an Australian state or territory from 25 November 2017 are automatically recognised and enforceable across Australia’.¹³

¹¹ Australian Government, ‘Latest news: National Outcome Standards for Perpetrator Interventions’, plan4womenssafety.dss.gov.au/national-outcome-standards-for-perpetrator-interventions (accessed 21 April 2020).

¹² Australian Government (Department of Social Services), *National Outcome Standards for Perpetrator Interventions: Baseline Report 2015-16*, 2016, p. 5.

¹³ Attorney-General’s Department, ‘National Domestic Violence Order Scheme’, <https://www.ag.gov.au/ndvos> (accessed 17 April 2020).

- Recommendation 15, around the need to provide appropriate services for male victims of domestic and family violence; and
- Recommendation 22, which proposed short-term funding arrangements for the sector be extended to a multi-year approach.¹⁴

2.11 The following recommendations were supported in principle:

- Recommendation 1, regarding family violence leave provisions, was supported in principle, noting that the government was considering a report by the Productivity Commission into the matter.
- Recommendations 4 and 6, which made proposals around research, data, statistics and reporting, was supported in principle, noting work already being undertaken, including into violence against women from diverse backgrounds.
- Recommendation 5, which recommended the federal government coordinate 'work to facilitate data collection pursuant to the National Data Collection and Reporting Framework', was supported in principle, noting that all governments have a role to play.

Box 2.5 National data collection and reporting

The government has established a National Centre of Excellence under the National Plan and is making progress towards 'operationalising' a National Data Collection and Reporting Framework (DCRF).

However, the ANAO has reported concerns that there is no 'plan identifying the sequence and priority of activities required to ensure that DCRF is operational by its target date of 2022'. The ANAO concluded that the department is unable to demonstrate whether jurisdictions are 'on track' to deliver this initiative.¹⁵

- Recommendation 7, which suggested the government guarantee to fund ANROWS until at least 2022, was supported in principle, noting the role of states and territories in determining the funding arrangements through COAG.
- Recommendation 10, which suggested the government guarantee that funding for primary prevention programs should not be diverted from crisis services, was supported in principle noting the key role of the states and territories and recent investments.
- Recommendations 17 and 18, which proposed nationally-coordinated training of family consultants and in family courts.

¹⁴ Government Response: Domestic Violence in Australia, pp. 15-35.

¹⁵ Auditor-General, *Performance Audit Report No.45 2018–19: Coordination and Targeting of Domestic Violence Funding and Actions*, June 2019, p. 9.

- Recommendation 21, regarding ‘programs that facilitate the removal of perpetrators of domestic and family violence from the family home so that victims may remain safely at home’, was supported in principle, noting the primary role of the states and territories.
- Recommendation 24, regarding approaches to reducing the role of alcohol in domestic and family violence, was supported in principle, noting that ‘alcohol related restrictions and bans, taxation and regulatory reform’ are matters for state and territory governments.
- Recommendation 25, which suggested the Commonwealth work with states and territories to improve access to alcohol rehabilitation services in remote Indigenous communities, was supported in principle, with the response noting a number of existing initiatives.¹⁶

2.12 The following recommendations were *not supported*:

- Recommendation 3 was not supported. This recommendation proposed the Prime Minister table a report in parliament every year to outline progress on reducing violence against women and their children, and report on funding decisions. The response stated that:

The Australian Government does not support this recommendation, given that a number of mechanisms exist for reporting on the progress of efforts to eliminate domestic, family and sexual violence. Progress is reported annually against the implementation of the National Plan and its three-yearly Action Plans. Rather than developing a new annual report, these reports could be tabled in Parliament by the Minister for Women.¹⁷

- Recommendation 13 was not supported. This recommendation proposed the establishment of a ‘subcommittee of First Ministers to enable jurisdictions to share the results of trials and to coordinate the development of best practice policy and service responses to domestic and family violence’. The idea was not supported because ‘COAG does not establish subcommittees of First Ministers’, and instead works through COAG Councils and working groups, as well as with the state and territory portfolio ministers.¹⁸

Box 2.6 COAG arrangements

Concurrent with the Fourth Action Plan, COAG has elevated the Women’s Safety Ministers Forum to a formal COAG Women’s Safety Council.¹⁹

¹⁶ Government Response: Domestic Violence in Australia, pp. 15-35.

¹⁷ Government Response: Domestic Violence in Australia, p. 16.

¹⁸ Government Response: Domestic Violence in Australia, p. 24.

¹⁹ Department of Prime Minister and Cabinet, Office for Women, ‘COAG Women’s Safety Council’, at <https://pmc.gov.au/office-women/coag-womens-safety-council> (accessed 13 April 2020).

- Recommendation 14, which proposed the Commonwealth ‘take leadership in the facilitation of effective police responses to domestic and family violence’, was not supported because policing is a responsibility of states and territories. However, the response highlighted work being done at the national level around policing and Indigenous communities, and stated:

The Australian Government is providing \$14 million to expand the DV-alert training program to ensure that police, social workers, emergency department staff and community workers better support women at risk of, or experiencing, family and domestic violence.²⁰
- Recommendation 16, which recommended the Evaluation Plan for the National Plan include a coordinated status report on the consideration of the recommendations in the 2010 report by the Australian and NSW Law Reform Commissions, was not supported. The government argued that the Evaluation Plan for the National Plan was ‘not an appropriate mechanism’ for responding to the 2010 report, and that subsequent inquiries had produced more up-to-date research on the interactions between the family law system and domestic violence.²¹
- Recommendations 20 and 23, which proposed the Commonwealth government ‘play a lead role’ in developing and funding supported housing programs across the country, and ensuring the supply of affordable housing, were noted. The government’s response indicated that provision of social housing, homelessness services, and affordable housing is primarily the responsibility of state and territory governments, with the Commonwealth government providing support to their efforts.²²

²⁰ Government Response: Domestic Violence in Australia, p. 26.

