

TRANSCRIPT

LEGISLATIVE ASSEMBLY LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into capturing data on family violence perpetrators in Victoria

Melbourne—Tuesday 6 August 2024

MEMBERS

Ella George – Chair

Annabelle Cleeland – Deputy Chair

Chris Couzens

Chris Crewther

Cindy McLeish

Meng Heang Tak

Jackson Taylor

WITNESSES

Eila Pourasgheri, Director, Family, Youth and Children’s Law, Victoria Legal Aid;

Caroline Counsel, Co-chair, Victoria Family Violence Working Group, Law Institute of Victoria;

Rachael Pliner, Director, Policy and Advocacy, Federation of Community Legal Centres; and

Juergen Kaehne, Principal Managing Lawyer, Aboriginal Family Law, and

Patrick Cook, Head, Policy, Communications and Strategy, Victorian Aboriginal Legal Service.

The CHAIR: Good morning. My name is Ella George, and I am the 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 Wurundjeri Woi Wurrung people of the Kulin nation. 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 the Deputy Chair Annabelle Cleeland, the Member for Euroa; Chris Crewther, the Member for Mornington; Cindy McLeish, the Member for Eildon; Christine Couzens, the Member for Geelong; and Jackson Taylor, the Member for Bayswater. Our colleague Meng Heang Tak, the Member for Clarinda, will be joining us shortly.

On behalf of the Committee I would like to thank everyone who is participating in this inquiry through submissions or hearings. We greatly appreciate your time and effort in contributing to this important inquiry. We recognise that evidence to this inquiry may be distressing and urge people to reach out for support. You can contact Lifeline on 13 11 14, 1800RESPECT or the Blue Knot helpline on 1300 657 380. We heard from a number of witnesses yesterday, and we have another full day of hearings today and tomorrow, when we will be going down to Geelong.

All evidence given today is being reported by Hansard and broadcast live. 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.

Today we are starting our day with a legal panel, and I am delighted to be joined by a number of representatives from across the legal community. I am really pleased to welcome from VLA Eila Pourasgheri, Director, Family, Youth and Children's Law; Caroline Counsel from LIV, Co-chair of the Family Violence Working Group; Rachael Pliner, Director of Policy and Advocacy, Federation of CLCs; Juergen Kaehne, Principal Managing Lawyer, VALS; and Patrick Cook, Head of Policy, Communications and Strategy, from VALS. Thank you very much for joining us today. I now invite you to make a brief opening statement of 10 minutes, and this will be followed by questions from members. Thank you. Over to you.

Patrick COOK: I will just begin by acknowledging the Wurundjeri people as the traditional custodians of the land that we are on today and pay my respects to their elders past and present. Sovereignty was never ceded; it always was and will be Aboriginal land. I just want to acknowledge the work that Wurundjeri elders have done in establishing VALS and continuing the fight for justice for Aboriginal people.

My name is Pat Cook, the Head of Policy, Communications and Strategy at VALS, and I am here with Juergen Kaehne, the Principal Managing Lawyer of the family practice at VALS.

In our submission we had a note on language. We are trying to use non-binary terms. To sort of understand the complexity of family violence we are using 'person using violence' and 'affected family member' instead of 'victim' and 'perpetrator' to sort of go towards that nuance.

We work very closely with a lot of Aboriginal people that have experienced family violence, and it is often difficult work for us because it is often very under-reported in our communities because of a lot of challenges that the community faces through the legal system and particularly the criminal legal system.

I just want to go to some of the origins of colonial violence in family violence. Obviously the Victorian Government has undertaken to establish the Yoorrook Justice Commission that has been hearing a lot of truth over the last 18 months around invasion and colonisation, and I think that context is important to this inquiry because data and evidence as it is defined by colonial systems has often been used in a violent way to control Aboriginal people, often by denying the truth of the stories of Aboriginal people and often by presenting them through a deficit lens rather than a strength-based lens. But to go through some of that history if that is all right, there has obviously been dispossession of land, criminalisation of Aboriginal and Torres Strait Islander people, the removal of children, the denial of Aboriginal law—both law and lore—and the oppression of culture. That

has created intergenerational trauma that continues today and is one of the underlying causes of family violence.

Research has identified 400 massacres across Australia where more than 10,000 Aboriginal and Torres Strait Islander people were killed. The legal system did not provide any justice for this violence. That speaks to a large reason why Aboriginal and Torres Strait Islander people do not trust the legal system to help them for many issues, including family violence.

Our submission talks to misidentification as well, which has been a big issue for us in helping our community members address family violence. We can speak to it more in a bit, but obviously when police get called out to a family violence incident it is a difficult and hard situation for those people involved in it. Often the person who is an affected family member is in a heightened emotional state, and often police read that as the person being the person using violence. We certainly see that quite a lot in our work. I think I will wrap up and pass over to Juergen.

Juergen KAEHNE: Thank you. Aboriginal women are 45 more times likely to experience family violence than non-Aboriginal women. In Victoria Aboriginal women are the fastest growing demographic in Victoria's prisons, and 87% of those women are in fact victims of sexual, physical or emotional family violence themselves. Victoria also has the highest rate of Aboriginal children in out-of-home care. As Pat was saying, the racialised nature of policing for Aboriginal people and the intersection of being negatively racialised causes a unique form of violence that Aboriginal women experience where their status as genuine victims is devalued. As a result they are over-policed as people who use violence but under-policed as affected family members. Not only are Aboriginal women not believed and belittled, at no point in their life are Aboriginal women ever considered victims of violence despite clear histories of police call-outs and irrefutable physical evidence of assault. Aboriginal women are still blamed and criminalised. We know that many Aboriginal women are partnered with non-Aboriginal men, and we can extrapolate that out into the over-representation of Aboriginal women experiencing family violence—that harm is often caused by non-Indigenous men. When Aboriginal women seek to leave a relationship they have many forms of violence to navigate, and I can speak to this a little bit more in relation to campaigns around family violence going on at the moment. From the violence they experience through to seeking help—through to seeking police help, through to coming into the spotlight of the child protection system—there are many steps they have to go through that are a continuation to violence after they seek to leave.

One of the major impacts that Aboriginal women face is misidentification. With alarming frequency police pick a person who has committed abuse over that of an affected family member. It is part of coercive control and police focus on isolated incidents. They have a protocol, and that protocol is heavily gendered and heavily racially weighted, and that relates to misidentification of the actual person using violence. As Pat was saying, often police are called out. The victim is hysterical, has defended themselves, and police are called out and see the alleged victim with a scratch on his face and say, 'Well, that person is the abuser and that person is the victim.' This happens alarmingly often. As an example, an 18-year-old Aboriginal woman was misidentified. The misidentification of her as a perpetrator of family violence had severe consequences. Despite being the victim of significant and ongoing abuse by her partner, she faced charges for breaching a family violence safety notice and property damage. That misidentification not only compounded her trauma but also led to her being criminalised and subject to further scrutiny.

Patrick COOK: We just wanted to wrap up by chatting about the scope of the inquiry. We spoke a bit to this in our submission, that because of the complexities we hope that the inquiry maybe takes a larger view of how and what data should be collected, particularly for Aboriginal communities. We have been talking at Yoorrook and in other parliamentary inquiries, like the one into the FOI laws earlier this year, about the importance of Indigenous data sovereignty and Indigenous data governance and giving control back to Aboriginal communities around the stories that are told about them through data. I do not think that VALS has an example of best practice in the way that Indigenous data governance and sovereignty can be applied, but it is certainly something that we hope, while Victoria is on the truth and treaty journey, can be better put into practice—and really going towards those things of making sure our communities' stories are told in a way that highlights their strengths and is about empowering them.

The CHAIR: Thanks.

Caroline COUNSEL: Good morning. My name is Caroline Counsel. I am an accredited family law specialist, principal of Caroline Counsel Family Lawyers, I hold the portfolio for family violence at the Law Institute of Victoria and I am Co-chair of the family violence working group. I am appearing today on behalf of the Law Institute of Victoria. We represent some 20,000 members who are practising law in diverse areas of law. Those lawyers may well be living and working in Victoria, but they might also be living and working interstate or overseas.

