



Royal Commission
into Family Violence

WITNESS STATEMENT OF ANNETTE MARIE VICKERY

I, Annette Marie Vickery, Deputy Chief Executive Officer, of 273 High Street Preston, in the State of Victoria, say as follows:

1. I am authorised by the Victorian Aboriginal Legal Service Co-operative Limited (**VALS**) to make this statement on its behalf.
2. I refer to and rely on VALS' submission to the Victorian Royal Commission into Family Violence (**Royal Commission**), a copy of which is attached to this statement and marked '**AV 1**'.
3. I also refer to and rely on the Koori Caucus' (of which VALS is a member) submission to the Royal Commission dated 21 June 2015, a copy of which is attached to this statement and marked '**AV 2**'.
4. I make this statement on the basis of my own knowledge, save where otherwise stated. Where I make statements based on information provided by others, I believe such information to be true.

Current role

5. I am the Deputy Chief Executive Officer of VALS. I have held this position since February 2011. In this position I am responsible for the day to day operations of the legal service, including risk assessment and personnel management.
6. My role also includes establishment and maintenance of key relationships to further policy and law reform directions of the Board and implement the VALS strategic plan.

Background and qualifications

7. I have worked in Koori community justice programs since 2006.
8. I have Diplomas in quality management and Indigenous legal advocacy.
9. I worked as a public servant for 13 years before moving into the community sector. From 2006 to 2009, I worked as the Manager, Koori Initiatives and Programs with the

Department of Justice. From 2009 to 2011, I was Aboriginal Advisory Unit Manager for Victoria Police.

Family violence in Aboriginal families and communities

10. The Aboriginal community says no to violence as a whole. There needs to be clear messages that family violence, on any level, between anyone, is not part of our culture.
11. Data strongly supports that Aboriginal women are over represented as victims of family violence. We believe that gender inequity is one of a number of drivers for family violence in the Aboriginal community – this includes poverty and social disadvantage, powerlessness, childhood experiences/inter-generational family violence and drug and alcohol issues.
12. If we are to talk fully about family violence, we must also recognise where there is elder abuse, child abuse, same sex family violence, male or female victims or perpetrators. A multi-faceted, layered, flexible response model that can truly keep people safe and provide control and support to the person accessing the program or service, so that true change can be effected.
13. Previously, family violence would never have been tolerated in our community because Elders would have stamped it out quickly before it became an issue. This is really important in terms of early intervention measures, because there are opportunities for the Aboriginal community to be able to be part of the solution. Whilst we support victims of family violence, and address the behaviour of perpetrators, we need to strengthen the resilience of the whole community to deal with family violence.
14. VALS is a member of the Victorian Indigenous Family Violence Partnership which brings together the Indigenous Family Violence Regional Action Groups, 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.

15. The 10 Year Plan sets out eight guiding principles, adapted from the Guiding Principles of the Indigenous Family Violence Taskforce Report in eliminating family violence in Aboriginal communities which are as follows:
1. Indigenous culture;
 2. Family violence is not part of Indigenous culture;
 3. Holistic healing approach to family violence in aboriginal communities;
 4. Early intervention, prevention and education;
 5. Complex nature of family violence within Indigenous communities;
 6. Empowering Indigenous communities;
 7. Local solutions to local problems;
 8. Partnership, transparency and accountability; and
 9. Adequate resources.

Supporting victims of family violence

16. At the base of all responses to family violence, immediate and ongoing safety for the victims must be a priority. We must allow all victims to have a voice, to be heard and to receive appropriate effective service responses
17. It must be acknowledged that it can 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 confidence and resilience in the situation. When a victim of family violence finds the courage to seek help, the responses from service providers needs to be immediate, supportive, and above all, culturally appropriate to the needs of the individual, and their family.
18. It must equally be acknowledged that victims of family violence may, for a multitude of reasons, not leave the situation of violence. An examination of the forceful imposition of policies and laws that have seen the breakup of Aboriginal families, destructions of language and denial of cultural practices goes some way to understanding this, but every decision to remain is personal and must be respected. Very often expectations and community pressure for women to stay in relationships

are based on fears such as grandparents losing contact with their grandchild or the child no longer being exposed to Aboriginal culture and heritage. If we are to truly support victims of family violence, we must begin by respecting the diversity of their experiences, situations and ultimately choices, and not respond with the dichotomy of 'stay or leave'. Victim blaming has no place in responding to family violence.

