

**ATTACHMENT [AV 1]**

This is the attachment marked "[AV 1]" referred to in the witness statement of Annette Marie Vickery dated 16 July 2015.



## Royal Commission into Family Violence

# Submission paper from the Victorian Aboriginal Legal Service

### Background to the Victorian Aboriginal Legal Service (VALS)

VALS is an Aboriginal community controlled organisation. It was established in 1972 by committee, and incorporated in 1975. The VALS is committed to caring for the safety and psychological well-being of clients, their families and communities and to respecting the cultural diversity, values and beliefs of clients. The VALS vision is to ensure Aboriginal and Torres Strait Islander Victorians are treated with true justice before the law, our human rights are respected and we have the choice to live a life of the quality we wish.

We operate in a number of strategic forums which help inform and drive initiatives to support Aboriginal and Torres Strait Islander people in their engagement with the justice, and broader legal system, in Victoria. We have strong working relationships with the other five peak Aboriginal Community Controlled Organisations in Victoria and we regularly support our clients to engage in services delivered by our sister organisations. Our legal practice spans across Victoria and operates in the areas of criminal, civil and family law (including child protection and family violence).

Our 24 hour support service is backed up by the strong community based role our Client Service Officers play in being the first point of contact when an Aboriginal or Torres Strait Islander person is taken into custody, through to the finalisation of legal proceedings. Our community legal education program supports the building of knowledge and capacity within the community so our people can identify and seek help on personal issues before they become legal challenges.

We seek to represent women, men and children who come to us for assistance in their legal matters, and are only hindered in doing this where there is a legal conflict of interest and we cannot act. If this is the case, we provide warm referrals to other suitable legal representatives, which include Victoria Legal Aid, the Aboriginal Family Violence Prevention Legal Service, community legal centres and private practitioners as appropriate.

### Response to the Royal Commission into Family Violence

We thank you for the opportunity to provide this response to assist with the work of the Royal Commission. We make this submission from the perspective of an Aboriginal community controlled organisation providing a legal service for adults and children across criminal, family and civil law. Knowing the way family violence impacts on the Indigenous community, and with our employment of Aboriginal staff through all levels from the Board of Directors, Senior Management and throughout the organisation, we know that we may have staff who have experienced family violence

in a number of ways, and a conscious of their needs in engaging with clients who experience family violence.

Rather than respond to specific questions presented by the Royal Commission issues paper, we have chosen a number of issues to provide a response to.

### Family violence in Aboriginal families and communities

It is important to understand what family violence is in the Indigenous community in order to understand how it happens and persists. Indigenous definitions of the nature and forms of family violence are broader and more encompassing than those used in the mainstream. The Victorian Indigenous Family Violence Task Force defined family violence as:

*'An issue focused around a wide range of physical, emotional, sexual, social, spiritual, cultural, psychological and economic abuses that occur within families, intimate relationships, extended families, kinship networks and communities. It extends to one-on-one fighting, abuse of Indigenous community workers as well as self-harm, injury and suicide.'*<sup>1</sup>

Indigenous family violence encompasses a range of acts that are criminal, such as physical and sexual assault, and non-criminal, such as emotional and spiritual abuse. Community violence, or violence within the Indigenous community (often between Indigenous families), is also an emerging concern for local areas in Victoria. This violence contributes to overall levels of violence reported by Indigenous people and the trauma experienced within families and kinship networks. Family violence includes intergenerational violence and abuse, affects extended families and kinship networks. An individual can be both a perpetrator and a victim of family violence.<sup>2</sup>

VALS is a member of the Victorian Indigenous Family Violence Partnership which brings together the Indigenous Family Violence Regional Action Groups (IFRAGs), the Office of Aboriginal Affairs Victoria, government departments relating to justice, human services, health and corrections, Aboriginal Community Controlled Organisations and Victoria Police to respond to family violence in the Victorian Aboriginal community. The forum developed the 10 year plan, 'Strong Culture, Strong Peoples, Strong Families: Towards a safer future for Indigenous families and communities' in 2008, which is currently undergoing a review.

