
TRANSCRIPT OF PROCEEDINGS

The Royal Commission reserves the right not to publish or to redact (black out) parts of the transcripts for legal, privacy and/or safety reasons or if the Royal Commission otherwise considers it appropriate to do so.

VICTORIAN ROYAL COMMISSION INTO FAMILY VIOLENCE

MELBOURNE

MONDAY, 20 JULY 2015

(6th day of hearing)

BEFORE:

THE HONOURABLE M. NEAVE AO - Commissioner

MS P. FAULKNER AO - Deputy Commissioner

MR T. NICHOLSON - Deputy Commissioner

1 COMMISSIONER NEAVE: Before we commence our hearing I want to
2 begin by acknowledging the traditional owners of the land
3 on which we meet, the Wurundjeri people of the Kulin
4 Nations. We pay our respects to their elders and all
5 other elders past and present.

6 Today we have the opportunity of exploring the
7 family violence experiences of Aboriginal people and the
8 opportunities to discuss how we should respond to those
9 experiences. But, before we start, I wanted to say
10 something about the language that we are going to use
11 today.

12 We will be talking about people, Aboriginal
13 people, rather than Koori people. We do so because some
14 Aboriginal people in Victoria who are affected by family
15 violence come from other states and are not Kooris. We of
16 course also are including Torres Strait Islander people
17 separately, but for the sake of ease of discussion we will
18 refer to Aboriginal people. We of course intend that to
19 include people from Torres Strait Islander backgrounds as
20 well. Thank you, Mr Moshinsky.

21 MR MOSHINSKY: Commissioners, as you have indicated, the topic
22 for today is Aboriginal and Torres Strait Islander
23 peoples' experiences and opportunities. We have already
24 heard evidence on the impact of family violence on
25 Aboriginal children from Mr Andrew Jackomos, the
26 Commissioner for Aboriginal Children and Young People, who
27 has kindly agreed to come and give evidence also today and
28 we have already raised some of those issues with Ms Beth
29 Allen in relation to the child protection system.

30 Issues relating to Aboriginal peoples will also
31 form part of the evidence on other topics which are to be

1 dealt with over the coming weeks of these public hearings.
2 But today we do have an opportunity to focus on the
3 specific experiences and responses in connection with
4 Aboriginal people and to examine what is being done and
5 what could be done better.

6 Can I refer to some of the things that came out
7 of the community consultations with the Aboriginal and
8 Torres Strait Islander community members. The Commission
9 heard many of the issues through that process which were
10 similar to issues raised in other consultation sessions.
11 However, the Commission also heard about some of the
12 differences and issues specific to the Aboriginal
13 community.

14 Fundamental to these differences is the
15 definition of "family violence", which is inclusive of
16 family constituents. While most Aboriginal victims of
17 family violence are women and children, and most
18 perpetrators are men, the gendered language, the view of
19 "him" for the perpetrator and "her" for the victim is not
20 fully reflective of the Aboriginal community and does not
21 reflect the different categories of community conflict
22 that can occur. Lateral violence can occur as an
23 extension of family violence; for example, where a woman
24 might experience violence by another community member
25 because she reported family violence.

26 It was indicated that the rates of family
27 violence are very high and of great concern. It was
28 indicated that Aboriginal people have additional barriers
29 and face additional risks. Poverty and racism are key
30 drivers of social problems and of family violence in the
31 Aboriginal and Torres Strait Islander communities.

1 Based on the feedback from the consultations,
2 police are seen as reluctant to attend or respond to
3 callouts to Aboriginal people and provide less support to
4 Aboriginal women in comparison to non-Aboriginal women.
5 Intervention orders are seen as ineffective and breached
6 by both parties. Aboriginal families are reluctant to
7 engage with government agencies for fear of child
8 protection becoming involved. Intergenerational violence
9 is evident in the number of adolescent Aboriginal people
10 who are using violence against other family members,
11 including grandparents.

12 It was also suggested by some that culturally
13 safe and appropriate service responses include
14 consideration of holistic whole of community responses,
15 more outreach, more services that are offered outside of
16 business hours on Monday to Friday and more community
17 friendly services, a focus on cultural strengthening
18 activities that involve men, women, elders, children and
19 young people, extended families, and the use of positive
20 inclusive language.

21 The Commission has also received a number of
22 submissions relating to Aboriginal and Torres Strait
23 Islander experiences of family violence and responses to
24 family violence. There were some broad themes arising
25 from those submissions and also to be the subject of
26 evidence to be heard today.

27 First, there is a broader definition of "family
28 violence" generally adopted in the context of Aboriginal
29 communities. This is reflected in the 10-year plan to
30 address family violence in Aboriginal communities which we
31 will be hearing about today. It includes a broader range

1 of relationships, including extended families, kinship
2 networks and communities.

3 Secondly, in addressing family violence in
4 Aboriginal communities one needs to consider the context
5 of colonisation, dispossession of land, separation of
6 communities, and children being removed from families in
7 what is now known as the Stolen Generations. As a result,
8 Aboriginal communities carry great trauma from experiences
9 that are transferred from one generation to the next.
10 These points were made by Mr Jackomos in his witness
11 statement and they are also made by many of the other
12 witnesses to be called today.

13 Thirdly, while there have been some innovative
14 programs which appear to have had positive results, there
15 is often no consistent or sustained funding for such
16 programs; rather, they are often pilots or funded for a
17 limited period of time and funding is then not continued,
18 and also some of the programs are only available in
19 limited areas.

20 Commissioners, there will be six witnesses today.
21 First we have a panel comprising Andrew Jackomos, Muriel
22 Bamblett, Antoinette Braybrook and Annette Vickery. They
23 will each be introduced shortly. Then we will have a
24 further panel with Angela Singh and Jacquelyn Turfrey, who
25 both will be representing government departments.

26 I should note that there will be later witnesses
27 on other modules who deal with issues affecting Aboriginal
28 communities. We will have John Byrne from Dardi Munwurro
29 and Alan Brown from the Victorian Aboriginal Health
30 Service to give evidence regarding the healing and
31 leadership program for men. That will be on the 10th day

1 of the public hearings. We will also have evidence from
2 MDAS, the Mallee District Aboriginal Service, about a
3 range of programs for men, women and children on the day
4 concerning integrated services.

5 Many of the organisations have put in submissions
6 and with a number of the witnesses today the submission of
7 their organisation is attached to their witness statement.
8 So the structure for today's hearing will be, firstly, a
9 panel of the four witnesses and then separately we will
10 have a further panel of two witnesses. So I will hand
11 over now to Ms Davidson to ask questions for the first
12 panel.

13 COMMISSIONER NEAVE: Thank you, Mr Moshinsky.

14 MS DAVIDSON: Firstly, I would like to ask that the witnesses
15 be sworn. That would be with the exception of
16 Mr Jackomos, who has already given evidence and has
17 already been sworn.

18 <ANDREW JACKOMOS, recalled:

19 <ANNETTE MARIE VICKERY, sworn and examined:

20 <MURIEL PAULINE BAMBLETT, sworn and examined:

21 <ANTOINETTE CHRISTIAN WINTER BRAYBROOK, affirmed and examined:

22 MS DAVIDSON: Thank you. I would firstly like to give each of
23 the panel members an opportunity to introduce themselves
24 before we take them specifically to their statement.
25 Perhaps if I start with you, Ms Vickery.

26 MS VICKERY: Thank you very much. My name is Annette Maree
27 Vickery and I'm the Deputy CEO of the Aboriginal Legal
28 Service, so I come to you today representing the views of
29 our clients, staff and board. I would like to acknowledge
30 that we meet today on the land of the people of the Kulin
31 Nations and to pay my respects to my elders, both past and

1 present.

2 I would like to start by a short statement just
3 positioning VALS' submission which is perhaps a little
4 different than others that you may have heard. So, we
5 work in family violence of course. We sit on the
6 Indigenous Family Violence Steering Committee and we are
7 also part of the Department of Justice mainstream family
8 violence reference group.

9 We have an absolute belief that there is a
10 dominant social narrative that needs a complete shift to
11 address family violence as the significant issue that it
12 is in our communities. We need to reposition this
13 discussion and we reference the sexual assault reforms of
14 the 80s, 90s and 2000s where a large suite of those
15 reforms had to widen the scope of the work and acknowledge
16 that there are many different victim experiences and many
17 different offender behaviour experiences, and tailor
18 services and programs to be responsive to those things to
19 be effective.

20 So, nobody disputes in sexual assault that women
21 are the majority of victims, but equally nobody denies any
22 more that men can be victims of sexual assault. Nobody
23 denies that the majority of perpetrators of sexual assault
24 are men, but equally nobody treats female perpetrators of
25 sexual assault any differently under the law. This has
26 come through 20 something years of work, but it is
27 important work and we think that it points to the work
28 that we are doing here today.

29 So our submission is that using a gender neutral
30 response to program and service delivery will ensure that
31 all persons who experience family violence receive the

1 same supportive and effective assistance and this will go
2 some way to eliminating family violence in our
3 communities.

4 We think that there needs to be a holistic change
5 in behaviours and attitudes for both victims and
6 perpetrators and enhanced culturally appropriate and
7 sensitive behavioural change programs that are appropriate
8 to the gender of the perpetrator. Also - and you will
9 hear this many times from Aboriginal community controlled
10 organisations - program and service delivery in our
11 communities is different to others. We don't really
12 work - we are sometimes funded to deliver services within
13 a six-week, six-month or 12-month block and we tend to
14 take that as a very loose directive, and we work with our
15 funding bodies very carefully to make sure they understand
16 why.

17 But the service itself needs to be effective and
18 sometimes that will take longer. The issues are more
19 complex in our communities. Sometimes just identifying
20 how many of the family are affected by a particular
21 offender act, both the victim's family and the
22 perpetrator's family, that can take time in itself to
23 identify the right people to be having the conversation.

24 What we most wanted to make the point of today is
25 that young girls must not grow up in family violence
26 thinking it's inevitable that they will become victims of
27 family violence and that this is a cycle. Young boys must
28 not grow up in family violence thinking it is inevitable
29 that they will become perpetrators as adults and that
30 there are no other alternatives. The way that we see this
31 is that we must remove the fluency of gender allocation in

1 our referencing of family violence and focus on the
2 behaviour and not the gender of the person. By doing it
3 the way that we do it at the moment, the overt currency of
4 language currently places all women in one category and
5 all men in another, and by doing so it blocks safe
6 outcomes, we believe.

7 So, we must allow all victims to have a voice and
8 to be heard and to receive appropriate services, and at
9 the base of everything safety must be a priority and
10 particularly for children who are experiencing family
11 violence. So we hope that those who come before the
12 Commission identify and raise their concerns on the
13 intersect between family violence and child safety. Thank
14 you.

15 MS DAVIDSON: Thank you. Before I turn to you, Ms Bamblett,
16 I will just ask Ms Vickery: you have made a written
17 statement for the Commission?

18 MS VICKERY: Yes.

19 MS DAVIDSON: Are you able to confirm that that is true and
20 correct to the best of your knowledge and belief?

21 MS VICKERY: Yes, I can.

22 MS DAVIDSON: Ms Bamblett, can you now introduce yourself?

23 MS BAMBLETT: My name is Muriel Bamblett and I am CEO of the
24 Victorian Aboriginal Child Care Agency, but I'm also a
25 Yorta Yorta woman and a Dja Dja Wrung woman and I just
26 want to begin by acknowledging to the traditional owners
27 before I begin this talk.

28 We have written quite an extensive submission to
29 the Commission and I just wanted to sort of go through
30 some of the headings. What we have tried to look at is
31 the causes of family violence in our communities, the

1 intersection between family violence, child protection and
2 the out-of-home care systems and how that impacts on the
3 overrepresentation.

4 We talk also about the rights, interests and
5 needs and particularly of mothers and children in the
6 context of family violence and how that is before the
7 system and before particularly the child protection system
8 and the court and the policing system. In our submission
9 we also talked about the impact on the developing brain of
10 family violence on children and their development.

11 We also put up some of the learnings from our
12 service provision and how we have learnt and how the
13 department through investing in service delivery in this
14 area we have been able to build therapeutic responses into
15 our treatment of children. So that's been really great.

16 Our submission also talks about the unmet needs.
17 It provides an opportunity for practice principles to
18 inform any new way forward. Our submission also talks
19 about the resourcing need, how we can work better to
20 improve integration. I think we know as Aboriginal people
21 we can't deliver services solely by ourselves and we need
22 to be working in collaboration and partnership. So a lot
23 of our work is looking at how do we integrate better
24 systems.

25 In our submission we also provide opportunities
26 to look at what is working well and identify priorities.
27 We also speak about the importance of Aboriginal services
28 for Aboriginal people and, where they can't be delivered,
29 that mainstream must be culturally competent, culturally
30 safe and ensure that our people are getting the best
31 service.

1 We also talk about the importance of Aboriginal
2 healing for men, women and children because we believe
3 that the colonisation and the impact - and it is well
4 researched and well evidenced the impact of violence on
5 our people - and how that has contributed to where our
6 people are at today. So it is important that we have
7 therapeutic programs.

8 There should also be programs for women who are
9 perpetrators of violence and young people who are
10 perpetrators of violence as well because we are seeing a
11 lot of young people now that are perpetrating violence in
12 the community. Obviously there's been a lot of emphasis
13 on men's behaviour change and we see that now that our men
14 are taking up those programs that that's having a
15 significant issue. White Ribbon and all of those programs
16 now are impacting on our Aboriginal communities.

17 We know we have significant issues with regard to
18 housing and that contributes to family violence. I know
19 that in conversations with the Aboriginal Housing Board
20 they are saying that the damage that is done is absolutely
21 causing issues around their capacity to be able to keep
22 their housing stock and keep the maintenance up.

23 I think it would be remiss if I didn't go in and
24 talk about issues around data and the inaccuracy of data
25 in recording Aboriginal. But I think our submission
26 really is about pointing a way forward. It talks about
27 awareness. It's about service models. And we look
28 forward to the outcomes. We congratulate the Victorian
29 Government on taking this big step and the Commissioners
30 in their work. Thank you.

31 MS DAVIDSON: Thank you. Ms Bamblett, you have made a

1 statement for the Commission?

2 MS BAMBLETT: Yes.

3 MS DAVIDSON: Can you confirm that that statement is true and
4 correct to the best of your knowledge and belief?

5 MS BAMBLETT: Yes.

6 MS DAVIDSON: Ms Braybrook.

7 MS BRAYBROOK: I would like to begin by acknowledging the
8 traditional custodians of the land we are gathering on
9 today, the Wurundjeri people of the Kulin Nation and pay
10 my respects to elders past and present. I'm the CEO of
11 the Aboriginal Family Violence Prevention Legal Service
12 here in Victoria and I have been for 13 years. I also
13 hold the position of national convenor for the National
14 Family Violence Prevention and Legal Service Program.

15 The Family Violence Prevention and Legal Service
16 Victoria is a front-line legal service and we provide
17 holistic support to Aboriginal victims, survivors of
18 family violence. We are not gender exclusive, but it is
19 really important for me to say that 93 per cent of our
20 clients are women. The vast majority of those clients are
21 Aboriginal women, with us also assisting some
22 non-Aboriginal women who are parents of Aboriginal
23 children.

24 I can also say that the violence perpetrated
25 against those Aboriginal women and non-Aboriginal women is
26 not all done at the hands of Aboriginal men. The
27 perpetrators of violence come from many different cultures
28 and backgrounds. I can also say nationally, with our
29 National Family Violence Prevention Legal Service program,
30 more than 90 per cent of the clients nationally are
31 Aboriginal women and children.

1 Our organisation strongly believes that we must
2 have a gendered response to family violence. We must
3 acknowledge this in our community if we have any chance of
4 moving forward. We also say that lateral violence is very
5 different to family violence. But, yes, many of our women
6 in our communities that we assist have experienced that
7 lateral violence as well.

8 Aboriginal women experience extreme levels of
9 disadvantage because of their gender and their race. We
10 see firsthand the systemic and racial discrimination and
11 violence, the social disadvantage and gender inequity that
12 our women experience every day in their life.

13 One of the telling points for us is the Royal
14 Commission into Aboriginal Deaths in Custody where Tom
15 Calma, the Social Justice Commissioner many years ago,
16 talked about how that Royal Commission rendered Aboriginal
17 women almost invisible to policy makers. I believe that
18 is still the case today.

19 There is a call in our community to keep family
20 violence gender neutral, but we do not support that.
21 I believe that the response has to be first and foremost
22 the safety of Aboriginal women and children. I don't
23 think that that is reflected in many of the plans that we
24 have in place and also the funding that is allocated,
25 especially under the 10-year plan to reduce violence in
26 our communities, where between 2008 and 2014 the community
27 initiatives fund allocated funding to 168 programs and of
28 those programs 31 were for men's programs, 23 were for
29 women's programs and I believe 38 were for youth and 39
30 for community - don't quote me on those numbers, but I am
31 definite that 31 were for men and 23 for women, and I can

1 see that there is a prioritisation there of men's programs
2 over women's programs.

3 That's all I would like to say. Everything else
4 is in our submission. Thank you.

5 MS DAVIDSON: Thank you, Ms Braybrook. You have made a
6 statement for the Commission?

7 MS BRAYBROOK: Yes.

8 MS DAVIDSON: Are you able to confirm that that statement is
9 true and correct to the best of your knowledge and belief?

10 MS BRAYBROOK: I can confirm.

11 MS DAVIDSON: Mr Jackomos, you have already introduced yourself
12 previously. Did you also want to make a short
13 introduction again of yourself?

14 MR JACKOMOS: Yes, I do, thank you. As a Yorta Yorta man
15 I would like to acknowledge the traditional owners, the
16 Wurundjeri people of the Kulin Nation. I would also like
17 to acknowledge their very good neighbours, the Boonwurrung
18 people and their elders both past and present. I would
19 also like to acknowledge here today is Aunty Pam Pedersen,
20 who is my elder and who is also the daughter of Sir
21 Douglas Nicholls, who I spoke of last time.

22 I'm the Commissioner for Aboriginal Children and
23 Young People and have been in this position, a statutory
24 position, for two years. Prior to my appointment I was
25 the Director of the Koori Justice Unit in the Department
26 of Justice for 14 years.

27 Just a very quick summary is that family violence
28 today is a direct legacy of past government and
29 colonisation policies that have impacted on our community
30 over 200 years. The impact is significantly driving
31 family violence across all aspects of our community, but

1 particularly our women and children. It has had
2 intergenerational impact and will continue to have
3 intergenerational impact if we don't act now. When I say
4 "we", I talk about government and community and not just
5 the Koori community, but the much broader Australian
6 community.

7 For us to go forward we must accept that our
8 women and our children and the mothers of our children are
9 the primary victims of family violence. There is a need
10 for a new paradigm for us to address family violence and
11 that is primarily about rebuilding our culture and respect
12 for our women and children. Thank you.

13 MS DAVIDSON: I just wanted to perhaps pick up on some of the
14 issues that have been raised in each of your opening
15 statements. But, first, can I pick up on the concept that
16 comes through in the submissions and in the community
17 consultations is that Aboriginal communities have a
18 broader conception of family than perhaps occurs in a
19 European family. Can I perhaps ask each of you, or anyone
20 in particular that would like to address that issue?

21 MS BAMBLETT: Certainly. I have been involved in VACCA for
22 about 15 years and I know there have been numerous summits
23 and I know that a previous Prime Minister, John Howard,
24 held a summit and Aboriginal people for many years have
25 been saying that domestic violence, which was always known
26 between partners, that violence was about violence between
27 husband and wife, but what Aboriginal people have always
28 said is violence has been perpetrated on Aboriginal people
29 for a lot of years and the breakdown of society,
30 the breakdown of systems, kinships being affected, that
31 family violence doesn't just happen one-on-one.

1 Given the environment in which Aboriginal people
2 live, we live within an extended family situation.
3 I don't live by myself, I live within an extended family.
4 So family violence, when it impacts on whether it be
5 husband on wife, impacts on the whole family and impacts
6 on the children, but more particularly the Aboriginal
7 sector has been really wanting to take up the issue of
8 family violence and its impact on children, but also on
9 grandparents, on elders living in the house.

10 So if we think of family violence as just
11 one-on-one, then I think we won't have the ability to be
12 able to address the broader issues of family violence, to
13 address the impact of family violence, to address the
14 causes and to actually look at what's happened for
15 Aboriginal people. Why are our prisons so full of
16 Aboriginal people? They have been victims of family
17 violence. Why are so many Aboriginal women in prison who
18 are victims of family violence? So, family violence is
19 pervasive through our community. I'm not sure if one of
20 the other - - -

21 MS DAVIDSON: Does anyone disagree with that?

22 MR JACKOMOS: No.

23 MS DAVIDSON: In terms of the factors that you see as
24 contributing to family violence, many of the submissions
25 and the community consultations speak of the impact that
26 past practices have had in terms of the breakdown of
27 culture and the breakdown of community and family.

28 Can I ask one of you to address that and explain
29 what you are talking about when you are talking about
30 the breakdown of community and culture and how that is
31 impacting upon family violence? Mr Jackomos?

1 MR JACKOMOS: Our elders, our ancestors, were rounded up from
2 traditional lands and placed on government missions and
3 reserves. The consequences of those round-ups were
4 forcing people on to government missions where there was a
5 breakdown of culture, where there was a breakdown of
6 language and relationships, respect. It's where our
7 parents and our grandparents were whipped if they spoke
8 language. This is in our lifetime and those breakdowns
9 have a consequence today.

10 When we look at our children in child protection
11 and through the work that we are doing on Taskforce 1000,
12 we see genograms where there are generation after
13 generation after generation of families who have been
14 removed, who have been in child protection, who have had
15 ongoing contact over generations in the criminal justice
16 system. All of these are still playing out today with our
17 young babies and our children and our mums. Out at Dame
18 Phyllis Frost, the majority of the women in Dame Phyllis
19 Frost prison have been victims of family violence. Many
20 have been through out-of-home care and the breakdown of
21 culture. Unfortunately it's still happening today. The
22 greatest thing we need to do is build strong culture with
23 our children and our babies and our parents, young
24 parents.

25 MS BAMBLETT: I think our communities, the high level of
26 poverty, the fact that we are overrepresented in the stats
27 around poor education, poor health, all of those things
28 have a basis in the fact that we have been discriminated
29 against in our own country. There is a genocide of our
30 people and our culture. Our culture was virtually almost
31 wiped out. We have lost our land, much of our culture,

1 much of our kinship systems, and here in Victoria, if you
2 look at the massacre sites for Victoria, some of the most
3 significant massacres happened here in Victoria.

4 We have been treated like subhuman beings, a
5 deprivation of our basic rights. Where were the rights?
6 Where were the court systems to protect Aboriginal people
7 in this country from the settlers? Aboriginal women were
8 raped. You can go on and on. There was a sense of
9 helplessness. Who was to help Aboriginal people?

10 A lot of the things that have happened, we have
11 lost a lot of our positive role models, our Aboriginal
12 mentors, and colonisation took away some of the very
13 important roles for men. The traditional role of men was
14 taken away, but there was also an acceptance that men had
15 a different role to women. If you look at all of
16 Aboriginal society, Aboriginal women were never less than
17 Aboriginal men. Aboriginal women had the same status. It
18 was non-Aboriginal people that brought a different status
19 to the men and empowered more men over Aboriginal women.

20 So, for us, I think unless we really understand
21 that what happened with Aboriginal people was wrong, we
22 can't go forward, and it needs to be accepted, I think.
23 The Redfern speech by Prime Minister Paul Keating went
24 some measure of the way. The apology from Kevin Rudd went
25 some way. But I think more needs to be done. I think if
26 this family violence strategy doesn't really accept that
27 what has happened to Aboriginal people was wrong, then we
28 have missed a great opportunity.

29 MS BRAYBROOK: I would just like to endorse some of the words
30 that Muriel has said, especially in relation to Aboriginal
31 women, where through the impacts of colonisation - I would

1 like to make it very clear that these can be linked to the
2 high rates of family violence, but they are certainly not
3 a cause of violence against women. Our women did
4 experience high levels of violence through that time.
5 They were raped. They were used as slaves. Their
6 children were ripped from their arms. That has made them
7 more vulnerable.

8 Yes, I do agree that traditionally we have always
9 had equal roles as men and women, but I can't say that
10 that is the case today. I'm not labelling this issue as
11 an Aboriginal problem either. I need to make that very
12 clear.

13 MS DAVIDSON: Ms Bamblett, you referred to the loss of positive
14 role models. We have heard earlier on in the evidence
15 about the way that improving access to positive role
16 models, providing mentors and so on also provides an
17 opportunity for building resilience, for building the
18 capacity of children to have alternative models and
19 potentially break the cycle of violence even though they
20 may themselves be experiencing that violence within their
21 families.

22 I ask each of you to address the question: does
23 the strong community family model that the Aboriginal
24 community has, does that provide also an opportunity to
25 address family violence that may not necessarily be
26 available as much in the mainstream?

27 MS BAMBLETT: If you look across our community, 80 per cent of
28 our families are doing really well, so we have to
29 celebrate that. But for the 20 per cent that aren't, a
30 lot of those - and we know there are many Aboriginal
31 families that are doing well because they have strong

1 family networks, strong aunts, strong uncles, strong kin.
2 I come from a family of nine. I have triplets and I know
3 that if I'm growling at them and I'm doing the wrong
4 thing, they will go and talk to my siblings and I will
5 either get a phone call or a text message.

6 So I think we have systems in our community that
7 do protect, and Aboriginal culture is about protecting and
8 we put those networks around, so strong aunts, strong
9 grandparents. When those things break down, that's
10 when - and we see in child welfare where there are not
11 strong networks, strong extended families, then families
12 will break down.

13 We had a case of a young mum who was drug
14 dependent in a very violent relationship and I went to her
15 funeral. When I went to her funeral, at the funeral was
16 every helping service. There was housing, there was
17 Aboriginal Legal Service, Aboriginal Health Service, VACCA
18 was there for child welfare. She died because she had
19 withdrawn from drugs too quickly, but she was really
20 trying to do the right thing. But what was happening for
21 this mum is that her family - all her siblings were in
22 gaol, her parents had been in care, so the whole system
23 around her had broken down. She didn't have strong
24 family. When she was trying to get off the drugs, it was
25 the family that wasn't doing so well imploded on her.

26 So I think that we know that where we have strong
27 Aboriginal families, families do well. In some schools
28 and in some situations, it's other families that are doing
29 well will bring others along with them. So it's important
30 that we have role models.

31 But I can't leave here today without talking a

1 little bit about the work of the Fitzroy Stars Aboriginal
2 football team and the work they do around the White
3 Ribbon. We in child protection use that football club to
4 take children to the game. Their signing up to no
5 violence means that it's safer to me as a spectator to go
6 to the game.