19. In recognising that women are overwhelmingly the victim in family violence, we must ensure that women are provided with opportunities to leave to escape violence and that they are not pressured by community, either to stay or go, to keep the family together or to be apart. In our view, an Aboriginal owned and controlled model would remove some of those issues as, for example, Aboriginal staff would be able to identify whether or not community pressure was going to be a concern. No-one should live in circumstances where there is a safety risk, especially not if there are children involved.

Children focussed responses

20. We need adequate responses to support children which are separate to other responses. Children should be told that they do not have to grow up this way and should be empowered to deal with their emotions and the trauma that they are exposed to as a result of family violence. Relationship education needs to start at the very beginning and teach children how to deal with emotions. It needs to be across the board and doesn't need to be gendered; the message instead needs to be 'don't be violent towards anyone'. Children must not grow up into cycles and experience of family violence that are defined by gender.
21. The complexity of the intersection between family violence and child safety needs a priority response, so children don't find themselves in the child protection system because of circumstances beyond their control. Our program and service responses must be better than this. The criminalisation of children as they tip into child protection is a major risk, for a child already traumatised by life events and needing strong community based service responses to reduce risk of further trauma. We therefore need to ensure that the model is child focused so that everything is considered in terms of what is best for the child. If we position children to be happy and healthy and achieve good outcomes, we find other issues facing the family resolve.

22. We must remove the fluency of gender allocation in our referencing of family violence, focus on the behaviour and remove the overt currency of language which currently places all women in one category and all men in another and by doing so, adds a layer of hostility and resentment to family violence which blocks safe outcomes, rather than creates them.

Working with families that stay together

23. The current system operates with a one size fits all model which seeks to separate the family and provide safety through separation. In our experience, this has the consequence of potentially driving dangerous contact underground and exposing children to further risk. This also fails to ultimately address the risk and fails children in terms of their rights to be with their parents. So many children are placed in out of home care because of family violence.
24. Victims of family violence, particularly Aboriginal people, must feel they can seek help without the threat of children being removed. 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. For example, 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, or parents who wish to remain together, rather it is impacting on the fear that they are already facing. Further, 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.
25. We are not aware of any specific programs for Aboriginal families that wish to stay together. This is a significant service gap. There needs to be a response that allows them to stay together, provides services and at least gives them an opportunity to change their behaviour.

Addressing perpetrator behaviours

26. Lasting change, creating positive behaviours and attitudes, requires a number of strategies, backed by cultural connectedness. We must hold all perpetrators to account for their behaviour in ways that focus them on eliminating the behaviour and rehabilitating. Programs should also not only deal with the behaviour but should have a therapeutic approach which is far more trauma informed. There must be recognition for the fact that a perpetrator of family violence as an adult may, as a

child, have been a victim, either directly of, or indirectly witnessing, family violence – these experiences may never have been addressed. In understanding the majority of perpetrators of family violence are men, there needs to be given the opportunity to address the powerlessness they felt as a result of childhood trauma and family violence they themselves experienced rather than simply being told that they should not be violent because it is wrong.

27. Cultural awareness training is a continuing need for mainstream, non-Aboriginal organisations. Aboriginal clients are less likely to engage with services if they do not receive a quick response and are more inclined to let the matter go thinking that it is going to take considerable time to get an appointment. Understanding, working with and providing services to Aboriginal people requires ongoing communication and a willingness to work in different ways.

Strengthening Aboriginal community service delivery

28. There is strong demand for Aboriginal Controlled Organisations to provide services to Aboriginal communities. Aboriginal communities know what they need and that trust and credibility of programs and services are built through community engagement. In our view, it is not possible to run an effective service unless the Aboriginal community has engagement and ownership over it. We therefore need to control our own organisations on critical matters of service delivery and/or have influence over how mainstream services are delivered to the Aboriginal community.
29. In our experience, Aboriginal people are more inclined to access a service if it is an Aboriginal Controlled Organisation because they trust the service more which, in turn, makes it more accessible and effective. 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. 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.
30. Aboriginal organisations have the capacity to develop programs and services which meet the needs of their communities, and which will achieve outcomes which strengthen communities. The staff who deliver these programs and services will need a support structure around them to ensure that their good work can continue, without any secondary trauma being experienced by them. This is hard work, and any

programs and services built need to be able to support the organisations in developing the tools and practices that will ensure staff are able to deal both professionally and in culturally appropriate ways with community and individuals. Organisations that work with family violence victims must have an understanding of the cultural and historical issues that impact on Aboriginal families today. Issues such as trauma, grief, loss, intergenerational trauma, that if not acknowledged in the experiences of family violence victims will perpetuate victimisation and fail to acknowledge legitimate risk for such persons.