We have had a long history at the Law Institute of Victoria of helping government shape legislation by making submissions and talking to government like this, so thank you for this opportunity this morning. Obviously, preventing family violence is a critical issue in Victoria, and accurate data collation is important so that we can work out who is in fact perpetrating violence and work out how to best manage, intervene and prevent family violence, which is a scourge.

The LIV acknowledges the findings of the 2016 Victorian Royal Commission into Family Violence that identified that there are serious gaps in our knowledge and characteristics of victims and perpetrators. I personally have a problem with the term ‘victim’, and I do address this later in my notes, but I may as well talk about it now. I think language has power, and I think if a term is no longer fit for purpose, we need to listen to the people that have the lived experience of being through family violence. My clients, for example, do not often want to wear the mantle of victim, and they also struggle with the concept of survivor, because they feel the omnipresence of their perpetrator even after they physically extricate themselves from those relationships. For a lot of my clients they feel a lot more able to identify with a term whereby they are not the person responsible for what is happening to them, and they prefer the term ‘target’, so ‘target of family violence’.

Having said that, the gaps that were attributed to under-recording and hidden reporting of incidents as well as the limited collection of demographic information and the use of inconsistent definitions have been part of the problem. We have really had to rely, if you will, on people who recount their journey, their narrative, in relation to family violence. Therefore it is not universal. We are incapable of detecting people who are experiencing family violence, particularly I would say at the hands of coercive-controlling partners, who often do not come to attention and are often the users of lethal force. Their targets may only surface, unfortunately, when they are dead, when they have been murdered by their perpetrators. The Law Institute of Victoria’s submissions dealt with the accurate data on the profile and volume of family violence perpetrators, and that is crucial because we need to be able to assist service providers to develop more programs and support systems to better understand what are the drivers of family violence as well as try and reduce the occurrence in our society.

Change must be implemented also at an organisational level, and that is to achieve a more consistent approach in relation to data collection. That goes to staff capability, so training, developing staff capability, and making sure that those data practices are universal. That in turn puts an imposition in relation to an investment, and the investment in statistical assets and infrastructure is vital because otherwise you will get a patchy read on what is going on in the community. So accurate data on the profile and volume of family violence perpetrators is necessary to determine what is working and what is not. One of the examples obviously that comes to mind is men’s behavioural change programs. How good are they? What are they achieving? Does it make a difference? Who are they reaching? Who are they not reaching? What are the reasons why? Are there better ways of managing perpetrator behaviour? Are there better ways of detecting perpetrator behaviour? So accurate, comprehensive data collection of domestic and family violence within First Nations and CALD communities is absolutely vital. It has to be fully informed; it has to be culturally sensitive, and we need to have those culturally sensitive intervention strategies thought of and developed, and those communities need to be consulted and listened to, most importantly.

The evaluation of findings relating to family violence incidents, experiences, responses, impacts and outcomes is also key in shaping policies and improving systems. As I said, we are aware that we rely really on people who come forward and recount their journey in relation to being targets of family violence, and whilst it is absolutely essential to develop that data collection, we have to develop also an approach to that which must mitigate the possibility of re-traumatising the victim-survivors—targets, if you will—of family violence. We do not want the data collection process itself to further exacerbate the violence narrative that they have experienced. We have got to be mindful of privacy law. We have got to be mindful of storage and access to data, particularly sensitive data, so they would have to be subject to stringent security and access controls.

That is it for the moment, but I do want to congratulate you for conducting these hearings. Thank you for the opportunity.

Eila POURASGHERI: My name is Eila Pourasgheri, and I am the director of families at Victoria Legal Aid. I oversee the family violence, family law and family dispute resolutions programs at Victoria Legal Aid. I would like to echo the acknowledgements of country and pay my respects to elders past, present and emerging and those First Nations people here today with us. I would like to thank the Committee for the opportunity to appear today on this very important issue.

Victoria Legal Aid is an independent statutory authority that is set up to provide legal assistance in the most efficient and effective manner. VLA occupies a key position in relation to responding to family violence in Victoria. In our work in courts across all of Victoria, every day we see how family violence is both a cause of and an aggravating factor in our clients' legal issues. In 2022–23 we provided over 81,000 legal services in relation to family violence. This includes legal information and advice and of course high-intensity in-court duty lawyer services and grants of legal assistance in relation to casework—and that is ongoing casework legal assistance.

We see both family violence victim-survivors and people who use family violence, so we get a fuller picture of what is happening out in the criminal and civil jurisdiction. We also see that family violence is a significant issue and driver in the family law space, particularly in relation to how it is interwoven in family law disputes. We also see how family violence really features in a number of other areas of law—for example, child protection, tenancy and migration. So how we collect our data is in terms of how we see our clients and fulfil our statutory obligations. This includes personal information, some demographic information and health information, and we also record limited information about our clients' legal issues and the outcome of the case or matter. We actually provide de-identified client data to the Crime Statistics Agency, as you would be well aware, and that is captured on the family violence data portal. We provide this de-identified information each year, so it is updated annually.

We understand that this portal is the main sort of source of consolidated public information relating to incidents of family violence in Victoria. Now, I want to highlight that 'incident' word, and I think it will come out quite a bit in all of our submissions. It is that the majority of the information of people who use family violence is based on incidents reported by victims to the justice system or service system, so it is what is coming to our attention. As such, it really represents a very small proportion of the population of perpetrators. As we know, many incidents go unreported and unrecorded, so the focus of incidents-based data capture can also obscure the long-term patterns of power and control that we know and see in how family violence features in relationships.

I wanted to quote from the submission to this inquiry from ANROWS:

While seeking to understand the volume of perpetrators, it is imperative that the committee consider the need for meaningful qualitative measurement that allows more accurate understanding of perpetration.

As we note in our submission, there are some issues we commonly see with the way data about perpetration is currently collated and used in a justice context. This includes, as was highlighted here by VALS, the misidentification of primary aggressors and the wrongful identification of young people who have been victims of family violence themselves who are categorised as perpetrators. We support our colleagues from community legal organisations and Aboriginal legal services in cautioning that flawed data collection can lead to racial profiling and particular and deep injustices towards First Nations people. We support a more systematic, nuanced and planned approach to collecting and collating de-identified data that could assist in evidence-based public policy to prevent and eliminate family violence in our community.

Our recommendations for improved data collection include: improved pathways to prevent and rectify misidentification of primary aggressors in family violence incidents and that related data; collection of contextual information for First Nations clients that aligns with the principles of self-determination; collection of contextual information about young people and children who use violence, particularly regarding trauma and its impacts on development; and also the experience and expertise of people with lived experience of family violence to ensure that policy about data improvement is done in a sensitive and meaningful way. That concludes my opening. Thank you.

The CHAIR: Thank you. Rachael.

Rachael PLINER: Thank you so much. My name is Rachael Pliner. I am the Director of Policy and Advocacy at the Federation of Community Legal Centres. I am very grateful to be invited to appear at this hearing for this really important inquiry.

The federation is the peak body of 50 community legal centres across Victoria. Community legal centres provide free legal assistance to members of our community who experience disadvantage, financial hardship, family violence and discrimination. Community legal centres play a critical role in the family violence area, and 75% of community legal centres across Victoria provide family violence legal services in their community. Community legal centres also assist people with interrelated areas that intersect with family violence. As mentioned by Victoria Legal Aid, that includes family law, where family violence is a key driver of family law issues; elder abuse, which is a form of family violence; housing; child protection intervention; criminal law; debts and fines; and also migration, particularly in relation to women on temporary visas who are experiencing family violence. Community legal centres work in collaboration with other community service professionals and community organisations such as family violence services, health services, financial counselling services and schools, and there is really a focus with these partnerships and integrated programs in relation to early intervention and delivery of holistic support, particularly in the area of family violence.

Consistently capturing accurate and high-quality data, including on people who use violence, is important in ensuring that all parts of the family violence system have access to data and information needed to understand current trends and implement actions to effectively prevent, respond to and address family violence. For the legal assistance sector this would be particularly useful in identifying legal need in terms of service planning and service design, as well as in terms of law reform, policy and systems change. However, we do recognise that there are barriers in relation to improving the quality and consistency of data collection in this area. We understand, as was highlighted by Victoria Legal Aid, that the majority of de-identified data, particularly in areas that we work in, is related to people who have interactions either with police or the criminal justice system, which does not give a full picture of the volume or profile of people who use family violence, the patterns of violence or effective individual and systems change.