7 Once upon a time, there used to be a lot of abuse
8 around that ground. It wasn't safe for Aboriginal people
9 to go, and particularly not safe for non-Aboriginal.
10 Those games now are safe because of the very attitude of
11 the people out on the ground and the fact that the club
12 and the spectators have stood up to the issue of violence.
13 I think we have to have more messaging by young people, by
14 people all over our country about the importance of
15 standing up to family violence. Thank you.

16 MR JACKOMOS: I think it's important to know and to put on the
17 record that we do have a strong community. The great
18 majority of our children are in very strong, loving,
19 culturally rich homes and families. We have record
20 numbers of our children completing year 12. We have some
21 fantastic community initiatives across the state, from
22 Fitzroy Stars to Rumbalara football, netball club; across
23 the State we have strong families, strong communities.

24 The problem, as Muriel highlighted, is we have a
25 very large proportion of our community also disengaged and
26 dysfunctional, I would say. They are the families most at
27 risk, particularly given the record numbers of our
28 children in out-of-home care who will then go on if we
29 miss the opportunity to give them positive role models.
30 The majority of our children, as I mentioned last time,
31 are placed outside of our community. They don't have the

1 options. They don't have access to positive Koori role
2 models in their lives, the great majority of our children.

3 These children are going to grow up with memories
4 of what it was like at home. The majority of our children
5 will come home. The majority of our children will come
6 home once they have left care or before leaving care. We
7 just must take the opportunity, both government and
8 community, to ensure that we have positive role models
9 available to our children.

10 MS VICKERY: I would like to add a little bit to that, if
11 I may, and it goes more to the service delivery end of the
12 discussion. I think the example Muriel raised is a really
13 good one, in that sometimes when services are funded there
14 might be a gap between one service and another or the
15 service is not continuous. I think that's what we are
16 discussing here today, is if we have a more holistic
17 approach to our responses to family violence we will be
18 able to reduce some of those gaps and so people won't find
19 themselves in a situation where one service may not
20 necessarily link up with the next service and that person
21 may not actually live in a continuous stream.

22 I'm thinking of a child I knew we've worked
23 peripherally on, who hung herself in the schoolyard of the
24 Robinvale Primary School. There were a number of factors
25 in that child's life and the coroner's findings in that
26 matter were very much about the services did not connect
27 up and make sure that this child was protected wherever
28 she was, but that somebody provided a service to the
29 child. That wasn't necessarily family violence driven,
30 but I'm sure there was family violence in there.

31 The only other point that I would really like to

1 make because I think it is important - we will talk about
2 mainstream services being able to be responsive to
3 Aboriginal community members and it needs more than
4 Aboriginal workers at the frontline delivering those
5 services. But I firmly believe, and VALS firmly believes,
6 that Aboriginal service delivery should be in Aboriginal
7 hands. It's community controlled organisations that
8 deliver effective services to our people and that there
9 needs to be more resourcing placed in that area to be
10 effective in some of these responses.

11 MS DAVIDSON: Ms Braybrook.

12 MS BRAYBROOK: I would just like to acknowledge that, yes, we
13 do have strong community and we do have strong families.
14 But I think it is really important to say that for women
15 experiencing violence, they are not just coming from
16 dysfunctional communities or families. This happens in
17 the richer of richer families. It's not just the
18 dysfunction.

19 In our community with the women we work with,
20 because of this model of community and family, keeping
21 community together, keeping family together, that does
22 place enormous pressure on the women that are experiencing
23 the violence and they are less likely to disclose and they
24 are essentially silenced because of that.

25 One of the really positive programs that we have
26 running is a Sisters Day Out program and our Dilly Bag
27 programs which do bring women of many ages together,
28 elders and young women together to talk about family
29 violence. There is a bit of a role modelling going on
30 there and support for women who may experience family
31 violence. They know that there are other women in the

1 room or in our community and in our families that do
2 experience that violence and they are not in isolation.

3 MS DAVIDSON: I think it might be useful here to - I think we
4 have some of the ads that MDAS have done in relation to
5 prevention of family violence in Aboriginal communities.
6 We saw one of these ads on day 2 of the hearing, I think.
7 These are ads that have been made by local community
8 members, starring local community members and seeking to
9 have particular messages conveyed. So perhaps can we have
10 the first one.

11 (Video played to the Royal Commission.)

12 MS DAVIDSON: I just wanted to pick up on the point that this
13 is obviously, as I say, the local community identifying
14 the messages that they feel should be out there within the
15 community and identifies particularly the issue of family
16 violence for women. So I just wanted to pick up on this
17 issue of the gendered nature of family violence.

18 MS BAMBLETT: Can I just say that's a really great video, but
19 you ask me in Melbourne if I've seen it, no. I think
20 congratulations to Mildura, to MDAS, because I think it's
21 a great video, but it is symptomatic of materials that are
22 produced that aren't available and the way that funding
23 goes to family violence service providers; it's put in one
24 region and then not made available. That would be a great
25 resource if it was able to be displayed for all Aboriginal
26 people.

27 MS DAVIDSON: Maybe I will get back to the gendered issue and
28 we will explore this issue, because it is quite obviously
29 a significant issue. We have heard about pilots, pilots
30 and pilots, and not too much in terms about long-term
31 programs. What's your view, the other panel members'

1 view, about the way that these sorts of initiatives are
2 funded?

3 MR JACKOMOS: The problem is there's a lot of great pilots that
4 happen across the State and they are pilots that are
5 community initiatives, the community identifies the need
6 and responds, and they are able to access 50,000 or
7 grants, whether it is from the Indigenous Family Violence
8 Strategy 10-year plan or whether it is from the Aboriginal
9 Justice Agreement.

10 The problem is there is a lack of - and these
11 pilots, we need to ensure that they are evidence and they
12 are evaluated. The problem is the lack of access to
13 ongoing funding to deliver these programs on a much
14 broader scale, such as the ad that was done by MDAS was
15 done on the smell of an oily rag and with the assistance
16 from the broadcasters who I think gave them free airtime,
17 it was voluntary. They are fantastic. But you need for
18 them to be delivered across the state and preferably with
19 local players.

20 The problem is government, and from drawing on my
21 experience in the Department of Justice for 14 years in
22 justice in the Koori justice team, was access and
23 commitment from government to fund them on an ongoing
24 recurrent basis. MDAS will come up with that. They did
25 their run. They are now finished. They now have to put
26 in for another funding application which they mightn't
27 have another go at for another two to three years.

28 MS BRAYBROOK: With our Sisters Day Out program, we have been
29 piloting that for seven years and it is a proven success.
30 To date we have had more than 6,500 Aboriginal women
31 participate in that. It's an early intervention

1 prevention program, and I think we have been piloting our
2 Dilly Bag program for five years for all ages.

3 Another successful project we were undertaking
4 was the Koori Family Violence Police Protocols Project
5 which built relationships between police and community and
6 developed a protocol, a Koori friendly protocol for police
7 when they received a report of violence. But the biggest
8 thing that that project did was built trust between
9 community and police, and that had been piloted for
10 probably four years.

11 MS DAVIDSON: In terms of those pilots, are you able to say how
12 often you have to apply for recurrent funding?

13 MS BRAYBROOK: With our Sisters Day Out program and Dilly Bag
14 program, we are constantly applying for funding. So many
15 resources and so much energy goes into applying for
16 funding every year and every six months for that, through
17 federal, state, philanthropy, any funding source that we
18 can identify.

19 COMMISSIONER NEAVE: Can I just ask what that costs, the
20 Sisters Day Out program, roughly?

21 MS BRAYBROOK: Probably anywhere between 12 to \$20,000. Some
22 workshops we get close to 250 Aboriginal women
23 participating.

24 COMMISSIONER NEAVE: So we are talking about quite small
25 amounts of money.

26 MS BRAYBROOK: Yes.

27 COMMISSIONER NEAVE: Thank you.

28 DEPUTY COMMISSIONER NICHOLSON: Can I also ask have those
29 programs had any form of evaluation?

30 MS BRAYBROOK: Yes, our programs have been evaluated and I'm
31 pretty sure that we did provide a copy of that evaluation

1 report together with our submission.

2 DEPUTY COMMISSIONER NICHOLSON: And you still have to apply on
3 a one-off basis?

4 MS BRAYBROOK: Yes. Well, no government or no funder has made
5 a commitment for their recurrent funding.

6 MR JACKOMOS: The response from government would be that
7 there's no appropriate funding stream to place that
8 program under.

9 MS BAMBLETT: Tony, part of the issue is Antoinette is funded
10 from the Commonwealth. So the issue of - - -

11 MS BRAYBROOK: No, that's not an issue.

12 MS BAMBLETT: But what happens, we notice it in a number of our
13 programs where we are Commonwealth funded. Quite often
14 the State won't look at us for funding under that stream.
15 So, we get funded for supported playgroups, but in
16 Victoria we struggle to get recognition for the work that
17 we do in the supported playgroup area.

18 MS BRAYBROOK: That is a challenge for us because we do receive
19 funding from the Commonwealth, and often we are the
20 political handball, "You are that responsibility. You are
21 that responsibility." But for our funding the
22 Commonwealth will only fund us to provide services and
23 deliver these kind of programs in very distinct areas and
24 they are in Mildura and Robinvale and Gippsland and Barwon
25 south-west. So everything else in between, the Melbourne
26 metropolitan area and those other really important
27 high-need regions such as Swan Hill, Echuca, Shepparton
28 and Bendigo, we have to rely on State funding and also
29 funding from various other sources to be able to deliver a
30 service to Aboriginal women in those areas or Aboriginal
31 victims in those areas.

1 DEPUTY COMMISSIONER FAULKNER: Ms Braybrook, just in relation
2 to that, is that because of the funding guidelines
3 describing certain sorts of geographies because of
4 remoteness? Is that's what's causing it?

5 MS BRAYBROOK: The Commonwealth Government has a policy to push
6 services and funding out to rural and remote areas because
7 of the extreme disadvantage. That's not disputed. But
8 nationally what we are saying is that family violence is a
9 national concern and funding for those services should not
10 just be isolated to rural and remote areas.

11 DEPUTY COMMISSIONER FAULKNER: Thank you.

12 COMMISSIONER NEAVE: My question is: have you made any estimate
13 of the amount of time your service spends on making
14 applications for grants in these sorts of areas? Have any
15 of you been involved in trying to estimate how much time
16 is spent, not in direct service provision, but rather in
17 seeking moneys from Commonwealth or State Government or
18 philanthropy?

19 MS BRAYBROOK: Weeks, months, years.

20 MS BAMBLETT: I think that we have got much better at it.

21 I think that in the past, when I first started at VACCA,
22 we thought government would come to us and that was the
23 only way. Now we are becoming much more aggressive.

24 But I go back to Antoinette's point.

25 Particularly at a Commonwealth level, we are unable to
26 compete with remote areas, the level of disadvantage, and
27 that's not to say that the level of poverty and
28 disadvantage, as Antoinette spoke about, in the Northern
29 Territory and Western Australia and Queensland isn't
30 deserved. But Victoria has a significant problem that
31 doesn't get recognised, particularly at the Commonwealth

1 level.

2 So, a lot of our time is writing submissions. At
3 VACCA we have a full-time position looking at submission
4 writing. The success rate has increased, but we are
5 constantly put into the narrow, "It's Indigenous," and if
6 it's not Indigenous, then we are constantly competing with
7 mainstream to say, "Well, if you can't deliver to
8 mainstream," unless it's a specific Indigenous bucket of
9 money, then we quite often aren't as competitive as others
10 in successful submissions.

11 MS BRAYBROOK: I think for us we haven't been able to estimate
12 the amount of time, but it is a very big chunk of our time
13 that we spend on putting in funding applications. While
14 we are getting good at it, it's very difficult when they
15 keep changing the goalposts. One of the classic examples
16 is the recent introduction of the Indigenous Advancement
17 Strategy at the federal level, where after 13 years of
18 delivering this service we were put out to open tender and
19 our national program was defunded. So that took up a
20 whole lot of time. We were told that there were going to
21 be opportunities for us to expand our service regions and
22 our programs under that, and only to find that when we
23 came out the other end of that open tender we have ended
24 up with the same level of funding as we did in 2013/14 for
25 the next three years and with no CPI indexation.

26 MS DAVIDSON: Mr Jackomos.

27 MR JACKOMOS: If I could talk about Bubup Wilam. It is one of
28 our most valuable services in the state, Bubup Wilam
29 Family and Children Services. They are located in
30 Whittlesea and their clientele, the children and the
31 families that they work with, are in the heartland of some

1 of the biggest numbers of children and families that are
2 connected with Child Protection. They lost funding last
3 year, on 30 June, from the Commonwealth. The State has
4 said that they won't fund them. They will say it's cost
5 shifting.

6 The problem is that not only is Bubup Wilam but
7 the local community and the work that they are doing with
8 families, and many of the families I know family violence
9 history, very much could fold if they don't get some
10 funding. It was initially a pilot for two years funding
11 by the Commonwealth. They are established. They are
12 doing fantastic work about building culture. Now, because
13 there is no ongoing funding stream from either the
14 Commonwealth or the State, this valuable service working
15 with children in Child Protection could fold.

16 MS VICKERY: Could I just add to that. I wanted to make a much
17 more high-level statement about the way Aboriginal
18 programs are funded versus the way any other program is
19 funded, because I had the luxury of working in mainstream
20 public service positions for about 10 years before I came
21 to work for my community, specifically in Koori positions.
22 So, I came with the expectation that funding allocations
23 would work the same way as they did in mainstream, and
24 they don't.

25 So, we do talk about tiny little pieces of money.
26 We do spend an enormous amount of time justifying why we
27 should get that funding and then evaluating the output of
28 that funding. Even when those two things work
29 exceptionally well, as they do with the Sisters Day Out,
30 the program itself still won't get picked up by government
31 as core business to be funded permanently as they would

1 with any other program.

2 So, from my perspective and certainly from VALS'
3 perspective we look at this as the cost of
4 overrepresentation and disadvantage to the government and
5 say a percentage of that should be siphoned off and
6 specifically targeted towards this community and then how
7 it is allocated every year could become a departmental
8 allocation. So it would be much more streamlined, it
9 would cost a great deal less, and then it would be about
10 how you then connect up with Aboriginal community
11 controlled organisations to deliver that service where
12 that is appropriate.

13 It seems to me we do spend an enormous amount of
14 money that's allocated towards addressing issues in
15 Aboriginal community with the infrastructure that goes
16 around addressing the issues in Aboriginal community
17 rather than the service delivery. I'm quite astonished by
18 this because, if it was done in mainstream, this would be
19 a budget issue and it would be raised as a risk to the
20 effectiveness of the program because too much of the
21 resourcing is going towards governing the resourcing and
22 not enough towards actually delivering the program.

23 DEPUTY COMMISSIONER FAULKNER: Ms Vickery, can you call on that
24 knowledge that you have about what are the simple
25 accountability mechanisms that are used for mainstream
26 that could be used for these. You know public servants
27 get very tied up in how we account for every service and
28 dollar.

29 MS VICKERY: Let me have a small chat, if you don't mind, about
30 the work that I did when I was working at the Australian
31 Tax Office. I was in a particularly unloved job because

1 I was in operations for debt collection, so it was my job
2 to make sure that we collected as much tax dollars as we
3 could from each individual Australian. So, there is a
4 framework that goes around that. What the government may
5 say is they want to put \$600 million towards improving tax
6 collection for people who owe between \$500 and \$1,000, so
7 you have a quality management framework that sits around
8 that that tells you where your risk factors are or where
9 your issues are or where your emerging issues and trends
10 are and then money is allocated out of your departmental
11 allocation to say, "That is the issue that we will look to
12 address."

13 So, when the GST came in, it was compliance with
14 small business. Business Activity Statements weren't
15 being lodged by small businesses because there was an
16 enormous amount of red tape. They went around it. How do
17 you become more effective at that? You actually look at
18 the process and fix it so it gets more streamlined, easier
19 for the people to access.

20 We will go onto this when we talk about accessing
21 mainstream service delivery, but I find that we have to
22 put a lot of our resources into supporting people to
23 access mainstream services because they are easily
24 rebuffed. This comes back to what Muriel was talking
25 about before.

26 If you are a First Nations people, you are
27 treated completely separately to any other cohort in
28 government systems and processes, and I don't know why.
29 But when people try and access a service, they can get
30 blocked quite easily and then they will feel rejected and
31 they won't try and re-engage again. So we have to send

1 our staff with people to mainstream appointments to make
2 sure, if there is a blocker, we help that person work out
3 their service delivery.

4 Which comes somewhat to your question of this
5 cycle of continuous improvement and reflection and looking
6 at your output, your measure, or now outcomes, your
7 measure, to make sure you are delivering the service to
8 the quality you want and reallocating your funding if
9 you're not, so that you are constantly shifting it to
10 where it needs to be.

11 That's the environment that I am used to
12 navigating, and I've been in this environment for nine
13 years now, so I have to stop talking about it. But that's
14 how shocking it is, that you can go to government in a
15 mainstream policy environment and say, "I need \$6 million
16 to deliver a program and I will produce \$12 million for
17 you as your return of investment." And with a good
18 business case you will get your money and there will be
19 very little else you have to say about it, except when it
20 comes time to measure the effectiveness of your idea.

21 But in Koori programs I spend 1.5 FTE, so of my
22 staffing I spend about 2 per cent of my staffing focusing
23 just on this, how do I actually access appropriate funding
24 so that I can do my job properly.

25 COMMISSIONER NEAVE: Can I just follow up on that because it
26 does seem to me that that's an issue that also
27 arises - and none of you may want to comment on this - but
28 it also arises between the mainstream funding and the
29 family violence specific funding which is not delivered
30 for Aboriginal people, so that you also have that sort of
31 people having to spend a huge amount of money preparing

1 applications for grants and running pilots which then
2 don't get mainstreamed.

3 MS VICKERY: Exactly. This happened with the sexual assault
4 reforms. I happened to be working in government at the
5 time they got allocated. I was managing Koori Courts at
6 the time. There was a \$600 million allocation for sexual
7 assault reform. Clearly Aboriginal communities are
8 affected by sexual assault.

9 I went along and said, "What percentage of that
10 budget will belong to my programs?" That's a very normal
11 question to ask in mainstream. They said, "Well, we are
12 not funded for Aboriginal community." So there was this
13 whole disconnect about, "Well, actually you're funded for
14 Victorian citizens and of Victorian citizens there are
15 40,000 who are Aboriginal, so how do we make that work so
16 I get what I need?"

17 MS BAMBLETT: Can I just add a point on that. Governments do
18 try and governments will put in and I have seen the
19 Commonwealth, they have had a vulnerable and disadvantaged
20 and how you are addressing the needs of Indigenous and
21 they put it in funding service agreements and when those
22 contracts go out, people come to us knocking on our doors
23 saying, "We want to have partnerships with VACCA and we're
24 going to do this" and when they get the money we don't
25 ever see them again. So I think sometimes the government
26 says, "These are your accountabilities," but they never
27 hold people accountable to them. So when they don't
28 deliver, and if the mainstream organisation says, "Too
29 hard. We tried, and this is what we've done, we've
30 produced a booklet," then people will accept that.

31 I think we need to, as Aboriginal people, when

1 addressing Aboriginal and say they are going to address
2 it, it's to give some really meaningful indicators and
3 what does that actually look like, because we are tired of
4 being consulted, we are tired of people saying they are
5 going to address issues for Aboriginal and then not
6 address them.

7 MS DAVIDSON: Any more questions on that point from the
8 Commission?

9 COMMISSIONER NEAVE: No, thank you.

10 MS DAVIDSON: I wanted to move from there to a related point
11 which is - - -

12 DEPUTY COMMISSIONER FAULKNER: Sorry, counsel, I was just
13 looking back at my notes. It is going back a fair way,
14 but I think it was Ms Braybrook who talked about the
15 numbers, the amounts of money from the community
16 initiatives program that went to men and women, and I'm
17 not holding you to the numbers at all, but you were saying
18 that there is a problem that you perceive that there's not
19 a sharing of the money.

20 I'm really interested in who actually decides
21 what is funded and who has the power to make
22 sure - I wasn't clear whether it was government that was
23 causing the problem or whether it was a local community
24 response and the way that they felt the money should be
25 spent. Could you elaborate on that for me?

26 MS BRAYBROOK: I can answer that, but I do have the correct
27 numbers in front of me, so I would like those on the
28 record. Of 168 programs funded between 2008 and 2014, 39
29 went to youth, 38 to community, 31 to men, 23 to women, 12
30 to elders and 11 to families. It's my understanding that
31 that Community Initiative Fund is administered by the

1 Indigenous Family Violence Regional Action Groups and
2 there must be a certain allocation out to each region.

3 DEPUTY COMMISSIONER FAULKNER: Therefore government is
4 endorsing what local community says; is that what you
5 understand?

6 MS BRAYBROOK: Yes.

7 DEPUTY COMMISSIONER FAULKNER: I find that quite a complex
8 thing in this policy area to say if community - how can
9 community come up with a better answer? Is it about what
10 needs to happen to make sure? If you think that answer is
11 wrong and community thinks it's right, how do you actually
12 change that? Anyone can comment on this.

13 MS BRAYBROOK: I can't see that that's gender neutral to start
14 with. If it was gender neutral, then it would be equal
15 funding between men's and women's programs.

16 DEPUTY COMMISSIONER FAULKNER: I can see the outcomes, but I'm
17 just wondering would the community accept a control being
18 put on it to say that 50 per cent of the money - or there
19 has to be an equal number of programs for each gender.
20 I'm just wondering - I don't know whether you are talking
21 about the need to fix this is through education in your
22 own communities or is it that government needs to put some
23 controls on it. Did you want to comment on that?

24 MS BAMBLETT: We are not talking millions. We are talking
25 \$59,000 a year.

26 MS BRAYBROOK: \$650,000 is the Community Initiatives Fund
27 across the state.

28 COMMISSIONER NEAVE: Sorry, what did you say?

29 MS BRAYBROOK: \$650,000 is the Community Initiatives Fund
30 across the state.

31 DEPUTY COMMISSIONER FAULKNER: Does any panel member - it is a

1 terrible dilemma to say who is the control point for this
2 and - - -

3 MS BAMBLETT: The control point is the Department of Human
4 Services, so they actually have Health and Human Services.
5 The overall responsibility is the Department of Aboriginal
6 Affairs. I believe Angela Singh is coming. So they have
7 responsibility for the Indigenous Family Violence Action
8 Plan, the 10-year plan, but the day-to-day and the
9 operating and the money is held within the Department of
10 Human Services.

11 So, the system has evolved. I'm not aware of how
12 the moneys have been distributed, but I know that they do
13 different things in each region. So, some have produced
14 T-shirts and community education programs, so the
15 community sits down and it is made up of Aboriginal people
16 that represent elders. There are to be elders, young
17 people, women, children and men and so trying to represent
18 the six groups to address the issue of family violence.

19 I, too, like Antoinette, don't know the actual
20 process for selecting who gets what funding in each
21 region. But if it is \$650,000, my understanding is it's
22 \$59,000, then it must be each region gets that amount.

23 DEPUTY COMMISSIONER FAULKNER: I'm probably asking a less
24 technical question of how could that be adjusted? So
25 would the community accept, if DHHS is funding this, that
26 they said, "I'm sorry, but in aggregate we have to have
27 the same number of men's programs as women's programs,
28 therefore you as a local community can't have the one you
29 put up"?

30 MS BRAYBROOK: I think it probably comes down to the objectives
31 or the strategic direction of the 10-year plan, and to me

1 that isn't very clear. Is it that the safety of women and
2 children is the priority? Is it that perpetrator
3 accountability is the priority?

4 DEPUTY COMMISSIONER FAULKNER: Okay. Thank you.

5 MS BAMBLETT: Maybe that's not fair. You have to look at the
6 submissions themselves and who is putting them in and
7 I think that it's probably unfair - and I think that the
8 question should be asked of Aboriginal Affairs because
9 what Aboriginal people have fought for is Aboriginal
10 control of decision making and Aboriginal input and
11 community control, and I know that all of those Indigenous
12 Family Violence Reference Action Groups have really fought
13 to maintain their ability to make decisions on a local
14 level.

15 So I think it would be unfair for me to be able
16 to judge what's happening, but it is disappointing that we
17 haven't - and I personally have had issues around our
18 focus on women, our inability to address the specific
19 issues for Aboriginal women on the ground, the fact that
20 we don't have an Aboriginal women's resource service, the
21 fact that we have very few opportunities for women to ring
22 up and get access to a culturally appropriate service.

23 I think there are many gaps within the Aboriginal
24 community which haven't been addressed and through a
25 funding initiative of CSIF that's not going to address the
26 broader systemic issues. I think it's short-term funding
27 for communities to do very small things without visioning,
28 and I think that we need to start to look at what are the
29 bigger issues. I get concerned that that small bucket of
30 money is seen by government as addressing the issue of
31 Aboriginal family violence.

1 MR JACKOMOS: It is a small bucket of money. If you consider
2 the impact of family violence across the state, there has
3 been no new funds into the program for many years.
4 I think it might have been initially 600,000, it might
5 have grown, and I know it's 650 now, but there's been no
6 growth there in relation to the growth of family violence
7 in our communities.

8 But also it's like where the money is evenly
9 spread across the state, if you consider the impact of
10 family violence in the Latrobe Valley as compared to
11 somewhere else, yet they all get the same amount of money.
12 So, is the money distributed on the basis of need, or is
13 it distributed on what is politically acceptable so it
14 doesn't cause problems within communities? There is very
15 little funds once you distribute those across the state.

16 DEPUTY COMMISSIONER FAULKNER: Thank you all.

17 MS DAVIDSON: Can I move now perhaps to the 10-year plan and
18 the issue that you have identified that the 10-year plan
19 as a whole doesn't have that strategic part to it.
20 Perhaps I should ask it as a question. Can you identify
21 for the plan whose responsibility it is to provide women's
22 services, what you see as the core services that are
23 needed in each area? From your perspective is that
24 adequately set out in the plan?

25 MS BRAYBROOK: I would have to say no.

26 MR JACKOMOS: I would say that the 10-year plan is
27 significantly deficient in addressing family violence
28 across the state. I'll go out on a limb and say the
29 absence of women and children, particularly women, as
30 primary victims of family violence isn't mentioned until
31 well into the document. If you look at the submission to

1 the Royal Commission itself from the Joint Koori Caucus
2 from the Aboriginal Justice Forum and the caucus from the
3 Indigenous family violence forum, women as primary victims
4 of family violence aren't mentioned in the whole document
5 except in reference to a program and in respect of one
6 mention of some data.

