

Submissions to the
**Legislative Assembly Legal and Social Issues
Committee**

RESPONSE TO INQUIRY INTO CAPTURING DATA ON FAMILY VIOLENCE PERPETRATORS IN
VICTORIA

May 2024

About Us

Villamanta Disability Rights Legal Service Inc. (**Villamanta**) has been providing advocacy and legal services to people with disability since 1990. We are funded to provide advocacy under the National Disability Advocacy Program, NDIS Appeals and the National Legal Assistance Partnership Agreement.

Villamanta engages in the following activities which inform this submission:

- **Telephone Information Service** – our intake team receives around 2,000 contacts per year from people with disability seeking assistance, and for whom family violence can be a part of their experience.
- **Advice calls** – our legal team provide discrete advice to over 150 people with disability per year, some of whom are experiencing family violence.
- **Casework** – we provide individual representation to individuals, most of whom have a cognitive impairment, and may assist them with family violence intervention orders (applicant or respondent)

Contact

Naomi Anderson, Legal Practice Manager

naomi.anderson@villamanta.org.au

0481 091 061

Who is being counted?

We are aware of very little data capture about the perpetrators of family violence in Victoria.

Our submission focuses on the gaps in existing data capture, to better inform future work in this space.

The following reports have been published which contain data about family violence **experienced** by people with disability:

- [Women with Disability and Domestic and Family Violence: A Guide for Policy and Practice, People with Disability Australia \(2021\)](#)
- [Nature and Extent of Violence, Abuse and Exploitation, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability \(2023\)](#)
- [Australian Institute of Health and Welfare \(2024\)](#)

However the actual sources of data are far more limited, with each of the above citing multiple sources, all of which, if followed to the original source, coming from the [Personal Safety, Australia, Australian Bureau of Statistics \(2023\)](#) or other ABS data.

Looking to the methodology used by the ABS in collecting this data, the following is [noted](#):

Interviews were conducted with one randomly selected person aged 18 years or over who was a usual resident of the selected household. Private dwellings are Houses Flats Home units Any other structures used as private places of residence at the time of the survey. Usual residents are people who usually live in a particular dwelling and regard it as their own or main home. People usually residing in non-private dwellings, such as hotels, motels, hostels, hospitals, nursing homes, or short-stay caravan parks were not in scope.

By definition, the majority of people with cognitive impairments will have been excluded from this data.

Where they live in group homes, the house supervisor will be answering the phone, not the resident. The house supervisor doesn't live there, and would be highly unlikely to arrange the relevant support for a resident to engage with the survey.

Where they live in family homes, the person with disability will be highly unlikely to be the person answering the phone, and again, highly unlikely they would be supported to engage with the survey.

While this data refers to the victims of family violence, it will also significantly impact identification that family violence is occurring, and as a result data on perpetrators.

Disability status in existing data sources

We note the following [recommendations](#) about improving data sources about people with disability (People with disability In Australia, Australian Institute of Health and Welfare, 2024) (emphasis added).

Key data gaps

The People with disability in Australia 2024 report brings together information from more than 25 national data sources, including population surveys and administrative data sets. Although these data sources provide important insights into the experiences of people with disability in Australia, critical data gaps remain. For example, there is a lack of information on:

- *contact of people with disability with the justice and child protection systems*
- *the use of restrictive practices (such as seclusion and physical or chemical restraints)*
- ***people with disability in closed and segregated settings and those with communication support needs***
- *intersectionality and diversity of disability sub-groups – such as people with different types of impairment, First Nations people with disability, people from culturally and linguistically diverse backgrounds, and LGBTIQ+ people with disability*
- *causes of death of people with disability – such as potentially avoidable deaths.*

These gaps largely result from issues with existing data, such as inconsistent definitions of disability, barriers to data sharing, or data about disability not being collected at all (which is the case for many mainstream data collections).

Opportunities to enhance the evidence base about people with disability include:

- *improving the quality and comparability of data across sources by adopting more consistent definitions, or adding a disability ‘flag’ to mainstream data collections*
- *maximising the use of existing data sources by bringing together information from multiple sources, such as in this report*
- *adding to data sources, such as by enhancing or adding data items to existing data collections, enabling data sharing and linkage of data, and creating new data collections or data assets.*

These gaps and opportunities are not exhaustive, but are a starting point for future discussion. The AIHW continues to work with other statistical agencies and data custodians to maximise and streamline data about people with disability and to improve data quality.

We submit that these are usual recommendations to note when contemplating data capture in relation to perpetrators of family violence, including data capture in relation to disability status in family violence matters within the courts system, both for applicants and respondents.

Experience of family violence

In our experience people with cognitive impairments who are experiencing family violence have been doing so for a very long time. There are entrenched behaviours by multiple family members, at the heart of which is infantilisation of the person with disability.

It takes time for the person being subjected to this behaviour to even recognise that this is not normal behaviour, and to tell anybody outside of their family.

The MARAM framework places obligations on [prescribed organisations](#) to identify, assess and manage family violence risk. The services being received by our client base are no longer provided by Victorian government funded agencies, but by NDIS funded entities who are not prescribed organisations.

The ability to capture data on family violence perpetrators for these individuals will require:

- educating the disability support workforce about identifying family violence
- having some form of reporting/data sharing mechanism with an entity such as the NDIS Quality and Safeguards Commission; and
- incentivising compliance with the reporting requirements.