



Aboriginal Family
Violence Prevention
& Legal Service Victoria
**Standing Firm Against
Family Violence**

Submission to
Family Safety Victoria concerning:

Family Violence Information
Sharing Guidelines

October 2017

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Introduction

The Aboriginal Family Violence Prevention and Legal Service Victoria (**FVPLS Victoria**) welcomes the opportunity to provide feedback on the draft *Family Violence information Sharing Guidelines: Guidance for Information Sharing Entities* ('the **Guidelines**'). We commend Family Safety Victoria for its efforts to provide comprehensive guidance for practitioners and incorporate the views and expertise of services working in family violence, particularly specialist Aboriginal Community Controlled Organisations (**ACCOs**) such as FVPLS Victoria.

This submission does not attempt to respond to all chapters of the Guidelines. Rather, we have focused our attention on issues of importance to Aboriginal and Torres Strait Islander (hereafter '**Aboriginal**') victims/survivors. Our feedback is aimed towards mitigating a number of risks we foresee with the Family Violence Information Sharing Scheme. Those risks pertain to:

- The risk of information sharing pursuant to the Guidelines leading to increased (disproportionate and inappropriate) child protection investigation, intervention and removal of children from Aboriginal victims/survivors of family violence;
- The risk that the Guidelines will silence and deter Aboriginal victims/survivors of family violence (particularly Aboriginal women) from disclosing violence and seeking assistance – thereby putting Aboriginal women and children at greater risk. We foresee this outcome arising from Aboriginal women's perception – or fear - that information will be 'shared' in a way that:
 - may result in Aboriginal children being removed;
 - fails to understand and respect Aboriginal women's wishes, culture and agency; and/or
 - leaves Aboriginal women feeling that they cannot trust the service system with sensitive and confidential personal information.

We note that Part 5A of the *Family Violence Protection Act 2008* ('the **Act**') and Guidelines represent a fundamental shift in the power information sharing entities (**ISEs**) hold over Aboriginal (and all) victim/survivors. Aboriginal victims survivors - who are predominantly women - are already disempowered and marginalised on a daily basis in multiple and complex ways. It is critical that the Act and Guidelines do not become yet another system that runs rough-shod over the rights, voices and needs of Aboriginal women.

Key recommendations made in this submission concern:

- Ensuring cultural competence training is rolled out alongside the implementation of the scheme and steps taken to ensure the deference to professional judgment within the scheme does not result in discrimination, harmful stereotyping and abrogation of the rights and

safety of Aboriginal women and Aboriginal victim/survivors of family violence;

- Emphasising consent earlier in the Guidelines and prompting practitioners earlier and more clearly within the document to consider and seek consent where appropriate;
- Providing greater clarity and guidance on exactly what information can and should be shared; and
- Specific suggested amendments and drafting considerations to ensure the Guidelines prompt practitioners to better understand and support the needs of Aboriginal victim/survivors of family violence.

We would be happy to provide further information or discuss any of the points raised in this submission with Family Safety Victoria. We look forward to continuing to work closely with Family Safety Victoria and the Victorian Government to ensure Victoria's family violence reforms respond appropriately to the needs of Aboriginal victims/survivors of family violence.

For information about FVPLS Victoria and the services we provide please see Appendix A 'About FVPLS Victoria'.

Cultural Competency and Mitigating the Risk of Discrimination Against Aboriginal Victim Survivors

We note that Part 5A of the *Family Violence Protection Act 2008* ('the **Act**') and the Guidelines place significant reliance on the professional judgment of workers within the prescribed ISEs. While we understand that the initial tranche of prescribed ISEs includes professionals who are to be expected to have a strong understanding of family violence, sadly, the experiences of the Aboriginal women and victims/survivors of family violence with whom FVPLS Victoria works, indicate time and time again that Aboriginal women cannot rely on mainstream professionals to understand, promote and cater to their needs and wishes.

