



Aboriginal Family Violence Prevention
& Legal Service Victoria

FVPLS Victoria

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Introduction

The Aboriginal Family Violence Prevention and Legal Service Victoria (FVPLS Victoria) welcomes the opportunity to respond to the Senate Standing Committee on Finance and Public Administration *Inquiry into Domestic Violence in Australia*. FVPLS Victoria is a legal service that provides ongoing casework, legal advice and referral to Aboriginal and Torres Strait Islander¹ victims/survivors of family violence.

FVPLS Victoria fully endorses the response of the National Aboriginal Family Violence Prevention Legal Services Forum (National FVPLS Forum) to which it has contributed and makes the following comments as an addition to that submission.

FVPLS Victoria also refers readers to its Policy Paper Series June 2010, which includes:

1. Paper 1: Strengthening law and justice outcomes for Aboriginal and Torres Strait Islander victims/survivors of family violence and sexual assault and women and children;
2. Paper 2: Strengthening on-the-ground service provision for Aboriginal and Torres Strait Islander victims/survivors of family violence and sexual assault in Victoria;
3. Paper 3: Improving accessibility of the legal system for Aboriginal and Torres Strait Islander victims/survivors of family violence and sexual assault.²

FVPLS Victoria would be pleased to provide further information in addition to this submission if required, and would be pleased to appear before the Committee in a hearing.

a. the prevalence and impact of domestic violence in Australia as it affects all Australians and, in particular, as it affects:

- a. women living with a disability, and**
- b. women from Aboriginal and Torres Strait Islander backgrounds;**

National data on the prevalence and impacts of domestic violence as it affects Aboriginal women is included in the Submission by the National Family Violence Prevention Legal Services Forum.

In Victoria specifically, one in three Aboriginal people report having a relative who is a victim or a witness to interpersonal violence on a daily basis.³ At FVPLS Victoria over 90% of our clients are women, many of whom are the primary carers of children.

c. the adequacy of policy and community responses to domestic violence;

Child Protection

See the Submission by the National Family Violence Prevention Legal Services Forum for comments and data on Aboriginal children in child protection systems nationally.

In Victoria specifically, Aboriginal children are vastly over-represented in child protection matters at all stages. Sixteen per cent of Aboriginal children and young people are on care and protection orders⁴ and family violence is present in at least 64 per cent of child protection cases

¹ Hereafter 'Aboriginal'

² These policy papers were made possible through funding initially provided by the Legal Services Board Grants Program and then later also by a grant from The Felton Bequest managed by ANZ Trustees. They are available online at <http://www.fvpls.org/Policy-and-Law-Reform.php>.

³ Aboriginal Affairs Victoria, *The Victorian Indigenous Family Violence Taskforce, 2003*.

⁴ Department of Premier and Cabinet, *Report of the Protecting Victoria's Vulnerable Children Inquiry*, Volume 1, State of Victoria, 2012, xxvi.

where Aboriginal children are involved.⁵ In fact, the work of Taskforce 1000, which falls under the new Victorian Commissioner for Aboriginal Children and Young People, has identified that this Departmental data is a significant underestimate.⁶ FVPLS Victoria routinely sees family violence as a root cause or as a contributory cause to the involvement of child protection authorities within Human Services Departments.

In the experience of FVPLS Victoria, specific requirements in the *Children, Youth and Families Act 2005 (Vic)* that are intended to ensure that Aboriginal children maintain cultural knowledge and kinship ties are not being met.

The wellbeing of Aboriginal children and their meaningful connection to culture must be addressed as a priority. This can be achieved via adequately funded Aboriginal support programs, consistent application of the Aboriginal Child Placement Principle, better training and oversight of Department of Human Services' workers and the strengthening of culturally appropriate practices and procedures across the child protection system more generally. In addition, culturally safe legal support for Aboriginal families and for carers of Aboriginal children is crucial.

