

NATIONAL FAMILY VIOLENCE PREVENTION LEGAL SERVICES

WORKING TO ACHIEVE IMPROVED JUSTICE OUTCOMES FOR ABORIGINAL AND TORRES STRAIT ISLANDER
VICTIMS/SURVIVORS OF FAMILY VIOLENCE AND SEXUAL ASSAULT

National FVPLS Forum supplementary submission to Productivity Commission Access to Justice Arrangements Review

The National Family Violence Prevention Legal Services Forum (National FVPLS Forum) welcomes the opportunity to provide this supplementary submission to address the further queries of the Review of Access to Justice Arrangements Productivity Commissioners which were asked of the National Convener of the National FVPLS Forum during the public hearing presentation on the 17th June 2014.

The Secretariat of the National FVPLS Forum consulted with all members regarding the specific questions/ information requests asked by the Commissioners:

- Could you give a snapshot of your community education work and its significance/benefit?
- Please provide any evaluation work that your organisations have done
- Do FVPLSs have further suggestions for ensuring FDR is used appropriately?
- Could back-room services, administrative type amalgamations lead to reduction of costs?
- Do you think you have sufficient scale to make good use of the resources you have, or would State/ Territory models bring increased benefits?
- Which States/Territories provide funding to FVPLS units?

The National Family Violence Prevention Legal Services Forum was established in May 2012, with units coming together to collaborate on issues affecting service delivery. The Forum is formally established under a Charter, led by an elected National Convener and supported by a Secretariat. Members of the National FVPLS Forum are represented by their CEO/Coordinator (or delegates) at meetings and activities. Since its inception members of the Forum have worked together to develop tools for capacity building, good governance, training and evaluation and data collection. The goal of the National FVPLS Forum is to work in collaboration and increase access to justice for Aboriginal and Torres Strait Islander victims/survivors of family violence.

There is an impressive wealth of expertise and consistency of leadership amongst the National FVPLS Forum members; although National FVPLS Forum members are strongly united on many key issues affecting FVPLS services there is a healthy and expected diversity of opinion and perspectives amongst different units relative to their unique experiences, communities and scale of operations.

Snapshot of community education work and its significance/benefit

FVPLSs provide a diverse range of community engagement activities enabling Community Legal Education (CLE) and Early Intervention approaches within limited resources. In 2012 the FVPLS programme lost funding for early intervention and prevention activities, with funds diverted to the Northern Territory Stronger Futures program. 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. Members of the National FVPLS Forum offered the following examples a broad range of innovative and effective community engagement activities.

Warra-Warra Family Violence Prevention Legal Service (WWLS) Broken Hill

Festival of Respect Project

- 16 community events over 5 months - two events led by WWLS – WWLS collaborated on eight events
- Led to stronger collaborations with local community and community sector organisations
- Increased understanding of role of WWLS
- Increased referrals to WWLS for legal and family support services

Speaking & Healing project

- Model developed by WWLS
- Positively supported by knowmore legal service
- New conversations regarding institutionalised abuse and healing conversations (as individuals and as a community)
- Advancement of an Aboriginal specific healing strategy, led by WWLS with local communities

HOPE – Healing Our People with Empowerment subcommittee

- New initiative to promote better access for Aboriginal people to Aboriginal specific and non-Aboriginal services
- Led the two Festival of Respect events i.e. Human Rights Day and the Anniversary of Apology to the Stolen Generations

Law for Community Workers

- Co-developed and co-lead by WWLS
- Three sessions to date including a forum on Family Violence & Trauma

Through Black Eyes training

- Workshop developed in High school in the far west region
- Train other Aboriginal workers in communities in the far west NSW

Women's group

- WWLS has up to 25 or more woman that attends the woman's group each week
- Led to the creation of a new meeting space at WWLS
- Parent ship with other service
- Art shows

Men's group

- Led to small allocations of funding and the creation of a new meeting space at WWLS in collaboration with the Far West Community Restorative Centre

Aboriginal Family Law Services (AFLS) Western Australia

The following list demonstrates the various CLE/Early intervention projects delivered by the Aboriginal Family Law Services (WA):

LoveBites

Family and domestic violence and sexual assault prevention program for students aged 15-17 years.

Sparkle & GROW

Developed by AFLS this culturally secure program works with girls and women, promoting and educating in the areas of respectful relationships, VROs, CIC, parenting orders, care and protection and human rights law.

Strong Women, Strong Mothers

Developed by the ASFLS this culturally secure program works with women in prison in the areas of healthy relationships, family strengths and protective factors, increasing personal and community safety, improving self-esteem, and safety planning. A parallel “brother” program is being developed in collaboration with a local service to deliver to the local men’s prison.

Children’s Rights – The Convention on the Rights of the Child; the Convention and Australia; local services that may help to assist to promote Children’s Rights.

Complaints Procedure for CPFS – explain process.

Criminal Injuries Compensation (CIC) – what is CIC; who can claim; when can you claim; what can you claim for; types of applications; time limits; maximum compensation amounts; exemptions; process; information needed to apply; cost of making an application.

Cybersafety – safe use of the internet; cyberbullying; sexting; pornography; privacy; scams; social media etc.

Department of Child Protection and Family Support – role of CPFS; Signs of Safety Meeting; Care Plan Meeting; children in care; communicating with CPFS etc.

Family and Domestic Violence (F&DV) – what is F&DV; who does it affect; what help is available; how can AFLS help etc.

Family Law – law about children; family law; arrangements for children; parenting orders; parental responsibility; FDR; court;

Healthy Relationships – including various activities such as the SNAICC “Relationship Tree” workshops.

Human Rights – what are human rights; human rights and responsibilities; Australia and human rights; UN Declaration on the Rights of Indigenous People etc

Women’s Rights – know the law to take control and stay safe (VROs, child protection, CIC, family law)

Violence Restraining Orders (VRO) – how to apply, cancel, vary; role of the police; court process; reporting a breach; how long does it last etc.

The impact of these activities on the work of the AFLS is significant. Our target group is recognised as being particularly disadvantaged when it comes to accessing justice due to their Aboriginality, and when they do they are “more likely to rely on inappropriate sources of advice”¹. Proactively presenting information sessions and programs in the community is one way of providing our

¹ Access to Justice Arrangements, Productivity Commission Draft Report Overview April 2104, p 10

community with face-to-face opportunities to find out what legal remedies may exist for them, and the services available to assist. Without these services, the broader justice system will continue to struggle to engage those who face barriers to access such as communication and lack of awareness². Culturally secure services are required to mitigate these barriers.

