

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

2017-18 Pre-Budget Submission

Family violence causes extreme and long-lasting harm to Aboriginal and Torres Strait Islander people at vastly disproportionate rates to the rest of the community. It harms Aboriginal and Torres Strait Islander women, who are 34 times more likely to be hospitalised for family violence than non-Aboriginal women. It harms Aboriginal and Torres Strait Islander children, for whom family violence is the leading cause of being taken into out of home care. It harms Aboriginal and Torres Strait Islander communities, through intergenerational cycles of trauma and victimisation.

It also harms the broader Australian community socially, politically and economically. It is estimated that the national annual cost of violence against Aboriginal and Torres Strait Islander women and children will reach \$2.2 billion by 2021-22. This does not include the costs of flow-on impacts for their children which are substantial.¹

Violence against Aboriginal and Torres Strait Islander women is at the epicentre of the national family violence crisis – addressing it should be at the epicentre of any government response. Further investment should be targeted at building the capacity of existing services that are working, and at meeting service gaps to address the most urgent need.

The November 2016 release of the Third Action Plan of the *National Plan to Reduce Violence Against Women and their Children 2010-2022* recognised the disproportionate impact of family violence on Aboriginal and Torres Strait Islander women. The Government's commitment to a \$30 million legal assistance package and \$25 million family violence funding package aligned with this release was welcomed by the sector, however long term funding commitments remain essential.

Family Violence Prevention Legal Services (FVPLS) provide legal assistance, casework, counselling and court support to Aboriginal and Torres Strait Islander adults and children who are victims/survivors of family violence. FVPLSs also undertake important community legal education and early intervention and prevention work. Further investment in FVPLSs is required to ensure that all Aboriginal and Torres Strait Islander victims/survivors of family violence can access these critical specialist services.

The National FVPLS Forum calls on the Commonwealth Government to:

- **Reinstate the National FVPLS Program with long-term funding agreements**

In 2014 the National FVPLS Program was merged into the Indigenous Advancement Strategy (IAS) within the Department of the Prime Minister and Cabinet, and longer had a direct allocation of funding through the budget processes

In October 2014 the FVPLSs were required to competitively tender for their services under the IAS. The FVPLSs were required to apply for funding alongside other services to Aboriginal and Torres Strait Islander people. All FVPLSs were successful in their application under the IAS. However, FVPLSs only received short term funding agreements that did not include CPI

¹ The National Council to Reduce Violence Against Women and their Children, 2009, *The Cost of Violence Against Women and their Children*, pp.9. Available at:
https://www.dss.gov.au/sites/default/files/documents/05_2012/vawc_economic_report.pdf

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increases, extending significant funding uncertainty and its distressing impacts on staff and victims/survivors of family violence

Reinstating the National FVPLS Program with a direct allocation of funding will demonstrate a strong commitment from the Federal Government to the importance of the FVPLS model and provide greater transparency and certainty for funding for the FVPLSs into the future.

Recommendation 1: The Federal Government reinstate the National FVPLS Program as a standalone program with a direction allocation of funding.

Recommendation 2: The Federal Government commits to 5 year funding agreements with CPI increases for all 14 Family Violence Prevention Legal Services.

- **Provide \$2 million in additional funding per FVPLS member and \$4.5 million in capacity building**

The national family violence crisis is impacting our members across Australia. Existing resources are stretched, and there is considerable unmet need amongst Aboriginal and Torres Strait Islander communities. Additional funding for FVPLS members will enable them to support Aboriginal and Torres Strait Islander victim/survivors of family violence, and increase their early intervention/prevention and community legal education activities.

The National FVPLS Forum enables FVPLS members to advocate for the clients they serve on the national stage; to help shape effective and informed policy-making; and to build the capacity of the sector. FVPLS members want to do more than just address the symptoms of family violence. They want to challenge the root causes of the problem, and are seeking the resources to do so.

Recommendation 3: Initial investment of an additional \$2 million per FVPLS unit annually plus \$4.5 million for the National Secretariat for capacity building.

- **National service provision for all Aboriginal and Torres Strait Islander victim/survivors, regardless of geographic location.**

Access to justice shouldn't depend on where you live. All Aboriginal and Torres Strait victim/survivors of family violence should be able to access to FVPLS's specialised and culturally appropriate legal services, regardless of their geographic location.

Currently FVPLSs are not resourced to provide national coverage to ensure that all Aboriginal and Torres Strait Islander victim/survivors of family violence can access their services regardless of geographic location. Major service gaps exist, particularly in metropolitan and urban areas. The rational for Aboriginal and Torres Islander specific services applies equally in these settings. The Federal Government should provide the necessary resources to service unmet need amongst communities in remote, regional and metropolitan Australia.

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Recommendation 4: That the Federal Government ensures that there is national coverage of FVPLS services commensurate with need within 3-5 years.

About the National FVPLS Forum:

The National FVPLS Forum Members have been successfully working together since the Forum was established in May 2012. The Forum's goal is to work in collaboration nationally and increase access to justice for Aboriginal and Torres Strait Islander victims/survivors of family violence. The National Forum has its own Charter, is led by an elected National Convenor and supported by a Secretariat. Members are represented by their CEO/Coordinator (or delegates) and have worked together to develop tools for capacity building, good governance, professional development, training, the development of evaluation frameworks and improved data collection.

The National Forum comprises of 14 members:

- Aboriginal Family Law Services Western Australia (Perth HO, Broome, Carnarvon, Kununnura, Geraldton, Kalgoorlie, Port Hedland)
- Aboriginal Family Violence Prevention and Legal Service Victoria (Melbourne HO, Mildura, Gippsland, Barwon South West)
- Aboriginal Family Legal Service Southern Queensland (Roma)
- Binaal Billa Family Violence Prevention Legal Service (Forbes)
- Central Australian Aboriginal Family Legal Unit Aboriginal Corporation (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 Family Legal Service (Darwin, Katherine, Top End)
- 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)
- Thiyama-li Family Violence Service Inc. NSW (Moree HO, Bourke, Walgett)
- Warra-Warra Family Violence Prevention Legal Service (Broken Hill)