Legislation requires that any Aboriginal child on a permanent care order or long-term guardianship order in Victoria must have a cultural plan, even if they are living with an Aboriginal family.⁷ FVPLS Victoria directs the Senate Standing Committees to the submission *Koori Kids: Growing Strong in Their Culture* which details the failure of the Victorian Department of Human Services to meet the legislative and practice requirements of cultural plans.⁸ In Victoria at this time, only 15 Aboriginal children (or 8 per cent) in out-of-home care had a completed cultural plan.⁹ Reports also indicate that many Aboriginal children and/or their families are not being referred to appropriate services, including but not limited to culturally safe legal services such as FVPLS Victoria.

The Secretary of the Department of Human Services is responsible for monitoring compliance with the cultural plan.¹⁰ It is clear however that there is a need for greater accountability in the Secretary's exercise of this responsibility, in order to ensure the completion and integrity of cultural plans. Another key concern raised regularly by FVPLS stakeholders is whether the Department is acting in accordance with its obligations under the Model Litigant Guidelines.¹¹

It is also essential that governments resource culturally safe programs that work with children to meaningfully and effectively re-establish and maintain cultural links. The culture and wellbeing of Aboriginal children must be addressed as a priority through adequately funded Aboriginal support programs, early intervention for at risk families, far more consistent application of the

⁵ Department of Planning and Community Development, *Victorian Government Indigenous Affairs Report 2007/08*, State Government of Victoria, 2009, 47. The Victorian Commissioner for Aboriginal Children and Young People has reported these figures are a significant under-estimate.

⁶ Department of Planning and Community Development, *Victorian Government Indigenous Affairs Report 2007/08*, State Government of Victoria, 2009, 47.

⁷ *Children, Youth and Families Act 2005 (Vic)* s 176.

⁸ Various Aboriginal Community Controlled Organisations and Community Service Organisations, *Koori Kids: Growing Strong in Their Culture – Five Year Plan for Aboriginal Children in Out-of-Home Care*, 2013, available [online] <http://www.cyp.vic.gov.au/downloads/submissions/submission-koorie-kids-growing-strong-in-their-culture-nov13.pdf>.

⁹ *Ibid*, 3.

¹⁰ *Ibid*, 176(4).

¹¹ *Guidelines on the State of Victoria's obligation to act as a model litigant* Available at <http://assets.justice.vic.gov.au/justice/resources/21628682-b10c-437c-85d7-e7ebbbc34cf6/revisedmodellitigantguidelines.pdf>

Aboriginal child placement principle and better training and oversight for workers in the human services and child protection sectors.

In 2013 the Victorian Commission for the Children and Young People (the Commission) was established as an agency independent of government, with the ability to table its annual report to Parliament, including the outcome of reviews of the justice and child protection system undertaken by the Commission. The role of the Commission is to advocate, investigate and make recommendations to improve children's rights, access and experiences of the justice and child protection system. As part of the establishment of the Commission, the Victorian Commissioner for Aboriginal Children and Young People was appointed and oversees the work of Taskforce 1000 considering the specific needs of Aboriginal Children in out of home care. The creation of the Commission and the inaugural position of Commissioner for Aboriginal Children and Young People is supported by FVPLS Victoria and commended to the Committees as a worthwhile initiative for other states and territories.

The Victorian Department of Human Services has an established DHS Aboriginal Services Roundtable, through which a select of peak Aboriginal and Torres Strait Islander agencies provide strategic advice to the Department and Secretary in relation to its role in Victorian Aboriginal communities. FVPLS Victoria has made several attempts but is not currently included on this forum, despite its direct role providing legal assistance to women and children as well as its specialist expertise in relation to family violence as a key contributor to Victoria's escalating rates of Aboriginal children in the child protection system. The Victorian Commissioner for Aboriginal Children and Young People fully endorses the involvement of FVPLS Victoria and has proposed this to the Roundtable.

FVPLS Victoria urges for this arrangement to be reviewed and recognition of its role and expertise provided through membership of the Roundtable.