The 10 Year Plan sets out 8 guiding principles, adapted from the Guiding Principles of the Indigenous Family Violence Taskforce Report in eliminating family violence in Aboriginal communities and are as follows:

1. Family violence is not part of Indigenous culture.
2. Complex nature of family violence within Indigenous communities.
3. Indigenous culture.
4. Partnership, transparency and accountability.
5. Adequate resources.
6. Empowering Indigenous communities.
7. Local solutions to local problems.

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<sup>1</sup> Victorian Indigenous Family Violence Taskforce Final Report December 2003, p. 123

<sup>2</sup> 'Strong Culture, Strong Peoples, Strong Families: Towards a safer future for Indigenous families and communities: 10 Year Plan' (2008)

If we focus particularly on the first two principles, these help us have a greater understanding of the nature of family violence for Indigenous communities in Victoria.

...family violence is not part of Indigenous culture.

There has long been a held perception that violence is somehow an inherent part of Indigenous communities and culture in Australia and that interference to prevent violence is somehow a 'stifling' of cultural practices and doesn't require the intervention. On a practical level, this means that when people complain about violence between Aboriginal people, there has been a reluctance to intervene because of a misguided fear that this is culturally inappropriate.

...complex nature of family violence within Indigenous communities.

Family violence within Indigenous communities is complex because Indigenous communities, family structures and the issues faced are complex. With a history of colonisation, dispossession, break down of cultural practices and language and denial of expressions of identity, this means that the traditional factors that feature in a person's resilience (identity, family supports, kinship) are absent. The 'normalising' behaviours that are set out in Western nuclear families with traditional roles of a male and female parent does not apply neatly to Aboriginal families, where the importance of uncles, aunties and cousins (related by blood or not) are held paramount. There are often specific expectations of what relations are required to do for each other which clash with non-Aboriginal organisations and their method of service delivery.

#### Current practices of removing Aboriginal children

Between 2012-13 in Victoria, reports of child abuse or neglect for 1067 Aboriginal children were substantiated. This amounts to 68.6 per 1000 – the highest rate per 1000 in Australia. Aboriginal children are 9.4 times more likely to be substantiated than non-Aboriginal children in Victoria, and 49% of all Victorian Aboriginal substantiations occur between 0-4 years.<sup>3</sup>

Across all jurisdictions, sexual abuse was the least common type of substantiation for Indigenous children (9% nationally vs 14.9% for non-Aboriginal children). In Victoria, sexual abuse accounted for 6.7% of Aboriginal substantiations, compared to 13.9% for non-Aboriginal Victorians.

Family violence is a driver of removal of children. There have been cases where clients have been told if they do not remove a member of family from the household the children will be removed. This is not supporting the victim of family violence rather it is impacting on the fear that they are already facing. There needs to be proper assessment and follow up for family violence victims to ensure that are not simply falling through the gap.

#### Barriers to addressing with family violence

##### Reluctance to report

The continuing impact of the Stolen Generation means the reporting of family violence is particularly difficult for many victims, or those witnessing family violence. Given the relationship between Aboriginal people and authority organisations such as the police or government welfare departments, it is understandable that Aboriginal people are wary of making reports that, whilst may have the immediate impact of safety, have the longer term of impact of breaking up a family, putting children into out of home care, sending someone into custody, becoming homeless or other impacts.

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<sup>3</sup> Australian Institute of Health and Welfare

### The dichotomy of inaction or overreaction

There are significant issues of trust between Aboriginal people, the police and government services. Whether it's a lack of follow up shown when reporting an instance of family violence, or a heavy handed response from a government agency when a family seeks help, Aboriginal people find they are either facing a lack of support in the most serious of cases, but excessive interventions in other situations.