We know, from published evidence¹ and our 15 years of on-the-ground experience working with Aboriginal women and their communities around Victoria, that family violence is the primary driver of Aboriginal children being removed from their families. Aboriginal children are 12,9 times more likely to be in out-of-home-care than non-Aboriginal children² and Victoria is currently removing Aboriginal children at higher rates than any time since white settlement.³ This is not, and should not be seen as, a natural consequence of family violence. Instead, it is the culmination of a range of factors which include systemic failures, poor professional judgment (including inappropriate assessment of risk and/or intervention) and inadequate cultural competency of professionals across a range of agencies. This includes agencies who will be prescribed ISEs. For example, far too often the Aboriginal women we work with face inappropriately punitive responses from child protection who blame women for 'failing to protect' their children in the face of violence, rather than work supportively with women to escape violence and safely maintain the care of children.

These concerns were picked up in the findings and recommendations of the Royal Commission into Family Violence. We are pleased to see the Department of Health and Human Services is currently taking steps to respond to these issues and we commend the Victorian Government for committing to implement every recommendation of the Royal Commission into Family Violence including those requiring significant cultural and institutional shifts in the work of child protection. However, these changes will take time and cannot be expected to mitigate against the risks posed by the roll out of the Act and Guidelines on family violence information sharing.

¹ See for example, Commission for Children and Young People, 'Always was, always will be Koori children': Systemic inquiry into services provided to Aboriginal children and young people in out-of-home care in Victoria (Melbourne: Commission for Children and Young People, 2016). Available at: <https://ccyp.vic.gov.au/assets/Publications-inquiries/always-was-always-will-be-koori-children-inquiry-report-oct16.pdf>

² Australian Institute of Health and Welfare, 2016, Child Protection Australia 2014-15, p 54, table 5.4

available at <http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129554973>.

³ Above n 1.

As noted above, it is critical to understand that the Act and Guidelines represent a critical shift in relational power between professionals within ISEs and Aboriginal (indeed all) victim/survivors of family violence. In other words, the scheme gives professionals far greater power over their clients including the power to disregard their wishes and views. If this power is misused - either intentionally or inadvertently - it will result in victim/survivors turning away from services or deciding not to report family violence. This is of particular concern for Aboriginal victim/survivors given the multiple, complex barriers Aboriginal women already encounter when reporting violence and seeking support. As outlined above, Aboriginal women already face structural inequality on the basis of both Aboriginality and gender and are marginalised and disempowered on a daily basis including by systemic failures within ISEs such as police and child protection.

It is also critical that practitioners recognise and understand the fear that information sharing and the hubs will generate for Aboriginal victim/survivors, which, if not dealt with sensitively, could reverse the aims of the family violence reforms by creating more barriers for victim/survivors and driving family violence further underground.

Accordingly, it is critical that Family Violence Victoria takes steps to redress these risks and ensure Aboriginal victims/survivors rights and views are respected to the fullest extent possible, and Aboriginal women are understood to be *the* experts on their own lives. This includes placing a greater emphasis in the Guidelines, training and associated tools on cultural competence and putting the onus on practitioners to improve cultural competency, reflect on their subconscious bias and question stereotypes and assumptions. It is critical that practitioners operate with a culturally competent and trauma-informed lens and that the diverse, lived experiences of Aboriginal women remain front and centre in considerations about the need and effect (both intended and unintended) of sharing information - especially where information is shared without an Aboriginal victim/survivor's consent.

In addition, the Guidelines should prompt practitioners to ensure that victim/survivors (particularly Aboriginal victim/survivors for the reasons outlined above) are made aware of their rights. This includes rights in relation to consent and the ability to refuse consent, complaint options and the right to seek legal advice to understand these and other options, as well as the right to access an ACCO for services and support. To ensure these rights are promoted, ISEs should ensure they have undertaken cultural awareness training and have appropriate referral processes and knowledge of appropriate Aboriginal and other available support services.

For example, we recommend that the case study on page 76 should also suggest that the worker commit to telling Deborah if and when they do get a request to share information, as well as referring Deborah to a specialist Aboriginal legal service provider for advice about child protection. Such an approach will ensure Deborah understands her rights and responsibilities and can be proactive about ensuring the safety of her children and minimising the need for child protection

intervention. In our view, the very fact that Deborah has highlighted a concern about child protection should be a prompt for her to be referred for early legal advice.