Aboriginal Children in the Family and Children's Courts

FVPLS Victoria refers the Committee to the Victorian Department of Justice's discussion paper *Koori Children, Families, and the Family Division of the Children's Court*,¹² which recommended in 2010 that a Koori Children's Court be established within the Family Division.

In Victoria, the Koori Court and the Koori Children's Court (both in the criminal jurisdiction) are practical examples of how government can implement culturally appropriate court procedures. However, similar strategies are required in the family law and child protection jurisdictions. Despite an extremely successful Koori Court evaluation, there is no Aboriginal-specific list in the Children's Court of Victoria (Family Division) or in the Family Court of Australia.

The *Family Law Act 1975* (Cth) safeguards Aboriginal children's and Torres Strait Islander children's right to enjoy their Aboriginal or Torres Strait Islander culture [and...] *to explore the full extent of that culture*, consistent with the child's age and developmental level and the child's views."¹³ The *Family Law Act 1975* also states that children must have the support, opportunity and encouragement necessary to appreciate and fully explore their culture¹⁴ and explicitly recognises the role and importance of grandparents in children's lives in provisions s 60B(2)(b) and s 60CC(3)(b)(ii).¹⁵

¹² Courts and Tribunals Unit, Department of Justice Victoria, *Koori Children, Families and the Family Division of the Children's Court: A Discussion Paper for the 'Children's Koori Court (Family Division)' Project*, 2010, 59.

¹³ *Family Law Act 1975* (Cth) s 60CC (6). Emphasis added.

¹⁴ *Ibid*.

¹⁵ *Ibid* s 60B(2)(b) and s 60CC(3)(b)(ii).

FVPLSs experience with parenting orders in the Family Court between Aboriginal and non-Aboriginal parents demonstrates too many judges have a superficial understanding of cultural connections and the implications for Aboriginal children. Maintaining cultural connections requires much more than attending events during NAIDOC but requires sustained access to the Aboriginal community and supporting family members. Resourcing is required to support training for judges and other court staff to understand the cultural contexts underlying the existing legislative requirements and the implications for their practice.

In recognition of their expertise on these issues, FVPLS Victoria have recently been invited by the Federal Circuit Court to provide advice on how they can improve access for Aboriginal families to family law courts. This includes how to better tailor parenting orders to the needs and rights of Aboriginal children, and reviewing referral protocols to ensure Aboriginal and Torres Strait Islanders are advised of their option to obtain legal advice and representation from an Aboriginal organisation such as FVPLS. Specific strategies proposed included establishing a Koori List for the Federal Circuit Court, and facilitating training for judges and other court staff. A key recommendation in relation to parenting orders is to ensure Aboriginal children have access to regular, routine time with their cultural peers, spend time on country, and have regular opportunities to develop connections that ensure they genuinely feel part of the Aboriginal community.

Roundtable Dispute Management

FVPLS Victoria supports access to Roundtable Dispute Management (RDM), which is funded by Legal Aid and provides access to dispute management with legal representation. This provides a safer and more protected environment for clients, particularly those experiencing or at risk of family violence, who with the help of legal representation from a specialist legal service like FVPLS Victoria, can understand their legal rights.

In family law matters, parties must undertake mediation before going to court. While victims of family violence can seek exemption from undertaking mediation, our experience shows that clients are often reluctant to disclose family violence to Family Relationship Centres and other mainstream services, and/or do not understand their rights as a victims of family violence. In some jurisdictions, including Victoria, eligible clients can undertake lawyer-assisted mediation such as RDM.

To use RDM, at least one parent must have a grant of legal assistance and the lawyer holding the grant must apply for RDM. FVPLS Victoria therefore play a critical role in ensuring clients have a knowledge of and can access RDM as an alternative to Family Dispute Resolution. FVPLS Victoria's legal and non-legal support through the process also ensures cultural and safety needs are appropriately identified and addressed.

