



Victorian Aboriginal Legal Service Co-operative Ltd.

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PRESENTATIONS

Introduction

Frank Guivarra (Chief Executive Officer of the Victorian Aboriginal Legal Service Co-operative Limited)

I acknowledge the traditional owners of the land on which we are meeting today. I am the Chief Executive Officer of the Victorian Aboriginal Legal Service Co-operative Limited and welcome you to the Indigenous Women's Justice Forum. Today we will be discussing the topic of family violence in the Indigenous Australian community.

Even though the forum is titled the Indigenous Women's Justice Forum we have deliberately invited Indigenous Australian and non-Indigenous Australian men and women to discuss family violence. This is because family violence is an issue for everyone in the Indigenous Australian community and service providers who serve the Indigenous Australian community.

You have been invited to take part in discussions today in a spirit of co-operation. This is a forum where you have the right to voice your opinions, but we ask that you respect the opinions of others. It may be that at the end of the day that two people will need to agree to disagree. Family violence is a difficult topic to discuss in an open forum like this and we ask for your assistance in being aware of the sensitivities of the topic.

Given that family violence is a difficult issue to discuss we have been overwhelmed by your response to this forum. It will be a bit crowded at times today and we ask that you are patient with us as we try to make this day as comfortable as possible for you.

To continue the theme of working together in a spirit of co-operation and respect we are now going to join together and dedicate one minutes silence to the victims of family violence.

The structure of today is split into two halves. In the first half we will have presenters from community organisations and Government present on various initiatives in the field of family violence. You will be given the opportunity to ask questions at the end of each presentation. We have tried to keep the presentations to a minimum so that that we have enough time for you to have your say in Discussion Groups during the second half of the forum. We will explain to you later how the Discussion Groups will work. We produced the Family Violence Initiatives Booklet and distributed it prior to the forum to provide upfront information to prevent information overload today. The booklet is in your forum package. Due to time restrictions it has not been possible to give everyone who should present at this forum an opportunity to do so. If there are issues not raised in the first half

of the forum that you feel should be raised, please raise them during the Discussion Groups.

I will just provide you with some background to the Indigenous Women's Justice Forum. VALS has been running the Indigenous Women's Justice Forum since 2001 in an attempt to meet the needs of VALS' female clients. The forum is funded by the State Government through the Department of Justice. This is the last forum that VALS is funded to provide and VALS is in the process of seeking continued funding for the forum. VALS will produce a Report that details the outcomes of this forum and we will distribute it to you.

- The aims of the forum today are to:
- Seek support for the continuation of the Indigenous Women's Justice Forum.
 - Raise recommendations/motions that can be included in a Report about the forum.
 - Avoid the forum becoming a talk fest and feed information from the forum to agencies that need the information so that they can move forward with the information and develop strategies for the future.
 - Encourage Indigenous Australian men and women to discuss family violence within the Indigenous Australian community and related issues.
 - Encourage Indigenous Australian men and women to collaborate and work together to addressing family violence within the Indigenous Australian community and in the process support one another.
 - Raise awareness about, discuss and analyse existing processes, policies and initiatives that attempt to address family violence within the Indigenous Australian community.
 - Inform the Indigenous Australian community of their rights and responsibilities.
 - Bring together people and organisations who are involved in different initiatives that attempt to address family violence. Open the communication lines between those involved in these different initiatives. Inform those involved in the different initiatives of the perspective of Indigenous Australians.
 - Develop an ongoing inter-agency communication strategy that ensures communication between those present at the Indigenous Women's Justice Forum continues.

Thank you for your participation today and I hope you find the day useful.

***Community Action (Local and State Levels) - Indigenous Family Violence Strategy:
Directions, Challenges and Community Action***

**Karen Milward (Interim Co-Chair Indigenous Family Violence Regional Action
Group Chairpersons Group) Daphne Yarram (Chairperson Binjirru Regional
Council)**

Please see power point presentation at Appendix C

Themes:

Government directions, community challenges and community actions.

