

Submission
No 308

**INQUIRY INTO IMPLEMENTATION OF THE NATIONAL
DISABILITY INSURANCE SCHEME AND THE PROVISION
OF DISABILITY SERVICES IN NEW SOUTH WALES**

Organisation: New South Wales Women's Alliance

Date Received: 22 August 2018

The NSW Women's Alliance thanks the NSW Legislative Council Health and Community Services Committee for the opportunity to present this submission to the ***Inquiry into the implementation of the National Disability Insurance Scheme and the provision of disability services in New South Wales.***

The NSW Women's Alliance is a group of non-government peak organisations, networks and state-wide service providers working to improve policy and practice responses to sexual assault and domestic and family violence in our state. The Alliance brings together a range of agencies with a variety of expertise, knowledge and experience in both responding to and preventing violence against women, children, young people, families and communities in NSW.

The majority of the NSW Women's Alliance member organisations provide systemic advocacy and advice to both the NSW and Commonwealth Governments. In the scope of our work, the members of the NSW Women's Alliance engage with and support women with disability in relation to domestic and family violence and sexual assault. Oftentimes these women do not receive appropriate timely and accessible supports (including disability supports) to recognise, report or escape situations of violence.

We note that only a small proportion of people with disability will be eligible for National Disability Insurance Scheme (NDIS) funding. This means that the disability services sector cannot be relied upon to address all of the needs of these people. Furthermore, while this inquiry is considering the provision of disability services in NSW, it is important to remember that people with disability will access many services at the NSW state level that fall outside the disability service sector.

We would welcome the opportunity to speak to this submission at a hearing or other opportunity.

NSW Women's Alliance recommendations to the Inquiry:

Recommendation 1: Mandatory, freely available training provided across the disability sector on domestic and family violence and sexual assault against people with disability.

Recommendation 2: Mandatory, freely available training provided across the domestic and family violence sector on the unique needs of women with disability experiencing domestic and family violence and/or sexual assault.

Recommendation 3: Introduce a NSW Disability and Domestic and Family Violence Crisis Payment, based on (while learning from the limitations of) the current Victorian Disability and Family Violence Crisis Response Initiative.

Recommendation 4: Expand of the use of witness intermediaries in NSW to people with disability to increase access to justice.

Recommendation 5: Invest in accessible, gender-specific, trauma-informed and culturally appropriate domestic and family violence services and supports. These services and supports must also be broadly accessible – not just in terms of physical access, but also in terms of the accessibility of their information and the inclusivity of their attitudes, policies and procedures.

Recommendation 6: NSW government to meaningfully include people with disability in all NSW violence prevention policy, including strategies and plans with elements co-designed with people with disability.

Recommendation 7: Permanently funded and supported disability advocacy in NSW.

Recommendation 8: Additional funding for domestic and family violence and sexual assault services in NSW to enable better support for women with disability who have experienced, or are experiencing, domestic and family violence and/or sexual assault.

Introduction

Within this submission the Women's Alliance will address terms of reference B and E as they intersect and are most relevant to our work in supporting women with disability who experience domestic and family violence in NSW. **B) The experience of people with complex care and support needs in developing, enacting and reviewing NDIS plans and E) The provision of support services, including accommodation services, for people of with disability regardless of whether they are eligible or ineligible to participate in the National Disability Insurance Scheme.**

Women with disability have the same rights to access mainstream violence responses services and supports as any other resident of NSW; support services must become more accessible to cater for this population group.

Rates of violence (B)

As professionals working in the area of violence prevention and response, we are aware that people with disability experience crime, including violent crime, at greater rates than people without disability.¹ Women with disability in particular are disproportionately affected by domestic and family violence, as they are approximately 40% more likely to experience domestic and family violence than women without disability.² Despite this increased prevalence, this violence is often poorly recognised, and may not be identified or responded to as domestic and family violence. This can in turn see women with disability excluded from domestic and family violence specific processes and protections to which they are entitled, such as Safer Pathway mechanisms and the collection of evidence through Domestic Violence Evidence in Chief processes.

