



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

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# A VICTORIAN GOVERNMENT GENDER EQUALITY STRATEGY

Submission by FVPLS Victoria  
March 2016

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# 1. INTRODUCTION

The Aboriginal Family Violence Prevention and Legal Service Victoria (FVPLS Victoria) welcomes the opportunity to submit our perspective on the development of a Victorian Government Gender Equality Strategy on behalf of Aboriginal women and their children.

FVPLS Victoria is an Aboriginal Community Controlled, not-for-profit legal assistance provider. Established 14 years ago, FVPLS Victoria is the only legal assistance service in Victoria exclusively dedicated to assisting Aboriginal and Torres Strait Islander (hereafter 'Aboriginal') victims/survivors of family violence and sexual assault. Further information on FVPLS Victoria can be found in Appendix 1.

This submission will outline the impacts of gender and intersectional inequality on Aboriginal women, highlighting particular areas of concern including family violence, child protection and incarceration. The submission also responds to selected questions contained in the Victorian Government Gender Equality Strategy consultation paper.

FVPLS Victoria has included a number of recommendations within this submission on effective entry points for the Victorian Government to begin reversing the disproportionate gender inequality experienced by Aboriginal women.

## 2. EXECUTIVE SUMMARY

FVPLS Victoria is pleased to respond to the Victorian Government's consultation on a Victorian Gender Equality strategy.

Aboriginal women experience multiple points of disadvantage and marginalisation due to the intersection of racism, gender inequality and poverty. Three issues critically impacting upon Aboriginal women's wellbeing, civic/economic participation and gender equality are:

1. The consequences of family violence which disproportionately affects Aboriginal women and their children. The impact is intergenerational and will affect future generations, creating a cycle of disadvantage. The impacts of family violence on Aboriginal women are far reaching, resulting in disability, health problems, homelessness, unemployment and incarceration.
2. The nexus between the impact of men's violence against women and child protection services engagement. The primary cause of Aboriginal child removal is family violence which results in the breakdown of Aboriginal women's culture and wellbeing. The fear of reporting family violence leaves Aboriginal women vulnerable to further violence.
3. The disproportionate representation of Aboriginal women within the criminal justice system. Family violence and sexual assault are known precursor factors and the majority of Aboriginal women in prison have experienced family violence and sexual assault. Interactions with the criminal justice system embeds stigma, institutionalisation, unemployment, poverty and negative interactions with Police.

Aboriginal women are silenced and marginalised. Government systems do not always adequately respond to the needs of the Aboriginal women. The barriers to accessing mainstream services, including the lack of culturally appropriate services, further entrench inequality and marginalisation within a vulnerable community.

FVPLS Victoria believes that the Victorian Government must act now to reverse the disproportionate impact of gender inequality faced by Aboriginal women through implementation of a comprehensive plan to reduce the societal impacts of entrenched marginalisation.

In order to achieve this, the Government must:

**Acknowledge:** the disproportionate impact of gender inequality on Aboriginal women caused by the intersection of racism, gender inequality and poverty. Acknowledge the need for culturally safe responses to support Aboriginal women build their resilience through their culture.

**Invest:** in rectifying our society's embedded gender imbalance through support to Aboriginal Community Controlled organisations. Overcoming the entrenched disadvantage experienced by Aboriginal women will require significant investment both in financial and human capacity terms by Government over generations.

**Partner:** with Aboriginal Community Controlled organisations. Policy and program development needs to engage Aboriginal women and their communities in meaningful ways. Genuine engagement requires mandating engagement with Aboriginal women as Government core business.

### 3. RECOMMENDATIONS TO THE VICTORIAN GOVERNMENT:

Achieving gender equality for Aboriginal women will require systemic, long term and consolidated effort by the Victoria Government. Coordination is a critical factor across the multiplicity of services, programs and policies in relation to Aboriginal affairs. Consultation and genuine engagement are key components of ensuring development and delivery of a Gender Equality Strategy is efficient and effective.

**Recommendation:** that the Victorian Government develop a plan to address the intersectional inequality experienced by Aboriginal women. The development of a comprehensive plan needs to include an audit on existing work undertaken across Government portfolios to capture existing initiatives and ascertain how best to coordinate efforts to confront issues that affect Aboriginal women.

The plan requires both short term and long term indicators of affecting change and established performance goals with a specific focus on Health, Justice and Education sector outcomes, as well as child protection. The fundamental building blocks of the plan, highlighted in the Executive Summary are Acknowledge, Invest and Partner, components which are described in further detail below.

The recommendations in this submission are drawn from our understanding of Aboriginal women's experiences of entrenched gender inequality, particularly manifested through family violence, child protection and incarceration. Our recommendations provide an opportunity to address and rectify the intersectional and disproportionate impact of gender inequality on Aboriginal women.