I now just want to turn to some safeguards, and they have been highlighted by my colleagues. While we support improving data collection in this area, there are a range of safeguards that need to be put in place to ensure that data collection on people who use violence is accurate and effective. To ensure that data is high quality and meaningful, de-identified data collected about people who use family violence needs to be critically analysed, taking into account a range of contextual factors. This includes how demographic data is influenced by the way that different groups of people intersect with government and legal systems, including structural racism, ableist systems and communication barriers to intersecting with government authorities.

The quality and accuracy of data on people who use violence, as has been said, is impacted by the misidentification of people experiencing family violence as perpetrators. This remains a pervasive issue, and that is why I wanted to reiterate this today. Community legal centres often see misidentification in their work and also witness the devastating impacts for their clients, and so as a threshold step we strongly recommend a multi-agency coordinated approach to prevent and rectify misidentification, recognising that without doing this there are going to be flow-on effects for the quality and accuracy of any data that we are collecting.

I also want to just highlight, and I know this has been highlighted by Victoria Legal Aid and by other legal services on this panel, that there needs to be a nuanced approach when collecting data about young people who use violence in the home, recognising that young people that use violence are often victims in their own right, having experienced family violence themselves, trauma or child abuse. So we recommend embedding youth-centred approaches into family violence data systems that prioritise the best interests of the child and facilitate positive systems and individual changes.

I would like to turn to some of the limitations to collecting data as it relates to resourcing of frontline services. Like many frontline community organisations, community legal centres generally do not have currently the resources to collect consistent and comparable data on people who use family violence accessing our legal services, although we recognise the importance of this, as highlighted before. Community legal centres generally gather a range of data, including demographic data, information on the nature of the legal issue and the duration of ongoing matters. There is collection of data in terms of a family violence indicator, which may have a subcategory for victim-survivors and people who use violence in some community legal centre data systems, but not all; it is not consistent.

The existing reporting requirements for our sector are complex. The data that is collected is often driven by funding agreements. Many community legal centres have multiple funding streams, and standardised reporting requirements do not exist across these multiple different funding streams. Like other frontline community organisations working in the family violence area, the current reporting burden for our sector is immense. So while we support more meaningful collection of de-identified data to improve family violence responses, any additional data collection requirements would require increased investment to the community legal centre and other frontline services to improve data systems, to tailor data reporting for this purpose and for the data collection and reporting process. We also support investment in targeted research projects to collect in-depth data to better understand how people who use family violence interact with systems to inform effective service planning and delivery and responses. As highlighted by the Victorian Aboriginal Legal Service, we would also like to reiterate the importance of ensuring Aboriginal community controlled organisations retain data sovereignty. Thank you.

The CHAIR: Thank you. Thank you all for your opening presentations. I would like to start by talking about misidentification. This is a theme that has come up across a lot of the different submissions and witnesses that we have had before the Committee. So just a general question would be: what can the Victorian Government do to reduce and prevent misidentification from occurring?

Patrick COOK: Well, I can do some brief comments, and you could go to some specifics. I think there were some efforts trialled through Victoria Police after the royal commission, but they ended without much discussion. To be blunt, the reason for misidentification is that the institution of policing is racist and bigoted and discriminatory. Misidentification reflects poor decision-making by the police, and that poor decision-making reflects those biases. So a lot of it goes to reforming Victoria Police. That has proved very difficult, because there seems to be this sustained thing where the bureaucracy of the police will come and sit at meetings like this and talk nice words about saying sorry to Aboriginal people and getting better at family violence and misidentification but then there is no flowthrough to the boots on the ground. The foot soldiers still make the same decisions that they have always made as an institution, and it is really, really hard to effect change through policing. To me, that is the core of the problem. There are broader societal issues that have sort of been raised through the family violence royal commission and the subsequent policy work, but I think it is very hard to deal with misidentification until you deal with police.

Juergen KAEHNE: I guess policing is, unfortunately, the target of my answer as well. There is a protocol that police use. There are a number of steps they look at when they get called out, and as I alluded to before, all or almost all of those steps lead police down the path of either a gender-biased approach or a racist approach. Police have, as part of that protocol training, training in how to identify the main offender, which is what they call them. Very few police, I think, have taken those up, and I do not think there is much appetite for it. When I walked up Bourke Street here this morning and saw police slogans written all over their vehicles about how much work they are doing, I thought there is very little appetite for doing further training, so I do not think that appetite is there on the ground. Pat was saying it does not flow down; I think that is probably true. And because of that that lack of training, police will turn up to a house and look for the first available clue for getting the call out of the way. I have to be frank here: for a lot of our clients where police have been called out multiple times, police regard these as a ‘roll your eyes’ type of moment. They come out and they think, ‘Oh, not again.’ So they look for the first available way of dealing with the issue—that first available or heaviest weighted indicator—and that leads to misidentification. It can be that the other person is hysterical because police have been called—and for an Aboriginal woman that is fair, because she is the one at risk of being removed from the home. She is the one at risk of losing her children. She is the one at risk of losing the only financial support she has got. And she is the one who will not report, normally, for fear of state intervention and those things happening. Just the fear of that happening is enough for her not to report in the first place, so the user of family violence has a form of coercive control over that person before any other form of family violence is perpetrated. Police are not trained to look for those things, or if they are, they are too busy to take them up.

Caroline COUNSEL: Thank you for that. I completely echo what you have said. A couple of things about misidentification—it is not a one-off incident, it then becomes a systemic problem through that journey of the target trying to then extricate themselves from being mislabelled or misidentified. That can have ramifications, both in terms of intervention orders and family law interventions, which then get sullied, if you will, by virtue of misidentification. It becomes very difficult to take that appellation, that mantle, off.

Interestingly, about Victoria Police, one of the things that I identified prior to the royal commission in relation to family violence was how segmented the community is in terms of frontline responders and the fact that we had nowhere to really speak to each other and learn each other's languages and even learn a respect for what each of us do in the community. We all came together at the end. I think we had something like 23 different organisations sitting around the table learning the right language and learning the respect for each other but also identifying and better dealing with inconsistencies, if you will, in relation to approach. That has all gone since the royal commission. We have nowhere where we can come together. Police, for example, are now back to doing policing. We as lawyers—the Law Institute of Victoria—make a desperate attempt to make sure that we stay in touch with everybody, but it is very hard when that is not orchestrated, if you will, or has not got the imprimatur of approval of government. It is only when something goes horribly wrong that we are all galvanised in our thinking and come together to try and problem-solve rather than continually improving what we do.

First-line responders need consistency in approach, the right collection of information, the correct identification of the perpetrator, a consistent approach in relation to the journey of the target and the children and others that have been exposed to family violence, consistency dealing with young people and consistency dealing with the elderly and culturally and linguistically diverse. We have also heard from VALS that you actually need consistency in approach—that is, training, training, training and more training. The irony is of course that when you have a regimented organisation like the police it should be relatively easy to ensure that that training goes through the ranks. So what else is wrong with Victoria Police that they are not able to then turn those behaviours around and embrace it? Bureaucratically speaking it should be easy to entrench a change of attitude, but there is that resistance. So what is the nature of that resistance to ensuring that there is consistency in their behaviour and how they approach these situations?

Eila POURASGHERI: Thank you. I will just say a couple of things, and then I think I will hand over to my colleague from the Federation of Community Legal Centres, because I know we have been doing quite a lot of work collaboratively with Victoria Police and legal assistance sector partners. I think certainly misidentification is a real issue, and policing is a contributing factor to that. If we are talking about data, the current data on perpetrators may be misleading or incomplete. When a misidentification does happen, rectifying that is very difficult as well, and as you can appreciate then that will have the flow-on effects on our clients, particularly, as we have heard VALS speak on, our First Nations women, but also migrant and refugee women, women with disabilities, criminalised women and LGBTIQ+ people. I wanted to highlight that.

What we have asked for and have been working on alongside others in the legal and family violence sector is improved tracking and reporting of misidentification by police and rectification of those records. A lot of these recommendations have also been highlighted and drawn on by the family violence reform implementation monitor in 2021.