7 The submission that's been presented to the Royal
8 Commission is reflective of the strategy as a whole.

9 I think there's a great gap there and we do a disservice
10 to our women in our community and children and mothers.

11 MS BAMBLETT: I have to be honest. It's a frustrating process.

12 I think when the plan was launched, I don't disagree with
13 the regional action groups and their work and their
14 commitment and that's to be applauded, but the plan itself
15 isn't really a plan. I think that it lacked the ability
16 to bring about systemic change. So, what's the role of
17 the police? What's the role of magistrates? How does the
18 whole system improve?

19 I go to family violence forums and there's no
20 data. DHS has no obligation to report on data, how many
21 families are presenting with family violence, and we don't
22 have a from/to. So how are you going to reduce family
23 violence when you haven't got measurable targets?

24 When you look at episodes, Department of Justice
25 gave us a wonderful presentation about the police
26 responses to Aboriginal family violence, but we have
27 never, ever seen one of those at an Aboriginal family
28 violence forum. So how do you actually address violence
29 when you don't know what the data is saying?

30 So I think these are issues that I have gone on
31 record to raise at the Indigenous Family Violence Action

1 Groups and so I think that we have systemic issues, we
2 have this lack of strategic oversight and I think there is
3 a disconnect between current plans. Angela I know is in
4 the room, so she will be answering all those questions.

5 Admittedly when the plan was developed it wasn't
6 into the future and it couldn't see the issues that are
7 now coming up would be - I guess, with respect to Rosie
8 Batty and her family, if it wasn't for that highlighting
9 how significant the issue, would we have as much attention
10 on this, and I congratulate the Commission. But we
11 weren't to know in Aboriginal Affairs that this was to
12 happen, so the 10-year plan is not cognisant of all the
13 other work that's been happening.

14 A couple of years ago there was the development
15 of action plans around family violence. There was a
16 concern whether they should be integrated into the 10-year
17 family violence action plan. So there's all of this work
18 that goes on with mainstream, but it's not connected up to
19 the Aboriginal and not inclusive of Aboriginal and quite
20 often now we are an attachment to.

21 MS BRAYBROOK: I also think that when we talk about the
22 systemic change, I know with our organisation and with
23 that plan we are often excluded from the discussion
24 because we hold a completely different approach, I guess,
25 that comes from the plan where we are talking about the
26 gendered nature of family violence and we find ourselves
27 often being excluded from many forums and discussions that
28 result from that 10-year plan.

29 MS DAVIDSON: I was going to propose that we have a short
30 break, perhaps until 11.45.

31 COMMISSIONER NEAVE: Yes. Thank you.

1 (Short adjournment.)

2 MS DAVIDSON: I would like to pick up on the issue of the
3 plans. How many plans are you aware of for Aboriginal
4 communities, government plans?

5 MR JACKOMOS: Statewide there would be the Aboriginal Justice
6 Agreement, the 10-year Indigenous Family Violence
7 Strategy, there would be the Koolin Ballit Health Plan,
8 education. I don't know whether the education is current.
9 Garrin Garrin. Human Services plan.

10 MS BAMBLETT: Early Years. Can I say in our region, whilst you
11 look at the Aboriginal, there are 46 plans in our region
12 for the north alone. So think about disadvantaged,
13 overrepresentation, underrepresentation, all of those
14 things, each of those 46 plans has an Aboriginal component
15 to them as well.

16 MS DAVIDSON: How do all of these plans work together? Do they
17 work together?

18 MR JACKOMOS: Over the top of the plans there's - and Angela
19 Singh, our good friend from Office of Aboriginal Affairs
20 Victoria would be better able to speak about this - but
21 there is a Victorian Aboriginal Affairs framework that
22 goes over the top, so each one of these plans would feed
23 up into the objectives and the goals of the Victorian
24 Aboriginal Affairs framework. It was under the previous
25 government and I'm not sure whether the current government
26 has committed to the framework, but that's one for Angela.

27 MS BAMBLETT: So there will be a lot more conversation.
28 Clearly the Auditor-General looked at what was happening
29 with regard to mainstream services and was highly critical
30 of the Department of Education and I think the Office of
31 Aboriginal Affairs around their reporting, but the current

1 system is that there's an Aboriginal inclusion framework
2 as well which is around ensuring that all government
3 departments look at and address the issue of Aboriginal in
4 all of their planning frameworks.

5 We know also that there was a secretaries group
6 set up to look at the issue of Aboriginal
7 overrepresentation and disadvantage. So there are a
8 number of systems in place; it's how effective those
9 systems are that is challenging.

10 MS DAVIDSON: Are you able to comment on how effective those
11 systems are in terms of providing good responses and good
12 services for Aboriginal communities on the ground?

13 MR JACKOMOS: That's a good question. Each one is different.
14 I think it's hard to throw them all into a basket and make
15 a general comment. Each one is different. Each one
16 depends on commitment from the respective agencies, both
17 government and community. Each one is different based on
18 accountability and transparency within them and the
19 resources that are provided.

20 COMMISSIONER NEAVE: What about coherence, though? What about
21 them all fitting together so there is some consistency of
22 approach?

23 MR JACKOMOS: There is a consistency in that many of the
24 community players are the same people. They go from one
25 forum to the next forum, so there is consistency there. A
26 lot of the differences are when you get down to the
27 regional areas where you might have different local
28 players that feed up.

29 Also, there are many of the same government
30 departments sit on each of the forums, such as the
31 Indigenous Family Violence Strategy, the DHS Services

1 Roundtable and their plan, the Aboriginal Justice
2 Agreement. You would have education, you would have
3 Justice, you would have DHHS as the core bodies that would
4 sit on each of them.

5 Many of the objectives would be the same, about
6 building. I believe there is the potential to put them
7 together as one framework across the state. My worry
8 would be ensuring that key elements, whether it's in the
9 DHS services plan or Koolin Ballit don't get lost or in
10 the Justice agreement don't get awash in - they don't
11 become too generalised. But I'm sure there are ways to
12 find that balance.

13 MS BAMBLETT: I think it is far too simplistic to think you can
14 combine all the plans into one framework. I think that if
15 you did that for mainstream, you would have family
16 violence addressing policing issues, you would have
17 Justice addressing housing issues. I think you have to be
18 able to plan within those groups. It's when you don't
19 deliver on outcomes that you identify as priorities where
20 you don't include the stakeholders.

21 I think the biggest issue we have - and if you
22 look at the Justice agreements and if you look at all of
23 those forums, they are made up of community people. So,
24 community people have input into family violence, into
25 Justice, into Aboriginal services. They do hear the voice
26 of Aboriginal communities.

27 So, I think the biggest issue is that they often
28 don't come with resources and they aren't aimed at
29 systemic change. So if you are getting people sitting
30 around the table and talking about strategies, they quite
31 often aren't talking about strategies that are within

1 their control to change. I think that the only way to
2 change things is to have Aboriginal people that understand
3 strategic and systems change and operational and
4 management program, go through the whole sphere, not just
5 pick out one part of the system that you want to change.

6 COMMISSIONER NEAVE: Can I ask a question about - I'm still
7 trying to grapple with all of the plans that there are.
8 But is one of the issues the lack of specific, practical
9 proposals to deal with particular aspects of the system?
10 So you have a lot of broad statements about what you are
11 aiming for, but you don't have very much - I'm not sure if
12 I'm right about this - you don't have very much detail as
13 to how you get there. Is that part of the problem?

14 MS BAMBLETT: I think we are constantly put into a
15 framework - we put Aboriginal into a western construct of
16 how we address issues. We are Aboriginal people. We are
17 distinctly different, and we do things different. What
18 happens is the department will come up with a model that
19 applies to everybody and then ask Aboriginal people to fit
20 within that model. That model may not be the best model
21 for Aboriginal people on the ground and may not be about
22 bringing about the real issues that need to change.

23 We know that culture is resilient. We know that
24 culture protects. We know that culture is a treatment.
25 We know that when we have strong Aboriginal people that
26 our people thrive. But do we have any programs that
27 actually do that work with our communities that focus on
28 the fact that we have lost language, we have lost
29 traditions? All of our models are based on a western
30 construct to become non-Aboriginal people and work within
31 a system that is non-Aboriginal.

1 MR JACKOMOS: My view is that the 10-year family violence
2 strategy lacks rigour. It lacks accountability and
3 transparency. Muriel spoke about it earlier, about the
4 lack of data being provided. Data provided by government
5 is critical to ensuring that we develop our initiatives on
6 evidence based. It's critical to us ensuring that we have
7 measurable targets and we know what we are measuring them
8 against. This has been a major problem with that strategy
9 is about the transparency and accountability from
10 government ensuring that we have good data, timely data,
11 current data and broken down to areas. So the different
12 IFVRAGs, the Indigenous Family Violence Regional Action
13 Groups, can actually develop initiatives addressing the
14 issues that they know are the needs.

15 If you are not going to give the community - if
16 government is going to enter into wishy-washy partnerships
17 where they say, "Yes, we will enter into partnerships with
18 the community, but we're not going to tell you what the
19 issues are, we're not going to tell you what the demands
20 are, we're not going to tell you where the greatest
21 concern is," then that's a poor foundation to build a
22 partnership on and going forward.

23 That would be critical - to me that's critical in
24 developing a family violence strategy or a bigger one
25 going forward is the requirement for the Department of
26 Health and Human Services to be accountable and
27 transparent, and police and other parties, in providing
28 data so communities can be real partners rather than
29 de facto.

30 MS VICKERY: I would like to add to that. Certainly VALS
31 agrees there needs to be a base dataset that's agreed upon

1 by all and that measures effectiveness. But what does
2 happen, I find, in my experience with Koori program
3 service delivery is the evaluations are quite often there,
4 but the knowledge management is not. So, within
5 government there is no repository of these very innovative
6 programs that have been highly successful that could be
7 refunded should funding become available without requiring
8 a further funding submission.

9 We know they are good. They demonstrate on the
10 ground they are good. They deliver outcomes. Something
11 like that needs to be done, and again that's a quality
12 management technique. But something like that needs to be
13 done to build on our expertise so that we can effectively
14 tailor programs specifically to target audiences when we
15 find the funding available.

16 MS DAVIDSON: I would like to perhaps move on to the issue of
17 children in terms of looking at prevention and early
18 intervention opportunities.

19 Commissioner Jackomos, you in your statement have
20 identified a need to look at programs for the life course
21 of Aboriginal children in order to target family violence.
22 Can you expand on that for the Commission?

23 MR JACKOMOS: We see children coming into child protection and
24 on the records provided to the Commission from the
25 Department is 90 per cent of our children at a minimum are
26 coming in as victims of family violence. I say "victims",
27 not just witnesses; victims of family violence. From the
28 time that they enter into Child Protection, we need to be
29 ensuring that they have the necessary counselling right
30 through. We need to ensure that they have culturally
31 Koori-rich counselling. We need to ensure that they are

1 tapped into cultural programs.

2 We know that culture in our community is the
3 greatest resilience factor, along with good education and
4 strong families, to build our children going forward. We
5 need to ensure that our children who are the victims of
6 family violence from some poor role models have access to
7 positive, strong, culturally-rich role models.

8 I just go back and say that not all mothers of
9 Koori children are Koori and not all fathers of Koori
10 children are Koori, but the majority are. So, we need to
11 ensure that we have the right programs that support them
12 from coming in and after leaving care. Rather than
13 pushing them out when they turn 18, we need to ensure that
14 those who need it still have access to strong programs.

15 But even before kids come into child protection.
16 I hear of many children who were in child protection who,
17 if there was adequate early intervention programs,
18 prevention programs, they wouldn't have come into child
19 protection. And if they did, then there would be early
20 returns home . But those programs need to be consistent
21 and not just pilot based programs.

22 MS DAVIDSON: I just wanted to perhaps talk about some of the
23 programs that you specifically identified in your
24 statement. The program Bumps to Babes and Beyond, can you
25 describe that for the Commission?

26 MR JACKOMOS: From Bumps to Babes and Beyond, which is a
27 program delivered by Mallee District Aboriginal Services
28 in partnership with Queen Elizabeth Centre and delivered
29 in Mildura, it targets expectant mothers and as soon they
30 as come in to MDAS it wraps around services around that
31 young mum.

1 The beauty of Bumps to Babies and Beyond is it is
2 all delivered in one site. It is all delivered through
3 one front door. So, when the young expectant mum walks
4 through the door she has everything from family violence
5 advocacy, accommodation, health, prenatal help, dental
6 air, anti-smoking programs, alcohol and drugs, so they are
7 all there. The beauty of it is there is a consistent
8 worker that works with the young mum from the time that
9 they first register with the co-op. I think they work
10 with the baby and the mum until the child starts early
11 years.

12 What we do know, talking more general, is that
13 where we have strong Aboriginal community controlled
14 organisations delivering one door programs is where we
15 have the strongest outcomes. In data we have from the
16 Department of Human Services, as it was then, for a
17 submission from the ACCO, Aboriginal community controlled
18 organisations, we actually saw a decrease in the ratio of
19 the numbers of children coming into care where we have
20 strong ACCOs. So we saw a decline in Shepparton, we saw a
21 decline in outer Gippsland, we saw a decline in Mildura,
22 and I think also in the north-eastern suburbs. So I'm
23 talking about not a decline in actual numbers; I'm talking
24 about the decline in the ratio out of 1,000. We saw
25 declines there.

26 Where that is is where we have strong advocacy,
27 strong Aboriginal community controlled organisations
28 delivering holistic services to our young mums; and also
29 not just the young mums, young mums and their partners.

30 MS DAVIDSON: Does anyone else know of a similar program? Is
31 there anything like that anywhere else that anyone is

1 aware of?

2 MS BAMBLETT: The Cradle to Kinder is a similar program;
3 Stronger Families, those programs work really well. The
4 only issue is that they are only available - the Cradle to
5 Kinder is - only two Aboriginal Cradle to Kinders are
6 funded in Victoria. The first one was in Rumbalara, and
7 VACCA has one in the north. We have a partnership with
8 the one in the southern, which is with QEC and Uniting
9 Care Connections.

10 The interesting one about that one is it is
11 located in our building. But when we were going to put it
12 into our building the Department of Human Services were
13 concerned about access to the building by non-Aboriginal
14 people accessing our service. It is interesting when the
15 boot is on the other foot how things come up.

16 But I think that there's really good things. One
17 of the things that we have always taken up with the
18 department is there are only 800 babies born a year. Why
19 haven't we got a really intensive response to those
20 children? There's a model that's been put out, the
21 Albury-Wodonga model, they are doing in the early years up
22 there. They know every child in that region. They are
23 born; their needles; what's happening; if they are in
24 kinder; they know everything about that child. It's
25 something that I'm really keen to have a look at, what are
26 they doing in Albury-Wodonga around the early years around
27 local government.

28 Andrew has talked about the numbers of
29 overrepresentation. If you look at the data, to
30 Victoria's shame we have the highest overrepresentation of
31 Aboriginal children in out-of-home care; not the numbers,

1 but the overrepresentations. So 14 per cent of Aboriginal
2 children are in the child protection system. That's far
3 too many. We are struggling in Victoria. When the
4 Bringing them Home Report came out Professor Mick Dodson
5 said then there were 379 children. He said, "If we don't
6 do something to stem the tide of removal that number will
7 double in 10 years." Well, we are in 2015 and the number
8 is now 1,400.

9 What we have found is there has been an increase
10 in the 2013/2014 data. Over 400 Aboriginal children came
11 into care in that one period alone. What the data said
12 was that 88 per cent of those children came into care
13 because of family violence. Now, that's a huge number in
14 a 12-month period that are coming in because of family
15 violence. Admittedly, there are other issues - drug and
16 alcohol, homelessness, mental health. These are
17 significant issues; so understanding how mental health
18 contributes to children coming into the system.

19 Andrew has talked about family services.
20 I started at VACCA in 1997. When I started at VACCA we
21 had statewide nine Aboriginal family support workers
22 statewide to work with the bulk of Aboriginal families.
23 Today the investment in family services from the
24 Department of Health and Human Services is still minimal.

25 In truth, there's been an opposition to fund
26 Aboriginal people to do family services. There's been a
27 view that we can't do it. There's been a misnomer that
28 Aboriginal people can't deliver good services. I dispel
29 that myth. I know that 60 per cent of the families that
30 present to our integrated family services come in because
31 of family violence. What we found is that their pathway

1 into child protection is stopped. So if we are stopping
2 families that are going into family violence then we are
3 doing the change, we are working with families, we are
4 working therapeutically. I think there has to be
5 recognition that Aboriginal people can take on this work
6 when they are given the appropriate resources.

7 MS BRAYBROOK: I just want to note that we work with mums so
8 that they can remain the primary carer of children. What
9 we see within the child protection system is there is a
10 victim blaming mentality. We also see a competing
11 interest where child protection workers are telling our
12 women to leave, otherwise they risk losing their children,
13 and community and family are asking our women to stay and
14 do whatever it takes to make that work.

15 We also see that there is the need for cultural
16 training with a family violence sensitivity. We also know
17 that many child protection workers in communities across
18 Victoria are advising women in our community that they do
19 not need legal advice. That is reported to us so many
20 times. Because women are not getting legal advice, their
21 children are removed. So we are doing a lot of work in
22 communities or trying to do a lot of work in communities
23 to ensure that women understand their legal rights with
24 respect to child protection and ensure that they
25 understand that child protection is a legal issue.

26 Our Sisters Day Out program again works with
27 mums. It links mums into appropriate services that they
28 can access for themselves and also for their children. We
29 have many different services come to that day with
30 housing, counselling, our lawyers, there's sometimes
31 police there, and medical services. Then our paralegal

1 support workers that work alongside our lawyers also link
2 the women into really important services so that they can
3 keep their children.

4 MS DAVIDSON: Just going back to the issue of prevention and
5 early intervention, I assume, Ms Braybrook, that the women
6 you are seeing are well and truly down the path of
7 experiencing family violence and either at the point of
8 leaving or have left. Do you consider that there would be
9 an opportunity to provide services much earlier on to
10 improve the situation for children in those relationships?

11 MS BRAYBROOK: Yes, I do see the need for that. Many of the
12 clients do come to us after experiencing years and years
13 of living in a violent situation. But again the work that
14 we are doing in communities with women it gives them a
15 voice, it builds trust and it builds confidence, and they
16 will come forward and they will disclose. They don't have
17 to live through those years of violence.

18 MS VICKERY: We would support that from the VALS point of view.
19 I think maybe we see a different cohort. We see people
20 who are at their first IVO, for instance. So there has
21 been a ruckus in the house and the police has been called
22 out and a safety notice has been issued. It may be the
23 first time that's ever happened for that family. So then
24 it's about how can we actually put an early intervention
25 response in that diverts that family out altogether.
26 Behavioural change becomes really important at that point
27 to say, "This is not a behaviour that will keep your
28 family together. So what can we actually do as a family
29 to work you through those issues?"

30 One of the things that we are trying to build at
31 the moment is some sort of mediation/coaching model,

1 particularly for 18 to 30-year old men, to try and get
2 them through a family law response. I say family law
3 rather than child protection, because our lawyers tell us
4 - we get notified because a child has gone into child
5 protection. But once you work out the issues with DHS and
6 family reunification becomes a possibility, we need to
7 sort out the family law issues before they all go back and
8 try and live together to make sure that the family stays
9 safe, and particularly the child stays safe. So we have
10 that opportunity.

11 I think VALS - because we get notified as soon as
12 someone is taken into custody, we have a unique
13 opportunity to do an early intervention process that would
14 actually then help that person perhaps not get mired
15 around the IVOs where the violence itself is not being
16 addressed and so the victim of the violence is falling
17 deeper and deeper into a terrible life situation, and the
18 children are being traumatised and re-traumatised and
19 re-traumatised.

20 We find with DHS if we actually address the
21 family issues that the child protection matter itself can
22 be resolved because the department are only taking the
23 child into child protection as a way of trying to keep
24 them safe while the family violence issues are worked out.
25 So there are better responses, I think, than bringing
26 government agencies into the care of children. I couldn't
27 tell you what they are, but I'm pretty sure we could build
28 them.

29 MS BRAYBROOK: In our experience many of the situations where
30 children are removed they are being removed unnecessarily
31 and they should be staying with mum. One of the

1 recommendations I think we have made in our submission but
2 we are making nationally is that as soon as there is a
3 notification on an Aboriginal child we are calling for the
4 department to immediately notify an Aboriginal community
5 controlled organisation such as a family violence
6 prevention legal service.

7 MS DAVIDSON: Can I ask others about this idea of Aboriginal
8 controlled community organisations being involved when
9 there is a notification in relation to children or in
10 relation to family violence. How well is that system
11 operating at the moment, or is there a system that enables
12 you to be notified?

13 MS BRAYBROOK: There is no system that we understand.

14 MR JACKOMOS: A problem is that the police document L17 that
15 the police fill out when they attend a family violence
16 situation unfortunately doesn't, if I'm correct, mention
17 if the children are Aboriginal on it. There is an
18 assumption among many in Victoria Police that if the
19 mother is not Aboriginal then the children aren't
20 Aboriginal. That's a common issue.

21 I would like to see that is the same as police
22 notify the Victorian Aboriginal Legal Service when an
23 Aboriginal person is taken into custody, that there is a
24 similar situation that happens when there's a victim of
25 family violence - and victim I'm also calling children -
26 is that an Aboriginal community controlled organisation,
27 an appropriate one, is notified by police at that point of
28 time too.

29 But linked in with this notification is ensuring
30 that police ask the question as to Aboriginality. But
31 it's also how they ask the question. This is an issue in

1 child protection, but also here. We need to ensure that
2 we have Koori friendly police asking the question, because
3 a lot of times women would have prior experiences either
4 with police or with child removal, so it's so important
5 that we have the question asked but it's asked in an
6 appropriate manner and explain why it's asked.

7 MS BAMBLETT: The Victorian Aboriginal Child Care Agency does
8 have a protocol agreement with the Department of Health
9 and Human Services where children are at the centre of a
10 notification for child protection. So that agreement is
11 called the Aboriginal Child Specialist Advice Service.
12 There is a protocol agreement with VACCA and MDAS, the
13 Mallee District Aboriginal Service.

14 So we respond to notifications. It hasn't had an
15 increase in funding since 2003. They carry case loads of
16 80. Their capacity to actually respond to every
17 notification is obviously stretched. They provide the
18 role to inform the risk assessment of Aboriginal children
19 at the centre of notifications. There have been times
20 where they have worked very closely with police as well to
21 defuse situations because they know the family and have
22 been able to - rather than have six police cars out the
23 front of a family violence house going in with batons and
24 all, to be able to go in and defuse. I think that's
25 really important, that we don't have a response that's
26 about at times overreacting to - and this is not family
27 violence; this is talking about a child protection case.
28 We assume and we take the position of safety, safety of
29 women and safety of children.

30 But, when informing the placement decisions and
31 informing the clients of access and rights to services, if

1 you don't have the capacity to respond to every
2 notification then our workers get criticised by the
3 Aboriginal community, by the Department of Human Services,
4 by everybody because they want them there. They know that
5 when our Aboriginal workers are at the point of
6 notifications where there are children and families they
7 get better results, better advice and better services
8 linked into those families. I think that it's terrible
9 that we continue to take to the department the fact that
10 there are funding shortfalls and this issue doesn't get
11 addressed.

12 MS BRAYBROOK: When we did work on the Koori Family Violence
13 Police Protocols project one of the issues was the L17s
14 and that Aboriginal people were not being asked the
15 identifying question. Also, we were looking for a Koori
16 friendly protocol for the police to refer to Aboriginal
17 services. But there was real resistance within the police
18 to move from what their standard protocol is, and that was
19 the mainstream referral path that they had in each of the
20 regions. That for many, many reasons was just
21 unacceptable for the women that we were working for given
22 the many barriers that our people face with accessing
23 mainstream services to start with.

24 But what we did find in some of the local areas,
25 there was a deal struck up with the local police station.
26 One area in particular was Mildura with Meminar Ngangg
27 Gimba. They struck a relationship with the police there
28 and police were willing to do two things: refer to a
29 mainstream service and, where the victim was identified as
30 being Aboriginal or Torres Strait Islander, then they
31 would also refer to the Aboriginal service. That was

1 really effective.

2 MR JACKOMOS: Just further to Muriel's comments about the
3 access service, Lakidjeka, down here. It's a great
4 program, but it's a great program when the child is
5 identified as Aboriginal. Within our work under Taskforce
6 1000 we are seeing many children every day as part of our
7 hearings, as part of our reviews, where children haven't
8 been identified as Aboriginal for years after - two,
9 three, four, five, six, seven years after - they have been
10 in care.

11 Because the question has not been asked or it has
12 not been asked in an appropriate manner we are having
13 children spend much longer in out-of-home care because we
14 are missing opportunities for reunification. It also
15 misses out us tapping those children into valuable
16 culturally rich programs and culturally rich counselling
17 programs for our children.

18 So having children being identified through L17s
19 and having child protection asking the question in a Koori
20 friendly manner and explaining why they are asking will
21 ensure that, one, our children hopefully won't go on to be
22 further victims and offenders of family violence because
23 we have tapped them into culturally rich programs right
24 from the start.

25 MS VICKERY: I would just like to add to that. The Aboriginal
26 Legal Service is notified within 60 minutes whenever a
27 person is taken into custody. So if a safety notice is
28 issued we do get notified of that. We understand that
29 that person is in custody and then we look for
30 accommodation supports or something in order to be able to
31 get that person released from custody and not go back to

1 the home, because that's quite important, otherwise you
2 might get that cycle of re-offending.

3 Where that person is not identified as Aboriginal
4 we wouldn't be notified, and that does happen. It is
5 about that, again, consistency of data. If you have an
6 agreed dataset and all agencies are committed to it then
7 you get much better quality data coming through.

8 DEPUTY COMMISSIONER FAULKNER: Can I just follow up on that and
9 ask you whether or not it's difficult to find the places
10 for the men to go. It's an interesting thing that you say
11 you take action to place - - -

12 MS VICKERY: Yes, it can be quite a challenge in the middle of
13 the night, 2 or 3 o'clock in the morning, trying to find
14 somebody who can open up their doors and take people in.
15 We have a number of informal supports. Clearly we would
16 like better resourced emergency accommodation both for men
17 and women. Whoever is fleeing the house for safety needs
18 to be protected. Sometimes, unfortunately, that is the
19 mum and her children. It's about having access to an
20 immediate safety where the person can stay for more than
21 just a night. What we also find is that we might be able
22 to get accommodation for that person for a night, but not
23 necessarily for a week or two weeks or however long it
24 takes us to work out the legal response.

25 May I also say that it's a bit unsettling for
26 children to be in that environment. So sometimes they are
27 living six weeks at a time in emergency accommodation, and
28 I have known women to stay in that position for two or
29 three years. So their children go to school but they
30 don't know if they are going to go to the same school in
31 six weeks. It is really hard to get any stability in that

1 environment.

