

**IN THE MATTER OF THE ROYAL COMMISSION  
INTO FAMILY VIOLENCE**

**STATEMENT OF JACQUALYN LOUISE TURFREY**

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I, JACQUALYN LOUISE TURFREY, Director, Koori Justice Unit, Department of Justice and Regulation, SAY AS FOLLOWS:

1. I am the Director of the Koori Justice Unit in the Department of Justice and Regulation (DJR).
2. The Koori Justice Unit is responsible for coordinating the development and delivery of Victoria's Aboriginal justice policies and programs across the Victorian Government and the justice system.
3. I have held this position since 6 October 2014.
4. Prior to that, I was a barrister at the Victorian Bar where I specialised in commercial law. I have 15 years experience as a legal practitioner, including four and a half years in Broome, Western Australia working for the Kimberley Land Council and the Yawuru Corporate Group. Additionally, I have 15 years experience working in the Commonwealth Government predominantly in the area of Indigenous policy and program development and in addition to my law degree I also have a post graduate diploma in Equal Opportunity Administration.
5. I am currently a director on the board of Aboriginal Housing Victoria and have been in that role for the last nine years.
6. I am a Palawa woman and grew up in the Huon Valley in Tasmania. I have been active in the various Aboriginal communities in which I have lived, studied and worked.

7. I have received a notice from the Royal Commission into Family Violence requiring me to attend to give evidence at the Royal Commission and to provide a written witness statement.

### **SCOPE OF STATEMENT**

8. I make this statement in response to a request by the Royal Commission to give evidence regarding matters the subject of the public hearing for Module 6 (Aboriginal and Torres Strait Islander: Experiences and Lessons). I understand that the general topics on which I have been asked by the Royal Commission to give evidence are:

- 8.1 What have been identified as the particular challenges and opportunities for reducing family violence within the Aboriginal community?
  - 8.2 What is the present service and support landscape for the Aboriginal community?
  - 8.3 What is the status of progress of the Indigenous Family Violence 10 Year Plan?
9. Before considering these issues, it is useful to describe the policy framework within which the Koori Justice Unit operates.

### **POLICY FRAMEWORK**

#### **The Victorian Aboriginal Affairs Framework 2013-2018**

10. The Victorian Aboriginal Affairs Framework 2013-2018 (VAAF) (**Attachment JT-1**) is the document that establishes the Victorian Government's policy framework for Aboriginal affairs.
11. The VAAF focuses on six Strategic Action Areas for addressing Aboriginal disadvantage in Victoria (page 12). Strategic Action Area 5 is:

#### **Safe families and communities and equitable justice outcomes**

Reducing Aboriginal over-representation in the justice system and providing for safer families and communities are essential platforms for enabling all Aboriginal Victorians to achieve their cultural, economic and social aspirations.

12. Page 32 of the VAAF sets out the key headline indicators, targets and key strategies for Strategic Action Area 5. The headline indicator to which AJA3 is directed is to reduce the over-representation of Aboriginal people in the justice system. The target is, by 2031, to close the gap in the rate of Aboriginal and non-Aboriginal people under youth and adult justice supervision.
13. The two key strategies identified in the VAAF related to safe communities and families and equitable justice outcomes are:
  - 13.1 the Aboriginal Justice Agreement and
  - 13.2 Victoria's 10 year plan to reduce Indigenous family violence, *Strong Culture, Strong People, Strong Families: towards a safer future for Indigenous families and communities*.

#### **The Aboriginal Justice Agreement**

14. The Aboriginal Justice Agreement (AJA) is a partnership agreement between the Victorian Government and the Koori community designed to reduce the over-representation of Aboriginal people in the criminal justice system and to achieve improved justice outcomes for Aboriginal people in Victoria. It was first published in 2000. Phase 2 was launched in 2006 and Phase 3 (AJA3) (**Attachment JT-2**) was launched in March 2013.
15. The Victorian Government in partnership with the Koori community through the Aboriginal Justice Forum, oversees the development, implementation, monitoring and evaluation of the AJA.
16. The Koori Justice Unit's function is to support the Aboriginal Justice Forum to perform its functions, and is also directly responsible for the implementation, monitoring and evaluation of a range of specific initiatives.
17. The partnership between the Victorian Government and the Koori community under the AJA has been operating for fifteen years and is a highly effective engagement mechanism for both Government and the Koori community.

#### **The Indigenous Family Violence 10 Year Plan**

18. Victoria's 10 year plan to reduce Indigenous family violence, *Strong Culture, Strong People, Strong Families: towards a safer future for Indigenous families*

and communities (the 10 Year Plan) (Attachment JT-3) was launched in 2008.

19. The 10 Year Plan was developed by the Indigenous Family Violence Partnership Forum, which is a forum between Government departments and the Victorian Aboriginal community to consider the needs of Aboriginal communities in confronting issues of family violence. The Partnership Forum oversees the implementation of the 10 Year Plan. The DJR is a member of the Partnership Forum represented by either myself as the Director or when I am unavailable, my Deputy Director.