Rachael PLINER: Thank you. I would just like to add—and I agree with everything that has been said. Firstly, I think what we have highlighted is the importance of prevention, accurate identification, accurate tools for identification and then opportunities, in certain situations that are more likely to be at risk of misidentification, for there to be some form of supervision within Victoria Police where things get checked. That is number one: prevention.

Number two we have spoken about: rectification—where misidentification does occur, clear pathways to rectify misidentification quickly. That is something that we are working with Victoria Police on. But the current situation is that there are not clear pathways to rectify misidentification where it is identified by legal services or by family violence services or other support services.

Three is kind of looking at systems abuse more broadly and how perpetrators or people who use family violence move through the system and how systems abuse is occurring and where it is occurring, because of course misidentification can be a form of systems abuse.

Four is that there might be the development of central guidelines within Victoria Police, but ensuring that that actually runs through to unit level. Sometimes that is where we see there might be guidelines centrally, but our lawyers and other frontline workers who are interacting with clients and with the police may not be seeing that coming through on the ground.

Five, we have spoken about training and the need for cultural change. Just taking a more macro step back, training is important, but we also need cultural change, and that also involves having independent oversight mechanisms. So where there are complaints in relation to police misconduct that include misidentification, there is an independent oversight mechanism for that. At the moment we have a situation where police generally investigate their own incidences of misconduct, and we are really calling for a police ombudsman.

Six is also the possibility of trialling projects where you have police responders—and there have been some trials around Australia—looking at different projects in terms of police responding but also then responding with other family violence experts.

The CHAIR: Are you aware of any other jurisdictions that have sought to address misidentification and sought to reduce it and prevent it and look at rectifying it when it does happen and other jurisdictions that have done this well?

Patrick COOK: I do not think we have anywhere that we would point to as best practice. I think everywhere is reasonably similar to Victoria in that there are occasional efforts to address some of these underlying causes but no systemic push to really undo that issue.

Sorry, Chair, to jump back to the previous question as well and maybe sum up some of what we were talking about: in terms of talking about collecting more data or better quality data, misidentification remains a really big problem, because obviously the data is used to tell stories and those stories dictate where funding goes. If you are misidentifying where the issue is at, that means the money is not going to go where it is needed, and it perpetuates incorrect stories about the communities that that data is speaking about. We talked about mis-ID, what it is and how it might be fixed, but I think also we just need to be careful around the recommendations the inquiry makes around what data should be collected or how it should be collected in terms of understanding that if you are pulling it from Victoria Police or even if you are pulling the data from some of our organisations, it is not going to be fully accurate because of misidentification, and so that needs to be accounted for.

Juergen KAEHNE: In relation to best practice places, I cannot point to any specifically. I practised in Queensland for a decade before coming here, so I am probably not the person to ask.

Caroline COUNSEL: You have got to remember that those that use family violence are the masters of spin, so these are people for whom language is a tool; it is a weapon. They are clever; they are cunning, particularly those who are using coercive control, which is at the heart of all violence, in addition to other forms of family violence. Is it any wonder that if you do have frontline responders for whom training might have been a tick and flick, it may be something that is recurring? Unless we are actually staying abreast of these concepts and unless we are instilling and revisiting that training at a very high level, we could well find ourselves back here at some future date asking the same questions over and over, and ideally we do not want that to occur. We want this to be treated properly and identified and dealt with. Having said that, I cannot think of anywhere else that is doing it well or better.

Patrick COOK: I might just add that we all know it from our practice experience. We have got clients that face this problem all the time, but in terms of understanding the full scope of it, it is still something the sector is trying to research as well. So addressing it is difficult when you do not know exactly the scope of it.

Juergen KAEHNE: Yes, that is right. We do not know what we do not know. I mean, I think that the applications for family violence have increased something like fivefold. That does not mean, I do not think, that family violence increased fivefold; that just means that some of the awareness campaigns are working, and people are coming forward. But that may well be the tip of the iceberg, and it probably is. That means there is a whole raft of family violence still going on that is not being reported, and for our clients it is not being reported for fear of it being reported.

Caroline COUNSEL: And before I pass to my colleagues, the lived experience of my clients often involves me telling them at the 45-minute mark of a first interview that they are in fact targets of family violence. They themselves are unaware that the narrative that they have just told me adds up to one conclusive truth, and they find it inconclusive because they cannot actually see it. They are so close to that perpetrator and the experience of living with that perpetrator that they cannot see what a professional can see. That is me with 40 years of training. If you have people out there in the community as first-line responders without experience, what hope do they have of actually identifying it. Even if they are hearing the story, the narrative, from the target, are they

going to pick up on the subtleties of the information? It is often what is not shared, it is often what is not said. It is not surprising that nobody is doing this well and that we are still going through that process of grappling with how you identify it, what information you get, how you get it, who is best to get it and how you collate that data.

Ella POURASGHERI: Thanks, Caroline. Going back to your question, Ella, I am not aware of other jurisdictions that are doing this well. I think a place to start would be to look at the current research in Australia, and particularly I think the family violence reform implementation monitor looked at misidentification specifically and made recommendations. Those recommendations would be a good place to start.

Rachael PLINER: I do not have anything further to add. I am not aware of other jurisdictions that are doing this better either.

The CHAIR: Thank you. Annabelle.

Annabelle CLEELAND: Thank you all for your time. I guess what we are trying to get to the bottom of is that 'how', which I know you have just said is difficult, so any warnings about that development we are all ears. But I guess we are quite interested to know what scope there is for data collected by legal services and how that might be integrated or linked with other databases, like on-the-ground grassroots communities as well as departments, and bringing it all together, with all of the warnings that you have given us and the narrative that it needs to shift from that initial assessment.

Patrick COOK: I do not want to give away all the dirty secrets of the community legal centres, but we have been really underfunded for our existence. There are still CLCs out there with rooms full of boxes with files that are not well organised. VALS have been spending a lot of money trying to digitise all our records and to have a functioning data management CRM software that will help us analyse the data properly, but that has been a long-term project. We still have to put a lot of effort into analysing our data and triple-checking it before we put it into something like a submission to this inquiry, because it is just not at the stage where we could go, 'Here's a spreadsheet of numbers that reasonably represents the questions you want the data to speak to.' I think if you wanted to put our data into some sort of public dataset, we would need a lot more investment and time to bring that up to speed. We are doing it off our own bat. I think our CEO Nerita Waight has been really strong on improving these back-end things, and we are probably early adopters a bit in the CLC sector, though others can correct me if I am wrong. My view is that VALS is probably in a better position than a lot of CLCs in terms of collecting and using data for range of reasons, but that that data is still very –

Caroline COUNSEL: Raw.

Patrick COOK: Needs cleaning.

Annabelle CLEELAND: What adjective did you use?

Caroline COUNSEL: I was just saying raw. It is raw data. And also it changes over time because of how we have responded to the area of family violence over time.

Annabelle CLEELAND: Is there a willingness from CLCs to participate, though? Would there be objections to that sharing of information?

Rachael PLINER: I am happy to comment. The Federation of Community Legal Centres has been funded to modernise the data system for the sector. There is a lot of focus on upgrading our data systems and making it more consistent within the sector. We do have a funding grant for that, and so we have been rolling out more modern data systems. It does not incorporate all community legal centres; it is a proportion of the sector, and that is based on the funding that is available. We would really like to build on all the work that the sector has been doing and that the federation has been doing in terms of modernising our data and making it more consistent, making it more usable and effective and making sure that it is more outcomes focused. There is a real focus and a lot of will in that area. I think if we wanted to make data more consistent, make sure that there are consistent definitions so it can be linked with the data of other sectors and so we are collecting data for other purposes, then that again would require further investment in making sure that all the data systems within the community legal sector are modernised, not just a proportion, number one; number two, that there are the personnel who have expertise in data to ensure that that happens.

Just one other thing I was going to mention, in terms of legal services sharing data it is just really considerations around confidentiality, because as you would be aware, we are subject to really strict confidentiality requirements. Of course there are risks where we disclose data which is not properly de-identified that we will waive legal professional privilege, so it is just being really careful that even if the data does not have the person's name, if it has granular detail even without the person's name where that data could be identified or linked—it is just care around that as well.

Annabelle CLEELAND: Caroline, can I ask you to explain the gasp? And be honest, because we need that feedback.

