

# **TRANSCRIPT**

## **LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE**

### **Inquiry into capturing data on family violence perpetrators in Victoria**

Geelong—Wednesday 7 August 2024

#### **MEMBERS**

Ella George – Chair

Annabelle Cleeland – Deputy Chair

Chris Couzens

Chris Crewther

Cindy McLeish

Meng Heang Tak

Jackson Taylor

#### **WITNESS**

Peter Dickinson, Lawyer, Villamanta Disability Rights Legal Service.

**The CHAIR:** Good morning, everyone. My name is Ella George, and I am Chair of the Legislative Assembly's Legal and Social Issues Committee. I declare open this public hearing of the Committee's Inquiry into capturing data on family violence perpetrators in Victoria.

I begin today by acknowledging the traditional owners of the land on which we are meeting, the Wathaurong people. I pay my respects to their elders past, present and future and extend that respect to First Nations people across Victoria.

I am joined today by my colleagues Meng Heang Tak, the Member for Clarinda; Chris Crewther, the Member for Mornington; and Cindy McLeish, the Member for Eildon.

On behalf of the Committee I would like to thank everyone who is participating in our inquiry hearings today in Geelong and thank those who appeared before the Committee over the past two days in Melbourne. We greatly appreciate the time and effort that expert witnesses have taken in contributing to this important inquiry. The Committee will hold two further days of public hearings in August, and today the Committee will hear from a number of Geelong-based organisations.

All evidence today is being recorded by Hansard. While all evidence taken by the Committee is protected by parliamentary privilege, comments repeated outside this hearing may not be protected by this privilege. Witnesses will be provided with a proof version of today's transcript to check, together with any questions taken on notice. Verified transcripts, responses to questions taken on notice and other documents provided during the hearing will be published on the Committee's website.

I welcome Peter Dickinson, a lawyer from Villamanta Disability Rights Legal Service. Peter, I invite you to make a brief opening statement, and this will be followed by questions from members. Thank you.

**Peter DICKINSON:** Thank you. To start off with some quick statistics—I am sure you have heard many statistics over the course of inquiry—you probably already know that in 2016 the Australian Bureau of Statistics public safety survey recognised that 6.3% of women with a disability or long-term health condition experienced emotional abuse by a cohabiting partner. When we look at those figures, that is about 184,500 women. To put that in context, if you leave out preschool children, that would be every female in the Greater Geelong area and the Mornington Peninsula. It is a huge number. Without going into too much more comparison it is also worth noting that 4.7% of men in the same position experienced emotional abuse from a cohabiting partner, and both of these figures are significantly higher than those of people without a disability or long-term health condition. Interestingly these figures were not available from the 2021 personal safety survey, but if we go with Victoria Police's estimate of an increase of 22% in family violence incidents, it is probable that the number now is about 220,000 women who are being subjected to family violence, and that is women with a disability or a long-term health issue.

The reasons for this and how we can go about collecting data on it: often it comes down to things like misidentification. This is often discussed in the family violence space, and usually it refers to misidentifying who the perpetrator actually is. But a misinterpretation within the realm of disability also exists in terms of actually identifying what the disability of the person is and how to describe it. This has ramifications through the whole process. Simply labelling somebody 'a cognitive disability' can cause huge issues. One of those that we have significant concerns about is section 24 of the *Family Violence Protection Act 2008*. That states that:

A police officer who responds in person to an incident involving family violence may apply to another police officer, who is of the rank of Sergeant or a higher rank, for a family violence safety notice if—

...

(b) the police officer has no reasonable grounds for suspecting the respondent has a cognitive impairment ...

That means that police officers who turn up to an incident of family violence, if they have an expectation that the perpetrator has a cognitive disability, that perpetrator cannot get recorded or may not get recorded. I have spoken to police officers, and they have said, in varying terms, they just do not touch it. They will not ask for a safety notice because the law says if they suspect the person has a cognitive disability, that is it. Now, of course the problem with this is that that cognitive disability needs to be described by the person themselves. It has to be identified by the perpetrator as to what their level of cognitive disability is and how that fits in terms of their behaviour and what they are doing. There are many people with cognitive disabilities who quite clearly

understand that violence is wrong. They would understand the conditions of a safety notice. There is no reason for that perpetrator not to be issued with a safety notice and there is also no reason that that perpetrator should not be recorded as a perpetrator and their background and their reasons and all the things that this inquiry is trying to investigate should not be made out. But unfortunately section 24(b) of the *Family Violence Protection Act* actually stands against that.

