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NATIONAL ABORIGINAL AND  
TORRES STRAIT ISLANDER WOMEN'S ALLIANCE

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The *National Aboriginal Torres Strait Islander Women's Alliance (NATSIWA)* thank you for the opportunity to provide a response to the Victorian Legislative Assembly's Legal and Social Issues Committee on the [Inquiry into the mechanisms for capturing data on the profile and volume of perpetrators of family violence in Victoria and barriers to achieving a full understanding of this cohort.](#)

## **NATSIWA**

The National Aboriginal and Torres Strait Islander Women's Alliance (NATSIWA) is the peak body for Aboriginal and Torres Strait Islander women in Australia. The leadership team of Directors are Indigenous women each representing States and Territory across Australia. NATSIWA is funded by the Australian Government to bring together the issues and voices of Aboriginal and Torres Strait Islander women's organisations and individuals across Australia.

## **Background**

Gendered Violence is a national crisis, in Australia the disproportionate number of women killed by their intimate partner has risen by 28% according to the Australian Institute of Criminology report. On average, one woman is killed every nine days by a current or former partner<sup>1</sup>, it should be noted that the women's deaths, in most instances, are entirely preventable<sup>2</sup>. Indigenous women are more likely to experience intimate partner violence than any other population group<sup>3</sup>. Indigenous women are 7.6 times more likely to die from homicide, and killed, than non-Indigenous women. Research into intimate partner homicide in Australian Indigenous contexts has been limited<sup>4</sup>.

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<sup>1</sup> <https://www.ourwatch.org.au/quick-facts/>

<sup>2</sup> Cripps, K. (2023) 'Indigenous women and intimate partner homicide in Australia: confronting the impunity of policing failures', *Current Issues in Criminal Justice*, 35(3), pp.293 -311. Doi:10.1080/10345329.2205625

<sup>3</sup> Australian Institute of Health and Welfare, 2018, p. 83

<sup>4</sup> McGlade, H., & Tarrant, S. (2021). *Say Her name: Naming aboriginal women in the justice system*. In S. Perera, & J. Pugliese (Eds.), *Mapping deathscapes: Digital geographies of racial and border violence*. New York: Routledge

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## **What data on the profile and volume of family violence perpetrators is collected in Victoria?**

Currently in Victoria, data on the profile of family violence perpetrators collected is primarily administrative byproduct data. As outlined by the ABS this data collection can be understood according to six elements; context, risk, incident/ experience, responses, impacts and outcomes and programs, research and evaluation. Different demographic indicators that form the profile of family violence perpetrators, such as sex and age group, Indigenous status, proportion of perpetrators who have previously been a victim, recorded country of birth, relationship between the perpetrators and victim, local government area and recidivism rate. Yet these elements are not always uniformly recorded and some indicators such as recorded country of birth have a high proportion of unknown rates. These indicators help inform environmental, psychosocial factors, community prevalence and incidence, characteristics of the incidence, as well as formal responses.

Due to the diverse range of data collectors, with most primarily being service providers, the nature of data collected on perpetrators is varied and diverse. For example, hospital emergency data will collect information regarding the nature and urgency of injury. Systems linking these different data collections are needed.

## **Volume of family violence perpetrators**

The Volume of family violence perpetrators can at a data collection level only be understood by formal responses. Due to the complex, interpersonal dynamics between perpetrators and victims it is hard to gauge how much family violence is going underreported. According to the ABS in 2022 there were 92,300 family incident reports logged by Victoria Police comprising 68,946 reports of female affected family members (AFMs), and 23,237 reports of male AFMs (Victorian Women's health atlas).

## **Who collects it? When and how is it collected?**

Collection can be separated into formal and informal responses dependant on the type of service being provided, the primary difference here is formal services structurally require reporting and record keeping functions. Formal data collection on family violence perpetrators is mostly managed by service providers, and subsequently data collection is not necessarily the primary function of their role.

The timelines and nature of data collection is directly linked to who is collecting. As part of the detection and prosecution stage, perpetrators who come into contact with the criminal and civil justice system necessitate data collection. Victoria police also play a large role in data collection when responding to an incident, due to the L17 report they are required to fill after responding to a family violence incident.

Treatment and support of both perpetrators and victims also lead to data collection. Emergency providers collect data on emergency department and ambulance patients. Social services such as victims' assistance programs, crime helplines, homelessness services, perpetrator intervention programs, child protection services, crisis support services, women and children's services also collect data.

Prevention is also another crucial layer of data collection, and although not their main intent, as such thoroughness and accuracy of data collection varies, but data collection as an administrative byproduct of education programs, public health campaigns, treatment and rehabilitation does occur.

