



# **AN INCLUSIVE NATIONAL PLAN TO END DOMESTIC AND FAMILY VIOLENCE:**

SUBMISSION TO THE PARLIAMENTARY INQUIRY INTO  
FAMILY, DOMESTIC AND SEXUAL VIOLENCE

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## ABOUT EQUALITY AUSTRALIA

Equality Australia is a national LGBTIQ+ organisation dedicated to achieving equality for LGBTIQ+ people. Equality Australia has been built from the Equality Campaign, which ran the successful campaign for marriage equality, and was established with support from the Human Rights Law Centre.

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We acknowledge that our offices are on the lands of the Kulin and Eora Nations and we pay our respects to their traditional owners.

With special thanks to our volunteers, Drummond Street Services (and the Centre for Family Research and Evaluation), and the Nous Group for their contribution to the analysis of our survey data.

### CONTENT WARNING:

This document includes content regarding suicide, self-harm and family violence. If this content triggers something for you, you can contact [Lifeline](#) (crisis support and suicide prevention) on 13 11 14 (24 hours / 7 days), [QLife](#) (LGBTI peer support and referral) on 1800 184 527 (3pm-midnight, 7 days), [1800Respect](#) (national sexual assault, domestic and family violence counselling service) on 1800 737 732 or [Kids Helpline](#) on 1800 55 1800 (for 13-25 year olds).

# EXECUTIVE SUMMARY

Equality Australia welcomes the opportunity to provide this submission to the House Standing Committee on Social Policy and Legal Affairs for its inquiry into family, domestic and sexual violence.

## **Everyone deserves to feel safe at home.**

Sadly, women and children in Australia remain at significant risk of experiencing domestic and family violence, and this is often at the hands of current or past male intimate partners. This specific gendered experience of domestic and family violence is rightly a focus of Australia's national plan to reduce domestic and family violence.

## **But it cannot be our only focus.**

More must be done to recognise and respond to LGBTIQ+ people's experience of domestic and family violence. This includes same- and multigender-attracted and/or trans and intersex women's experience of domestic and family violence, as well as same- and multigender-attracted men's and/or trans and intersex men's, and gender diverse and intersex people's, experience of domestic and family violence.

## **LGBTIQ+ people experience high rates of domestic and family violence, and yet struggle to access recognition or appropriate support in the current system.**

We collected data from over 2,600 LGBTIQ+ people across Australia, as part of an online survey conducted between 24 April to 18 May 2020 assessing the impacts of COVID-19 and its associated restrictions.

## **Our survey found that over 1 in 10 LGBTIQ+ people, or 12.2%, were at risk of family or domestic violence.**

Among our survey findings were:

- almost 1 in 10 LGBTIQ+ people have experienced violence, abuse, harassment or controlling behaviour in the last 12 months from someone they currently lived with. A large proportion of this family violence came from families of origin, in addition to intimate partners and housemates;
- 1 in 20 LGBTIQ+ people are currently living through COVID-19 with someone who they fear may be violent, abusive or controlling towards them; and
- certain LGBTIQ+ subgroups, such as LGBTIQ+ people aged under 25 years and trans and gender diverse people, are at significantly increased risk of family violence.

## **Australia's next national plan to reduce domestic and family violence must adopt a framework that is broad and inclusive, to ensure that no one at risk of violence is excluded.**

This means that Australia's next national plan must recognise and respond to domestic and family violence no matter the gender of the perpetrator or the person experiencing that violence. Accordingly, it must address:

- some of the specific and unique ways in which domestic and family violence affecting LGBTIQ+ people manifests itself (including through the use of homophobia, biphobia and transphobia as tools of control and abuse, such as through threats to 'out' a partner or their HIV status and/or deliberately misgendering a partner or controlling their access to hormone medication);
- that domestic and family violence affecting LGBTIQ+ people is also likely to be perpetrated by families of origin in addition to current or former intimate partners; and
- that there are significant barriers to preventing and addressing that violence, including because of prejudice towards LGBTIQ+ people, and the need for inclusive domestic and family violence services.