2 So accommodation as a spectrum, housing as a
3 spectrum, is a particular issue. Some other services will
4 put men in motels. But we find that that's a little bit
5 too risky for us because there's not really any supports
6 around that, and he may well decide that he wants to go
7 home, which would then breach the order which then causes
8 a whole other heap of issues.

9 So we actually have people who volunteer their
10 houses and will give us a room, a spare bedroom in their
11 house, where people can go and stay. We are very careful
12 that we make sure those people are well supported in that
13 role because that can have an ongoing effect on their
14 life. But we find that men who are staying in that
15 environment are more stable and they will stay. They will
16 stay until they can get to a lawyer to get decent advice
17 about what to do.

18 In the meantime, the family is protected as well.
19 So it is a good work around. We call it the adult foster
20 care support system. We don't just do it for that. We do
21 it for bail as well, to help people get bail. It would be
22 lovely if it was funded. It's not. It is done on
23 goodwill at the moment.

24 DEPUTY COMMISSIONER FAULKNER: Thank you.

25 MS BAMBLETT: Can I raise the issue of an absence of voice at
26 the court, particularly for Aboriginal children. We write
27 reports, but Aboriginal children or Aboriginal people in
28 the court processes quite often don't have a voice. So
29 I think that it would be great in any response to family
30 violence that there be a recognition or an acceptance from
31 family violence services and providers in hearing the

1 voice of the service system as well, not just legal
2 voices, because sometimes the service system can offer a
3 really sort of comprehensive detailed information about
4 the violence and the therapeutic approach and what needs
5 to happen. But we don't get considered, and particularly
6 for Aboriginal children our concerns around the placement
7 are quite often not heard. It's still amazing to this day
8 that some magistrates have not heard of the Aboriginal
9 Child Placement Principle. So if they haven't heard of it
10 how do they apply it and what does it mean to children in
11 the child welfare system as well?

12 MR JACKOMOS: Through Taskforce 1000 we know that homelessness
13 of mothers is preventing children returning home.
14 26 per cent for the children in out-of-home care we know
15 that homelessness of the mothers is comprising 26 per cent
16 of the times. We know that incarcerated mothers, the
17 great majority that I know of, have been victims of family
18 violence, children - their mothers were incarcerated
19 21 per cent of the time that the kids were taken into
20 care. I have had magistrates tell me directly that they
21 have had to remand mothers of our children because there's
22 nowhere safe for the mother to be. So the remand is the
23 only alternative, which I find a sad indictment on this
24 society when that's the only recourse.

25 MS DAVIDSON: In relation to that issue of homelessness and
26 housing for Aboriginal women and for Aboriginal men in
27 family violence situations, the Commission has heard a lot
28 about that being a significant issue. Are there any
29 immediate quick fix answers to that from your perspective?

30 MR JACKOMOS: I think one of the opportunities - and I can't
31 say the name - is Meminar. We need more of these where we

1 can keep mum and children together, albeit for a number of
2 weeks, one, to keep the family unit together; two, as a
3 recourse so mum doesn't become then homeless and then
4 finds herself doing remand at Dame Phyllis Frost because
5 there are no other alternatives; more of those valuable
6 programs.

7 Also, why aren't we doing more to keep mum and
8 the children at home. One of the issues that we find when
9 children come into out-of-home care is the high
10 placements, is the high multiple placements in different
11 schools. We already know that children coming to
12 out-of-home care have poor school attendances for
13 49 per cent of the time at the time of coming into care;
14 49 per cent of our children. So, if we can do more, one
15 of our - Meminar, as well as ensuring that we do more to
16 keep mum and the children safe at home and find an
17 alternative for dad or the partner.

18 MS BAMBLETT: Can I just say about the homelessness, Aboriginal
19 people have put in the homeless submissions and written
20 homelessness submissions. The previous government was not
21 interested in funding Aboriginal homelessness, and
22 anything that went up to address the issue of Aboriginal
23 never got looked at. So I think there's a critical issue
24 around homelessness. Homelessness contributes to the
25 children staying in care longer, women in prison, in
26 violence. It's around men post release prison. The
27 homelessness issues are so broad.

28 We have the Victorian Aboriginal Housing Board
29 who are really keen to take up the issue of homelessness
30 and addressing that. Why not have the organisation that
31 is responsible for housing take up the issue of

1 homelessness more broadly, because we have young people
2 that are homeless on the streets. The SAAP funding, the
3 Supported Accommodation and National Partnerships
4 Agreement, that funding is tenuous. But most of
5 Aboriginal housing funding is funded through that. If
6 that funding goes then a lot of our homelessness funding
7 programs will be going.

8 We are noticing that Aboriginal hostels are
9 closing a lot of their centres. The closure of the
10 WT Onus Hostel in the north is going to have a major
11 impact on us because that's where we put a lot of our men,
12 where we put a lot of our homeless women. The closure of
13 the George Wright Aboriginal Hostel, those hostels are
14 going to put more pressure on the system.

15 We know that the current housing providers are
16 getting a lot of people coming from interstate that are
17 putting pressure on our system, Aboriginal people coming
18 from interstate. What are we doing? We don't have a plan
19 around family violence. We need a range of models for
20 family violence, not just one model; transitioning,
21 working with women that are escaping violence; but also to
22 work with men and women around getting children back home.
23 You need a range of housing options, not just thinking
24 that it's as simple as having a strategy. It's about
25 organising for housing stock to be available for women
26 escaping violence.

27 MS BRAYBROOK: Can I just make a mention that safe at home for
28 a woman means there have to be a whole lot of other
29 support services around not only for her but also for the
30 perpetrator so that she's tapped into the appropriate
31 support services and that police will act on breaches of

1 intervention orders, and also that there is an appropriate
2 response for the perpetrator as well, and also a shift in
3 community and family attitudes towards violence.

4 COMMISSIONER NEAVE: Could I just clarify one issue. Are you
5 aware why the George Wright Aboriginal Hostel is closing?
6 What is the reason?

7 MS BAMBLETT: It is funded through the Commonwealth Government.
8 There are two of them that have closed, the WT Onus and
9 the George Wright. So both have closed. We also had the
10 Nathalia Hostel. That was funded through Aboriginal
11 Hostels. So clearly there's been a decision made by the
12 Commonwealth Government to withdraw funding from Victoria.
13 I have no sense of knowing why.

14 MR JACKOMOS: It's part of the Commonwealth shift of resources
15 and programs away from the eastern seaboard, from urban
16 areas to more remote areas is the primary reason.

17 COMMISSIONER NEAVE: Thank you. I think we also heard in our
18 consultations - and I don't now recall which regional town
19 it was - that one of the hostels in that area was being
20 closed down as well. So that would suggest that there's a
21 significant number of places where Aboriginal men could be
22 accommodated that are closing down. Do I have that right?

23 MS VICKERY: I would agree that there are existing, already
24 fitted out buildings within the urban area at least that
25 could be used for these kinds of support accommodation if
26 the department chose to refund them. I would like to just
27 make comment that on the post release support program,
28 which is a program that VALS got funded through
29 Corrections Victoria, that is a partnership with
30 Aboriginal Housing Victoria, and that is to build purpose
31 built facilities to accommodate six women in one facility

1 and to accommodate six men in the other. That's about
2 when somebody comes out of prison. Because homelessness
3 is a trigger for recidivism, that structure has been put
4 in place. Those departments have been very easy to work
5 with in terms of building that partnership and getting
6 that program funded.

7 A similar thing could be done with family
8 violence responses to produce supported accommodation.
9 I believe a victim of family violence should be able to
10 stay in their home and be safe. If that were the case,
11 and we agree that that's the program response that's
12 required, then the perpetrator of family violence needs to
13 live somewhere where they can maintain contact with their
14 children in a safe and secure way but also where they can
15 have supported accommodation so that they can continue
16 with employment or education or whatever else they have
17 going on in their life in order to continue to contribute
18 to their family's wellbeing. That's a really complex
19 program build, but that would be the sort of thing that
20 would be required.

21 MR JACKOMOS: I mentioned earlier about children unable to be
22 reunified at home because of the homelessness of mum. But
23 also coming through the work we are doing under the
24 taskforce we know from the 550 children that we have seen
25 that 52 per cent of the children can't be returned home
26 because the current perpetrator of family violence is
27 still in the family home. So building upon alternatives,
28 short-term accommodation or longer term, is that the lack
29 of such programs is keeping our children disconnected and
30 in out-of-home care. 52 per cent.

31 MS DAVIDSON: Mr Jackomos, in relation to that statistic, when

1 you say that the perpetrator is still in the home, are you
2 saying still in the home with the mum or - - -

3 MR JACKOMOS: In many cases it will be, but from the data
4 I have I know that from the 550 children we have looked at
5 so far the perpetrator is still in the home. Whether the
6 mum is there would be - in many of the cases we do see
7 that, where the victim is still in the house. But many
8 times mum has moved out, is homeless.

9 MS BRAYBROOK: Just to pick up on what Annette was saying about
10 the purpose built facilities and that being more of a
11 back-end response, our position is we would like to see
12 more front-end responses for Aboriginal women because we
13 know that homelessness, poverty and family violence are
14 key drivers to their incarceration. That's something that
15 we are pushing very, very loudly through the Aboriginal
16 Justice Forum and many other forums.

17 MS VICKERY: There is already quite a good set-up. Odyssey
18 House is drug and alcohol rehabilitation, but they have a
19 suite of about six units which looks a lot like Meminar,
20 in that families can actually live together while they are
21 receiving therapeutic intervention in the family
22 situation. Then there's a community meeting room as well
23 so that families can interact with each other. The joy
24 I think of these particular set-ups is that children still
25 get to play together. They still get to have something of
26 a normal childhood, which is really where we are aiming
27 our program and service delivery, or at least we would
28 hope that we are.

29 MR JACKOMOS: That initiative is an initiative out of the
30 Aboriginal Justice Forum under the Justice Agreement.

31 MS BAMBLETT: Can I put a recommendation. I'm really concerned

1 that we have talked about the closure of the WT Onus and
2 the George Wright, but there are resources that are within
3 the Aboriginal community, and I know that when looking at
4 Gladys Nicholls the Board of the Aboriginal Advancement
5 League actually put to DHS to get some funding to fix up
6 their hostel so that they could take on homelessness.
7 That was a small investment of 50,000, but it was not
8 found.

9 So to address homelessness, chronic homelessness,
10 there are resources in the Aboriginal community. So it
11 would be great if it could be explored to look at taking
12 on WT Onus, that the Victorian Government does look at
13 taking over those facilities so we don't lose the
14 opportunity to have options around homelessness for
15 Aboriginal people, and wherever that regional one is as
16 well, to look at that, because I know we have one in
17 Nathalia. So where are all of the accommodations that we
18 can actually use those for homelessness? Again, my
19 recommendation would be that the Aboriginal Housing Board
20 actually take up the portfolio of representing
21 homelessness more broadly.

22 MS DAVIDSON: I just wanted to pick up on a theme that a couple
23 of you have talked about which is where you have the
24 perpetrator still in the home and the relationship. To
25 what extent are there programs available to deal with the
26 situation where the couple actually don't want to separate
27 and are there opportunities there, do you think, to work
28 with the family together in order to reduce violence and
29 enable the children to remain?

30 MS BRAYBROOK: We work with many women who are still living
31 with their partner and link them into the appropriate

1 services. That might just be about ensuring that she has
2 her counselling and he's getting the appropriate response,
3 there are safety plans in place. But our lawyers and our
4 paralegal workers certainly work with women who stay in
5 relationships.

6 MS BAMBLETT: The integrated family services are aimed at
7 working with families. Some of these families are
8 referred from our self-referrals around their own family
9 violence or referred from child protection. So there's
10 not serious enough risk to remove the children but there
11 are concerns with regard to the behaviours of the parent
12 around the children. So we have integrated family
13 services.

14 They really provide a holistic response.
15 Remember, working with these families you have to address
16 their trauma and look at the men and linking the men in
17 behavioural change programs. In the northern region we
18 have the male centre and male programs. So there has been
19 an investment in the northern region to work with
20 perpetrators and do a lot of work around Aboriginal men.
21 It's really, really been a positive, having men engaged in
22 behaviour change.

23 Their work, though, is very different from
24 mainstream. They do a lot of Aboriginal components. They
25 take men away on camps, talk about men's business,
26 challenge the issue of stereotypes. So I think it's
27 important not to negate the role that working with women
28 and working with victims and making sure that we have
29 those therapeutic and those programs for women and
30 children, but unless you have those programs for men as
31 well you continue to have that problem where men are not

1 seeking to address their family violence.

2 MS DAVIDSON: I wanted to move - unless there are any
3 particular questions from the Commission - to the issue of
4 the reluctance to seek help and to access services,
5 whether it's mainstream or Aboriginal services. I think
6 it might be useful at this point - I think we might have
7 another ad from MDAS about I think it's called, "Speak
8 up."

9 (Video played to the Royal Commission.)

10 MS DAVIDSON: I think, Ms Braybrook, you have identified in
11 your statement concerns about pressure being put on women
12 in particular not to speak up and not to seek help. Can
13 you just expand on that for the Commission?

14 MS BRAYBROOK: The main thing that I got from that video is
15 dad's shamed into silence. For us, the work that we do
16 with women, they are living their life in silence. That
17 silence comes from community attitudes, and that's really
18 difficult for our women. There are so many barriers to
19 women reporting the violence. There are the community
20 attitudes. There is also a lack of understanding of what
21 their legal rights are. We know that Aboriginal women are
22 the most legally disadvantaged group in Australia.

23 There's really poor police responses. We have
24 many clients reporting to us that police are minimising
25 the violence. There are case studies in our submission,
26 and one in particular stands out to me where a woman went
27 to report the violence again and the police officer said
28 to her, "He's just whacked you in the head this time.
29 It's getting better. Last time it was worse." Another
30 time was when a woman went to report the violence and she
31 was slammed with a warrant for her arrest.

1 There's a general mistrust in mainstream services
2 because our women, our people see that they are the very
3 organisations that take your children away.

4 There's a whole lack of cultural awareness and
5 family violence sensitivities across all mainstream
6 settings, and that's including police and courts. I think
7 from all of those barriers our women are just silenced
8 over and over again.

9 MS BAMBLETT: I think that's a great video, but it's too
10 simplistic in saying what violence is. If you look at is
11 it just physical, it's not. A lot of Aboriginal women,
12 our Aboriginal women are living in poverty. They have a
13 poverty of relationship; poverty of money. I think that
14 we have to understand how poverty affects Aboriginal women
15 on the ground.

16 If we think also about the imagery of Aboriginal
17 women, Aboriginal women have always been viewed as less
18 than, less than white women. I would hope that we are
19 doing a lot about that, but the imagery of Australia, you
20 don't see positive images of Aboriginal people .

21 I have worked with women for many years.
22 I remember when I worked with Social Security, a lot of
23 the system response, how magistrates view Aboriginal
24 women, if you have just left your wife at home and your
25 home and everything and your view of women is that, and
26 then you go to a court and you see an Aboriginal woman who
27 doesn't fit that imagery, then your view of women changes.

28 I think that we have to have a really good sense
29 of issues around access and equity, around how Aboriginal
30 women's decision making is impacted by the level of
31 violence, and I think we need to go into more

1 understanding about women's transitioning and how
2 Aboriginal women - from girls to women and how that
3 impacts and how we need to influence that and the impact
4 of violence on that.

5 We talk a lot about cultural safety. For
6 Aboriginal women is it safe to say you are Aboriginal;
7 will you get treated equitably; so what are the different
8 things for Aboriginal women. I don't think we have enough
9 understanding. I think it's just too simplistic - and not
10 saying that that was meant to be simplistic, but punching
11 and hitting out is not the only form of violence that
12 Aboriginal women experience every day.

13 MR JACKOMOS: I think there was the comment over the last
14 fortnight by the ex-Federal parliamentarian, I think it
15 was Gary Johns, where he referred to Aboriginal women as
16 cash cows. When I spoke in my opening remarks I mentioned
17 about we need a new paradigm where we do build greater
18 respect for Aboriginal women and our children. Gary
19 Johns' comments about Aboriginal women as cash cows is
20 just one of the many examples of racism that's directed to
21 our women.

22 A lot of women will stay in the violent
23 situation. One is the poor police response. I hear it
24 across the state that police won't respond if they know
25 it's an Aboriginal family. There's past experiences of
26 police. A lot of Aboriginal women won't notify police if
27 there's no safe alternatives for them to go to.
28 I mentioned last time about community attitudes where my
29 first cousin's niece told me that the hardest part of her
30 dealing with family violence was the expectation from her
31 partner's family, as well as hers, that she would stay and

1 make it work.

2 On Friday night I was in Bendigo and a young man
3 from Swan Hill approached me and told me about how he grew
4 up in - from one of the large families, how he grew up in
5 the family home and the expectation was that they would
6 not leave the family home because it would only drive
7 their father into the criminal justice system.

8 MS VICKERY: I would actually make comment on that. I think
9 that can be quite a common experience for people. But
10 I think we cannot underestimate the fear of Aboriginal
11 communities, particularly members of our communities who
12 live in poverty and disadvantage, their absolute
13 paralysing fear of the government intervening and taking
14 their children. This is just huge. Our people will not
15 report when they should report.

16 We talk at VALS about an education program that
17 goes something like from bumps to birth - to babies of
18 teaching our young people, particularly our young women,
19 what the boundaries are, what an unhealthy relationship
20 looks like, when to start to say, "I'm going to go and
21 tell somebody about this," when you think you might be in
22 danger, and for our young men as well, because they are
23 also experiencing family violence. It is how we do that
24 in a way that allows our young people to stand up as soon
25 as possible and say, "This is happening to me," and have
26 confidence that there will be a service response that will
27 protect them, because at times that doesn't happen.

28 I concur with Andrew. We have heard stories of
29 police saying, "We will no longer report this as a family
30 violence incident because this family is overwhelmingly
31 entrenched as family violence and we as police are

1 helpless to do anything about it. We will now start to
2 report them as assaults." These are only isolated
3 incidents, but you do wonder sometimes if you are hearing
4 that in a public forum what is happening in private that
5 we don't know about? Is that a symptom of a larger issue,
6 and then how do we teach our young people that violence
7 against them is unacceptable in any form, whether it is
8 emotional, physical or economic?

9 MS DAVIDSON: What strategies can you identify that would
10 assist in addressing those sorts of barriers? You have
11 identified potential education opportunities for young
12 people. Are there other opportunities?

13 MR JACKOMOS: I have spoken about the ratio of all Victorian
14 children in out-of-home care is five out of 1,000.
15 Statewide for Koori kids it's 63 out of 1,000. In one
16 area of Victoria, a large community, it is 120 out of
17 1,000.

18 If this was for a white community in Victoria
19 there would be a huge taskforce looking to address this.
20 If the children, white children, were in the same
21 situation as our Aboriginal children in this community
22 that government knows about, all areas of government know
23 about, there would be a huge state taskforce addressing
24 better outcomes, addressing the disadvantage, the family
25 violence in this community. But there's not.

26 So my suggestion is that the Victorian Government
27 needs to work with the local community, Aboriginal
28 community, they need to work with agencies, statewide
29 agencies such as VALS and VACCA and Aboriginal family
30 violence, and local communities to develop a strategy as a
31 highest priority of this government to address women being

1 sexually abused and children in record numbers. Sadly,
2 that's not on this government's agenda at the moment.

3 COMMISSIONER NEAVE: Is that a good moment to finish?

4 MS DAVIDSON: I was wondering whether that might be a good
5 moment to break for lunch.

6 COMMISSIONER NEAVE: Yes, it would. I have one question.

7 DEPUTY COMMISSIONER FAULKNER: In one of the submissions, it
8 might have been Ms Vickery's, I think, talking about
9 discussions occurring with the Koori Court taking more of
10 a role in relation to intervention orders; was it your
11 submission?

12 MS VICKERY: The Koori Justice Unit - so Jackie Turfrey can
13 probably speak to it later - is reviewing the ability of
14 Koori Courts to hear breaches of intervention orders. At
15 the moment they can hear the assault charge but they can't
16 hear the breach. So the matter goes into two separate
17 courts. I think and VALS thinks that there could be
18 another model, another iteration, if you like, of the
19 Koori Court model that deals specifically with IVOs once
20 they come into the system.

21 Heidelberg has a family violence specific
22 response, and so does the Melbourne Magistrates' Court.
23 So you wouldn't be looking at building something new. But
24 it would be positioning that in a Koori Court therapeutic
25 jurisprudence environment where the focus is on keeping
26 children safe above everything and then actually providing
27 service responses that will stop the behaviour. So
28 I think that's a possible evolution of the Koori Courts at
29 some point, and we have given that feedback to the
30 Department of Justice.

31 DEPUTY COMMISSIONER FAULKNER: Thank you.

1 MS BRAYBROOK: We have given feedback to the department that,
2 if they were to look at this, Aboriginal women need to be
3 consulted and that needs to be done in a safe environment.
4 One of our concerns is that with the way the current
5 structure of the Koori Court with elders and community
6 workers sitting around the table and when we are talking
7 about this pressure from community and family, we don't
8 want that to happen in the courtroom as well.

9 DEPUTY COMMISSIONER FAULKNER: Thank you very much.

10 COMMISSIONER NEAVE: My question relates to training. I don't
11 recall whose submission it was, but let us assume that
12 there was significant additional funding put into this
13 area. Does the strategy need to deal with the need to
14 have more trained Aboriginal workers to work in the area?
15 Have you got enough people that you could call upon to
16 provide the sort of services that we are talking about?

17 MS VICKERY: Certainly I think within the Aboriginal community
18 there are sufficient people who are interested in working
19 in the justice environment. I would like to say, although
20 it's Muriel's agency so she can speak better to it, but
21 there's quite an intensive case worker course. It is
22 called "Trauma informed lens", a case worker course that
23 VACCA deliver. We actually put our client service
24 officers through it, at the generosity of VACCA, to allow
25 our staff to participate. They said it was absolutely
26 wonderful. For the first time they could really
27 understand where their clients might be coming from and
28 how difficult it is to work with somebody consistently
29 when they are coming from a trauma informed lens. Then
30 that program as part of its delivery has a monthly
31 reflection space where our workers can come back together,

1 with a psychologist supervising, and actually reflect on
2 their experiences and learn and build their capability to
3 work with people who have had significant traumas in their
4 life, and particularly our staff who also have had
5 significant traumas in their life and are experiencing
6 secondary trauma by working with people who are
7 traumatised. So there's a whole range of layers there.
8 We have had a lot of positive output from that program.

9 MS BAMBLETT: We have invested quite a lot of resources into
10 therapeutic and into healing, using culture as treatment.
11 We run the possum-skin cloak to deal with children in
12 healing.

13 The biggest challenge is we have a system that's
14 so fragmented. I was at a police training forum on
15 Thursday and Friday of last week around family violence,
16 and they were looking at their response and how they train
17 their staff and what training they should undertake. If
18 you think it is confusing for Aboriginal, I think it's
19 much more confusing for the police, because we tried to
20 get a sense of how they respond to family violence and one
21 of the things that we were struck with is they operate
22 within each of their regions totally different models of
23 family violence.

24 So when looking at training and you are going to
25 train the police and you have to train magistrates and
26 train workers in the sector, it's also what is the
27 knowledge and the experience and the skill base and the
28 service system within that community to be able to train.
29 Sometimes you will train particular workers with a skill.
30 The whole service system is fragmented.

31 So I think if we are going to have a look at

1 training - and we would say culturally competent, making
2 sure that services are safe. At the moment Aboriginal
3 child and family welfare, you have to demonstrate that you
4 are culturally competent across the Department of Health
5 and Human Services. So we have developed an addendum that
6 talks about cultural safety as an organisation.

7 That should be something that applies to all, and
8 I think it should be competency based. It should be that
9 all workers working with Aboriginal families develop
10 competencies based on the needs of the community that they
11 are serving. So, if we are working with Aboriginal women,
12 understanding Aboriginal women as they present to the
13 service system; if it is Aboriginal men, understanding the
14 particular issues of men. That way we can start to
15 address trauma, we can start to address the particular
16 issues. But at the moment our system is such that we
17 treat everybody the same, and we are not the same.

18 MS DAVIDSON: Provided that all of the people on the panel are
19 available, I was proposing to continue with this panel
20 after lunch, because there are some additional issues that
21 we have not yet moved on to.

22 COMMISSIONER NEAVE: 2.15?

23 MS DAVIDSON: 2.15.

24 COMMISSIONER NEAVE: Thank you.

25 LUNCHEON ADJOURNMENT

1 UPON RESUMING AT 2.15 PM:

2 COMMISSIONER NEAVE: Ms Davidson.

3 MS DAVIDSON: Thank you, Commissioners. I think the next topic
4 that I wanted to move to was responding to family
5 violence. I'm proposing to cover the topics in particular
6 of the police response, the availability of Aboriginal
7 community controlled organisation responses, as well as
8 intervention orders.

9 In relation to the police response, it might be
10 useful if the Commissioners have a copy of the L17. This
11 is the L17 that was attached to the witness statement of
12 Timothy Hansen, the police officer that we heard from on
13 Friday.

14 Firstly, just in relation to a matter that
15 Commissioner Jackomos identified, he raised a concern
16 about whether or not - and I think he said he wasn't sure
17 - but whether or not Aboriginal or Torres Strait Islander
18 descent questions were able to be identified for children.

19 Mr Jackomos, can I just take you to the second
20 page, which you will see down there you first fill in the
21 "Affected family member" and then there's some room there
22 for "Children's details" and then
23 "Perpetrator/respondent/other party". There is an ability
24 in relation to one child at least to fill in a box in
25 relation to Aboriginal or Torres Strait Islander descent;
26 do you accept that?

27 MR JACKOMOS: Yes, I do.

28 MS DAVIDSON: Do you have any comment in relation to that?

29 MR JACKOMOS: The information I gave was in relation to - it
30 was actually - I was requested from workers in Child
31 Protection who asked for me to raise it in that they

1 weren't receiving information that children were
2 Aboriginal, particularly if the mother was non-Aboriginal.
3 So, yes, it is noted there, but whether it's actually
4 completed and, based on advice from Child Protection, it's
5 not in many cases.

6 MS DAVIDSON: Ms Braybrook?

7 MS BRAYBROOK: I was just going to make the point that there is
8 only provision there to have one child listed. Often the
9 women that we see have more than one child.

10 COMMISSIONER NEAVE: There is something at the bottom of that
11 form which says, "If other children or person present at
12 incident, record details" on the other form. Maybe that's
13 meant to pick that up; I don't know.

14 MR JACKOMOS: Also if that one child is noted as
15 non-Aboriginal - so we also see many families where
16 there's both Aboriginal and non-Aboriginal in the
17 family - the other children may not be noted. But it's
18 more the practice rather than the form that I have
19 concerns about.

20 MS DAVIDSON: I just want to pick up on an issue that you have
21 raised, Ms Vickery, about the concerns that you have about
22 labelling men as perpetrators and women as victims and the
23 consequences that that has. Can you identify for the
24 Commission what your concerns are in relation to that
25 language and the processes?