I am very pleased about the fact that Victoria Police have recently rolled out disability liaison officers in every region. It is in the process of rolling out. I am finding that when I speak with various police stations, some know where that person is but at others you simply get a blank response, 'I'm sorry, I don't think we have one.' So there is still a lot of education to go on there, because that person is probably fundamental to any change that you want to make to that section 24(b). Somebody on the ground has to be able to talk with that perpetrator and assess whether or not that cognitive disability disallows them from being recorded as a perpetrator and facing the consequences of their actions.

The role of the disability liaison officer—there are a few of them—includes reporting to police by people with a disability and improving police understanding of the barriers people with disability face when engaging with the justice system. I would suggest that also means ways that a person engaging with the justice system has of avoiding it through their disability. So that person needs to be supported more. There is real need for that disability liaison officer to be trained more fully, resourced more fully and to have a greater hand in the education of police officers as they do their work.

I have to be fair to the government: this is a program that they said would be rolled out I think by 2026, so the fact that it is happening now is a huge start. But it cannot stop there. If we want to gather the data on family violence perpetrators, particularly in the sphere of disability, that person is vital to seeing that their role is understood and that they are educating the people around them as to what that actually means and that they are engaged in any incident that involves somebody with a disability.

Another issue that comes up—and it links in with the idea of identification—is that idea that the affected family member who has a disability has to have the situation seen through their eyes. It has to be their identification of their disability, but it also has to be their perception of the event that is occurring. An example: we have a client at Villamanta—I am going to call him Andrew, because obviously that is not his name. He has got a disability. His mother has been verbally and emotionally abusive to Andrew. She has done this in the past on the basis that she does not have as many supports as he has, so she tries to bully him into taking his supports to where she lives so that she can make use of his supports. She also threatens to take money away from him and asks him for money and demands money and makes it very difficult. She has also threatened to interfere with his supports—to actually call the support services and say, 'No, don't send anybody to Andrew today.' Andrew successfully got a family violence order against his mum. It took a while, but we got there, and Mum has been told she cannot do these certain things. There were special conditions put in it, which the court is allowed to do under I think it is section 81 that says that the court can make any condition it thinks is important. In Andrew's case the magistrate saw that, looking at this situation through Andrew's eyes, it was important that Mum be prohibited from interfering and speaking with his support workers and so on. The problem was that when Mum breached this a short time later Andrew went to the police station with his support worker, who had signed a statement saying, 'I have observed this behaviour, this is what is going on,' and no action was taken because the police often looked at it and said, 'But Mum's in a wheelchair, she can't do the things she's threatening to do, so there is no danger, so we're not going to follow this up.' That did not alleviate the fear that Andrew felt. Andrew needed Mum to stop this behaviour.

Andrew reported four more incidents over the next four weeks, with his support workers, to the police. I have been chasing since February/March to see what action has been taken, and as far as I can gather there has been no action taken on this. Understandably, the police are looking at this and saying, 'Mum can't do what she's saying she's going to do, she can't hurt you physically,' but emotional abuse continues, the interference with his support workers continues. Understandably, Andrew has lost faith with the police, and he is not reporting these any further, and with that of course we lose those statistics of the family violence perpetrator, because she is not being considered a perpetrator.

She is now in the position that she is actually pursuing Andrew to get him to sign a document that will change his right to his grandmother's inheritance, because Grandma passed away recently, and again Andrew is saying there is no point going to the police about this because, 'They do not recognise that the emotional stress she is

putting on me is family violence.’ That is because—I admit I am dramatising this; I am playing it up a bit to make a point, but the fact of the matter is that if the police could see what Andrew sees, if they looked through his perception as somebody with a cognitive disability who cannot legitimise a lot of the logic that we go with—Mum threatens him, he is scared. That is the bottom line. The family violence Act talks about, I think it is section 123A, the intent to cause fear to somebody is paramount. That is what we are acting against. This is being ignored because the police are not seeing it through Andrew’s eyes. If we are going to identify perpetrators, we have to be able to see through the eyes of the disabled person, not through the eyes of, as the law would say, the reasonable person in the street. That is not happening at the moment. It is also worth noting that Andrew’s disability includes epilepsy and when he is stressed he can go into a seizure which, if not monitored, can be fatal. This has happened a number of times after these calls. So there is a real problem there that is not being recognised because we are not seeing what the disabled person is seeing.