Caroline COUNSEL: It is the cost impost on legal services. We know how stretched that sector is, and we know that any imposition on community legal centres that are already stretched is not going to work. It will fail from the get-go. If we are going to do this, it has got to be consistent across the board, and that is why language matters, as I said before. We need to make sure that it is the same terminology that is being used by all frontline responders, so it would have to be coordinated. And then you have to invest—and hence my opening statement—in the infrastructure of data collection. You cannot hope to pass that cost impost on without some sort of recognition that it is an investment in ascertaining the information that we need to then better inform ourselves about where we go to next.

Once upon a time I was borrowed from the profession to sit at the court, and this was the Family Court in those days. I remember being given a sheet of paper for information collection, and if I so much as looked out a window and watched a leaf fall from a tree there was a box I had to tick for that, which is great, but the cost impost is on somebody who is trying to service a target who is sitting in front of them. Their main focus is on helping that person and helping them navigate their way through a complex legal system. The last thing they are going to be thinking about is, 'How many boxes do I have to complete to be able to best identify?'—and sometimes it is not immediately apparent, even when we are working with people at the coalface, what their needs are or what the issues are, so that is a conversation. It is like opening a tiny tin of tuna to find an ocean of issues underneath the tiny little tin. It is complex, and it is going to be time consuming and there will be a cost. If there is a commitment to bear that cost, fine, but I would be concerned on their behalf.

Patrick COOK: Can I just add too: for VALS and CLCs the national legal assistance partnership from the federal government is a major source of our funding. We have to do a whole bunch of reporting for that through the state government single funding agreement, and some of it is really archaic. We have to report on how many stakeholder meetings we have over a six-month period. I do not know what value that is to the federal government. It is maybe a record that we are busy or something, but I do not think it articulates where the demand for our communities is and stuff. So I think there is a whole bunch of reporting stuff linked to our front end that could be tidied up so that we are recording this sort of information that is better for us and government and the community to understand where the demand is rather than having a paper trail that we are busy. We are always going to be busy. As part of NLAP the ABS has been trying to build up a regular report on legal need based on the CLC data that comes back through NLAP, and it has been a nightmare. It has been ongoing for 12 to 18 months because of many of the issues that are discussed. We have different reporting techniques internally, and lining up the definitions and stuff is very difficult. VALS has five legal practices—criminal, family, civil, then we have a child-specific one and then a sort of police and public sector accountability practice. They need the data to be useful for them internally, and sometimes that means they are doing it differently internally. So even we have difficulty making all of our data consistent enough to be useful, to have that bigger picture, let alone across the sector, where different organisations are reporting differently.

Rachael PLINER: I was just going to quickly add, with the multiple funding streams, on average community legal centres have about seven funding streams, but that can be much higher. There was one community legal centre that had 48. And all those funding agreements, or most of those funding agreements, have different reporting requirements. There is no standardisation. So I think if the aim is to collect consistent data for the purposes of our family violence data portal, for example, the first step is to make sure we have standardised reporting across all the funding streams. Asking under-resourced services—this has already been mentioned—to report so many multiple, different sets of data to different funders and for different funding types, and then on top of that to report a different type of data for a funding portal, you can see that those with stretched resources really do not have the capacity to do all that.

Annabelle CLEELAND: I do have a supplementary, but I will just share it with my colleagues in case we run out of time. I will ask at the end, if that is all right.

The CHAIR: Thanks, Annabelle. Christine.

Chris COUZENS: Thank you. I will start by acknowledging the original owners here, the Wurundjeri people, and pay my respects to ancestors, elders and of course all Aboriginal and Torres Strait Islander people here today. Thank you all for your time this morning. We really appreciate the written submissions as well as you turning up today. Thank you very much for that.

Juergen and Pat, I have got a couple of questions in your realm. In relation to the First Nations data sovereignty, there is a target in Closing the Gap around data. Do you see that as being an opportunity in Victoria, given that we have signed up to that agreement?

Patrick COOK: Yes, for sure. I definitely think it should be one of the drivers for that—definitely. We talk to our ALSs across the country, and I think New South Wales and ACT feel a bit more comfortable that they are progressing on working out some practical examples of what Indigenous data governance and Indigenous data sovereignty look like. I think it is a change of business for bureaucrats to have to allow a community to have input into how they collect that data. Particularly, it is not for VALS to come in and tell a department, ‘This is how you should collect data on Aboriginal people.’ All the traditional owners across the state should have a say on how they want that data collected about their communities. I do not think that is a strong suit for bureaucrats at the moment. They like to just come to, say, VALS and VACCA and VACCHO, those big peak bodies, and just say, ‘Tell us the answer.’ It is more a community-by-community solution, if it is true data sovereignty. But yes, we certainly hope that Closing the Gap would be an opportunity to drive that work. A data report from last week and the Productivity Commission report on Closing the Gap earlier in the year sort of speak to those mechanisms being very slow, if not dysfunctional. It has not really produced much at the moment, unfortunately, but yes, I think it is a vehicle where we would like to see far more movement, and it is really important to us.

We do our best to work off our practice experience and the feedback we are getting from our clients and the communities that we support, but it is difficult for us to really get down into the specific stories of the people in our communities that have very difficult intersectional issues. We really wanted to do some policy work on the experience of trans Aboriginal people, but even doing work on Aboriginal women and their experience is really hard, because the data that is collected generally is so top-level, and we are lucky if it expresses any sort of story about Aboriginal people. Maybe it is by gender and maybe it is by age but probably it is not in that much detail.

So it is really hard to express these stories that are further out, and it is a very diverse population even though it is small. There is obviously a regional–city divide in the experience of our communities, but even in Melbourne there is a large population in the north, there is a growing population in the west but even the east and the Mornington Peninsula have large Aboriginal populations for the state—but it is much more spread out than, say, the north or the west. Obviously there is a decline in the community around Fitzroy and the public housing there. But they are all different experiences too, and they need different service delivery supports, and it is really hard to analyse any of that through the data that is currently collected. So it would be really great if we had Closing the Gap driving the sort of data collection that spoke to all of those different experiences.

Chris COUZENS: Yes, the regional ACCOs as well.

Patrick COOK: Yes, for sure; definitely. But we do just have all those difficulties. The cost of setting them up, particularly, is big. I think Australia generally is not great at collecting good datasets. Not that it has necessarily helped them progress towards solutions, but America collects, say, a lot more information, and publishes it publicly, about the criminal legal system, so you can get a much more refined image of what is happening there, even though that has not helped progress a lot of policy in that space. But in Australia and even in Victoria when we are trying to do legal needs analysis we are often pulling a bit of something from the census and a bit of something from over here and trying to overlay them to tell a story. But you do not know what you are losing, what you are missing in those spaces. So, yes—maybe that was a bit long-winded, but Closing the Gap should be something that is driving that.

Sorry, the last point I wanted to make is: I guess we are talking about the sort of quantitative datasets that we might produce, but I do think, at least until there is better infrastructure around that, we need to be telling more qualitative-data stories to tell some of those more marginalised stories, because the quantitative data is not really going to exist for a long time.

Juergen KAEHNE: Yes, and it is not only a diverse client base but a traumatised one. To ask clients to retell their story again after having possibly lived through a family violence application that has led to a child protection matter that has led to a family law matter and has gone on for three or four or maybe more years—the last thing they would like to do is talk about it. So to get the human data that Pat was talking about—we really try. We have tried to get that—and we do not push it—but understandably no-one wants to talk about that.

Patrick COOK: I might also just flag up I think the *Ngaga-dji* report by the Koorie Youth Council stands out as an amazing piece of work. For an organisation that has got next to no funding to put together such an amazing piece of research where they spoke to 42 Aboriginal children with lived experience of the criminal legal system, the way they were able to tell those stories was just so impressive and really best practice. I would love to see Closing the Gap funding for Aboriginal organisations to do that kind of work. It does take some very dedicated people, but it always includes needing a fair bit of resources. I think KYC got some resources to do that because there were a few incidents around youth justice in the preceding years, and the government I think agreed to help expand that story. I think that stands as a great example of where we could create datasets that give some really rich information about what is happening in specific communities.

Chris COUZENS: In your submission you talk about a longitudinal study of people using violence who were in a behaviour change program. Can you just expand little bit on that and what that would look like?

