

DOMESTIC
VIOLENCE
VICTORIA

Submission to the Victorian LGBTIQ+
Strategy

February 2021

Domestic Violence Victoria

February 2021

Phone: 03 9921 0828

Author and Key Contact:

Hilary Glaisher

Policy Advisor

Email: hilaryglaisher@dvvic.org.au

DV Vic CEO:

Tania Farha

Phone: 03 9921 0828

Email: taniafarha@dvvic.org.au

© 2021 Domestic Violence Victoria

Acknowledgments

Acknowledgement of Aboriginal and Torres Strait Islander peoples

Domestic Violence Victoria acknowledges Aboriginal and Torres Strait Islander peoples as Australia's First Nations and Traditional Owners of Country. We pay respects to Elders past, present and emerging. We acknowledge that sovereignty was never ceded and recognise the right to self determination and continuing connection to land, waters and culture.

Acknowledgment of victim-survivors

Domestic Violence Victoria acknowledges the strength and resilience of adults, children and young people who have experienced family violence, and recognises that it is essential that responses to family violence are informed by their experiences and advocacy. We pay respects to those who did not survive and acknowledge friends and family members who have lost loved ones to this preventable and far-reaching issue.

Contents

Acknowledgments	2
Acknowledgement of Aboriginal and Torres Strait Islander peoples.....	2
Acknowledgment of victim-survivors	2
About Domestic Violence Victoria (DV Vic)	4
Family violence and the use of language.....	4
Introduction	5
The Victorian LGBTIQ+ Strategy through the lens of family violence	6
Direction 4: <i>Safe, Strong, and Sustainable communities</i>	6
Remaining Directions	8
<i>Direction 1: Equal rights and freedoms</i>	8
<i>Direction 2: Equitable access to systems</i>	8
<i>Direction 3: Visibility to inform decision making.</i>	9
The need for guiding principles	10
Conclusion	11

About Domestic Violence Victoria (DV Vic)

Domestic Violence Victoria (DV Vic) is the peak body for specialist family violence response services for victim-survivors in Victoria. As such, DV Vic is recognised as the state-wide voice of Specialist Family Violence Services (SFVS) responding to victim-survivors. DV Vic is a membership-based organisation and is accountable to its members, who also comprise its Board of Governance. DV Vic's core membership comprises state-wide and regional specialist agencies working with victim-survivors of family violence across Victoria. We are an independent, non-government organisation that leads, organises, advocates for, and acts on behalf of its members utilising an intersectional feminist approach. However, the organisation is ultimately accountable to victim-survivors of family violence and works in their best interests.

DV Vic's work is focused on advocating for, supporting, and building the capacity of specialist family violence practice and service delivery for victim-survivors; system reform; and research, policy development and law reform. DV Vic analyses the views and experiences of member organisations, the evidence on family violence, and the lived experience of victim-survivors, and translates this into innovative and contemporary policy, practice, and advocacy.

DV Vic holds a central position in the Victorian family violence system and its strategic governance and is one of the key agencies with responsibility for providing family violence subject matter expertise, technical assistance, capacity building, and policy and practice advice to the SFVS sector, broader sectors, government, and other partners and stakeholders.

Family violence and the use of language

DV Vic defines family violence as a pattern of violent and abusive behaviour that occurs in family, family-like, chosen family, and intimate relationships. Family violence is primarily the result of patriarchal and gendered power structures and oppression, and as the peak body for specialist family violence services we understand that family violence impacts people from a diverse range of gender identities, cultural backgrounds, and diverse communities. Binary gendered terms (ie. man/woman and he/she) have not widely been used in this submission in recognition of fact that family violence affects a diverse range of communities and identities. The use of inclusive language in the conversation about family violence is critical because failure to do so erases the experiences of LGBTIQ+ victim-survivors' experiences of family violence. It also obscures the reality of family violence in non-heterosexual and cis-gendered relationships. Where gendered language is used in this submission, we refer to data or experiences specifically relating to that group of people.