#### Acknowledge

1. Address the far reaching, disproportionate intersectional nature of Aboriginal women's inequality through the leadership of Departmental Secretaries championing Aboriginal women's needs and rights.
2. Increase cultural training for all staff across the public sector. This will embed an understanding of the intersectionality of Aboriginal women's issues into Victorian Government policy and program work and promote culturally appropriate service delivery.

3. Promote public awareness of the Victorian Charter of Human Rights which defines the cultural rights of Aboriginal people in Victoria to maintain culture and kinship ties.
4. Commit to conducting a timely, transparent and publicly accessible review process of the impact of the recent child protection legislation amendments with a specific focus on the consequences for Aboriginal women and their children.

## **Invest**

5. Commit to achieving improved justice outcomes for Aboriginal women by:
  - Funding FVPLS Victoria's Prison Support Worker program for the next three years;
  - Funding Koori Family Violence Support workers in the Magistrates' Court.
6. Provide sufficient, long-term funding that adequately resources the core business of FVPLS Victoria and enable expansion of services to meet the overwhelming need for legal assistance across IVO applications, Family Law and child protection issues.
7. Ensure greater resourcing of the community sector to deliver integrated care service models to Aboriginal women including funding support for the Koori Women's Hub. Foster partnerships between community organisations working in mental health, alcohol/drug, employment and housing sectors.
8. Investing in funding for policy and research for Aboriginal Community Controlled organisations. Increase the capacity of FVPLS Victoria to build a body of knowledge of formal data from our on the ground experience, which will be of great benefit to government.
9. Invest in the existing capacity of Aboriginal women leaders and support new and emerging leaders. This includes identifying or creating opportunities and platforms for Aboriginal women's voices and participation.
10. Focus investments efforts on early intervention and prevention programs to ensure the most efficient and effective use of Government resourcing. Commit to building upon the success of existing programs by providing ongoing funding for *Sisters Day Out*®, *Dilly Bag*, *Dilly Bag the Journey* and *Young Luv* and through funding support for the Koori Women's Hub.

## **Partner**

11. FVPLS is ideally positioned to provide policy advice around how the Gender Equality Strategy can be developed to respond to Aboriginal women's needs. Consult extensively with FVPLS Victoria on the needs of Aboriginal women by inclusion in regular panels, advisory bodies and meetings.
12. Build joint and co-developed projects between Government departments and FVPLS Victoria to address Aboriginal women's inequality around critical entry points of inequality including Victoria Police, Department of Justice and Regulation (DJR) and the Department of Health and Human Services (DHHS).
13. Develop pathways for Aboriginal women to access further education including tertiary education, professional development. Ensure provision of scholarships to victims/survivors of family violence to further educational opportunities.

## 4. ABORIGINAL WOMEN AND GENDER INEQUALITY

The crisis of gender inequality has reached a tipping point. The negative impact upon all areas of Victorian society are now better understood and acknowledged by the community, the media and Government.

However, the impact of gender inequality on Aboriginal women and their children remains predominantly invisible to the mainstream. Similarly, the impact of the intersection of racism, poverty and sexism on Aboriginal women's marginalisation and social isolation are not well understood.

The intersectionality of Aboriginal women's gender inequality is highlighted in the National Family Violence Prevention Legal Services 'Submission to the Senate Finance and Public Administration References Committee for inquiry into domestic violence and gender inequality';

*'Gender inequality does not occur in a vacuum. It influences and is influenced by other social dynamics and power relationships, including deep racial inequalities. The trauma of colonisation and subsequent continuing trauma caused by child removal policies and racial discrimination has contributed to the disadvantage faced by Aboriginal women in almost all areas of social, political and economic life.'*<sup>1</sup>

We seek to examine three areas in which the impact is disproportionately experienced by Aboriginal women including **family violence**, interactions with the **child protection** and the **criminal justice** system. The disadvantage experienced by Aboriginal women is both caused and exacerbated by the cross over and linkages between these issues. The following statistics highlight Aboriginal women's experiences of these identified issues including:

- Aboriginal women are 34 times more likely to experience family violence than non-Aboriginal women;<sup>2</sup>
- Men's violence against Aboriginal women is the primary driver of up to 90% of Aboriginal children entering out-of-home care;<sup>3</sup>
- Victorian Aboriginal children are 12.3 times more likely to be on care and protection orders in comparison with non-Aboriginal children;<sup>4</sup>
- Aboriginal women make up 22% of all clients of specialist homelessness services;<sup>5</sup> and
- 1 in ten women in prison identifies as Aboriginal, making them fastest growing segment of the Victorian prison population and 80% of them are mothers.<sup>6</sup>

These statistics clearly demonstrate the negative impacts of intersectional gender inequality on Aboriginal women, their life outcomes and their ability to participate fully in Victorian society. KPMG estimates that the cost of family against Aboriginal women will cost the Australian economy \$2.2 billion by 2021.<sup>7</sup>

In our 2010 policy position paper,<sup>8</sup> FVPLS Victoria highlighted that law and justice outcomes for Aboriginal women and their children are poor across all communities. It is now six years on and significant changes are yet to be fully realised.