#### **HIGHER INCIDENCE AND PREVALENCE OF FAMILY VIOLENCE IN ABORIGINAL COMMUNITIES**

20. The Aboriginal population in Victoria experiences a much higher rate of family violence per capita than the non-Aboriginal population. Where Aboriginal status was known, in 2013-14 there were more than forty Aboriginal affected family members reporting family incidents for every 1,000 Aboriginal people in Victoria. Whereas for the non-Aboriginal population there were about six reports per 1,000. As such, Aboriginal people were over seven times more likely to report a family incident report than non-Aboriginal people in Victoria (Attachment JT-4, *AJF41 Response to Family Violence Paper*, page 4).
21. The impact of family violence on Aboriginal communities is devastating in terms of Aboriginal over-representation in child protection, youth justice, adult incarceration (particularly among women), homelessness, poverty, poor physical and mental health and alcohol and drug abuse. All of these factors also present family violence risk factors (Attachment JT-4, pages 6 and 7).

#### **CHALLENGES FOR REDUCING FAMILY VIOLENCE WITHIN THE ABORIGINAL COMMUNITY**

22. There are a number of challenges that are particular to Aboriginal communities in Victoria in respect to the incidence of family violence within those communities.

##### **Limited mainstream understanding of conceptions of family violence in Aboriginal communities**

23. Family violence has a broader definition in Aboriginal communities than in the mainstream community. An example of the broader definition of family

violence is embodied in the 10 Year Plan which defines family violence in Aboriginal communities as (page 11):

"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."

24. Additionally, Aboriginal conceptions of family violence are wider than those in the mainstream with family violence regularly occurring within a broader context of lateral and community violence.
25. These forms of violence are not easily delineated from family violence as they have a common underlying cause being the legacy of colonization and dispossession which has resulted in patterns of intergenerational violence, trauma, grief and loss, fragmentation of families, destruction and loss of cultural practices and roles; and is compounded by entrenched poverty and homelessness (*Building on what works: best practices for early intervention and prevention of Family Violence in Aboriginal Communities' Research Paper, Department of Justice & Regulation June 2014 – Attachment JT-5, page 3*).
26. These forms of violence in Aboriginal communities manifest in different ways and in different contexts including in intimate relationships, extended families, kinship networks and interactions with and within communities and community organisations.
27. Lateral violence is a form of 'internalised colonialism' that has been described by Richard Frankland, Aboriginal Cultural Consultant specializing in community and lateral violence, as:

"[T]he organised, harmful behaviours that we do to each other collectively as part of an oppressed group: within our families, within our organisations and within our communities. When we are consistently oppressed we live with great fear and great anger and we often turn on those who are closest to us."

28. Lateral violence is described in AJA3 (page 121) in the following way:

"Lateral violence, also known as horizontal or intra-racial violence, can take many forms, including bullying, shaming, excluding, family feuding, misusing social media (cyber-bullying) and organisational

conflict. It often occurs when a number of people work together to attack or undermine another individual or group, and can involve physical, social, emotional, economic or spiritual forms of abuse.”

29. Community violence can be described as lateral violence which manifests in a particular sector of the community (or geographical location) where family and kinship relationships, interactions and power struggles have a predominant overlay.

30. I was recently engaged to mediate a situation involving violent interactions between Aboriginal community members in Robinvale in northwestern Victoria. This was a situation where the violence had been escalating over a period of approximately two years and had become intractable. Upon commencing the mediation, as a result of preparing a genogram, I was able to identify that the violence had its origins as a family violence incident (which the police had not identified as the victim and perpetrator, both young women, were not in an intimate relationship but were in a complex kinship relationship). As a result of the underlying conflict not being dealt with by mediation or through appropriate family violence support services, the violence escalated and spread from the original parties through the broader community and ultimately manifested as lateral and community violence. The proper identification of the origins and nature of the violence between the original parties (i.e. family violence) and the recognition of the lateral and community violence issues enabled culturally appropriate services to be engaged which were specifically targeted to:

30.1 support the victims and address the perpetrators of the family violence, including referral to the Aboriginal Family Violence Prevention & Legal Service and Mallee District Aboriginal Service, mental health services, legal representation, housing, education and counseling; and

30.2 provide community healing for the individual family groups involved in the conflict and for the community and police to address the lateral and community violence (*Red Dust Healing Program*).

31. As a result of the mediation, the dispute was de-escalated with no further major incidents of violence having occurred to date.

32. The importance of the approach adopted in this situation was that it was culturally appropriate and involved the adoption of a mediation methodology different from a typical mediation. The approach combined a local task force comprised of government agencies (DJR, Courts, Police, Department of Education and Training, Department of Health and Human Services) and the local Aboriginal community controlled organisation (ACCO), all committed to providing an immediate service response to the issues that arose out of mediation. Aboriginal Housing Victoria also played and continue to play a critical role in assisting with the relocation of various parties involved in the dispute (at their request) to accommodation in alternate locations.