With respect to the issue of child protection, we note that in our submission to the Royal Commission into Family Violence, FVPLS Victoria recommended the establishment of an Aboriginal Child Protection Notification Referral System.⁴ The purpose of the system is to ensure that Aboriginal victim/survivors of family violence (and other Aboriginal parents) have access to preventative, culturally safe and specialist legal advice at the earliest opportunity to minimise the risk of Aboriginal child removal and ensure Aboriginal victim/survivors are supported to maintain the safe care of their children. Specifically, the proposed system would ensure that as soon as child protection receives a notification about an Aboriginal family, the primary parent is immediately referred to FVPLS Victoria (or another appropriate legal assistance provider where required) and informed of the importance of obtaining independent legal advice at the earliest opportunity. We note that this proposal was recently recommended at a national level by the National FVPLS Forum and NATSILS at their joint Redfern Statement workshop on justice and family violence. It is FVPLS Victoria's view that such a system could be a critical safeguard to the risks associated with the family violence information sharing scheme and the upcoming child wellbeing and safety scheme currently under consideration.

It is also critical that careful consideration is given to exactly what is shared and only essential information shared (see below for further discussion on the need for greater clarity about precisely what information is to be shared).

Finally, we note that chapter 10 (concerning diverse communities) includes a suggestion that the victim/survivor be asked if they would like the support of a trusted person to ensure the reason for information sharing is understood. We believe this is also appropriate in an Aboriginal context and could be included in chapter 9 concerning sharing the information of Aboriginal people. (This dovetails with the concept of ISEs seeking secondary consults and advice from ACCOs which we note is already included in chapter 9.)

Recommendations

Accordingly, we make the following **over-arching recommendations**:

1. The roll out of the family violence information sharing scheme be accompanied by mandatory cultural competency training including specific content on the barriers faced by Aboriginal women and Aboriginal victims/survivors of family violence;
2. All ISE's be mandated to undertake regular cultural competency training to maintain their status as an ISE;

⁴ FVPLS Victoria, Submission to the Royal Commission into Family Violence, page 7, available at: <http://fvpls.org/images/files/FVPLS%20Victoria%20submission%20to%20Royal%20Commission%20-%20FINAL%20-%202015Jul15.pdf>

3. Any and all 'practitioner tools and workforce specific guidance' (see page 7) accompanying the Guidelines include content alerting practitioners to the importance of reviewing Chapter 9 and taking a culturally competent approach, including through promoting a victim/survivor's access to services provided by an ACCO with expertise in assisting victim/survivors of family violence; and
4. The two and five year evaluation processes concerning the family violence information sharing scheme examine and report on the specific impacts of the scheme on Aboriginal people, including Aboriginal women as a discrete group, and the results be published.

With respect to the detail of the Guidelines, we recommend the following **drafting amendments**:

5. References to people '*from Aboriginal and Torres Strait Islander backgrounds*' be changed to '*Aboriginal and Torres Strait Islander people*'.
6. Insertion of a new section, or chapter, on 'Professional Judgment' which notes that professionals are responsible for ensuring they are aware of and act to avoid discrimination, racism and subconscious bias in their application of the scheme.
7. Prompts be inserted into the Guidelines for practitioners to ensure that when informing an Aboriginal victim/survivor that their personal information has been shared, the practitioner ensure the person is offered a referral to an ACCO with expertise in family violence for support, which may include safety planning and risk assessment, counseling, legal advice and/or support with other crucial issues such as housing.
8. Appendices A, B and C: include a new check box as follows '*Is the person Aboriginal or Torres Strait Islander? If so, have you reviewed chapter 9 of these Guidelines?*'
9. Appendix B under the second box regarding making sure the request is for a permitted purpose: we recommend a fourth sub-point be added which states '*Consider any potential risks or adverse consequences to the victim survivor or another person (other than the perpetrator) of sharing the information*'.
10. Page 13 under the heading of 'what type of information can be shared under Part 5A': the final sentence should be expanded to outline that professional judgment includes awareness of racism, discrimination and subconscious bias and professionals should take steps to ensure they understand and avoid the risk of racism, discrimination or subconscious bias in the exercise of their duties.
11. 'Remember' boxes on page 14 and page 17 be amended to state that it is a minimum expectation that all authorised individuals within an ISE will have undertaken cultural awareness training alongside 'Framework' training.
12. Page 17 case study: the reference to referring Linda to a specialist family violence service be amended to include an additional sentence reminding

practitioners that where a victim/survivor is Aboriginal, the practitioner should ensure they offer the victim/survivor access to support from an Aboriginal Community Controlled family violence service.