Clients without FVPLS Victoria support may be more likely to agree to undertake FDR at a Family Relationship Centre in cases where they might be eligible for RDM or an exemption from mediation on grounds of family violence. They might also be more likely to agree to participate in FDR at a Family Relationship Centre without legal advice or support and, through that process, consent to parenting arrangements which are against their interests, do not adequately take into account their children's cultural rights and have the potential to jeopardise their safety and that of their children.

Victims of Crime Assistance Tribunal (VOCAT)

The Victorian Victims of Crime Assistance Scheme does not purport to be a compensation or recognition scheme. Rather, as stated in section 1 of the *Victims of Crime Assistance Act 1996* ("the act"), the purpose of the Victorian scheme is to provide 'assistance' to victims of crime. The act explicitly states at s 1(3) that awards of financial assistance "are not intended to reflect the level

of compensation to which victims of crime may be entitled at common law or otherwise.” In addition, Victorian caps on compensation for pain, suffering and loss of enjoyment are markedly lower than in other jurisdictions. FVPLS Victoria supports awarding compensation that is equitable across jurisdictions and accurately reflects the seriousness of the offence and the magnitude of harm suffered.

Men are generally the perpetrators of violence against women and many women are not comfortable speaking with a male about these issues. Female victims of family violence and sexual assault must be able to access female lawyers and other female support staff for reasons of gender sensitivity and culture. In consultations undertaken by FVPLS Victoria, many participants have commented that having a female tribunal member is extremely valuable.¹⁶

The experiences of FVPLS Victoria’s clients in attempting to claim assistance through VOCAT also demonstrates significant barriers to access, including financial barriers. For example, the scheme requires that items granted to assist recovery are either paid for upfront or an invoice provided to the Tribunal to pay the service provider directly. For example, FVPLS Victoria have had carriage of a matter where a client was granted an interim award for urgent removal costs required to ensure safety. The removalist could not provide an invoice as the final cost was not determined until the removalist saw the client’s house on the day of moving. As the client could not afford to pay upfront, FVPLS Victoria paid for the removalist on the client’s behalf. The removalist ended up charging more than the amount awarded by the Tribunal, and FVPLS Victoria was not reimbursed the difference. This example highlights the difficulty claimants have in accessing awards if they cannot afford to pay upfront and do not have the support of services such as FVPLS Victoria.

Assistance with simple application processes and procedures are also important for FVPLS Victoria clients who find it difficult to access overly complex or bureaucratic processes due to cultural barriers, limited literacy and/or education, geographical distance or lack of transport/freedom of movement, trauma and other barriers.

In a paper delivered at the first National Indigenous Courts Conference organised by the Australasian Institute of Judicial Administration in Mildura in 2007, Magistrate Susan Wakeling provided an overview of the development of a VOCAT Koori List and of broader initiatives to increase the number of Aboriginal victims of crime who apply to the Tribunal. Significant improvements were made to support procedural and cultural accessibility of VOCAT (Refer FVPLS Victoria Policy Paper 3 for details).¹⁷ However, reports from FVPLS Victoria lawyers interacting with VOCAT over the last 1-2 years suggest that current resourcing restrictions are heavily impacting on the initiatives introduced.

d. the effects of policy decisions regarding housing, legal services, and women’s economic independence on the ability of women to escape domestic violence

These comments are in addition to the Submission by the National Family Violence Prevention Legal Services Forum on the impact of recent policy decisions.

¹⁶ FVPLS Victoria, ‘Strengthening on-the-ground service provision for Aboriginal and Torres Strait Islander victims/survivors of family violence and sexual assault in Victoria. Policy Paper Series June 2010, Paper 2 of 3, p. 15.

¹⁷ FVPLS Victoria, ‘Improving accessibility of the legal system for Aboriginal and Torres Strait Islander victims/survivors of family violence and sexual assault’. Policy Paper Series June 2010, Paper 3 of 3.