### **Where is it stored? Who has access to it?**

Following the Victorian Royal Commission into Family Violence in 2016, Crime statistics Agency oversees the maintenance and development of the Victorian Family Violence Database which incorporates multiple forms of data into a streamlined publicly open accessible dashboard interface. Furthermore, the Family Violence Information Sharing Scheme – allows for sharing across different services whilst trying to protect privacy.

### **How could these processes be improved?**

Currently because most data collection of family violence perpetrators is an administrative by-product of the provision of services to victims and perpetrators, there requires more training and funding of service providers in the specifics of data collection. There also requires more collaboration and communication between these different organisations in data collection, to minimise the harms of repetitive and unnecessary data collection. Services providing support to domestic violence perpetrators and victims should be able to focus on their primary service yet that is difficult when they are under-resourced, and understaffed. In turn affecting the quality of the support being given and the quality of the

data being collected. Furthermore, training of these services in culturally sensitive ways to collect data is also crucial, as not to perpetuate further harm to victims and perpetrators. Training should also focus on building an understanding of the value of this data, so care is taken, and processes are prioritised.

Furthermore, data collection of family violence can only occur when the service recognises what is happening. This isn't a problem in the context of social services which provide specific support to family violence victims and perpetrators yet is useful in contexts such as schools, hospitals and other social and health sectors which will interact with victims and perpetrators perhaps unknowingly. Thus, further training for first responders to feel confident in recognising the many complex and diverse signs of different types of family violence. Importantly, training must challenge stereotypes about typical perpetrators of family violence, although there have been expansions to who counts as a family member – might not be understood by first responders, as such incidents of abuse which should be recorded as family violence might go unrecognised. Particularly the complexity of First Nations kinship systems might not be known and therefore instances of family violence might be recorded as general violence. Greater training and education of front-line responders is an important way of managing this. For instance, research shows that metropolitan nurses screen for family violence at higher rates than rural nurses, therefore there needs to be more comprehensive training of rural nurses in the recognition of the multiple forms of family violence that can occur.

There are also complex systematic, cultural and geographical barriers that sometimes inhibit First Nations victims and perpetrators accessing support. Due to systemic racism, there exists community fears of reporting consequences, mistrust of the government and legal systems. The Royal Commission into Family Violence heard that First Nations women feel scared to report experiences of family violence out of a fear their children will be taken away. Research has found that men's violence against women is a primary driver in up to 95% of Aboriginal children entering out-of-home care. There needs to be protective measures in place that protect First Nations women and minimise these legitimate fears and concerns. Experiences of discrimination when accessing these services can lead to an unwillingness to disclose Indigenous identity, especially if the intent of that information is not well understood. Therefore, greater transparency is needed in data

collection processes, ensuring respondents are understanding where their information is going.

Equally crucial part of improving these data collection processes is ensuring the technological systems in place are capable of storing and recording the complexities of factors that influence family violence. Services need to collect data with specific demographic indicators that acknowledge the intersectionality and complexity of identities of perpetrators and avoid flattening blanket terms such as LGBTQIA and First Nations, subsequently where possible record the nuance within each term. There should also exist options to record multiple types of family violence, again recognising that violence is not just limited to physical. As research shows family violence is a pattern, where often when physical violence occurs, so do other forms of psychological, economic, sexual abuse and coercion. There must be an option to record multiple types of family violence data. Improve data collection systems so they are able to recognise there can be multiple perpetrators and multiple victims in family violence contexts.

A way to gather more contextual factors of family violence perpetrators would be to conduct more surveys of informal responses – only way to collect data as according to ABS on this are surveys where victims of family, domestic and sexual violence are randomly samples from the community, can also help provide estimates of the proportion of respondents who have accessed more formal responses such as reports to policy

### **How is the current data on the profile and volume of family violence perpetrators used in Victoria?**

Data on family violence perpetrators is instrumental in informing policy, the distribution of resources and evaluation of service provision. This ensures improved outcomes for clients of government and non-government services by assessing the types of services provided, accessibility, awareness of services – whether meeting the particular needs of populations and groups of interest.

Understanding the behaviour of perpetrators is also crucial in improving intervention and prevention tactics. Impacts and outcomes are currently documented best when perpetrators move through the criminal justice system.

### **What is the purpose of the data collection?**

Data collection is necessary to evaluate and assess the efficacy of justice systems and services. Also very needed in judging the effectiveness of perpetrator interventions, such as court-ordered counselling and other programs. Can also provide an indication of potential under-reporting and under-utilisation of services, and therefore influence the distribution of resources and government funding. These correlations can be seen in the context of underfunding and lack of services for queer people experiencing family violence, historically and presently data collection on family violence in LGBTQIA relationships has been scarce.

The impacts of family violence are complex, data collection can help inform best practice models of how to mitigate and respond to these impacts. Information about outcomes can in some instances improve public confidence in the system's ability to manage and intervene with perpetrators and give justice to victims, subsequently increasing the likelihood of reporting to authorities.