### Lack of regional services and reluctance to access services from non-Aboriginal organisations

Regional locations can have a big impact on the ability of Aboriginal people to access services. If there isn't an Aboriginal specific service available in a town or area, Aboriginal people may feel vulnerable in accessing services from mainstream organisations – there is a combination of feelings that contribute to this, ranging from simply feeling uncomfortable entering a non-Aboriginal organisation, through to feeling outright racism and judgment when explaining their situation. In order to be appropriate responsive to family violence there needs to be a better understanding of the vulnerabilities and risk facing Aboriginal people.

### Overall underfunding of services

As a whole, the services required to address family violence – housing, behaviour change programs, drug and alcohol programs,

### Uncertainty of funding

Aboriginal organisations across the country recently went through the process of applying for funding through the Indigenous Advancement Strategy, administered through the Department of Prime Minister and Cabinet. The uncertainty such a process present, and then the actual lack of continuing funding, means that many organisations need to deal with:

- Excessive amounts of time spent on going through application processes, when the expertise of organisations is their work on the ground with communities.
- Loss of staff, as staff seek other, more secure employment – this also means loss of organisational expertise, and change in staff dealing with clients who may have developed very close, trusting relationships.
- Loss of confidence from community and individuals accessing services – will they be able to continue with services after a certain point if funding reduced or withdrawn completely?

### Culturally insensitive responses

Holistic and culturally sensitive supported programs that recognise some family violence victims will not leave the family. This is due to a myriad of factors including the fear of exclusion and isolation from family and community. Organisations that work with family violence victims must have an understanding of the cultural and historical issues that impact on Aboriginal families today. Such issues as trauma and loss that if not acknowledged in the experiences of family violence victims will perpetuate the victimisation and fail to acknowledge legitimate risk associated with such persons.

It must be acknowledged that it will take a victim of family violence many attempts to leave their violence situations, and that victims will not always act on the legal or other advice that is given to them when they first access services. Sometimes simply knowing there are services to go to, or possibilities of a way out can assist with coping with a situation, and allows the individual to build up resilience in the situation.

We don't appear to be making a dent with our repeat offenders. In 2006-07, approx. 73% of all reports were attributed to repeat offenders. In 2012-13, approx. 77% of all reports were attributed to repeat offenders.

Significant connection between family violence and child protection – as shown by file reviews from Taskforce 1000 (review of files for Aboriginal children in out of home care). If we can't address family violence over representation of Aboriginal children in the child protection system will continue to grow. Victorian Aboriginal child substantiation rate is 68.6 per 1000 – highest rate per 1000 in Australia. Aboriginal children in Victoria are 9.4 times more likely to be substantiated than non-Aboriginal children in Victoria.

### The safety of Aboriginal organisations

It can take someone, a victim or a perpetrator, a very long time to ask for help to deal with their experience of family violence. When that courage is found, the responses from service providers needs to be immediate, supportive, and above all, culturally appropriate to the needs of the individual, and their family.

Aboriginal people feel safe accessing services from Aboriginal organisations. They can feel their circumstances are understood and the responses to their needs will be culturally appropriate. The environments of Aboriginal organisations are usually more visually inviting and aim to provide more holistic services to address many needs. In this, the support provided by co-operatives and sporting clubs cannot be underestimated. Places where people feel welcome and safe will encourage people to open up about issues they're having – referrals between Aboriginal organisations will often reflect the interconnectedness of community.

However, there can be challenges Interconnectedness of communities, and this can sometimes lead to perceptions of organisations or community 'knowing' about an individual's circumstances. Consider if you are in a small community, seeking assistance for a family violence matter – you may have your own family working at a service, or your partner's family working at that service. This might not make an Aboriginal organisation so inviting and can make service delivery challenging.

Aboriginal organisations needs support in the tools and practices that will ensure staff are able to deal both professionally and in culturally appropriate ways with community and individuals. Training in confidentiality and management of staff is essential, and working with Aboriginal staff to help them perform their work role with community expectations is essential.

### Accessing services from non-Aboriginal organisations

In general, Aboriginal people are often wary of receiving services from non-Aboriginal organisations. This can be anything from overt racism and being made to feel uncomfortable going to mainstream organisations, to simply feeling that, whilst good intentioned, non Aboriginal service providers do not understand the cultural and social factors that impact upon and have very specific outcomes for Aboriginal people. This feeling is multiplied when interacting with complex systems in criminal, civil and family law.