The longer a woman experiences poverty, the more entrenched inequality becomes. It becomes increasingly difficult to break down barriers and Aboriginal women become further distanced from life opportunities.

## *The lived impact of family violence on Aboriginal women*

Aboriginal women are disproportionately impacted by family violence, and the lived experiences of Aboriginal women need to be acknowledged by Government. Aboriginal women's experiences of family violence are not just statistics. The lived experience of family violence breaks down families and communities who have already experienced high levels of trauma and marginalisation.

Family violence interrupts Aboriginal women's lives. It diverts personal capacity away from participating socially, economically and civically. Family violence leaves physical and emotional damage that can last a lifetime and has many flow on consequences in Aboriginal women's lives and the lives of their children.

Intersectional gender equality leads to poorer life outcomes for Aboriginal women embedding disadvantage in Aboriginal children lives through intergenerational trauma. The result is a cycle of poverty and disempowerment, with future generations slipping further into the margins of society and experiencing entrenched inequality.

Kylie's\* case study illuminates the interruption and disruption experienced by Aboriginal women's experience of family violence and how FVPLS Victoria's intervention assisted in creating more positive life outcomes.

### **Gender inequality outcome case study 1: Disability, family violence and child protection**

Kylie\* is a 27 year old Aboriginal woman. She is a single mother with an intellectual disability, family violence-induced trauma and she cannot read or write.

Kylie came to FVPLS Victoria for assistance to obtain a family violence intervention order (IVO) against her former partner who had a history of perpetrating serious violence against Kylie such as choking, beating (including punching her in the stomach while she was pregnant), threats to kill, stalking, sending abusive text messages and threatening to harm her family and her pets. When speaking with Kylie at intake, one of our paralegal support workers ('PLSW') identified there was a significant risk of child protection intervention in Kylie's family.

In addition to assisting Kylie to obtain an IVO to protect herself and her children and obtain victims of crime compensation to obtain counselling and security improvements to her home, our PLSW ensured that Kylie received expert advice from our lawyer about child protection.

FVPLS Victoria provided intensive emotional and practical support to Kylie to reassure her and ensure that she did not become overwhelmed and disengage from the case, thus rendering her more likely to be deemed uncooperative or unstable by the Department and subject to litigation and/or child removal.

In addition, in consultation with the lawyer, the PLSW made a number of referrals to non-legal agencies to ensure Kylie had all the supports in place to maintain her engagement in the legal process and safely care for her children. This included referrals for psychiatric counselling, parenting support, respite childcare and case management.

Ultimately, our lawyer liaised with the Department to proactively address their concerns and successfully ensure Kylie was able to retain her children in her care with added supports in place.

Had our PLSW not had the skills and knowledge to identify Kylie's child protection issue, Kylie may not have received any independent advice prior to DHHS intervention which may have escalated to a court application or child removal.

Due to Kylie’s intellectual disability, trauma and disadvantage, Kylie would have struggled to understand DHHS’ concerns or advocate for herself without legal assistance which would have significantly increased the risk of losing her children

### *The loss of Aboriginal women’s culture*

As stated above, the issue of gender inequality can result in poorer life outcomes for Aboriginal women and embeds disadvantage in Aboriginal children’s lives through intergenerational trauma. The primacy and importance of culture for Aboriginal communities cannot be overstated.

Enshrined within Section 19 of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) are distinct cultural rights for Aboriginal people.<sup>9</sup> Under the Act, Aboriginal people hold distinct cultural rights and “must not be denied the right, with other members of their community— (a) to enjoy their identity and culture; and (b) to maintain and use their language; and (c) to maintain their kinship ties; and (d) to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs”.

FVPLS Victoria is of the opinion that the specific cultural rights for Aboriginal people are not well understood or recognized both within the Victorian Government and more broadly across Victorian society. Promoting awareness of the Act will assist in removing embedded racism against Aboriginal women within the broader community which creates opportunity for greater equality. Furthermore, it will assist Victorian Government staff to understand and fulfil their legislative obligations to uphold the cultural rights of Aboriginal women.

Jen’s \* experience, one which FVPLS Victoria sees repeated with many clients, highlights the crisis of intergenerational trauma and the detrimental consequences on Aboriginal women and girls. This includes a loss of culture, kinship ties and the erosion of family structures which are fundamental to Aboriginal culture.