The provision of information and programs to the community – to all ages and across a variety of topics – allows a legal service such as the AFLS to reach broader audience with the aim to prevent the social issue creating the primary legal need for clients of the service. By providing education about healthy relationships, responsible parenting and other non-violent behaviours the AFLS hopes to minimise the impact of family and domestic violence and sexual assault in the communities it services.

Given the co-existence of family and domestic 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).

The other major benefit of delivering CLE/Early intervention in the community is the regular opportunity to develop relationships with community members, including Elders. Having a regular presence in schools, community groups, community events, and in remote communities is vital to ensuring AFLS staff are interacting with community members.

And with reference back to the point about Aboriginal people being disadvantaged when accessing justice, it is also vital to remember that our target group are also victim-survivors of family and domestic violence. They are likely to be socially isolated, afraid to approach anyone for help, too shame and/or experiencing other traumatic impacts of their experience. They may have been threatened with further violence, the removal of their children or the wellbeing of their relative if they speak out. It is then the responsibility of services with a mandate of assisting those in that situation to be proactive in our efforts to engage, providing information and every opportunity for women and children to come to us for assistance.

Family Violence Legal Service Aboriginal Corporation (FVLSAC) South Australia

Currently each office of the Family Violence Legal Service Aboriginal Corporation (SA) (“FVLSAC”) operates quite separately in terms of CLE and Early intervention projects. There have, however, been several successful regional projects in the last 12 months.

At a regional level we have produced a “breach diary” which was adapted from a similar publication created by the NSW Women’s Legal Service. This diary includes legal information about intervention orders, contact details for services that can help survivors of violence and prompting pages where clients are able to note down the details of any incidents that constitute a breach of their intervention orders. We commissioned a local artist to create a painting that forms the cover of the diary. The artwork conceals the nature of the diary, so that clients can keep it discreetly in their handbag. Diaries have been distributed to relevant service providers and the police and are available to be handed out to clients of the service.

FVLSAC has produced a series of legal information brochures that explain complicated legal concepts in plain English. These brochures cover a range of topics such as family violence and Intervention

² Access to Justice Arrangements, Productivity Commission Draft Report Overview April 2104, p 28

Orders, family law and parenting orders, victim's compensation, child protection and Families SA and the age of consent.

We have also recently recommenced a regional newsletter that is distributed throughout our target communities. The newsletter contains legal information in very simple language, as well as information about upcoming CLE events and other newsworthy information. It also has more light information, staff profiles, recipes and photos of staff at local events.

The Port Augusta office delivers weekly radio community legal education sessions in partnership with Umewarra Media. These sessions address a diverse range of topics and issues that affect our local communities and contribute to the incidence of family violence.

Since 2011 the Port Lincoln office has been co-presenting a Healthy Relationships program at the Port Lincoln High School in partnership with Yarredi Domestic Violence Service and the Victim Support Service. These sessions are run for all year 11 students at the school and are held several times a week for a term. Our lawyers provide legal education as part of the program on issues such as the age of consent, the definition of consent and the law around "sexting" and drink spiking.

Our Ceduna office received funding through the National FVPLS Forum to facilitate a series of workshops about the Royal Commission into Institutional responses to Child Sexual Abuse. This project has seen us travel with staff from knowmore and the Victim Support Service to the remote communities of Scotdesco and Kooniba, as well as Ceduna to hold workshops and barbeques informing communities about the work of the Royal Commission. As part of the project we developed a detailed announcement explaining about the role of the Royal Commission that was translated into Pitjantjatjara and broadcasted repeatedly on CAAMA radio.

CLE and early intervention projects are an extremely important component of our work. We work collaboratively with other service providers on these projects, building strong relationships. We provide information to our communities in an accessible, non-threatening way and work at changing attitudes towards relationships and violence. Our CLE work increases access that our client group has about their rights and responsibilities when dealing with the legal system.

There are no community legal centres that operate in either Ceduna or Port Lincoln. The Legal Services Commission does not have an office in either location and Aboriginal Legal Rights Movement has a very limited presence in Ceduna. Given this, our role as a provider of quality CLE is of crucial importance to ensuring that our communities have access to information and assistance.

Many Rivers Family Violence Prevention Legal Service Kempsey

We did have funding for a Sista Girls Program (13-17 yr old girls) and a Kempsey Hip Hop Group (6-12 yrs old boys and girls), which was important for young girls and boys to get information and awareness on domestic violence and sexual assault. This played an important part to the young Aboriginal and Torres Strait Islander community for respecting yourself and getting the respect that you deserved. To see the transformation of young Aboriginal girls in high school build a rapport with facilitators and presenters and be open in discussion on just about any topic.

We have the Real Relationships Program that we continue to run in our office for participants and due to funding cuts, this has been run only twice to three times a year now. This program was brought about by clients continuing the cycle of violence and opening doors for communication in a relationship or leaving an unhealthy relationship that can't be fixed.

We also attend a Crossroads Program annually for year 10 and 11 students and present domestic violence and bullying over the day to 140 students.

We have stalls in town for White Ribbon day and promote our service at the same time.

We did have Family fun day every year in Kempsey and Macksville to promote our service and get the kids and families along for a BBQ and to receive a goody bag, with flyers promoting our service and other little goodies.

Aboriginal Family Violence Legal Service Southern Queensland Roma

The AFLSSQIC views early intervention and prevention as an important part of service delivery. Our primary focus, as a legal service, however, is to provide high quality legal casework and advice to our clients.

For this reason early intervention and prevention activities are primarily undertaken by our support staff, mainly our Community Support Officer. An example of such an activity was a program that AFLSSQIC partnered with Centacare South West Services to provide information and support to Indigenous women from the communities of Mitchell and Roma who had been or were victims or survivors of domestic and family violence in late 2013.