The Victorian Auditor General Office report 'Accessibility of Mainstream services for Aboriginal Victorians' highlights some of these barriers, including lack of culturally safe services; racism, shame/embarrassment/fear<sup>4</sup>. It proposes specific actions to overcome these issues, with repeated and specific mention of cultural awareness training and cultural safety. Whilst cultural awareness is not a new concept, 'cultural safety' is not as widely known. It refers to an environment in which

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<sup>4</sup> VAGO, Accessibility to Mainstream Services for Aboriginal Victorians, May 2014, Appendix A

people feel safe, that they are respected for who they are and what they need, and that their cultural identity is unchallenged.

We note that we do not use the term 'cultural competency'. This is because the term represents the idea that there is an endpoint of competency and the perception that if you've done training once, you don't need to do it again. The same as professional training for lawyers or health practitioners is accepted as ongoing, so too is cultural awareness.

Cultural awareness training is a continuing need for mainstream, non-Aboriginal organisations. Aboriginal organisations and people are moving away from the term 'cultural competency' because of the connotations that it means that people can get to an 'end point' with their learning and skills. Understanding, working with and providing services to Aboriginal people requires ongoing communication and a willingness to work in different ways.

Immediate and prompt responses are more likely to be successful when dealing with victims of family violence. Aboriginal clients are less likely to engage with services if they do not receive a quick response. They are more inclined to let the matter go thinking that it is going to take considerable time to get an appointment.

### Impact of the Family Violence Protection Act 2008

The Family Violence Protection Act 2008 and the expansion of family violence to include more than just physical violence, but also emotional and psychological violence; domineering or threatening behaviours and financial abuse<sup>5</sup> was a significant step forward in recognising the experiences of people experiencing family violence. Rarely are these forms of violence experienced in isolation, but rather are a cumulative experience of different types of behaviour.

In recognising that family violence can be a range of behaviours, it then opens up that there can be a range of victims and a range of perpetrators. We need to consider the family violence that occurs between adults and children; adults and other adult family members (such as Elder abuse in Aboriginal communities); and where the discussion has traditionally been about heterosexual couples, violence that is occurring in homosexual relationships.

In making it 'easier' for an intervention order to be made, there must also be corresponding responsibility for ensuring those people who have the protection of an intervention order or whose behaviours are prohibited by an intervention order are understanding of what this means. Intervention orders are often referred to as 'civil' matters when in reality, their impact is in the criminal realm. Our experience is that without proper legal advice, individuals are not fully cognisant of their responsibilities under an intervention order. Respondents sometimes will not fully understand the impact of their behaviour, and applicants will not understand what constitutes a breach, or, if there has been improved relations, will ask respondents to attend at the house, which is actually breaching an order. What is often misunderstood is that breaching an intervention order is an offence in itself, separate to any further offending behaviour.

Between 2006-07 and 2012-13 the number of Family Incident Reports where the affected family member identified as Aboriginal almost tripled from 794 to 2143 incidents<sup>6</sup>. The increase can be partly attributed to the impact of the 2008 legislation, but with the hidden nature of family violence, it is truly difficult to understand if there is actually an increase of family violence, or an increase in its reporting.

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<sup>5</sup> *Family Violence Protection Act 2008* s. 5

<sup>6</sup> Victorian Government Aboriginal Affairs Annual Report 2013

Increased confidence for family and community members to report incidents of family violence to Police and the services provided may account for higher reporting. This may be seen in an increased awareness of family violence, such as White Ribbon Aboriginal Ambassadors (of which Victoria has the highest) and the Indigenous Family Violence groups promoting awareness of family violence and related services.

However, data issues are significant – at mid-term evaluation meeting of Indigenous Family Violence Ten Year Plan, almost 50% of Family Incident Reports have an unknown Aboriginal status. Unless we fully understand the data we can't be confident our service responses are hitting the mark.