### **Service Responses to Family Violence**

33. Mainstream services and responses are typically based on the mainstream definition of family violence locating the primary cause of family violence within a feminist model typified by differential power relationships between men and women in intimate relationships.
34. Likewise, in Aboriginal communities Aboriginal women and children are predominantly affected by family violence in the context of intimate relationship family violence but with the overlay of the aetiology set out in paragraph 25 hereof. However, it is also important to acknowledge that lateral and community violence (set out in paragraphs 24-29 hereof) is perpetrated by and impacts upon both men and women, warranting a different response.
35. Where mainstream service responses are available, they are delivered to individuals and do not adequately address the causal factors of violence in Aboriginal communities, nor all forms of violence being exhibited. The different forms of violence, their interrelationships and the causal factors in Aboriginal communities, require a culturally appropriate and broader response to that of mainstream family violence responses, but not always the same response as each Aboriginal family, group and community is different.
36. As there is often no clear delineation between family, lateral and community violence, service delivery or support needs to be tailored to address the different forms of violence and the needs of the parties involved, including victim support services, perpetrator behavioural change programs and community healing and education responses.

### Indigenous family violence data

37. Data collected by the Koori Justice Unit in relation to Aboriginal contact with the justice system, including in family violence matters, comes from a wide range of sources including police, the courts, Corrections Victoria, and the Australian Bureau of Statistics. However, there are limitations associated with collecting data specific to Aboriginal people. These issues arise out of under reporting of and by Aboriginal victims of family violence.
38. The problem of under reporting arises because Aboriginal victims fear reprisal from the perpetrator or the wider family group, or unwanted intervention from the authorities. Even where incidents are reported, Aboriginal identification may not be accurately recorded. The issues are twofold; firstly there is a reluctance by government agencies to ask the Aboriginal identity questions; and, secondly there is a reluctance by Aboriginal people to self-identify for the reasons set out above for under reporting and as a result of past systemic discrimination or unfavourable, differential treatment (Attachment JT-5, above at page 11).
39. The issue of data limitations is explored in a report prepared by the Koori Justice Unit in 2014, *Building on what works: Best practice for early intervention and prevention of family violence in Aboriginal communities* (Attachment JT-5, above at page 12). Relevantly, the recommendations on limited data made in the report include:
  - 39.1 providing cultural awareness training to relevant workforces on how to word and ask the 'Standard Indigenous Question' crafted by the Australian Bureau of Statistics in a culturally sensitive manner that encourages Aboriginal identification; and
  - 39.2 expanding family violence-related data collection to include child abuse and neglect, cultural or spiritual abuse, Elder abuse, community violence and lateral violence, by utilising an Aboriginal-specific victimisation survey to understand the prevalence of family violence.



### **Addressing the drivers of Aboriginal contact with the justice system generally**

40. AJA3 (pages 57-60) identifies three key drivers of Aboriginal contact with the justice system:
  - 40.1 poor mental health and alcohol and drug misuse;
  - 40.2 poor education and employment outcomes; and
  - 40.3 unstable housing.
41. The challenges for reducing the incidence of family violence in Aboriginal communities include the need to address these key drivers of Aboriginal contact with the justice system generally.
42. The exposure of Aboriginal people to family violence as children and adults contribute to these drivers.

### **SERVICE AND SUPPORT LANDSCAPE**

43. The overall structure for the governance and implementation of the AJA is very effective. It consists of:
  - 43.1 The Aboriginal Justice Forum (AJA3, pages 68-70), brings together Koori Caucus (see below) and the relevant Victorian departments including, Justice and Regulation, Health and Human Services, Education and Training, Premier and Cabinet (Office of Aboriginal Affairs), the Courts, Victorian Police, the Commissioner for Aboriginal Children and Young People and the Adult Parole Board, as well as representatives of the Commonwealth Government and is responsible for overseeing the development, implementation and direction of the AJA;
  - 43.2 The Koori Caucus (AJA3, page 71), which comprises the most senior representatives of the Koori community from the statewide peak Aboriginal Community Controlled Organisations (often abbreviated as ACCOs) and the Chairs of the Regional Aboriginal Justice Advisory Committees, who are together the Koori community members of the Aboriginal Justice Forum; and

- 43.3 Seven Koori Reference Groups comprised of Aboriginal community and senior government representatives and which are responsible for overseeing implementation activity of the AJA in the areas of Justice, Corrections, Courts, Victoria Police, Youth, Drug and Alcohol and Koori employment.
  - 43.4 Nine Regional Aboriginal Justice Advisory Committees (RAJAC) (AJA3, pages 71-72), which, among other responsibilities, work with their respective regional Aboriginal communities to develop regional justice plans; and
  - 43.5 Eleven Local Aboriginal Justice Action Committees (LAJAC) (AJA3, pages 73-74), which are local, grassroots bodies in specific locations across Victoria experiencing poor justice outcomes (Bairnsdale, Bendigo, Geelong, Glenelg, Heywood, Horsham, Mildura, Morwell, Robinvale, Swan Hill and Wodonga).
44. The strength of the AJA arises from the partnership between government and the Koori community, particularly the identification of local responses by local communities to address key issues or challenges through the development and implementation of RAJAC and LAJAC action plans.

