

# NATIONAL FAMILY VIOLENCE PREVENTION LEGAL SERVICES

WORKING TO ACHIEVE IMPROVED JUSTICE OUTCOMES FOR ABORIGINAL AND TORRES STRAIT ISLANDER  
VICTIMS/SURVIVORS OF FAMILY VIOLENCE AND SEXUAL ASSAULT

## 2018-19 Pre-Budget Submission

Family violence is a national crisis, harming the broader Australian community socially, politically and economically. The extreme and long-lasting harm to Aboriginal and Torres Strait Islander people who experience family violence at vastly disproportionate rates should be at the forefront of government response. Aboriginal and Torres Strait Islander women are 32 times more likely to be hospitalised for family violence than non-Aboriginal women and 10 times more likely to die from violent assault. Family violence is the leading cause of Aboriginal and Torres Strait Islander children being removed from their families and placed into out of home care at almost 10 times the rate of non-Indigenous children, contributing to the cycle of intergenerational trauma and victimisation.

The impacts of family violence against Aboriginal and Torres Strait Islander women creates a significant cost burden for all Australian governments. It is estimated that the national annual cost of violence against Aboriginal and Torres Strait Islander women and children will reach \$2.2 billion by 2021-22. This does not include the costs of flow-on impacts on their children, which are substantial.<sup>1</sup>

Family Violence Prevention Legal Services (FVPLS) provide holistic, culturally safe legal and non-legal assistance, casework, counselling and court support to Aboriginal and Torres Strait Islander victims/survivors of family violence (mostly women and their children). FVPLSs also undertake important community legal education and early intervention and prevention work. Increased, long term funding commitments for FVPLSs is required to ensure that all Aboriginal and Torres Strait Islander victims/survivors of family violence can access these critical specialist services.

Addressing violence against Aboriginal and Torres Strait Islander women requires further investment and should be targeted at building the capacity of existing services to meet service gaps and the high levels of unmet need.

### **Funding under the Third Action Plan of the *National Plan to Reduce Violence Against Women and their Children 2010-2022***

The Third Action Plan recognises the disproportionate impact of family violence on Aboriginal and Torres Strait Islander women. The Commonwealth Government's commitment to a \$30 million legal assistance package and \$25 million family violence funding package aligned with the release of the Third Action Plan was welcomed by the sector, however a very insignificant amount of this funding has flown to FVPLSs to meet service gaps and the high levels of unmet need.

A component of the family violence funding package was allocated towards the implementation of trauma informed training for FVPLSs, however a significant component of this funding went to an external consultant and no additional funds have flown to FVPLS to increase the coverage of our services in Aboriginal and Torres Strait Islander communities.

Furthermore, FVPLSs did not receive any additional funding under the legal assistance package for the pilot and expansion of the specialist domestic violence units under the Women's Safety Package. FVPLSs were overlooked for this funding despite funds being provided to services within the same service region of a number of FVPLSs, with high populations of Aboriginal and Torres Strait Islander

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<sup>1</sup> The National Council to Reduce Violence Against Women and their Children, 2009, *The Cost of Violence Against Women and their Children*, pp.9. Available at: [https://www.dss.gov.au/sites/default/files/documents/05\\_2012/vawc\\_economic\\_report.pdf](https://www.dss.gov.au/sites/default/files/documents/05_2012/vawc_economic_report.pdf)

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people, duplicating service delivery where it would have been more effective to resource existing FVPLSs.

The allocation of funding under the Third Action Plan presented a missed opportunity to invest in Aboriginal community controlled organisations that have the trust and confidence of the communities they service.

The National FVPLS Forum calls on the Commonwealth Government to:

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

In 2014 the National FVPLS Program was merged into the Indigenous Advancement Strategy (IAS) within the Department of the Prime Minister and Cabinet, and no longer had a direct allocation of funding through the budget processes.

In October 2014 the FVPLSs were required to competitively tender for their services under the IAS. The FVPLSs were required to apply for funding alongside other services to Aboriginal and Torres Strait Islander people. All FVPLSs were successful in their application under the IAS. However, FVPLSs only received short term funding agreements extending significant funding uncertainty and its distressing impacts on staff and victims/survivors of family violence.

FVPLS funding levels are currently frozen at 2013-14 levels until 2020. The absence of CPI increases over this period results in a cumulative loss of approximately \$9.7 million dollars. The lack of CPI increases across programs funded under the IAS has significant implications for the operation of Aboriginal community controlled organisations such as FVPLS, including challenges in meeting increasing in operational costs such as rent and preventing our organisations from being competitive with salaries for the employment and retention of staff to keep people in the sector.

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

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

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

**Recommendation 3:** The Federal Government commits to applying CPI increases across programs funded under the Indigenous Advancement Strategy.

