

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

VIOLENCE AGAINST ABORIGINAL AND TORRES STRAIT ISLANDER WOMEN: A NATIONAL CRISIS DEMANDING A NATIONAL RESPONSE

Violence against Aboriginal and Torres Strait Islander women devastates communities and destroys families. In comparison with other women, Aboriginal and Torres Strait Islander women are 34 times more likely to be hospitalised from family violence and 10 times more likely to be killed as a result of violent assault.

Through our casework with Aboriginal and Torres Strait Islander victim/survivors, Family Violence Prevention Legal Services (FVPLSs) see the multi-generational impacts of family violence on a daily basis, especially the intrinsic link between family violence and child protection.

Reducing and eliminating family violence can only be achieved with genuine commitment to an evidence-based and integrated government approach, undertaken in genuine partnership with Aboriginal and Torres Strait Islander peoples, communities and organisations.

The National FVPLS Forum calls on the Commonwealth Government to lead the development of a national strategic response to address violence against Aboriginal and Torres Strait Islander women. Clear and unambiguous commitment and leadership from the Commonwealth Government is required. This strategic response should align with, and be complementary to, the development of the Third Action Plan for the National Plan to Reduce Violence Against Women and Their Children.

The National FVPLS Forum believes that a national strategic response should incorporate the following key initiatives:

- Development of an ongoing joint government and stakeholder mechanism to provide advice and expertise to government in addressing violence against Aboriginal and Torres Strait Islander women. This would:
 - Ensure Aboriginal women's voices, community controlled organisations and front-line service delivery expertise inform policy development;
 - Create linkages between Government programs and initiatives;
- Have Aboriginal and Torres Strait Islander leadership; and
- Ensure membership includes relevant Government Departments, Aboriginal and Torres Strait Islander representatives and service delivery organisations and other relevant stakeholders.
- Reinstatement of a reinvigorated, stand-alone National Aboriginal Family Violence Prevention Legal Services Program. This must include:
 - A commitment to FVPLSs as the preferred provider of Aboriginal and Torres Strait Islander family violence legal services (the Productivity Commission and other reviews have identified FVPLSs as uniquely placed to provide these services);
 - Five year funding agreements, including CPI increases;
 - A commitment to achieving national coverage of holistic FVPLSs commensurate to need within five years; and
 - Ongoing funding for the National FVPLS Forum to build the capacity of FVPLSs to provide a unified national voice in law reform and policy and program development.
- Long-term and secure funding of FVPLSs to adequately address the level of need.
 - At a national level there has been no systematic or evidence-based assessment of the overall quantum of funding (both Commonwealth and State) for services for Aboriginal and Torres Strait Islander victim/survivors of family violence to meet need;
 - Such an approach would require a regular and accurate assessment of need, and include:
 - ▷ Calculating legal need amongst Aboriginal and Torres Strait Islander people experiencing family violence, in particular in relation to the core legal services of FVPLSs;
 - ▷ Determining the quantum of services required to meet legal need and the cost associated with these

- services. This would include identifying service gaps to be addressed over time; and
- ▷ Explicit recognition that FVPLSs are the preferred provider of legal services and supports for Aboriginal and Torres Strait Islander victim/survivors of family violence.
- Specific priority areas for policy development include:
 - Addressing barriers for Aboriginal and Torres Strait Islander women in accessing family violence services; and
 - Addressing the nexus between being a victim/survivor of family violence and incarceration rates, child protection and the removal of Aboriginal and Torres Strait Islander children.
 - Development of justice targets in partnership with Aboriginal community controlled organisations, with such targets aimed at reducing Aboriginal and Torres Strait Islander persons' interaction with the justice system and family violence rates.
 - Progress against the targets will be monitored and reported annually in the Prime Minister's Closing the Gap Report.
 - Development of a national data body on Aboriginal and Torres Strait Islander family violence and incarceration rates, which acknowledges that:
 - The Commonwealth Government must take a leading role in coordinating a comprehensive, current and consistent national approach to data collection to inform policy development; and
 - Standardised and disaggregated data is essential to implementing evidence-based solutions, such as funding services to meet need (see above).

Family Violence Prevention Legal Services

FVPLSs were established in recognition of:

- The gap in access to legal services for Aboriginal and Torres Strait Islander victim/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.

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

- Family violence (i.e. VRO, AVO – note the different terminology across jurisdictions);
- Victims of crime compensation;
- Family law; and
- Child protection.

FVPLSs also provide an important community legal education and early intervention and prevention function. 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 percent of our clients are Aboriginal and Torres Strait Islander women and children.

About the National FVPLS Forum

The National Family Violence Prevention Legal Services Forum was established in May 2012. It is comprised of fourteen FVPLSs across Australia. The Forum's goal is to work in collaboration across FVPLSs and increase access to justice for Aboriginal and Torres Strait Islander victim/survivors of family violence.

The Forum provides advice and input to Government and ensures a unified FVPLS response to addressing Aboriginal and Torres Strait Islander family violence. The Forum has worked with members to develop tools for capacity building, good governance, professional development, training, and data collection and evaluation.