²¹ Government Response: Domestic Violence in Australia, p. 27.

²² Government Response: Domestic Violence in Australia, p. 31 and p. 33.

Chapter 3

Report 2: Domestic Violence and Gender Inequality, 2016

- 3.1 Following on from the 2014-15 inquiry into domestic and family violence, the Senate referred an inquiry into domestic violence and gender inequality to the Finance and Public Administration References Committee. The terms of reference asked the committee to consider ‘the role of gender inequality in all spheres of life in contributing to the prevalence of domestic violence’. The committee received 76 public submissions and tabled a 53 page report in November 2016.¹
- 3.2 The report did not contain any formal recommendations. However, the committee made a number of statements in relation to the role of gender inequality in the prevalence of domestic and family violence. The committee stated that it was ‘encouraged by work undertaken to date to change gender roles and stereotypes’ but believed that more needed to be done. This was evidenced by Australia’s decline on the global gender equality index from 15th in 2006 to 24th in 2014.²
- 3.3 The committee acknowledged progress had been achieved in some areas, as evidenced by the results of the National Community Attitudes Towards Violence against Women Survey (NCAS). However, the committee was concerned that the survey indicated ‘more than a quarter of Australians still endorse attitudes supportive of male dominance of decision-making in relationships which is identified as a risk factor for partner violence’.³
- 3.4 The report proposed that reducing domestic and family violence necessitates changing attitudes towards gender roles and relationships. In particular, the committee suggested the government continue to focus on the following:
- working with young people to teach about respectful relationships;
 - addressing the underrepresentation of women in senior roles in the public and private sectors;
 - increasing access to flexible working arrangements and affordable childcare;
 - supporting media and entertainment industry initiatives aimed at challenging gender stereotypes; and

¹ Finance and Public Administration References Committee, *Domestic violence and gender inequality* (Domestic Violence and Gender Inequality), November 2016, p. 2.

² Domestic Violence and Gender Inequality, p. 70.

³ Domestic Violence and Gender Inequality, p. 33.

- continuing to support, refine and resource the National Plan.⁴

Box 3.1 Promoting gender equality

Primary prevention

The Fourth Action Plan maintains the focus on gender equality and respect for women as key drivers of change. Initiatives promoting gender equality and respect for women include:

- the community-wide ‘Stop it at the Start’ primary prevention campaign;
- primary prevention campaigns targeted to specific communities;
- programs addressing intergenerational trauma for Aboriginal and Torres Strait Islander communities; and
- programs in schools and in the media promoting ‘healthy and safe’ relationships for young people.⁵

Women in leadership roles

The government has implemented programs addressing the underrepresentation of women in senior roles in the public and private sectors. These programs are being run in partnership with organisations including:

- Girl Guides Australia;
- the Australian Institute of Company Directors;
- the Australian Sports Commission; and
- Chief Executive Women.⁶

Childcare

A new childcare subsidy commenced on 2 July 2018 which made childcare more affordable for some families.⁷ However, research by the Centre for Independent Studies concluded that, even with the new subsidy, childcare remained unaffordable for many families. The Centre found:

Formal childcare services remain unaffordable and difficult to access for many parents in Australia. Despite government subsidies for childcare, fees and out-of-pocket costs continue to grow above inflation.⁸

⁴ Domestic Violence and Gender Inequality, pp. 33-34.

⁵ Commonwealth of Australia (Department of Social Services), Fourth Action Plan – National Plan to Reduce Violence against Women and their Children 2010–2022 (Fourth Action Plan), 2019, p. 20.

⁶ Department of Prime Minister and Cabinet, ‘Office for Women: Leadership’, <https://www.pmc.gov.au/office-women/leadership> (accessed 30 April 2020).

⁷ Department of Education, Skills and Employment, ‘Child Care Package – for families’, <https://www.education.gov.au/child-care-package-families> (accessed 30 April 2020).

⁸ The Centre for Independent Studies (Eugenie Joseph), *Research Report 37: Why childcare isn’t affordable*, August 2018, p. 19.

In response to the COVID-19 pandemic, the Australian government initiated the *Early Childhood Education and Care Relief Package*. The Package was designed to subsidise the childcare sector throughout the pandemic, preventing mass closures of childcare facilities. The subsidy was provided on the basis that centres must not charge parents any fees, making childcare free during the pandemic.⁹ The government has indicated that it intends to return to a system where parents are charged fees when the crisis is over.¹⁰

Gender representation in the media

As part of the National Plan, the government has funded 'Our Watch'. Our Watch:

- provides advice and input 'to influence public policy, systems and institutions to drive societal-level change';
- develops and implements campaigns that aim to change attitudes;
- leads a public conversation designed to keep violence against women 'on the national agenda'; and
- provides evidence-based resources to the media, community organisations, educational institutions and workplaces.¹¹
- One initiative is the Our Watch Fellowship Program. The program is administered by the Walkley Foundation and described as 'a prestigious leadership opportunity for 14 outstanding journalists'. Fellowships provide funding and opportunities for journalists 'to build and refine their knowledge of best practice reporting on violence against women, and deepen their understanding of the complexities of the issue'.¹²

⁹ Prime Minister of Australia, 'Media Release: Early Childhood Education and Care Relief Package', 2 April 2020, <https://www.pm.gov.au/media/early-childhood-education-and-care-relief-package> (accessed 30 April 2020).

