



**ICLC**  
**INNER CITY LEGAL CENTRE**

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Dear Professor Croucher,

**Re: Family Violence- Commonwealth Laws**

Thank you for the opportunity to contribute to the ALRC inquiry into family violence. We appreciate you coming to the Inner City Legal Centre to discuss this important issue.

One of the greatest challenges in discussing family violence is that it is a hidden issue. This difficulty is compounded when considering the experiences of the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) communities experiencing family violence.

To best illustrate these and related issues we have provided a number of case studies and highlighted the key legal and social issues faced by LGBTI people experiencing family violence.

**Inner City Legal Centre (ICLC)**

The ICLC provides specialist legal services to anyone in New South Wales who identifies as LGBTI. ICLC provides a wide range of legal advice, representation and education to LGBTI communities in areas such as family law, domestic violence, homophobic vilification, discrimination and employment.

The Safe Relationship Project was established by the ICLC in the last three years to meet the need of GLBTI communities experiencing or escaping domestic violence. The SRP provides a court assistance scheme for people who are LGBTI seeking a domestic violence order.

**Employment**

Case study one: Concerns that same sex domestic violence is not taken seriously

*Kate identifies as a lesbian and was in a violent relationship. Kate contacted ICLC to seek advice as her partner physically assaulted her at her workplace. Both Kate and the other party were working together for the council. The assault took place during work. Kate was verbally attacked by her partner "you treat me like shit" and then punched to the head. Kate fell to the ground and was repeatedly kicked in the head and to the side of her body. The assault was witnessed by 5 other workers. Eventually another worker pulled Kate's partner off her. Management were told there had been an incident, however they did not act. No security or police were called and Kate received no medical attention. Kate's partner left work without being questioned. Kate was left to get herself home. In the days that followed the assault, no action was taken against the Kate's partner by management. Work continued with the ex-partner remaining in her role and Kate remaining in her role.*

In this case Kate's employer did not ascertain the seriousness of the family violence experienced by Kate. We suggest that the reason that the violence was ignored was that the violence was characterised as less serious because it occurred in the context of a same sex relationship. Legislation, policy and procedures all need to be drafted so that individuals like Kate are not subject to an extra check point (ie 'is the violence serious enough?').

Concerns about privacy

*Tom is a transgender man and employed by a federal government department. His managers and senior staff have meetings to inform 'relevant' people of his transgender status. These meetings occur each time there is a change in staff, whether permanent or temporarily ('acting up'). There is no identifiable occupational health and safety reason that the senior staff would need to be appraised of this issue. These meetings mean that Tom is outed on a regular basis. Tom has no control over these meetings. In the last meeting one of Tom's managers mentioned that Tom had told him that he needed two days off as he had been hit across the face by his wife. The manager also noted that Tom said that it wasn't the first time he had been hit.*

In this case, Tom had already been singled out on the basis of his gender identity, which had made him uncomfortable in the workplace. Tom was then put in a position where his experience of violence became part of the systemic scrutiny he has been experiencing. Identifying as a victim of family violence may trigger occupational health and safety considerations for Tom's employers. If Tom has been in the habit of driving with his wife, to work this may become a problem. If Tom wanted to work from home occasionally, this may become a problem.

We support the proposal that there is a need to safeguard the personal information of employees who have disclosed family violence in the employment context. A workable model would also have to find a balance between oh and s and this model policy. It is important to note that many victims of family violence take some time to leave, or do not leave. A model policy would need to consider the balance between privacy, occupational health and safety and management of existing risks.

The Inner City Legal Centre supports the proposal that further entitlements are made available to victims of family violence. We do however, have grave concerns about how the employees privacy would be maintained.

## **Social Security**

### **Income management**

Income management will not be of assistance to anyone experiencing or attempting to leave family violence. No income management measure should be put in place for this group.

### **Applying for Centrelink**

*Mike is 19 years old and from a very religious background. He is currently studying at university. His parents are very strict - mainly because of their religion. Mike's dad drops him off and picks him up from uni every day. Mike is gay but knows that this is against his religion. Mike's father has talked to him about homosexuals being cursed and Mike knows that if his family found out that he was gay then he would not be able to live at home or ever contact his family again. Mike needs to move out of home before things get too dangerous for him. He is nervous all of the time and is in fear that someone will find out about him.*

Identification: This is an example of family violence that may not be easily understood or identified by Centrelink staff. While Mike has not been subject to any physical assaults or loud arguments, he is still at great risk. Mike's experiences may not be easily identifiable to a client service officer, however Mike experiencing family violence, is at risk of homelessness, leaving university and developing health problems.

Verification: If staff did identify that Mike was in need of assistance then safeguards need to be in place to ensure that his family is not contacted for verification purposes. In cases involving LGBTI victims of family violence, safety and privacy is paramount.

Duty to support: If Mike was able to attend a Centrelink it is important that his matter is considered family violence. It is also important that Centrelink client service officers refer Mike to speak to a social worker to assist him in negotiating support services that may be able to assist him.

With the correct supports then Mike is unlikely to be a long term benefit recipient. In this case study we suggest that the correct supports would include appropriate and accessible information in a safe manner.

## **Prevalence and under-reporting**

When considering the LGBTIQ communities it is relevant to consider the research that shows that these communities regularly under-report experiences of violence.

Dr Hillier's 2010 report, *Writing themselves In 3* reports on findings relating to family violence, in particular:

*Twenty-four percent of young people who were abused suffered abuse at home. This was often by their parents, some experiencing verbal abuse and others physical. This figure is higher than in previous studies (2004 18%; 1998 16%). Fathers were more likely to physically assault their children but, in some cases, mothers did as well.*

The report further notes that young people from CALD backgrounds were less likely to tell their parents and, if they did, less likely to get family support.

In terms of the prevalence of intimate partner violence in LGBTI relationships, the Australian Domestic and Family Violence Clearinghouse released a Special Collection of research and resources on domestic and family violence in same sex relationships in 2010 (<http://www.adfvc.unsw.edu.au/specialcollectionssamesex.htm>).

The summary of findings included:

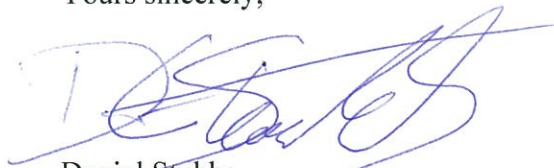
- Domestic and family violence occurs at relatively the same rate in same sex relationships as in heterosexual relationships;
- Same sex victims may experience the same forms of relationship abuse;
- That they may also be subject to additional threats and abuse related to their chosen sexuality or gender, such as 'outing' to family, friends and others; and
- That they may experience specific challenges around help seeking such as combating homophobia and a lack of services.

#### Conclusion

The LGBTI community's experiences of family violence differ from the wider community's experience. While partner violence can happen in any relationship, the LGBTI communities are also subject to faith sanctioned exclusions, discrimination and violence from outside their communities. The family violence experienced by the LGBTI community may not be clearly identifiable to people who are not part of these communities.

Thank you again for the opportunity to contribute to this inquiry. We would be delighted to discuss our submission further in person.

Yours sincerely,



Daniel Stubbs  
Centre Director