### **AJA3**

45. Each of Phases 2 and 3 of the AJA has built on the one before it. AJA2 identified six strategic objectives. AJA3 builds on these objectives by focusing on particular aspects of them (see AJA3, page 15, Figure 3). AJA3 has an increased focus on improving the safety of Aboriginal families and communities, to be achieved through (page 62):
- 45.1 reducing conflict, violence and victimisation and improving support for victims;
  - 45.2 preventing and reducing the further progression of Aboriginal young people into the criminal justice system;
  - 45.3 reducing re-offending at all points of the justice continuum;
  - 45.4 maximising diversion opportunities for Aboriginal women;

- 45.5 addressing issues which drive contact with the justice system such as alcohol and drugs, unstable housing and unemployment in collaboration with other agencies and through whole-of-government processes;
- 45.6 continuing and strengthening the Koori community-government partnership in addressing Aboriginal justice issues;
- 45.7 building and restoring cultural strength within Aboriginal communities as a foundation for lasting change; and
- 45.8 improving justice outcomes in the metropolitan regions, particularly in the north and west.

46. AJA3 identifies six strategic objectives (page 64):

<b>1. Crime prevention and early intervention</b>	Reduce the number of Koori youth coming into contact with the criminal justice system by promoting protective factors, including cultural identity and strength, and reducing risk factors for offending behaviour.
<b>2. Diversion and strengthen alternatives to imprisonment</b>	Increase the rate at which justice agencies are successful in diverting Koori offenders, particularly Koori women, from further contact with the justice system and strengthen community-based alternatives to imprisonment.
<b>3. Reduce re-offending</b>	Reduce the rate at which Koories re-offend by changing environmental and behavioural factors that contribute to offending.
<b>4. Reduce conflict, violence and victimisation</b>	Reduce the adverse, and often intergenerational, impacts of violence and victimisation on Koori communities, families and individuals, particularly women.
<b>5. Responsive and inclusive services</b>	Make mainstream and positive justice-related services more responsive and inclusive of the needs of Koories.
<b>6. Strengthen community justice responses and increase community safety</b>	Build capacity in and enable Koori communities to improve local justice outcomes and increase community safety, through place-based approaches to crime and violence.

47. AJA3 provides further detail in relation to each of these strategic objectives (see pages 39-56).
48. Part 4 of AJA3 (page 85 and following) sets out the action plan designed to achieve the six strategic objectives. There are around 30 actions that flow out of this objective, the implementation of which is subject to prioritisation by the DJR working with Koori Caucus and is undertaken across government and community agencies.
49. The increased focus on improving family and community safety within AJA3 led to an expansion of objective 4 to address conflict, violence and victimisation.
50. Actions under objective 4 seek to prevent and respond to community and lateral violence, enhance conflict resolution and mediation, and support healing models that address underlying causes. Consideration is also given to the appropriateness of restorative justice approaches to addressing conflict and violence and responding to the needs of victims. Objective 4 also highlights the need for integrated responses that connect alcohol and drug and family violence services as drugs and alcohol are proximal drivers of violence.
51. The actions under objective 4 (Reduce conflict, violence and victimisation) (see pages 119-127) are specifically targeted at reducing the incidence of family and community violence in Aboriginal communities. The objective 4 actions complement work being undertaken under the 10 Year Plan.

#### **Current programs and actions under the AJA**

52. The AJAs are underpinned by a recurrent budget allocation, increased last in 2006, which supports the administration of the Agreements and implementation of initiatives. AJA3 was entered into on the basis that the expanded activities contained within it, including objective 4, would be funded out of continuing AJA2 funding. These activities are supplemented from time to time by DJR grant funded activities and new program related funding growth in areas such as Corrections.
53. A range of agencies across government are responsible for implementing actions under objective 4 of AJA3, within the justice portfolio the relevant

agencies include Victoria Police, Courts Services Victoria, Victims Support Agency, Corrections Victoria, Dispute Settlement Centre Victoria and the Koori Justice Unit.