## OUR RECOMMENDATIONS

**The next national plan must address all forms of domestic and family violence, including experiences of domestic and family violence affecting LGBTIQ+ people.**

At a minimum this should involve:

1. Ensuring the national plan includes, alongside a focus on gendered violence affecting women and children, an additional focus on LGBTIQ+ people and other groups who are at elevated risk of domestic and family violence. This would require re-naming Australia's national plan to address all family and domestic violence.
2. Ensuring that the section of the national plan which addresses domestic and family violence affecting LGBTIQ+ people includes:
  - a. measures to ensure financial security and independence for LGBTIQ+ people seeking to escape violence;
  - b. measures to ensure mainstream service providers are inclusive and welcoming of LGBTIQ+ people and equipped to respond to LGBTIQ+ people who experience domestic and family violence;
  - c. funding for specialist family violence services that are operated by LGBTIQ+ community organisations for the LGBTIQ+ community;
  - d. measures that are directed at primary prevention and primary drivers of violence, including addressing prejudice towards LGBTIQ+ people that continues to inform the domestic and family violence experienced by some LGBTIQ+ people;
  - e. funding for research into LGBTIQ+ family and domestic violence and the effectiveness of responses;
  - f. measures to ensure laws and policies support LGBTIQ+ inclusive service delivery, including removing exemptions in anti-discrimination legislation allowing faith-based service providers to discriminate based on sexual orientation, gender identity and intersex status.
3. Ensuring that the section of the national plan which addresses domestic and family violence affecting LGBTIQ+ people builds on the work already taking place in Victoria, which has set up an LGBTI Family Violence Working Group following a Royal Commission into Family Violence.

# **BUILDING AN INCLUSIVE NATIONAL PLAN TO END DOMESTIC AND FAMILY VIOLENCE**

Everyone deserves to feel safe at home. Unfortunately, LGBTIQ+ people experience high rates of domestic and family violence, and some groups within the LGBTIQ+ population are at significantly increased risk.

Australia needs a national plan which recognises and responds to all forms of domestic and family violence, including violence affecting LGBTIQ+ people. Helpfully, that national plan can build upon the nation-leading measures already adopted in Victoria.

## **COVID-19 AND FAMILY AND DOMESTIC VIOLENCE AFFECTING LGBTIQ+ PEOPLE**

Between 24 April and 18 May 2020, we conducted an online survey with over 2,600 LGBTIQ+ people across Australia assessing the impacts of COVID-19 and its associated restrictions. That survey revealed the extent of domestic and family violence affecting LGBTIQ+ people.

Out of 2,425 responses, 175 (7.2%) LGBTIQ+ people 'disagreed' or 'strongly disagreed' with the statement 'I feel safe at home'. In an effort to understand better whether people's feelings of safety at home may be impacted by experiences of domestic violence, we asked people about domestic violence they had experienced in the last 12 months or if they lived with someone whom they feared may be violent, abusive or controlling towards them.

### **Experiences of domestic violence in the last 12 months**

Out of 2,427 responses, 195 (8%) LGBTIQ+ people had experienced violence, abuse, harassment or controlling behaviour in the last 12 months from someone they currently live with. The majority of those lived with either a spouse/partner (31.8%) or parents (31.3%), suggesting that a large proportion of family violence is perpetrated by families of origin.

### **Fear of domestic violence**

Out of 2,429 responses, 132 (5.4%) LGBTIQ+ people reported currently living with someone they feared may be violent, abusive or controlling towards them. Again, families of origin were a significant source of that fear, given the majority of those who feared violence lived with their families of origin.

### **Risk of family violence during COVID-19**

Looking then at the responses to the two domestic violence questions above, and including those who were unsure or indicated they did not wish to disclose their domestic violence history or current fears, we concluded that over 1 in 10 of our LGBTIQ+ survey respondents, or 12.2%, were at risk of violence from someone they lived with during COVID19 restrictions.

Indeed, many participants spoke of having to move back home with abusive family members or being unable to leave abusive partners due to the lockdown restrictions and financial insecurity from COVID-19. We have included the de-identified stories of some of the people who responded to our survey below.

## **PREDICTORS OF FAMILY VIOLENCE AFFECTING LGBTIQ+ PEOPLE**

Our survey also found that certain factors contributed to an increase risk of family violence for particular cohorts of LGBTIQ+ people. Among those risk factors included:

- being aged under 25;
- living with others who did not know about your sexuality;
- being trans and/or gender diverse;

- being First Nations or a person from an Asian or Middle Eastern/African background (although the sample size was small in this regard);
- being unemployed;
- living with disability or a chronic health condition;
- being multigender attracted (e.g. bisexual or pansexual rather than lesbian or gay).

### Seeking help

When asked whether the respondents had seen or accessed any services or support which have helped them during COVID-19, several respondents referred to accessing support and services from organisations such as LGBTIQ+ organisations (e.g. ACON), Headspace, unfunded online support groups, or their health practitioners (such as GPs, psychologists), including through telehealth. One person noted using 1800Respect.

### Some case studies

These case studies, drawn from responses to our survey, give further insight into the varied experiences of LGBTIQ+ people at risk of family violence. Our thanks to Drummond Street Services for their assistance in putting together these case studies, drawn from the words and data provided by respondents to our survey.