26 MS VICKERY: It has been our experience at VALS that the
27 reference to "male" and "perpetrator" or "female" and
28 "victim" are almost interchangeable in the language around
29 family violence. So we are talking about the work that we
30 do through the justice system on both the Indigenous
31 Family Violence Statewide Steering Committee and the

1 Aboriginal Justice Forum. It has been our experience,
2 particularly dealing with offenders, because our expertise
3 is in delivering criminal, civil and family law services
4 to people who have been brought into the justice system,
5 if we talk about the behaviour rather than a label, we
6 actually get better responses from our clients because
7 they don't feel blamed or judged. They just are able to
8 have a more objective sort of discussion about what their
9 experience has been.

10 So you have heard me this morning and in my
11 statement I refer to experiencing family violence versus
12 being a victim of or being a perpetrator of, and we try
13 and couch our language that way so that it is objective
14 and non-judgmental and allows our clients to actually open
15 up and tell us what's really going on. We have a wealth
16 of experience on both sides, and I know my colleagues here
17 do as well, so I'm not pretending that we have any greater
18 expertise, certainly. But we do do family law
19 specifically for people who are experiencing family
20 violence.

21 In our experience it takes a long time for men to
22 disclose that family violence is an issue in their life
23 and they are experiencing it, so they are actually being a
24 victim of family violence. I think men stumble over this
25 the way they stumble over sexual assault. So again we try
26 and couch that in very objective language to try and make
27 them safe, and the same is true for women who are
28 perpetrators.

29 Recently we had a female client in our criminal
30 law division and we desperately needed a behavioural
31 change program for her. She was going up against some

1 very serious charges in Magistrates' Court and it would do
2 her well to address her offending behaviour. She
3 certainly wanted to or was sincere in her efforts to
4 communicate to us she was happy to do a presentencing
5 behavioural change program, in which case her sentence
6 might have been reduced because the courts would look upon
7 that quite favourably, taking accountability and
8 responsibility for her behaviour, and we could not
9 identify one. We were offered many that were based on
10 male models of behaviour, and we are not experts in
11 violent behaviour, but it's been our experience that women
12 don't necessarily respond well to the offender behaviour
13 change programs that are currently delivered, whether
14 that's because they are gender based.

15 I'm not suggesting they shouldn't be. I think
16 there should be offender behavioural change programs for
17 men and women discretely and victims' services for men and
18 women discretely, because I think men and women have
19 different needs in those contexts. So, that was our
20 thinking around that. Once you start to bring gender into
21 it and say, "You are female, therefore you are more likely
22 to be a victim of assault," that starts to weight the
23 conversation.

24 I'm not suggesting even that resources shouldn't
25 be allocated as they are. The two programs that are
26 funded for women and children out of the Indigenous Family
27 Violence Statewide Steering Committee have taken a lot of
28 the resources that are available to that committee and
29 I think that's right and proper, because they've both
30 built refuges, I think one in Morwell and one in Mildura,
31 and both are excellent examples of intervention that keep

1 women and children safe.

2 My suggestion is that when we talk about
3 offending behaviour we talk about the behaviour rather
4 than the person. Does that make sense? Or please ask me
5 a question if I'm not being clear.

6 MS DAVIDSON: Does anyone else wish to comment?

7 MS BAMBLETT: I just wanted to reiterate - and I think for many
8 Aboriginal people, if you look at the overrepresentation
9 in out-of-home care and then Andrew has talked about the
10 number of women in the women's prison who have had a
11 history in out-of-home care, if you think back, that means
12 we have had a lot of Aboriginal people who have been
13 raised by institutions, government institutions, where the
14 government has been the parent to many Aboriginal people.
15 If you think about that institutionalisation we have, and
16 I was amazed at a justice forum where a lot of Aboriginal
17 people were choosing not to go out on bail or were
18 breaching bail provisions because of the fact that they
19 felt safe in the prisons.

20 So I think that institutionalisation,
21 colonisation - we have been running what we call the Koori
22 Faces programs, which is about families and children and
23 it's around drug and alcohol. The prisons have been
24 running those with Aboriginal men. One component of it is
25 colonisation and its impact on parents and that program
26 has been able to make significant shifts. A psychologist
27 is in the room and at one such forum a psychologist said,
28 "We've been working with men here, some of them for over
29 five years, and haven't been able to make a shift. You
30 come in with a video and talk to them about colonisation
31 and we see these men shift." So I think we have to

1 understand that colonisation really has a major impact,
2 and particularly on people that have had the institution
3 as their parent.

4 MS DAVIDSON: The other evidence that I think Timothy Hansen
5 gave was in relation to this form and it identified that
6 there was a requirement on police to identify the affected
7 family member and the perpetrator. My understanding of
8 your evidence, Ms Vickery, is that that identification of
9 one person as the victim and one person as the perpetrator
10 doesn't always represent the picture of violence that
11 might be happening in that family.

12 MS VICKERY: Certainly not, and thank you very much for the
13 opportunity to explain that comment. That does go to our
14 experience of our clients who very often have been victims
15 or have experienced family violence as children and gone
16 on to experience it as adults. So they have not one lens,
17 they are neither victims nor perpetrators; they are people
18 with incredibly complex histories who now exhibit a
19 behaviour that needs to be addressed. It is how you go
20 about doing that in a therapeutic way that keeps them and
21 their family safe, and where there is an
22 opportunity - because it is our experience that very often
23 at the point that the police get involved in family
24 violence, the two people involved in the relationship are
25 not yet at that point where they can say the relationship
26 is over, because they have children and they want to try
27 and make it work and there's a lot of rationalisation that
28 goes around that.

29 So it is getting them that appropriate
30 counselling that informs them and supports them and allows
31 them to make good decisions, but also allowing that they

1 may want to retry, and then, if they are going to do that,
2 how do they keep the family safe, and they interchange.

3 So, we have known of circumstances where the
4 police have attended a family violence callout, it's been
5 correctly identified as what it is, both parties have been
6 equally violent to each other, the male person has been
7 charged with family violence crimes and the female has
8 not. I'm not suggesting that that's common, but it
9 certainly does happen.

10 So then our question - because our community then
11 comes to us and says, "Why are people not being equally
12 held accountable under the law?" So we say, "This is
13 actually something that we will look into and see if it is
14 a law reform opportunity."

15 In this case, I think, and if I may say, I have
16 worked in a range of different areas for 20-something
17 years volunteering at domestic violence refuges and a
18 number of different organisations, and I have looked at
19 these things from a range of different experiences and
20 I think we as a society struggle to identify women as
21 being able to be violent and struggle to identify men as
22 being victims in a particular situation. Because we do
23 that, we stumble across an equal and equitable way to deal
24 with people who don't fit into the dominant role.

25 So the majority of women, yes, they are victims
26 of family violence. The majority of men may well be
27 perpetrators, but there is that crossover. We need a
28 system that's flexible enough to be able to encompass that
29 experience rather than deny somebody the ability to voice
30 that part of them that is not readily recognised or
31 readily recognisable. That sits within what I was trying

1 to say there.

2 Again, young men - and I worry about, I really
3 have fears that young women are growing up thinking this
4 is a cycle they cannot escape and young men are growing up
5 hearing the language "perpetrator" and "male"
6 interchangeably in their life and thinking, "This is who
7 I am." I don't know if anybody is doing anything to
8 address that, but here is our opportunity to say as a
9 society, "We actually want to do something that is a
10 little more flexible than that."

11 MS DAVIDSON: Any responses?

12 MS BRAYBROOK: For the record, I think that Aboriginal women
13 get a really bad deal when it comes to the criminal
14 justice system. With the women that we work with, which
15 are thousands over many years, the violence that they are
16 perpetrating is in self-defence, it is fighting back.
17 Sure, there are those experiences, but when it comes to
18 family violence and domestic violence we cannot take
19 gender out of the equation here. There's gender
20 inequality, social disadvantage for Aboriginal women.

21 MS DAVIDSON: Mr Jackomos, in terms of children, if you focus
22 on children and the need to protect children, are there
23 cases where women are also using violent behaviour? I'm
24 conscious here that we are not just actually talking about
25 intimate partner violence, we are also not just talking
26 about physical violence, but verbal and psychological
27 violence. Are there situations, do you think, that need
28 to be recognised in the interests of children, perhaps?

29 MR JACKOMOS: There most definitely are occasions, but they are
30 in the minority. I must take issue with Annette's
31 comments. It's not that men may be more prone to be the

1 perpetrators; they are more prone. That's such an
2 important thing to say and acknowledge.

3 Women, yes, we see in our stats and in the work
4 of the taskforce that there are female perpetrators of
5 violence, but they are very much the minority.

6 MS VICKERY: My only addition to that is that does not mean
7 they should not get a service, which is all I'm saying.

8 MR JACKOMOS: Everybody requires a service, whether it's
9 victims - because perpetrators have come through. Many of
10 the perpetrators that we see as adults were victims of
11 family violence as children.

12 MS VICKERY: Exactly so.

13 MS BAMBLETT: Can I answer the question on children. As an
14 organisation that works and sees the levels of violence
15 that are perpetrated against children, I think we have
16 significant issues. It is alarming. We have had over the
17 last five years two deaths, one in a community up just
18 outside of Mildura and another one in Albury-Wodonga,
19 where two very young children were to die. It was
20 alarming that it wasn't such a big issue for Aboriginal
21 people. I was really in my heart questioning why that
22 wasn't such a massive issue, that we lost two
23 two-year-olds and the extreme violence that they would
24 have had perpetrated against them and the way that their
25 remains were hidden or destroyed beggars belief.

26 When you hear of what our children are presenting
27 to child protection, when you hear the types of injuries,
28 because of privacy and confidentiality we are not allowed
29 to go out there and tell the people what people do to
30 children, how they neglect, how they abuse. It's
31 unfortunate that we have a system that does that because

1 then people fail to really understand how significant the
2 issue of abuse is and the level of abuse that's put at
3 children.

4 We read in the media all the time about children,
5 but I think society as a whole doesn't really understand.
6 If this was a public health issue, there would be an
7 outcry. The issue of the impact of violence, the sexual
8 abuse against children - our institutions are full of
9 children who we're really trying to put back together.
10 Our therapeutic responses, what we are trying to do is
11 undo years of abuse and neglect. So, I think you can't
12 understate how high the level of abuse is against children
13 in Victoria and against Aboriginal children.

14 MS BRAYBROOK: Just on the question that you asked Andrew
15 Jackomos, earlier I said that our service isn't gender
16 exclusive, but 93 per cent of our clients are women. The
17 other percentage makes up young men, children, males, and
18 the violence that's perpetrated against them is done so by
19 men.

20 MS DAVIDSON: In relation to the L17, is there anything anyone
21 wants to raise? We have already identified the issue of -
22 - -

23 MS BAMBLETT: Can I just raise the issue: we have heard about
24 data collection and different data systems and at our last
25 IFVRAG meeting we had somebody from the police come and
26 present, and I have heard it a couple of times now,
27 talking about different systems and the integrated system
28 that they have in Tasmania and, in my understanding, South
29 Australia. So the L17s are in a system similar to the
30 CRIS system, that is within Department of Human Services,
31 that the clients' names are there, that anybody working

1 with a child, they fill it in straight away and that L17
2 goes straight away to everybody who's working with
3 children.

4 The current process of getting L17s is so long
5 and "This has to go through this system, it has to be
6 triaged," and I think that they are looking at systems,
7 but one Aboriginal service says, "Sometimes we're in
8 there, sometimes we're not." I think getting a data
9 system that actually identifies who are the key people
10 that can make a difference in this family's life, I think
11 having an integrated system would be wonderful.

12 MS DAVIDSON: In relation to the police response, we have heard
13 through the community consultations that that response can
14 be quite patchy, and you have identified that as an issue
15 today. There are some areas with Koori liaison officers.
16 Can anyone talk about whether they think that's a useful
17 mechanism and how that improves the system? Sorry, Koori
18 police liaison officers. I'm thinking there are some
19 areas that specifically have a police liaison officer.

20 MR JACKOMOS: The correct title is Aboriginal and Community
21 Liaison Officers, ACLOs. I think there might be around
22 about 11 across the state. The original intention of
23 those, and it may differ from area to area, but they are
24 not so much seen as frontline troops. They are more
25 working behind the scenes, working to improve
26 relationships between the Koori community and the police
27 force. So there may be occasions where they are used, but
28 it's against the intention of the program.

29 MS DAVIDSON: In the areas where you do have one of those
30 liaison officers, does it improve the ability for people
31 to access and get a good police response?

1 MR JACKOMOS: I think they have immense value. They have
2 immense value in - one is for example up at Mildura there
3 is Aunty Jemmes Handy who plays a role also in providing a
4 cultural mentor for Victoria Police. She plays an
5 important role between community and police force. Aunty
6 Jemmes also plays a key role in a program called Little
7 Bacchus we have up there which is a night patrol program.
8 A lot of the kids up in Mildura as well as in other towns
9 find it safer to be on the street late at night than be at
10 home because of family violence and through the good work
11 that Jemmes's does with MDAS and Victoria Police is to
12 provide a safe haven for those children.

13 MS BRAYBROOK: It varies for us, depending on the area.

14 I agree with Andrew the work that Aunty Jemma's does in
15 Mildura is fantastic and can't be questioned. But over
16 the years where there have been ACLOs, some of those
17 people in those positions, they have not been trusted by
18 the women because they might be connected to a certain
19 family or a different part of the community.

20 MS DAVIDSON: Does anyone else have any further comment to make
21 about those positions?

22 MS BAMBLETT: I think they are great at building networks.

23 That's their role. I think their capacity to look at how
24 the system - I think they could be better utilised to
25 actually do that bit of work, but it requires
26 massive - I mean, as I said, the presentation I saw on
27 Friday was from two regions, the southern and the
28 northern. To see the response to the southern, the way
29 they do family violence and the police respond and then
30 supports and networks, I was like, "Wow, that's a really
31 great model." But then they went to the north and he had

1 a totally different model. So how do you work within such
2 different responses from the police?

3 But I just think that our Aboriginal Liaison
4 Officers, they know the community, they know the supports,
5 they know the networks. I think they could be a good
6 conduit for family violence, and I know that there are
7 some really great police that are working closely with the
8 Aboriginal community. Through the justice agreement
9 there's a really great commitment, so they actually have
10 police that come and work and talk to the Aboriginal
11 services and sit on the advisory committee, so the police
12 themselves don't see the liaison officers as the worker.
13 They see themselves as having a responsibility. Then we
14 have senior police that come to all the justice forums and
15 come to the family violence forums.

16 So, there's a commitment. It's just about how do
17 we actually work in an integrated way and be clear about
18 whose roles and responsibilities. But it seems to me that
19 when we were talking to the police they were looking at
20 the process of punitive versus therapeutic and case
21 management, it's the police's role to do case management.
22 In some regions they were saying yes, which was confusing
23 to me.

24 MS DAVIDSON: Some areas do have family violence protocols with
25 police. How have they improved or have they improved the
26 system for Aboriginal people accessing police services?
27 Maybe Ms Braybrook?

28 MS BRAYBROOK: There hasn't been an evaluation done on that
29 protocols project. I mentioned earlier it has gone
30 towards building really good relations with police and
31 building that trust and confidence. What we do know is

1 that reports of violence to police have tripled in the
2 last decade. I don't know if that has anything to do with
3 the protocols in some of the areas, but also what we know
4 from our service is that between 2008/2009 and 2013/14
5 reports of family violence incidents have increased by
6 360 per cent in the areas in which we work. So those
7 protocols are developed in those areas that we work in.
8 So that might be an indication that there is an increase
9 in reporting from those protocols.

10 MS DAVIDSON: Can I move now to the question of intervention
11 orders. Ms Braybrook, you in particular have identified
12 some particular issues for applicants for intervention
13 orders, including physical security issues and so on. Can
14 I ask that you expand upon those issues for the
15 Commission?

16 MS BRAYBROOK: Can I ask you which page we are referring to?

17 COMMISSIONER NEAVE: It is probably in the submission, I think,
18 rather than in the witness statement.

19 MS DAVIDSON: I think at page 57 is where it starts in relation
20 to courts.

21 MS BRAYBROOK: I just need to refresh my memory, if that's
22 okay. So, the main issues that we are raising here are
23 around safety for the women at the court and that
24 sometimes they are forced to wait in public areas where
25 other family and the perpetrator might be.

26 MS DAVIDSON: What's it like for rural and regional areas where
27 you have smaller courts?

28 MS BRAYBROOK: I do know of a court in Gippsland where they
29 hear family violence and criminal matters on the same day
30 and it is a very, very small court. So that has been a
31 significant issue for some of our clients.

1 MS DAVIDSON: Generally speaking, do you regard the system, the
2 intervention order system, as sufficiently accessible for
3 applicants and for respondents? Perhaps Ms Vickery?

4 MS VICKERY: I was going to speak a little more to the
5 intervention order process itself. But from our point of
6 view with the L17s and the issues of the safety notices,
7 getting an intervention order, at least in the initial
8 stages, is not difficult. Serving then on the other party
9 to make sure that you can get a final order of some sort
10 can prove difficult and accommodation has something to do
11 with that. Very often you don't know where that person is
12 living anymore, so again supported accommodation would
13 help.

14 But where I have found it useful in the delivery
15 of our service in particular is having Aboriginal Liaison
16 Officers at the court and having distinctly female and
17 male officers who don't necessarily service a victim or a
18 perpetrator, because it is not gendered based, but who
19 will work with men and women who are currently at the
20 court to go through the IVO process.

21 Where we find breaches of IVOs, more often than
22 not it is because people didn't truly understand the
23 nature of the IVO that was served against them. It may
24 say something like "No communication at all", but it won't
25 say specifically, "You cannot text about the wellbeing of
26 your children" and so they will get a text from their
27 ex-partner saying, "The kids want to see you after school
28 tomorrow" and they will respond to that and then that will
29 become a breach of an IVO because you are under a
30 restriction not to communicate.

31 So, having somebody who can explain that to

1 somebody at the point they get the order served on them is
2 really useful. I think the Aboriginal Liaison Officers
3 who worked at the family violence court in particular in
4 Heidelberg, they were terrific at that and I am sure the
5 Melbourne mob are just as good; I just haven't seen them
6 work. It is sitting down and explaining to somebody, too,
7 what an IVO means if you are applying for one, and then,
8 as Antoinette was saying, there are a whole range of
9 services that need to come around that to make sure
10 everybody is protected.

11 At the end of it, as we all know, an IVO is
12 nothing more than a court order. I'm not limiting court
13 orders as being important, but when emotions are high they
14 are not always the first thing that people think about.

15 MS DAVIDSON: Ms Braybrook, do you have any comments in
16 relation to intervention orders for applicants?

17 MS BRAYBROOK: Yes, we have experiences of where police won't
18 take out the safety notices for the women. We also know
19 that women don't understand that they can get an
20 intervention order. They also don't understand that that
21 intervention order can include exclusion from the home or
22 to stay away a certain distance or even live under the
23 same roof. We know that they're breached often when
24 they're taken out. It's not just because of text
25 messages; it's actually violent breaches and police are
26 not acting on those.

27 MS BAMBLETT: Can I just raise something from Bubup Wilam which
28 they raised and it is how Aboriginal services get caught
29 in the middle of these types of orders. So, there will be
30 an order where one parent can drop off a child at
31 child-care and another parent can pick up the child and

1 the services get caught, the staff get caught in the
2 middle. It can at times be quite difficult, particularly
3 if, say, Child Protection says that the child is
4 Aboriginal and must go to an Aboriginal service, but
5 there's a non-Aboriginal partner in it and they are quite
6 aggressive to our Aboriginal staff.

7 So there are instances where intervention orders
8 actually work against Aboriginal services, so I think that
9 in thinking about intervention orders and children
10 involved, it would be great to sort of think about the
11 implications on the safety of children and the safety
12 planning for children at the centre of the decisions that
13 are made around intervention orders.

14 MS DAVIDSON: How do you see at a practical level those
15 services somehow having some sort of opportunity to be
16 involved in that decision making at the court?

17 MS BAMBLETT: I think the assessment process should take into
18 consideration the safety of the child as well. As I said,
19 in this particular instant it became quite difficult and
20 challenging and I think now Bubup Wilam has secured the
21 services of security because of issues around violence.
22 So it's terrible that Bubup Wilam, an early childhood
23 centre that's for very young children to enjoy what is to
24 be the best part of your life, that there's an element of
25 bullying or violence being perpetrated against a centre
26 and a centre predominantly run by women.

27 MS DAVIDSON: If we move to the question of programs for people
28 who use violence or perpetrators, how do you see the
29 current system? Are there a sufficient number of options
30 for addressing violent behaviour?

31 MS VICKERY: I can answer from some regions, but not others.

1 So, it goes back to more systemic funding, more thorough
2 funding. But there is a centre in the north called The
3 Male Centre and they do something which is really quite
4 holistic. They work with men on a range of different life
5 experiences and levels or what stages they are in terms of
6 addressing any offending behaviour they might have. They
7 do safe supported contact visits, supervised contact
8 visits with children, so they have a way to actually try
9 and engage that person back into being a meaningful
10 contributor to their family, while addressing the
11 offending behaviour and eliminating it, so I do know that
12 that program and service exists. It is run by the
13 Victorian Aboriginal Community Services Association
14 Limited. I think it's funded through the Department of
15 Health and Human Services. I could be wrong.

16 There are similar quite flexible programs here
17 and there, but I don't know that there's any program
18 that's been specifically built for Aboriginal community
19 offender behavioural change that has the kind of
20 evaluation at the end of it that would tell us that this
21 is actually getting traction on the ground, but I do know
22 the guys at The Male Centre do great work.

23 MR JACKOMOS: There is an excellent program called Wulgungoo
24 Ngalu, which means "learning centre", down outside Yarram
25 in South Gippsland. It is a Corrections Victoria
26 initiative that come out of the Aboriginal Justice
27 Agreement. It has an Aboriginal oversight committee, for
28 want of another word. It's managed by - it has mostly
29 Aboriginal workers there and that targets Aboriginal men
30 who are on community based orders. It is a voluntary
31 program and its core focus is rebuilding strong culture,

1 strong men out of that. Antoinette's brother manages that
2 down there and that's an excellent program with excellent
3 outcomes. Most of the men that participate in that
4 program have, from my understanding, some family violence
5 background and that's a worthy program to look at. It's a
6 voluntary program, but it's very strong community focused.

7 MS BRAYBROOK: This isn't to say that we don't need more
8 programs, but with the 10-year plan there is a real focus
9 on programs for perpetrators and also like with the focus
10 in the north, we talked earlier about the focus on
11 programs for perpetrators of violence and I also know that
12 the Healing Centre down at Gippsland has a real focus on
13 perpetrators of violence. I'm thinking there needs to be
14 more, but there's not equal distribution for perpetrators
15 and victims.

16 MS BAMBLETT: I think all of the Aboriginal service system
17 would say that they deal with family violence. So,
18 whether we're running cradle to kinder, whether we're
19 running stronger families, all of those programs have a
20 component. We have drug and alcohol services that have
21 clearly the numbers of Aboriginal families that are
22 involved in family violence, drug and alcohol. So, all of
23 our programs have the capacity to work with these
24 families. It's about whether that's the issue that's
25 presenting and whether we are only dealing with the drug
26 and alcohol rather than the whole of the family.

27 So we need to have an integrated system and a
28 system that deals with all of the issues that are
29 presenting, because the data, as I said, on child
30 protection says that the families that are involved in
31 child protection have drug and alcohol, family violence,

1 mental health, and housing and homelessness is another one
2 of those.

3 So it's around we're getting people coming into
4 the system, they are using the systems, but have they got
5 the referral pathways, have they got the case management?
6 Housing deals with housing. Drug and alcohol deals with
7 drug and alcohol. But do we have the referral pathways?

8 I know at VACCA a lot of our programs we access a
9 lot of the mainstream. We link to Berry Street. We have
10 great partnerships and it's about partnerships and working
11 with those partners around cross-cultural training. All
12 of their staff that work with ours, they use our trauma
13 training and so they link into what expertise we have
14 around trauma and grief and loss and our therapeutic
15 specialists.

16 We have now a healing unit that is about working
17 closely with children, family, women, in addressing the
18 behaviour, whether it's when they reach our family
19 services, whether it's in out-of-home care, our
20 residential units, whether it's in Orana Gunyah which is
21 similar to the Mildura facility, that's run out of
22 Morwell; there's a healing component to it. There has to
23 be in every Aboriginal service a healing component because
24 that's the nature of the work that we are dealing with.

25 MR JACKOMOS: There's also an excellent program that's run by
26 community and it's called Warrakoo Station, and that's
27 operated by Mallee District Aboriginal Services. It's
28 based in New South Wales on the river, but it's an
29 excellent program that's mostly funded by the Commonwealth
30 through Commonwealth Health. But that's used as a
31 diversionary program for courts to refer Koori men there.

1 It's around alcohol and drugs, also addressing offending
2 behaviour and family violence.

3 We also have up at Echuca, outside of Echuca,
4 there's a property called Baroona Farm. It's operated by
5 Njernda Aboriginal Corporation, also on the Murray River,
6 and that's more directed towards young men on youth
7 justice orders, and there are also older men, but it is
8 more younger men who are diverted there by the Children's
9 Court as well as through the Magistrates' Court. That's
10 also a cultural focus for that one as well.

11 MS BAMBLETT: There is one that's just opened, the health - -
12 -

13 MR JACKOMOS: There is Bunjilwarra down at Hastings which is an
14 excellent program. That's more around alcohol and drug
15 rehab for both young men and young women, and that's a
16 cultural focus there as well.

17 MS DAVIDSON: I just have a couple more questions. I wanted to
18 just go back and clarify Mr Jackomos's and Ms Braybrook's
19 response to a question around Child Protection and I think
20 I was asking the questions in the context of whether or
21 not there were opportunities for earlier intervention in
22 relation to families. I think the comment was made by
23 either one or both of you about Child Protection removing
24 children that it shouldn't be.

25 Can I just get you to clarify whether or not you
26 were saying that there were opportunities to provide
27 services earlier and the failure to do that had meant that
28 children had been removed, or were you intending to cover
29 children being removed inappropriately, full stop?

30 MR JACKOMOS: I can't recall whether it was myself or
31 Antoinette, but I don't want to see children in a place

1 that's unsafe for the children. But I do think that there
2 are greater opportunities for both government and
3 community to work with young families, families in
4 general, to build their capacity to be good parents prior
5 to even considering removal.

6 MS BRAYBROOK: In our experience, we have worked with women
7 where children have been removed and because they have
8 come to us and got legal intervention we have been able to
9 get the children back, and that would suggest that they
10 shouldn't have been removed in the first place had the
11 proper supports been in place, and we have worked with
12 women in the community where the children haven't been
13 removed yet and been able to link them into all of those
14 supports.