¹⁰ Fergus Hunter and Eryk Bagshaw, 'Free childcare for all, but Morrison vows to go back to old ways', *the Sydney Morning Herald*, 2 April 2020, <https://www.smh.com.au/politics/federal/free-childcare-for-all-but-morrison-vows-to-go-back-to-old-ways-20200402-p54gfc.html> (accessed 30 April 2020).

¹¹ Our Watch, 'What we do', <https://www.ourwatch.org.au/about-us/what-we-do/> (accessed 30 April 2020).

¹² The Walkley Foundation, 'Our Watch Fellowships', <https://www.walkleys.com/scholarships-fellowships/our-watch-fellowships/> (accessed 30 April 2020).

Chapter 4

Report 3: Delivery of National Outcome 4 (1800RESPECT), 2017

- 4.1 In late 2017, the Senate Finance and Public Administration References Committee conducted an inquiry into the delivery of Outcome 4 of the National Plan, specifically how well the '1800RESPECT Domestic and Sexual Violence National Counselling Service' was meeting the needs of women and their children experiencing violence. The inquiry looked specifically at the contracting and operational model for the service. The committee received 61 public submissions, held one public hearing in Canberra, and tabled its report on 15 December 2017.¹

Background to 1800RESPECT

- 4.2 The 1800RESPECT service was developed in 2010 and administered by the then Department of Social Security (DSS) under the National Plan. DSS appointed Medibank Health Solutions (MHS) as the service provider from 8 July 2010 until 30 November 2014, with a second funding agreement signed in 2014, taking the contract through 2017. MHS initially subcontracted the NSW Rape Crisis Centre to deliver the counselling. Then in 2014, MHS contracted Rape and Domestic Violence Services Australia (RDVSA) to provide counselling; this time online *and* over the phone.²
- 4.3 The department became aware that in the 2014–2015 financial year, the majority of calls to the service went unanswered. The report states:
- ...of the 52 431 calls received by the service, only 14 899 were answered (28 per cent), with 37 352 callers unable to access support when they needed it (72 per cent). Further, an additional 10 747 voicemails were also received by the service.³
- 4.4 In 2015, the department contracted KPMG to conduct an independent review of the service. It identified a massive increase in community awareness, and thus use of the service, resulting from significant media and political attention on domestic violence at that time. KPMG recommended that:

¹ Finance and Public Administration References Committee, *Delivery of National Outcome 4 of the National Plan to Reduce Violence Against Women and Their Children 2010-2022 (1800RESPECT Report)*, December 2017, p. 2.

² 1800RESPECT Report, p. 4.

³ 1800RESPECT Report, p. 4.

- The 1800RESPECT service be reconfigured to function as more than a counselling service; as an 'effective first responder' to a wide variety of domestic and family violence related calls.
 - The current operating model be replaced with a 'first responder triage model', where qualified counsellors or social workers answer calls 'as quickly as possible and take immediate action as required'.⁴
- 4.5 In August 2016, the first response triage model was adopted. RDVSA continued to provide trauma specialist counselling through the 1800RESPECT service 'on referral', but no longer took the initial calls. The new model resulted in 'a 172 per cent increase in the number of telephone and online contacts answered, and the average waiting time was reduced from over 10 minutes to 37 seconds'. However, around 20 per cent of referrals to RDVSA for trauma counselling were still unanswered.⁵
- 4.6 In 2017, MHS ran a Request for Tender (RFT) to establish a panel of providers for trauma counselling to meet the demand. After the RFP process, MHS signed agreements with DVConnect, safe steps, and Women's Safety Services SA to commence in late 2017 and provide counselling services until the end of 2019. It also invited the existing provider, RDVSA, to be part of the panel. RDVSA initially agreed to participate, but later withdrew, stating that: 'accepting the sub-contract and the new MHS service model would be inconsistent with the values, ethics, quality counselling practices and work place relations that are foundational to our organisation and culture'.⁶
- 4.7 RDVSA argued that the tender process had been a 'farce' and was 'not conducted in good faith'. RDVSA, which had publicly criticised the first response triage model, objected to the amount of time it had been given to consider the contract that was offered, and the fact that the contract took away 75 per cent of its funding.⁷

Senate inquiry

- 4.8 In the context of this dispute, the committee sought to determine if the contracting model was working, if the service was meeting need and demand, and what changes may need to be made. The committee reported being unable to get access to much of the information required to answer these questions. The report states:

The committee had great difficulty in gaining access to program evaluation, and program performance details. Neither DSS nor MHS demonstrated a clear understanding of their accountability and

⁴ 1800RESPECT Report, pp. 4-5.

⁵ 1800RESPECT Report, p. 5.

⁶ 1800RESPECT Report, p. 7.