### **Gender inequality outcome case study 2: Intergenerational trauma, family violence and child protection**

Jen\* is a 26 year old Aboriginal mother of five. Jen grew up in residential care, became addicted to ice and alcohol as a teenager and first fell pregnant at 16. She has had significant periods of homelessness. Jen’s two youngest children live with their father by agreement. Jen’s eldest three children, who have a different father were removed by DHHS.

Jen contacted FVPLS Victoria on referral from the DHHS who had observed Jen’s boyfriend damage her car and be highly aggressive towards Jen during child access visits. Due to past negative experiences, Jen was extremely mistrustful of police, courts, lawyers and the DHHS. Our PLSW formed a strong rapport with Jen and helped her to trust, work with and open up to our lawyer.

As a result of this relationship, Jen disclosed a long history of serious violence by her boyfriend who had subjected her to frequent physical and emotional violence and financial abuse. Jen confided that she had attempted to leave her boyfriend several times but had ultimately returned to him as she had nowhere else to live.

Our PLSW supported Jen to make a statement to police and linked her in with our FVPLS Victoria lawyer who obtained a family violence intervention order for her protection. In addition,



our PLSW supported Jen to move to a women's refuge and assisted our lawyer to obtain financial assistance through the Victims' of Crime Assistance Tribunal to pay for storage of Jen's property while she was in refuge awaiting new safe and secure housing.

To assist Jen over the longer term, our PLSW also referred Jen to a culturally competent psychologist and alcohol and drug worker to support her recovery and ongoing healing from violence.

Jen may not have found the courage to disclose her experience of violence and abuse, or been able to safely leave her relationship without facing homelessness without FVPLS Victoria's support. In addition, without a skilled and experienced PLSW, Jen may not have been willing to trust her lawyer to achieve the positive housing and safety outcomes obtained.

Without access to FVPLS Victoria's specialist legal assistance services and associated holistic supports, Aboriginal victim-survivors of family violence face enormous barriers to accessing their rights and holding the Department to its statutory obligations towards Aboriginal children.

### *Negative impacts on Aboriginal women's relationship with their children*

Recent amendments to the *Children, Youth and Families Act 2005* (Vic) came into effect on 1 March 2016. The FVPLS Victoria *Submission to the Inquiry into the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015*<sup>10</sup> expressed concerns about the 2014 Amendments in a number of forums.

FVPLS Victoria is concerned that the legislative reforms will have significant negative impacts on Aboriginal women and may increase the removal of Aboriginal children. We are profoundly concerned that the 2014 Amendments will have a disproportionate and devastating impact on Aboriginal children as the most vulnerable and over-represented cohort within the child protection system.

The changes to the law mean that parents who are subject to a Children's Court order, which places their children in out-of-home care, will only have a 12 month cumulative period (or in extenuating circumstances, up to two years cumulatively) to respond to protective concerns.

FVPLS Victoria is also concerned that under the changes, the courts no longer have independent oversight of critical and potentially life changing decisions, such as where Aboriginal children in out-of-home care are placed.

Recent findings from *Taskforce 1000* – a project being undertaken by the Commissioner for Aboriginal Children and Young People in 2014 - indicate that men's violence against women is a primary driver in up to 90% of Aboriginal children entering out-of-home care.

As specified by the Victorian Charter of Human Rights, Aboriginal women have a right to enjoy their identity and culture and to maintain their kinship ties. The child protection system as it is currently structured reinforces inequality and disadvantage in Aboriginal women's lives. The result is broken families, loss of cultural connection and cycles of violence and poverty which continue to perpetuate Aboriginal women's inequality and disadvantage.

## *The failure of the criminal justice system*

A major cause and indicator of Aboriginal women's gender inequality is their over-representation and engagement with the Victorian criminal justice system.

Aboriginal women are the most legally disadvantaged group in Victoria. The isolation from access to legal services is compounded by profound levels of mistrust of Government, the legal system and mainstream services. The history of colonialism, poor police responses and discriminatory practices, lack of cultural safe support services, and community based discrimination has resulted in Aboriginal women's access to justice being severely restricted.

### **Gender inequality case study 3: Incarceration, family violence and child protection**

Vicky\* is a 24 year old Aboriginal woman. During her childhood, Vicky witnessed numerous assaults on her mother and also experienced physical violence perpetrated by her father. When Vicky was 14, she was sexually assaulted by a family friend. The trauma suffered by Vicky following these experiences of violence resulted in her having extremely poor mental health and as a consequence she developed a substance abuse problem.

Vicky was in a three year violent relationship with a man engaged in drug dealing, and at 19 was sentenced to 2 years imprisonment for drug related offences committed under pressure from her partner. Vicky gave birth to her first child whilst in prison. The child was then cared for by her grandmother.

Vicky left prison and reunited with her child; however shortly after child protection services removed her daughter from her care. Vicky spiraled into despair and breached her parole. Another prison sentence ensued which was shortly followed by a third sentence. Vicky's second child was also born in prison and also removed from her care.