15 MR JACKOMOS: A problem that we do see is that when a lot of
16 our children and a lot of children in general are removed,
17 a lot of the children aren't allocated case managers.
18 We've seen that for over a year where children have been
19 in out-of-home care without case managers. The worry is
20 when they are out without a specific case manager we are
21 missing opportunities to work with the children early on.
22 One of the things that we have seen in Taskforce 1000 is a
23 lot of children where they don't receive counselling for a
24 long time after they are in out-of-home care.

25 MS BAMBLETT: The Child FIRST model was a model that was
26 introduced to stem the flow of removal of all children
27 into the out-of-home care or the child protection system,
28 and it's a model that is working really well. The
29 unfortunate thing is, and this is something that's
30 happening right across Victoria, is that in the north and
31 in the Melbourne metro VACCA has been able to secure

1 resources in some parts to be able to offer an Aboriginal
2 Child FIRST component. This doesn't get offered across
3 the state, so it means that the real challenge is there's
4 not an equal distribution of resources across the state to
5 deliver the full range of services that are required. So
6 we run Aboriginal Child FIRST in the north and what we are
7 doing is actually taking all of the families that are
8 involved that could be at risk and we are working with
9 them.

10 In the other regions, Aboriginal people are
11 represented as part of the alliance but not holding the
12 cases, so the cases are going very often to mainstream
13 organisations. So, if we are going to really make a
14 difference, Aboriginal services need to be doing all
15 aspects of child welfare. We have some parts of the state
16 where there are very few family supports. The Cradle to
17 Kinder is in two parts, but look at the high numbers of
18 Aboriginal children. Last year there were 80
19 notifications for unborn babies to our access program.
20 So, that's a high number of vulnerable mums. Cradle to
21 Kinder can't meet the demand to that.

22 So, if you look at the family violence, if you
23 look at the flow of children coming into the care, the
24 Stronger Families model isn't rolled out across all
25 Aboriginal services where it is needed, so Aboriginal
26 services constantly have to go cap in hand and begging for
27 services to meet the need of Aboriginal children across
28 the state.

29 MS DAVIDSON: Finally, just one final question. I'm going to
30 pick up from something that was stated in the Taskforce
31 report which was I think 2003 or 2004, which recommended,

1 and I will read from what it said, "Holistic family
2 healing centres and Time Out centres be established within
3 all regions." These were intended under the Taskforce to,
4 as they said, "provide a comprehensive range of services
5 designed to prevent, reduce and respond to all forms of
6 family violence within local Indigenous communities. This
7 would include community education and awareness raising,
8 family support and parenting services, counselling,
9 support and respite for victims of violence, including
10 women, children and elders, men's services, including
11 referral to Time Out places, and community dispute
12 resolution services. The centres would also focus on ways
13 to support recovery and healing for an individual family
14 or community which incorporates spiritual, cultural,
15 social and psychological dimensions."

16 That was 2004. Do we have anything resembling
17 that?

18 MR JACKOMOS: I think they're wonderful initiatives as written.
19 They'd be fantastic if they were funded to actually
20 happen.

21 MS BAMBLETT: There are healing centres established. There's
22 one in Sale, down Gippsland. There's one out at - Angela
23 Singh can probably talk to exactly where they are, but my
24 understanding is they operate very differently. The
25 resources they get are very different. So it's totally
26 dependent on their capacity to attract funding for
27 different programs.

28 The one in the east is doing really well, as far
29 as I'm aware. So that's really got a strong, I believe,
30 feminist approach as well. I think the fact that we have
31 a male centre in the north means that we have a time out

1 approach. The issue has been raised around the different
2 regions, the priorities and the drivers, so the political
3 intent - we've had in the north a lot of focus in saying
4 if 80 per cent of the problem are men, then 80 per cent of
5 the resources should go to men. That's quite obviously
6 been challenged by the women in that region, but to date
7 that hasn't flowed with resources so there's still a lot
8 of advocacy and a lot of work.

9 Unfortunately when all the funding came out, it
10 came out in the early stages and so we thought that we
11 would start with the men and then start to work on the
12 women next, but the level of funding hasn't followed that.
13 So it means that what was goodwill and good intention, the
14 danger will be that you will hear that healing centres,
15 one of the healing centres is not working. I would be
16 really, really disappointed if we start to say that
17 healing centres don't work for Aboriginal just because one
18 doesn't work. We don't say that of any other service
19 system. I'd be disappointed if we do that.

20 MS BRAYBROOK: They do sound wonderful, but I have some
21 reservations about everything being under the same roof,
22 particularly around safety for victims and community
23 perceptions as well, and confidentiality. I think that's
24 probably one of the reasons why most of the services have
25 either gone down one way or the other and there has been a
26 real focus on perpetrators of violence. I'm unaware of
27 the service that focuses on women.

28 I am a strong advocate for specialist services
29 for victims to ensure that they don't continue to be
30 silenced and that they are kept safe.

31 MS DAVIDSON: Does anyone else want to respond to that

1 question?

2 MS VICKERY: I think the way it is written in the Taskforce
3 report is excellent, and I know the healing services,
4 I have been involved in the one down at Gippsland and the
5 one in Ringwood, that certainly their program build is
6 aspirationally what that should be. The thing I haven't
7 seen is the respite, which I think would be of great
8 assistance in the legal system to be able to give people a
9 chance to have some time just to heal before they actually
10 start to grapple with any of the sometimes lengthy legal
11 processes they have to go through.

12 My final comment to the Commission, if you don't
13 mind, is to say that at the bottom of all this children
14 experiencing family violence are experiencing a quite
15 significant life trauma and whatever we do needs to be
16 informed by that and make sure that they get to heal and
17 adults take responsibility for their behaviour.

18 MS DAVIDSON: Do the Commissioners have any additional
19 questions?

20 DEPUTY COMMISSIONER NICHOLSON: Yes, counsel. I had one
21 question. I think it was Ms Bamblett mentioned earlier
22 today, and I may not have heard this right, but I think
23 you said that there were 800 Aboriginal children born each
24 year; was that correct?

25 MS BAMBLETT: Yes, it's been related 800 babies born each year.

26 DEPUTY COMMISSIONER NICHOLSON: So I wanted to test what seems
27 like quite a simple idea of early intervention. If
28 there's 800 children born each year, using your sort of
29 ratios you talked about earlier today, then perhaps about
30 160 of those would be born in vulnerable circumstances,
31 about 20 per cent?

1 MS BAMBLETT: If you look at the 80 unborn notifications, so
2 already you get a sense we are waiting at the hospital for
3 babies to be born to - - -

4 DEPUTY COMMISSIONER NICHOLSON: So let's say 20 per cent is
5 about 160 babies, probably spread across a dozen or so
6 locations?

7 MS BAMBLETT: And there are hotspots, obviously Morwell, and
8 the west is now challenging us because we are subject to
9 where the Aboriginal Housing Board buys houses. So if
10 they buy a lot of housing stock, and what we are finding
11 is there are real hotspots with regard to where they get
12 their stock. So if they buy them at Whittlesea,
13 Thomastown - the houses used to be predominantly around
14 the north, Northcote and areas, but if you've tried to buy
15 a house in Northcote, you know you can get two
16 houses - not to say that they shouldn't live out in Melton
17 and places like that - but you can buy two houses in
18 Melton for what you can buy in Northcote. So the
19 Aboriginal Housing Board is buying an a lot of their stock
20 in Roxburgh Park and way out.

21 DEPUTY COMMISSIONER NICHOLSON: So we are talking about
22 probably about each year 160 babies born in vulnerable
23 circumstances across a dozen or so locations where there
24 might be some hotspots. It would mean between perhaps 20
25 and 40 babies in those locations. It would seem to me to
26 be a very simple thing to do would be to ensure that all
27 those babies had the quality response from pregnancy
28 through to kinder or even longer that would be truly an
29 investment. It doesn't seem to me to be too difficult.

30 MS BAMBLETT: No, and with respects to all the secretaries of
31 all the departments, I remember having this conversation

1 with Fran Thorn when she was secretary and there were 400
2 children being born each year and she said at that time,
3 "Muriel, why can't we do something about it?" So this has
4 been an ongoing challenge.

5 DEPUTY COMMISSIONER NICHOLSON: Do you have any insight into
6 why it hasn't been done, simply target the vulnerable
7 babies from pregnancy through to school?

8 MS BAMBLETT: Again it goes back to do we fit into a program
9 model logic, do we fit into a funding stream at the time
10 or do we go out and be innovative and different?

11 DEPUTY COMMISSIONER NICHOLSON: I think you've got the model,
12 haven't you, Cradle to Kinder or something like that run
13 by an Aboriginal controlled organisation?

14 MS BAMBLETT: Cradle to Kinder is quite complex in that you
15 hold the case for 12 months, so it is one case.

16 DEPUTY COMMISSIONER NICHOLSON: What I'm suggesting is some
17 type of support to that family to see that baby from
18 pregnancy through to school.

19 MS BAMBLETT: I agree, but even adopting, even looking at the
20 Albury-Wodonga model which is the same, where there's a
21 lot of eyes on children and everybody is working on those
22 children.

23 MS BRAYBROOK: Can I just make one comment, because it just
24 prompted my memory. I do agree about targeting the
25 vulnerable babies, but for us we looked into our 500
26 clients and of those 500 clients there were 800 children
27 attached to those clients, so in fact we are servicing
28 1300 people. That is just so far-reaching and those
29 children are vulnerable now and have been hurt by family
30 violence.

31 DEPUTY COMMISSIONER NICHOLSON: Yes, I appreciate that.

1 COMMISSIONER NEAVE: I wanted to just go back briefly to the
2 issues that were raised about the Magistrates' Court and
3 intervention orders. If there were two or three things
4 that needed to be done in the short term, and this is not
5 meant to confine what might be done in the longer term,
6 what would be the things that would be the most effective
7 in terms of improving that part of the response of the
8 service system to family violence for Aboriginal people?

9 MS VICKERY: I think from our perspective what we find, we
10 spend a lot of time constructing and deconstructing legal
11 language for our clients. So people who could actually
12 help do that in the IVO setting, the safety notice setting
13 where there isn't necessarily an Aboriginal Liaison
14 Officer or one of our field officers present, somebody who
15 can actually sit quite patiently with the person who is
16 under the order to make sure that they fully understand it
17 and then link them up to a service like The Male Centre
18 who can continue to reinforce those messages so that we
19 make sure that there aren't further incidents of family
20 violence.

21 They are in the system now and they are done on a
22 fairly ad hoc basis depending on who's got the funding and
23 I know that the family violence officer positions in
24 Heidelberg were eliminated recently because the funding
25 ran out. That's the sort of thing where our clients then
26 say, "That was actually a really good program. Why can't
27 we continue to access it?" It is very hard to explain why
28 people can't do that.

29 I think, generally speaking, there's a policy
30 called Kareetya Yirramboi which is about employing
31 Aboriginal people in the Public Service, and within that

1 policy there is a commitment to developing people in the
2 Public Service. While I see a lot of Aboriginal staff
3 coming through the Public Service, their career paths
4 aren't all that clear.

5 I was reflecting this morning on where are the
6 Aboriginal heads of agency, and there are some, but where
7 is the visibility of Aboriginal people in the system so
8 that Aboriginal community who want to access the system
9 feel safe, feel confident that the system will be
10 responsive to their needs, because they know people who
11 are working in it?

12 Also, where are the Aboriginal heads of
13 mainstream agencies? Mainstream agencies, as Antoinette
14 pointed out, get a lot of money that is allocated towards
15 addressing issues in the Aboriginal community, but is
16 there an Aboriginal head of a mainstream agency, because
17 I can't think of one.

18 There is something in there saying recruitment
19 practices are a very simple tool. Put cultural awareness
20 and capacity in recruitment processes. Make sure you
21 employ people who are able to be responsive to this
22 community, even if they are not from it. Because it is
23 not magic; it is about knowing and understanding and
24 working alongside people so you get to see them
25 three-dimensionally. Those sorts of things could be done
26 straight away.

27 MS BRAYBROOK: I would just like to say that to ensure that
28 victims or women have a legal advocate, because there's
29 always more than one legal issue.

30 MR JACKOMOS: For the Magistrates' Court, one of the tasks is
31 to ensure that magistrates are fully aware of what are the

1 options out there for Kooris, whether as victims or as
2 perpetrators. As Annette mentioned, out at Heidelberg
3 Court we had Koori family violence workers there, so the
4 more people that we have working in magistrates',
5 particularly on the family violence side, who can inform
6 magistrates as to what are the options. That's one of the
7 beauties of the Koori Courts in those areas is that we
8 have people who work with the magistrates. We have
9 magistrates who are Koori friendly in most of the cases
10 and that's the part about being informed.

11 COMMISSIONER NEAVE: Thank you very much.

12 MS DAVIDSON: Can I ask that these witnesses be excused and
13 perhaps - - -

14 MS BAMBLETT: Can I just make one comment? I'm a female and
15 I'm a CEO of an Aboriginal organisation. Social media is
16 really at the moment becoming quite dangerous to women.
17 I just really want to put on record about the fact that in
18 Facebook messages and things like that, that we as
19 Aboriginal come under as well a form of violence in that
20 people are allowed to make statements and cause other
21 comments by - there was an article in the paper recently
22 about the overrepresentation of children in out-of-home
23 care and somebody got in the media and was really
24 vilifying the organisation I work for and criticising what
25 I do.

26 I think that there's no protection and I asked
27 about what protections there are before the justice
28 system, but violence has its many forms and I think social
29 media, if we don't look at social media and how that
30 impacts on people and how that will impact on particularly
31 Aboriginal people into the future, I think it's a level of

1 violence that we need to be able to address as well.

2 COMMISSIONER NEAVE: Thank you for that. Thank you all very

3 much for spending the whole day almost with us. It's been

4 most enlightening. We are really very grateful. Thank

5 you, you are excused.

6 <(THE WITNESSES WITHDREW)

7 MS DAVIDSON: Shall we have perhaps a five minute break?

8 COMMISSIONER NEAVE: Yes.

9 (Short adjournment.)

10 MR MOSHINSKY: Commissioners, the next witnesses are Angela

11 Singh and Jacquelyn Turfrey. Could they please be sworn

12 in.

13 <ANGELA MARIE SINGH, affirmed and examined:

14 <JACQUALYN LOUISE TURFREY, affirmed and examined:

15 MR MOSHINSKY: Before I ask my questions, would one of you wish

16 to say anything before we commence the questioning?

17 MS SINGH: I think we would like to acknowledge that we are

18 meeting on the land of the Kulin Nation and pay our

19 respects to their elders past and present, and I say that

20 as a Yorta Yorta woman.

21 MS TURFREY: And I say that as a Palawa woman.

22 MR MOSHINSKY: Could I start with you, Ms Singh. Could you

23 please outline what your current position is and just give

24 a very brief overview of your professional background?

25 MS SINGH: I'm the Executive Director of the Office of

26 Aboriginal Affairs Victoria and that's located within the

27 Department of Premier and Cabinet. I have held this

28 position for just over two years. As part of the

29 Executive Director, Office of Aboriginal Affairs Victoria,

30 we have a responsibility for coordinating the whole of

31 government Aboriginal Affairs reform agenda and that

1 includes administering two Acts, the Aboriginal Lands Act
2 and the Aboriginal Heritage Act.

3 One of our functions also is to coordinate the
4 implementation and oversight of the Indigenous Family
5 Violence 10-year plan.

6 MR MOSHINSKY: Have you prepared a witness statement for the
7 Royal Commission?

8 MS SINGH: Yes, I have.

9 MR MOSHINSKY: Are the contents of that statement true and
10 correct?

11 MS SINGH: Yes, they are.

12 MR MOSHINSKY: Ms Turfrey, could you please indicate your
13 current position and just give a brief overview of your
14 professional background?

15 MS TURFREY: Sure. I'm currently the Director of the Koori
16 Justice Unit within the Department of Justice and
17 Regulations. I'm responsible for overseeing the
18 implementation, monitoring and evaluation of the
19 Aboriginal Justice Agreement, which is a whole agreement
20 partnership between the Koori community and the Department
21 of Justice and essentially the whole of the Victorian
22 Government.

23 My background is that prior to coming to this
24 role I was a commercial barrister. I have worked in
25 Aboriginal community in Broome working with the Yawaru for
26 over four and a half years negotiating in the native title
27 space. I've been in commercial areas of law all up for
28 about 15 years. Prior to that I was in the Commonwealth
29 Public Service primarily responsible for the delivery and
30 implementation of Indigenous programs.

31 MR MOSHINSKY: Ms Turfrey, have you prepared a witness

1 statement for the Royal Commission?

2 MS TURFREY: I have.

3 MR MOSHINSKY: Are the contents of the statement true and
4 correct?

5 MS TURFREY: Yes, they are.

6 MR MOSHINSKY: Thank you. Could I just indicate before
7 I commence other questions that a number of issues have
8 been raised by the witnesses in the earlier panel which
9 go, it would seem, to other areas of government and which
10 I wasn't proposing to ask you about unless you would like
11 me to. But I just wanted to indicate to the Commission
12 where there will be the opportunity for some form of
13 response, although it won't be this afternoon.

14 So, in relation to some of the issues relating to
15 housing and homelessness, we will be dealing with that
16 topic tomorrow and we do have a witness from the
17 government coming tomorrow who I can take up those issues
18 with. In relation to the issues that have been raised
19 regarding police, we will be looking at those issues on
20 the 11th day of the public hearings and there will be
21 opportunity to take up those issues then.

22 In relation to the issues concerning child
23 protection, we have already had some evidence on that and
24 a government witness, Ms Beth Allen, on that. Some of the
25 matters were raised with her, but to the extent that there
26 may have been additional issues raised regarding child
27 protection, we will arrange a mechanism with the State by
28 which the State can convey any responses that it wishes on
29 those points.

30 COMMISSIONER NEAVE: Thank you, Mr Moshinsky. Obviously if
31 either of these two witnesses have something pertinent to

1 say about any of those issues we wouldn't want to
2 foreclose you from doing so, but that's not the primary
3 purpose of your evidence today.

4 MR MOSHINSKY: Can I start with the 10-year plan. There have
5 been a number of comments made about the 10-year plan
6 which I would like to take you to and seek your response
7 to. But before I get to the response, I was wondering
8 whether perhaps, Ms Singh, you might be able to outline
9 for the Commission just what is the 10-year plan sort of
10 at a high level?

11 MS SINGH: I might go back a little bit before that. So in
12 2002 the Victorian Government announced its intention to
13 establish an Indigenous Family Violence Strategy. Back in
14 2002 it established an Indigenous Family Violence
15 Taskforce, Indigenous Family Violence Regional Action
16 Groups and the Community Initiative Fund that's been
17 referred to earlier today. The Indigenous Family Violence
18 Taskforce reported in 2003 and it recommended the
19 establishment of an Indigenous Family Violence Partnership
20 Forum to oversee the development of a 10-year Indigenous
21 Family Violence Plan. So that's the origin of the 10-year
22 Family Violence Plan.

23 The 10-year plan was actually released in 2008
24 and its development was overseen by the members of the
25 Indigenous Family Violence Partnership Forum and a number
26 of those members gave evidence this morning.

27 Overall it includes - so the architecture of the
28 plan is that it includes a vision and that's around a
29 safer Victoria for Aboriginal families and communities.
30 It includes nine principles. The first principle is
31 family violence is not part of Indigenous culture or

1 Aboriginal culture. It includes seven values, and the
2 first value listed is the safety and security of victims
3 of family violence. It includes eight objectives, and
4 under each of those objectives there is a corresponding
5 strategy and action. So, the plan has a total of 45
6 separate actions across eight of its objectives.

7 MR MOSHINSKY: Can you just explain briefly what the regional
8 action groups are?

9 MS SINGH: Indigenous Family Violence Regional Action Groups
10 were established back in 2002 as part of the initial
11 government response. They are regional action groups that
12 comprise primarily members of the Aboriginal community,
13 particularly elders, and Aboriginal services working in
14 the area, and they also have associate members, so that
15 can be members of Victoria Police, other service
16 providers, the Department of Health and Human Services as
17 well. They meet on a regular basis, at least four times a
18 year, and they look at initiatives to improve and address
19 Aboriginal family violence.

20 MR MOSHINSKY: The Partnership Forum, I believe you co-chair
21 that. What is the purpose of the Partnership Forum?

22 MS SINGH: The primary purpose of the Partnership Forum is to
23 monitor the 10-year plan, but also to identify emerging
24 priorities that are coming up in Aboriginal family
25 violence. The Partnership Forum meets twice a year for
26 about one and a half days each time, and that includes
27 members of the Aboriginal community including the chairs
28 of the 11 Indigenous Family Violence Regional Action
29 Groups. It includes Aboriginal organisations that are
30 members and it also includes government.

31 MR MOSHINSKY: In terms of evaluation, I understand there's a

1 draft evaluation report which is confidential. Without
2 going into the parts that are still confidential, can you
3 outline at least the process of evaluation that's recently
4 taken place?

5 MS SINGH: Yes. So, the mid-term evaluation of the 10-year
6 plan commenced last year. The methodology was that all
7 Indigenous Family Violence Regional Action Groups were
8 interviewed, all government partners were interviewed and
9 Aboriginal organisations that were member of the
10 Partnership Forum were also interviewed.

11 The purpose of the review was to look at
12 identifying current progress in terms of outcomes around
13 Aboriginal family violence, and also look to strengthen
14 the implementation of the 10-year plan in its final years.
15 There were seven evaluation questions posed as part of the
16 evaluation that we asked the consultants to look at and
17 they related to how was the plan progressing, has the
18 vision been achieved of a safer Victoria for Aboriginal
19 families and communities, what are the existing
20 performance indicators and are there opportunities to
21 establish regional and statewide targets going forward,
22 looking at some of the lessons and the benefits from the
23 community-led model, so one of the important features of
24 the 10-year plan is that it is seen as a community led
25 model.

26 The other evaluation questions related to
27 opportunities to improve its efficiency and effectiveness,
28 how we can improve the effectiveness of the Partnership
29 Forum as the overarching governance mechanism and also the
30 effectiveness of the Community Initiatives Fund.

31 MR MOSHINSKY: Just in terms of timing, will that evaluation be

1 completed before this Commission has to complete its
2 report in February next year? What is the timing on the
3 evaluation?

4 MS SINGH: Yes. The Partnership Forum last met on 17 and
5 18 June and considered a preliminary draft report. The
6 Partnership Forum decided that they wanted to do a little
7 bit more work around strengthening the recommendations,
8 particularly the language of the recommendations, so
9 there's a little bit more work being done. We anticipate
10 that the evaluation will be completed by the end of
11 August.

12 MR MOSHINSKY: I think both of you have been in the hearing
13 room all day, is that right? Yes. You have heard a
14 number of comments made by the other witnesses about the
15 10-year plan. I will just recap on a few before I ask you
16 to respond.

17 So, one of the comments was whether there was
18 sufficient identification of who was responsible for doing
19 things. Another issue was it was said there was a
20 deficiency in the absence of women and children in the
21 plan. Another issue was relating to data and having
22 measurable targets. It was said, "We don't have a from
23 and a to".

24 Can I invite you, Ms Singh first, and Ms Turfrey
25 if you would like to as well, to comment on those
26 observations that we have heard today?

27 MS SINGH: So I think one of the ways we monitor the
28 implementation of the plan is that there is a traffic
29 light report that's produced and tabled at every
30 Partnership Forum against the 45 actions in the plan.
31 That traffic light report includes the responsible agency.

1 So that's one of the ways that we monitor implementation
2 against the plan.

3 We are also mindful that we don't have a target
4 around family violence and when the Victorian Aboriginal
5 Affairs framework was developed the precursor to that was
6 the Victorian Indigenous Affairs Framework and then in
7 2006 and then in 2012 we released the Victorian Aboriginal
8 Affairs Framework. We wanted to set a target around
9 Aboriginal family violence, but we knew at the time it was
10 too complex. So the VAAF, Victorian Aboriginal Affairs
11 Framework, commits to the development of a family violence
12 target. That's where we are looking to get some advice
13 from the mid-term evaluation about what a possibly
14 statewide or regional target could look like.

15 I think the witnesses earlier this morning talked
16 about the holistic view of approaching Aboriginal family
17 violence. So we would see that the 10-year plan is
18 absolutely very much inclusive of women, children and men.
19 We absolutely acknowledge that women and children are
20 overrepresented as victims of family violence and so the
21 10-year plan looks to take a holistic approach. That in
22 part is demonstrated by one of its first cited values,
23 which is safety and security for victims of family
24 violence, and obviously that includes women and children.

25 MR MOSHINSKY: Did you want to comment on the 10-year plan?

26 MS TURFREY: I will just briefly comment on that. I think in
27 the justice space I'm in a much stronger position in many
28 respects because a further overlay to that history is that
29 the Aboriginal Justice Agreement has been around since
30 2000. We are now in our third iteration of that. So what
31 we have done in that space is we have got more and more

1 focused in terms of the breadth and depth of the work that
2 we are doing under our Aboriginal Justice Agreement, so it
3 pre-existed the 10-year plan. So, in respect of - - -

4 MR MOSHINSKY: Can I just interrupt? Could you just explain
5 what is the Aboriginal Justice Agreement?

6 MS TURFREY: The Aboriginal Justice Agreement is the
7 partnership agreement between the State Government and the
8 Aboriginal community through Koori Caucus around
9 Aboriginal contact with the justice system. Under the
10 VAAF agreement our targets are to try to close the gaps
11 between the rates of overrepresentation in the youth
12 justice space and also in the adult justice space, so
13 that's in respect to contact with the justice system and
14 incarceration.

15 That covers obviously a very broad range of
16 issues. We have across government responsibilities that
17 come under the Aboriginal Justice Agreement. We focus on
18 the Youth Justice System which is managed through the
19 Department of Human Services and Health. We also operate
20 as a justice portfolio. So, even though the department
21 itself - so the police are separate from us, the courts
22 are now separate from us, we still take a whole of justice
23 approach in having strategies, initiatives and objectives
24 that go towards closing those targets that we are seeking
25 to achieve.

26 With that as an overlay, this agreement has been
27 around since 2000 and it has just been getting more and
28 more focused as we rewrite and move along. In respect to
29 the 10-year plan as far as the Department of Justice and
30 Regulation is concerned, in fact the accountabilities are
31 quite clear for us in that space, so I can't comment on

1 the rest of the 10-year plan, but those particular
2 objectives are picked up in our own Aboriginal Justice
3 Agreement.

4 We have objective 4 in that agreement. That is
5 to reduce conflict, violence and victimisation. It has
6 very clear objectives, strategies and actions, and we are
7 very clear within our system who is responsible for each
8 component of that and the implementation of that.