⁷ 1800RESPECT Report, pp. 11-12.

transparency requirements to the parliament and its committees. The extent that future performance measurement assesses quality trauma counselling service as well as quantitative metrics of staffing levels and call rate is unclear.⁸

- 4.9 Despite difficulties in determining ‘the truth’ in relation to the precise adequacy of service delivery, the committee drew a number of conclusions. These were around the critical need to ensure that the 1800RESPECT service was conducted with a focus on both quality and quantity. The committee stated that it:

...shares the concerns of the sector regarding the medium term suitability of private sector provision of these counselling services. The 1800RESPECT service and its performance measurement must reflect quality and client-focus as well as volume and efficiencies.⁹

Recommendations

- 4.10 The 58 page report contained eight recommendations, which are summarised below. The committee recommended:

- 1 That the Government ensures 1800RESPECT counsellors ‘have adequate qualifications and experience and an appropriate work environment’. Also that ‘the government consider whether having a principal contractor, rather than the specialist services themselves, providing first responder services represents value for money and best-practice’.
- 2 That ‘sufficient funding’ be made available for 1800RESPECT to ensure there are enough specialist trauma counsellors ‘to meet current and future demand’.
- 3 That the Australian National Audit Office (ANAO) conduct a review of the service.
- 4 That the department develop and release a detailed evaluation plan for the program.
- 5 That the department ‘brief its staff and contractors on their legal and contractual requirements in program management and Senate Standing Orders’.
- 6 That the government ‘consider whether the principal contractor model, as currently arranged, represents value for money and best-practice’.
- 7 That the department ‘require Medibank Health Solutions to develop 1800RESPECT specific privacy information’ explaining how personal information will be used.

⁸ 1800RESPECT Report, p. 14.

⁹ 1800RESPECT Report, p. 38.

- 8 That the department require the contractor to develop and display on its website 'a clear statement' on privacy, personal information and the protocols for handling subpoenas.¹⁰

Government response

- 4.11 The government tabled its response on 15 March 2018. The government 'supported' all eight recommendations, but noted that many of the recommendations proposed actions that were 'already an established part of standard business practices, or have been implemented'.¹¹
- 4.12 While the government indicated it 'supported' all the recommendations, the detail in the response suggests that the government did not agree with many of the conclusions drawn by the committee, and did not support many of the detailed suggestions contained in the committee's recommendations.
- 4.13 For instance, the government supported Recommendation 1, which recommended 'the Government ensure that 1800RESPECT first response triage counsellors and trauma counsellors have adequate qualifications and experience and an appropriate work environment'. It did not, however, agree with the sub-point that these counsellors should have a minimum three years' experience, rather than two, saying: 'there is no evidence to suggest that qualifications of the first response counsellors should increase from the current two years' experience in a relevant field to three years'.¹²
- 4.14 Recommendation 3 proposed that the government management of the program and its procedures be reviewed by the ANAO. While the government supported the recommendation, it also said:
- The Australian Government notes that no material canvassed in this report provides evidence of any breach of Commonwealth rules and guidelines. It further notes the program will receive further extensive scrutiny through the evaluation, which is currently underway, and will require Departmental resources to manage, as will the implementation of new panel arrangements.¹³
- 4.15 Recommendation 5, regarding the need for officers and contractors to be briefed on their obligations to the Senate and its committees, was supported.

¹⁰ 1800RESPECT Report, pp. vii-viii.

¹¹ Australian Government, *Australian Government response to the Senate Finance and Public Administration References Committee report: Delivery of National Outcome 4 of the National Plan to Reduce Violence Against Women and Their Children (1800RESPECT)* (Government Response: 1800RESPECT Report), March 2018, p. 1.

¹² Government Response: 1800RESPECT Report, p. 2.

¹³ Government Response: 1800RESPECT Report, p. 4.

However, the government indicated that briefing had occurred, and it believed officers and contractors had acted in accordance with their obligations.¹⁴

4.16 Recommendations relating to the appropriateness of the contracting model were essentially deferred by the government, which explained that an evaluation of the systems and processes of procurement and contract management was currently underway for the program.¹⁵

4.17 An independent evaluation of 1800RESPECT was conducted by academics at the University of NSW and published in January 2020. It concluded:

...the 1800RESPECT service is considered by callers, MHS staff, NGO partner staff and stakeholders to be an effective service. It is perceived to deliver quality counselling and is valued for being available 24 hours a day, 7 days a week, for being accessible by phone and online, and for allowing clients to remain anonymous.¹⁶

4.18 However, the evaluation identified several factors 'impinging on service effectiveness', including:

- staff taking calls were often expected to take calls across other services;
- staff indicated receiving insufficient supervision;
- the 'single session' approach taken by the service is not suitable for repeat callers with complex needs; and
- the 'call back' approach was questioned.¹⁷

4.19 The evaluation also raised concerns around the contracting model, particularly in terms of monitoring and controlling costs to the government as demand for the service increases over time. The authors were concerned that '[o]perating on a cost per call basis involves financial risks for government. Service delivery costs will continue to grow as demand for the service increases'.¹⁸

4.20 The evaluation suggested the government review the 'cost per contact' funding model because it 'does not account for variation in call contact times'.¹⁹

¹⁴ Government Response: 1800RESPECT Report, p. 4.

¹⁵ Government Response: 1800RESPECT Report, p. 5.

¹⁶ Smyth, Cortis, Cama, Giuntoli, Breckenridge and Valentine, *Evaluation of 1800RESPECT – Final Report* (Evaluation of 1800RESPECT), Social Policy Research Centre, UNSW Sydney, January 2020, pp. 7-8.

¹⁷ Evaluation of 1800RESPECT, pp. 8-9.

¹⁸ Evaluation of 1800RESPECT, p. 10.

¹⁹ Evaluation of 1800RESPECT, p. 13.

Box 4.1 Current status of 1800RESPECT

In the wake of a review into 1800RESPECT, the Department of Social Services is conducting a two-stage open competitive procurement process to secure a suitable organisation or group of organisations to deliver 1800RESPECT.

The Request for Expressions of Interest is on AusTender with a closing date of 24 April 2020. Following evaluation of responses the department will select a short list of respondents to be invited to tender. The Request for Tender is anticipated to be released in July 2020.

