

My submission is based on a recent and ongoing experience as a disability advocate for a lady who I will call Jane. This submission will endeavour to highlight current barriers for people with a disability suffering from domestic violence in terms of getting the support needed from services, the police and justice system. It will also highlight the effect it has on family and support workers such as me.

Jane was referred to me by her sister who I will call Kate. Kate worked locally and was trying to deal with Jane while still trying to hold down a full time job. Jane was in a defacto relationship for ■ years. Her partner had been very abusive throughout the relationship. They had ■ children together. ■ were grown up and in their own relationships and the fourth had just turned ■. Jane, her partner and ■ year old son were living in a house with the partner's mother that was owned by the mother. Jane had been paying the mortgage on this house for many years. Her partner had been incarcerated previously for ■ and supposedly owed the ■ a large sum of money which was why the house was in his mother's name. While incarcerated he became an ICE addict Jane attempted suicide via ■ last year to escape the abuse. She survived it after being on life support for a while. She has an ■ injury due to ■. Her partner took her away from hospital before she could have any assessment done on her condition for Disability Support Pension purposes. He would only allow her to attend rehab one day a week which she described as her only outlet. He managed to claim carers allowance but the claim for DSP was rejected due to no medical evidence. He would withdraw Jane's Newstart Allowance money every fortnight to buy ICE.

After a particularly violent episode Jane managed to escape the home with assistance from her sister Kate and taken to Kate's family home which was private and unknown to the partner.

My first task as Jane's advocate was to link her to all services and to ensure her safety. What faced us was a barrage of services that either didn't exist or were seriously under resourced. The local women's violence support group, ■, had a waiting list and tried to redirect her inappropriately to another organisation. The local ■ Injury service also had a long waiting list for services. The police were able to organise an intervention order for Jane against the ex partner but couldn't do this for her sister as they needed evidence of immediate threat. The intervention order was delayed because the police failed to notify Jane when the court hearing would take place so it was missed and had to be adjourned. In the meantime Kate had been receiving numerous abusive text messages from Jane's partner which included some very alarming threats. The police were going to try to retrieve the messages as they auto deleted but never got back to her. After the partner was spotted by work colleagues of Kate roaming the streets and approaching anyone who looked Aboriginal if they knew Kate or where the workplace was she went to the police for help. The police said they could not help and told her to go and get her own intervention order. She did this but it wasn't granted due to no evidence. She was given a fortnight to come up with the evidence needed which we have just found out cant happen as it is too late.

I contacted the Department of Health and Human Services Family Violence Response Unit. This organisation was unknown to me so clearly not well advertised. I only found out about its existence by chance at a conference. They were able to fund up to \$9000 over a 13 week period but only for things that the case worker felt was needed for future independence. Nothing could be given to support the sister who was struggling financially and emotionally to support Jane. After much discussion it was agreed that they would fund the [REDACTED] Assessment that the [REDACTED] clinic was unable to do due to their long waiting list. I was faced with three referral forms from different organisations and people asking for medical information that I did not have nor was I qualified to provide. The [REDACTED] clinic would not complete anything because there was no evidence of an [REDACTED]. I managed to source a [REDACTED] who was willing to do the assessment in the knowledge that it would be funded by the DHHS Family Violence Response Unit.

The psychologist ended up being the one who completed the medical report needed for Centrelink Disability Support Pension. I had completed the initial claim for DSP for Jane with her sister's assistance and had tried to do an online intention to claim only to find out that I no longer could for DSP. I had done this for another client less than 12 months ago. For some reason this option was no longer available for DSP claims. I got Kate to take the completed claim to Centrelink in person along with a letter explaining Jane's situation from myself. Jane eventually got a letter from Centrelink thanking her for her 'Intention to claim' and giving her a fortnight to get the medical report from the psychologist to them. The due date was the first appointment with the psychologist so the said psychologist wrote a letter to them to explain and said that the report would be ready by a certain date.

All seemed on track until I was asked by Jane and Kate to seek out legal representation for property settlement purposes. Jane, with Kate's support, sought assistance from the police to get her belongings from her ex's house (owned by his mother legally). The first response was that they were not a taxi service. Eventually they got an escort but found that all of her belongings were gone. Such belongings were not just clothes and jewellery but pretty major equipment that related to her previous occupation. I proceeded to contact various legal organisations who all turned it down saying that it didn't come under legal aid and was a hopeless cause. I eventually contacted the Women's Legal Centre. They were interested I think because Jane could not access legal aid for this situation. I was asked to follow up on the sale of the property that Jane had been paying the mortgage for. I did this only to find out that settlement had happened and the ex had got the money despite it being his mother's legal entitlement. We were in the process of getting Jane to attend an appointment which required travel by [REDACTED]. The date was yet to be decided. My employer was reluctant to let me go as it really wasn't part of my role as an advocate but agreed as she understood that there was no-one else who could go to support Jane. Jane has memory issues associated with her disability and tires easily.

Kate reports that she is close to having a breakdown. She knows her sister can no longer walk the streets for various appointments or anything else. I am no longer able to go with her to a potential appointment at the legal centre because of risk to my own safety.

I received a frantic message from Kate asking me to stop what I am doing for Jane because she had been informed that she had gone back to her partner. She said she was washing her hands of her sister but was terrified because now he would know where she lived. She said she had Jane's belongings there and didn't know what to do with them. She also said that the folder Jane kept with all of her information and appointments was not there which means that he now has access to it and will know about my role as her advocate and my workplace.



Again I contacted the women's legal centre to update them. I had contacted the police as well to find out what could be done to assist Kate obtain an intervention order and also about the partner's breach of the existing intervention order. The officer I spoke to said they couldn't prove a breach as they needed a victim. He was viewing it as though Jane had returned willingly to her partner. The advice I received from the Women's legal centre was that this was incorrect and that Jane had no legal capacity to give permission for her partner to breach the order.

I rang the police again and spoke to another officer from the Family Violence Unit. I explained the legal advice I had received as well as the situation. He said that based on various statements that the police would be willing to take out the intervention order on Kate's behalf but still felt that proving the breach of the existing order was going to be problematic as the evidence had to be black and white. I had to again explain that him simply being there with Jane is black and white evidence as the current order states he is not allowed within [REDACTED] metres of Jane whether she is or isn't willing.

I have learnt from this experience is that yes there seems to be a lot of attention and money being poured into family violence lately, especially in terms of Royal Commission Enquiries but this amounts to nothing if there are not the resources or training to back it up. The response needs to be backed by funding and education. Existing services such as police and the Justice system need to be better trained and resourced to respond. Service providers should not have waiting lists to contend with to respond to such crises. Red tape needs to be reduced drastically and legal representation needs to be better funded under legal aid and not rely on one very under resourced unit that specialises in this area. In short there needs to be immediate and specialised case management. If this had been provided then Jane probably wouldn't have returned to her partner. I would predict that Jane is going to become one of those fatal statistics as a result of a system that simply doesn't work properly or understand the additional needs for someone with a disability whose decision making capacity is limited.

Surrounding family and support workers need to be recognised as integral to any positive outcome. They need to be better supported as well. Kate has been left in an untenable position as a result of this failed system and as have support workers.

Yours sincerely,

[REDACTED]

[REDACTED]