13. Page 72 under 'key points': the third dot point regarding Aboriginal people's grounds for fear and suspicion of authority should be amended to note there are both historical and '*ongoing*' grounds for fear and suspicion. Similarly, other references within the Guidelines to '*historical experiences of systemic and structural discrimination and inequalities*' should also be amended to recognise that Aboriginal people experience ongoing and contemporary forms of systemic and structural discrimination and inequality.
14. Page 72 'key points' regarding cultural consultation by ISEs (eg with ACCOs): we are pleased to see this recognition of the importance of considering culture and the role of ACCOs but note this approach will have resourcing implications for ACCOs, many of whom are already under-resourced. It is important that the scope and obligations of ACCOs in this regard, including with respect to record keeping, be clarified. We note that while it is important for ISE's to respect and defer to the expertise of ACCOs as appropriate, this should not become a mechanism for ISEs to shift the burden of their work onto ACCOs. Accordingly, we encourage further consideration and consultation on this point and would be happy to meet with Family Safety Victoria to discuss this in more detail.
15. Page 74, reference to promoting the right to self-determination: further information should be provided to clarify what is meant by self-determination in this context. Given the Act and Guidelines allow practitioners to disregard a victim/survivor's consent and views, additional consideration is required as to how practitioners can and should meaningfully promote self-determination in this context. In our view, this requires a greater emphasis on consent as discussed further below.
16. Page 72, reference to rates of family violence-driven out-of-home-care placements in the text box titled 'Family Violence Experienced by Aboriginal or Torres Strait Islander People Living in Victoria': we are concerned that this statement on its own implies that child removal is a natural consequence of family violence against Aboriginal people. In our view, it is often preventable and could be avoided through providing greater supports to adult victim /survivors (predominantly mothers) to safely maintain the care of their children and live free from violence. We encourage Family Safety Victoria to contextualise this point and refer to our discussion at pages 5 to 7 above.
17. Chapter 9 key points: we suggest that some of the points within the body of the chapter could be highlighted and included as 'key points' on page 72, specifically:
 - the passage on page 73 concerning Aboriginal people being concerned with their information being shared with government agencies;

- the passage regarding victim/survivors being offered the opportunity to access an Aboriginal-specific service. We also recommend the language in this paragraph be strengthened to reflect Aboriginal victims/survivors' *'right'* to access Aboriginal-specific services and the role of ISEs in *'promoting access'*.
18. Page 75, case study concerning 'Jimmy': we are concerned by the reference to 'gathering information on Jimmy and Clint's extended family...' in order to 'reassure' Jimmy. In our view, this is inappropriate and likely to have the opposite effect, that is alienating rather than reassuring Jimmy. This is because this approach significantly enlarges the scope of information sharing and the number of people whose information is 'up for grabs'. We consider this kind of approach would likely to result in Aboriginal people disengaging from services.
19. Chapter 10: there are a number of elements within chapter 10 concerning sharing information about persons from diverse communities which are equally relevant to Aboriginal people and we suggest these be incorporated into chapter 9, specifically:
- a. The third paragraph on page 77 which states:

"ISEs must always work in a culturally safe and appropriate manner, particularly given that if a client has an adverse experience at a support service, it may deter other members from the same community accessing the service. Experiences of discrimination and stigma when accessing the service system in the past might also make victim survivors feel reluctant to give consent."
 - b. The fourth dot point under the heading of 'key points' on page 77:

"Experiences of discrimination, oppression and trauma may make victim survivors fearful of, or unwilling to, give consent to share their information"
 - c. All of the points listed on the top half of page 78.

Clarity about what information is to be shared

There is little guidance in the Act or Guidelines to clarify for practitioners, and clients alike, precisely what information is proposed to be shared. We appreciate the complexity of the scheme and that it is difficult for the Guidelines to anticipate all scenarios, however given the concerns outlined above we believe that providing more guidance and clarity on what information is to be shared is an essential safeguard. This includes practical guidance to help practitioners understand how to best limit the information shared to salient and relevant portions.

