

# Notes from meeting on 3 September 2024

## Legislative Assembly Legal and Social Issues Committee (Chair) meeting with Victim Survivors' Advisory Council

The Chair of the Legislative Assembly Legal and Social Issues Committee met with representatives from the Victim Survivors' Advisory Council (VSAC) to discuss the Inquiry into capturing data on family violence perpetrators [people using family violence] in Victoria.

VSAC was created in July 2016 to give people with lived experience of family violence a voice and ensure they are consulted in the family violence reform program. VSAC comprises 15 members and represents the lived experiences of people from different ages, genders, demographics and communities across Victoria.

### General

- Accountability for people who use family violence looks different to different people.
- It is important to acknowledge that the burden of data collection often falls on victim survivors, and they need to be believed, supported and safe.
- Choices between reporting and staying in an abusive relationship are made every day by victim survivors who consider the impact reporting may have on all relationships in their lives and the lives of the person using violence. This is further complicated by socioeconomic status.
- VSAC members discussed the importance of preventing intergenerational violence.
- Cohorts such as youth, older Victorians and faith leaders who witness family violence often try to 'keep the peace' and need to be encouraged not to keep their silence.
- Where a person using family violence is in jail, they may use the completion of a men's behaviour change program/other interventions against the victim survivor.

### Data collection

- Police (through L17s), The Orange Door, Corrections, and Courts all hold a lot of data on people who use family violence but how you extract it is a tricky question.
- Barriers to data collection include misidentification, cultural barriers, the form of violence used, and having the language and knowledge to recognise and explain the behaviour.
- There is a need to broaden data collection to look at intersectionality and consider CALD communities, older Victorians and sexual violence.
- When analysing data, those who are excluded need to be included (for example, young people, and CALD and First Nations communities).
- Noting the dynamic nature of family violence (often people using family violence are also victim survivors), data needs to be collected from the family as a whole
- Improvements need to be made to allow people to inquire about charges and allegations against high risk individuals when starting a new relationship (as is the case in Queensland).
- Despite the introduction of MARAM and a whole of system approach to data capture, currently organisations are not funded to align their policies and practices to MARAM.
- VSAC members discussed a population-based survey and noted:
  - anonymity would be essential
  - it would need to have the trust of the public

- the results would be dependent on people understanding what constitutes family violence (for example, older communities do not have the language about family violence and people who use/have experienced violence may think it's normal)
- a survey will not capture children
- the possible adverse effects on a victim survivor undertaking a survey and disclosing their stories, both on their safety and mental health.

### **Elder abuse**

- Older Victorians experiencing violence from a family member are not likely to report to police for fear that person may lose their job or suffer other repercussions. In regional areas, family violence centres and community legal centres are more likely to be approached.
- Many older Victorians feel vulnerable and there is no mandatory reporting mechanism for elder abuse. VSAC members discussed the possibility for banks and health services to identify and report family violence against older Victorians (for example, where bank withdrawals are suspicious).
- Older Victorians can be dependent on the people using violence which makes seeking help difficult (for example, they may not have computer literacy).
- Powers of Attorney completed in Victoria may not be recognised outside of the State.
- There is no central reporting agency for elder abuse (for example, it may be that the person using family violence broke things in the house and this needs to be reported somewhere).

### **Children and young people**

- The nuance of the experience of children and young people as victim survivors needs to be better understood and is often overlooked.
- Returning children to their homes after they have fled can be detrimental to the child and perpetuate family violence.
- Misidentification of young people as the primary aggressor when police are called to an incident is a significant issue. Police need to be better trained to interact with, and ask questions of, children and young people.
- Unaccompanied help seeking needs to be improved, noting that mandatory reporting through schools often leads to a report being 'referred and closed', where action is not taken by services.
- Children are 'missed' on the L17 form, and not captured in data when the case is referred to The Orange Door.
- The system is not designed for children and young people.
- Data collected from children should be given the same weight as information provided by adults. Children can be met with 'doubt, suspicion and dismissal'.
- Risk assessments of parents who are the victims of violence should not be used as a risk assessment for children in the family, as they have their own relationship with the person using family violence.

## **Appendix A: Summary of VSAC notes prepared for the meeting**

## **Collecting Data on Perpetrators of Family Violence**

### **Capturing data on different forms of violence**

- Is the aim to get information on types of violence?
- Is the aim to get the number of people perpetrating violence in Victoria?
- Is there consideration for capturing data on repeat offenders?
- Capturing data on perpetrators when V/S do disclose requires a shared understanding of FV - a whole of system approach
- When does data on perpetrators expire?
- Needs to be an understanding of the individualised nature of some forms of violence, particularly coercive and manipulative control. These forms of family violence do not follow any general rules. They do not appear the same way in any two relationships. How do you intend to capture that data?

### **Demographics**

- Will both quantitative (numbers and statistics) and qualitative (stories) data be sought? The use of both will provide a better picture.
- Hard to capture data in cross-border communities if perpetrators use the two jurisdictions to their advantage to abuse the system
- Qualitative data will capture the broader picture better but is harder to analyse. If it is then grouped and turned into numbers it defeats the purpose of acquiring this type of data.
- Is the data to be collected only on male, intimate partner, perpetrators, or all people who use violence?
- In my life there have been seven perpetrators. Only one is a male intimate partner, 86% aren't. Only three, less than 50%, are even male. So much data will be excluded if the definition of a perpetrator is restricted.

### **Believing survivors**

- Until there is a significant incident, or a victim is murdered, the data and stories that victims collect and share is not worth anything to the system
- If there is only an interest in getting facts and figures that are irrefutable', the only way to do this is through court, police and/or hospital records. This will never reveal the true extent of the problem.
- Victim survivors are often not believed in any of these places, nor even in society in general, and unless the data is believed the evidence produced will be dismissed, questioned, doubted and therefore useless. Such data will reflect more about the systems that silence victim survivors than the extent of the problem.

### **Where will the data be captured?**

- Community legal services are turning away 1000 victim survivors per week. Consider this as a place to start.
- Refuges are largely assisting victim survivors at their most traumatised moment. Perhaps this cohort has enough to deal with without answering more questions about abuse.
- Consider mental health services as a point of contact. Many victim survivors present with mental health challenges due to family violence.
- Consider medical clinics and psychologists. These are also often first points of call for victim survivors in distress.
- Consider asking men if they abuse. It seems some perpetrators are quite happy to admit to using violence. A recent survey on the prevalence of non-fatal strangulation proved this.

### **Anonymity and safety of victim-survivors**

- The anonymity of victim survivors must absolutely be protected. Many of us a rightfully living in fear that the perpetrator(s) will find us. Victim survivors will not speak out unless these fears are convincingly allayed. Our lives depend upon it.
- Anonymity of data collection needed
- How will the safety of victim survivors be protected?

### **Children and young people**

- Children and young people - particularly unaccompanied CYP, are very rarely held by the system and seen and believed
- When they do disclose their experiences of the perpetrator, it is rarely given the weight it is deserved
- Child protection data - perps moving onto other victim-survivors - how are we preventing this from happening?
- Police data (L17s) - massive gap in kids being captured on L17s -
- MisID of children and young people as the predominant aggressor
- Nuance of V/S experience - children and young people's experience or 'data' regarding the perpetrator is different to that of the victim-survivor parent
- What weight will be given to the data captured by children and young people