Whilst in prison, Vicky began to access FVPLS Victoria's legal assistance services. FVPLS Victoria's child protection lawyer advocated to increase access for Vicky to her child while in prison. Through this process Vicky was able to continue to breastfeed, thus continuing attachment.

When Vicky left prison she began a new relationship. However, after two months she began to experience family violence from her new partner. Vicky contacted FVPLS Victoria and was supported by a PLSW who was skilled in responding to traumatised clients. Our PLSW developed a safety plan with Vicky and referred her to a new counselling service when Vicky began to experience intensified mental health issues. The FVPLS lawyer and PLSW were also able to liaise with housing services to assist with the reunification process with Vicky's children.

When her former partner continued to breach an IVO and continued to intimidate Vicky, the FVPLS Victoria lawyer organised for Vicky to report the breaches of the IVO to the police. This included ensuring Vicky would meet with a Police officer she trusted. The FVPLS lawyer also liaised directly with Police in relation to the breach of IVO matter.

Vicky experienced extreme psychological distress and emotional fragility. This compounded her existing mistrust of official processes and made it difficult for her to engage with the legal system and comprehend the information being provided to her.

Vicky was assisted by FVPLS Victoria to identify her legal and non-legal needs and address them effectively. FVPLS Victoria successfully collaborated with other service providers to ensure that Vicky received the holistic support and treatment she required to attain emotional well-being and clarity which, in turn, allowed her to pro-actively address her physical safety needs.

The disadvantages and difficulties faced by Aboriginal women in accessing justice have been recently outlined in our submission to the Victorian Government's *Access to Justice Review*.<sup>11</sup> Highlighted in our submission were issues such as a lack of understanding of legal rights and options, stigmatisation due to exposure to the criminal justice system and the availability of culturally appropriate legal information.

Identified in our *Access to Justice Submission* is the issue of negative experiences had by Aboriginal women with Victoria Police. Over the last 12 months, FVPLS Victoria have received a number of complaints in relation to negative attitudes by members of the police. FVPLS Victoria clients experiencing negative interactions with Victoria Police provides a tangible example of the normalisation of gender inequality impacting Government service.

FVPLS Victoria acknowledges that a concerted effort has been made by Victoria Police to address the impact of family violence, including the recent roll out of family violence e-learning modules for all staff. The examples provided here are used to highlight that attitudinal shifts require long term investment and leadership across Government, as well as deep engagement at the service delivery level.

Our lawyers have assisted clients in a number of cases in which victims/survivors have attempted to report alleged breaches of family violence intervention orders, but police have declined to take action to investigate or charge. A number of FVPLS Victoria clients have reported interactions with Victoria Police that include a negative and discouraging comments such as:

- Comments that minimise violence, such as: *"Well, he only hit you in the face this time. Maybe things are getting better"*;
- Comments that undermine victims/survivors' trust in Intervention Orders or deter them from seeking such orders, for example: *"If you apply for an order and take him to Court that might just make him more angry, don't you think?"* and
- Comments that discourage women experiencing family violence from seeking Intervention Orders that protect their children in the absence of a referral for family law legal advice, *"Do you think it's right to keep your child from seeing his dad?"*

Achieving gender equality for Aboriginal women will require ongoing systemic change of Government service delivery. It requires leadership and advocacy by the head of Government to ensure the focus of tackling family violence against Aboriginal women is a strong priority. Changing systems and structures also requires shifts in institutional cultural practices and beliefs.

FVPLS Victoria is ideally placed to assist and advise the Victorian Government on how best to design and implement a Gender Equality Strategy. Without the work of FVPLS Victoria's policy team, the experiences of our legal team and clients would not be accessible to Government. The advocacy work undertaken by FVPLS Victoria is critical as it ensures that Aboriginal women's voices are heard. Without resourcing to undertake analysis of emerging and systemic issues, the barriers preventing Aboriginal women's participation in Victorian society will remain unchallenged.

To ensure that Aboriginal women are able to achieve gender equality, the Victoria Government needs to commit to achieving improved justice outcomes for Aboriginal. A commitment to provide funding for initiatives such as FVPLS Victoria's Prison Support Worker program for the next three years will provide an opportunity for isolated Aboriginal women to access further support. In addition, funding allocations for Koori Family Violence Support workers in the Magistrates' Court will provide an avenue for greater access to justice for Aboriginal women.

Providing resourcing for Aboriginal women to access legal services, and to access them early on greatly improves outcomes. Linking Aboriginal women in with culturally appropriate services and ensuring support will assist in generating equality through access. The Victorian Government should commit to sufficient, long-term funding that adequately resources the core business of FVPLS Victoria and enables expansion of services to meet the overwhelming need for legal assistance across IVO applications, Family Law and child protection issues.