In relation to the process, the government has said:

The Australian Government's priority is ensuring 1800RESPECT provides high quality, responsive and trauma informed support to people who need help, information and counselling. 1800RESPECT will continue to provide services throughout the duration of the procurement process.²⁰

²⁰ Australian Government, '1800RESPECT Procurement – Pre-release notice', <https://plan4.womenssafety.dss.gov.au/1800respect-procurement-pre-release-notice/> (accessed 13 April 2020).

Chapter 5

Report 4: Auditor General's report on implementation of the National Plan, 2019

- 5.1 In June 2019, the Auditor-General tabled Performance Audit Report No. 45 2018–19, entitled *Coordination and Targeting of Domestic Violence Funding and Actions*. After nine years of the National Plan, the Auditor-General argued it was 'timely to assess whether the Department of Social Services has been effective in administering its responsibilities under the National Plan, including monitoring the plan's achievements and progress'.¹
- 5.2 In conducting the audit, the Australian National Audit Office (ANAO) was interested in the following 'high level audit criteria':
- Whether effective governance arrangements are in place.
 - Targeting of funding and actions is aligned to the outcomes of the National Plan.
 - Monitoring and reporting of performance for key Department of Social Services initiatives and the National Plan is effective.²
- 5.3 The ANAO concluded that the department's 'effectiveness' in implementing the National Plan 'is reduced by a lack of attention to implementation planning and performance measurement'.³
- 5.4 The ANAO praised certain aspects of the department's management of the Plan, including:
- the governance arrangements around the Plan;
 - accountability and information sharing;
 - engagement of key stakeholders in the sector; and
 - Alignment of the funding and initiatives with the priorities spelled out in the Plan.⁴
- 5.5 However, it cautioned that existing mechanisms for evaluation and monitoring were insufficient. The ANAO stated:

Performance monitoring, evaluation and reporting is not sufficient to provide assurance that governments are on track to achieve the National Plan's overarching target and outcomes. In order to assess and

¹ Auditor-General, *Performance Audit Report No .45 2018–19: Coordination and Targeting of Domestic Violence Funding and Actions* (Auditor-General's Report on the National Plan), June 2019, p. 8.

² Auditor-General's Report on the National Plan, p. 8.

³ Auditor-General's Report on the National Plan, p. 8.

⁴ Auditor-General's Report on the National Plan, pp. 8-9.

demonstrate the achievements of the National Plan as a whole, the department will need to develop new measures of success and data sources, plan for evaluations beyond the National Partner initiatives and improve public transparency.⁵

- 5.6 While acknowledging the department's investments in research, the ANAO was concerned that the research program 'does not provide sufficient focus on program evaluation and research synthesis to inform policy decisions and program improvements'. The ANAO was also concerned that the Third Action Plan was developed without an implementation plan, reducing accountability and transparency around the outcomes each level of government had committed to achieving.⁶
- 5.7 The ANAO found that existing mechanisms for monitoring and evaluating initiatives under the Plan largely failed to measure against outcomes. Further, that a lack of appropriate and robust data made measuring those outcomes basically impossible. The ANAO wrote:

During development of the Fourth Action Plan and any future National Plan there is opportunity for the department to consider developing short- and medium-term outcomes, new measures of success and more frequent data collection mechanisms. Without such changes the ability for jurisdictions to demonstrate the success of the National Plan will be limited.⁷

Recommendations

- 5.8 The ANAO made five recommendations which are reproduced in full below. The government agreed to all of these recommendations:
- 1 The Department of Social Services specify research and data projects as actions under each of the priority areas agreed by governments for the Fourth Action Plan.
 - 2 The Department of Social Services, in consultation across governments, develop a National Implementation Plan for the Fourth Action Plan.

Box 5.1 National Implementation Plan

The National Implementation Plan for the Fourth Action Plan outlines the initiatives that Commonwealth, state and territory governments will deliver, and provides information on funding, milestones, and intended outcomes.⁸

⁵ Auditor-General's Report on the National Plan, p. 9.

⁶ Auditor-General's Report on the National Plan, pp. 9-10.

⁷ Auditor-General's Report on the National Plan, p. 10.

⁸ Australian Government, 'Fourth Action Plan: Implementation Plan', <https://plan4.womenssafety.dss.gov.au/implementation-plan/> (accessed 13 April 2020).

- 3 The Department of Social Services identify and develop new measures of success, data sources and specific outcomes for the Fourth Action Plan, and any future National Plan.

Box 5.2 Data and reporting

Under the Fourth Action Plan, governments will:

- work together to build on the current measures of success
- identify and define clear indicators, and relevant data sources, to measure success
- focus on ‘mining’ existing data and information on violence to provide a useful picture of progress
- work towards addressing key gaps in the data
- use data to continually improve strategies
- continue to invest in the Personal Safety Survey (PSS) and the National Community Attitudes Towards Violence against Women Survey (NCAS) as critical measures of progress towards reducing violence against women and their children.

The Australian Bureau of Statistics will conduct a further wave of the PSS in 2020. The PSS collects information on the nature and extent of violence experienced by men and women in Australia. The National Aboriginal and Torres Islander Health Survey (NATSISS) was conducted in 2018–19 and included an additional module on violence.

ANROWS will conduct another wave of the NCAS in 2021. The NCAS is a general population telephone survey of Australians aged 16 years and over, on their attitudes towards, and awareness of, violence against women.⁹

- 4 The Department of Social Services work with the states and territories to plan evaluations of individual services and programs funded across jurisdictions under action plans to inform an outcome evaluation of the Fourth Action Plan and overall National Plan.