9 At my witness statement, and I won't take too
10 much of your time, Commissioners, directing you to
11 attachments, but at attachment JLT-6 you will notice there
12 is a table there that goes into funding, and I'm sure
13 there will be questions about that so I won't go too far
14 into it, but that table sets out clearly what we are
15 funding in this space of the Aboriginal Justice Agreement,
16 but we also do a comparison with the 10-year plan. I will
17 just wait for the Commissioners to find that,
18 Mr Moshinsky.

19 COMMISSIONER NEAVE: JT-6, did you say?

20 MS TURFREY: JT-6.

21 COMMISSIONER NEAVE: Thank you.

22 MS TURFREY: That's a table that outlines the various funding
23 grants or transfers out of the Aboriginal justice budget
24 or community grant funding. You will notice in the third
25 column from the right it says "Reported under the AJA" and
26 they are all "yes" because we report on these actions.
27 But you will note then the very last column highlights
28 whether it is reported under the 10-year plan. So what
29 you will notice there is that the thing about the
30 Aboriginal Justice Agreement, it goes much further and
31 broader than the 10-year plan, but we do notify and we do

1 align those initiatives which actually do relate to the
2 10-year plan.

3 MR MOSHINSKY: Thank you. I will come back to funding as a
4 topic shortly. Before that, can I just ask you both to
5 respond to this issue: One of the other themes in the
6 evidence this morning was that there seemed to be a lot of
7 plans, and at one point Ms Bamblett said there were 46
8 plans for the northern region alone. Do you have a
9 comment to make as to the question of whether there are
10 perhaps too many plans and whether the plans are connected
11 sufficiently with each other?

12 MS SINGH: The Victorian Aboriginal Affairs Framework is the
13 overarching plan or framework in Victoria to close the gap
14 in terms of outcomes between Aboriginal and non-Aboriginal
15 people. We see the VAAF as the overarching framework, but
16 within the VAAF we also identify strategic areas of
17 importance and we know that if we want to achieve a change
18 in terms of Aboriginal outcomes we need to have some
19 focused efforts.

20 So, the respective plans that exist in Victoria
21 is to help focus our effort on that particular area. So,
22 the Aboriginal Justice Agreement is the key plan to
23 achieve our Aboriginal justice targets in the VAAF.
24 Koolin Ballit, which is strategic directions in Aboriginal
25 health, is one of our key plans to achieve our health
26 targets in the VAAF. So I would expect that for every
27 area that we want to close the gap in, there needs to be a
28 supporting policy and supporting programs to achieve that.

29 In some respects we don't necessarily make any
30 apologies around the number of plans. What we do expect
31 is the plans to talk to each other and to be integrated,

1 and that's often a challenge.

2 MS TURFREY: One thing I will comment on is that the work we do
3 under the Aboriginal Justice Agreement, it actually
4 complements the 10-year plan. We don't actually duplicate
5 the effort. We do work together to complement so that we
6 can fill gaps in the service delivery, and I think that
7 that's in my experience what happens across all of those
8 plans. So even in the Aboriginal justice space, what we
9 find is that we have our Aboriginal Justice Agreement, but
10 one of the plans that Muriel would have referred to would
11 even have been the RAJAC plan, which is the Regional
12 Aboriginal Justice Advisory Committee and then we have
13 Local Aboriginal Justice Advisory Committees. Each of
14 those committees have plans as well.

15 What that is about is about looking at the
16 Aboriginal Justice Agreement as a broad overarching
17 agreement and then it's those next level down agreements
18 that identify place based initiatives, local actions
19 relevant to local communities, so that they are actually
20 implementing the objectives and strategies of the
21 Aboriginal Justice Agreement, but they are doing it in
22 each regional and local area in a manner that makes it an
23 effective tool for those communities. Again, they
24 complement activities across what the other departments
25 are doing.

26 COMMISSIONER NEAVE: Could I just ask a question before we
27 leave that attachment, the attachment to your witness
28 statement, Ms Turfrey? This tells us where - I'm not
29 going to express this - where it's reported. It doesn't
30 tell us the amounts or the evaluation of any such
31 programs. Is that information contained somewhere else?

1 MS TURFREY: In terms of the evaluation, we have given you
2 examples in my witness statement of the evaluations that
3 my unit undertakes in respect to a number of the programs
4 where we have the responsibility for evaluation.
5 Evaluation is a critical component of the programs of the
6 grant funding that we implement. We tend to run interim
7 evaluations which look at process and then when a grant
8 comes towards completion we then look at outcomes
9 evaluations. So, there's definitely evaluation.

10 In terms of the dollar amounts, we have kept
11 those out for sensitivity reasons. I'm not sure if we
12 could make those available publicly. I'm sure that we
13 could make them available to the Commission.

14 COMMISSIONER NEAVE: Speaking only for myself, I would find it
15 helpful to know what sorts of amounts we are talking about
16 and whether an evaluation has occurred and what its
17 outcome was. So it would be extremely helpful to have a
18 table like this with that kind of information on it
19 because, as I understand it now, you have to go to the
20 agreement under which it's reported in order to find that
21 additional information. Is that a fair comment?

22 MS TURFREY: That is a fair comment. This table didn't exist
23 prior to this hearing. We actually pulled this together
24 to assist the Commission to understand the way that the
25 Aboriginal Justice Agreement complements the 10-year
26 agreement and goes further and broader.

27 COMMISSIONER NEAVE: Thank you, I understand. That can be
28 pursued later. I just wanted to clarify what the state of
29 play was in terms of that information. Thank you.

30 MR MOSHINSKY: Can I ask you both about the topic of data,
31 which has been referred to a number of times today. It is

1 also a subject that you deal with in your witness
2 statement, Ms Singh, at paragraphs 46 through to 50.

3 I think you identify in your witness statement some
4 challenges and opportunities, and one of the areas that
5 you then consider is lack of reliable data.

6 Could you explain insofar as we are dealing with
7 the subject of this Royal Commission, family violence,
8 what are some of the gaps that you perceive in what's
9 available at the moment and that you ideally would like to
10 have measurable data about?

11 MS SINGH: I think what we are hearing very strongly from the
12 Partnership Forum is access to data at both a statewide
13 and then a regional level across a range of indicators
14 relating to family violence. So that includes Aboriginal
15 victims of family violence, which is captured through the
16 L17s; Aboriginal perpetrators of family violence, which is
17 captured through the same mechanism. We are also wanting
18 to look at the percentage of Aboriginal clients accessing
19 services, particularly mainstream services. So we are not
20 sure whether Aboriginal clients are accessing mainstream
21 services to the extent that they should, particularly
22 given the overrepresentation of Aboriginal people as
23 victims and as perpetrators of family violence.

24 We are also wanting to look at court data in
25 terms of breaches of intervention orders. There's a range
26 of data that the Partnership Forum has said they want to
27 look at getting access to. One of the challenges I think
28 we heard earlier this morning is the difficulty in
29 capturing data around Aboriginality on L17s, so there's a
30 significant percentage of unknowns ticked on the L17 boxes
31 which means we are not getting a clear enough indication

1 of what the pattern looks like for Aboriginal victims and
2 perpetrators.

3 One of the things the Family Violence Partnership
4 Forum has said is that if we get access to that data, then
5 we can ensure that our service responds accordingly and,
6 if we don't get access to the data, to some extent we are
7 operating in the dark.

8 MR MOSHINSKY: Are there steps that have been put in place to
9 try to improve that data and what's available through the
10 Partnership Forum or through government in some other way?

11 MS SINGH: I think the mid-term evaluation of the 10-year plan
12 is helping to give particular focus to our data needs and
13 that's a good thing, as well as the Royal Commission. We
14 have definitely had discussions with Victoria Police,
15 particularly through the Koori family violence police
16 protocols and the need particularly in those sites to
17 ensure that police are asking the question. As Andrew
18 said earlier, it's about how you ask the question and how
19 you frame the question. But definitely Victoria Police
20 absolutely are very conscious of the large amount of
21 unknowns being reported in the L17s.

22 We are also talking obviously with our colleagues
23 at DHHS in terms of wanting to get better data around
24 service access of Aboriginal people, not only to
25 Aboriginal specific programs but also to mainstream
26 programs as well. So I think the mid-term evaluation has
27 helped give focus to the quest for data, and definitely
28 there's a willingness from all government agencies to
29 enhance their data collection.

30 I think one of the things then we need to do is
31 share that data across community organisations because

1 they have said it's not just collecting the data, it's
2 ensuring it is shared so they too are also responsive.

3 MS TURFREY: If I may comment on that. In respect to justice
4 system data, we provide that to the forum, so there is
5 some data that goes through. We also do that down to a
6 local level. We have the limitations within the system
7 and they clearly are with the Victoria Police data with
8 the unknowns and also the court data, which is somewhat
9 affected by the LEAP system, which is the police system,
10 but it is also because the system itself in the courts is
11 quite antiquated or is quite old, and therefore there's
12 all kinds of technical challenges in being able to capture
13 the data through the courts.

14 One thing we are able to do through our systems
15 is that we do our data analyses very much on a regional
16 and local level for justice. So, under objective 4, that
17 would be swept up in the broader data pack. Providing
18 data to community orgs is not always the best outcome by
19 itself because I noticed at the forum that we have a
20 challenge every now and then when we provide a lot of
21 data. It is actually data analysis that people need
22 assistance with, because you need to know what questions
23 you want to ask and why. Really, just the numbers or the
24 data itself is not always overly helpful. It's really
25 having the capacity to be able to analyse that data.

26 COMMISSIONER NEAVE: You would, though, theoretically be able
27 to look at different areas and identify problems that
28 appear to be arising in different areas which might then
29 bear some light on the initiatives which have been put in
30 place and whether they are working; is that right?

31 MS TURFREY: Yes, Commissioner. I'm very fortunate to have a

1 very good team working under me and have some very good
2 data analysis available. We do provide that out to our
3 RAJACs and our LAJACs and we talk them through what those
4 trends might mean.

5 We are also dealing with the high level of
6 unknowns, which technically, because the police data is
7 now released through CSA, which is the Crime Statistics
8 Agency, what we found with the Aboriginal data is quite
9 often that can't be released publicly because of the high
10 levels of unknowns. I think the technical term for that
11 is "junk", which means it makes it really difficult in the
12 Aboriginal space for Aboriginal programming because all
13 governments operate their funding models based on an
14 evidence base and until you can provide the evidence base
15 it is very difficult to actually then seek the policy
16 change or funding to support that. So the data is a
17 challenge in this space.

18 MS SINGH: I think we are also looking forward to enhancing our
19 data capability in the Office of Aboriginal Affairs
20 Victoria. So we have been able to get some additional
21 investment in the state budget to enhance our data
22 capability evaluation and research functions, and that way
23 we will know where to better target our efforts. We are
24 lucky enough to rely on the goodwill of the Department of
25 Justice and Regulation for a lot of data, but communities
26 are also saying that they would like the data around
27 victims and perpetrators disaggregated to gender and also
28 disaggregated to age so they can better target their
29 service response.

30 MR MOSHINSKY: I want to take up the issue of culturally
31 appropriate services. Ms Singh, in your witness statement

1 you deal with this topic at paragraphs 40 to 45 where you
2 deal with the broader definition of "family violence" and
3 applying an Aboriginal cultural lens you refer to in
4 paragraph 42.

5 I was wondering if you could just expand for the
6 Commission what's your view about both the broader
7 definition of "family violence" and also the importance of
8 culturally appropriate service provision?

9 MS SINGH: I think the 10-year plan includes the definition of
10 "family violence" and that includes that family violence
11 is social, physical, emotional, spiritual, cultural,
12 includes economic abuse and cultural abuse, and that it
13 occurs not only within families, across families and
14 across our extend kinship systems and communities, and
15 that family violence also includes elder abuse and lateral
16 violence. So the 10-year plan also talks about causes of
17 family violence. I won't repeat them because a number of
18 people have outlined those, but if we are to address
19 family violence, then we need to address the causes of
20 family violence.

21 The Aboriginal population, while it's
22 concentrated in some areas of Victoria, is also dispersed.
23 We absolutely see the need for our Aboriginal
24 organisations to be at the forefront in terms of
25 delivering services because they are culturally
26 appropriate, but we also acknowledge that where services
27 are delivered by mainstream organisations they absolutely
28 need to be culturally safe and culturally respectful.

29 MR MOSHINSKY: What are some of the issues that arise with
30 services delivered by mainstream organisations? Are you
31 able to give some examples of problems that arise?

1 MS SINGH: I think we have heard through the Family Violence
2 Partnership Forum that a number of people in our community
3 don't necessarily feel comfortable or safe when they
4 access mainstream services. That could be whether there's
5 no visual imagery around that that service is welcoming of
6 Aboriginal people. It could be that their policies and
7 practices and programs don't appear to be inclusive of
8 Aboriginal people. There's also prior history of
9 experiences with non-Aboriginal services and in particular
10 government services that may make a lot of Aboriginal
11 people not want to access a mainstream service.

12 So one of the things that we encourage mainstream
13 services to do is to try to be culturally inclusive and
14 culturally respectful of Aboriginal people, and that way
15 when an Aboriginal person walks through the door they feel
16 supported, they feel their needs are being identified and
17 they feel that their needs can be addressed over the
18 long-term.

19 MR MOSHINSKY: In terms of where things stand at the moment, to
20 what extent are Aboriginal community organisations
21 providing services for people either who have experienced
22 family violence or have used family violence?

23 MS SINGH: I think the bulk of Aboriginal family violence
24 programs are delivered by Aboriginal organisations. There
25 are some delivered by non-Aboriginal organisations. We
26 have our Time Out and Healing services. So we have four
27 Time Out services, four Healing services and I think
28 I have given a little bit more detail in section 66 of my
29 statement. A couple of those Time Out and Healing
30 services operate in a consolidated manner.

31 We also have case management services for women

1 and children experiencing family violence. We also have
2 case management services for Aboriginal men experiencing
3 family violence. There are also a very, very small number
4 of Aboriginal men's programs, and we also have the
5 Aboriginal women's and children's refuges that were
6 referred to earlier this morning. So, Orana Gunyah in
7 Morwell. We also have Meminar Ngangg Gimba in Mildura and
8 we have the recently redeveloped or rebuilt Elizabeth
9 Morgan House that operates in the northern metropolitan
10 area of Melbourne.

11 DEPUTY COMMISSIONER FAULKNER: Counsel, could I interrupt for a
12 moment. I think you said that most of the Aboriginal
13 domestic violence services are delivered by Aboriginal
14 community controlled organisations; that's what you just
15 said, is that right?

16 I'm just wondering how you come to that
17 conclusion. Is that the things that are sort of funded
18 one-off, because I imagine there's a range of other
19 services such as all the services delivered by courts. So
20 are you talking about family violence specific things?

21 I don't know whether you know what I'm getting
22 at, but there's a very large universal service system that
23 delivers a range of family violence services to everybody
24 in the community. I'm just wondering what the balance is
25 between the things that are given for Aboriginal-specific
26 initiatives versus things like you have a Koori family
27 violence court support program that's funded out of the
28 Aboriginal Justice Agreement - sorry, that's Ms Turfrey's
29 program.

30 But have you got a view about how much should be
31 funded as Aboriginal-specific through community controlled

1 organisations versus what the universal service system
2 should be doing?

3 MS SINGH: I think we would say that the universal service
4 system should be just that. It should be universal and it
5 should be open to Aboriginal people. But we also
6 absolutely recognise and respect the fact that a lot of
7 Aboriginal people overwhelmingly want to access an
8 Aboriginal-specific service. The reference I gave earlier
9 was primarily related to the DHHS funded services. They
10 are Aboriginal funded services.

11 DEPUTY COMMISSIONER FAULKNER: I will go to Ms Turfrey. The
12 one that says "Enable courts to provide a more culturally
13 appropriate response to Aboriginal victims and
14 perpetrators in family violence matters," if that works
15 and found to be successful, is that something that in an
16 ongoing sense would continue to be funded out of an
17 agreement or would it be part of normal practice of the
18 police? I suppose I'm interested why the police wouldn't
19 be funding something like that out of their own budget.
20 I'm trying to get to what has to be funded - - -

21 MS TURFREY: For starters, the police wouldn't fund that
22 because they are talking about a court system.

23 DEPUTY COMMISSIONER FAULKNER: Sorry, I mean the justice
24 portfolio. I beg your pardon.

25 MS TURFREY: Again, because police and courts are separate from
26 the Department of Justice. It might be an overarching
27 portfolio, but we each have our own budget allocations and
28 our own programs.

29 DEPUTY COMMISSIONER FAULKNER: Yes, so again the question
30 stands.

31 MS TURFREY: In terms of your question, it would be appropriate

1 for Court Services Victoria to fund those positions.
2 Those positions to date have been they were a pilot. The
3 funding for that under the arrangements entered into with
4 the Department of Justice and Regulation, the funding
5 itself ended around December last year. There were some
6 issues around filling the positions, so there was some
7 capacity then to carry that funding forward by Court
8 Services Victoria adjusting their own budgets to make up
9 for that extra six months of funding until the end of June
10 this year, but as at this date that is a matter for a
11 court. So I would need to ask the Commission to maybe, if
12 they have the opportunity, to direct that question to
13 courts. I would think it would be nice to have those
14 positions as ongoing funded positions, but again I don't
15 have the right to talk on behalf of courts.

16 DEPUTY COMMISSIONER FAULKNER: I'm interested in the intention
17 at the outset. So we see enormous numbers of pilots and
18 then coming to an end and nobody picking up the funding
19 for them. So I'm wondering, when that started, would it
20 have been the intention of this Koori Justice Unit in
21 funding this to think that if it was successful it would
22 be picked up? Is that the intention usually?

23 MS TURFREY: We live in a very interesting funding system,
24 really. The Aboriginal Justice Agreement itself, the last
25 funding that that received was under the Aboriginal
26 Justice Agreement Number 2. That was in 2006. The
27 baseline funding for that is ongoing, but there's been no
28 increased investment under the Aboriginal Justice
29 Agreement since that time.

30 So, when we are implementing initiatives under
31 the Aboriginal Justice Agreement Number 3, we are doing

1 that on a limited baseline funding amount. What we have
2 been able to do is the other areas and divisions within
3 the Justice portfolio over time have been putting in
4 additional funding out of their mainstream funding to top
5 that up.

6 You will have to excuse me because I don't have
7 the figures in front of me, but my recollection on this is
8 there's baseline funding of about \$13.4 million that comes
9 in under the Aboriginal Justice Agreement and that's
10 fairly broadly distributed to DHHS, to the police,
11 originally some to the courts, but they are now
12 responsible for their own activities and portfolios, and
13 then certainly within the Department of Justice across the
14 various portfolios.

15 The real challenge therefore is to continue
16 initiatives that are good initiatives when there's been no
17 new funding coming into the space. So the system we
18 operate on in terms of programs is not so much that
19 particular role that you are talking about, but it is very
20 much a grant system and grants just by their very nature
21 are about innovation and new ideas. They are start-stop
22 funding cycles. So, even where there are good initiatives
23 that get up, the actual underlying funding basis for that,
24 being the grant system, doesn't necessarily support an
25 ongoing funding model.

26 DEPUTY COMMISSIONER FAULKNER: I'm still not sure whether it
27 was the intention at the outset to change practice, but
28 I think it's hard to say, is what you are saying.

29 MS TURFREY: I think it is very difficult to say that.

30 COMMISSIONER NEAVE: Can I continue with that theme of
31 discussion. I understand that that has now gone to Court

1 Services Victoria, but does it mean in practice that a
2 department has to decide that it's going to be the
3 advocate for the particular program, whatever it might be,
4 and then to have that high on its list of priorities when
5 it's going through the budget process. Is that how it
6 works?

7 MS TURFREY: That will be how it works and I can indicate that
8 that has in fact been the case, that it has been high on
9 the priorities.

10 COMMISSIONER NEAVE: So it would now be necessary for Court
11 Services Victoria, if it wished to continue, for example,
12 the Koori liaison officers in the courts, to put that high
13 on its list and to advocate that in the next budget round.

14 MS TURFREY: That's correct.

15 COMMISSIONER NEAVE: Thank you.

16 MR MOSHINSKY: Can I follow on from those questions with this
17 general topic of funding and you have heard the evidence
18 this morning about the number of pilots there are or the
19 number of programs that are funded only for a limited
20 period of time. I think Ms Braybrook said that they have
21 been piloting Sisters Day Out for seven years and Dilly
22 Bag has been piloting for five years.

23 I was just wondering whether you would like to
24 comment on the overall approach to funding and whether you
25 would ideally like things to be done differently, because
26 this is an opportunity that the Royal Commission will
27 consider making recommendations. What is your view as to
28 how the funding model is working, how you would like it to
29 work?

30 MS SINGH: I think there's been a lot of emphasis on the
31 Community Initiative Fund this morning, but it is actually

1 quite a small bucket of money, \$650,000 per annum, that
2 hasn't increased since it was established. There is very
3 high demand on the Community Initiative Fund. The intent
4 is not to be recurrent. The intent is to align with
5 regional action groups and their priorities. It is meant
6 to be a flexible bucket of money, so if recurrent
7 initiatives were funded it would no longer be flexible.
8 That's a tension in the funding model.

9 What the Partnership Forum has told us very
10 clearly is that there are very good initiatives that are
11 supported through the Community Initiative Fund that if
12 they want to be repeated have nowhere to go. That's
13 certainly something that we are very mindful of,
14 particularly through the mid-term review. So how we
15 support examples of good initiative in an ongoing manner,
16 how they themselves can be sustainable, is one of the
17 challenges we continue to face.

18 There are also a large range of programs or
19 projects funded through DHHS separate to Community
20 Initiatives Fund. So that includes the refuges, it
21 includes the case management services for women and
22 children, for Aboriginal men, two or three men's group
23 programs. So there actually is a lot more investment
24 outside of the CIF that is continuing, but people hold CIF
25 funding very dear to their hearts and one of the things we
26 absolutely hear through the Partnership Forum is being
27 able to continue good and effective practice is a
28 significant challenge.

29 MS TURFREY: Even in my space this is an ongoing challenge for
30 us in this space when the caucus indicates to us that they
31 have identified - and this is just more broadly within the

1 justice system, not just in family violence - when they
2 indicate that there's a program that they would like to
3 see ongoing, it's a big challenge for us. But again the
4 funding that we put out into this space, you would have
5 noticed in my witness statement that I talk about
6 \$2.4 million has been provided to us by the crime
7 prevention area, Julianne Brennan, and my unit actually
8 administers that into the community. That funding in and
9 of itself in pilot form, as Angela has just said, is
10 critical because it actually does provide the space for
11 innovation and new ideas and it allows the community to
12 trial different initiatives that might have a good impact.

13 Obviously the challenge then is, if the
14 initiative is great, how do you sustain that? That is a
15 real challenge for us. But the one thing that I would
16 say, and I have pointed this out in my witness statement,
17 is that we have quite a significant issue to deal with
18 anyway in that, for example - and I will come back to
19 Sisters Day Out in a moment because that will give you an
20 idea of how that runs.

21 So, for example, we have certain programs that
22 I have referred to in my witness statement that have
23 proven to be very successful in respect to behavioural
24 change programs in particular. What's happened over time
25 - so through numerous pilots that's had quite a capacity
26 to build, improve, get better. Now over time that's been
27 picked up. I will give you Dardi Munwurro as an example
28 of that, so the Corrections system are now picking that
29 up. That's only targeted at the back end of the system,
30 really, so this is for people who have already been
31 incarcerated or on community correction orders, and they

1 can go through that program.

2 The real challenge is that if those programs are
3 picked up and run out for a much broader audience across
4 the state, is that they are very much based on the
5 individuals who run them, so the skills of those Koori
6 facilitators. If you spread that too thinly, you break
7 the bit that's good in the system. So you can't do one at
8 the expense of the other, in my view, so even though it
9 would be great to have ongoing sustainable funding that
10 you could guarantee for those great programs, and that is
11 only one example of many like this, you still need to have
12 your grant funding and it still needs to be pilot based
13 because we need more people out there with those skills
14 practising it and running it so that we actually build the
15 base that we can then spread across the state.

16 The other issue that I will note is that each
17 region and location has very different drivers in the
18 community and very different needs, so you can't really
19 industrialise any of our models in the Aboriginal
20 community space because they really need to be tailored to
21 meet community needs.

22 I will give you a great example. Barwon
23 South-West, our youth justice numbers have dropped right
24 off. They're doing something really well down there. We
25 are doing some evaluations to work out what they're doing
26 because we would love to be able to roll that out, but we
27 are not seeing the same results, for example, in Latrobe
28 Valley. That's a horrible space in terms of the criminal
29 justice system and the contact of Aboriginal people with
30 the criminal justice system. So you can't roll out the
31 same thing in completely different areas and expect them

1 to work.

2 So, my note on the funding is that really you
3 need to be able to support both ends of the system. One
4 is the grant funding space and the one is actually the
5 ongoing programmatic delivery.

6 In respect to the pilots of Sisters Day Out and
7 Dilly Bag, I will comment on that because that's quite
8 interesting. It sounds terrible to say that it has been
9 in a pilot form for seven years. That has actually
10 received a lot of Commonwealth funding to be developed and
11 rolled out.

12 What we find under our grants space - and I will
13 say this: it's much bigger than the grant space in terms
14 of funding dollars that Angela has to run out of the
15 Office of Aboriginal Affairs. So we are able to address -
16 for example, under that \$2.4 million of the community
17 safety grants, what we found is that Loddon Mallee ran a
18 responsive holistic approach up there. So, as part of
19 that, they ran Sisters Day Out, they ran Dilly Bag, they
20 ran Dardi Munwurro, so it was a package that was run as a
21 holistic approach to violence in that community.

22 Then we have other community areas that in
23 different funding years will pick up what they want to do.
24 They might incorporate Sisters Day Out, Dilly Bag, Dardi
25 Munwurro or different combinations. So, even though it
26 looks like Sisters Day Out is funded in this really
27 strange way, it's about what the local areas are asking
28 for. What's happening is the local ACCO is getting the
29 funding, getting their program up, we fund it, then they
30 go and source that particular program through, for
31 example, Antoinette Braybrook's service.

1 I hope that gives you a bit of an understanding
2 of how that could even come about. It is actually driven
3 out of a local community response about what they want in
4 their areas as much as anything else.

5 COMMISSIONER NEAVE: I have one question. Is it actually
6 possible to determine how much money is being spent on
7 responses to Aboriginal family violence across the whole
8 of government? At the moment it's very opaque to me.
9 This may simply be because we don't yet have all the
10 evidence; we haven't heard it all. But how would you get
11 a feeling for how much that was? Criticisms are made
12 about the amount of resources that are spent on particular
13 things, and yet it is actually very difficult to work out
14 how much is being spent on this or that because it all
15 comes through departments or grants or other processes.