Housing and Homelessness

The National Partnership Agreement on Homelessness (NPAH) has only been extended for a further 12 months, which creates considerable uncertainty for the sector and for FVPLS Victoria specifically. One in ten Aboriginal and Torres Strait Islander women used a specialist homelessness service in 2012-2013.¹⁸

The single greatest reason people in Australia present to homelessness accommodation services is family violence.¹⁹ FVPLS Victoria receiving funding under NPAH for two frontline positions. These positions support Aboriginal and Torres Strait Islander victims/survivors of family violence and sexual assault with case management and court support when they are escaping violence, including linking them to crucial services for housing and/or homelessness.

Reductions in access to affordable housing and homelessness services for women experiencing family violence also has an immediate and detrimental impact on children who have heard or witnessed family violence. Following on from above, implementation of mandatory reporting by police in Victoria means that police must notify the Department of Human Services on every occasion they are called to respond to an incident of family violence and a child is present. If there are no accommodation options for the mother experiencing family violence, the mother will need to choose between facing homelessness, or remaining where they are with ongoing exposure to violence, both of which also put children at risk.

The *Children, Youth and Families Act 2005* states explicitly that “the fact that the child does not have adequate accommodation is not by itself a sufficient reason for the making of a [protection] order.”²⁰ However in the experience of FVPLS Victoria the lack of housing options can be the primary contributor to ongoing family violence and associated risks to children.

There is growing recognition of the impact of family violence upon children as both primary victims and secondary victims (where they have heard or witnessed violence). FVPLS Victoria agrees with these concerns but advocates for immediate increases in access to affordable and crisis housing, including specialist services for women and children experiencing family violence. FVPLS Victoria asserts that the state and Commonwealth have a duty of care to the interests of Aboriginal women and children which absolutely cannot be met until safe housing is available.

More broadly, mandatory reporting by police of children witnessing family violence without a guarantee of immediate and effective safety for victims is not in the best interests of children, mothers or the wider Aboriginal community. In addition to the impacts on children who are removed, experience at FVPLS Victoria demonstrates that the perceived threat of intervention by the Department of Human Services acts as a major deterrent to help seeking behaviour.

Access to Legal Services

Commonwealth Government funding agreements currently restrict the National FVPLS program to specifically providing services within 31 rural and remote areas of Australia. This policy means Aboriginal and Torres Strait Islander victims/survivors of family violence that are living in urban areas and in other rural and remote regions do not currently have access to an FVPLS service. Aboriginal and Torres Strait Islanders living in all geographic areas are entitled to equal access to culturally safe services, access to justice and the right to live in safety.

¹⁸ Australian Institute of Health and Welfare, *Homelessness among Indigenous Australians*, 2014.

¹⁹ Australian Institute of Health and Welfare, *Domestic Violence a major factor in homelessness among women and children, 2008*, available at <http://www.dpvc.gov.au/women/publications-articles/safety-women/women-synthesis-report-HTML.cfm>.

²⁰ *Children, Youth and Families Act 2005* No.96 of 2005

The Commonwealth maintains that resources are being appropriately targeted to rural and remote locations identified as high need, based on the presumption that urban areas offer a broader range of mainstream services which Aboriginal victims/survivors of family violence and sexual assault (mainly women and children) can access. This narrow policy approach focuses on relative geographic disadvantage rather than on the development of strategic approaches to Aboriginal disadvantage as a whole. It is informed by misconceptions about the nature of urban Aboriginal communities and a narrow view of the purpose and value of Aboriginal community-controlled organisations. This approach also fails to acknowledge the wealth of evidence indicating that Aboriginal women are not accessing mainstream services for family violence/sexual assault issues.

It is well established that Aboriginal disadvantage “does not start and stop at remote Australia [which] is especially true when comparisons are made with the urban non-Indigenous population.”²¹ Not all Aboriginal services are subjected to restricted funding policy based on relative geographic disadvantage. For example, Aboriginal Legal Services and Aboriginal Health Services are funded for all communities, based on recognition that their key services cannot be adequately provided by mainstream services in urban areas.