Indigenous Family Violence Strategy Directions

The Indigenous Family Violence Strategy Taskforce Final Report was launched on 15 December 2003. The Government issued response was released on 11 October 2004.

The issues raised in the Indigenous Family Violence Strategy Taskforce Report are as follows:

- Access to ongoing and long term counseling is currently unavailable.
- No commitment to funding community initiatives.
- Capacity issue of mainstream service providers, as they are unable to meet demands.
- Community education is essential as there is a duty to promote the rights of both women and children.
- Current mainstream promotions/campaigns are limited in terms of exposure, particularly in rural areas.
- Community education is not funded.

Community Action

The Indigenous Family Violence Taskforce has completed its responsibility in so far as the following has occurred:

- Establishment of eleven Indigenous Family Violence Local Action Groups.
- Development of three Healing “Services” (Centres).
- Family Decision Making programs (inclusive of conferencing).

Challenges:

How does the community know about the following changes?

- All new coordination of Police services (ie: Police Family Violence Advisors, Police Family Violence Officers and Police Aboriginal Liaison Officers).
- Changes to the Police Code of Practice. How do Police, especially in regional areas, provide information to the Indigenous Australian community in light of continued suspicion of Police?
- Active and ongoing counseling. There is no network to support healing on the ground. There is a need access to mainstream providers and there is no culturally sensitive support available.
- Very little community education is happening resulting in people in regions not being sure which services to access.
- There is lack of support for men as there are no culturally relevant programs and there is not enough information about men’s programs being circulated.
- There is need for a statewide Men’s Referral Service.
- There is no Government support for addressing Indigenous sexual assault.
- The coordination of Local Action Groups (LAG) needs improvement.

- There are demands from perpetrators to be on Local Action Groups and this presents a threat to other Local Action Group members.
- There needs to formulate a communication strategy between Government and locals.
- Resources/funding.
- Instability of current political environment. The landscape of Indigenous Affairs has changed as the abolition of the Aboriginal and Torres Strait Islander Commission means that there will be no representative structure in place in the future. Communities need to be proactive about participating and engaging with Government.
- A fresh structure is needed.
- Aboriginal organisations need to acknowledge a shared responsibility and that violence does happen in our organisations and organisations need help to be responsive to this.
- Community needs to formalise links with the mainstream services sector
- Community needs to evaluate outcomes (performance indicators).
- ‘Burnt-out Blacks’.

Priorities and values in the Indigenous Australian community.

Alf Bamblett (Executive Officer - Victorian Aboriginal Community Services Association)

A shifting value and belief system

- Loss of values systems.
- Support within the community is breaking down .The traits of Indigenous Australians (ie: sharing, caring unique and distinct group) are being lost.
- The value system Elders had is lost now and we are lost in the transition. This begs the question where will we finish up?
- Disintegrating relationships between Indigenous Australians.
- Loss of emphasis on children and loss of emphasis on values.
- Failure to prepare young people for relationships and the commitment required which explains family breakdowns.
- Families are breaking down as there are a high number of children in out of home care due to neglect and abuse as there is not enough support.
- Increased juvenile justice, family violence and incarceration issues due to a sickness pervading Indigenous Australian communities.
- Law systems are breaking down.

Government System vs Indigenous Australian System

- The Government views issues affecting the Indigenous Australian community as a ‘commercial enterprise’ which causes all subsequent services to be ill-fitting to the Indigenous Australian ‘guardianship’ system.
- The Indigenous Australian system, including notions of thoughtfulness, sharing and caring clashes with notions held by the Government.

- A historical tension exists and is exacerbated by the lack of communication between the Government and Indigenous Australians.
- The Government will not provide the answers to problems. The Government only gives enough money to Indigenous Australian organisations to keep a cap on the problems, but not enough to solve the problems. The jobs of people at this forum are to keep a cap on the problem and that is the way Government treats Aboriginal Affairs. ATSIC had a supplementary role in many ways. The measures taken by Government are grossly inadequate in reality.