16 MS TURFREY: That's very much the nature of how government
17 operates. We operate in silos, and I think that is part
18 of the challenge that we face, that we all run our own
19 budgets, we all do our own piece of work. In my space
20 that would be quite difficult to do. I could actually
21 highlight some funding that's specifically in this space.
22 So the Koori community safety grants, that's pretty easy
23 to identify. But where do I draw the line on all of the
24 other initiatives that I undertake that address violence
25 more broadly in the community as part of a justice
26 response where some of it is family violence, some isn't?
27 Even for me within the justice system that becomes quite a
28 difficult question because I'm trying to address more than
29 just family violence. It's much bigger.

30 But I certainly can tell you that the programs
31 that I fund - I fund also front-line and community

1 initiatives programs. They are very much early prevention
2 and intervention programs that fund sporting clubs to
3 build cultural strength. They provide family violence
4 information. They might just be a forum where young
5 people can come together and actually connect as a
6 community. That has an impact in the family violence
7 space, but I can't actually say that that's what I fund it
8 for. It's a much bigger picture.

9 COMMISSIONER NEAVE: So even within one portfolio there is a
10 difficulty in doing that? Some of that is necessarily
11 definitional; that is, which pocket do you put it in? Do
12 you say this is a family violence initiative or not? But,
13 even within one portfolio and leaving aside that
14 definitional issue, there will be difficulties in pulling
15 it all together; is that right?

16 MS TURFREY: I could tell you what I am specifically spending
17 on family violence within the portfolio. The department
18 could do that. It's just the broader flow-on effects from
19 the rest of the work that we do that it would be hard to
20 identify which component of that affects family violence.
21 That's the challenge, because we have a much broader
22 impact. The other initiatives we implement that are not
23 specifically in this space will actually benefit from our
24 funding.

25 COMMISSIONER NEAVE: Thank you.

26 MR MOSHINSKY: Could I just follow up that same question
27 essentially to you, Ms Singh. If we put Department of
28 Justice and Regulations to one side, for example, you
29 referred earlier to in a lot of cases the support services
30 for someone experiencing family violence, for example,
31 would be provided by an Aboriginal community organisation.

1 Is that part of a funding stream through DHHS or does that
2 come from somewhere else?

3 MS SINGH: Yes, so I think it is possible to definitely look at
4 the quantum of funding across Aboriginal specific family
5 violence programs, and with a little bit of work with our
6 colleagues in DHHS that's absolutely possible. I think we
7 would also want to look at attributing Aboriginal people's
8 share of mainstream services because that's also part of
9 the funding information mix. The Commonwealth Government
10 actually puts out an Indigenous expenditure report that
11 seeks to capture the funding spent on Aboriginal programs,
12 both specific programs and share of mainstream program
13 service access. What it doesn't do is necessarily analyse
14 the impact of that funding.

15 But I think Partnership Forum has often asked the
16 question how much money is spent on Aboriginal family
17 violence, and I think it's possible to pull that
18 information together.

19 MR MOSHINSKY: Thank you. I'm sure the Commissioners would
20 appreciate that if that could be provided. Before I move
21 on to other topics, are there any other comments that we
22 haven't covered already that either of you wish to make
23 about this general topic of funding?

24 MS SINGH: I think probably in terms of CIF funding - and this
25 morning there was some data quoted on the total number of
26 CIF projects supported and the fact that not a lot of
27 those were focusing on women and children - the Department
28 of Health and Human Services has done some work in looking
29 at where CIF funding has been going particularly in the
30 last two years; so 13/14 and 14/15. I think what we are
31 seeing is a change in terms of the percentage of CIF

1 programs and the funding allocated to those programs that
2 are focusing on women and children and men.
3 Overwhelmingly a significant percentage of CIF funding is
4 targeting all members of the community.

5 So I think what you will find and what we found
6 in talking to our DHHS colleagues is that the balance has
7 changed slightly in terms of allocation of CIF funding,
8 and it's regional assessment panels that comprise the
9 Indigenous Family Violence Regional Action Groups that
10 make those recommendations to the department and that are
11 then recommended to the Minister for sign-off. So the
12 recommendations around CIF funding are absolutely driven
13 from a local community context.

14 DEPUTY COMMISSIONER FAULKNER: Can I just have a follow-up
15 question. If that's the case, you would expect that
16 100 per cent of the time the Minister would agree to
17 whatever is put up; is that what you are saying?

18 MS SINGH: That is probably a question that DHHS is better
19 placed, but I'm looking at my colleague in the room and he
20 is nodding.

21 DEPUTY COMMISSIONER FAULKNER: So you are saying "yes"?

22 MS SINGH: Yes.

23 COMMISSIONER NEAVE: You said it's changed over time. In what
24 direction?

25 MS SINGH: What we are finding is that a slightly higher
26 percentage of programs targeting women has been funded
27 since 13/14, 14/15 compared to male only programs, and a
28 significant percentage of programs focus on whole of
29 community. I think that's consistent with the holistic
30 approach to family violence that's advocated in the
31 10-year plan.

1 MS TURFREY: If I could just add to that, too, from a Justice
2 perspective. We very much adopt a partnership approach
3 for the Koori community. So the allocation of funding
4 grants that we have available to us are done in full
5 consultation with Koori Caucus, usually through the AJF.
6 But even all of the grant processes we run we very much
7 engage community to go through and assess those and
8 nominate what they are going to be.

9 MR MOSHINSKY: Moving to a new topic, there was discussion
10 during the course of today about the issue of housing and
11 homelessness. As I indicated, that's a topic we are going
12 to be taking up tomorrow and we will have the opportunity
13 to ask the State witness, Mr Rogers, about that tomorrow.
14 In the context of the hostels being referred to, the WT
15 Onus Hostel and the George Wright Aboriginal Hostel, as
16 closing due to a lack of funding, there was a reference to
17 possible DHHS funding. I just wanted to see whether
18 either of you wish to comment on that, otherwise I can
19 take up the issue tomorrow.

20 MS TURFREY: I suggest that you should take it up tomorrow.

21 I'm also a Director on Aboriginal Housing. So I can give
22 you just a little bit of insight from that perspective.
23 There appears to have been some policy decision to pull
24 out of the Aboriginal Hostels Limited, so the hostels in
25 Victoria. Mildura has already been sold. Aboriginal
26 Housing Victoria were attempting to negotiate to purchase
27 that property. The challenge was that Aboriginal Hostels
28 Limited insisted on receiving full commercial rates for
29 that. They sold it on the open market. It was a
30 beautiful old building. It went to a commercial tourism
31 venture. We were unable to compete in that space.

1 Shepparton's also on the market, if it hasn't
2 already been sold. The two in the north are going. So it
3 seems to be a broader Commonwealth move, but with no
4 appetite for actually facilitating the hand-over of those
5 assets into hands in the Aboriginal community here in
6 Victoria where they could be continued to run as hostels.
7 So I think that's a challenge. But I think that is a
8 question specifically for DHHS.

9 COMMISSIONER NEAVE: Aboriginal Hostels Limited, what is it; a
10 Commonwealth statutory corporation or what is it?

11 MS TURFREY: I understand that to be the case, but I have never
12 looked into it specifically, Commissioner.

13 MR MOSHINSKY: Can I turn then to some questions more focused
14 on the justice system. Ms Turfrey, in your statement you
15 describe the Robinvale mediation. I think you use that as
16 an example where different techniques of mediation may
17 work quite well. I was just wondering if you could expand
18 on that topic to explain to the Commission what your
19 thoughts are.

20 MS TURFREY: I will bring it back a bit because it needs to
21 come back to the definition of "violence" in the
22 Aboriginal community. So what I recognise in my witness
23 statement is that the broader definition under the 10-year
24 plan is an appropriate definition. That doesn't mean that
25 that's broadly used by service providers. So there is
26 challenge number 1. Certainly in the context of this
27 particular matter that was highlighted as a very real
28 issue.

29 Then the rest of my statement around that goes
30 then on to say that it's not just that definition under
31 the 10-year plan but it's the broader concept of violence

1 that needs to be taken into account, being the lateral
2 violence and community violence. I provide in my
3 statement some good definitions of what that means.

4 What happened in Robinvale is that there had been
5 violent interactions in the community that had been
6 ongoing over a number of years. The police were obviously
7 very much involved in those violent interactions in terms
8 of charging and taking action against perpetrators. The
9 Dispute Settlement Centre of Victoria had been involved
10 trying to mediate an outcome. They had notified the
11 regional director of the Department of Justice and
12 Regulation that they needed to pull out of mediation
13 because it had become unsafe for their mediators to stay
14 in the space there and the violence had escalated to
15 threats to kill. So it was fairly extreme violence. It
16 involved many, many members of the community, but
17 particularly two family groups, and both young women at
18 the centre of it. So it was a very unusual circumstance.

19 I was asked to do this not long after coming into
20 the role. I agreed to do it as I am an accredited
21 mediator. But the real issue seemed to be that nobody was
22 being able to deal effectively with the dynamics, being an
23 Aboriginal community but predominantly being women, with
24 some very senior elders at the hub of it all, but not the
25 perpetrators or the victims predominantly.

26 So what that mediation highlighted is that by
27 taking a broader approach the first issue that I found is
28 that the police had recorded and were prosecuting on the
29 basis that the incidents before them were all assaults,
30 the reason being someone's come in to report a violent act
31 against them, this young woman reporting another young

1 woman - where in fact the first one was not so young, but
2 in any event - so that was recorded as an assault.

3 The issue that I found in that mediation is that
4 by sitting down and the first step that I took was to
5 prepare a genogram, which doesn't normally happen in any
6 mediation, but what became clear to me is that the
7 circumstance actually was a family violence incident
8 between two related parties in a very complex kinship
9 relationship. That was really the first part that had
10 unravelled for the police, and that's why the violence
11 just continued to escalate, because that wasn't correctly
12 identified. The issue is that it wasn't an intimate
13 relationship between the parties; so therefore it didn't
14 get the family violence treatment that it required.

15 So the intervention there in terms of trying to
16 mediate, a very tailored response was required. It was a
17 very unusual mediation. I have never run one like it
18 before and I will probably never run one like it again in
19 terms of what the response was. We made sure there was a
20 taskforce put together before mediation commenced which
21 identified all of the risk factors both for myself and my
22 colleague, who's also from the Department of Justice and
23 Regulations who conducted the mediation, another
24 Aboriginal woman, but also for the community involved in
25 the conflict and then the broader community with an
26 undertaking from the most senior people in that space to
27 immediately respond to any issues that arose out of the
28 mediation.

29 When we conducted the mediation we didn't do
30 one-on-one mediations. We actually conducted the
31 mediation in family groups. We started with one

1 individual on each side, being the two old matriarchs
2 running the families, and then we brought together the
3 perpetrators and victims but in separate groups but as a
4 family group.

5 Addressing this as a family violence issue with a
6 complex kinship arrangement but having a community
7 response is what actually produced an outcome, whereby we
8 never were able to bring the two parties together because
9 the victims in the situation were way too traumatised to
10 actually face the perpetrators, even though they actually
11 lived one in one unit and another one in the unit right
12 behind. There were intellectual impairments, intellectual
13 disabilities involved that had never been diagnosed.

14 We were able to put wraparound support for each
15 side involved. We referred out the victims to the
16 Aboriginal Family Violence Prevention Legal Service where
17 they got the proper legal advice, but counselling and
18 other service support. We had MDAS, being the Mallee
19 District Aboriginal Service, provide services for
20 obviously counselling, trauma. It was just tailored, is
21 probably the best way I could describe it, in terms of
22 each of the parties involved.

23 But then we ran something that was called a
24 community healing aspect to it. I think that had the
25 greatest impact because we actually provided community
26 healing through Red Dust Healing to each of the family
27 groups separately, and then we had another day where we
28 ran through the community in terms of either their local
29 organisation or just members who had been affected and the
30 police.

31 So what we found is that the response from that,

1 it actually stopped dead in its track violence that had
2 been escalating on a daily basis over two and a half
3 years. It was very time intensive, very resource
4 intensive, but it actually really produced a great
5 outcome.

6 It's not a model that you can just pick up and
7 run anywhere else. Obviously it depends on what it is
8 that you are dealing with. So, what it does, it provides
9 a building base, I think, for responses of this nature
10 that do involve family violence, community violence and
11 lateral violence. It really is something that needs to be
12 developed in consultation with the local service providers
13 and the local community to work out what the real issues
14 are.

15 MR MOSHINSKY: Leading on from that, there's been references
16 made to the Koori Court and what its scope is and the
17 potential for broadening its scope in relation to family
18 violence. Would you be able to perhaps explain what the
19 current limitations are in terms of family violence cases
20 and what's happening to look at other expansions of that?

21 MS TURFREY: I probably can't add more than Annette Vickery did
22 this morning because, again, this is a Court Services
23 Victoria issue. So the Magistrates' Court of Victoria run
24 the Koori Courts. I know that there is a current
25 assessment under way to expand out the jurisdiction of the
26 Koori Court to include breaches of intervention orders and
27 sexual assaults. But that is still in progress and I'm
28 not able to provide any more information about that at
29 this stage.

30 I know Annette referred to the fact that she had
31 been in correspondence with the department about having

1 Koori Courts operate in a broader sense. Again, I suggest
2 that she's referring to correspondence with the
3 Magistrates' Court of Victoria, certainly not with my
4 unit.

5 COMMISSIONER NEAVE: So at the moment Koori Courts deal only
6 with sentencing issues, don't they, in the areas in which
7 they operate?

8 MS TURFREY: That's right.

9 COMMISSIONER NEAVE: Thank you.

10 MR MOSHINSKY: You refer in your statement to the program at
11 the Melbourne Magistrates' Court. Could you briefly
12 explain what that program is and then refer to whether
13 there's scope to expand that more widely?

14 MS TURFREY: Again, that's another challenge for me because it
15 is the Magistrates' Court of Victoria jurisdiction. So
16 that program was set up to provide two specific court
17 officers in the family violence space: one male, one
18 female. It was put there specifically to support
19 both victims and offenders coming into the court space to
20 increase the cultural awareness and improve the cultural
21 approach to both of those sets of clients through the
22 court, and to provide referral and support services. In
23 terms of what's going to happen to them, I can't comment
24 because I don't know.

25 MR MOSHINSKY: Within the topic of the justice system, are
26 there other things you would like to comment on either by
27 way of response to things said this morning or are there
28 other initiatives that you would recommend be taken?

29 MS TURFREY: I actually highlight a number of opportunities in
30 my witness statement. Given that we are quite tight on
31 time, I don't think the Commissioners need me to just read

1 through those. They are quite extensive, I think, in
2 terms of opportunities. I think the challenges that
3 I identify are quite interesting; so if the Commissioners
4 want to spend some time on that. I have tried to keep
5 those much briefer than the opportunities, especially
6 looking at the challenge of how we fund; so I have
7 identified that as a challenge. I think that's been
8 brought up in the hearings today, so I don't need to go
9 any further in that direction.

10 The only thing I will say about that is it
11 presents challenges for evaluation when you actually fund
12 on that model. If you have read through some of the
13 attachment there are a number of evaluations included in
14 my witness statement to show you that the programs are
15 being evaluated. It is identified in there that you get
16 your best results around year 4, but none of our funding
17 programs go for that long. So you are not getting the
18 long-term value or effects picked up. You are getting the
19 short-term outcomes. But the longer term are much harder
20 to monitor under that particular funding model. So that's
21 quite a challenge in and of itself.

22 But, as I stated before, we do try to run process
23 evaluations which we do within the unit, but also we try
24 to evaluate every program by building into each grant a
25 portion of that funding so that we can evaluate in order
26 to determine how effective those programs are for the
27 duration that they run.

28 An issue that I have raised - and I know that it
29 was raised in a number of other submissions - is the real
30 challenge of the Aboriginal workforce capability. So
31 that's about not having enough people to go around for

1 those programs that we know are effective. Therefore it
2 means that we really need to be very mindful to continue
3 the innovation and to encourage the service providers in
4 this space because we very much fund into the ACCOs to
5 build capability.

6 There are a number of programs that do that. So
7 the Red Dust Healing program, for example, operates on a
8 Train the Trainer model for the participants that it runs
9 through. I believe that Dardi Munwurro might do that.
10 I read something in here. There's a number of programs
11 that run - it was Koori Faces, I think - where they
12 actually try to build on the Train the Trainer components.
13 But some of the others, they are quite standalone. We
14 actually need more innovations so we have more programs in
15 this space.

16 Then one other comment that I will make that is a
17 real challenge in ACCOs, the more pressure we put on them
18 to do all of this work for government means we are
19 stretching the workforce quite thin. Not only that ; we
20 have a lot of identified roles in government. So we are
21 actually all competing against each other for good people,
22 which is a real challenge, which means in this particular
23 space for programmatic delivery we need a pretty good
24 response in our education system - so through school, TAFE
25 and unis - to actually promote culturally appropriate
26 training courses that actually get more people out who can
27 come into Koori services and Koori service delivery.

28 I highlight the need to be quite flexible in our
29 service delivery design. I think that that's pretty
30 important because this is the Robinvale learning, is that
31 it's more appropriate in many circumstances to have a very

1 tailored response, even though we do need to roll programs
2 out more broadly.

3 You have heard this all day, and this is a
4 challenge in my space. It's the failure to integrate
5 programs. So if people are having a family violence
6 behavioural program or service support, they don't
7 necessarily get information about drug and alcohol and the
8 impact of that in this space at the same time. They have
9 to run through a separate program. So there's not enough
10 integration in that space.

11 We also then have a very limited availability of
12 culturally appropriate detox and residential rehab
13 services which really present a big challenge in
14 addressing family violence. So the department funds
15 Odyssey House. We have expanded that out to six beds, but
16 we now can't go any higher than that. That's not always
17 the culturally appropriate approach, but it's a method and
18 something we can make available that does actually allow
19 families to be housed with mothers at the time that they
20 are being treated. But obviously we need more options
21 around the state because of the lack of those facilities
22 that puts a lot of pressure on the family violence space.
23 I think they are the key challenges that I have
24 highlighted in my witness statement.

25 MR MOSHINSKY: I just want to double check was there anything
26 else that you wanted to respond to that the other
27 witnesses said that we haven't covered?

28 MS TURFREY: There were a number of issues, particularly around
29 the funding. So one of the things that I would like to
30 comment on - I think Annette Vickery might have raised it
31 - she raised the issues about the mainstream funding; that

1 when she has approached mainstream funders they'll say,
2 "We are not funded to deal with Aboriginal programs,"
3 which presents quite an interesting scenario because there
4 is no capacity within that system to fund Aboriginal
5 programs. So it's critically important in the family
6 violence space for some allocation to be made in respect
7 to Aboriginal responses to family violence. If that
8 doesn't happen, then it's a gap that doesn't get
9 addressed.

10 One way that that might be approached is to look
11 at a proportionate allocation of funding based on
12 overrepresentation - not real numbers, but based on
13 overrepresentation - where there are funding streams made
14 available, then a proportion of that goes to an Aboriginal
15 specific response. I think the best example that I have
16 seen of that in the funding space since I have been here
17 is in fact the Koori community safety grants where their
18 total amount of funding was 7.2 million and out of that
19 they allocated one-third into Koori specific responses.
20 So that's a good indication or an example of what I'm
21 talking about there . But that doesn't typically happen
22 across the board when there is mainstream funding
23 allocated.

24 One of the other issues that Annette Vickery
25 I think raised was the no repository of good initiatives
26 kept so that you can keep your programs off to the side
27 and when you can get your baseline funding then you can
28 actually kick off something that you know that works. The
29 big problem with that is you lose all of your intellectual
30 property, you lose all of the good people who were running
31 it and quite often in this space those programs are

1 effective because of the quality of the people that are
2 actually there running them and their motivation and
3 interest in the space. So that may not work so well.

4 MR MOSHINSKY: Perhaps I will pass to Ms Singh and then if you
5 find anything else feel free to add it. Ms Singh, are
6 there other things that you would like to respond to from
7 the earlier panel that I haven't yet asked you about or
8 you haven't yet covered?

9 MS SINGH: I think to point out that Victoria Police has
10 commissioned an evaluation of the Koori Family Violence
11 Police Protocols, and I think that was one of the
12 documents that we provided as an attachment to my witness
13 statement. That evaluation was finished earlier this
14 year. It's already gone to the Indigenous Family Violence
15 Partnership Forum to consider. So some of the findings
16 was that the protocols have made a positive contribution
17 to improving police response to family violence. But it
18 also looked at that there were some barriers about
19 embedding those protocols as core practice, and
20 recommendations about strengthened governance
21 arrangements, particularly at the local levels, so the
22 protocols are embedded as core practice.

23 Also looking at continued cultural awareness for
24 Victoria Police at those sites, and also developing a
25 framework in terms of indicators for success. So, if we
26 are successful in implementing these protocols, what do we
27 hope to achieve? One of the things we hope to achieve is
28 a reduction in the number of unknowns on the L17 form
29 because police are able to ask the question and they are
30 also able to get a response to the question as well.

31 There are protocols already established in

1 Ballarat, Darebin and Mildura. Bairnsdale is on the cusp
2 of being rolled out. There are protocols being developed
3 for Shepparton and Dandenong. We have heard that other
4 communities definitely want Koori Family Violence Police
5 Protocols because some of their commentary has been that,
6 even though they are funded for a family violence service
7 for Aboriginal clients, they are not getting the L17
8 referrals coming through.

9 MR MOSHINSKY: I don't know whether the Commissioners had any
10 questions.

11 MS TURFREY: There's just a couple of points that were raised.

12 Muriel raised the issue that there's a misnomer in
13 government that ACCOs can't deliver good services.
14 I would say that's absolutely not the case in Justice.
15 ACCOs are actually our principal vehicle for delivering
16 our programs and services. So it is critically important
17 for us to ensure that they are properly supported to do
18 that and they have the capability to do it.

19 What we find is that the ACCO sector is quite
20 variable in terms of the capacity across the state. We
21 have some very, very strong ACCOs that stand out, and
22 I think MDAS is an example of that. You have seen videos
23 today of what a really strong ACCO is capable of
24 producing.

25 They tend to pull together a lot of services. So
26 you are very fortunate if you are trying to do what I do
27 in the space with that kind of ACCO. One of my pilots is
28 going to be a Koori women's diversion pilot. It is not
29 intended specifically for family violence, but we hope to
30 pick that up. We hope to pick up children out of care.
31 It is a wraparound intensive case management system. It's

1 much better for us.

2 The numbers in Mildura warrant a pilot there in
3 terms of women in contact with the justice system. But
4 what we find is with MDAS there it wasn't as difficult to
5 prepare a project plan around a one-stop shop, intensive
6 case manager with a very strong Aboriginal community
7 controlled organisation.

8 What we have taken up the challenge to do - and
9 this is a big challenge for us - is we are also going into
10 the Latrobe Valley. What we have noticed there from
11 service mapping is that there's a big hole in service
12 delivery across the board, including in family violence.
13 What that creates then is there's no services to refer
14 people to. So you end up getting courts tied up, police
15 tied up; they just can't deal with their population in the
16 way that you can when you have a good service provider.
17 There is no strong Aboriginal community controlled
18 organisation in the Latrobe Valley. The ones that service
19 that area are outside.

20 It creates quite a number of challenges for us.
21 So we are down there at the moment doing a lot of work
22 trying to work out how we can actually deliver the service
23 in that kind of space. We are certainly not shying away
24 from the challenge, because we have the largest number of
25 women being incarcerated down there and the largest number
26 of children going into out-of-home care. But it really
27 highlights the variability in our service delivery when it
28 comes to the Aboriginal community sector.

29 So what my team do, not only do we administer
30 programs but we actually make sure that where performance
31 targets are not being met that we don't just treat it as a

1 compliance issue. What we do is we go in early and we
2 work really hard with that community organisation to
3 actually build their capability to get them on track, to
4 modify what it is that we are delivering and how we
5 deliver it to ensure that they are successful because in
6 fact they are a critical tool for government in the
7 implementation of this.

8 What I will say is we put a lot of pressure on
9 them as a whole of government approach. So we certainly
10 don't hold that misnomer. We actually place a lot of
11 faith in the ACCO sector.

12 Another issue that was raised which I think I do
13 need to respond to is that Andrew Jackomos commented that
14 he has been told by a number of magistrates that they were
15 using remand for victims of family violence because it was
16 a safe place to be. My understanding of those
17 conversations with the magistrates is in fact that quite
18 often there is family violence as an underlie in those
19 circumstances, drug and alcohol are some of the biggest
20 drivers, and the remand situation comes up because the
21 magistrates are running out of options. There's bail
22 being given and it's being breached. There's orders being
23 given that are being breached. So remand is almost having
24 to be used like a mini dry-out, which is not good for
25 anyone because the more entrenched women are getting in
26 the system the worse it is for them in terms of
27 criminogenic behaviours.

28 I just wanted to address that. It's not so much
29 because it is a house, but it is to deal with the lack of
30 other service provisions such as detox and rehabilitation.
31 But homelessness is a big driver of a lot of these issues.

1 I think that's probably about it.

2 MS SINGH: This government has made a commitment to the
3 principle of self determination, and that's about
4 Aboriginal people and organisations being at the centre of
5 decision making. If you follow that through, that means
6 that Aboriginal organisations will be at the service
7 provision. Certainly Aboriginal organisations have
8 absolutely demonstrated their holistic approach to
9 delivering services, and services that connect to each
10 other and services that talk to other services. I think
11 the fact that this government is committed to the
12 principle of self determination shows that this government
13 holds Aboriginal organisations in very high regard.

14 We also recognise that Aboriginal organisations
15 play a very, very important role in closing the gap. So
16 they are a service provider and a service sector that
17 needs to be supported.

18 I think we would reinforce the fact that we need
19 to have holistic responses. Some of the discussion today
20 was trauma informed responses, particularly given the
21 intergenerational grief and trauma a lot of our people are
22 experiencing, and responses that are therapeutic; some of
23 the examples we have heard that are making a difference -
24 art therapy, narrative therapy - that allow people to work
25 through their trauma and grief in a very supportive way.

26 We would also acknowledge that the Partnership
27 Forum is telling us that services are fragmented. Again,
28 similar to the rest of the community, depending on where
29 you live will depend on whether you get an appropriate
30 service. So I think going forward with the mid-term
31 evaluation of the 10-year plan we are hoping that broader

1 reforms to family violence are absolutely inclusive of
2 Aboriginal family violence.

3 MR MOSHINSKY: Thank you. I have no further questions. May
4 the witnesses be excused?

5 COMMISSIONER NEAVE: Thank you very much indeed. You have been
6 most helpful.

7 <(THE WITNESSES WITHDREW)

8 COMMISSIONER NEAVE: Tomorrow morning at 9.30.

9 ADJOURNED UNTIL TUESDAY, 21 JULY 2015 AT 9.30 AM