This submission is informed by intersectional feminism and queer theory. Intersectional feminism is a crucial foundational theory for specialist family violence services and DV Vic, because it provides an ethical basis from which to understand the ways in which victim-survivors of family violence experience gender inequality alongside other forms of oppression and discrimination. These experiences of unequal power dynamics are not only intersecting but reinforce and amplify discrimination and systemic marginalisation. Queer theory prompts an interrogation of the rigidity of gender, sex and sexuality norms, and points to the risks associated with failing to acknowledge and address the oppression of those with identities which fall outside of cis-gendered, heterosexual social expectations.

Introduction

DV Vic welcomes the development of the Victorian LGBTIQ+ Strategy (the Strategy) as an important advancement in Victoria's commitment to elevate the voices and experiences of all LGBTIQ+ Victorians, including those who are victim-survivors of family violence. The LGBTIQ+ community was identified by the Royal Commission into Family Violence (RCFV)¹ as one of the community groups at increased and particular risk of family violence,² and evidence is emerging that LGBTIQ+ people experience family violence at commensurate, if not higher, levels as the rest of the community.³ The recent *Private lives 3* report found that almost two in five (38.5% of 6815) respondents reported being abused by a family member, including both birth and chosen family.⁴ The establishment of the Strategy and proposed LGBTIQ+ Taskforce provides a valuable opportunity for connection and alignment between the vision for LGBTIQ+ communities and the family violence reform agenda in Victoria. Our submission in response to the *LGBTIQ+ Strategy Directions Paper* (the Directions Paper)⁵ reflects this.

This submission builds on the first which DV Vic made to the Department of Premier and Cabinet during the initial development phase of the Victorian LGBTIQ+ Strategy. This new offering examines each of the four Directions outlined in the Directions Paper through the lens of family violence. We anticipate that many of the actions relating directly to family violence experienced by people in LGBTIQ+ communities in the forthcoming Strategy may be driven by Direction 4: *Safe, strong and sustainable communities*. For this reason, in the first section of this paper we highlight the importance of explicit recognition and action to address the structural and social inequalities that exacerbate the risk of family violence in the LGBTIQ+ community in this Direction. We draw attention to the diverse experiences of family violence which exist within the LGBTIQ+ community and point to key resources and research which provides comprehensive analysis of the unique experiences of LGBTIQ+ victim-survivors.

In the second section of the paper, we consider each of the three other strategic directions, and the ways in which employing a focus on the drivers and impacts of family violence is critical to addressing systemic and structural discrimination against the LGBTIQ+ community. This discussion reflects our view that there is a need for a nuanced family violence lens across the entirety of the strategy that also embeds continuous consultation with LGBTIQ+ family violence advocates, LGBTIQ+ community-controlled organisations and specialist family violence services (SFVS) once the LGBTIQ+ Taskforce is established.

The final section of the submission discusses the development of a guiding set of principles. These principles will be key to ensuring cohesive and consistent application of the Directions and will also link

¹ Family Safety Victoria (2016). *Royal Commission into Family Violence: Summary and Recommendations*. Melbourne, VIC: State of Victoria.

² Family Safety Victoria (2016a). *Royal Commission into Family Violence: Volume V*. Melbourne, VIC: State of Victoria.

³ Gibson, M., Ghassan, K., Lloyd, A., McCann, B. (2020). *No safe place at home: Domestic and family violence affecting LGBTIQ+ people*. Equality Australia, Melbourne and The Centre for Family Research and Evaluation, Drummond Street Services, Melbourne.

⁴ Hill, A. O., Bourne, A., McNair, R., Carman, M. & Lyons, A. (2020). *Private Lives 3: The health and wellbeing of LGBTIQ people in Australia*. ARCSHS Monograph Series No. 122. Melbourne: Australian Research Centre in Sex, Health and Society, La Trobe University.

⁵ Victoria State Government. (2020). *LGBTIQ+ Strategy Directions Paper*, State of Victoria, Department of Premier and Cabinet December. <https://engage.vic.gov.au/lgbtiqstrategy>

and align the Victorian LGBTIQ+ Strategy with the broader change work being done in Victoria, including key government reform agendas and frameworks.