Creating levers for gender equality requires greater resourcing of the community sector to deliver integrated care service models to Aboriginal women including funding support for the Koori Women's Hub. Initiatives like the Hub help foster partnerships between community organisations working in mental health, alcohol/drug, employment and housing sectors. Holistic service delivery models like the Koori Women's Hub are the most effective design to address Aboriginal women's intersectional experience of gender inequality.

## 5. THE ROLE OF GOVERNMENT IN ADVANCING GENDER EQUALITY FOR ABORIGINAL WOMEN

Within this section, FVPLS Victoria will provide specific responses to the Victorian Government Gender Equality Strategy consultation paper questions relating to partnering with the community sector, encouraging leadership and best practice examples.

### **Question 1: How should Government partner with the community, corporate sector, non-profit sector and other stakeholders to advance gender equality and ensure we meet our objectives over the long term**

FVPLS Victoria is actively seeking to partner with the Victorian Government to strengthen Aboriginal women's resilience to family violence and break down barriers to access to services. As the only community controlled organisation working solely with Aboriginal victims/survivors, our input into advancing gender equality should be a priority for government. As highlighted within this submission, FVPLS Victoria is ideally placed to collaborate with the Victorian Government on rolling out the Gender Equality Strategy. Ensuring that FVPLS Victoria's policy work is adequately funded will enable our participation and the inclusion of Aboriginal women's voices in achieving gender equality.

Effective consultation requires early engagement and a commitment to maintaining open lines of communication. FVPLS Victoria knows that Aboriginal women have the solutions and knowledge of what works for their community. With feedback structures built into engagement with Aboriginal Community Controlled organisations, this experience, knowledge and skill set will become more accessible and add great value to policy development and implementation.

Working with community controlled organisations like FVPLS Victoria creates opportunity for co-designed policy development and program delivery. Building mechanisms to enable Government and the community sector to work in partnership will create a more effective environment to address Aboriginal women's inequality. Potential partnerships include: co-drafted policy, specific working groups, genuine consultation through all project stages and ensuring Aboriginal women's voices are present during decision making processes.

Engaging with Aboriginal women to design service delivery models and seek engagement and feedback on policy development will ensure it is relevant, effective and resource efficient. One example is enforcing a standardized identification processes across government services to identify

Aboriginal and/or Torres Strait Islander heritage. Without an understanding of a client's background, it is difficult to provide effective service for clients and effective service delivery.

FVPLS Victoria is the voice of Aboriginal victims/survivors of family violence. Building in engagement with FVPLS Victoria on the needs of Aboriginal women will strengthen the Victorian Government's understanding of the needs of Aboriginal women. Options include undertaking regular consultation and invitations to FVPLS Victoria to participate in regular panels, advisory bodies and meetings. Beyond consultation, opportunities to build joint and co-developed projects between Government departments and FVPLS Victoria will ensure that Government policy is better placed to address Aboriginal women's inequality.

Another crucial element of partnering with the community sector is to ensure that Government staff are trained to respond to Aboriginal communities in culturally appropriate ways. Without consistent training, delivered by an Aboriginal Community Controlled organisation, Government staff will not be equipped with the appropriate skills to engage with Aboriginal clients or identify their needs.

The Victorian Government should look to resource FVPLS Victoria to undertake cultural awareness training with Government staff in frontline services, program delivery and policy development in relation to family violence. The enhanced capacity of staff and Government services to respond to Aboriginal women in a culturally appropriate way will provide improved access pathways to services.

## **Question 2. How do we encourage women and girls to take up leadership roles?**

FVPLS Victoria asserts that Aboriginal women are already acting in a leadership capacity. There are a number of female elders and young Aboriginal women who display strong leadership capacity, forward vision and wisdom. The key questions is how can Government better recognise the existing leadership of Aboriginal women and how can it remove the barriers preventing other Aboriginal women from taking up leadership roles?

A key lever for Government is to elevate Aboriginal women's voices into decision-making process and to invest in capacity building for Aboriginal women and organisations that work with them. This starts with an acknowledgement of Aboriginal women already acting in leadership roles within the community. The recognition needs to be both internal with Government staff, as well as an external acknowledgement of the work that Aboriginal women are doing to lead their community.

Championing the achievements of Aboriginal women and further supporting existing leadership structures within the community is important in changing the public narrative about Aboriginal women. Positive messaging around Aboriginal women's leadership will assist in adjusting negative stereotypes and perceptions held within the mainstream community about Aboriginal women. Overcoming racism and discrimination remains an important area for ensuring Aboriginal women's equality.