The program required the commitment of women to attend workshops discussing a variety of topics regarding domestic and family violence. Topics included, recognising domestic and family violence, the impacts of domestic and family violence on children, where to seek assistance and support from, and a variety of other cognitive behavioural therapy tools to address participants thoughts and understandings of violenceⁱ. The program also enabled women to share their stories and in turn this provided informal therapy attached to the trauma that they had experienced as individuals by viewing the issue of family violence as a collective, creating strength in overcoming adversity by participating and sharing their experiencesⁱⁱ.

Southern Aboriginal Corporation Family Violence Prevention Legal Services Albany

White Ribbon Day

- silent march, this is an annual event in conjunction with Anglicare WA and the Women Refuge. Last year 180 participants

Recognise Community Walk

- to enhance awareness of the constitution and human rights especially for the Aboriginal and Torres Strait Islander community. (300 participants from all parts of the Albany community)

Tammy Anderson "I Don't Wanna Play House" performances

- in Albany and Katanning, 200 and 40 people respectively. This was funded by the knowmore/Royal Commission.

Healing workshops

- this five day event (each day could be attended as a standalone exercise or participants could attend all five days) total participants 120, including a workshop at the Albany Maximum security prison for 17 inmates.

Healing weekend

- women only retreat (knowmore funding)

Songline Retreat

- weekend retreat – creating songs and stories about FDV, resilience and healing (knowmore funding)

Healthy Relationships

- Proceeds of crime funding

Binaal Billa Family Violence Prevention Legal Service Forbes

Binaal Billa FVPLS have developed strong working relationships with services and schools within our service area to provide ongoing community legal education, service delivery and access to legal advice, guidance and advocacy. We are currently active and contributing members to 3 Domestic Violence Committees within our region.

Some of the programs we are involved with delivering in the schools include;

Lovebites

- an extremely successful school-based family violence and sexual assault prevention program. A highly effective and important program which delivers information about family violence and sexual assault with a strong focus on individuals rights to feel safe, their legal rights and the legal consequences of the choices that they make. This program is thought provoking, real and meaningful to young people who are, at this stage in their life, beginning to navigate their way through adolescence and develop relationships. The lessons learned about what is a healthy relationship, respect and where to go for help are really important to everyone, but to teenagers they are vital.

Law Week – Mock Trials;

- A Legal Education Seminar, for legal study students in Years 11 & 12 aimed at familiarising students with the processes of the legal system, procedures and the inner workings of a court. The Mock Trial assists in increasing the students understanding of the Legal Process and Justice System; it is also used as a tool for early intervention and prevention. The mock trial is designed to engage the students in important discussions relevant to their lives, and promote awareness that there are always consequences for actions. It is anticipated that this insight into the Legal System may inspire local students; demonstrating that there are is an abundance of opportunity to start a career path within the judicial system.

Social Media CLE's;

- misuse and legal consequences: - educating the students on what is considered inappropriate use of social media and associated offences and criminal charges including; child pornography, bullying, defamation, stalking and harrassment.

Basic Human Rights;

- the basic freedoms and protections that everyone is entitled to

Some of the programs we are involved in delivering within other services & directly to the community include;

Law Link-Up;

- monthly clinic/drop in service at the Women's Refuge and Havannah House where information and education is provided to the residents on their legal rights and questions

Safe Parenting;

- community legal information workshops provided for Lyndon Community parenting courses.

White Ribbon Day Events;

- coordination and participation with other services to provide CLE directly to the general public

Community Forums;

- addressing social issues and trends within the communities and bringing together the appropriate services that can assist community members to address ongoing problems, providing Legal Education and information regarding these issues.

Women's Leadership Program;

- A program developed specifically for the women in our community as a first step in creating strong Aboriginal Women Leaders. Increasing; self confidence, and an awareness of their own basic human rights as women, sexual equality, and feeling safe in their own homes.

Art/Craft Groups;

- a holistic approach that develops positive working relationships with the community in a safe environment

Central Australian Aboriginal Family Legal Unit Aboriginal Corporation (CAAFLU) Alice Springs

CAAFLU have provided a number of successful community engagement activities providing both community legal education and early intervention work. If we had sufficient resources we would provide further activities as we have had very positive community participation and responses. Amongst our CLE/EI work we have provided:

Art workshops

- for children in all of our targeted communities, delivering art sessions in collaboration with schools to provide sessions exploring themes such as what is safety, how to keep safe and then encouraging children to paint a place they feel safe. We then held a large art exhibition and had all the children attend and see their pieces of art displayed.

Women's Camp

- Stay Safe camp culturally safe therapeutic support and exploration: themes - trauma, loss and grief

Men's Camp

- Theme: training men to be facilitators within their own communities to run anti-violence men's groups

Mock courts

- providing an opportunity for community members to have an idea of what to expect at court

We are key contributors to the Superlaw DVD, used by a range of services exploring the intersection/overlay of Aboriginal traditional law and white fella law, identifying rights and access to justice. We are also actively engaged in a number of networks with a range of services and are key community stakeholders working to support services to improve access to justice and increased community safety. Recently knowmore successfully utilised the community trust we have developed with our targeted communities; we hosted community barbeques to encourage access to important information sessions.

Aboriginal Family Violence Prevention and Legal Service Victoria (FVPLS Victoria)

FVPLS Victoria provides a comprehensive Community Legal Education (CLE) program that encompasses a range of activities including:

- Information sessions to Aboriginal communities members on family violence related topics such as family violence identification, the impact of family violence on victims and children, intervention orders, child protection issues, victims of crime assistance, family law, and pathways to safety
- Training to mainstream organisations to improve their responsiveness to Koori women and men experiencing violence
- Training to Aboriginal community workers on responding to family violence disclosures
- Early intervention and prevention programs to that address the causal factors that contribute to family violence.

These activities form part of the **holistic** service model provided by FVPLS Victoria. The information activities to community members promote access to justice by demystifying justice process and encouraging access to culturally appropriate legal support. Training to community workers contributes to ensuring appropriate avenues of legal support are available to Aboriginal community members. The early intervention and prevention activities promotes resilience in individuals and communities to reduce the likelihood of family violence occurring and/or to prevent family violence related issues from escalating. FVPLS Victoria conducts two family violence prevention programs: The Sisters Day Out program, and the Dilly Bag workshop program (including Dilly Bag: The Journey).