Solutions

- There is no short term solution.
- Today the Indigenous Australian population is relatively young and therefore we should focus on shaping the beliefs and values of the next generation.
- Resources will always be a problem and there will always be a need for more than you get. But if Indigenous Australians do not try and make change happen then who will? Indigenous Australians need to continue the fight to gain resources necessary against a backdrop where Indigenous Australians are expected to do the job with limited resources. We need to try to make people listen, it will not stop the way the Government runs Aboriginal Affairs, but it will perhaps alleviate some problems.

Policy Issues

Julianne James (Senior Indigenous Policy Officer - Office of Women's Policy)

Background

- One in three women will experience violence in their lifetime (this is higher for Indigenous Australian women).
- Annually there are 20,000 cases of domestic violence reported to the Police.
- It is believed that over 80% of cases of family violence go unreported (hidden nature of the problem).

Women's Safety Strategy

The Women's Safety Strategy was launched in October 2002 and the key themes are as follows:

- Improved services.
- Law reform.
- Increased reporting of family violence incidents.
- Improved Police response to family violence incidents.

The options are as follows:

- Reduce barriers for seeking assistance.

- Focus on primary, secondary and tertiary prevention.
- Move toward an integrated response.

Indigenous Australian Family Violence Taskforce Partnership Forum
Estelle O'Callaghan (Aboriginal Affairs Victoria)

Please see power point presentation at Appendix D

Partnership Forum

- A Partnership Forum has been set up by the Indigenous Family Violence Taskforce, as the impetus to do so has come out of the Taskforce Final Report.
- Partnership Forum is not just about consultation it is a 'partnership'.
- Aim: to develop a 10-year partnership agreement which defines short-term/medium-term/long-term goals and involves local community solutions.

Membership

- key Government bodies.
- Indigenous community groups make up 2/3 of forum membership.
- First meeting in late April.

Below is a Statement that Estelle O'Callaghan requested on 24 April 2005 be included in these minutes and a media release:

The Indigenous Family Violence Partnership Forum will in no way affect the \$4.1 million dollars, allocated in the 2004/05 State Budget to respond to Indigenous family violence. Funding for the Partnership Forum was allocated as part of the 2002/03 commitment of \$1.9 million ongoing. This allocation included the Indigenous Family Violence Community Initiatives Fund that continues to provide grants for Community initiatives that respond to family violence.

Please see Appendix E for a Media Release sent by Aboriginal Affairs Victoria to be distributed with the IWJF Report.

The voice of a survivor of rape
Joanne McGuinness

A member of the Indigenous Australian community requested the opportunity to take the floor and talk about her experience as a survivor of rape. The following points were raised:

- There is no support. Indigenous people need their own specialised sexual abuse centres and child psychologists and cannot rely on mainstream services.
- I am dealing with the media by myself.
- There is racism in our own community.
- I do not feel acknowledged by people on community groups.

Indigenous Australian Women's Refuge
Rose Solomon (Chief Executive Officer - Elizabeth Hoffman House)

Background

- Only Indigenous Australian Women's Refuge in Victoria.
- 30 year existence.
- Founded by Elizabeth Hoffman and another woman who were concerned about family violence in the Fitzroy community. Elizabeth Hoffman House (EHH) was the only Aboriginal women's refuge at the time.
- EHH provides:
 - Crisis Support.
 - Aboriginal women's homeless program.
 - Transitional properties.
 - Counselling services (ie: for women prisoners).
 - Outreach Program.
 - Assistance from crisis end to housing.

Challenges:

- A limitation is that EHH can only cater for three families at a time despite community perceptions that it is able to cater for more. There is a perception that EHH has heaps of beds and workers available 24-hours a day. The level of access to services does not match perception. Services are not as available as the community thinks.
- After hours crisis is not able to accommodate women in refuges, but only hotels. This raises concerns for the Police code of conduct.
- Most mainstream refuges cease to provide services after 5.00pm.
- Unless the community deals with immediate crises, all the 'programs' and 'initiatives' will fail.
- In a nine month period, EHH had to turn away ninety two women and one hundred and eighty two children. EHH was not even operational for the whole nine months.

