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NGO in Special Consultative Status with the  
Economic and Social Council of the United Nations

Committee Secretary  
Senate Legal and Constitutional Affairs  
Committee  
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Dear Committee Secretary,

**Re: Family Law Amendment (Family Violence and Other Measures) Bill 2017  
and Family Law Amendment (Parenting Management Hearings) Bill 2017**

On behalf of **People with Disability Australia (PWDA)**, thank you for the opportunity to give evidence at last week's hearing in Sydney. We would like to offer some additional information to provide further context to the discussion around references and data collection that was briefly touched upon at the start of our evidence.

A key challenge in the prevention and response to domestic and family violence against people with disability is the lack of comprehensive data.<sup>1</sup> In general, there is a lack of data about violence that has been adequately disaggregated by disability, and that has been collected in an inclusive manner.

For instance, in our submission and in our evidence we made mention of data gathered by the Australian Bureau of Statistics (ABS) Personal Safety Survey (PSS). While this is generally understood as an important source of national data about the prevalence of violence, this survey (like others) does not actively include the participation of certain people with disability within its methodology or sampling techniques.<sup>2</sup> In particular, people who might require some form of communication support, such as some people with intellectual disability, some Deaf people and some people with hearing impairment, are typically not well represented in the PSS.

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<sup>1</sup> DPO Australia, 2014. *Senate Standing Committee on Finance and Public Administration: Inquiry into Domestic Violence in Australia. Joint Submission from National Cross-Disability Disabled People's Organisations (DPO's)*. Available: <http://www.pwd.org.au/documents/Submissions/SubDVSenate2014.doc>

<sup>2</sup> Indeed, the limitations of this data have recently been outlined in: Australian Institute of Health and Welfare, 2018. *Family, domestic and sexual violence in Australia 2018*. Cat. no. FDV 2. Canberra: AIHW. p37. Available: <https://www.aihw.gov.au/getmedia/d1a8d479-a39a-48c1-bbe2-4b27c7a321e0/aihw-fdv-02.pdf.aspx?inline=true>

The PSS also does not capture data from non-private dwellings in which people with disability may disproportionately reside, such as residential institutions. Indeed, the ABS outlines that ‘it is likely that the PSS will under represent those with a profound or severe disability’.<sup>3</sup>

We continue to advocate that nationally consistent measures for disaggregated data collection must be developed to ensure that the prevalence of domestic and family violence against women with disability can be accurately captured. In line with the Final Report of the COAG Advisory Panel on Reducing Violence against Women and their Children, all governments must improve data collection on the forms of violence experienced by women with disability.<sup>4</sup> This must also include collecting data on the involvement of these women in family law settings.

Improved data collection would help in the identification of existing gaps in service delivery, and would allow service responses to be strengthened and further improved for women with disability experiencing domestic and family violence. This would include domestic and family violence services, legal services and practitioners and other supports associated with domestic and family violence and family law.

With respect to the two proposed Family Law Amendments, robust and inclusive data would help to ensure that the family law system is more aware of the disproportionate rates of violence against women with disability. This information would go hand in hand with the provision of disability awareness training and training about the specific, unique and sustained forms of domestic and family violence which many women with disability experience. This combined approach would likely assist family law staff (including, for instance, those involved in Parenting Management Hearings) to more appropriately identify and respond to women with disability, ensuring that they are provided with appropriate and adequate supports throughout the family law system.

PWDA thanks the Senate Legal and Constitutional Affairs Committee for the opportunity to provide this additional information to inform these Family Law Amendment Bills. Please do not hesitate to contact us should you require any further information or clarification of the relationship between data collection, domestic and family violence and the provision of appropriate supports for women with disability within the family law system.

Yours sincerely,

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<sup>3</sup> See: <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4906.0.55.003main+features122016>

<sup>4</sup> Commonwealth of Australia, Department of the Prime Minister and Cabinet, 2016. *COAG Advisory Panel on Reducing Violence against Women and their Children – Final Report*, recommendation 2.6. Available: <http://www.coag.gov.au/sites/default/files/communique/COAGAdvisoryPanelonReducingViolenceagainstWomenandtheirChildren-FinalReport.pdf>

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