Given the highly complex, sensitive and broadly impacting nature of family violence and sexual assault, together with statistical evidence of the continuing disadvantage of Aboriginal women and children, it is clear that Aboriginal family violence and sexual assault services, including those specific to women and children, must be similarly ‘quarantined’ from this restrictive ‘geographic disadvantage’ approach. These services must be funded as primary rather than supplementary services across urban, rural and remote communities.

The current funding restrictions have a discriminatory impact on Aboriginal peoples, particularly women, who are often unable to access other appropriate services due to conflict of interest issues with the Aboriginal Legal Services and the cultural inaccessibility of most mainstream services. In the experience of FVPLS Victoria, Aboriginal women often do not want to contact Victorian Aboriginal Legal Service or mainstream services for women to seek legal assistance in situations of family violence or sexual assault.

“...Indigenous women and children are most likely to be disadvantaged in the conflict dynamic as victims of domestic violence or other crimes, where the perpetrator is represented by an ATSILS, although Family Violence Prevention and legal Services will pick up some matters *in the few cases where they are located*.... [The] inaccessibility of family and civil law services compromises the ability of Indigenous people to realise their full entitlements.”²²

For reasons of safety, confidentiality and gender sensitivity, women prefer to access a completely separate but still culturally appropriate service, where they know they will receive support from female staff to deal with the sensitive issues of family violence and sexual assault. Women who access legal services as victims must be certain that neither the perpetrator nor a person connected to the perpetrator will also be accessing that service. In addition, women more generally do not want the broader community to know that they are experiencing family violence; they prefer to attend services where privacy and confidentiality is guaranteed.

The Commonwealth Government’s refusal to fund dedicated FVPLS services in urban areas is also based on misconceptions about the nature of urban Aboriginal communities.

²¹ Nicholas Biddle “Indigenous Gaps in the City” (2009) Indigenous Law Bulletin 7(14) 16

²² Cunneen, Chris and Schwartz, Melanie, ‘Funding Aboriginal and Torres Strait Islander Legal Services: Issues of Equity and Access’, *Criminal Law Journal*, Vol.32, 2008, p.50. Emphasis added.

“While it is perhaps easier politically to gather support from the broader Australian community for dealing with problems in Aboriginal communities where the population looks more like “real” Aborigines – the ones who look and live the way that many Australians think “authentic” Aboriginal people should look and live, it is irresponsible – and in the end, bad policy – to ignore the other 76% of the Aboriginal community.”²³

It is not disputed that outcomes for remote Aboriginal communities are worse than that of their regional and urban counterparts. However, around three quarters of Aboriginal Australians live in a regional or urban area, and almost a third live in a major city. ²⁴ The 2009 Senate *Access to Justice* report found that Aboriginal people's access to justice is compromised by a lack of properly funded Aboriginal and Torres Strait Islander Legal Services and noted that people living in regional, rural and remote areas were particularly disadvantaged. However, people living in urban areas also experience challenges with policy decisions to restrict FVPLSs to rural and remote areas leading to urban Aboriginal people being ‘in effect abandoned to mainstream services, without adequately addressing issues of access, flexibility and relevance.’⁵

It is the experience of FVPLS Victoria in Melbourne that there has been a significant increase in the number of intervention orders over the last 1-2 years, which has led in turn to increased demands on police and court resources. Specifically, this has reduced the levels of assistance by police in applications for intervention orders and extended delays in court processing times. Access to legal assistance such as FVPLS Victoria can ensure that increased reporting leads to improved outcomes in these areas.

FVPLS Victoria recognises the importance of appropriate funding for services in rural and remote locations. However, a funding approach that addresses disadvantage and the issue of family violence and sexual assault as a whole will be more likely to improve overall outcomes. The current policy has discriminatory impact and goes against the spirit of human rights instruments to which Australia is a party.

e. how the Federal Government can best support, contribute to and drive the social, cultural and behavioural shifts required to eliminate violence against women and their children; and

Early intervention and prevention and community legal education activities are essential components of increasing access to justice, identifying community needs and reducing the social isolation often experienced by victims/survivors of family violence. In addition, given the co-existence of family violence with other devastating social issues including substance misuse, incarceration, unemployment, school avoidance and poverty, work toward its prevention would logically have positive impacts on other problems faced by the community. This social reinvestment approach requires resources to be dedicated upfront where they can be applied more efficiently than if they were applied at the tertiary level (i.e. paying for prisons, and children in the care of the state).