Juergen KAEHNE: The behaviour change programs—we feel they work, but (a) there are not enough of them and (b) the ones that are available have waiting lists around the block for them. Often they rely on the user of family violence putting their hand up and going, ‘I actually want to change.’ If there were enough of them—and there are not—we would like to see them integrated into orders that courts make that make people attend those programs. The whole issue of family violence is that it is a legal issue at the very end, but it is a societal issue at the start. It is changing societal behaviour; it is the not-very-politically-correct term ‘societal engineering’. But we do need to change the way that people behave from the start, so people know that that behaviour is not right, it is not acceptable, because we are just dealing with the end product. And that does not just mean facilities, it means public education in the same way that we have ‘Zero tolerance’ written across a bus or ‘No means no’ written across a train. It means other things. It means more subtle forms of societal change broadly, and we are not investing in that. While we do not invest in that, all of our investment goes down here, and that is not enough.

Patrick COOK: An organisation physically close to our head office is Dardi Munwurro, which runs men’s behavioural change programs really successfully. Uncle Alan Thorpe is an amazing leader doing really fantastic things. I think as a representative of ours I should plug you funding us first, but Dardi could certainly do a lot of amazing work if the Victorian Government wanted to open their wallet to them. When you see the work on the ground, it is amazing, but it is really hard for an organisation to do the research to show that to future funders that might fund expansions. Particularly when you are a frontline service with little funding, you want to put all of it into the service delivery. You want to put it into the people you are helping and the community you are helping, so it is really difficult to try and find the capacity to fund those studies. That could be another thing that Closing the Gap and the government do with Aboriginal communities, to try and find those examples of best practice and do the research to prove that they are.

Chris COUZENS: Great. Just one more quick one, if that is okay: you were talking about the police and misidentification and those issues. I think someone said something about increasing training was a key issue there. They also have, I think they are called Aboriginal liaison support officers or something like that.

Patrick COOK: The title changes every now and again.

Chris COUZENS: Yes, I know, and different people float around too. Do you think that is useful, or is it really just a surface thing that is not working?

Patrick COOK: Well, I think it has been funded in a way that it is a bit of a surface thing that is not working. I think there are individuals that do amazing work, but that model is replicated throughout the legal system. There are also liaison officers in prisons and stuff. I think the issue with the prisons is there is usually one Aboriginal worker and they do 9 to 5, but the prison is 24/7, and they need holidays and sick leave and stuff. I think it is a bit the same with Aboriginal staff in police. They are often the only person. They are often culturally isolated in those institutions—there are some communities around the state where I would not wish on anybody to be the Aboriginal worker in particular stations. So I think the model is not perfect, but I think when we think about addressing misidentification and issues around family violence more often we do want more of those sorts of workers in the space to help better decision-making happen. I think training is certainly important, but in some respects the amount of legislation that governs police powers is massive. The size of the police manual is huge. I do not know who has read it cover to cover, particularly if you are a frontline police officer. As well as everything else that changes, it is really difficult, and they already have to do a huge amount of training. Most of it ends up being these online click-through things, and every coronial inquest that I have been to while working at VALS that involved a police officer, they did the training but they could not remember any of it. So I do think funding other roles so that it is not just police making that decision on the ground but they have got to come and talk to, whether it is an Aboriginal worker in police or whether it is a practitioner from the legal family sector or the community family sector, just to have somebody with expertise there to help drive better decision-making would be incredibly useful, I think.

Juergen KAEHNE: I will just add quickly to that. As with almost all of these forums we attend, what it comes down to is a matter of resourcing. I mean, if there are not going to be more Indigenous liaison officers, which there probably are not, then training becomes the fallback issue. And the issue is, will someone do it and will it be done effectively? So again it comes down to a matter of resourcing, unfortunately.

Chris COUZENS: Thank you.

The CHAIR: Thank you. Chris.

Chris CREWITHER: Thank you very much for your submissions and your evidence today. We heard in the evidence so far, particularly yesterday, significant problems with existing data systems—for example, difficulties in using databases like IRIS, every AOD service using different client management and data systems and problems in the sharing of data. How do you see Indigenous data governance and sovereignty best being achieved, particularly noting this current disjointed general data environment, and how can it be best achieved while ensuring optimal sharing of data to reduce family violence?

Patrick COOK: I guess I would just go back to some previous comments around, it is not particularly for VALS to get into the specifics other than to say each community should have a say around what is collected. And I guess that discussion around when we are getting into trying to find out some of the really difficult cases and finding data that tells their stories, it is probably going to be hard to do that in a short time in a quantitative dataset, so there probably needs to be more funding put towards better qualitative datasets on a regular basis to tell those stories. I think the Koorie Youth Council in another sector—the criminal legal system—is a good example of something that would work for our communities in terms of creating that information that tells the stories and helps direct funding and decision-making. Did you want to add anything?

Juergen KAEHNE: No, I cannot add to that.

Chris CREWITHER: Thank you. That is all for now.

The CHAIR: Great. Thank you. Heang.

Meng Heang TAK: Thank you, Chair. I guess my question is to all witnesses but more directed to Caroline. In your 40 years experience working with targets of family violence and people using family violence, what do you believe are the key skills that frontline service staff need to have to enable the accurate collection of sensitive data?

Caroline COUNSEL: I think you start with training first. Training is what will then inform the skill base, and that training has to be informed across all sectors. Part of the difficulty is each person possesses a piece of a jigsaw puzzle, and what we are not necessarily doing is putting that jigsaw puzzle together, which is why I talked about the coming together before the royal commission in terms of actually working out what works well

in the sector. Are there men's behavioural change programs, for example, that work well in the sector? Same with learning about how to respond to targets of family violence, but equally important how to respond to perpetrators of family violence. It is vitally important that lawyers in particular, whilst representing perpetrators of family violence or those that use family violence, learn the art of representation—putting forward their best case—whilst not colluding with them.

There is no end of learning in relation to this sector, because the more we learn and the more the individual narratives come forward from people who have either perpetrated or experienced family violence, we are refining our thinking about what is family violence and what would work better as first-line responders or second-line responders, because lawyers are often further down the food chain. It might often be government services, police, ambulance officers. It might be a magistrate out of session. Those people tend to come across the recounting of the initial narrative. You have already heard about misidentification—it is a big problem. So there would have to be skills to be skills: have we in fact got the right perpetrator here? Is this the perpetrator or is this not the perpetrator? How do you unpack that and undo that very quickly to ensure systemic abuse does not then flow?

So it is really about literally being respectful of everybody that is working in the sector, ensuring that we have a means and an ability to speak to each other and not be compartmentalised, that we are able to share information and we are actually able to continue the conversation. This is not a conversation that happens once in a life cycle—it has got to be continuous, and I do want to pick up on the importance, for example, of raising the awareness of the entire community. Vitally important for lawyers, disturbingly, and this has been something that I have talked about in other fora: we have no compulsory training around family violence. General medical practitioners have two hours, I believe, in their lifetime. I do not know if that is still the case. So training, education and the ongoing conversation about what is family violence, who is a perpetrator and why do they.

That is where the data collection that we are here to talk about today is so important, because it goes on informing a continuous improvement, if you will, in relation to who are we in the sector, what services are we offering, what problems are we solving and are we doing it to the best of our ability. Are we still learning from each other? So that is a big question, it is an important question, but you have got to start somewhere.

Eila POURASGHERI: Can I also add to that: from legal aid's perspective, we have duty lawyers at Magistrates Court that are often very stretched, with court lists being very long, and certainly with our colleagues at community legal centres. You need time to take good data, and often in those highly pressurised environments lawyers may not have the luxury of time to be able to collect data to the fullest accuracy that we would like. I think the other thing is family violence is dynamic, so things change. We have to be able to access the risk at that time when it is needed, and I think that is what Caroline said in terms of being able to have access to information is really important.

Meng Heang TAK: Rachael, did you want to add to that?