I should mention who Villamanta is. We are a disability rights legal service. We operate in Geelong. We operate statewide. We have been providing advocacy and legal services for people with disabilities since 1990. We are funded to provide advocacy under the national disability advocacy program, NDIS appeals and the National Legal Assistance Partnership agreement. We engage in telephone information services, advice calls and casework.

One form of casework that we often see is the guardianship and administration, and people who either want to get off the administration orders or people who are facing a guardianship application against them. The latter is where we also find a lot of family violence matters beginning, and it is where we recognise what is actually happening. Very well meaning relatives, family members—they think that they are protecting their family member who has a disability, and they look to get a guardianship order because they want to look after that person. But in actual fact because they do not understand, they are not listening and they are not seeing it through their eyes. They are actually infantilising—I think that is the word—them. They are treating them like an infant and removing that dignity and removing the respect that goes with it. These people are in fact perpetrators. They are coercive; they are trying to manipulate and control the person. Obviously I have some sympathy for them, because as a parent I would look at my children and say, ‘I want to make sure you’re okay. I want to protect you.’ But there is a level of education that needs to exist there that somehow breaks that down. I would say that this inquiry has to recognise those people and recognise that one aspect of what you are trying to achieve is the education of those people so that they are not underestimating and they are not trying to control unnecessarily.

The other form of course are the people who openly verbally, emotionally and financially abuse the person with the disability. They apply for guardianship orders purely on a coercive basis. Often they would try to use the guardianship order as a means of gaining financial advantage. Even though they are not administrators, they still use it so they can say what happens and what does not happen. They will try to manipulate specialists, people who work with the person with the disability, so that their opinion is being supported. We have had instances where a father who has no legal right has tried to change the doctor of his daughter, tried to have her see a psychologist and tried to have other things take place on the basis that he wanted a guardianship order. The doctor she was going to said, ‘No, she doesn’t need one. She can make her own decisions.’ So he then said, ‘I want to change her doctor.’ These people are definitely perpetrators that need to be recognised and that we need to do something about.

In our experience, the question is: how do we gather the data on these people? VCAT I think recently—I might be underestimating VCAT, but fairly recently—created a position of disability liaison officer. It would seem that there is a great opportunity there, with enough support and training, for that person to be able to review matters coming before guardianship and administration—applications coming for those orders—to then recognise if there is a form of coercive control, if there is actually abuse going on there or if there is financial abuse happening. If that is the case, then they can flag it as potential family violence and even refer it to a specialist disability legal centre for further investigation or for further support. And of course, through that, they can then identify that data and recognise how many cases of this there are going on, where people with disabilities are being subjected to guardianship orders unnecessarily on the basis that the potential guardian is abusive.

Support workers become an obvious area that needs to be discussed. They are the grassroots. They are the ones that see the person with the disability regularly. They are the ones who can have a say and can recognise and can report. We actually have tried a number of times to educate support workers. For a while we were working

with Victoria University in trying to teach their students what to recognise as family violence, among other things, so that they could encourage the person with a disability to contact us for support. But recognising that, there is a lot more that can be achieved by recognising the place of support workers who are in contact with people with disabilities and are in specialist disability accommodations, supported residential services and group homes.

As noted in our submission, the majority of people with cognitive impairments are not going to be the person that answers the phone if the survey is done by telephone. If it is to ring up and say, 'Have you experienced family violence? Is this sort of behaviour taking place?' they are not even going to be the one answering the phone. That sort of response—whether it is in a group home, an SDA where there are a number of residents or even in a family home, they are not going to be the one answering. It is going to be somebody else who as likely as not and quite honestly will say, 'No, we haven't seen anything. That's fine.' And all that will be missed.

There is a relationship between the support workers and the people with a disability that cannot be underestimated. The support worker can see, hear and report incidents of family violence that the AFM may not recognise. They may be able to hear what is happening. We have had a number of examples of support workers or house supervisors calling us and saying, 'We think something is going on here because this person has kept calling this particular client or resident and the abuse has rolled on.' And when we have seen it not once—you know, we can understand Dad gets cranky with their child because they have broken something, they have lost their glasses or they have done something—but when it is happening every week, the AFM is not the one that recognises it, it is the support worker or the house supervisor who sees that. But of course how we gain that information is very difficult.