The Victorian LGBTIQ+ Strategy through the lens of family violence

With the diverse and ongoing reform agendas at various stages of implementation across the state, the forthcoming LGBTIQ+ strategy will need to take its place among other complex change processes that are underway, including the family violence reform, the implementation of the gender equality strategy, and the forthcoming findings of the Royal Commission into Mental Health. These ambitious plans inevitably overlap, which provides opportunities for a coordinated approach to implementation that makes the most of the available resources. This overlap will produce an array of synergies, competing priorities and opportunities for collaboration across governmental departments as well as within the community services sector. Effectively mapping this landscape of strategies will be essential to developing a measurable set of directions, actions, targets and indicators which are not only accountable to the LGBTIQ+ strategy but also reflect the other core strategic work in progress in Victoria.

DV Vic supports the Vision, which is a set of commendable, high-level goals that articulates the overarching purpose of the Victorian LGBTIQ+ Strategy. Additionally, the four Directions provide a similarly high-level set of interrelated pathways for Government to develop and implement specific activities to improve the lives of all LGBTIQ+ people and communities.

While DV Vic supports the Vision and Directions, it is also our view that the Directions lack sufficient detail to ensure the rights and needs of LGBTIQ+ victim-survivors of family violence will be addressed through the Strategy. Family violence experienced by members of LGBTIQ+ communities remains largely in the background throughout the Directions Paper, which we think is a missed opportunity to explicitly build on the progress of the RCFV reforms in relation to this issue. Our concern is that where family violence is not explicitly named and centred at each stage of strategic planning, there is a risk that it will remain invisible and therefore more difficult to address. The LGBTIQ+ Strategy presents a crucial opportunity to continue the efforts to reflect the LGBTIQ+ community and their experiences in the community conversation and response to family violence. We are hopeful that with adequate setting of directions together with good governance and alignment with reform that is underway, the Strategy will make a significant contribution to ending family violence, and to building a safer and more responsive family violence system for LGBTIQ+ communities.

Direction 4: Safe, Strong, and Sustainable communities

DV Vic strongly supports Direction 4, which speaks to opportunities for meaningful planning and action to address family violence experienced by the LGBTIQ+ community alongside other efforts to improve the safety of LGBTIQ+ people. DV Vic supports both family violence prevention and intervention activities being developed under this Direction, particularly the continuation of inclusion capacity building work within the SFVS sector.

To further strengthen Direction 4, DV Vic recommends that greater attention is paid to family violence within the Direction narrative, specifically noting the unique risk factors and dynamics of family violence experienced in the LGBTIQ+ community. While members of the LGBTIQ+ population experience the same types of family violence as the general population, including physical, emotional, psychological and financial abuse,⁶ the RCFV,⁷ and the recent Private lives 3 report⁸ referred to specific and unique ways in which family violence may manifest for LGBTIQ+ people, including how - in a range of relationships including between current and former spouses or partners, between parent/carers and children, and also in other extended familial relationships, including chosen families and kinship networks - homophobia, biphobia and transphobia can all manifest in patterns of coercive control and threats to limit victim-survivors' access and connection to support networks and the community. Other unique manifestations of family violence in the community include perpetrators withholding hormones and medication, threats to have sexuality or HIV status communicated without consent, pressure to conform to gender norms or undergo surgery, and suggesting that a family member's gender identity will not be believed.⁹