We note for example that in the case study on page 75, there is reference to information being 'redacted from any files before sharing' which implies full client files or file notes may be handed over. In our view this is a dangerous inference for practitioners to draw without greater guidance. Similarly the table at pages 27-29 of the Guidelines - which summarises legislation that has been over-ridden by the Act - could be made clearer and more consistent to assist the reader to identify what specific information is being referred to. For example on page 28 the first row of the table states that sections 205(2) and 206(2) of the *Children, Youth and Families Act 2005* have been overridden to enable the sharing of information 'from an investigation by a protective intervener'. Again, it is unclear whether this is intended to mean any and all information – i.e. entire case files.

We reiterate that the Act and Guidelines represent a significant shift in power dynamics, giving practitioners far greater power over their clients. For Aboriginal victim/survivors of family violence who already face multiple forms of marginalisation and disempowerment in their lives, it is absolutely critical that this does not result in further silencing and diminishing of Aboriginal women's agency and control over their own lives. A perception that practitioners will share information with abandon and disregard the wishes of Aboriginal women will only result in victim survivors turning away from services – to the detriment of women and children's safety.

Recommendations

Accordingly, we recommend that:

1. The Guidelines be amended to include more detail, practical guidance and case studies to clarify precisely what kinds of information are permitted and appropriate to share in particular circumstances, with an emphasis on ensuring that information is only shared to the extent that it is necessary and proportionate to manage risks to safety;
2. The diagram on page 20 be amended to include an additional heading concerning 'what they can share';

This is a fundamental missing component and is critical to ensuring victims/survivors' (and other people's) privacy is only over-riden to the extent necessary and proportionate to protect their safety.

3. Further information regarding what constitutes a 'serious threat' should be included.

We note that the Guidelines refer practitioners to 'the Framework' for detailed guidance on risk assessment. However, we believe that prompts should be included within the Guidelines to ensure practitioners are reminded of this critical definition in order to minimise the risk of over-sharing as well as irrelevant/discriminatory factors entering into practitioners' assessments of what constitutes a 'serious risk'.

4. The Information sharing consent form for adult victims/survivors (Appendix C) be amended to include greater clarity for victims/survivors in relation to precisely what personal information may be shared. This is critical to ensuring victim survivors are able to make an informed decision as to whether or not they consent.

Consent

As an ACCO which specialises in assisting victims/survivors of family violence and sexual assault, protecting the trust and confidence of the women (and others) we work with is paramount. We recognise that upholding this trust and confidence is fundamental to protecting the safety of Aboriginal women and children. This is because studies indicate that as much as 90% of violence against Aboriginal people (predominantly women and children) goes un-reported.⁵ This under-reporting is due to a range of complex barriers faced by Aboriginal victims/survivors including fear and mistrust of government, the justice system, and mainstream service system as a result of historic and ongoing experiences of racism and discrimination. For further detail on this point, please see our submission to the Royal Commission into Family Violence.⁶

We have previously expressed strong concerns about the limited adherence to consent within the Act. Specifically, we are concerned that the Act effectively does away with consent for women (or other victims/survivors) with children. We are also concerned about the use of implied consent and what this may mean for Aboriginal victims/survivors of family violence whose needs and

⁵ The Australian Productivity Commission, *Overcoming Indigenous Disadvantage - Key Indicators 2014* (2014) 4.91 available at: <http://www.pc.gov.au/research/recurring/overcoming-indigenous-disadvantage/key-indicators-2014/key-indicators-2014-report.pdf> and Matthew Willis, 'Non-disclosure of violence in Australian Indigenous communities', *Trends & issues in crime and criminal justice* No. 405 (2011) Australian Institute of Criminology available at <http://www.aic.gov.au/publications/current%20series/tandi/401-420/tandi405.html>

⁶ Available at: <http://fvpls.org/images/files/FVPLS%20Victoria%20submission%20to%20Royal%20Commission%20-%20FINAL%20-%202015Jul15.pdf>

communication may be misinterpreted by practitioners without the necessary cultural competence and trauma informed approach.

We therefore strongly recommend that consent be given more emphasis and context within the Guidelines.

Recommendations

Accordingly, we recommend:

5. The chapter on consent be moved to earlier in the Guidelines and practitioners be prompted to consider consent from the outset of the document through the use of additional 'Remember' boxes placed throughout the Guidelines.