Rachael PLINER: I absolutely agree with what Eila said in terms of time. I think an example is at the specialist family violence courts we have a pre-court engagement project, where the aim is for lawyers rather than seeing a client 10 or 20 minutes before the hearing is about to start—so it is highly pressurised and then of course they are also being asked to collect data in that context—that is very difficult, as has been mentioned, there is a project. We have got funding for the next financial year, and then it lapses. It is the pre-court engagement project. The aim is for victim-survivors and people who use violence who have family violence intervention order matters to get legal advice before court, which allows them to make informed decisions based on the legal advice about what they would like to do at the hearing. It allows them to be linked in to other services or to identify other interrelated legal issues, like family law, and also possibilities for resolution before the matter gets heard with the other side. That is an example where, if there is sufficient funding, you are allowing legal services to have more time with clients. Of course the demand in family violence intervention order lists is so high at the moment that the demand is exceeding the capacity even with services like the pre-court engagement service. But that is a good example, subject of course to demand.

Juergen KAEHNE: I think Rachael was talking there about the early resolution scheme, or the new iteration of its name there. It is a great scheme, and it works. We have a dedicated lawyer using that, and it does work to keep matters out of the court system. The issue with it is that there was a period of funding for it, then it stopped, then there was a little bit more and then it stopped, there was a little bit more and then it stopped. We

cannot keep people like that. To properly resource that we need to know that it is going to be ongoing or at least go for a period that is not going to be two months, maybe another three, maybe another two. That has been a problem across the sector. Programs such as that are great ideas, but unless they are going to be ongoing and not just an idea that is going to stop despite them being good ideas, they are no ideas at all.

Meng Heang TAK: If I can come back to the quality of data collected, is there a difference between metropolitan and regional areas?

Patrick COOK: Just specifically in terms of the quality?

Meng Heang TAK: The quality, yes.

Patrick COOK: I mean, we are so light on data I do not know that we can really hugely speak to it. I think from the Aboriginal experience, as I was saying before, there may be some times where even regional versus metro is not breaking it down enough. There are lots of differences across regional Victoria in Aboriginal communities. Up in Mildura there are very big, strong communities; in other areas, maybe Morwell, there is less formal structure around the community and so there are very different experiences. And then with some of those city experiences that we were talking about there are regions within the city where the community have very different experiences. I guess, like Eila was talking about, we are usually lucky in the dataset if it breaks it down by Aboriginality and if it then breaks that down by gender. We do not really get great data across the regions. We have our own internal data that speaks to some of that stuff, but we have to put a lot of effort into cleaning it up so that it is useful, and we are on a journey for that process. I would say they are definitely different experiences and there is probably not enough data to give a good picture of it.

Caroline COUNSEL: And the Law Institute of Victoria has identified that that is an issue as well, particularly where you have got a high incidence of family violence, such as in Mildura and in Gippsland. So we do know that there are areas around Victoria that are plagued by a greater incidence of family violence, but again the data is scant. More particularly, I am concerned culturally about what might be going on with first-line responders in a country setting, in a rural setting. You have to be very careful about what is collated there anyway, because there is not that consistency in approach, attitude, education, understanding and comprehension of working with the Aboriginal First Nations people or indeed with the culturally and linguistically diverse. We know that there are any number of businesses, for example, that are flourishing in regional and rural Victoria because there are incentives for them to do so. You have pockets of CALD individuals who are also experiencing family violence, but you do not necessarily have, as you say, the boots on the ground, particularly amongst Victoria Police members. They are ill equipped to know how to identify and how to work with those people—so scant data. We do know that there are hotspots, but we need more information to be able to then target the delivery of services across Victoria.

There is that concept that we are all familiar with, which is postcode justice, and what we do not want to see happen in the state of Victoria is for people to receive or experience a different approach simply because there is not a unified approach or understanding of these dynamics. And it will affect data collation—it has to. If you are not aware, you are not going to see what maybe a colleague in the metropolitan area will see.

Patrick COOK: I might just also add, sorry, that we have been talking about using CLC data to help tell some of these stories. A lot of our data just reflects how poorly we are funded. So if you looked at our data on the Aboriginal community, about 50% of Aboriginal people in Victoria live in regional and rural communities, but until recently we probably only had about 20% of our file work out in those communities. That is just because, being poorly funded, we were very centralised in metro Melbourne, and it is hard to get people out into the courts on the weeks that they are operating in the regions and stuff. We have been building up our regional offices and staffing them up with lawyers, and in the cases where we do have lawyers out in the regions, we have seen huge growth of 100% in a year in the work that we are doing there, thanks to funding that the Attorney-General has helped us secure. But that does not reflect anything about family violence. That reflects the peculiarities of our funding.

Meng Heang TAK: Thank you. Thank you, Chair. I will leave it there.

The CHAIR: Cindy.

Cindy McLEISH: Thank you. Our specific terms of reference are about capturing data on the profile and volume of perpetrators so that we can get a better understanding about what might happen with particular types of people. Putting misinformation aside, it seems a lot of the information that is captured is captured by the person who is reporting the violence, or the target, rather than the perpetrator, the person using violence themselves. Now, being in the law, you would see more of the persons using the violence,—getting that information, having those discussions—because if you look at the data that the police collect, most of it is from the person who has reported it about their partner, about their child or whatever. What information is missing about those using family violence that should be captured? There is a lot of under-reporting. You have all talked about under-reporting. Well, you must see it: what is missing? What do you know are key factors that we do not know, that are not picked up? Anybody?

Patrick COOK: I might just start by talking to some of what you were speaking to. Given the hyper-gendered nature of family violence, we do specifically often work with the user of violence because often they have come to us for other legal supports, typically often criminal. It has been an issue in the Aboriginal legal sector for the 50 years that we have existed. That is why 20 to 25 years ago organisations like Djirra, the women's family violence legal services were created, because we are often conflicted out of helping the women. So we do specifically –

Juergen, I do not know if you want to talk to any of the intricacies in what we see come in through there, but I think it is not about necessarily not knowing the issues that those people using violence have, it is just that the stories are not told enough well enough for people to understand the scope and urgency of the issue. A lot of them are long-term issues around not having secure housing and income, not having access to the education and health support services they need and those sorts of intergenerational issues happening. Obviously family violence is not specific to one demographic or class of people, and it affects people of all different education and wealth levels and stuff like that, but I think there is usually some sample of those underlying issues no matter how well educated or wealthy they are. The preventative support services and the sorts of things we were talking about with Dardi Munwurro, those services are doing great things, but they do not get the funding that they need to help everybody that is engaging in those behaviours.

I think despite there being a lot of attention on this issue for a while now—and I think across the media sphere it gets attention in the *Herald Sun* and the *Age* and that sort of stuff—I still do not think some of that reporting really helps people understand the urgency and scope of the issue to a degree that it causes us to support government and Parliament to invest the way they need to in the solutions that we know are there. We know misidentification exists, we just do not know the scope and specifics well enough to engage in that. We know the underlying causes of family violence and how to address it, we just do not put the resources into it.

Juergen KAEHNE: I guess what we do not know—and it is because people do not want to talk about it—is the backwards from there. So Pat was talking about a lot of factors that might influence behaviour. We deal with a lot of perpetrators that do not want to talk about stuff. Rightly or wrongly so, we do not get that information, we get the information that is needed to get them through court on the day. The second part of the answer, I guess, is I am not quite sure that pieces are missing—we have all got individual pieces that we could join together, but it is getting it together on a uniform and consistent basis so that each of us understands each other's language. That takes enormous investment, but ideally, by each of us putting our pieces together we would get wholesome picture. But again, that is an enormous investment.

Caroline COUNSEL: The more compartmentalised the sector remains, the less informed we are, and that has really been one of my bugbears I suppose. That either there has not been the will or it might have been intentional to segment us, and we have had to privately go about bringing ourselves together to stay in touch with each other, to continue to communicate with each other, to learn from each other, and I think there would be structurally a much better way of doing that because I admire both Patrick and Juergen for trying to answer that question, because it is almost imponderable. You know, what are we missing? We do not know what we do not know, but I think that Patrick has mentioned the scope of it, and it is enormous. It is so prevalent. So to come up with a list of characteristics or traits relating to a perpetrator—how long have we got? That is the problem. And the more manipulative and the more cunning and the more able and nimble and motivated the perpetrator is—and this is not necessarily something that they consciously wake up with in the morning, saying, 'I'm going to outsmart my target. I'm going to use clever weasel words, and I'm going to make their life a living hell'. They do not do that. It is just there. It just is. It just exists. It is part of their DNA. And it is about identifying: where is that DNA? How do you alter, how do you rewrite, that DNA of behaviour that seems to

be so pervasive in our community? This is that cradle–grave learning, and I think government does have a role to perform in saying, ‘No, we will not tolerate it. We will not tolerate this set of behaviours in our community, because the cost is too great.’ And the people we have not necessarily spoken about at all are the children.