One suggestion—and it is, as a colleague pointed out to me, an absolute can of worms. Within the education department and the education system there is mandatory reporting of child abuse. Having worked in the education system for some time, this actually shifted a lot of the 'turn a blind eye' attitudes that a number of teachers had. There were teachers who basically just did not want to get involved in child abuse. They would see something and they would say, 'Yeah, but, you know, we'll let it go.' And there were programs where it was like, 'Just tell somebody about it.' That person then was responsible, and if there were enough people saying it, then they might do something about it. Mandatory reporting changed that. It meant that you actually had to take an action, you had to do something, or you were liable for this situation. Now, how that would work with support workers—I am sorry, I do not have the answer to that. It is one that I am throwing up and somebody else can knock it out of the park, but it is a potential avenue to say if a support worker recognises something that they believe is family violence, it has to be reported. Where it is reported to—no idea. How it is reported—I cannot help you. But it is a starting point to think: is this an avenue that we could pursue where it would allow people with disabilities to have that same sort of support where they are not recognising it?

You do have to remember people with disabilities have often been told where to go and what to do. They have been put in places and taken out of places. They have been told when they can do this and when they can do that and what to do with this all their lives. They need to be treated as adults. At the same time, they have not had the experience that people without disabilities often have of growing into that thing of 'I have rights.' We spend a lot of time trying to teach people with disabilities that they have rights, but it is not something they readily come to. So somebody who understands that, like a support worker who has that confidence of the person with a disability, is the person who really should be taking that responsibility. And through that then that family violence perpetrator is then recognised because somebody has said something, somebody has done something about it.

It is also worth remembering that within group homes, supported residential services and specialist disability accommodation there are incident reports. Everything that happens during a shift, every time somebody does something—whether it is a restrictive practice, whether it is an incident of dysregulation or whatever—that is supposed to be reported in an incident report at the end of the shift. It would seem obvious that somebody should be monitoring those. Somebody should be looking at those and recognising, 'Hey, this has happened four times. This person within the house has abused this person this many times.' Whether or not that is family violence comes down to the definition of what a family member is. Within the Act it would be clear that if it is a cluster home and two people are living in separate units, they are not family members. But if they are two people who are under the same roof and they have been living there a long time, section 83 of the Act talks about the fact that you would need to consider the nature of their social and emotional ties, the nature of their

home environment, the duration of the relationship and any other aspects that put this in a position where it would be recognised in the community that they are like a family. And if that is the case, then those incident reports should be able to recognise and make clear to an inquiry or to the relevant sources that there is something going on—that there is family violence taking place—and that something needs to occur. Of course all of this comes back to that idea of seeing it through the eyes of the person with a disability, identifying the disability in such a way that it is relevant and appropriate and avoiding labelling with that.

Of course the other unpleasant thing that we have to talk about is the idea of a support worker as the perpetrator. Under that same section a support worker can be considered a family member in terms of the fact that they have an intimate relationship with the person with a disability. ‘Intimate relationship’—and it specifies this in the Act—does not mean it has to be a sexual relationship. What it means is that they have a very close contact—they are intimate. When you consider some of the things that support workers do for people with disabilities, you cannot get more intimate than some of those things. With that in mind—taking into account duration, dependence and other aspects that can be considered—some of these support workers are virtually family members. Sometimes that is a really good thing. I mean, most times that is a really good thing. They have a relationship with their clients that is admirable, generous and incredibly supportive. But when there are support workers who are coercive or where they are physically abusive—we have had cases where support workers have physically assaulted clients—this is reported to the NDIS commission and the Victorian Disability Worker Commission. But in reality these people are also perpetrators of family violence, and it is something that we need to recognise as how this relates to people with disabilities. Within that, as I have mentioned, a major thing that we need to be aware of is the need for education so that the person with a disability, or people with disabilities, are aware of what family violence is.

To conclude—I will shut up; I am sorry—I am just going to go back to our submission and just remind us that the *People with Disability in Australia 2024* report brought together information from more than 25 national data sources. Although they provide important insights into the experiences of people with disabilities, there are critical gaps remaining. These include a lack of information on the contact of people with disability with the justice system, as I spoke before regarding some of those police connections and the use of a police disability liaison officer; people with disabilities in closed and segregated settings and communication of their support needs; intersection of diversity and disability as subgroups; and there are large gaps that still exist where we need to improve the quality and comparability of data across sources by adopting more consistent definitions or adding a disability flag to mainstream data collection.

Now, I am not going to keep going, but we did not mention courts and the application for family violence orders. That is another conversation that needs to be had at some point. How people engage with that and what disability means in that form needs to be discussed. We have to maximise the use of existing data sources and we have to add new data sources from things that exist like the VCAT disability officer. Thank you.