FVPLS Victoria is very concerned that, despite the critical importance of prevention programs in Aboriginal communities, the Commonwealth Government cut funding to FVPLS early intervention and prevention programs across Australia in 2012. This included the loss of funding for FVPLS Victoria’s highly successful Sisters Day Out program, which has been continued through limited and short term funding from other sources. FVPLS Victoria believes that such

²³ Behrendt, L.Y. (2006) ‘The Urban Aboriginal Landscape’ in Anderson, K, Dobson, R, Allon, F, Neilson, B (eds) *After Sprawl: Post-Suburban Sydney*. E-Proceedings of Post-Suburban Sydney: The City in Transformation Conference.

²⁴ Nicholas Biddle “Indigenous Gaps in the City” (2009) *Indigenous Law Bulletin* 7(14) 16

funding cuts and ongoing uncertainty for established flagship programs with proven effectiveness is not only inefficient, but continues to undermine trust between Aboriginal communities and government.

Examples of FVPLS Victoria's ongoing early intervention and prevention and community legal education activities are below. See also the Submission by the National Family Violence Prevention Legal Services Forum on the rationale for and benefits of these programs in driving social, cultural and behavioural shifts.

Sisters Day Out®

The Sisters Day Out program targets Aboriginal and Torres Strait Islander women in communities across Victoria for a day of pampering, relaxation and respite from life stressors. Each workshop includes a range of wellbeing activities such as hairdressing, massage, manicures and other forms of pampering that enhance and promote self-esteem. Dance and exercise activities establish a tone of supportive informality that unites women across generations.

Each workshop includes a presentation and general discussion about family violence issues. Women experiencing violence can privately consult FVPLS Victoria solicitors and/or counsellors during the day to exercise their right to feel safe and secure in their homes and community.

The workshop also provides an opportunity for local community agencies, both mainstream and Aboriginal specific, to set up information booths and engage participants in a relaxed and supportive environment. This interaction assists to break down some of the barriers that prevent Aboriginal and Torres Strait Islander women from accessing services.

The day succeeds in strengthening and facilitating cultural and wider intergenerational family ties, while simultaneously educating people about what constitutes family violence and what help is available – from both mainstream agencies and Aboriginal-specific services.

Since the Sisters Day Out program was developed by FVPLS Victoria six years ago, 80 events have been delivered in 38 locations across Victoria with over 5,500 Aboriginal women attending the programs.

The government's commitment to effective prevention programs such as Sisters Day Out must be demonstrated through the provision of sufficient and sustainable funding. It is strongly recommended that this resourcing is in addition to the adequate resourcing of legal services for victims/survivors of family violence, as funding for early intervention and prevention programs combating family violence should not occur in competition to funding for crisis response services.

The Dilly Bag Program

The Dilly Bag Workshop is a two day intensive personal development workshop. It assists Koori women to make choices in their own lives that will reduce vulnerability to family violence and enhance their capacity to take on a leadership role in their community regarding family violence prevention.

Based on cultural principles, Dilly Bag incorporates aspects of healing and provides a foundation of learning to identify each woman's strengths, unlock potential, reaffirm identity, strengthen self-esteem and overcome personal barriers. This involves exercising life choices at a personal, family and/or community level.

The Sisters Serenity Retreat

The Sisters Serenity Retreat (the Retreat) provides a sanctuary for up to 25 Koori women to have some respite from life stressors within a drug and alcohol free environment, while providing

activities to strengthen resolve so that they can continue to make positive choices in their own lives and continue to lead the community on family violence prevention.