Family violence in Aboriginal communities is complex, as seen in the high reporting of male victims of family violence. In recent years there has been an increase in male victims reporting family violence – recent data suggests 1 in 57 other reports suggest this could be as high as 1 in 3.<sup>8</sup> The Australian Bureau of Statistics data also reports that men reported experiencing violence at a higher rates than women, perpetrated by both men (46.4% to 38.5%) and women (13.5% to 10%).<sup>9</sup>

### VALS and family violence

In delivering legal and other services to Aboriginal clients we understand that our client's legal issue that they are presenting with are often the tip of the iceberg in terms of some of the personal challenges they are dealing with. It is important that our lawyers, whether dealing with a criminal, civil or family matter, are able to identify other issues that arise.

### Legal areas of practice

There is significant under funding for legal services which address both the immediate and flow on legal impacts of family violence. Covering areas of criminal, family and civil law, we see the impact of family play out across all our legal practice areas:

#### **Criminal law**

We represent alleged adult perpetrators of family violence in immediate criminal court dealings such as bail applications, defending or pleading to charges and sentencing. In looking at bail conditions and sentencing options, we are involved in finding accommodation and supports that will not only support a client in their immediate circumstances, but also address the underlying causes of why they are committing acts of violence against their family. This will include drug and alcohol services delivered by Aboriginal specific organisations; behavioural change programs and counselling; linkages to mental health services, and connections to community.

We also represent children who are dealing with criminal offending – their offences may not directly reflect family violence, but often, they have histories of family violence in their home. This means they may be a victim, may see other family members as victims, and not want to stay in the home. A lack of stable home environment can lead to absences from school or links with sports and community activities, and can mean children are left without guidance and find themselves making poor decisions leading to criminal behaviour and charges.

We also see a significant number of children who, having been removed by the Department of Human Services, are placed in out of home care where the anxiety of separation and being away

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<sup>7</sup> Source: DEECD – DHS – Victorian Community Sector Roundtable: A progress report on Victoria's vulnerable children, young people and families, 23 July 2014

<sup>8</sup> One in Three Campaign: 5 Year Report (March 2015)

<sup>9</sup> Source: Australian Bureau of Statistics Personal Safety Survey 2012



from family, plus meeting children older who have been through criminal proceedings and mean that their first criminal offending actually comes whilst they are in DHS care.

Family and child protection law: Our lawyers represent both adults and children in state intervention orders and child protection matters, and also in Commonwealth family law.

VALS data indicates a 56% increase in family law and related matters (information, advice, referrals and legal representation) between 2010-13.<sup>10</sup> It should be noted that this is also a period where we were able to increase family law staff, but it also reflects an increased awareness and reporting of Family Violence issues and also the current mandate for Police to respond to family violence incidents at higher rates. As a result, the VALS saw a 33% increase in Family Violence Duty Lawyer attendances at VLA between 2006 and 2012. Also, people coming in to contact with the police or other family violence services often then go looking for legal services including for parenting or child protection issues.

### **Civil law**

With an increase in civil lawyers, we are able to increase the numbers of clients we have been seeing. Our civil law practice encompasses a range of legal areas which can often follow family violence. When a victim of family violence needs to relocate from the family home, there may be tenancy problems, or when the perpetrator is legally required to leave the house, this can lead to difficulties with rental agreements and ongoing payment of rent. After the breakup of a relationship, individuals may struggle with financial debt, particularly if one party becomes unwilling to contribute to the expenses of children. Further, victims of family violence are able to apply for compensation from the Victims of Crime Assistance Tribunal (part of the Magistrates' Court), and often need support in going through this process. VALS lawyers provide advice in all these legal areas.

### [Client Service Officers](#)

We understand that consistency of a person dealing with an individual is important, but due to funding constraints and the challenges of servicing an entire state, we cannot always provide that single lawyer who does all the case work to be the same lawyer who appears at court, particularly with our criminal matters. In this way, our Client Service Officers (CSOs) become integral for our service delivery. Regionally based with connections to community, our CSOs are a consistent face at court when matters return for mention, even if the lawyer may change. They are someone who can provide the regional relationship between VALS and the clients, and most importantly, the cultural link between the client and the law.

