



Victorian Aboriginal Legal Service Co-operative Ltd.

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14 July 2005

Ms Sue Finucane
Senior Project Officer
Family Violence Division - Court Services
Department of Justice
Level 1, 436 Lonsdale St
Melbourne 3000.

Dear Ms Finucane,

Re: Family Violence Court Division Magistrates' Court Professional Development Strategy 2005-2007.

Thank you for the opportunity to comment on the Family Violence Court Division Magistrates' Court Professional Development Strategy 2005-2007 (Professional Development Strategy). VALS has the following comments:

Inclusive Approach:

VALS is pleased to see that training in relation to the needs of Indigenous Australians is incorporated throughout the Professional Development Strategy. VALS endorses the recommendation at page 12 that: "[t]he Department of Justice develop a project to customize the core units 1B, 2B and 9B to working within a court environment. This project should also ensure that elements of 6B and 7B that are relevant to the FVCD setting are included within this customized training". VALS endorses this recommendation because it accords with a VALS' argument made in response to the Training Needs Analysis Report, submitted 21 May 2005. VALS argued that cultural sensitivity training should be incorporated throughout the training package, rather than just tacked on the end.

VALS approves the Competency Standards derived from the Partnerships against Domestic Violence Competency Standards. VALS argues that appropriate funds should be dedicated to tailor competency standards 1B, 2B and 9B so they are inclusive of Competency Standard 6B.

Request for Clarification:

VALS requests clarification on how the three levels of skill identified at page 11 (Introductory, Intermediate and Specialist) will apply to the Training Modules (Table 4.1-4.5). VALS is unclear as to how these two models correlate or which model is the basis for the Professional Development Strategy (ie: starting point) that the other model feeds into.

VALS seeks clarification on the funding for Competency Standard 6B. Will Competency Standard 6B be funded by brokerage funds or an alternative source?

VALS questions where the recommendation on page 16 of devoting a half-day minimum to Competency Standard 6B originates? Has this recommendation emanated from discussions with the Indigenous Australian community? VALS does not have the expertise to advise whether a half-day minimum is appropriate and VALS suggests that the Department of Justice engage the Indigenous Australian community about this issue, if it has not already done so.

Communications Strategy:

VALS welcomes the Communications Strategy outlined at page 9 and argues that it is essential to have a communication strategy in light of the fact that the Indigenous Australian awareness of the Family Violence Court Division (FVCD) is slight. VALS seeks clarification as to whether the 'community presentations upon commencement' are the meetings that took place on 9 and 10 June 2005.

VALS argues that more communication opportunities should be offered to the Indigenous Australian community than was provided on 9 and 10 June 2005 because:

- Numerous key players were not at the Heidelberg meeting.
- The timing of the meeting (3-5pm) was prohibitive for some to attend the meeting (ie: parents pick up children at this time).
- Apparently, there were no men at the Ballarat meeting.

VALS' communications with Ms Janelle Morgan (Manager, Courts and Programs Development Unit Department of Justice) and Ms Cathy Lamble (Magistrate) indicate that they are both committed to meeting with the Indigenous Australian community in August 2005. VALS welcomes this and has the following recommendations:

- If possible the meetings suggested by Ms Morgan and Ms Lamble in August 2005 should be combined, so that the Indigenous Australian community is only required to attend one meeting. A Communication Strategy with the Indigenous Australian community should be aware of the high demand on Indigenous Australians to consult with the Government and make the communication process as convenient and assessable as possible.
- Planning for the August 2005 meeting should commence as soon as possible if it has not already begun. Indigenous Australian service providers need a lot of notice for events.
- An outcome of VALS' discussions with Ms Lamble is that appropriate Court staff (eg: Applicant and Defendant Workers) should attend the meeting with the Indigenous Australian community as it will be a good networking and training opportunity for them.

VALS welcomes the fact that FVCD publications will be adapted for diverse communities. VALS suggests that the Indigenous Australian community should be consulted on the content of the Koorie specific publication. It is advisable to discuss the publications at the August 2005 meeting. It is advisable to establish a Steering Group on the Koorie specific publication.