As currently drafted, consent is not fully addressed until chapter six at page 43 of the documents. Given the fundamental power shift brought about by these Guidelines and that protecting a victim/survivor's privacy, and personal understanding of the risk to which they are exposed, are fundamental to protecting safety, we respectfully recommend that consent be featured earlier in the Guidelines and practitioners be prompted throughout to remember to consider the critical elements of consent – including that it be fully informed, voluntary, current and specific to the issue at hand.

6. The Consent Form for adult victim survivors (at Annexure C) and corresponding Fact Sheet (Annexure D) be amended to provide a clear statement on the duration and scope of consent granted and prompts to request updated consent as required.

It is important that practitioners: do not presume the signing of such a form waives a client's rights to privacy in perpetuity; return to the client to discuss issues as they arise; and provide the client with the opportunity to make an informed decision regarding information sharing in different contexts and circumstances. This is particularly important given victim/survivors will often be asked to sign consent forms at point of first engagement with a service when they are in crisis and may be unable to: process the information properly or; to question/decline because of the urgency of their need for support.

7. Page 19: we suggest that under the heading summarising the 'applicable consent thresholds' that the diagram from page 43 outlining the various elements of consent be duplicated to ensure that practitioners who may be under time pressure and just looking to this section for a refresher are reminded of the critical elements of consent including that it is fully informed, voluntary, current and specific.

8. The Information Sharing Process Checklist (Appendix A) be amended to include a 'check box' that prompts practitioners to consider and seek consent.
9. The factsheet for victims survivors (Appendix D) be amended to include contact numbers for legal services and the Office of the Victorian Information Commissioner and Health Complaints Commissioner to enable clients to access further advice and information as they require.

Notification of victims/survivors where information is shared without consent or where 'implied consent' is relied upon, and associated record keeping requirements

Given the significant change and risks associated with overriding victims/survivors' consent (as outlined above), we recommend strengthening the language with respect to practitioners' obligations to notify victims/survivors where information is shared without their consent or where 'implied consent' is relied upon. We make these recommendations based on the lived experiences of the Aboriginal women with whom we work and with the safety (physical, emotional, cultural and spiritual) and wellbeing of Aboriginal women and children in mind.

Recommendations

Accordingly, we recommend:

- The Information Sharing Process Checklist (Appendix B) be amended to include a further sub-point at the top of page 101 to remind practitioners who have shared information without explicit consent to notify the victim/survivor as soon as possible so they have an opportunity to clarify any information and take any steps necessary to plan for their safety or plan for any other implications that the sharing of information may have (for example, seeking proactive legal advice with respect to potential child protection intervention).
- The Information Sharing Process Checklist (Appendix A) be amended to include a 'check box' that prompts practitioners to notify victims/survivors (where appropriate) when information is shared. Guidance should also be provided to prompt practitioners to reflect on the impact of this on victims/survivors dealing with the trauma of family violence. Where a victim/survivor is Aboriginal, practitioners should ensure they offer the victim/survivor a referral to an Aboriginal Community Controlled support service.
- At page 89, additional points be included explicitly requiring ISEs to record not only risk assessment and safety plans but what referrals were

made to support services to support both the primary victim survivor and any other person (for example, the mother of a child victim/survivor who may also be a victim/survivor in her own right). This could include a referral to holistic and specialist legal advice and assistance regarding potential child protection or family law implications.

Other comments and recommendations

We also make the following comments and recommendations concerning other aspects of the Guidelines:

- Page 65 regarding when it is ‘impractical to seek the child’s views’: in our view, the concept of ‘repeated attempts’ to contact the child or ‘non-offending parent’ is too vague and risks permitting practitioners to share information without consent as a mere convenience.

We recommend further guidance and prompts for practitioners to take a trauma-informed lens and culturally competent approach to understanding the reasons why some victims/survivors – particularly Aboriginal victims/survivors – may not always respond promptly to phone calls. Practitioners should take steps to plan for this – a key part of which includes undertaking cultural awareness training to understand the lived experiences of Aboriginal people and Aboriginal victims/survivors of family violence in particular.

- Definition of ‘third party’: we recommend that a clear statement be inserted into the guidelines to clarify that a former partner is not a ‘third party’ for whom consent should automatically be sought.