31. VALS' front line staff, our Client Service Officers, are all from the Aboriginal community because we recognise that they're the ones who engage the client in the service and assist the client throughout the whole process. They play an important part 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. If we employ non-Aboriginal people, we have members of the Aboriginal community attend appointments with them to support cultural sensitivity and build trust with the client.
32. We find that it is often difficult to get clients to engage with mainstream services. In general, Aboriginal people are often wary of receiving services from non-Aboriginal organisations. They fear lack of response, which 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.

Supporting staff working in family violence

33. Approximately 40% of VALS staff identify as Aboriginal and/or Torres Strait Islander. For these staff, VALS works to ensure the environment of work (in the office, at court, in community) supports these staff members through cultural sensitivity and the fundamental recognition that as Aboriginal and/or Torres Strait Islander people, working with their communities, they are often dealing with people known to them in difficult situations.
34. Further to this, if we as an organisation, and by extension as a community, understand the prevalence of family violence, it is imperative that we recognise that we may have staff, Aboriginal and non-Aboriginal, who have firsthand experience of

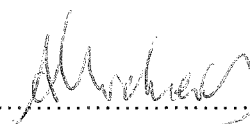
family violence. This may be as an adult or child, as a victim or perpetrator. These experiences may be current or past. They may be supporting family members as they experience the impact of family violence. It is essential in supporting our clients dealing with family violence that we equally support our staff dealing with family violence. At VALS we offer employee access to an Employee Assistance Program, but also encourage staff to take time out to look after themselves, as much as they look after their clients. This includes acknowledging both physical and mental health issues; recognising triggers for stress; identifying their own personally effective ways for dealing with challenges. Later this month, we will commence training and debriefing sessions that will be extended to the organisation that will address dealing with the nature of our work at VALS, the difficult situations our clients are in, and support staff to address stress they are feeling.

35. Equally, we cannot assume that only those workers, at VALS and otherwise, who are in 'family law' or 'family violence workers' are the only ones working with family violence. Our administrative staff and volunteers, through their important support work, are also dealing with family violence, and their needs and responses need to be considered.

Culturally appropriate therapeutic process empowering individuals

36. VALS is currently researching and building a model for an Aboriginal mediation service that provides a whole of community response, recognising that crime affects many people outside of the immediate family. Initially, we are focusing on family law matters but the model itself could be used for any sort of community conflict, including family violence. The Aboriginal mediation service we propose will be culturally appropriate and responsive and will in some ways reflect the way that these issues were dealt with by community previously. Collective decision making is an Aboriginal community model and Aboriginal communities trust in collective decision making outcomes. When we talk about culturally responsive services, we are talking about including processes such as those in decision making.
37. The Aboriginal mediation service must be about safety and empowering women to come to the table to say that they don't want to continue the relationship even though there is pressure for them to do so. Women would need to be assisted to build emotional readiness to let go of the relationship and we would need to work with them to ask what they want and what is the best way for them to have a healthy family.

38. The Koori Court is a good example of a model that has both a therapeutic and jurisprudence capacity. It has been in action for over 10 years, operating at Children's, Magistrates' and County Court levels. The Koori Court does not deal with sexual assault matters or family violence intervention orders (e.g. the breach of intervention orders), but it will hear about family violence if it forms an offence, or as part of someone's personal history.
39. The impact of the model 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 takes time and effort and it involves the individual person considering their own circumstances and really being held accountable, not only to the court, but to themselves and their community. It demonstrates that really rehabilitative responses to criminal behaviour take time, and require support. Courts are currently investigating the possibility of Koori Courts hearing breaches of intervention orders, but how much more powerful potentially could a family violence Koori Court be that addresses the offending behaviour immediately a person is experiencing it, rather than waiting for the criminal justice system to intervene. We are thinking of IVO applications and the family violence model that operates at the Heidelberg Magistrates Court, which supports both victims and perpetrators of family violence through the court processes.



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Annette Marie Vickery

Dated: 16 July 2015