Structural discrimination has resulted in the invisibility and marginalisation of the LGBTIQ+ community, which has in turn significantly impacted victim-survivors of family violence, their perceived rights to safety and the service response available to them at times of crisis. The historical and current invisibility of family violence in the LGBTIQ+ community,¹⁰ is founded on a complex and intersecting set of structural and social inequalities. These circumstances have given rise to “myths ... that violence either doesn't occur in same-gender relationships, or that it should be excused”¹¹, meaning that the same rights to respect and safety are not afforded to LGBTIQ+ people as are afforded to the rest of the community. DV Vic's *Code of Practice; Principles and Standards for specialist family violence services for victim-survivors* (The Code) explains that family violence must not only be analysed and addressed as a problem driven by gendered power imbalance, but as “an intersectional problem, driven by complex hierarchies of power, privilege and oppression with far reaching impacts that reinforce structural disadvantage and marginalisation”.¹² The cumulative impact of violence and discrimination experienced by LGBTIQ+ people not only elevates their risk of experiencing family violence, but also can differentiate and invalidate their experiences as being recognised as family violence at all. The *There's No Safe Place at Home* report supports previous findings which indicate lower levels of recognition of intimate partner and family violence among LGBTIQ+ people. Specifically, the report states that “LGBTIQ+ people do not always see their experiences as constituting domestic and family violence and can experience barriers in reporting violence and accessing support services”.¹³

⁶ Family Safety Victoria (2016a). (p.144)

⁷ Family Safety Victoria (2016a).

⁸ Hill, A. O., Bourne, A., McNair, R., Carman, M. & Lyons, A. (2020). Op. Cit.

⁹ Hill, A. O., Bourne, A., McNair, R., Carman, M. & Lyons, A. (2020). Op. Cit.

¹⁰ Family Safety Victoria (2016a).

¹¹ Rainbow Health. (2020). LGBTI Domestic Violence Awareness Day – the Victorian Perspective. Melbourne: Rainbow Health. <https://www.rainbowhealthvic.org.au/news/lgbti-domestic-violence-awareness-day-the-victorian-perspective>

¹² Domestic Violence Victoria (2020). Code of Practice: Principles and Standards for Specialist Family Violence Services for Victim-Survivors. 2nd Edition. Melbourne: DV Vic. (p.25)

¹³ Gibson, M., Ghassan, K., Lloyd, A., McCann, B. (2020). (p.10)

DV Vic further recommends that the Direction specifically recognises the systemic and structural marginalisation that has historically excluded the LGBTIQ+ community from public and community discourse about family violence.

Recommendation: Greater attention is paid to family violence within the Direction 4, specifically noting the prevalence, unique risk factors and dynamics of family violence experienced in the LGBTIQ+ community.

Recommendation: The Strategy complements and aligns with other significant state-wide strategies and reform, specifically the RCFV reforms and Family Violence Reform Rolling Action Plan 2020-2023.

Remaining Directions

Family violence is a crucial link and common factor that connects many of the key issues and focal points named in the Directions Paper. Although we have recommended a more explicit commitment to address and end family violence in Direction 4, family violence should also clearly intersect and be considered within each of the other three nominated Directions.

Direction 1: Equal rights and freedoms

Both the Directions Paper and the findings of RCFV note that LGBTIQ+ people continue to be lawfully discriminated against and treated unequally before the law in Victoria.¹⁴ DV Vic sees potential for this Direction to support existing core strategic frameworks that are currently working to ensure LGBTIQ+ people have equal rights in all domains of life, including for survivors of family violence. One such framework is *Everybody Matters: Inclusion and Equity Statement*, which identifies the Victorian Government and “anyone with responsibility for policy development or service planning”¹⁵ in both family violence and universal services as its intended audience. This resource, alongside others such as the resource developed by the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) to guide family violence service provision in line with the *Equal Opportunity Act (2010)*,¹⁶ will provide critical support to the actions that fall from this direction.

Direction 2: Equitable access to systems

The Directions Paper accurately identifies that LGBTIQ+ people are often unable to access services which have capacity and specialisation to safely support them in Victoria, and we know that this is true for those seeking support for family violence.¹⁷ Gaps in the systemic response to family violence in the LGBTIQ+ community are well documented both by the RCFV¹⁸ and subsequent research. For example, the inequity of access is reflected in a lack of safe family violence crisis accommodation for transgender people.¹⁹ The gap in crisis accommodation is particularly concerning for those who are ineligible for specialist family violence accommodation due to their gender. DV Vic is also concerned about research

¹⁴ Family Safety Victoria (2016a). Op Cit.

