



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

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Inquiry into Domestic and Family Violence—Policy approaches and responses

Submission No. 31

National Family Violence Prevention Legal Services Forum

Received by Committee Support Office: 27 October 2017

Authorised for publication: 8 November 2017

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

27 October 2017

Att: Dr Andrea Cullen
Committee Secretary
Standing Committee on Justice and Community Safety
ACT Legislative Assembly
By email: committees@parliament.act.gov.au

Dear Committee members,

Re: Inquiry into Domestic and Family Violence – policy approaches and responses

On behalf of the National Family Violence Prevention Legal Services Forum (The National FVPLS Forum), we thank you for the opportunity to provide input into the ACT Legislative Assembly's **Inquiry into Domestic and Family Violence**. We greatly appreciate the Committee accepting our brief submission past the deadline for public submissions.

In response to the Inquiry's terms of reference, we would like to draw the committee's attention to the adequacy and effectiveness of current ACT responses specifically in relation to Aboriginal and Torres Strait Islander women. We urge the Committee to consider the absence of a Family Violence Prevention Legal Service organisation servicing the ACT region despite Aboriginal and Torres Strait Islander women being disproportionately impacted by family violence. Nationally, Aboriginal and Torres Strait Islander women are 32 times more likely to be hospitalised from family violence and 10 times more likely to be killed as a result of violent assault. There is significant unmet legal need for Aboriginal and Torres Strait Islander victim/survivors in regions such as the ACT.

Aboriginal and Torres Strait Islander victim/survivors face extensive barriers to accessing the justice system and support services including, mistrust of and cultural inaccessibility of court systems and services, poor police responses and fear of child removal. FVPLSs are best placed to address these barriers and ensure access to justice for Aboriginal and Torres Strait Islander victim/survivors.

The National FVPLS Forum consists of 14 Family Violence Prevention Legal Services (FVPLSs) located across Australia (appendix A). FVPLSs are Aboriginal Community Controlled Organisations that provide specialised, culturally safe, holistic legal and non-legal support for Aboriginal and Torres Strait Islander victims/survivors of family violence. Our services are not gender exclusive but nationally approximately 90% of our clients are Aboriginal and Torres Strait islander women and their children.

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The 'FVPLS model' involves each client receiving not only culturally safe and specialist legal assistance, but also counselling and other non-legal assistance aimed at addressing the socio-economic factors underlying the client's legal issue and experience of family violence. This holistic service is provided through client service officers (many of whom are Aboriginal or Torres Strait Islander women) working alongside lawyers to provide wrap-around services and support the client to remain engaged and safe throughout the legal process. Non-legal assistance provided by these workers can include, for example, safety planning and risk assessment, court support, practical and emotional support, and linking clients into other services for support in relation to housing and homelessness, parenting, drug and alcohol misuse, health, employment and other issues.

FVPLSs are currently only funded by the Commonwealth government through the Indigenous Advancement Strategy for certain identified rural and regional areas. Current funding commitments mean that vast swathes of the country (approximately 50%), including all of the ACT, are left un-serviced despite the majority of Aboriginal and Torres Strait Islander people living in urban settings. In addition, we note that existing FVPLSs Commonwealth funding has to date been frozen at 2013-14 levels despite significant unmet need and growing demand in current service catchments.

FVPLSs are one of four legal assistance service providers, alongside Legal Aid Commission's, Community Legal Centre's and Aboriginal and Torres Strait Islander Legal Services (ATSILS). 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 (predominately women), the high number of legal conflicts within ATSILS and the high rates of family violence in Aboriginal and Torres Strait Islander communities. Access to FVPLSs is particularly vital in addressing the overrepresentation of Aboriginal and Torres Strait Islander children in out of home care. It is well documented that family violence is a primary driver of Aboriginal and Torres Strait Islander children being removed from their families. Access to services such as FVPLS that provide specialised, culturally safe, preventative legal advice at the earliest possible stage supports Aboriginal and Torres Strait Islander families to understand their legal rights and take proactive action to avoid or minimise Aboriginal and Torres Strait Islander children being removed from families and placed in out-of-home care.