#### **JANA: LOCKDOWN WITH A HOMOPHOBIC FAMILY**

Jana is a bisexual woman aged 18 – 24 who is living with homophobic family members who do not accept her identity. Jana spoke about how living at home has negatively impacted her mental health.

COVID-19 and the subsequent restrictions have affected Jana's job security. Although she is currently working from home, she is highly concerned about losing her job, being unable to find alternative employment and not being eligible for jobseeker/keeper. Her financial insecurity has prevented her from moving out.

In the past 12 months, Jana has experienced abuse from her parents who she is living with and is fearful of experiencing further abuse from them. Jana feels highly unsafe at home. In the past, Jana has managed by having social support from the LGBTIQ+ community, however social distancing measures now prevent this.

Jana used to see counsellors or use phone counselling but is scared to speak on the phone in case her family hears her. She has tried using a counselling service through written 'chat' so her family will not hear her. Although Jana found this a bit helpful, she also found it hard to have any in-depth counselling because each time is a different counsellor.



### **JANET: CO-PARENTING WITH AN ABUSIVE EX-PARTNER**

Janet is a 45 – 54 year old lesbian woman. She lives alone and part-time with her children who live with her ex-partner the remainder of the time. COVID-19 and the subsequent restrictions have caused financial strain for Janet. As a casual employee she has had to work less hours to provide care to her children whilst they have been doing online classes. She has also had to take time off work to care for a sick child. As a result, Janet has lost over half of her income and is worried about the threat of homelessness.

Although Janet does not live with someone who she experiences abuse from, she remains in contact with her ex-partner, who has been and continues to be, abusive to her. She is highly concerned about the ongoing and escalating family violence from her ex-partner who she fears will exploit the uncertainties of the situation and reduce or restrict contact with her children. The ongoing risks and uncertainties have impacted her mental health.

### **DAVID: LOSS OF EMPLOYMENT AND PROVIDING CARE**

David is a 65+ year old gay man. He provides care to a parent who he lives with and also lives with his partner. His main business has been forced to close down and he feels it is unlikely to ever recover. He has been stood down from other employment. As a result, he has lost all of his income. In the past 12 months, someone that David lives with has been abusive towards him. David does not disclose who this abuse is from or in what form.

### **CHARLIE: TRANSPHOBIA FROM FAMILY OF ORIGIN**

Charlie is an 18 – 24 year old queer, transgender man. Charlie isn't in a relationship. Prior to COVID-19 Charlie was working in a casual role and studying and has now lost his job. He has been unable to qualify for Centrelink assistance and could no longer afford the rent on his apartment. This has forced Charlie to move back in with his family of origin.

Charlie's family do not accept his queer identity and are emotionally, verbally and at times physically abusive. Charlie feels unsafe at home and has to put his gender transition on hold. He is looking for employment and has reached out to online counselling to help with suicidal feelings.

## **PREVIOUS RESEARCH AND WORK IN THIS AREA**

### **Previous research and reviews**

The results of our survey are supported by existing research and reviews in this area.

For example, the 2012 La Trobe University *Private Lives* study on the health and wellbeing of LGBT Australians, found that young LGBT people (aged 16 to 24 years old) were more likely than any other age group to hide their

sexuality or gender identity at home for fear of violence or discrimination.<sup>1</sup> 35% of 16-24 year old respondents indicated that they “usually” or “occasionally” hide their sexuality or gender identity at home.<sup>2</sup>

Meanwhile, in respect of intimate partner violence, the earlier 2006 *Private Lives* study found that 41% of lesbians and 28% of gay men reported experiencing some form of abuse in their current or previous relationship.<sup>3</sup> Similar data has emerged in other studies, including those reviewed by the Australian Institute of Family Studies (AIFS).<sup>4</sup>

Given such research, and notwithstanding the need for further research into family violence in LGBTI relationships, the 2016 Victorian Royal Commission into Family Violence concluded that intimate partner violence may be as prevalent in LGBTI communities as it is in the general population, and that the level of violence against trans and intersex people, including from parents and other family members, appeared to be particularly high.<sup>5</sup>

Family violence, and particularly intimate partner violence, may also manifest in specific and unique ways in LGBTIQ+ relationships. In particular, homophobia, biphobia or transphobia may be used by an abusive partner to exercise power or control and limit a victim’s access to informal and formal sources of support. For example, by:

- threatening to ‘out’ a partner or to disclose their HIV status,
- deliberately misgendering a trans partner, ridiculing their body or gender identity,
- controlling a partner’s medication (such as hormones) or access to services; or
- suggesting that a partner’s gender identity will not be believed.<sup>6</sup>

Abusers may also have internalised homophobia, which can manifest in abuse towards their partner.<sup>7</sup>