FVPLS Victoria received funding from the Lord Mayor's Charitable Trust to conduct an external evaluation of our Early Intervention and Prevention programs to determine the long term benefits to participants. In summary the evaluation found that the program had "an immediate effect on the well-being of participants, with women reporting that they felt more confident, positive, and empowered by their participation. Medium and longer term benefits were also noted, with participants providing examples of significant changes to lifestyle, living arrangements matters relating to custody of children and personal care". A copy of this evaluation is attached.

The Sisters Day Out Program

The Sisters Day Out wellbeing workshops for Koori women are designed to achieve the following outcomes for the local community:

- Support Koori women to respond to incidents of family violence by being aware of their legal rights, knowing points of contact for legal or other assistance and how to access ongoing assistance
- Enhance awareness of and accessibility to local, regional, and state-wide Koori and non-Koori family violence and sexual assault services for Koori women
- Strengthen the focus of local communities on family violence issues
- Enhance the capacity of mainstream non-Koori organisations to provide appropriate support for Koori women
- Encourage Koori women to take a leadership role in raising awareness about family violence, its effect on families and communities, and the supports available
- Reduce vulnerability to family violence by promoting personal self-care and well-being
- Prevent inter-generational trauma by promoting safer environments for Koori families

The Sisters Day Out program provides a culturally welcoming and safe space for Koori women. It combines many strategies to reduce vulnerability to family violence. These strategies include the provision of information about family violence, information about the laws relating to family violence and information about where women can go for assistance if family violence occurs.

The workshop highlights the important role that Koori women play within their community as leaders and nurturers. It aims to promote women's strengths by providing participants with some respite from life stressors, encouraging self-nurturing and healing, promoting cultural identification, and assisting women to strengthen their resolve.

These outcomes are pursued through a workshop format that combines a range of relaxation, pampering, and well-being activities that take place with an emphasis on self-care. Included in the day is an information session presented by FVPLS Victoria staff and a solicitor. The solicitor is also available to provide legal advice throughout the day, and a counsellor is also available throughout. FVPLS Victoria invites a range of community agencies and service providers to attend the workshop and their presence allows agencies and participants to informally interact and share information relating to family violence.

A short DVD about the Sisters Day Out workshop is available at <http://www.fvpls.org/AboutSDO.php>

How does the SDO program respond to, prevent or addresses family violence in the Aboriginal community?

The Sisters Day Out program provides a culturally welcoming and safe space for Koori women that combine many strategies to reduce vulnerability to family violence. The project prevents family violence in the Koori community by:

- Strengthening community networks and reducing social isolation

- Providing education of the law and justice processes relevant to family violence that can provide protection and assistance
- Improving participants familiarity with both indigenous and mainstream services that provide support and assistance to family violence victims
- Promoting resilience to family violence by encouraging health, self-care and well-being

Queensland Indigenous Family Violence Legal Service (QIFVLS) Cairns Head Office

Queensland Indigenous Family Violence Legal Service (QIFVLS) delivers a range of effective early intervention prevention and community legal education activities, resources permitting. One innovative example was QIFVLS conducting a men's Yarning Group which invited men from around Queensland to participate in a discussion and a call to action for men to work with other men to address family violence – rather than see family violence as a 'women's issue'. This is also an example of how the services work holistically with families, rather than just focusing on the legal issues which result from family violence.

Evaluations

The National FVPLS Forum members are currently working collaboratively to design an effective evaluation framework to appropriately capture evidence of successful outcomes and impacts of the holistic service models provided by the Family Violence Prevention Legal Services. Resource restrictions and uncertainty have considerable impact on the capacity of individual units to conduct internal and external evaluations. Given the scale of demand and the complex needs of our clients, FVPLSs organisational priorities are directed towards service delivery. Client survey satisfaction data is collected by units however resource limitations prevent units from collating, recording, monitoring and analysing the data provided beyond observing that clients continue to report high levels of user satisfaction and anecdotal evidence of many important and successful FVPLS service impacts on our clients' lives.

FVPLS Victoria have provided evaluations (attached) including Evaluation of Sisters Day Out 2008, an evaluation of FVPLS Victoria Early Intervention Programme for Legal Services Board and Evaluation of FVPLS Victoria's Early Intervention and Prevention Program 2014.

Aboriginal Family Law Services (AFLS) Western Australia has been approached by the University of Western Australia to partner in an evaluation of legal services in Western Australia for Aboriginal women and children experiencing family and domestic violence. Preliminary discussions have commenced, with the initial planning phase to commence in the upcoming months. In lieu of formal evaluations AFLS provided the attached letters of reference from various key stakeholders as external evidence of the organisation's professionalism and benefit to its clients and communities.

AFLSSQIC reports 'The organisation undertakes a bi-annual client satisfaction survey which asks clients a variety of questions spanning from the cultural appropriateness of our team, to how well our solicitors take instructions, listen and explain concepts in plain English and gain tangible outcomes for our clients. Our client demographic at times face challenges regarding numeracy and literacy skills, which meant at our last mail out we received a 15% return from February-April 2014. Of this 15% of returned surveys the vast majority of clients ranked our solicitors and support staff well

against each of the identifiable indicators we'd identified in the survey such as, cultural appropriates, timeliness of responses, taking instructions and sensitivity to individual circumstances. Segments of the satisfaction survey feedback include,

"I felt I was in good hands, that I was listened to and that the staff had my best interests at heart."

"Very confidential, could always call her at any time for advice."

Central Australian Aboriginal Family Legal Unit Aboriginal Corporation (CAAFLU) had participant evaluations of their camps which demonstrated they were highly valued and worthwhile, however, as often happens in our sector, a larger organisation was successful in securing funding to continue with their project.

Warra-Warra Family Violence Prevention Legal Service (WWLS) has utilised survey monkey to conduct formal evaluations for a range of their CLE/EI activities including the Festival of Respect project which will be presented at the National CLC Conference and Law for Community Workers.