Box 5.3 Evaluation and performance monitoring

Governments will develop and agree on an enhanced performance monitoring and reporting framework to support the implementation of the Fourth Action Plan, including revised measures of success (with both short and medium-term measures). Also: An evaluation plan will be developed in consultation with states and territories in the first year of the Fourth Action Plan. The overall evaluation

⁹ Australian Government, ‘Fourth Action Plan: Implementation Plan’, <https://plan4.womenssafety.dss.gov.au/implementation-plan/> (accessed 13 April 2020).

will be informed by separate evaluations of key individual initiatives funded across jurisdictions under the Fourth Action Plan.¹⁰

- 5 That public annual progress reports for the Fourth Action Plan document the status of each action item and the outcomes of the National Plan as a whole.

5.9 In its response to the ANAO, the Department of Social Services wrote:

The department is committed to building on what the ANAO acknowledges are the effective governance arrangements already in place to support implementation of the National Plan to Reduce Violence Against Women and their Children 2010–2022 (the National Plan). The report's insights will help strengthen the final development phase and subsequent implementation of the Fourth Action Plan of the National Plan.¹¹

¹⁰ Australian Government, 'Fourth Action Plan: Implementation Plan', <https://plan4.womenssafety.dss.gov.au/implementation-plan/> (accessed 13 April 2020).

¹¹ Auditor-General's Report on the National Plan, p. 10.

Chapter 6

Committee view

- 6.1 Violence against women in Australia remains a significant problem. Evidence suggests physical violence against women has reduced since the 1990s. However, figures around intimate partner violence have remained largely steady¹ and the ‘trend in sexual assault against women is on a slight upward trajectory’.² The prevalence of intimate partner violence against women since the age of 15 years remains unacceptably high, with one in four women having experienced it since the age of 15 years.³
- 6.2 The number of women in Australia who have died at the hands of a current or former partner has not reduced significantly since 2010, with between 72 and 105 women killed this way in each year since, and numbers fluctuating rather than reducing.⁴
- 6.3 The committee is concerned about these statistics – as all Australians should be. We are encouraged to see that significant long term investments by governments at the state and territory and national levels have led to greater reporting and help-seeking among women affected by violence. However, with the incidence of sexual violence and intimate partner violence not yet decreasing, it is clear that governments must continue to enhance the response.⁵
- 6.4 The *National Plan to Reduce Violence against Women and their Children 2010-2022* (the National Plan) was put in place to try and bring about a lasting reduction in violence against women and their children by better coordinating the efforts of jurisdictions across Australia.
- 6.5 The committee notes that governments have achieved some significant steps, including:
- creating a national evidence base for monitoring the prevalence of violence and the beliefs and attitudes of Australians;
 - embedding and scaling up online and telephone crisis and counselling services (1800RESPECT);

¹ Commonwealth of Australia (Department of Social Services), *2017–18 Annual Progress Report of the Third Action Plan 2016–2019 of the National Plan to Reduce Violence against Women and their Children 2010–2022* (Progress Report: Third Action Plan), 2019, p. 12.

² Progress Report: Third Action Plan, p. 14.

³ Progress Report: Third Action Plan, p. 13.

⁴ Progress Report: Third Action Plan, p. 14.

⁵ Progress Report: Third Action Plan, p. 12.

- implementing the National Domestic Violence Order Scheme, so that violence prevention orders are recognised across borders;
 - adding ‘Respectful Relationships’ education to the National Curriculum;
 - enacting the *Family Law Amendment (Family Violence and Other Measures) Act 2018*, which improved the capacity for children’s courts to make relevant orders in child protection matters; and
 - implementing the National ‘Stop it at the Start’ Campaign, a primary prevention campaign targeting aggressive behaviour and promoting respect for women.⁶
- 6.6 There is early evidence that the primary prevention programs may be having a positive impact on attitudes towards gender equality, with Australians ‘less likely to hold attitudes supportive of violence in 2017 than they were in 2009 and 2013’.⁷ However, it remains to be seen if these campaigns will lead to a significant and lasting reduction in violence.
- 6.7 The committee is encouraged to see that a number of the recommendations made by the Senate Finance and Public Administration Committee in its broad and far reaching 2015 report into responses to domestic and gender-based violence in Australia have since been implemented. However, we note that many recommendations were supported ‘in principle’ only, because responsibility for relevant services sits with the states and territories.
- 6.8 The National Plan was designed to ensure that ‘the buck is not passed’ between states and territories and the Commonwealth when responding to gender-based and domestic and family violence. The committee believes the Plan **has** improved the coordination of services and policy responses across jurisdictions, and boosted accountability and transparency.
- 6.9 However, analysis of the National Plan has been mixed. The committee notes the criticisms in the Australian National Audit Office’s (ANAO) 2019 report. The committee shares the ANAO’s concerns that existing mechanisms for measuring outcomes were (at least at that point) inadequate, and that an implementation plan should have been developed for the Third Action Plan.⁸
- 6.10 It is critical that the shortcomings identified in the ANAO’s 2019 report are rectified if the National Plan is to be an effective mechanism for reducing violence against women and their children going forward.
- 6.11 Governments have made progress under the Plan, but that progress has been slow. The committee believes that achieving a significant and lasting reduction

⁶ Progress Report: Third Action Plan, p. 17.

⁷ Progress Report: Third Action Plan, p. 15.

⁸ Auditor-General, *Performance Audit Report No.45 2018–19: Coordination and Targeting of Domestic Violence Funding and Actions*, June 2019, pp. 9-10.

in the prevalence of violence will require governments to maintain, and even increase, their commitment to the National Plan.