### **How could the way this data is used be improved?**

Criminal justice outcomes are already thoroughly understood and documented – but there is a need to understand outcomes for perpetrators who don't progress beyond key points in the criminal justice system.

Not be used against victims - legitimate fears that exist within First Nations communities, children will be removed due to family violence.

### **What additional data on the profile and volume of family violence perpetrators should be collected in Victoria?**

Additional data needs to be collected on demographically diverse communities, such as Aboriginal and Torres Strait Islander peoples, yet this needs to be done in a culturally sensitive way that recognises First Nations communities' valid fear and mistrust of engaging with data collection processes. The Royal Commission into Family Violence found that although there exists a multitude of data evidencing First Nations women disproportionate experience of family violence due to the complex repercussions of colonisation such as dispossession of Country, removal from families, and structural

racism there are inconsistencies and gaps in this data collection. Based on the 2014-15 National Aboriginal and Torres Strait Islander Social Survey (NATSISS), approximately 2 in 3 Aboriginal women (63%) and 1 in 3 Aboriginal men (35%) who had experienced physical violence in the previous year, reported that the perpetrator of the most recent incident was a family member, including a current or previous partner. Yet family violence is not a part of traditional First Nations culture, rather an ongoing consequence of violent colonialism, and that's why data collection on perpetrators is crucial to understanding and preventing this ongoing violence. It is also important to acknowledge that perpetrators are not always Indigenous in these contexts, therefore more data and evidence is needed to challenge these stereotypes.

A key inconsistency in data collection is discrepancies over the term “Indigenous”. Many First Nations people feel this term fails to account for the diversity of community and individual experiences. Although terms like this help streamline data collection, there needs to be space made for self-identification labels that can be used alongside broader categories. Furthermore, the Victorian Family Violence Data Collection Framework informs that often Indigenous status is not recorded about all people and parties involved in family violence contexts, often Indigenous status of children goes unidentified, therefore when it is ethically and morally sound it is crucial that these omissions are overcome.

Profiles of perpetrators are intersectional and complex, defying heteronormative constructs that are often placed. There requires greater data collection on LGBTQIA communities – recognising that family violence does not just occur in heteronormative relationships and households, many existing administrative services don't collect info about queerness. Furthermore, blanket term such as LGBTQIA can be misleading, distinct identities within LGBTQIA but often lumped together, currently a lack of services designed to assist these communities. Data collection should also reflect expanding understandings of relationships between perpetrator and victim, beyond just heteronormative intimate partner violence, terms such as family of choice, kinship relation are helpful in this expansion.

More data on people with disabilities, as well as younger children and older people, often called “silent victims” within family violence cases in Victoria. Data on family violence experienced by children is often harder to report as often perpetrators are their guardians – therefore staff in mainstream services play an important role in reporting. There are also

issues of privacy and confidentiality with children, ethics, methods used to gather data, having a parent/ guardian present. Yet these barriers should be overcome to understand the intergenerational nature of family violence – as children who experience family violence can also be adolescent perpetrators. Adolescent family violence believed to be likely underreported.

To keep developing effective family violence intervention and prevention programs, data should be collected on perpetrators' interactions with these services, to help determine best practice models.

According to the Australian Bureau of Statistics, there are significant gaps in knowledge of family violence perpetrator profiles, in the areas of disability status, employment status, educational attainment, socioeconomic status and mental health. Social and geographical isolation are also important contextual factors that require more data collection, as it is harder for both perpetrators and victims to access support and services in rural and isolated areas, compounding the cycles of violence.

### **How will it help to achieve a full understanding of this cohort?**

The profiles of family violence perpetrators are composed of intersectional factors and relationships to victims and survivors. Data collection that encompasses social, cultural and environmental contextual factors helps inform a more nuanced understanding of what leads to perpetrators committing family violence. Can also help deepen comprehension of effective intervention and prevention tactics, ultimately saving lives and disrupting the intergenerational cycles of abuse. Therefore, longitudinal data on outcomes for perpetrators are needed to help understand what constitutes intervention.

### **How can these be overcome?**

One method that could be utilised to help gather longitudinal data on the profile and behaviour of perpetrators are the conduction of anonymous self-reported surveys within Australia. Currently self-reported surveys are not conducted yet would be a useful tool in helping fill in these data gaps.

### **What data cannot be collected?**

The nature of data collection in the context of perpetrators of family violence should be held to a high ethical standard, in order to minimise ongoing harm and protect the wellbeing and health of victims and survivors. Often within the questions that go deeper into demographic profiles there is a dual tension for respondents of both feeling recognised and feeling questions are too intrusive or too violent. Therefore respondents should always have the option to not disclose or not answer. This is incredibly important in the context of First Nations communities, who have experienced unparalleled rates of research. Again building an argument for the collaboration and linking of data collection systems, so there isn't unnecessary or repetitive data collecting occurring.

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