Compounding these risks, predominantly heteronormative understandings of intimate partner violence may make it more difficult for LGBTIQ+ people to recognise their experience as intimate partner violence, or to seek help.<sup>8</sup> Assumptions about gender roles can conceal the existence of intimate partner violence in LGBTIQ+ relationships (e.g. societal assumptions that a woman is incapable of exerting physical power over another woman, or gay men are not ‘masculine’ enough to be capable of violence).<sup>9</sup>

A lack of recognition of intimate partner violence in LGBTIQ+ relationships and the distinct forms it takes can in turn also make it harder for victims to seek help from service providers and the police, who are often unaware of the particular strategies used by abusers in these relationships.<sup>10</sup>

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<sup>1</sup> Leonard et al (2012) [\*Private Lives 2: The second national survey of the health and wellbeing of gay, lesbian, bisexual and transgender \(GLBT\) Australians\*](#), Melbourne: Australian Research Centre in Sex, Health & Society, La Trobe University, p. 46.

<sup>2</sup> Ibid.

<sup>3</sup> Pitts et al (2006) [\*Private Lives: A report on the health and wellbeing of GLBTI Australians\*](#), Melbourne: Australian Research Centre in Sex, Health & Society, La Trobe University, p. 31.

<sup>4</sup> M Campo and S Tayton (2015) [\*Intimate partner violence in lesbian, gay, bisexual, trans, intersex and queer communities – key issues\*](#), Australian Institute of Family Studies, p. 2; Leonard et al (2008) [\*Coming forward: the underreporting of heterosexual violence and same sex partner abuse in Victoria\*](#), Melbourne: Australian Research Centre in Sex, Health & Society, La Trobe University.

<sup>5</sup> Victorian Royal Commission into Family Violence (2016) [\*Royal Commission into Family Violence: Summary and Recommendations\*](#), p. 35.

<sup>6</sup> M Campo and S Tayton (2015) [\*Intimate partner violence in lesbian, gay, bisexual, trans, intersex and queer communities – key issues\*](#), Australian Institute of Family Studies, p. 4; Victorian Government (2018) [\*Data collection standards - Lesbian, gay, bisexual, transgender and intersex communities\*](#) (accessed 24 July 2020); Department of Social Services, Australian Government [\*Domestic and Family Violence within LGBTIQ Communities\*](#), p. 1; Y Lay (2017) [\*Primary prevention of family violence against people from LGBTI communities\*](#), Our Watch, p. 49.

<sup>7</sup> Victorian Royal Commission into Family Violence (2016) [\*Royal Commission into Family Violence: Summary and Recommendations\*](#), p. 4.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Id, p. 5.



In respect of this point, the 2016 Victorian Royal Commission into Family Violence also reached similar conclusions. It found that there were a variety of barriers to LGBTI people reporting and seeking help, including homophobia, transphobia and a fear of discrimination. With the level of awareness of LGBTI experiences and needs limited among police, in the courts, among service providers and in the community generally, LGBTI people could feel invisible in the family violence system.<sup>11</sup> Accordingly, the Commission recommended the development of specific resources, programs and strategies to address the distinct challenges faced by LGBTIQ+ people in identifying, reporting on and seeking support for family violence.<sup>12</sup>

### **Previous work in this area**

Recognising the particular challenges facing LGBTIQ+ people affected by domestic and family violence, Victoria has already made some progress following the recommendations of the Royal Commission detailed above.

In Victoria, 19 family violence service providers have been working towards achieving 'Rainbow Tick' accreditation, which supports inclusive service delivery for LGBTIQ+ people who experience family and domestic violence.<sup>13</sup> Among those are 10 faith-based family violence service providers, who have jointly pledged their commitment to ensuring inclusive and non-discriminatory service delivery.<sup>14</sup> In preparation for accreditation, all family violence service providers have been funded to undertake LGBTI inclusion training,<sup>15</sup> and in September 2018, a specialist LGBTIQ family violence service was established.<sup>16</sup>

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<sup>11</sup> Victorian Royal Commission into Family Violence (2016) [Royal Commission into Family Violence: Summary and Recommendations](#), p. 35.

<sup>12</sup> Ibid.

<sup>13</sup> Victorian Department of Premier and Cabinet (2019) [Three Years On From The Royal Commission Into Family Violence](#), p. 58.

<sup>14</sup> The organisations include: Anglicare Victoria, Vincent Care Victoria, Good Shepherd Australia New Zealand, Salvation Army, McAuley Services for Women, Jewish Care, MacKillop Family Services, Uniting (VicTas) Church, Sacred Heart Mission and Good Samaritan Inn. Id, p. 61.

<sup>15</sup> Id, p. 60.

<sup>16</sup> Id, p. 61.