- **Provide \$2 million in additional funding per FVPLS member and ensure national service provision for all Aboriginal and Torres Strait Islander victim/survivors, regardless of geographic location.**

The extremely high rates of family violence against Aboriginal and Torres Strait Islander

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women across Australia mean that our FVPLS services are consistently working beyond their capacity. Existing resources are stretched, and there is considerable unmet need amongst Aboriginal and Torres Strait Islander communities, particularly for areas that are currently not serviced by FVPLSs. Some FVPLSs report that up to 30-40% of Aboriginal and Torres Strait Islander women contacting their service seeking assistance are turned away because there is insufficient capacity to support them. Additional funding for FVPLS members will enable them to support more Aboriginal and Torres Strait Islander victim/survivors of family violence, and increase essential early intervention/prevention and community legal education activities.

Furthermore, access to justice shouldn't depend on where you live. All Aboriginal and Torres Strait victim/survivors of family violence should be able to access to FVPLSs' specialised and culturally safe legal and non-legal supports, regardless of their geographic location. Currently FVPLSs are not resourced to provide national coverage, FVPLSs collectively service an area that currently only covers approximately half of the Aboriginal and Torres Strait Islander population. Much of this coverage in remote areas is extremely limited and often consists of only one or two days per month.<sup>2</sup>

Ensuring national coverage includes the need for increased funding to meet the current high levels of unmet need within existing FVPLS service areas. In addition to this major service gaps exist, particularly in metropolitan and urban areas. The rationale for Aboriginal and Torres Strait Islander specific services applies equally in these settings. The Federal Government should provide the necessary resources to service unmet need amongst communities in remote, regional and metropolitan Australia.

**Recommendation 4:** Initial investment of an additional \$2 million per FVPLS unit annually.

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

- **Provide \$4.5 million to the National FVPLS Forum in capacity building**

The National FVPLS Forum supports FVPLS members to advocate for the clients they serve on the national stage; to help shape effective and informed policy-making; and to build the capacity of the sector. Currently, the National FVPLS Forum has extremely limited capacity – only two staff – which does not reflect the significance and scale of the issue of family violence against Aboriginal and Torres Strait Islander women. Providing increased capacity to the National FVPLS Forum to work with our member organisations and with Australian governments would be an effective investment towards reducing the disproportionate rates of family violence against Aboriginal and Torres Strait Islander women.

**Recommendation 6:** That the Federal Government provide \$4.5 million for the National Secretariat for capacity building.

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<sup>2</sup> Nous Group, *Family Violence Prevention Legal Services – Research and Needs Analysis Report* (2013), page 5.

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- **The National FVPLS Forum priority calls through the Redfern Statement Alliance**

As part of the Redfern Statement process, the National FVPLS Forum identified a number of specific recommendations to improve justice outcomes for Aboriginal and Torres Strait Islander people. These specific recommendations include:

- Establish a national taskforce to investigate the deaths of Aboriginal and Torres Strait Islander women and girls in contact with the justice system;
- Enact a national Aboriginal and Torres Strait Islander child protection notification and referral system to refer Aboriginal and Torres Strait Islander families in contact with the child protection system to culturally appropriate supports and services (particularly preventative legal advice) at the earliest opportunity, especially where family violence is a factor in potential child removal; and
- Establish a National Aboriginal and Torres Strait Islander Women’s Gathering for Aboriginal and Torres Strait Islander women to come together to share knowledge, promote leadership, build networks and relationships, and identify priority issues for change on an annual basis.
- Adopting national justice targets as part of the Close the Gap Framework, which include targets to end the disproportionate rates of over-imprisonment and violence experienced by Aboriginal and Torres Strait Islander peoples;

The National FVPLS Forum will be working over the next few months to quantify these recommendations and provide further details to the Treasury Department in a subsequent submission.

## **About the National FVPLS Forum:**

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

The National Forum comprises of 14 members:

- Aboriginal Family Law Services Western Australia (Perth HO, Broome, Carnarvon, Kununnura, Geraldton, Kalgoorlie, Port Hedland)
- Aboriginal Family Violence Prevention and Legal Service Victoria (Melbourne HO, Mildura, Gippsland, Barwon South West)
- Aboriginal Family Legal Service Southern Queensland (Roma)
- Binaal Billa Family Violence Prevention Legal Service (Forbes)
- Central Australian Aboriginal Family Legal Unit Aboriginal Corporation (Alice Springs HO, Tennant Creek)
- Family Violence Legal Service Aboriginal Corporation (Port Augusta HO, Ceduna, Pt Lincoln)

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- Many Rivers Family Violence Prevention Legal Service (Kempsey)
- Marninwarnitkura Family Violence Prevention Unit WA (Fitzroy Crossing)
- North Australian Family Legal Service (Darwin, Katherine, Top End)
- Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council Domestic and Family Violence Service (Alice Springs, NPY Tri-state Region)
- Queensland Indigenous Family Violence Legal Service (Cairns HO, Townsville, Rockhampton, Mount Isa, Brisbane)
- Southern Aboriginal Corporation Family Violence Prevention Legal Service (Albany)
- Thiyama-li Family Violence Service Inc. NSW (Moree HO, Bourke, Walgett)
- Warra-Warra Family Violence Prevention Legal Service (Broken Hill)