¹⁵ Family Safety Victoria. (2018). *Everybody Matters: Inclusion and Equity Statement*.

<https://www.vic.gov.au/sites/default/files/2019-05/Everybody-matters-inclusion-and-equity-statement.pdf>

¹⁶ Victorian Equal Opportunity and Human Rights Commission. (2017). *Guideline: Family violence services and accommodation > Complying with the Equal Opportunity Act 2010*. Melbourne: Victorian Equal Opportunity and Human Rights Commission

https://www.humanrights.vic.gov.au/static/4fdbbf0af2c4c9741f7296d84b33c2a/Resource-Guidelines-Family_Violence_Guideline.pdf

¹⁷ O'Halloran, K. (2015). *Family violence in an LGBTIQ context*. Melbourne: Domestic Violence Resource Centre

¹⁸ Family Safety Victoria (2016a). Op Cit.

¹⁹ Family Safety Victoria (2016a). Op Cit. (p.154)

which suggests that young LGBTIQ+ people who are homeless as a result of family violence express reluctance to access youth homelessness services for fear of inappropriate or discriminatory responses from either staff or other young people.²⁰ A recent national report indicates that 43.3% of LGBTIQ+ young people who participated in the research and had had an experience of homelessness, reported that the cause was family violence.²¹

As the peak body for SFVSSs, we believe that this Direction holds significant potential to address the current barriers to accessing safe and adequate services that many LGBTIQ+ victim-survivors of family violence face. Victorian organisations such as Switchboard provide an invaluable service to their community, via information provision, community support, counselling, and crisis phone support.²² However without a commensurate investment and emphasis on both entry and exit points to the system, the LGBTIQ+ community will continue to receive unequal and lesser access to services and safety. A commitment to ongoing consultation and subsequent resourcing of new service delivery options for victim-survivors of family violence is critical to addressing the chronic lack of appropriate crisis options. It is notable that a large proportion of participants in the *Private Lives 3* research expressed a preference for LGBTIQ+ inclusive services or services that cater only to lesbian, gay, bisexual, transgender and/or intersex people if they were to require support relating to family violence in the future.²³

The Rainbow Tick accreditation program has been a valuable resource to DV Vic's members, many have embarked on the process to become accredited, with the support of Rainbow Health. It should be noted however, that the work to complete the accreditation process is both time and resource intensive. While the resourcing and upskilling of mainstream community organisations to respond to the LGBTIQ+ community remains a clear priority for DV Vic and the mainstream SFVS sector, we call on the Victorian Government to support this work through ensuring a family violence lens is applied to this Direction.

We are pleased to note that an example action in this Direction refers to the need for consideration to be given to how LGBTIQ+ inclusion practice standards might be integrated with other practice standards and quality accreditation schemes. This coordinated multidisciplinary approach to addressing practice and service silos will be essential to bridging the previously mentioned service gaps.

Recommendation: Ensure Direction 2 enables activities that address the current barriers to accessing safe and adequate services experienced by LGBTIQ+ victim-survivors of family violence.

Direction 3: Visibility to inform decision making.

DV Vic endorses Direction 3, which reflects the consistent message from both the community sector and the academic community that there is a significant lack of standardised data on the experiences of LGBTIQ+ people experiencing family violence. The recent *No Safe Place at Home* report highlights the lack of representative national domestic and family violence data that captures the experience of LGBTIQ+ people, specifically gender diverse people and trans people, who are often rendered invisible

²⁰ Family Safety Victoria (2016a). Op Cit.

²¹ Hill, AO., Lyons, A., Jones, J., McGowan, I., Carman, M., Parsons, M., Power, J., Bourne, A. (2021). *Writing Themselves In 4: The health and wellbeing of LGBTQA+ young people in Australia*. National report, monograph series number 124. Australian Research Centre in Sex, Health and Society, La Trobe University: Melbourne.