There is therefore a strong need for workforce development in the disability sector to up-skill workers to respond and correctly refer in incidences of domestic and family violence and sexual assault against people with disability. This workforce development must include ensuring that NDIS planners have a robust understanding of domestic and family violence, sexual assault and trauma, and how violence and trauma can alter the types and levels of support that someone might require. Where NDIS planners are unaware of the complex dynamics of domestic and family violence, they can place women with disability at serious risk of threat through poor planning.

¹ Frohmader, C., & Sands, T. 2015. *Australian Cross Disability Alliance (ACDA) Submission to the Senate Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings*. Australian Cross Disability Alliance (ACDA); Sydney, Australia. p35. Available:

http://pwd.org.au/documents/Submissions/ACDA_Sub_Sen_Inquiry_Violence_Institutions.pdf

² Brownridge, D. 2006 *Partner violence against women with disabilities: Prevalence, risks and explanations*, Violence against Women, vol. 12, no. 9, pp. 805–22; Commonwealth of Australia, Department of the Prime Minister and Cabinet, 2016, op cit., p57.

Recommendation 1: Mandatory, freely available training provided across the disability sector on domestic and family violence and sexual assault against people with disability.

Recommendation 2: Mandatory, freely available training provided across the domestic and family violence sector on the unique needs of women with disability experiencing domestic and family violence and/or sexual assault.

Barriers to accessing justice (E)

Despite being at an increased risk of experiencing crime and violence, women with disability often encounter barriers to accessing justice, and the provision of support services in this area does not adequately meet women's need for support. Women with disability may not report their experiences of violence, including sexual assault, for a range of reasons. They may, for instance, be reliant on the perpetrator of the violence for the provision of ongoing support, or may be reliant on the perpetrator of violence to be able to make a complaint or report. Women with disability experiencing violence may fear the loss of support services or financial assistance, and may also be unable to find or afford alternative, accessible accommodation. Furthermore, women with disability may be unaware of their rights, and may not know that the violence they're experiencing is a crime, due to inaccessible or inadequate information (in online or print formats) about violence and violence responses.³

We support those of our members calling for a NSW Disability and Domestic and Family Violence Crisis Payment, based on (while learning from the limitations of) the current Victorian *Disability and Family Violence Crisis Response Initiative*.⁴ Currently, women with disability may be forced to choose between using Victim Services funding to purchase urgent items upon leaving violence and using these funds to meet their disability support needs. Furthermore, domestic and family violence services, such as refuges, are unable to provide attendant care or other supports to women with disability, which can limit their inclusion in these settings. Establishing a separate victim support payment would go some way to acknowledging that the cost of disability support, including attendant care, may pose a barrier to leaving violence for women who identify as having disability, particularly given that the NDIS does not provide a crisis response. The creation of this payment would provide short term funding for women with disability in crisis situations, after which the NDIS and/or the disability service sector would provide the necessary supports to these women.

³ Howe, K., Atmore, C. 2011. *Submission to Parliament of Victoria Law Reform Committee Inquiry into Access to and Interaction with the Justice System by People with an Intellectual Disability and Their Families and Carers*, Women with Disabilities Victoria, Domestic Violence Victoria, Federation of Community Legal Centres Victoria, Maroondah Halfway House/Brenda House, Women's Legal Service Victoria and Family Law Legal Service. Available: <http://www.womenslegal.org.au/files/file/final%20submission%20%20Access%20to%20justice.pdf>

⁴ See <http://www.dhs.vic.gov.au/for-service-providers/children,-youth-and-families/family-violence2/disability-and-family-violence-crisis-response> for more information.

If a woman with disability does report her experiences of violence, domestic and family violence services, disability services and other responders to violence, such as the police or the broader justice system, may not be equipped to identify or respond appropriately to the unique types of violence that women with disability may experience.⁵ Additionally, women with disability may be disbelieved when reporting their experiences of domestic and family violence or sexual assault. This is often due to a range of reasons, including the discriminatory stereotypes or myths about people with disability, their sexuality and/or their legal capacity.

With regard to accessing justice, we support the expansion of the use of witness intermediaries in NSW. As outlined during the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission), witness intermediaries have been highly effective in facilitating access to justice for children and people with disability. Extending the current use of witness intermediaries in NSW to people with disability would support this cohort to give their best possible evidence, and would likely improve their justice outcomes.