Further suggestions re: Family Dispute Resolution

In accordance with AGDs Family Violence Prevention Legal Services Operational Framework, FVPLS units must not provide mediation services. As expressed in our original submission in response to the Draft Report, our Forum members' general experience and observation is that Family Dispute Resolution processes are often inappropriate for our client group. Our services work with victims of family violence and sexual abuse and there is often a significant power imbalance in our client's relationships, in reality this means that even careful screening and the use of "shuttle conferencing" and other devices may not appropriately protect our client's interests in the mediation process. We continue to value the importance of training and capacity building the system and its practitioners to recognise and respond to the unique needs of Aboriginal victims/survivors of family violence. In our experience, our clients may have some more success in mediation when a lawyer assisted model, such as those offered through legal aid commissions, is utilised. This is because the lawyer is able to intervene to an extent and explore all proposals with their client privately to ensure that the client is not experiencing undue pressure to consent.

FVPLS Victoria consider Roundtable Dispute Management (RDM), the Victoria Legal Aid-funded lawyer assisted mediation, is more appropriate and successful in dealing with power imbalances and/or family violence between the parties than FDR facilitated through Family Relationship Centres (in which parties do not attend with lawyers, may not have had any legal advice at all and the mediator is not required to be a lawyer). A recent incident of a client of FVPLS Victoria becoming quite stressed when the mediator attempted to bully her into agreeing a parenting plan goes to the heart of this – if this woman had been in RDM with a lawyer representing her there would have been checks and balances on the mediator's behaviour and the woman (through her lawyer) would have been better able to advocate for and protect her interests.

Research has found that women were far more likely than men to 'give in' and settle matters against their interests during mediation and that formal court processes therefore remain an important forum to ensure women's rights are adequately protected and, by extrapolation, the best interests of the child are sufficiently addressed. In addition, although not a key area of our practice, RDM or lawyer-assisted negotiation is more beneficial than standard FDR in family law property matters

because without legal assistance, parties may settle prematurely without having the benefit of full and frank financial disclosure or being aware of their full entitlements.

FVLSAC have had some very limited exposure to informal “elder” cultural mediation in some of their communities. While we consider that there is potentially much merit in these cultural mediation models we consider that there is also significant potential for abuse of power and imbalance to occur. A serious and sustained investment is required to ensure that cultural mediation models do not perpetuate already entrenched gendered power imbalances intrinsic to a particular cultural locale.

QIFVLS report that ADR/FDR is being used on Mornington Island with some very good results. The program is relatively new, and is a tight knit community but indications are that it is reducing the need for some more lengthy legal processes. The service providers would have further information on this if required as evaluations of the program are being conducted.

The Department of the Attorney General (DOTAG) provides the Aboriginal Mediation Service in WA, assisting in addressing conflict or disputes between individuals and/or groups, including families and communities. AFLS is unable to make comments on its effectiveness as this service appears not to have a high profile in the areas in which AFLS services.

Back-room services, administrative type amalgamations and ‘reduction of costs’

Family Violence Prevention Legal Services (FVPLSs) were established in recognition of:

- the gap in access to legal services for Aboriginal and Torres Strait Islander victims/survivors of family violence and sexual assault
- the high number of legal conflicts within Aboriginal and Torres Strait Islander Legal Services (ATSILs)
- the high rates of family violence in Aboriginal and Torres Strait Islander communities.

FVPLSs are accredited legal services delivering high quality legal services within holistic frameworks. FVPLSs are community controlled organisations and our communities know and trust our staff and services. National FVPLS Forum members expressed considerable concerns and reservations with regards to any proposed amalgamations of ‘back-room/ administrative’ functions, including:

- impacts of removing the direct delivery of administrative functions such as finance and human resources removes direct control over financial decision-making and staff management, arguably the most important operational components of an organisation
- back-room amalgamation approach goes against principles of capacity building for community organisations and weakens governance and management structures at questionable gain elsewhere
- services don’t operate in chunks and clients are clients of the entire service – not clients of just the legal arm of the service delivery - it is unclear how legal conflicts of interest will be managed through back room amalgamations
- it is unclear as to whether the shared services arrangement implemented by some state governments has actually increased efficiencies
- FVPLS services have very lean administrative arrangements which is challenging given that governments have not seemed to reduce the red tape/reporting burden
- improving efficiencies of services is a priority of all FVPLS units - it is unclear how amalgamations achieve efficiencies rather than cost-shifting

- even if amalgamations could create some administrative efficiencies we are very concerned that such a move would see the services relegated to a “program” amongst many programs of an organisation
- community controlled organisations are extremely important, the establishment of community connection and trust is the foundation for increasing access to justice for victims/survivors of family violence
- amalgamation with other organisations particularly large non-legal organisations would undermine the essence and uniqueness of our service and threaten the cultural safety that we provide to our clients
- Government ‘models of efficiency’ have not provided a comprehensive community cost/benefit analysis
- FVPLS units actively collaborate locally to provide service integration and wrap-around service models which create cost efficiencies
- The National FVPLS Forum creates further resource efficiencies through sharing of best practice, capacity building , materials and resources sharing

FVPLSs provide expertise and experience in the delivery of specialised holistic legal services; we were established because no other services could effectively deliver the services that the FVPLS programme successfully delivers. Any amalgamations, particularly in small communities where everybody is aware of organisational relationships, risk the community perception of conflicts. For communities with limited services where real conflicts are present there is a genuine risk of having no services available to those who most need access to justice. We have very specific areas of legal services provision and we provide holistic, culturally appropriate, specialist and flexible outreach models that have been proven to be successful and highly regarded by our clients. National FVPLS Forum members are concerned about the impacts and repercussions of any amalgamations, back-room or otherwise, particularly with non-Aboriginal services. We are accountable to our communities, our successful service delivery and the increased access to justice that we provide require us to remain responsive to the requirements of the communities that we service, continuing to deliver our essential services within a culturally safe framework.

As AFLSSQIC in southern Queensland responded “Our organisations administrative expenses are minimal. Our structure of accountability utilises an external bookkeeper that the Board of Directors have access to and that has a formal level of external distance from the Chief Executive Officer. This three pronged response to financial management is a deliberate choice by the Board to encourage external accountability mechanisms to the organisations finance policy. This is further strengthened by the finance specialist who is annually appointed to our Board and is required to be a registered accountant. This position is voluntary again saving on costs and keeping funds prioritised towards service delivery. The organisations previous experience as an auspiced program within a larger entity shape’s our view that shared back end or administrative costs whilst presenting a logical case for saving on costs, can in fact create new organisational costs. This idea, however, stems from a premise that the identified shared service that would hypothetically administer the financial or administrative aspects of program delivery would rarely do this without a prescribed figure of remuneration attached to providing this service such as a management fee... As an organisation we don’t dispute that these costs are necessary in either a shared agreement on administration costs or through regionalisation, however, we do stress that these administration costs will exist in any model of service delivery and to suggest that sharing this aspect of service delivery saves on costs is disingenuous as a dollar figure is still attached to this aspect of service delivery. Whether it is from a smaller localised service, a shared agreement with another service on administration costs or through regionalisation, these costs are a reality of program delivery and we refute that it would be possible for another organisation to administer this part of program delivery without some form of financial

incentive from the funds allocated to our region of Southern Queensland and the Indigenous families and communities who rely on this funding for effective services in their area.”