²² Switchboard (2020). *Our Mission* (taken from Switchboard website). <https://www.switchboard.org.au/our-mission>

²³ Hill, AO., Bourne, A., McNair, R., Carman, M. & Lyons, A. (2020). Op. Cit. (pg 77).

but current survey data. In order to capture the diverse identities and experiences of LGBTIQ+ population, data collection methods should include relevant questions on sexual orientation, gender identity and intersex status.

Implementation and action towards this direction will greatly support the outcomes of each of the others. DV Vic welcomes future collaboration with the Victorian Government to support more effective and comprehensive data collection related to family violence.

The need for guiding principles

With addressing family violence as a key priority in mind, DV Vic recommends that the Strategy would be strengthened with the addition of a guiding set of principles. We suggest that these would ensure a coherent and consistent approach to the strategic directions. We point to an example of guiding principles in the current *Family Violence Rolling Action Plan 2020-2023*,²⁴ which include intersectionality, Aboriginal self-determination, and lived experience. This set of principles should acknowledge the diversity and resilience of the LGBTIQ+ community and guide the direction of future actions and outcome frameworks. Another key guide to this work would be the *Everybody Matters: Inclusion and Equity Statement*²⁵.

DV Vic recommends that these principles include intersectional feminism, trauma-informed engagement and self-determination. An intersectional lens supports “inclusive service delivery by recognising the social, systemic and historic forces that connect people’s identities and circumstances with distinct experiences of violence and access to violence support”.²⁶

As indicated by the Directions Paper, the four key directions are designed to provide a framework from which to develop cross-governmental strategies and measurable actions. At this early stage in the process however, much of the detail and actions are yet to be determined. The implementation of the LGBTIQ+ Strategy must eventually be the responsibility of a broad range of state government departments, and this will require extensive coordination and consultation with the LGBTIQ+ community and LGBTIQ+ victim survivors in the first instance, and the SFVS sector in relation to family violence activities. DV Vic specifically refers to the need to consult with peak bodies and the community sector on how the lack of visibility and gaps in service provision can be identified and addressed by this strategy, and that a commitment to this should be reflected in the guiding principles.

Recommendation: The addition of an overarching set of guiding principles which support the vision statement and can inform and guide the consistent application of the key directions.

Recommendation: Guided by the principles, the LGBTIQ+ Taskforce make an ongoing commitment to engage and consult with LGBTIQ+ community-controlled organisations, the SFVS sector, and peak

²⁴ Department of Premier and Cabinet. (2020). *Family Violence Reform Rolling Action Plan 2020 – 2023*. Melbourne, Australia: Victorian Government. <https://www.vic.gov.au/family-violence-reform-rolling-action-plan-2020-2023/guide-rolling-action-plan>

²⁵ Family Safety Victoria (2018). Op. Cit.

²⁶ Victorian Equal Opportunity and Human Rights Commission. (2017). Op. Cit.

bodies to ensure that the strategy and associated actions effectively respond to victim-survivors of family violence.

Conclusion

The Directions Paper provides a solid, high-level framework from which to develop the new Victorian LGBTIQ+ Strategy. While DV Vic broadly supports the nominated directions, it is our priority that there is sufficient detail within the Strategy to ensure explicit and accountable action on family violence experienced by people within LGBTIQ+ communities. As we have recommended, Direction 4: *Safe, Strong, and Sustainable Communities* would be strengthened by more visibility of family violence as a strategic priority. We also advocate for the whole LGBTIQ+ Strategy be considered through the lens of family violence, and that the development of planning and actions be undertaken in genuine consultation with peak bodies, the SFVS sector, LGBTIQ+ community-controlled organisations and LGBTIQ+ victim-survivors.

The Victorian LGBTIQ+ Strategy should complement and align with the other strategic change processes underway in Victoria, in particular the family violence reform agenda. Finally, we recommend the addition of a guiding set of principles to accompany the final version of the strategy, that not only contextualise the work of the LGBTIQ+ Taskforce in the broader system change landscape, but also ensure consistent application of the key directions.

DV Vic looks forward to the forthcoming release of the Strategy, and to continuing to partner with the Victorian Government and LGBTIQ+ services to support all LGBTIQ+ victim-survivors of family violence at every stage of their journey.