### [Key programs from VALS](#)

In addition to direct legal services, there are a range of measures that VALS is involved in that aims to respond to family violence, but also assist the Aboriginal community to know where to get help.

### **Bareng Moorop**

In partnership with the Jesuit Social Services and the Victorian Aboriginal Child Care Agency, VALS is involved in the Aboriginal Children and Young People Justice Project. This Project, undertaken in cooperation with the Federal Attorney-General's, aims to provide an integrated, intensive support service to Aboriginal children, 10-14 years of age who have current involvement with police, and who are at risk of further involvement in the criminal justice system. Providing a further insight into the challenges our families and children are facing

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<sup>10</sup> VALS Data 243 2009/10 – 380 2012/13.

### **Post release services for Aboriginal prisoners**

In January 2015, VALS commenced a case management service to ensure Aboriginal and Torres Strait Islander prisoners are supported upon their release for a 6 months. We will work closely with prisoners before release and upon release to engage them with housing, life skills, mental health, drug and alcohol, and other supports with a view to reducing the likelihood of recidivism. For offenders who have a history as a perpetrator of family violence, we will be seeking to engage them with supports that addresses the offending, which may involve having been the victim themselves of family violence. This three year project is funded by Corrections Victoria, who, along with the Department of Human Services are funding VALS and Aboriginal Housing Victoria to build two purpose built post release accommodation sites for male and female prisoners.

### **Community Legal Education**

Community Legal Education has always been a part of VALS' work, to engage and empower the community to seek advice, particularly before a personal situation becomes a legal problem. Even if VALS is not able to assist, we encourage the community to contact us so we can support them to find the right form and source of assistance. Some examples of specific CLE which has targeted family violence and community include:

- The Swan Hill Family Violence Project, which is delivered in two parts - Part A: Learn, Live, Respect, will include an information day, yarning circles with Elders and the development of a social media project around cyber bullying, and Part B will be a Cultural camp for participants of Part A, the location and date will be chosen by participants this will be another opportunity for youth to engage with Elders.
- Lore and Order days (Swan Hill, Bairnsdale and Dandenong in September 2014) aimed at young people and social media, with a focus on how social media can actually lead to lateral and family violence.
- Bills and Wills Justice Day (held earlier this year, plus another day in early December 2014) which brings together various agencies and lawyers from VALS to support community to seek advice about any legal problems or questions regarding bills and financial issues, making wills and other issues.

### **Aboriginal Community Justice Panels**

VALS manages the running of the Aboriginal Community Justice Panel, which provides a health and wellbeing support service to Aboriginal and Torres Strait Islander people taken into police custody in Victoria. An initiative arising out of community concern for how Aboriginal people were treated by the police, the ACJP volunteers will liaise with police, attend at police stations for interviews and provide transport and other supports, where appropriate to do so. However, it's the undocumented work that highlights how much ACJP volunteers do – liaising with community, telling people where to get help, spending time with people to address issues – that really shows a localised community response to community challenges.

### **Prisoner outreach programs**

Prison outreach services to Dame Phyllis Frost and Port Philip Prisons allow us to support people whilst on remand or serving a sentence with criminal or other matters. Often, our lawyers are giving advice on family and civil matters that are ongoing whilst a person is in custody. We are soon to establish a visiting service to Parkville Youth Detention.

### **Koori Women's Pilot Project**

Odyssey House Victoria was initially funded by the Department of Justice in a one-year pilot program to achieve improved justice outcomes for Aboriginal Victorians and to provide diversion and alternative initiatives to imprisonment to reduce Koori over-representation in the criminal justice system. The pilot program provided 4 residential treatment beds targeted to Aboriginal women (and their children) who are referred from the Victorian justice system, with priority given to women who are at risk of incarceration. This includes women on remand, on community-based orders, or completing the program prior to sentencing. It may also be available for women as a transition option post-release from prison including on parole. It was recently announced at the 40th AJF that this program had been provided additional funding to continue and provide additional beds.

