



Chair's Opening Address – Ronald Sackville AO QC

Public hearing 17: The experience of women and girls with disability with a particular focus on family, domestic and sexual violence (Part 1)

13 October 2021

Good morning everyone. I welcome you to this extremely important Public hearing 17 of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. The primary subject matter of this hearing, as has been announced, is the experiences of women and girls with disability, with a particular emphasis on family, domestic and sexual violence. As Ms Kate Eastman SC, Senior Counsel Assisting the Royal Commission will explain, a closed session of the Public hearing will be devoted to the experiences of people with disability who identify as members of the lesbian, bisexual, transgender, gender diverse, intersex, queer, asexual and questioning communities.

I shall first ask Commissioner Andrea Mason OAM to make the Acknowledgment of Country.

As with so many other Public hearings of the Royal Commission, Public hearing 17 has had to be reconfigured because of the COVID-19 pandemic and the restrictions associated with it. The hearing was originally scheduled to take place in Hobart for five days from today, with witnesses appearing in person and members of the public able to attend.

The travel restrictions which are still in place have made this impossible. Accordingly Public hearing 17 will commence with a two day virtual hearing. The hearing will resume for five days or so in early 2022. All being well, this will provide an opportunity to hear in person from women and girls with disability who are prepared to tell the Royal Commission of their experiences of family, domestic and sexual violence.

There are four Commissioners participating in this hearing. Commissioner Barbara Bennett PSM is in Canberra; Commissioner Rhonda Galbally AC in Melbourne; Commissioner Andrea Mason OAM is in her home town of Alice Springs after an Odyssey of seven weeks in which she experienced quarantine in a bewildering variety of locations and jurisdictions. To complete the quartet I am in the Royal Commission's Sydney hearing room.

Joining me in the Sydney hearing room is Kate Eastman SC, Senior Counsel Assisting the Royal Commission. Ms Mary Anne Ryan is appearing from Hobart and Ms Simone Fraser from the Royal Commission's Brisbane hearing room.

I shall take appearances shortly from the parties given leave to appear at the hearing.

The phenomenon of violence against and abuse of women and girls is widely recognised to be pervasive throughout Australian society. For a very long time the phenomenon was hidden and ignored by a largely male-dominated society. Violence against and abuse of women and girls with disability is, if anything, even more pervasive, yet has been hidden or ignored to an even greater extent. So, too, violence against and abuse of LBTGIQ+ people with disability.

Whatever the position in the past, there is now a great deal of information in this country about the nature and extent of family, domestic and sexual violence against women and girls. There have been numerous investigations and reports into the issue. To take just one example among many, the Victorian Royal Commission into Family Violence published a seven volume report in 2016 exhaustively analysing the problem. The Royal Commission headed by my colleague of over five decades standing, the Hon. Marcia Neave AO, made no fewer than 227 recommendations. Evidence at this hearing will consider matters arising from that report.

Successive Australian, state and territory governments have made commitments to address domestic, family and sexual violence as a national problem of enormous dimensions. For example, the National Plan to Reduce Violence against Women and their Children (2010-2022) has been in place for over a decade; a new National Plan is scheduled to come into operation next year.

And yet domestic, family and sexual violence persists – many say it has even got worse – despite the commitments from governments and the resources devoted to initiatives designed to reduce the incidence of violence. No one can disagree with the opening

words of the Statement from the Delegates to the 2021 National Summit on Women's Safety:

“Everyone has the right to safety. Addressing all forms of gender-based violence, including domestic, family and sexual violence, must be a priority for all Australians to achieve our shared vision of a community free of violence against women and children.”

While a great deal is known about family, domestic and sexual violence against women and girls, much less is known about violence against women and girls with disability. The Victorian Royal Commission devoted a Chapter (Chapter 31) to “People with Disabilities” but observed that the lack of systematic and disaggregated data on violence against people with disabilities made it difficult to be precise about the extent of family violence involving people with disabilities (p. 172).

The first step towards developing measures that can reduce family, domestic and sexual violence against women and girls with disability is to collect data. Obviously this is not sufficient to address the problem, but it is a necessary starting point.

The Royal Commission has looked carefully at existing sources of data but we also commissioned the Australian Institute of Criminology to prepare a Statistical Report on the “Experiences of domestic violence among women with restrictive long-term health conditions”.

The Institute's Report contains a wealth of information based on a survey of 15,000 women of whom 1,705 had a “restrictive long-term health conditions”, an expression which was defined in a manner consistent with the definition of disability used by the Australian Bureau of Statistics.

Among many conclusions, the Institute's Report found that:

- 12.6% of the women with restrictive long-term health conditions had experienced physical violence **within the previous three months**. Of those women who were in a current relationship 23%, or nearly one in four, had experienced physical violence **within the same period of three months**.
- 9% of women with a restrictive long-term health condition had experienced sexual violence **within the three month period**; that figure increased to 16.4% (or one sixth) of women in a current relationship.

After controlling for other risk factors associated with domestic violence, the Report found that women with disability experienced physical or sexual violence 3.8 times more often than women without disability.

Other bodies have conducted studies which have reported alarming rates of sexual harassment. For example Australian Human Rights Commission found in a 2018 survey of sexual harassment in Australian workplaces that 85 per cent of women without disability had experienced sexual harassment in any setting on at least one occasion in their lifetime, while 89 per cent of women with disability had at least one experience of sexual harassment.

As I have said, understanding and quantifying the problem is only a start. Just as the entire Australian community must confront and address the reality of domestic, family and sexual violence, so the entire community has to confront and address domestic, family and sexual violence directed at women and girls with disability and at LBTQI+ people with disability.

The delegates to the 2021 National Summit on Women's Safety stressed that the experience of women with disability must be listened to and embedded in all prevention strategies and responses. The Statement said that:

“All definitions, legislation policies and reforms, from primary prevention through to responses and recovery, must be inclusive of women and girls with disability, including the unique types of violence and the settings in which it can be experienced ...

Women with disability must be central to all discussions and responses must recognise the intersections with other forms of discrimination experienced by women across a range of backgrounds.”

The evidence in this hearing will address those issues.