54. Currently the Koori Justice Unit:

- 54.1 Administers funding for and support the Koori Community Safety Grants Program (part of DJR's Community Crime Prevention grants program to reduce violence against women and children), which provides funding over three years to support four projects in East Gippsland, Shepparton, Loddon Mallee, and Northern Metropolitan Melbourne. The Sister's Day Out, Dilly Bag and Dardi Munwurro programs are included as activities within these projects.
- 54.2 Funds Aboriginal Family Violence Prevention Legal Service for a full-time family violence solicitor to provide legal services to Aboriginal clients with family violence matters in the Melbourne Metropolitan area.
- 54.3 Funds Aboriginal Family Violence Prevention Legal Service for a full-time child protection solicitor across the Melbourne Metropolitan, Echuca, Shepparton, Swan Hill, Bendigo and Horsham areas to provide legal services, information and referral to victims of family violence and sexual assault in the child protection;
- 54.4 Funds Aboriginal Family Violence Prevention Legal Service to develop a violence prevention program – *Young Luv* targeted at Aboriginal youth in Metropolitan Melbourne (this is a new grant for 2015-16).
- 54.5 Funds the development of two Koori Women's Diversion pilots (to be implemented from 2015 – 2017), which aim to prevent deepening contact with the criminal justice system for Aboriginal women, most of whom are both offenders, but also victims of family violence.

55. Previously, the Koori Justice Unit has also provided, through the Frontline Youth and Community Initiative grant programs, and selective grants, funding for:

- 55.1 *Sisters Day Out and Dilly Bag*, which involves workshops to engage Aboriginal women and provide advice about family violence related services and other health and justice services;
  - 55.2 *Dardi Munwurro "Strong Spirit" Building Strong Communities Program*, an Aboriginal men's behavioural change program;
  - 55.3 *Koori Family Violence Police Protocols*, an initiative led by Victoria Police;
  - 55.4 *Koori Family Violence Court Support Program*, assisting Courts to provide more culturally appropriate responses to Aboriginal victims and perpetrators of family violence;
  - 55.5 *Standing Tall Project*, a program with weekly sessions to engage Aboriginal youth exposed to family violence, with activities to set goals, build self-esteem, and create a sense of belonging; and *Aboriginal Family Violence Outreach Program*, which funds a part-time Aboriginal family violence outreach worker in Geelong and surrounding areas to provide culturally-appropriate services for Aboriginal women and children experiencing family violence.
56. A summary of the funding arrangements and the relationship of these projects to the 10 Year Plan is at **Attachment JT-6, Koori Justice Unit – Programs supported to reduce violence in Aboriginal Communities**.
57. I describe several of these initiatives, other relevant programs and evaluations thereof, in further detail below.

*Koori Community Safety Grants Program*

58. In 2013, four grants for three-year long projects were provided to various Aboriginal Community Controlled Organisations across Victoria out of the DJR's Reducing Violence Against Women and their Children grants program. These initiatives are the:

- 58.1 Family and Community Violence Prevention Project (Mallee district – which includes the Sisters Day Out program to be run in one location each year over three years in Robinvale, Mildura and Swan Hill and the Dilly Bag Program to be run twice per year each year in the same

locations and Dardi Munwurro program to be run once per year in each location for Aboriginal male youth);

58.2 Aboriginal Family Harmony Project (Greater Shepparton);

58.3 Strong Men, Strong Communities (comprised of up to nine Dardi Munwurro programs across three locations in East Gippsland);

58.4 Strong Relationships, Strong Community (Northern Metropolitan Melbourne)

59. A brief description of each of these is contained in the summary of Koori Justice Unit programs and projects at Attachment JT-6, above).
60. Funding was provided through these grants to support accessible, culturally appropriate projects.
61. An interim evaluation of the Koori Community Safety Grants was conducted by the Koori Justice Unit in June 2014 (**Attachment JT-7, Interim Process Evaluation – Koori Community Safety Grants, Summary Report**). The interim evaluation focused on project design, delivery and implementation. It found evidence of good practice consistent with the Good Practice Elements for effective Aboriginal violence prevention (Strong Culture, Strong People, Strong Families, Victorian Government 2008). The evaluation also showed evidence of progress to short term outcomes, particularly in the areas of:
  - Aboriginal culture, traditions and identity
  - connections between individuals within the community
  - positive communication, nurturing and help seeking
  - causes and features of violence and their impact
  - awareness of services and supports
62. An external outcomes evaluation of these safety grants is currently underway to provide a better understanding of program outcomes and gather further evidence of what works and promising practice in relation to reducing violence against women and children.

### *Sisters Day Out and Dilly Bag*

63. *Sisters Day Out* is a social and educational forum providing Aboriginal women with the opportunity to mix, in a relaxing social atmosphere, and to learn about justice, health and other programs that respond to family violence. The day involves the coming together of social activities, such as the provision of beauty and relaxation therapies, with the availability of counseling and legal services for women to discuss issues of family violence. The atmosphere is deliberately informal and relaxed to encourage participation and an environment in which women feel supported and able to seek help, if needed. The Aboriginal Family Violence Prevention and Legal Service is responsible for running the workshop, and it also provides an education session on the meaning of family violence, what services are available and who to contact.
64. *Dilly Bag* is another initiative delivered by the Aboriginal Family Violence Prevention and Legal Service. It is a more intensive version of the Sisters Day out program, in that it involves a smaller group of women and it encourages, over time, deep discussion and sharing of family violence related stories between participants. It is designed to build trust, with discussions not being overly directed but allowed to gain their own momentum as the women come to know one another. Activities are undertaken, such as beading or weaving, to encourage an intimate environment for women to share information, stories and opinions. The program establishes a culturally sensitive base, by acknowledging the grief and anger that remains in many Aboriginal communities as a result of dispossession and colonialism, and focuses on the positive, rich traditions to which participants belong.
65. An evaluation of the Sisters Day Out and Dilly Bag projects was conducted by the Aboriginal Family Violence Prevention Legal Service in July 2014. This evaluation found these projects were successful and beneficial to Aboriginal women. Outcomes from these activities are also included in the interim process evaluation (Attachment JT-7, above)