### **VALS' policy and strategic work related to family violence**

VALS is involved in a number of forums which seek to address the impact of family violence, either as a main focus or as a related concern.

Indigenous Family Violence Partnership Forum and Indigenous Family Violence Regional Action Groups (IFVRAGs). This forum brings together the Indigenous Family Violence Regional Action Groups, key Aboriginal Community Controlled Organisations and state departments including Justice, Office of Aboriginal Affairs Victoria, Department of Human Services and Victoria Police, to discuss responses to family violence in the Victorian Aboriginal and Torres Strait Islander community.

Aboriginal Justice Forum. Created out of the Aboriginal Justice Agreement (now in its third edition), the AJF provides a space for peak Aboriginal Community Controlled Organisations, Regional Aboriginal Justice Advisory Committees, and peaks of state government (including Justice, Victoria Police, Department of Corrections) to discuss a holistic approach to justice.

VALS is also a member of the Department of Justice Family Violence Stakeholders Reference Group.

Victoria Police have established a number of Priority Community Reference Groups to gain community input into policing practices for specific communities. VALS sits on both the Aboriginal Reference Group and the Chief Commissioner's Human Rights Strategic Advisory Committee.

With the widespread concern at the use of ice, particularly in regional and rural communities, and the impact of the use of ice upon families, VALS is a member of the Victorian Aboriginal Ice Steering Committee, led by the Department of Health with input from various ACCOs, Victoria Police, the IFVFP, Justice, Health, Human Services and Corrections.

### **Finding solutions – positive engagement and community initiatives**

The table below shows the instances of attendance in response to Family Incident Reports (FIRs), and how many were for repeat attendances. Aboriginal status of affected family member<sup>11</sup>

Year	All attendances		Repeat attendances	
	FIRs	% FIRs where charges laid	FIRs	% FIRs where charges laid
2006-07	794	28.7%	582	31.1%
2007-08	872	24.8%	644	27.2%

<sup>11</sup> Source: Victoria Police LEAP database. Data extracted 21 January 2014.

Note: Data for 2008-09 and onwards varies from that previously published. 'Repeat Attendance' is defined where the Affected Family Member has made a previous Family Incident Report to Police based on LEAP records dating back to 1993.

2008-09	1064	29.0%	770	30.8%
2009-10	1201	28.2%	895	29.6%
2010-11	1268	33.2%	963	34.4%
2011-12	1644	39.8%	1266	42.8%
2012-13	2143	41.4%	1644	43.5%

As measured by the above table, in 2006-07, approx. 73% of all reports were attributed to repeat offenders, and in 2012-13, approx. 77% of all reports were attributed to repeat offenders. This data suggests that strategies employed to reduce family violence in repeat offenders is not working, attributable to culturally inappropriate behaviour change programs, and lack of success with preventative strategies.

#### Housing and safe spaces

Stable housing is the foundation from which all other change and growth can come. It is essential that there is stable and accessible housing for victims fleeing family violence, but also for perpetrators of family violence. Whether it's anything from 'cooling off' houses as have been utilised in some Aboriginal communities in the Northern Territory, or safe houses, there needs to be suitable accommodation for involved. There is a chronic shortage of accommodation for people experiencing difficulty, and a lack of housing leads to issues such as inability to care appropriately for children; lack of continuity in engaging with employment, schools and community. Lack of appropriate emergency and transitional housing for those in crisis, both perpetrator and victim/s, may result in offenders or victims returning to the household if they have no other practical accommodation, resulting in further breaches or possible further violence.

The Victorian Equal Opportunity and Human Rights Commission report 'Unfinished Business: Koori Women and the Justice System' discussed the factors that lead to women coming into contact with the criminal justice system, and highlights homelessness as an outcome of family violence as a significant factor.