Many Rivers FVPLS- New South Wales provided the following response:

- Many Rivers, Thiyama-Li, Binaal Billa and Warra Warra FVPLS Units are the four in New South Wales. The CEOs and managers have been holding discussions over the past two years on working together. The outcomes have been useful in terms of how the Units may best serve their constituents.
- The most significant issue has been the desire to retain locally based services, support and advisory groups. Each service understands their local circumstances and is best placed to serve their community.
- All Units want to do more. They see the need in communities that lie beyond their capacity to service. The Nous report provided mapping that highlighted the areas of greatest need, many are outside our delegated service areas and beyond our financial capacity to service.
- The FVPLS forum has been a very helpful tool in keeping each NSW Unit informed of the bigger picture issues by pushing them out to the local level. We now feel better able to respond to national issues. To have the administration centralised would mean that the people delivering the services may not be able to have input to these discussions.
- Recruitment of good people with a connection to the communities they serve (where possible) is the key to the success of the Units. There is a place for fly in, fly out specialist services but clients want to see someone local and often their needs are immediate.
- The Allen report investigated the advantages of amalgamated services over standalone services and did not recommend in favour of either, commenting that both models performed well.
- To conclude, our view is that if it works efficiently now, why change?

Sufficient scale for good use of resources & State/ Territory models

The National FVPLS Forum members are a diverse range and scale of organisations, some with multiple offices, some auspiced within another service and some with a single site. Restrictions on funding and service locations have impacts on all FVPLS units, however each unit strives to efficiently utilise the resources received to maximise the positive impacts we have on our targeted communities. State wide / Territory service models without increased resourcing will not result in genuine state-wide services as there are multiple areas of significant needs in communities across Australia outside the specific areas selected by the Commonwealth to receive current FVPLS services. For the larger multi-site FVPLS service providers, scaling up to provide state-wide services is considered to be an achievable challenge. For smaller units the benefits of being a locally managed community controlled organisation are tangible; established community trust and accountability are critical components of successful service delivery and improving access to justice for victim/ survivors of family violence. In New South Wales FVPLS services have been discussing cross-service collaboration and service models to provide increased scale to negotiate with state government. Additionally, the National FVPLS Forum provides an important mechanism to collaborate and share resources and expertise and opportunities for providing the benefits of increased 'scale of operations'.

To adequately reflect the diversity of opinion towards FVPLS state-based approaches, a representative sample of members responses are provided:

FVLSAC - South Australia

Our service has already gone through a regionalisation process. In July 2010 the regionalisation process was commenced and there has been a significant period of transition to the new model.

FVLSAC is the only family violence legal service in South Australia. We are not in a position to comment on whether this model is appropriate for other states. FVLSAC's experience of regionalisation is that while there may be some benefits to Government in terms of efficiencies of scale, there is significant risk of losing the community control and ownership of the service.

Community members have been understandably concerned that a regionalisation process will result in less local jobs and services that are not as tailored to local needs. FVLSAC has offices in three very different communities and care needs to be taken to ensure that the needs of each of these communities continue to be appropriately met. Of crucial importance to our model is strong representation from each community on the Board of Management. Another key component of the model is ensuring that local Aboriginal people are recruited and retained in key positions in the organisation.

AFLS- Western Australia

The AFLS does not oppose a move towards a State/Territory based FVPLS model like FVPLS Victoria. The benefits of creating a statewide service includes:

- opportunities to provide more opportunities to create a constitutional governance structure which allows flexibility to operate more effectively;
- efficiencies in operations with administrative costs kept at an appropriate level;
- professionalism and service quality is enhanced by capacity to participate in professional development, National Accreditation Scheme, sector forums etc;
- sustainable employment with incentives for staff retention, with particular focus on employment of local Aboriginal people;
- increased professional networks and opportunities for interagency collaboration;
- increased and continuous community presence and participation;
- internal efficiencies allowing for expansion or refocus of service within current funding levels;
- increased and commitment and capacity to contribute to government policy (National Plan to Reduce Violence Against Women and Closing the Gap); and
- cultural security and responsiveness to the local community needs.

The AFLS qualifies this statement with the proviso that changes in the existing arrangements be an open process, and made in consultation with all services party to any proposed changes.

Southern Aboriginal Corporation Family Violence Prevention Legal Services– Western Australia

For Western Australia the South West/Great Southern has an entirely different culture to the Kimberly and the Pilbara. Running something for a state this large from one office would be extremely difficult and while it may work for a small state it is not feasible, in our opinion, in Western Australia.

AFLSSQIC - Queensland

It's our submission, that a regionalisation process or amalgamation of existing family violence prevention legal services would not offer the same familiarity and responsiveness that our current structure offers the Indigenous community of Southern Queensland. Culturally appropriate services, in our view, doesn't simply mean Indigenous services, it means responding to an individual communities unique needs, social history and community dynamics and reflecting these responses in the organisations governance mechanismsⁱⁱⁱ. Cultural appropriateness in Cherbourg an Indigenous Dead of Grant in Trust community that's social history is tied to the Aboriginal and Torres Strait Islander Protection Act is dramatically different to the community of Cunnamulla. Cunnamulla's economy and infrastructure relied heavily on the wool industry and has not recovered from the down turn in Australia's wool exports in the 1970's. With an increasing Indigenous population juxtaposed against decreasing job, housing and economic opportunities, Cunnamulla is worlds apart in what makes a culturally appropriate service to Cherbourg and its history of forced removals and failed government policies. This understanding and adjustment of practice to local issues by our service demonstrates that a one size fits all model may appear 'easier' for services to be delivered, however, is not necessarily better. Our Board of Directors intimate knowledge of these issues of community differences in our region and the community themselves having trust in our Board to make informed and appropriate decisions on their behalf creates an important element of community control and cultural responsiveness that makes our organisation responsive, culturally safe and relevant to the clients that we engage.