### *Dardi Munwurro*

66. The Dardi Munwurro "Strong Spirit" Building Strong Communities Program is one of the few men's behavioural change programs targeted at Aboriginal men. It aims to engage participants to address personal, relationship and



behavioural issues linked to the perpetration of family violence, by drawing on traditional values and an understanding of men's issues. Dardi Munwurro engages the local Aboriginal community and local services via a Steering Committee, to ensure all local stakeholders are involved.

67. In 2010, three Dardi Munwurro programs were delivered across Victoria. These programs consisted of a one-day introduction and engagement session, a three-day workshop, four half-day post workshops and four half-day follow up sessions (**Attachment JT-8 – Dardi Munwurro Most Significant Change Final Report**).
68. An evaluation of the Dardi Munwurro Program was undertaken in 2012, which demonstrated positive results for participants, including improved communication and problem-solving skills, better understanding of family violence and intergenerational trauma, and an improved capacity to recognise the impact of behaviour on others (Attachment JT-8, above).
69. The delivery of Dardi Munwurro Programs has subsequently been funded by Corrections Victoria, who have run such programs for Aboriginal men in both community corrections and prisons in recent years.

#### *Koori Women's Diversion Pilot*

70. The Koori Justice Unit is about to commence two Koori Women's Diversion pilot programs in Mildura and Gippsland targeted at Aboriginal women (with complex needs) in contact with the justice system. This is particularly relevant as often female victims of family violence become offenders. The pilots consist of an intensive or 'wraparound' case management model which will facilitate connections to all services that might be required by a woman referred to the program such as victim, housing, mental health treatment, health, drug and alcohol treatment, employment, and parenting assistance.
71. The aims of the Koori Women's Diversion Pilots are to divert Aboriginal women from deepening contact with the criminal justice system; provide a referral pathway into programs and services (including family violence related services) to reduce reoffending and contact with the justice system; support Aboriginal women on justice orders (court, bail, and community corrections orders) to successfully complete them; and assist Aboriginal women to navigate the justice broader service system.

72. The first pilot project will commence in Mildura in August 2015 (**Attachment JT-9, Project plan – Koori Women’s Diversion Project – Mildura Pilot Project Plan**), with the second in Gippsland to commence at a later date. Each pilot is for a duration of two years. These pilots will both be evaluated during and at the conclusion of the pilot period.

*Koori Family Violence Court Support Program*

73. The Koori Family Violence Court Support Program commenced operation in July 2011. It consists of the employment of a male and a female Koori Family Violence support worker at the Melbourne Magistrates’ Court. The aim is to provide a culturally appropriate response to Aboriginal victims and offenders in family violence matters by improving the court’s knowledge and understanding of family violence issues in Aboriginal communities and enhancing the court’s capacity to link Aboriginal victims and offenders with Aboriginal specific service providers and, as a result, to increase the confidence of the Koori community in the court and the justice system generally.
74. An evaluation report of the first year of operation of the program was commissioned by DJR in 2012. The evaluation found that the program achieved important outcomes for clients, improving their experience of the court process through the provision of culturally appropriate information and referrals to service providers. In addition, the program has enabled service providers and court staff to better meet the needs of Aboriginal clients in the Justice system.
75. The program continued after that time, and although no further formal evaluation has been undertaken, informal feedback from the Koori Family Violence support workers and the Koori community is that the program provides a very useful, and much needed, service. No further funding for the program has been allocated by the DJR beyond 30 June 2015 as this program is the responsibility of the Courts who are no longer part of the DJR.

*Koori Family Violence Police Protocols*

76. The Koori Family Violence Police Protocols were developed by Victoria Police and the Aboriginal Family Violence Prevention and Legal Service with the support of the Koori Justice Unit, in consultation with Aboriginal communities.

The aim of the Protocols is to strengthen the police response to incidents of family violence, with the longer term goal of reducing family violence in Aboriginal families, particularly the frequency of repeat offending. The Protocols are locally developed and guide police in identifying whether an offender or victim is Aboriginal, and to offer culturally appropriate services, if preferred.

77. Three pilot protocols were launched between 2011-2013, in Mildura, Ballarat and Darebin. An evaluation of these protocols was undertaken in March 2015, which indicated that overall, despite methodological limitations, the Protocols are an effective and useful contribution to Aboriginal family violence responses. A number of areas for improvement were also identified. In particular, the need to support the Protocols with capacity building training for Police members, and appropriate resourcing to support the implementation of the Protocols.