#### Koori Courts

The Koori Court model has been in action for over 10 years, operating at Children's, Magistrates' and County Court levels. The court does not deal with sexual assault matters or family violence intervention orders (e.g. the breach of), but it will hear about family violence if it forms an offence, or as part of someone's personal history.

The impact of the Koori Court is that it uses the cultural strength and knowledge of Elders and Respected Persons to support the decision making of a Magistrate or Judge to make an appropriate decision for sentencing. It take time and effort and it involves the individual person to consider their own circumstances and really be held accountable, not only to the court, but to themselves and their community. It demonstrates that really rehabilitative responses to criminal behaviour must take time, and requires supports.

#### Behavioural change programs

More research needs to be put into looking at the impact of behaviour change programs. For Aboriginal people, are they based on culturally sound approaches? Are they trauma and grief informed approaches? Aboriginal people should have the choice of accessing Aboriginal services which are culturally safe. At present there is service fragmentation – there are very few locations with Aboriginal specific services. That means we need to rely on non-Aboriginal services being

culturally responsiveness. Further, there needs to be a therapeutic responses for both victims and perpetrators of family violence that addresses the offending behaviour and builds resilience for the hurt.

#### Greater opportunities to seek help without the threat of intervention

Victims of family violence, particularly Aboriginal people, must feel they can seek help without the threat of children being removed. As reported above, we see too often the threat of removal of children in circumstances of family violence, rather than supports to address behaviour change and other issues. With the removal of children comes the disconnection from culture and family, and there in begins the breakdown of cultural identity and a source of resilience for young people. It is important these ties are maintained.

#### Great access to programs whilst on bail and after release from prison

Cycles of reoffending and the factors that undermine rehabilitation must be addressed. There are a number of supports for people coming out of prison after serving a sentence, but a huge need is the supports for people who are coming out on bail and are at threat of reoffending because proper supports are not in place. A huge number of Aboriginal people are on remand because of the lack of suitable accommodation, drug and alcohol supports and access to mental health services. Further add to this the fact that whilst aboriginal people are 13 times more likely to end up in jail than non-Aboriginal people, there is not nearly the amount of services to cater for this need.

The Victorian Ombudsman is currently doing an investigation into prisoner rehabilitation, looking at programs for prisoners both within prison and upon release. At paragraph 94 of the Discussion Paper released, the issue of whether or not there is enough Aboriginal Wellbeing Officers or Aboriginal Liaison Officer postings at each of the prisons in Victoria, but these are not all filled positions. With the Aboriginal prison population as it is, there is far too much work for the relationship between the AWO and the prisoner to be more than minimal, or, as is often the case with Aboriginal people working in mainstream organisations, an overburden of the work on a single person to resolve multiple and complex issues.

#### Practical safety plans

Family Violence victims and families need to have practical safety plans implemented. This needs to be done with conjunction with the aggrieved family members. Many clients who are assisted by lawyers, client service officers and the complex needs support worker at VALS find there are no safety plans put in place for clients. Clients need to be reassured that in times of crisis they have been provided with up to date and relevant safety information.

From our dealing with clients, it is important to listen to the clients and what their needs are to support them in their choices. We cannot not dictate to them, but rather we need to allow them to tell us their journey, their story. Do not pass judgement. Slowly build trust one practical way of doing this is as a service/worker is to be responsive and provide assistance when requested. These opportunities may be fleeting.

#### Improved police responses to victims of family violence

Police need to be less confrontational in their approach to taking out intervention orders on behalf of family violence victims. It is the approach taken with clients that presents an adversarial position. Police need to better understand the complexities of Aboriginal communities when dealing with family violence. Spending some time to practically support both the victim/offender when applying for an order may be received with less hostility. Engaging other services to support family violence victims during this period is crucial. Not just any services, preferably Aboriginal services or explore

with the client and family which services have previously worked or if there are any particular support workers they victim/family would prefer to engage.

The presence of Aboriginal Community Liaison Officers (ACLOs) in some police stations is a step forward, but there should be more ACLOs across the state to support the relationships between police and the Aboriginal community.