- 6.12 The committee recognises that governments have responded to the ANAO's recommendations by taking action. The Fourth Action Plan has been accompanied by significant new investment; the Council of Australian Governments (COAG) has elevated the Women's Safety Ministers Forum to become the Women's Safety Council, on par with other COAG councils; and a detailed Implementation Plan has been created for the Fourth Action Plan.
- 6.13 The committee is satisfied that the Implementation Plan specifies responsibility, and provides accountability, for spending and implementation of initiatives under the Fourth Action Plan. It will be necessary, however, to thoroughly review the implementation of the Fourth Action Plan to ascertain whether the Implementation Plan leads to better outcomes.
- 6.14 Moving forward, governments must focus on building the evidence base and lifting capability in monitoring and evaluation of specific National Plan initiatives, and of the National Plan as a whole.
- 6.15 The COVID-19 pandemic, and associated social isolation measures and economic impacts, have complicated the situation for women and children experiencing or at risk of violence in the home, and created new challenges for service provision.
- 6.16 The committee is encouraged to see that governments have responded quickly. Without waiting for evidence of an increase in violence, governments have responded to the pandemic by investing emergency funding to assist states and territories to respond to the immediate needs of those experiencing or at risk of violence. The Commonwealth government has also quickly rolled out a national campaign to raise awareness of domestic and family violence, and advertise the availability of services and support.
- 6.17 As more data becomes available, and the impacts of the pandemic become clearer, governments will need to ensure the extra funding provided is sufficient. Governments must be willing to increase funding if the data indicate a significant spike in the incidence of violence. Governments will also need to ensure funding is directed to where it is most needed during, and in the aftermath of, the pandemic.
- 6.18 Despite the positive work done by the Commonwealth and state and territory governments under the National Plan, violence against women remains unacceptably high.
- 6.19 The committee believes it is time for governments to reflect on what has been achieved, and the lessons learned, and determine how to build upon the first National Plan with a new, even better plan. We believe this work can and should be done by those with responsibility for developing the new National

Plan, in consultation with stakeholders and delivery partners, and in reference to the best international and local evidence.

- 6.20 The committee notes that COAG held the ‘National Summit on Reducing Violence Against Women and their Children’ in 2018,⁹ and encourages those developing the new National Plan to make full use of the insights from the Summit.
- 6.21 The committee is confident that governments are taking the issue of domestic and family violence seriously, as evidenced by the creation of the new COAG Women’s Safety Council, and the comprehensive Implementation Plan developed for the Fourth Action Plan.
- 6.22 The committee does not believe another lengthy public inquiry into responses to domestic and family violence is required at this time. Such an inquiry would likely divert attention and resources that are currently focussed on front-line services and primary prevention, and may be of limited benefit.
- 6.23 However, the committee believes there could be merit in a more focussed Senate inquiry into the procurement processes and contracting arrangements associated with 1800RESPECT. If such an inquiry were to be considered, it would be appropriate for it to be referred to the Finance and Public Administration References Committee, which looked into the matter in 2017.
- 6.24 As the Fourth Action Plan rolls out and the National Plan draws closer to its 2022 conclusion, a number of issues remain, or are becoming, pertinent. In looking to the future, the committee suggests the Commonwealth, in partnership with state and territory governments, closely examine whether it is simply a matter of waiting for current efforts to ‘bear fruit’, or if a new approach is needed.
- 6.25 The committee suggests the following questions be considered in the development of the next iteration of the National Plan:
- (a) Has the National Plan achieved what it set out to achieve? If not, why not?
 - (b) What evidence is there that the initiatives undertaken to date will lead to generational change? When will we reap the rewards of current investment?
 - (c) Are the theory and approaches that underpin Australia’s National Plan still in-line with international evidence and best-practice?
 - (d) Is Australia doing enough under the Plan to support women and children from Indigenous and non-English speaking communities who are experiencing gender based and family violence?

⁹ Department of Prime Minister and Cabinet, ‘2018 COAG National Summit on Reducing Violence Against Women and their Children’, <https://www.pmc.gov.au/office-women/womens-safety/2018-coag-national-summit-reducing-violence-against-women-and-their-children> (accessed 11 May 2020).

- (e) Is there enough support for women with disabilities?
 - (f) How will governments ensure the next iteration of the National Plan incorporates the learnings from the implementation of each Action Plan?
 - (g) How comprehensive and reliable is Australia's data, and is enough being invested in data and research?
 - (h) Have departments and delivery partners taken on board criticisms around the mechanisms in place for evaluating initiatives? What are the new evaluation mechanisms, and are they sufficient?
 - (i) How effective and efficient is the governance model in place for implementing the Plan? Are all states and territories 'pulling their weight', or are some not investing enough? Are there any areas where more Commonwealth control or coordination may be warranted?
 - (j) What lessons can be learned from past experiences in relation to the procurement processes and service delivery model for 1800RESPECT?
 - (k) How can the government ensure the 1800RESPECT service is fulfilling its vital role?
 - (l) How have COVID-19 and the associated lockdowns and job losses contributed to domestic and family violence? Has the government response been fast enough, and has it been effective?
 - (m) Are there any lasting impacts of COVID-19 to be considered in drafting the new National Plan?
- 6.26 Finally, it is the committee's view that governments must invest now – *before* making a new National Plan – in the work required to determine if it is simply a matter of waiting for current efforts to come to fruition, or if a new approach is needed.