*Red Dust Healing program*

78. The Red Dust Healing program is an Aboriginal run program that utilises visual tools to assist participants in examining the underlying trauma and grief associated with a history of rejection and the undermining of four core values – identity, responsibilities, relationships and spirituality – all important to the culture and lifestyles of Aboriginal people. The program supports participants to develop an individual case management plan, based around the toolkit, to meet their personal needs, which can be supported by a mentor system. By supporting personal healing and addressing cycles of rejection and violence common in Aboriginal communities, the program aims to enable individuals (primarily men) to build strong, loving families and make better choices in their relationships (**Attachments JT-10, Red Dust Healing – Final Chapter – Working Together**).
79. The DJR does not provide grant funding to this program. This program was delivered as a recommendation arising out of the Robinvale mediation and was provided on a fee for service basis. The Loddon Mallee Regional Director funded a 3-day program, which involved 20-30 people within the community, including victims, perpetrators affected community members and local police.

## **OPPORTUNITIES TO REDUCE FAMILY VIOLENCE WITHIN THE ABORIGINAL COMMUNITY**

80. The AJA provides an effective vehicle through which to improve government responses to conflict and violence within Aboriginal communities. The AJA supports a commitment to prevention and early intervention and diversion in order to reduce progression of Aboriginal Victorians into the criminal justice system and to address all forms of violence experienced within Aboriginal communities. The intent thereof is to keep women and children safe, ensure perpetrator accountability, provide effective and responsive intervention and reduce future incidents of violence. The AJF is the mechanism through which specific strategic justice related initiatives are identified and prioritised with input and support from both the Aboriginal Community and government agencies.

81. The current opportunities for reducing or addressing the impacts of family violence under the AJA are:

- 81.1 The Koori Women's Diversion Program Pilots which are aimed at providing a one-stop shop approach to assist Aboriginal women in contact with the justice system (typically with complex needs) to assist them to navigate the services system and provide a tailored and intensive case management service (AJA3 pages 30 and 102).

- 81.2 Expand the availability of behaviour change programs that are culturally grounded, focused on strong positive male and female roles within the family and community, and seek to build cultural strength that encourages positive rather than violent responses. Examples of these are the Dardi Munwurro and Dilly Bag Programs (as well as the Red Dust Healing Program and Richard Frankland's program addressing cultural loads and lateral violence which are both commercial rate fee for service programs). These service providers offer culturally appropriate workshops and incorporate or contemplate follow up sessions for participants. For example, efforts are made under the Dardi Munwurro and Dilly Bag programs to support the groups of men and women who complete the program to continue to meet informally through men and women's groups and maintain social networks where issues can be discussed and support provided long

after the formal program has been completed (Attachment JT-7, above).

- 81.3 Explore therapeutic and restorative justice approaches developed in consultation with the Koori community to respond to the unique factors driving family, lateral and community violence in Aboriginal communities (AJA3 page 122). For example build on the learnings from the approach adopted in the Robinvale mediation to explore or identify mediation/resolution approaches that have tailored culturally appropriate responses for affected communities. The Robinvale mediation also highlighted the benefits of responding, as necessary and appropriate, to all forms of violence.
- 81.4 Dispute Settlement Centre Victoria (DSCV) has delivered in partnership with Aboriginal communities, lateral violence training sessions and was engaged by Loddon Mallee Regional Director of DJR in 2015 to provide mediation training to Aboriginal people. There are now nine DSCV accredited Koori mediators in the Loddon Mallee region. This presents the opportunity to consider training more Koori mediators in other areas of the State as well as expanding mediation/restorative justice approaches as identified in 80.3 above.
- 81.5 Expand access to programs such as the Red Dust Healing Program and Richard Frankland's program addressing cultural loads and lateral violence to provide early intervention for individuals who use violence (as identified at their first point of interaction with the justice system) to address their violent behaviour, its drivers, past experiences of victimisation and unresolved grief and trauma.
- 81.6 Integrate alcohol and drug programs with family violence programs (for example in men's behaviour change programs and other family violence support programs) (AJA3, page 123).
- 81.7 As an intervention and/or prevention approach, improve parenting and relationship skills to interrupt intergenerational patterns of violence and trauma (some existing examples include Koori Faces and Dardi Munwurro).