Funding of FVPLSs in urban settings such as the ACT is vital to addressing the needs of Aboriginal and Torres Strait Islander victims/survivors of family violence and ensuring access to justice. The assumption that access to mainstream service providers in urban settings is sufficient does not acknowledge the unique needs and barriers faced by Aboriginal and Torres Strait Islander victims/survivors face in accessing support. We maintain that Aboriginal and Torres Strait Islander victims/survivors of family violence should have access to culturally safe, specialised legal services such as FVPLSs regardless of geographic location, including throughout the ACT.

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As such, it is imperative that all levels of government commit to increasing access to justice for Aboriginal and Torres Strait Islander women and their children. The inherent link between family violence, child protection, youth detention and adult incarceration demonstrates a crossover of Commonwealth and State/Territory jurisdictional responsibilities and that requires the support and investment by the ACT for FVPLS service delivery in this region. We note that some FVPLSs, such as FVPLS Victoria, have a mixed funding model including Commonwealth and State funding sources. Such States have recognised the need and imperative for joint responsibility for service delivery to support Aboriginal and Torres Strait Islander victim/survivors.

We respectfully encourage the Committee to include a commitment to FVPLS service provision within the ACT as one of the Committee's recommendations.

We are available to further discuss the content of this submission with committee members, please contact National Secretariat Executive Officer Renee Cumming via rcumming@fvpls.org, (03) 9244 3319 (office)

Yours sincerely

Antoinette Braybrook

Convenor, National Family Violence Prevention Legal Service Forum

Chief Executive Officer, Aboriginal Family Violence Prevention & Legal Service Victoria

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Appendix A

About The National FVPLS Forum

The National FVPLS Forum is comprised of 14 Family Violence Prevention Legal Services (FVPLSs) member organisations across the country that provide culturally safe legal assistance and non-legal support to Aboriginal and Torres Strait Islander victim/survivors of family violence – predominantly women and children. The Forum was established in May 2012 and aims to work in collaboration across its member FVPLS services to increase access to justice for Aboriginal and Torres Strait Islander victims/survivors of family violence.

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); and
- high rates of family violence in Aboriginal and Torres Strait Islander communities.

The primary function of FVPLSs is to provide legal assistance, casework, counselling and court support to Aboriginal and Torres Strait Islander adults and children who are victims/survivors of family violence. The legal services are provided to victims/survivors in matters related to:

- family and domestic violence orders;
- victims of crime compensation;
- family law; and
- child protection.

FVPLSs also deliver essential community legal education and early intervention and prevention programs. FVPLSs have adopted a holistic, wrap-around service delivery model that prioritises legal service delivery while recognising and addressing the multitude of interrelated issues that our clients face. Nationally 90% of our clients are Aboriginal and Torres Strait Islander women and children.

National FVPLS Forum Members:

- Aboriginal Family Violence Prevention and Legal Service Victoria (Melbourne HO, Mildura, Gippsland, Barwon South West)
- Aboriginal Family Law Service Western Australia (Perth HO, Broome, Carnarvon, Kununnura, Geraldton, Kalgoorlie, Port Hedland)
- Aboriginal Family Legal Service Southern Queensland (Roma)
- Binaal Billa Family Violence Prevention Legal Service (Forbes)
- Central Australian Aboriginal Family Legal Unit (Alice Springs HO, Tennant Creek)
- Family Violence Legal Service Aboriginal Corporation (Port Augusta HO, Ceduna, Pt Lincoln)
- Many Rivers Family Violence Prevention Legal Service (Kempsey)
- Marninwarnitkura Family Violence Prevention Unit WA (Fitzroy Crossing)
- North Australian Aboriginal Family Legal Service (Darwin, Katherine, Top End)

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- Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Domestic and Family Violence Service (Alice Springs, NPY Tri-state Region)
- Queensland Indigenous Family Violence Legal Service (Cairns HO, Townsville, Rockhampton, Mount Isa, Brisbane)
- Southern Aboriginal Corporation Family Violence Prevention Legal Service (Albany, WA)
- Thiyama-li Family Violence Service Inc. NSW (Moree HO, Bourke, Walgett)
- Warra-Warra Family Violence Prevention Legal Service (Broken Hill)