Enabling Aboriginal women to engage meaningfully with their culture will provide the most effective way to build leadership amongst the community as positive role modeling plays a critical role in encouraging Aboriginal women to adopt leadership roles. As asserted above in this submission, the Victorian Government can assist Aboriginal women and girls to take up leadership roles by engaging with Aboriginal women in meaningful ways at all levels of decision making. This can include strengthening the relationship with FVPLS Victoria to undertake expanded consultation, building greater involvement of Aboriginal victim/survivors engagement with policy making processes and seek input into program development.

Opportunities for tertiary education and professional development would further build the capacity of Aboriginal women to act as leaders within their own community and more broadly across mainstream Victoria. Pathways for Aboriginal women into mainstream leadership roles requires long term investment, in both people and financial terms. Increasing access points to education and employment will improve economic outcomes for Aboriginal women and their children.

### **Question 3. Best Practice in empowering Aboriginal women and advancing gender equality**

There are a number of initiatives that FVPLS Victoria have developed that embody a best practice model and demonstrate the success of a program when it acknowledges the primacy of culture and of women's experiences. Currently each of these initiatives do not have ongoing funding commitments.

#### ***Sisters Day Out:***

Designed by Aboriginal women for Aboriginal women, this ground breaking and unique program provides outreach, education and prevention in a culturally safe environment.

*Sisters Day Out* builds on women's strength, culture and resilience to reduce vulnerability to violence.

The *Sisters Day Out* model was highlighted as world's best practice by Professor Megan Davis at the 2012 UN Human Rights Council meeting in Geneva. *Sisters Day Out* was also independently evaluated by the Lord Mayor's Charitable Trust in 2014 which confirmed how successful the model of *Sisters Day Out* is.

*Sisters Day Out* is well supported by service providers. Each workshop is attended by mainstream services and Aboriginal Community Controlled organisation ranging from health, housing, employment, legal and education.

The first workshop was held in Morwell in July 2007 with 15 Aboriginal women attending and every workshop is now attended on average by 100 Aboriginal women and in metro areas, this can be up to 200 participants. In February 2016, *Sisters Day Out* reached its 100th workshop with record participation by 400 Aboriginal women from across Victoria. FVPLS Victoria has engaged with Aboriginal women in 46 locations and 8 regions of Victoria including workshops with Aboriginal women at Dame Phyllis Frost Centre.

Over nine years, *Sisters Day Out* has touched the lives of nearly 8,000 Aboriginal women. According to ABS statistics, this equates to one third of Victorian Aboriginal women and girls.

*Sisters Day Out* has reached its' 100th workshop through the support of a number of funding sources including State and Commonwealth Governments, philanthropic organisations, community organisations and individual donations. However, *Sisters Day Out* still lacks funding certainty with no ongoing financial commitment. A sustainable funding base means FVPLS Victoria will continue to reach out to Aboriginal women and focus on delivering the workshops rather than trying to continue to secure funding. It will also enable capacity building with mainstream services to reach Aboriginal women in our community.

With funding certainty FVPLS Victoria can reach more Aboriginal women and this might reduce levels of family violence and help keep Aboriginal women and their children out of prison and child protection system.

### **Dilly Bag and Dilly Bag: The Journey:**

The Dilly Bag programs are intimate, intensive workshops for up to 20 Aboriginal women. These workshops prevent and reduce family violence by drawing on Aboriginal culture and Aboriginal women's traditional role as nurturers and leaders. The workshop format and activities emphasise self-nurturing and healing from trauma, promote cultural identification, and assist women to strengthen their resolve and resilience.

Dilly Bag was developed in response to an identified gap in therapeutic programs that provide culturally-based healing for Aboriginal women where the program has been developed and delivered for and by Aboriginal women. The Dilly Bag program not only aims to help Aboriginal women to recover from trauma they have experienced in their lives, but also aims to provide a foundation for women to reach their life potential and to consider future life choices.

Dilly Bag is a one day program and Dilly Bag: The Journey is an extended, program where participants stay together over three days at a private, tranquil and culturally appropriate location. This strengthens outcomes and opportunities for activities that allow participants to form strong bonds, intensify healing and obtain respite from their daily life stressors.

The program seeks to positively impact on the community by supporting women to undertake a leadership role in speaking out about the issues facing their communities, particularly family violence. The project also seeks to strengthen women's networks by building knowledge and connections between young Koori women and Elders, and developing a strong local community focus.

### **Koori Women's Hub:**

The Koori Women's Hub is a culturally safe space and centralised point for Aboriginal women to access a range of services across sectors. This holistic model enables the intersection of Aboriginal women's experiences to be responded to and offers an empowerment based model to strengthen social and cultural connections.

### **Young Luv:**

Young Luv is a program that has been developed by FVPLS Victoria that is designed to assist young Aboriginal girls to engage with healthy relationships and strengthen their connection to culture. Strengthening connection to culture is the key to interrupting cycles of disadvantage.