Children

We have entered into a trans-generational cycle of violence and children are the silent witnesses. Children are not being taught what appropriate behavior is. There is not much hope for kids at the moment. As long as we accept family violence the kids learn that it is okay. The trans-generational nature of violence is a major cause for concern and shows the focus needs to be on the younger generation.

Responsibility

Responsibility is shared between the Government (ie: Departments), communities, Local Action Groups and families for addressing family violence.

Men

The lack of resources for men is a problem, especially when women want the family violence to end and not for the men to leave. Men have nowhere to go. Current men's groups are not funded well and they cannot provide the service needed. There is a need to understand the levels of resources required to deal with men (ie: counselling/rehabilitation). There is a need for long term strategy/goals.

The Workers

We need to acknowledge the workers, that often live and work in communities, at the forefront for their tireless efforts.

Healing Centre

Healing centres need to be given a proper trial.

Men's Services

Alf Bamblett (Executive Officer - Victorian Aboriginal Community Services Association) in lieu of Phillip Cooper

Concerns

- No services exist for Indigenous Australian men.
- VACSAL was given \$100,000.00 for men that has been used for male bonding, father/son camps and so on, but it is not enough. \$100,000.00 should be dedicated for a men's program.
- As Phil Cooper says, If 98% of the family violence problem is men, where is the resources to change the behavior?
- Men are sick of being told that they are women-bashers, rapists, etc because there are a lot of good men out there.
- Combined men's groups have decided they need to have a rally with mainstream groups to highlight the lack of men's programs. Indigenous Australians should rally with mainstream men's services in order to highlight the need for more services for Indigenous Australian men.
- We need total community support. Total families include men and we need to support them. Women need to support the men. Aboriginal Affairs have mostly been run by women. Women need to support what men are on about. Men, fathers and uncles also make up 'family'.

Responding to Family Violence: Victoria Police Code of Practice for the Investigation of Family Violence

Sandra Russell (Manager, Family Violence Unit - Victoria Police)

Please see power point presentation at Appendix F

Victoria Police Code of Practice for the Investigation of Family Violence

The Family Violence Code was introduced in August 2004 (Code).

Aims of the Code

- Coordinated, consistent, fair and accountable response between Police and other services.
- Minimise the trauma that family violence causes.
- Sensitive to the particular needs of each individual family.

Purposes

- Wide dissemination and education about the Code. There has been an attempt to disseminate information about the Code widely.
- Minimization of trauma.
- Maximise comfort and sensitivity for callers about family violence.
- Encourage reporting of family violence. Provide an environment to report Family violence and to coordinate an approach so people get the support they need (link in with support services).
- The Code acknowledges the diverse and different needs of the community (eg: Aboriginal, disabled, elders, same sex, cultural and linguistically diverse community). It is acknowledged that diversity is an issue in addressing family violence (ie: Indigenous people need different things from the Police, such as a tailored response).

Code Content: Indigenous Specific Aims

- Facilitate trust and assure fairness in treatment. Police must display fairness and patience when listening. Police must be trustworthy and display patience when dealing with Indigenous families
- Adopt a holistic approach by offering a choice between available Indigenous and mainstream services.
- Explanation of referrals and notifications by Police taking the time to explain the processes they are taking and why they are going down that path. Police must explain what they are doing in relation to referrals etc. It is up to the Indigenous families whether to link up with services.
- Involvement of people from community services as early as possible. Police will try to involve the Indigenous community support services as soon as possible (eg:

- Co-operatives, Aboriginal Liaison Officers) so that they can provide support as early as possible.
- Maintain that all parties are informed every step of the way. We need to keep people informed about Court and Police procedures.
 - Identification specific needs. Try to identify culturally responsive strategies:
 - Based on consultations in Mildura & other regional areas.
 - This aims to identify how Victoria Police can progress the aims and principles in the Code to implement more culturally sensitive strategies.

Outcomes

- Identification of better practices.
- Identification of gaps in service structure.
- Identification of protocols.