From the Board of Directors of AFLSSQIC, to senior management, to our field staff, our team are accountable to the communities we service and reflect the local issues present in each of our communities in our practice^{iv}. Having our administrative base, Board of Directors and senior management team of the organisation located in the region that we service only adds to the responsiveness and accountability to the Indigenous community that we work with in turn creating a culturally appropriate service with strong community trust and control. Decision making and transparency therefore can be seen to be made by local people rather than by an administrative team and base hundreds of kilometres away. This familiarity, reliability and localised support offered by our current structure places emphasis on maintaining effective referral relationships with community and non-government organisations and therefore a steady flow of clients approaching the service for assistance.

QIFVLS - Queensland

In regards to Queensland, we would think that it is reasonable to have a state based approach. We appreciate the perspectives of smaller FVPLS units nationally and that they may hold different perspectives. In QIFVLS opinion however, the overall support and contingency planning that can be achieved from having one service operate state-wide are service efficiencies gained in regards to overall administration, staff training, support and file supervision – and ensuring that clients don't fall through the gaps and there are no one person dependencies. Having one state-wide service does not take away from having locally based staff who are connected with their communities. Local responsiveness is maintained the throughout overall service model approach, which pairs a solicitor and Client Support Officer so that the local services provision is culturally appropriate. In addition Board members are drawn from each service region so that connection with relevant stakeholders is not lost, and Board meetings take place across the state tied to stakeholder events.

CAAFLU - Northern Territory

A Territory wide service delivery model does not work for the vast geographical and cultural diverse regions of the Northern Territory. Alice Springs is as far from Melbourne as it is from Darwin and even logistically there would be huge challenges in being managed so remotely from operations. We work

with very specific communities with a positive and healthy record of effective engagement and impact. CAAFLU is a highly functioning community service with a quality performance framework, community trust and efficient service model which directs our scarce resources to front-line delivery. CAAFLU has no desire to manage units in vastly different geographic regions which have very different and specific cultural variances, as this is not our speciality. We would resist other units managing our services as CAAFLU family violence prevention legal services provision within our communities is where our expertise lies. Victoria is a tiny state so a State based model makes sense however for the Northern Territory it would not be appropriate to move to a Territory based service model.

FVPLS Victoria

Victoria is a small state and is not comparable to other States/Territories, however the state-based model in Victoria has been highly successful due to a range of critical components. Having a head office based in the State's capital has enabled the organisation and its CEO to have access to network, consultations, activities and stakeholders that have strengthened its capacity to access resources and contribute to state-wide interdisciplinary strategic framework development. As illustrated below FVPLS Victoria profile, location and activities have empowered it to be successful in securing resources through a variety of State and philanthropic funding. Matching Commonwealth restricted funding with State funding has specifically ensured Melbourne based women have much needed access to our services. Additional resourcing provides additional capacity to address the service needs of more victims/survivors of family violence. Established community relationships and trust amongst our clients has enabled us to provide locally based community responsive FVPLS Victoria services across several locations. Even in a small state like Victoria, and in line with our Commonwealth funding agreement, there are still large geographical gaps in our service areas and communities with significant unmet need for FVPLS Victoria services.

State/ Territory funding

Only two FVPLS units receive any State/Territory funding; Family Violence Prevention and Legal Services Victoria and Queensland Indigenous Family Violence Legal Service (QIFVLS).

FVPLS Victoria receives funding from the State Government from agencies including the Victorian Department of Justice, the Victorian Department of Human Services, Victoria Legal Aid, the Victorian Legal Services Board and Victoria Police.

Funding from the State Government augments FVPLS Victoria's core program activities. Assistance from State channels enables the service to provide advice and casework to clients in metropolitan Melbourne, outer suburban areas, and regional areas such as Geelong and Morwell.

If funding was lost for these positions, FVPLS Victoria would have no choice but to turn a large number of clients away from our service. This would have a devastating impact on Aboriginal women and their children and is likely to result in further violence, disadvantage and homelessness. Our organisation would also risk the loss of skilled and experienced staff, including Aboriginal staff members.

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.

At the present time, there is no formal funding agreement between the Commonwealth and the state for FVLPS services or for legal services for Aboriginal and Torres Strait Islander women more generally. Family violence law and legal issues for women and children incorporate Commonwealth and state jurisdictions with many overlaps. Without formal collaboration, 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.

Department of Justice

The Department of Justice currently funds the positions of one Child Protection Lawyer and one Family Violence Lawyer. Both of these lawyers have between 45-60 files at any point in time.

The Child Protection Lawyer provides legal advice and intensive casework to clients requiring assistance with various custody, guardianship, supervision and protection orders, undertakings, and court hearings.

The Family Violence Lawyer provides legal advice and casework duties including family violence intervention order applications, applications/hearings at the Victims of Crime Assistance Tribunal, and with other associated civil matters such as infringements arising out of family violence, Centrelink and support for housing services.

Department of Human Services

The Victorian Department of Human Services funds two FVPLS Victoria Paralegal Support Worker positions under the 2013-2014 National Partnership Agreement on Homelessness. They provide holistic and culturally safe support and case management to FVPLS Victoria clients, including performing intake interviews, arranging counselling, providing court support, and linking clients in with other support services.

Victoria Legal Aid

Victoria Legal Aid provides funding for a State Senior Lawyer (Family Law) and a Family Violence Lawyer. Both of these lawyers have between 45-60 files at any point in time.

The State Senior Lawyer assists clients with family law matters including parenting plans, divorce and separation, mediation, recovery orders and parenting matters in the Family Court of Australia and the Federal Circuit Court.

The role of the Family Violence Lawyer is as outlined above in the Department of Justice section.

Legal Services Board

FVPLS Victoria receives funding from the Legal Services Board for its Community Legal Education (CLE) activities across the state. The CLE team provides culturally accessible community education about the legal system, legal rights, and the manifestations of family violence. The CLE Program has a social and emotional wellbeing approach and incorporates early intervention and prevention activities such as Sisters Day Out, Dilly Bag, Koori Women's Legal Clinics, Welcome Baby to Country activities, and art and healing days.