Recommendation 3: Introduce a NSW Disability and Domestic and Family Violence Crisis Payment, based on (while learning from the limitations of) the current Victorian Disability and Family Violence Crisis Response Initiative.

Recommendation 4: Expand of the use of witness intermediaries in NSW to people with disability to increase access to justice.

Need for greater inclusivity and accessibility across mainstream (government and non-government) services (E)

Considerable work must be done to improve mainstream responses and increase access to justice for women with disability in relation to domestic and family violence and sexual assault. Often there is an assumption that there is a disability specific pathway that provides violence responses to people with disability, however this is not the case. Women with disability have the same rights to access mainstream violence responses services and supports as any other resident of NSW. Disability services must therefore not only work alongside the NDIS, but must also work alongside police, justice, health, housing and educational sectors.

⁵ *Disability Rights Now: Civil Society Report to the United Nations Committee on the Rights of Persons with Disabilities*, August 2012. Pp111-112. Available: <http://www.afdo.org.au/media/1210/crpd-civilsocietyreport2012-1.pdf>

Mainstream services and workers may not be supported to engage with people with disability. They may not, for instance, be aware of how to communicate with people with intellectual disability or how to organise Auslan interpreters, or may not have information about their service available in accessible formats such as Easy English. We are concerned to ensure that women and girls with disability receive the appropriate supports, mainstream and disability specific, that they are entitled to when accessing services in relation to their experiences of violence. This includes access to gender-specific, trauma-informed and culturally appropriate services and supports. These services and supports must also be broadly accessible – not just in terms of physical access, but also in terms of the accessibility of their information and the inclusivity of their attitudes, policies and procedures.

There is a need for a range of different services to develop a better understanding of the human rights of people with disability, and to enhance expertise in ensuring adequate support for this cohort. To support services to improve their accessibility, they must be adequately funded to allow them to meaningfully consult with people with disability, disability access consultants or representative disability organisations. In addition, there is a strong need for the NSW government to meaningfully include people with disability in NSW violence prevention policy efforts, including specific strategies co-designed with people with disability in government policies and plans such as the *NSW Sexual Assault Strategy* and the *NSW Domestic and Family Violence Blueprint for Reform*.

Finally, in support of our colleagues at disability representative, advocacy, information and referral organisations, we see an ongoing need for advocacy to be permanently funded and supported in NSW. Advocates play a key role in supporting people with disability with a range of issues affecting their lives, including support navigating complex structures such as the NDIS and the family law, child protection, housing and criminal justice systems. Furthermore, additional funding for domestic and family violence and sexual assault services would enable these services to better support women with disability in NSW who have experienced, or are experiencing, domestic and family violence or sexual assault.

Recommendation 5: Invest in accessible, gender-specific, trauma-informed and culturally appropriate domestic and family violence services and supports. These services and supports must also be broadly accessible – not just in terms of physical access, but also in terms of the accessibility of their information and the inclusivity of their attitudes, policies and procedures.

Recommendation 6: NSW government to meaningfully include people with disability in all NSW violence prevention policy, including strategies and plans with elements co-designed with people with disability.

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Recommendation 8: Additional funding for domestic and family violence and sexual assault services in NSW to enable better support for women with disability who have experienced, or are experiencing, domestic and family violence and/or sexual assault.

The NSW Women's Alliance consists of the following members:

- ACON Health Ltd
- Domestic Violence NSW (co-convenor and secretariat)
- Immigrant Women's Speakout
- People with Disability Australia
- Mudjin-gal Aboriginal Women's Centre
- Multicultural Disability Advocacy Association NSW
- Muslim Women's Association
- New South Wales Council of Social Services
- NSW Men's Behaviour Change Network
- Rape and Domestic Violence Services Australia (co-convenor)
- Wirringa Baiya Aboriginal Women's Legal Centre
- Women's Domestic Violence Court Advocacy Service NSW Inc
- Women's Health NSW
- Women's Legal Service NSW
- Youth Action

For further information or detail in relation to this submission please contact NSW Women's Alliance secretariat:
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