We appreciate that this is a complex matter and encourage more careful consideration of this issue. We have concerns that the case study on page 87 refers to a requirement to seek consent from a former perpetrator (Emilio) as ‘a third party’ ... ‘given he no longer poses a risk of committing family violence given that he has no contact with the family’. This sentence carries a number of assumptions that appear to misunderstand the complexity of family violence and the lengths to which some perpetrators will go to exert control over or intimidate victims/survivors.

The reality of the area we work in is that perpetrators rarely walk away completely; abuse and control frequently continue long after a relationship has ended and, sometimes, long after an intervention order has been obtained. Contacting a former perpetrator to request their consent to share information - which they may be able to deduce relates to the vulnerability of their former partner - could re-ignite risk and inadvertently open a window for a perpetrator to exert further control and manipulation.

- Chapter 10, page 77: we recommend Family Safety Victoria re-consider the appropriateness of including ‘*male victim survivors*’ in the list of groups who ‘*are at increased risk of experiencing family violence, being repeat victims; **and** face additional barriers to service access and disclosure*’ (emphasis added). While we acknowledge that male victims/survivors have unique needs and may feel particular forms of shame that inhibit them from reporting and seeking assistance for family violence, including male victims in this list implies that men are at ‘increased risk of experiencing family violence’ which is untrue and surely not the intention of Family Safety Victoria.
- Information Sharing process Checklist (Appendix A):
 - The distinction between a family violence risk assessment purpose and family violence risk protection purpose, in practice, is unclear from the language used here. Specific guidance on what kinds of information would be permitted to be shared for one purpose and not the other would help to clarify this issue for practitioners.
 - As outlined above, we also strongly encourage the addition of two new check boxes aimed at: firstly, prompting practitioners to consider and seek consent as required, and to notify victims/survivors when their information is shared without consent, and, secondly, if choosing not to seek consent and/or notify, prompting practitioners to think through and plan for the potential adverse consequences of this, including through safety planning and referral. This should be similarly reflected on page 89;
 - The language of the check box concerning risk assessment and safety planning be strengthened to put the onus on the practitioner to take meaningful steps to consider safety *before* deciding whether or not to share information without consent. For example, we suggest an additional question be included in Appendix A as follows: ‘*You have considered the potential risks and adverse consequences of sharing/requesting information and have planned for the safety and support of the victim survivor and any other person (such as a parent who is also a victim survivor) including through referral to culturally safe and appropriate support services*’.

Appendix A – About FVPLS Victoria

Established 15 years ago, FVPLS Victoria is an Aboriginal Community Controlled Organisation which provides culturally safe and holistic assistance to Aboriginal victims/survivors of family violence and sexual assault. FVPLS Victoria provides frontline legal assistance and early intervention/prevention, including through providing community legal education to the Aboriginal community, the legal, Aboriginal and domestic violence sectors. With support from philanthropic sources, FVPLS Victoria also undertakes policy and law reform work to identify systemic issues in need of reform and advocate for strengthened law and justice outcomes for Aboriginal victims/survivors of family violence and sexual assault.

FVPLS Victoria is open to Aboriginal men, women and children who have experienced or are at risk of family violence or sexual assault, as well as non-Aboriginal carers of Aboriginal children who are victims/survivors of family violence. FVPLS Victoria is not gender specific, however at last count 93% of our clients were Aboriginal women and their children.

In 2015-16, FVPLS Victoria's services impacted more than 6,000 people across Victoria.

FVPLS Victoria's legal services include advice, court representation and ongoing casework in the areas of:

- family violence intervention orders;
- child protection;
- family law;
- victims of crime assistance; and
- where resources permit, other civil law matters connected with a client's experience of family violence such as: police complaints, housing, Centrelink, child support and infringement matters.

FVPLS Victoria has a holistic, intensive client service model where each client is assisted by a lawyer and paralegal support worker to address the multitude of interrelated legal and non-legal issues our clients face. FVPLS Victoria's paralegal support workers, many of whom are Aboriginal women, provide additional emotional support, court support and referral to ensure the client is linked into culturally safe counseling and support services to address the underlying social issues giving rise to the client's legal problem and experience of family violence. This may include for example assistance with housing, drug and alcohol misuse, social and emotional wellbeing, parenting, financial and other supports.

As an Aboriginal Community Controlled Organisation, FVPLS Victoria is directed by an Aboriginal Board and has a range of systems and policies in place to ensure we provide culturally safe services in direct response to community need.