- 81.8 Reduce the incidents of breaches of intervention orders and Family Violence Safety Notices (as often Aboriginal people are not present when these are issued) through Koori community education by better informing victims and perpetrators of the requirements and consequences of Intervention Orders and Family Violence Safety Notices.
- 81.9 Support the development of culturally appropriate prevention and early intervention programs and services (such as the new *Young Luv* Program).
- 81.10 Facilitate the continuation of effective prevention and early intervention pilots funded under the Koori Community Safety Grants (AJA3, pages 120-121).
- 81.11 Geographically expand the Koori Family Violence Police Protocols (AJA3, page 126)
- 81.12 Continue the Koori Family Violence Court Support Program (AJA3, page 126).
- 81.13 Expand victim support services specifically for Aboriginal people.
- 81.14 Improve Standard Indigenous Question reporting across all government agencies to improve the understanding of Aboriginal contact with the system and access to services and to enable the development of the necessary evidence base to justify specific Aboriginal program and policy responses.
- 81.15 Strive to ensure consistent definitions of family violence for Aboriginal communities are used across all service providers to improve the scope and quality of responses to victims and to produce better outcomes for those communities.
- 81.16 Support culturally appropriate family violence programs and service responses for Aboriginal people in recognition that family violence in Aboriginal communities is a crime that is caused by colonisation, racism, discrimination, and is driven by intergenerational trauma and entrenched disadvantage.

## CHALLENGES

82. The current critical challenges are:

- 82.1 In respect to Aboriginal programs and initiatives, the system is designed to support one-off pilots through Koori specific grants, which by their very nature are for a fixed term and designed to encourage new ideas and innovation. As a result, pilots feature heavily in the Koori program landscape, which by their very nature are inherently start-stop projects which affect continuity of service and program delivery.
- 82.2 Aboriginal workforce capability issues provide a challenge in a number of ways in respect to program development and delivery as well as service delivery generally.

### *Consultants/Facilitators/Trainers*

- (a) There are a relatively small number of high quality Aboriginal run programs available which at some point is likely to impact on the ability to meet growing demand and expansion across the sector (for example neither Dardi Munwurro or Dilly Bag could respectively be offered in multiple locations simultaneously). There is a heavy reliance on a limited number of expert Aboriginal facilitators with very specific skill sets, which directly informs the quality of the product for participants. Accordingly, this presents challenges in achieving a larger scale replication of such programs. - The Red Dust Healing Program by contrast adopts a "train the trainer" approach with participants encouraged to continue engaging with the content and purpose of the program in order to be able to facilitate similar programs in future.

### *Koori Employees*

- (b) Along similar lines, the ability for service providers to expand and continue programs that are culturally appropriate and delivered by Aboriginal people in the Aboriginal service sector (both in government and the community) may be hampered by

the lack of suitably skilled or qualified Aboriginal people available for recruitment into such expanded and often competing programs and functions. Schools, TAFE and universities should be encouraged to address this by promoting and developing culturally appropriate education options and opportunities to enable a larger number of Aboriginal people to enter into the Aboriginal service delivery sector.

82.3 The provision of tailored responsive programs and approaches to deal with broadly consistent issues of violence necessitates flexibility in the design of responses to address specific needs of a particular community. For example, a standard mediation model would not have been successful in the context of the Koori community conflict in Robinvale. This may mean the "industrialisation" of a particular approach, design or response is not possible which might be more resource intensive to produce. This issue should however be counterbalanced by the likelihood that a tailored and flexible approach will produce better outcomes.

82.4 Family violence behavioural change programs are currently run as separate responses with family violence programs not factoring in the impact of drugs or alcohol abuse in family violence situations. Individuals requiring programmatic support for both family violence and drugs and alcohol are required to attend different programs in different locations. Further, the limited availability of culturally appropriate detox and residential rehabilitation services presents challenges in addressing family violence. In respect to the availability of culturally appropriate drug and alcohol services and programs more generally, there may be issues about the availability of well qualified Aboriginal service providers similar to those issues raised in 81.2 above.

#### **PROGRESS AGAINST THE INDIGENOUS FAMILY VIOLENCE 10 YEAR PLAN**

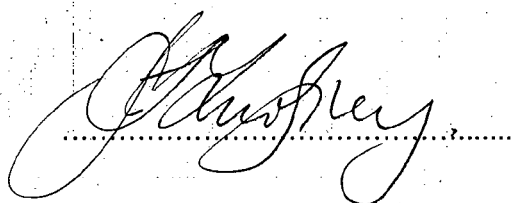
83. Although DJR shares responsibility with the Department of Health and Human Services and Victoria Police for service delivery under the 10 Year Plan, the Office of Aboriginal Affairs Victoria provides the main policy support for the Partnership Forum and is best placed to inform the Commission as to the



status of progress on the objectives and strategies identified in the 10 Year Plan.

84. However, as identified above and in the summary at Attachment JT-6, a number of initiatives under AJA3, including some of those directly supported by the Koori Justice Unit, correspond to and complement the objectives and strategies outlined in the 10 Year Plan.
85. There are targets in the VAAF that directly relate to the objectives of the AJA but there are not similar targets that align with the 10 Year Plan. This appears to be an opportunity for strengthening future responses to family violence.

Signed by )  
**JACQUALYN LOUISE TURFREY**)  
 at Melbourne )  
 this 16<sup>th</sup> day of July 2015 )



Before me




**An Australian Legal Practitioner within  
 the meaning of the Legal Profession Uniform Law (Victoria)**