Victoria Police

Funding from Victoria Police has enabled FVPLS Victoria to partner with the Victorian State Government and with Victorian Aboriginal communities to deliver the Koori Family Violence Police Protocols Project. The purpose of the Protocols is to strengthen and improve Victoria Police responses to Aboriginal family violence. For example, FVPLS Victoria has provided Cultural Awareness Training to members of Victoria Police, Corrections Victoria, and other Government agencies, and has also worked to ensure that police are aware of the local Aboriginal support services available to Aboriginal victims, perpetrators and children.

Queensland Indigenous Family Violence Legal Service (QIFVLS) receive joint State and Commonwealth funding for their office in Brisbane. QIFVLS have only had small amounts of project funding/sponsorship type funding from the State. It makes a significant difference to receive some State funding; QIFVLS was previously not on the State's radar and has been perceived as a Commonwealth responsibility. The repercussions of a lack of State/Territory awareness of the service delivery of the FVPLS program are that there are either gaps (geographically or in areas of law) or the State duplicates funding that the Commonwealth provides to the program (e.g. in the area of family law) by funding CLC for the same work that the FVPLS program is doing. This is not an effective use of resourcing and does not utilise a culturally appropriate model in the provision of family violence prevention legal services.

None of the other FVPLS units receive State or Territory funding, as Binaal Billa FVPLS expressed "No we do not receive any state funding; this leaves us in a very vulnerable position in that we are solely reliant on the Federal Funding and are not in a position at present to carry on services if that federal funding were to be removed. We are presently looking at additional funding opportunities to help us to sustain into the future, however our ability to create and submit tenders etc. is severely disadvantaged by our lack of ongoing lack of staff due to the uncertainty of our future."

Western Australia Family Violence Legal Service (AFLS) does not currently receive any state funding despite tendering for the State funded equivalent of the FVPLS program in 2013. The program was awarded to a mainstream NGO who contracted out the legal services to the local women's law centre. The NGO maintains the counselling service for clients of the legal service. This decision was disappointing for the AFLS as it continues to receive requests from community members for service in the metropolitan area. This was a missed opportunity for a Federal/State partnership arrangement that could have strengthened service provision to the Aboriginal community in Perth and increased access to justice for Aboriginal victim/survivors of family violence. Western Australia Family Violence Legal Service, like all FVPLS providers, are specialist, expert, effective, culturally safe, trusted and holistic service providers and as such AFLS extensive experience with delivering the FVPLS program would have created considerable efficiencies in the short to medium term, particularly as the program was only funded as a 12 month pilot.

Additional State/ Territory resourcing should be provided for all FVPLSs. Family violence is a responsibility of all levels of government and many of the legal services provided by the FVPLS providers arise out of state based legislation including child protection, criminal injuries compensation, Violence Restraining Orders (VROs), and associated issues with housing.

About the National Aboriginal Family Violence Prevention Legal Services Forum

The primary function of Family Violence Prevention Legal Services (FVPLSs) is to provide legal assistance, casework, counselling and court support to Aboriginal and Torres Strait Islander³ adults and children who are victim/survivors of family violence. FVPLSs have adopted holistic, wrap-around service delivery models that prioritise legal service delivery while recognising and addressing the multitude of interrelated issues that our clients face.

The FVPLS program provides holistic, culturally safe legal services to approximately 5000 clients annually in 31 rural and remote locations across Australia. The National FVPLS Program was established in recognition of the gap in access to legal services for Aboriginal and Torres Strait Islander victims/survivors of family violence – predominantly Aboriginal women and children.

Aboriginal people are significantly overrepresented as victim/survivors of family violence. Historical and current institutionalised and individualised racism and discrimination have left Aboriginal community members reluctant to engage with the legal system or to seek mainstream legal assistance. The 2004 *Senate Report on Legal Aid and Access to Justice* identified that Aboriginal women remain chronically disadvantaged in terms of their access to legal services, awareness and exercise of their legal rights and domestic violence support.

The Australian Government provides funding for the Family Violence Prevention Legal Services (FVPLSs). The primary function of FVPLSs is to provide legal assistance, casework, counselling and court support to Aboriginal adults and children who are victim/survivors of family violence, including sexual assault/abuse. FVPLSs can also provide community legal education and early intervention and prevention activities.

Members of the National Forum:

- Aboriginal Family Legal Service Southern Queensland (Roma)
- Aboriginal Family Violence Prevention and Legal Service Victoria
- Central Australian Aboriginal Family Legal Unit Aboriginal Corporation (Alice Springs NT)
- Family Violence Legal Service Aboriginal Corporation (SA)
- Many Rivers Family Violence Prevention Legal Service (Kempsey NSW)
- Marninwarnitkura Family Violence Prevention Unit WA (Fitzroy Crossing)
- Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Domestic and Family Violence Service
- Queensland Indigenous Family Violence Legal Service
- Southern Aboriginal Corporation Family Violence Prevention Legal Service (Albany WA)
- Thiyama-li Family Violence Service Inc. NSW
- Warra-Warra Family Violence Prevention Legal Service (Broken Hill NSW)
- Western Australia Family Violence Legal Service (Perth)
- Binaal Billa Family Violence Prevention Legal Services, Forbes NSW)

³ hereafter Aboriginal

ⁱ Iverson, K. M., Gradus, J. L., Resick, P. A., Suvak, M. K., Smith, K. F., & Monson, C. M. (2011). Cognitive-behavioral therapy for PTSD and depression symptoms reduces risk for future intimate partner violence among interpersonal trauma survivors. *Journal of consulting and clinical psychology*, 79(2), 193.

ⁱⁱ McWhirter, P. T. (2011). Differential therapeutic outcomes of community-based group interventions for women and children exposed to intimate partner violence. *Journal of interpersonal violence*, 26(12), 2457-2482.

ⁱⁱⁱ Howitt, R. (2012). Sustainable indigenous futures in remote Indigenous areas: relationships, processes and failed state approaches. *GeoJournal*, 77(6), 817-828.

^{iv} Turpie-Johnstone, J., & Young, M. (2012). Australian aboriginal governance. *Developing Practice: The Child, Youth and Family Work Journal*, (31), 4