Cindy McLEISH: Well, that was my next question, because I hear a lot about children more and more—in schools, on their families, on their parents, sometimes on their siblings. And we tend to think violence is within, you know, the relationship of the parents, the adults, but more and more it seems to not be. And that is a further question: what is happening that children are doing that? But I am still—you know, if you have got any –

Eila POURASGHERI: I guess, just to go back to your first question, when I spoke in my opening about how we are very much around incident-based reporting, I think, if I can echo, we widen our view there and take a much more systemwide look at how family violence is being perpetrated and collect that data in a consistent way. In the legal system, as I mentioned too, family violence features in a lot of different jurisdictions. So you have the state and the federal divide happening, particularly in family law, where that is a heightened time in people’s lives, particularly children’s, where there is a heightened risk at that separation time. So again echoing what my colleagues have said about that, uniform, consistent investment is where we will get a fuller picture.

With children and young people, I think, again going back to contextualising it and understanding where the child and the young person’s experience is, often, as Rachael pointed out too in her opening, the young person or the child has experienced family violence. They might have experienced abuse. So it is understanding those dynamics and contextualising it. Otherwise we are back down that pointy end and we are just responding to what is coming up in a crisis rather than the core problems sitting underneath.

Cindy McLEISH: That understanding is so important for us.

Eila POURASGHERI: That is right.

Rachael PLINER: I agree with everything. I agree with what my colleagues have said and particularly agree with what Eila said in relation to data for profiles of people who use violence. It is connecting the data, because different organisations and different services within the family violence system and beyond that are going to be collecting different information. I think, just to add one more thing, also what would be good if you are interlinking data across legal, justice, AOD, health services and both state and federal legal systems as well—family law, family violence intervention law systems—would be actually to just try and understand systems abuse along all those points. That would be very, very useful. Did you want me to answer the question around children?

Cindy McLEISH: Yes, but I am conscious Jackson has not had a question yet.

Rachael PLINER: Yes, that is okay then. I do not have much more to add than what has already been said.

The CHAIR: Perhaps if there was anything else that witnesses wanted to add on children, you could provide that on notice to us. Thank you. Jackson.

Jackson TAYLOR: Thank you, Chair. Thank you very much, all, for coming along today. I wanted to ask: what impact has the VicPol family violence training centre and further training for employees had, how can this be built on and what practical steps can be taken by Victoria Police in helping with the issue of misidentification?

Patrick COOK: From my previous answers you can probably guess that I do not think there is anything that it has really had an impact on. I think a lot of these things are more sort of artifices for the bureaucracy of Victoria Police to say they are doing something rather than to actually deliver change. I think government needs to address that culture, and we have talked about the need for an independent complaints body to sort of drive some of that cultural change. I think you could probably have a royal commission into police misconduct and some of the cultural issues associated with that so that we could get a better understanding amongst the community around that. I think decisions around some of the police hierarchy and who gets to be leaders in Victoria Police probably needs to change as well. Yoorrook had a lot of evidence about Aboriginal cultural awareness training during the trainee program, and it was bad. There are these sorts of artifices where they go, ‘Don’t worry about this problem, we’re addressing it,’ but then what is happening on the ground is really not working.

Juergen KAEHNE: Yes. I do not want to be seen as wholesale police-bashing here—I would hate to do their job—but the training is part of their response in the family violence manual. Again, when you have police saying they are overworked and willing to write slogans all over their employer’s vehicles, I cannot see how they want to do the training. This is not a Victoria problem; Northern Territory and Queensland have the same issue and WA has the same issue. But as Pat said, it is an inherent issue from the top about how we change culture from the top down, and that is not happening. We can force training from the ground up and say, ‘Here, you do it,’ but if that is not something that is supported from the top down, that just washes away. And that is what is happening. All the tick-box training in the world is not going to change how police operate.

Jackson TAYLOR: Did anyone else want to add any practical steps around assisting with the issue of misidentification that Victoria Police could take?

Patrick COOK: Beyond fixing the institution, some of the more specific things we talked to about include having police not be the only answer or the only people responding to these issues and having people with expertise and a broader understanding to sort of counter those biases that remain within the institution.

Juergen KAEHNE: It is difficult. If we are looking at changes, the way they approach family violence call-outs needs to change. The factors they look at need to change. Those factors, as I said before, are inherently biased—inherently gender biased, inherently racially biased. Anyone could look through those when they are busy with the call-outs and could easily pick up the first available heavily weighted factor there and run with it, and that is what they do. They take very little time to actually look through all of the factors and think, ‘Well, is there something else here?’ They pick the first one that, I hate to say it, suits the timeframe and run with that. Until those things are changed and those factors are written in a non-biased way, nothing will change.

Patrick COOK: I might just add too, where we do see good, or at least better, things happening in different regions, it comes down to the leadership of the police station. Generally I would say what typifies good leadership at that local level is a command that is engaged with the local communities that need the support the most and a command that is open to criticism and addressing it. Sometimes if something is going wrong for one of our clients, we have to escalate it up the line to commanders, and some will just put a wet blanket on it and protect their staff member and others will engage. I think that sort of leadership thing happens, but I do not want to say getting good leadership is a silver bullet, and getting good leadership in Victoria Police is very difficult because the institution creates the leadership and the institution is broken.

Caroline COUNSEL: Just picking up on that point that VALS have mentioned about the police—and indeed others of my colleagues here today—not being the only ones that deal with misidentification, for example. But also you can imagine if the police are working in a collaborative unit and they are learning from other colleagues who have different skill sets, that makes the police already more accountable, more visible in terms of their decision-making processes, and therefore you have elevated learning because you are learning from each other. You have a better approach being synthesised and then embedded and then replicated, and you do not suffer that replicative failure simply because there is a lack of leadership in a given area.

I have seen things work very well at the federal level from a family law perspective that have then failed because that building block of collaborative information sharing and knowledge has been taken away from us, and then you bemoan the fact that you had a perfect recipe for solutions removed. So here we have an opportunity to build or engineer a more perfect—it is never going to be perfect—attempt at trying to wrangle these issues where the police are not the only people making the decision. Even if it is a call-out of two—because they will often split the couple; one will interview one and one the other; whatever—but if you inject that with an overarching skill set that is different or a different lens, then you have the potential for growth.

Jackson TAYLOR: Chair, I have just got a very, very quick question for whoever is the keenest to answer it. We have talked a bit about training, but I just wanted to ask: what would that look like and how could it be delivered in terms of understanding the importance of data but also capturing it? I am mindful of time, so it might have to be a reasonably quick answer. I just really wanted to ask that question.

Patrick COOK: My quick answer is in person and regularly.

Jackson TAYLOR: Thank you very much.

The CHAIR: Annabelle, you had a question perhaps to take on notice.

Annabelle CLEELAND: I do, if that is possible. Also, you are so articulate that I have written down some quotes that I think just summarise everything. It is excellent. But I just wanted to ask, Rachael: you mentioned in your opening remarks about multi-agency. Could you just maybe send to us who needs to be involved in that exactly and just really break it down for us when it comes to developing this potential framework?

Also—this might be on notice unless there is a quick response as well—we have spoken so much about mis-ID, misidentification, and the impact but not the process of rectifying misidentification from a legal perspective. If you are having to change that narrative, what is the timeline on that? How much does it linger permanently on someone's profile? We understand from a L17, an instant report, how that is just a moment in time—that they stand by not manipulating the narrative—but understanding from a legal lens what that mis-ID means for your profile forever would be really great, and the timeline associated. If you have got any explanation around where the delays are in that timeline to address mis-ID, I would love to hear that as well. Our Secretariat might flick you those questions, if you do not mind. I appreciate your insight.

The CHAIR: Thank you to all the witnesses for appearing here today and contributing to the inquiry. The Committee greatly appreciates the time and effort you have taken to prepare for today and also the submissions that you have made.

We will now take a short break before our next witness, and I declare this hearing adjourned.

Witnesses withdrew.