The Steering Group could be similar to the mainstream Steering Group for publications currently circulating. VALS recommends that people who have expertise in writing publications for the Indigenous Australian community should be on the Steering Group (ie: Loretta O'Neill: Community Education Officer - VALS). VALS also argues that it is advisable to produce a short pamphlet on the FVCD for Indigenous and non-Indigenous Australians.

Omissions:

VALS agrees with the argument at page 8, that family violence is an issue that is full of many myths and misconceptions which are potentially dangerous to women, children and young people if used to inform practice. VALS wishes to add that myths and misconceptions can be potentially dangerous to men if used to inform practice and this omission needs to be rectified. For instance, the myth that family violence is part of Aboriginal culture is detrimental to all Indigenous Australians (including men) as it:

- has resulted in the following amongst other things:
 - Some police not acting on allegations of family violence within the Indigenous Australian community;
 - Lack of recognition that Indigenous Australians have strategies for dealing with family violence that are an alternative to the criminal or civil justice system approach. As a result, these alternatives are not recognized by the non-Indigenous Australian community.

- Has the potential to result in:
 - Indigenous Australian men being denied access to the Mandated Men's Behavioural Change Program. Such a myth has the potential to inform the practice of who is ordered to undergo the Mandated Behavioural Change Program.

Also, the myth that services are equally accessible to all is dangerous for the Indigenous Australian community. The absence of appropriate services for Indigenous Australian men ordered to undergo the Mandated Behavioural Change Program could potentially result in the order by breached (ie: setting people up to fail).

VALS is aware that Competency Standard 7A (co-ordinate the assessment and delivery of services to clients with particular needs) has been omitted from the Professional Development Strategy. VALS suggests Competency Standard 7A may be useful for implementing Program Support at Table 4.4.

At page 16 it is stated that Indigenous organisations are to have significant input into the delivery of the sessions. VALS argues that this statement should not only be included in Table 4.2 (Enhanced Skills Development Seminars) but the remaining tables in light of the fact that cultural awareness training is arguably a component of training outlined in Tables 4.1 to 4.5.

Indigenous Australian Organisation's input, including VALS.

VALS welcomes the opportunity within the Professional Development Strategy for VALS and other Indigenous Australian organisations to have input in the training of FVCD staff. VALS has identified the opportunities open to it in the Professional Development Strategy as follows.

- At page 8 it is stated that an external perspective will be facilitated.
- At page 16 it is stated that Indigenous organisations are to have significant input into the delivery of the sessions.
- At page 23 it is noted that VALS is considering (with other Indigenous services) developing strategies for the delivery of cultural awareness training).

The purpose of listing the opportunities above is to communicate that VALS is keen to take up the opportunities and have input into the training of FVCD staff.

Written Statement to Court staff, Police and Magistrates re Indigenous Australian communities and Family Violence.

VALS is discussing with other Indigenous Australian organisations the possibility of producing a written statement to court staff, police and Magistrates about Indigenous Australian communities and family violence.

Aim:

Provide a written statement that is broader than a vision statement which:

- Is short, punchy and effective.
- Contains a united message of Koorie organisations.
- Supplements training on cultural issues.
- Raises awareness of Court staff, police and Magistrates.

Some Key points to cover in the written statement:

- The majority believe that family violence is a serious problem.
- Many Indigenous Australian people would prefer to see greater community based education, restorative justice and rehabilitation services rather than reliance on the criminal justice system or increased criminal justice sanctions.
- Having said the above, police have a critical role in providing safety and the criminal justice system will be the only option, or the preferred option, for some women. As a result, it is vital that the criminal justice system is sensitive to the needs of Indigenous Australian people.
- Police and Courts have traditionally been connected with 'negative outcomes' for many Indigenous Australian people. This means it will be more difficult for Indigenous Australian people to consider using the criminal justice system.
- In order for Indigenous Australian people to make an informed decision about how they want to deal with family violence it is important that a range of service providers have cultural appropriateness training.

- This training should incorporate racism awareness training that covers issues such as institutional racism. Also Indigenous Australians should have clear information about services and how to access them.
- Indigenous Australian organisations look forward to working together with Court staff, police and Magistrates to provide a good service to Indigenous Australians

Thank you for considering VALS comments on the Professional Development Strategy 2005-2007.

Yours Sincerely

Victorian Aboriginal Legal Service Co-operative Limited

Frank E. Guivarra

Chief Executive Officer