**The CHAIR:** Thank you, Peter. That was an incredibly comprehensive overview, and I think you have actually answered some of my questions already. The first thing I would like to ask you about—in your submission you recommend establishing a reporting or data-sharing mechanism with an entity such as the NDIS Quality and Safeguards Commission to increase Victoria’s ability to capture data on family violence perpetrators. What data do you think the NDIS has that is relevant to understanding people who use family violence in relation to people who have a disability?

**Peter DICKINSON:** We are looking particularly at the NDIS Quality and Safeguards Commission. This is a body that is set up to monitor service providers and how they operate in the same regard, as I mentioned before, that the Disability Worker Commission does for individual support workers. There are complaints that are put into these bodies, particularly the NDIS Quality and Safeguards Commission, that, to put it kindly, are compromises. The results are not what you would call outcomes that satisfy the person making the complaint. I have actually spoken with somebody from the Quality and Safeguards Commission who said, ‘We’re hoping to get more teeth.’ Because they collect data, they have records that they get where things are reported to them about what a service provider has done, what has been allowed, what the service provider has not reported—I mentioned the incident reports and how that needs to be reported somewhere. That information comes in, but from our experience that information does not go anywhere. The Quality and Safeguards Commission holds it. They will go through a process of trying to resolve the matter. Often it will be something like, ‘We’re going to re-educate the service provider. We’re going to monitor that they are making their reports. If they don’t make their reports, we’re going to re-educate further.’ There seems to be no end point where a service provider who

is doing the wrong thing, who is allowing family violence to continue, who is not taking action on it—there is no end point to that. There is data that is held there and held as a confidential investigation and does not pass on.

**The CHAIR:** Are you able to expand further on how NDIS service providers who capture data on perpetrators, or people using violence, interact with the family violence information-sharing scheme in Victoria or the child information-sharing scheme?

**Peter DICKINSON:** I am sorry, I cannot tell you specifically. I am not sure that they are actually bound under that. But I am sorry, I would be speaking out of turn. I am looking quickly at my supervisor, who –

**The CHAIR:** That is okay, Peter. If that is something you can take on notice and come back to us about if you know of more information, that would be really helpful for us. Thank you. Chris.

**Chris CREWITHER:** Thank you very much, Peter, for your submission to our inquiry, for being here today and also for your very thorough and passionate statement. You raised the example of Andrew and his engagement with police on an alleged family violence matter, and it was good to hear a real-life example where basically things were not seen through the eyes of a person with a disability. I do know that it is a very important thing to do that where you have an incident followed by four more incidents and the person is basically not believed or things are not seen through the eyes of that person. You note in your submission that the ability to capture data on family violence perpetrators for these individuals will require—one example is educating the disability support workforce about identifying family violence. Noting that example with Andrew, do you think there needs to be further education of frontline workers as well, including police, courts and others, basically regarding seeing things through the eyes of a person with a disability?

**Peter DICKINSON:** Absolutely. I did speak quite a bit about the police and their position, and I have to point out I have good reason to have a great deal of respect for the police. On the example I gave with the concern around the cognitive impairment being a reason to not give a safety notice, in speaking to a number of police it was clearly separate—some were saying, ‘Wouldn’t touch it’, some were saying, ‘I pay no attention to that. I just put it in the report, and if they knock it back, that’s their business’. So there is a really broad spectrum of understanding there. In terms of those frontline workers, yes, there definitely needs to be a great deal of education, and, as I said, the role of the disability liaison officer could be expanded to cover that. Again, I am very pleased that that has happened so quickly. Hopefully it is growing. Hopefully the police are looking at that and saying, ‘Right, that person needs to be given more time and has to be able to build this into an educational thing for those frontline workers.’ Similarly, and I did mention the courts and that I was not going to get into it. But now that we have raised that –

**Chris CREWITHER:** That is partially why I asked the question.

**Peter DICKINSON:** When somebody makes an application for a family violence order there is a box on the form that says, ‘Do you have a disability?’ And if you tick that box, the next thing that comes up is ‘What do you need?’ A lot of the time it is talking about, ‘Do you need an Auslan interpreter? Do you need wheelchair access?’—very clear physical things that you need to understand. What is not understood is that you are taking somebody who is often very anxious in the first place. Most people with autism, because of the nature of the condition, will have an anxiety disorder, because autism puts you in a position where you are pretty constantly trying to deal with too many things at once. You get very anxious and there is an anxiety disorder connected. The same can happen with an intellectual disability. You then take that person and you put them into a court, into a formal court setting where you have a judge and you have the two tables and the people standing up and speaking. You can have a whole gallery of people because they are all waiting for their matter to come up next.