Senator the Hon Kim Carr
Chair

Dissenting report by Senator Rex Patrick

Inquiry, without inquiry

The work of the committee

- 1.1 I almost always start additional comments or dissenting reports by thanking a committee for its work in relation to the inquiry, irrespective of whether I agree or disagree with its findings and recommendations. But today I cannot in good conscience do that and so I will not.
- 1.2 The inquiry was established on 26 February 2020, when the Senate adopted my motion to refer the issue of domestic violence with particular regard to violence against women and their children to the Legal and Constitutional Affairs References Committee for report by 13 August 2020.
- 1.3 The committee was charged through its clear terms of reference to inform itself of past reviews and then examine where domestic violence policies, programs and services needed improving. The terms of reference called for a full appraisal of the current environment, successes and failures, services provided and services in need, with a view of recommending both immediate and longer term measures to reduce the incidence of and death toll from domestic violence.
- 1.4 As it states in the report, the committee was not required to ‘reinvent the wheel’. It was, however, required to closely examine the wheel to see what parts of it were performing well and where improvements could be made, and also where there were flats spots on the rubber and where there was rust that needed to be tended to.
- 1.5 The committee did not do that. It did not discharge its responsibility to the Senate and, more importantly, the public. It failed in its duty in the shadow of the most horrific recent incidence of domestic violence, the death of Hannah Clarke and her three children, and in the context of an increase in occurrence of domestic violence as a result of COVID-19 related disruptions, and as the United Nations is urging all governments to ‘make the prevention and redress of violence against women a key part of their national response plans for COVID-19’.
- 1.6 The committee is reporting three months ahead of time and doing so without seeking a single submission and without holding a single hearing. This is extraordinary, and somewhat unprecedented for a Senate inquiry.
- 1.7 The committee did not need to traverse ground already covered, it did not need to establish the cause and contributing factors to domestic violence, it did

not need to re-examine the effects domestic violence has on its victims and it did not need to start from scratch in respect of remedies. It did need to hear from sector experts and listen to them to understand what is working well, what could be improved and where there are gaps and inadequacies.

- 1.8 Calling what occurred an ‘inquiry’ is a total misnomer. A review, yes, an inquiry, no! In some sense the committee acknowledges its own failings when at paragraph 1.8 of the report it states: ‘The results of the committee’s review are presented in this report’.

There was work to be done

- 1.9 There was work to be done – but the committee did not do it.
- 1.10 The committee finds that the results of the government’s efforts in reducing domestic violence are ‘mixed’. While there has been a reduction in total violence experienced by women, evidence indicates that violence in intimate partner relationships has not decreased since 2005, and sexual violence against women has not decreased since 1996.
- 1.11 But it did not seek submission as to the why this was occurring and it did not talk to any experts to examine what could be done better and where holes could be plugged.
- 1.12 At paragraph 1.31 the committee states:
- ... NCAS has also revealed that attitudes are ‘going backwards’ in some areas:
 - There is a continuous decline in the number of Australians who understand that men are more likely than women to perpetrate domestic violence (down from 86 per cent in 1995 to 64 per cent in 2017).
 - Two in five Australians believe that gender inequality is exaggerated or no longer a problem.
 - One in five Australians believe domestic violence is a normal reaction to stress, and that sometimes a woman can make a man so angry he hits her without meaning to.
 - Two in five Australians believe that women make up false reports of sexual assault in order to punish men.
- 1.13 One of the big focusses of the National Plan is culture and attitude. In the face of these facts, where a continued decay in attitudes could easily unravel the plan in the long term, did the committee seek advice as to a suitable remedy? No, it did not.
- 1.14 The committee identified measures, such as 1800RESPECT, Mensline, and the ‘Keeping Women Safe at Home’ program that have been provided with additional funding in response to COVID-19, and gives praise for such action.

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- 1.15 But it did not seek to investigate whether those measures are being implemented properly and effectively or whether they missed their mark. Sadly, no outside perspective is sought.
- 1.16 At paragraph 6.25 the committee recognises a number of questions that need answering:
- (a) Has the National Plan achieved what it set out to achieve? If not, why not?
 - (b) What evidence is there that the initiatives undertaken to date will lead to generational change? When will we reap the rewards of current investment?
 - (c) Are the theory and approaches that underpin Australia's National Plan still in-line with international evidence and best-practice?
 - (d) Is Australia doing enough, under the Plan, to support women and children from Indigenous and non-English speaking communities who are experiencing gender based and family violence?
 - (e) Is there enough support for women with disabilities?
 - (f) How will governments ensure the next iteration of the National Plan incorporates the learnings from the implementation of each Action Plan?
 - (g) How comprehensive and reliable is Australia's data, and is enough being invested in data and research?
 - (h) Have departments and delivery partners taken on board criticisms around the mechanisms in place for evaluating initiatives? What are the new evaluation mechanisms, and are they sufficient?
 - (i) How effective and efficient is the governance model in place for implementing the Plan? Are all states and territories 'pulling their weight', or are some not investing enough? Are there any areas where more Commonwealth control or coordination may be warranted?
 - (j) What lessons can be learned from past experiences in relation to the procurement processes and service delivery model for 1800RESPECT?
 - (k) How can the government ensure the 1800RESPECT service is fulfilling its vital role?
 - (l) How have COVID-19 and the associated lockdowns and job losses contributed to domestic and family violence? Has the government response been fast enough, and has it been effective?
 - (m) Are there any lasting impacts of COVID-19 to be considered in drafting the new National Plan?
- 1.17 And yet, in clear dereliction of duty, it did not seek answers to them.
- 1.18 The committee failed itself, the Australian public, Hannah Clarke and her three beautiful children, Aaliyah, Laianah, and Trey, and all victims of domestic violence, past, present and future.

Recommendation 1

1.19 The committee should take a long hard look at itself and then resolve to bring a motion to the Senate that would direct it to revisit the issue and do the job properly on the second pass.

**Rex Patrick
Senator for South Australia**

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