Research

Consultations will be conducted with communities to identify how we can progress the principles and aims of the Code, and to identify Indigenous-specific services and strategies. There has been an Indigenous Research Officer appointed for this project until August 2005 for the:

- identification of better solutions.
- identification of the gaps and protocols

The Code of practice is available today or go to: www.Police.gov.au.

Legal Services and Related Services

Antoinette Braybrook (Chief Executive Officer of the Victorian Aboriginal Family Violence Prevention and Legal Service)

Please see power point presentation at Appendix G

Background

The Aboriginal Family Violence Prevention and Legal Service (AFVPLS) was incorporated in October 2002. It provides outreach to regional services and is one of twenty six national services funded by the Attorney General's Department. The AFVPLS acknowledges the diverse need of Indigenous communities in Victoria.

AFVPLS Principles

The right to be free from violence etc.

Objectives

- Service delivery and long term solutions.
- Priority areas of law identified for change.
- Counseling information, referrals and support easily available.

Staff

Chief Executive Officer, part time solicitors (adds up to about 6 to 7 days), office workers and sexual assault counselors.

Service Delivery Priorities

- Legal advice and casework.
- Counselling.
- Referral.
- Information.
- Support.

Priority areas of law

- Sexual Assault.
- Child Protection.

Metro and regional Victoria

- Established a free-call 1800 number.
- A regional legal advice clinic.
- Metro legal advice clinics.
- Awareness and information sessions.
- Outreach counselling and legal services at metro organisations.

Other Projects

- Family violence support and advocacy workers curriculum accreditation.
- Participation in the 'Is Prison Obsolete Conference' with 'Sister's Inside'

Family Violence Court

Claire Brown Project Manager: Cultural Diversity Strategy Project - Family Violence - Department of Justice

Background

- Set to open 14 June 2005.
- Mainstream Pilot.
- Coordinated by the Department of Justice.

Objectives

- Increase and promote applicant safety.
- Simplify Applicant's access to justice.

- Provision of specialist Magistrates.
- “Looking at” Indigenous Australian issues. Magistrates are trained to help understanding of diversity issues.
- Opportunity to obtain legal advice.
- Court support service.
- Provide alternative means for giving evidence (eg: written statements, screens in Court, closed circuit television).
- Restrictions placed on the presence of children in Court. Legislative requirements about restricting children in court rooms unless there is a specific reason for them to be there and it is approved by the Magistrate
- Provide Applicant and Defendant support model.

Mandated Behavioral Change Program

- Introduction (trial) of Men’s Behavior Change Programs (Program). It is an “after” program (mainstream initiative) involving 480 men over 2 years. That is 120 men at each Court each year (Heidelberg/Ballarat).
- It will be good for those families that ‘just want the violence to stop’.
- Additionally there will be Intensive Response Programs, individual Counselling and a voluntary Ongoing Change Group.
- Support groups and services for partners and ex-partners.
- The Court directed counseling will include the women involved as there will be formal outreach/concurrent support to partners, ex-partners and family.
- The perpetrator programs on offer are just a start. Partner violence represents the majority of violence relationships.
- An eligibility interview is required to participate in the Program.
- The Defendant workers and Magistrates determine who is selected for the program’s group.
- If at Intervention Order stage people are helped to stop the use of violence hopefully this will stave off streaming into the criminal justice system.
- Children and Family Services (CAFS) won the Ballarat contract. They are working with the Indigenous community. Berry Street and Relationships Australia share the Heidelberg contract.

Applicants & Defendants Worker

- Help Applicants and Defendants navigate the system.
- Initial risk screening.
- Information on legal and Court processes and the role and implications of Civil Intervention Orders.
- Identify special needs
- Make contact between the Interim Order and the Final Order.
- Offer a choice between Indigenous and mainstream workers at the Court.

The Evaluation

- The Indigenous Family Violence Taskforce recommended an Indigenous specific Family Violence Court.
 - The evaluation of the Family Violence Courts will look at:
 - How does the Court work for Indigenous people?
- Will they need an Indigenous specific Family Violence Court?