We have had experience of being in that situation, and possibly you would say the magistrate was a frontline worker. They did not understand the intensity of the situation or the anxiety that was being caused, so there was a lack of plain English in explaining what was going on. Our client stood up and recanted everything that they had made in their allegations, and that was purely on the basis of the stress and anxiety of the situation. If that frontline worker, when they saw that this person had a disability, had inquired to say, ‘What’s the nature of the disability?’—beyond a physical thing like needing a wheelchair—‘What does that person need?’ we probably would have responded with things like, ‘A fairly informal court setting’.

I can draw on an example from the VCAT. I will not mention his name, but an extremely compassionate member in a guardianship application understood completely that the person for whom the guardianship application was being made was extremely anxious. They allowed him to sit in the corridor. They carried on everything they needed to do inside, and then the member went out and sat with the person and talked with them. They understood through the eyes of that person what the difficulties were. If that understanding was with those frontline workers, then they would know when you go to a court it is scary. And particularly it is also really important to remember—and I am sure you have heard this a lot during your inquiry—that to be making an application against a family member is an extraordinary step to take. It is a step that nobody—well, not nobody, but many people—would ever consider: ‘That I’m actually going to have to go and get the court to tell the police that this person has to stop doing something to me.’ If you consider yourself, how would you handle that? I hope I am not being disrespectful if anybody has been in that situation.

But for somebody with a disability to do that, remembering that often those family members are the people that they have had support from throughout their lives, that is an extraordinarily difficult thing to do, so you would hope that they would remove the formality. You hope that they would minimise the stress in the situation. You hope that they would be prepared to withdraw the bench, almost as they do in the Children’s Court—withdraw the bench, withdraw the formality of standing when you speak, make it a more conversational environment, be prepared to make changes to adjust to that. The frontline worker who saw that application that said ‘disability’ is probably the person that needs to think about those things straightaway and recognise that this is more than just ‘We need a wheelchair’, ‘I need a support person standing next to me’ and that sort of thing.

Sorry, I have lost my train of thought. Those sorts of frontline worker situations do need education, they do need further to it—and it has popped back in my head. The other side of it is that the perpetrator of family violence is never acknowledged, is never asked if they have a disability. That is something that is on the application form the person who is making the application. says, ‘Does the perpetrator have a disability?’, and they can say yes or no. If they say no, then that person is not given any consideration for having a disability. There needs to be something there as well.

**The CHAIR:** Peter, on that point, and this might be one for you to take notice, could you come back to the Committee with any other examples of where we are not collecting data on a person using violence, whether or not they have a disability?

**Peter DICKINSON:** I will try.

**The CHAIR:** Thank you. Heang.

**Meng Heang TAK:** Thank you, Chair. Thank you, Peter. Your submission highlights that there are many people with disability excluded from the dataset, particularly those in home group or with cognitive impairment. How could the Victorian Government extend data collection about people using family violence to those populations?

**Peter DICKINSON:** Sorry, within the home group?

**Meng Heang TAK:** Within the group home or home group.

**Peter DICKINSON:** Within the group home—well, it is a really difficult one because of that situation where in those group homes face-to-face contact does not always work. As I mentioned, there are things like the incident reports. An incident report that is put in at the end of a shift will recognise if somebody has committed family violence, or if there has been a phone call that upset them—what was the basis of that? How did that occur? Those incident reports need to be monitored so that there is a recognition of the potential for family violence there. In some ways—and it has been raised before—the people who run the group homes and the service providers have a duty of care already, so if they are not doing that, then are they actually fulfilling their duty of care?

**Meng Heang TAK:** Can I ask: in that sense, the duty of care falls to the carer and the carer could be a family member?

**Peter DICKINSON:** That is right. Unfortunately, we have had instances where one parent will be aware that something is going on—they will be aware that there is violence; they will be aware that there is abuse



occurring—but they have been living with that abuse for 30 years, and so how do you get them to actually speak out for their child when that is continuing? Unfortunately that is a very difficult task. I do not know the answer to that, I am sorry, because that is not just related to people with disabilities. Throughout family violence, there are parents who have maintained a relationship with someone knowing that they are abusing their child, so I am sorry, I do not know the answer for how we can make that work.

**Meng Heang TAK:** You did your best. Thank you, Peter.

**The CHAIR:** Thank you, Peter. Thank you for appearing today and for your contribution to this inquiry. The Committee greatly appreciates the time that you have taken to prepare your evidence today and also your submission.

We will now take a short break before our next witness.

**Witness withdrew.**