### *Evaluation and Outcomes of FVPLS Victoria's early intervention prevention programs*

In 2014, FVPLS Victoria obtained an external evaluation of our early intervention prevention programs including *Sisters Day Out*, *Dilly Bag* and *Dilly Bag: The Journey*. This evaluation determined that our programs have significant beneficial impacts on participant's immediate wellbeing and access to services, and important impacts over the medium and long term. The evaluation concluded that "participants feel motivated and empowered to make real and significant changes to their lives."

Overall, the evaluation found that FVPLS Victoria's *Sisters Day Out*, *Dilly Bag* and *Dilly Bag: The Journey* programs successfully achieved a range of outcomes including:

- enhanced participant's self-esteem and well-being;

- strengthened friendships/relationships/connections within the community and increased community networks;
- strengthened individual participant's resilience and the community's ability to address family violence;
- increased participant's knowledge and understanding of family violence; and
- increased participant's awareness of support and legal services, both Aboriginal specific and mainstream."

There was also evidence of significant changes to participants' lifestyles post-attendance including changes to living arrangements, matters relating to custody of children, access to legal services, and personal care.

These impacts contribute to family violence prevention and reduction for individuals, their children, families and communities. Given the strong outcomes and success of these unique, culturally safe programs and their best practice models, it is deeply concerning that Commonwealth funding to staff them has been lost and FVPLS Victoria has been unable to secure alternate funding to date.

Focusing Victorian Government resources through investment in early intervention and prevention programs will help to ensure the most efficient and effective use of funding. FVPLS Victoria has built a number of successful programs which are proven through community attendance and independent evaluations. Building upon the success of existing programs by providing ongoing funding for *Sisters Day Out*, *Dilly Bag*, *Dilly Bag the Journey* and *Young Luv* and through funding support for the Koori Women's Hub provide a platform for Aboriginal women to achieve gender equality.



## APPENDIX 1: BACKGROUND ON FVPLS VICTORIA

*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 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 counselling and support services to address the underlying social issues giving rise to the client's legal problem and experience of family violence.*

*FVPLS Victoria also provides early intervention/prevention and community legal education to the Aboriginal community, the legal, Aboriginal and domestic violence sector. In addition, with support from philanthropic sources, FVPLS Victoria 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.*

*In 2013-14 FVPLS Victoria's integrated services impacted more than 4000 people. We provided legal services to over 500 clients (with more than 800 children), and delivered community legal education, early intervention and prevention activities to almost 1700 community members and over 1000 mainstream services staff.*

*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 women.*

## ADDITIONAL MATERIALS

The impact of Aboriginal women's experiences of gender inequality has been extensively outlined in a number of submissions and papers developed by FVPLS Victoria including;

- *Strengthening law and justice outcomes for Aboriginal and Torres Strait Islander victims/survivors of family violence and sexual assault and women and children: National policy issues – A Victorian perspective;*
- *FVPLS Victoria submission to Royal Commission into Family Violence - July 2015; and*
- *Submission to Parliamentary Inquiry into the Children, Youth and Families Amendment (Restriction on the Making of Permanent Care Orders) Bill 2015 – June 2015.*

## REFERENCES

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- <sup>3</sup> Commission for Children and Young People Annual Report 2014-15, page 25 available at <http://www.cryp.vic.gov.au/downloads/annual-reports/CCYP-annual-report-2014-2015-without-financials.pdf>. See also Office of the Commission for Aboriginal and Torres Strait Islander Children and Young People, 2014, Papers submitted to Aboriginal Justice Forum (October 2014); and Joint submission from Victorian Aboriginal Community Controlled Organisations and Community Service Organisations, 2014, Update to Koorie Kids: Growing Strong in their Culture: Five year Plan for Aboriginal Children in Out of Home Care, p 3, available at [www.cryp.vic.gov.au/downloads/submissions/submission-koorie-kids-growing-strong-in-their-cultureoct2014.pdf](http://www.cryp.vic.gov.au/downloads/submissions/submission-koorie-kids-growing-strong-in-their-cultureoct2014.pdf).
- <sup>4</sup> Australian Institute of Health and Welfare, Child Protection Australia 2013-14, 2015, page 51, table 5.4 available at <http://www.aihw.gov.au/WorkArea/DownloadAsset.aspx?id=60129550859>
- <sup>5</sup> Australian Institute of Health and Welfare, The health and welfare of Australia's Aboriginal and Torres Strait Islander peoples 2015, p.123 Available at <http://www.aihw.gov.au/publication-detail?id=60129550168>
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- <sup>10</sup> FVPLS Victoria *Submission to the Inquiry Into the Children, Youth and Families Amendment (Restrictions on the Making of Protection Orders) Bill 2015*, available at <http://www.fvpls.org/images/files/FVPLS%20Victoria%20Submission%20to%20the%20Inquiry%20into%20the%20Children,%20Youth%20and%20Families%20Amendment.pdf>