The Retreat takes place over three days at a culturally appropriate, safe and relaxing location with facilities for the participants to stay for two nights. The format for the Retreat is a series of workshops with physical and social activities such as self-defence, Koori art, horse riding, personal care, yarning circles, cultural sessions, general informal conversations and relaxation.

A FVPLS Victoria solicitor and a counsellor attend the Retreat and are available for discussions with individuals as required. The Retreat is also run by staff with specific training to support women to address related health, social and mental health issues. Other guest speakers also attend with a particular focus upon health and wellbeing including drug and alcohol workers, nutritionists and other relevant health professionals.

f. any other related matters

Commonwealth/state government collaboration

At the present time, there is no formal funding agreement between the Commonwealth and states and territories for FVPLS or for legal services for Aboriginal women more generally. The Victorian Government continues to fund FVPLS Victoria to service metropolitan Melbourne and to provide a limited service to rural Victoria not funded by the Commonwealth. Funding from the State Government also enables FVPLS Victoria to continue to provide legal education to the Victorian Aboriginal community, as Commonwealth Government funding for these activities was discontinued in 2012. This situation is unique to FVPLS Victoria and provides greater capacity to support Aboriginal women and children across Victoria. However, there is no joint commitment between the state and the Commonwealth to a long-term solution that supports this state-wide service model.

Funding from the State Government augments FVPLS Victoria's core program activities. Without formal collaboration between State and Commonwealth governments however, significant gaps remain and services are unnecessarily restricted and fragmented. FVPLS Victoria also relies heavily on philanthropic funding to strengthen its service delivery and conduct capacity building, advocacy, and research and evaluation activities.

FVPLS Victoria urges state and Commonwealth governments to urgently and formally cooperate in ensuring appropriate funding of the FVPLS program nationally, including in urban areas. This may include:

- a commitment to funding FVPLS legal assistance and homelessness services under the National Partnership Agreement on Legal Assistance Services and National Partnership Agreement on Homelessness;
- resolving as a matter of urgency joint funding responsibility for FVPLS;
- enhanced cooperation through COAG and SCAG (Standing Committee of Attorneys General) for the funding of FVPLS; and
- ensuring strategic funding of services for Aboriginal women and children that addresses disadvantage as a whole is a cornerstone of all future funding arrangements.²⁵

Competition in the Sector

FVPLS Victoria is concerned about the competition developing between different sectors in the family violence space and in community services more broadly.

²⁵ Noting that Aboriginal women and children should retain the option to access mainstream services when preferred.

Of particular concern is where large government tenders for services to Aboriginal clients have been awarded to non-Aboriginal organisations, when there are established Aboriginal community controlled organisations with strong community trust and relationships with capacity to deliver the programs.

Greater impact and effectiveness is achieved through supporting Aboriginal specific and community controlled organisations to deliver programs in Aboriginal communities. Advancing Aboriginal and Torres Strait Islander people's self-determination is also fundamental to addressing family violence in Aboriginal and Torres Strait Islander communities. Aboriginal and Torres Strait Islander people and organisations must be engaged in determining and developing programs for their own communities.

There have been a number of recent disappointing examples where local communities have developed innovative initiatives to address family violence, yet funding to continue these programs has been provided to non-Aboriginal organisations.

Similarly an increased focus on perpetrator accountability and interventions is welcome, but must not be at the expense of dedicated services for victims/survivors. The current climate of contest between men's and women's programs is damaging to efforts to reduce and prevent family violence and in addressing victims/survivors' needs and occurs in a context of severe under-resourcing of the sector overall. FVPLS Victoria supports programs for perpetrators in principle but emphasises that this must not occur at the expense of resourcing for women's safety.

Funding for early intervention and prevention programs should not occur in competition to funding for crisis response services. Whilst early intervention and prevention programs are vital to curbing high rates of family violence and therefore demand dedicated funding (see also above), the already high rates of family violence in Aboriginal communities continues to require urgent responses through well-resourced, culturally safe and secure crisis support services in all areas.